

DRAFT

Revised Spring 2012

**EIGHTEENTH JUDICIAL CIRCUIT OF FLORIDA
BREVARD COUNTY**

**SHARED PARENTAL RESPONSIBILITY
TIMESHARING GUIDELINES AND
RELATED MATTERS**

LOCAL OR SHORT DISTANCE

INTRODUCTION

NOTES: For the purposes of identification, the parent with the majority of timesharing is identified in this document as Parent A; the other parent is identified as Parent B. This is not intended to diminish the role or responsibility of either parent but is used for identification purposes in preparing this document.

While the Guidelines refer to children in the plural, they also apply in cases in which the parents have one child.

When parents of minor children cease to live together, normally both parents have timesharing with the children. The breakup of a family unit is traumatic to all involved, especially to the children. The issues of timesharing and parenting are major issues and the resolution of those issues can benefit or be detrimental to the children, depending upon the parents and the way the issues are resolved. A beneficial resolution requires that the parents be prepared to share the difficult responsibilities of rearing children in separate homes and that they be mature and responsible enough to do so. The law requires that a Parenting Plan, including timesharing rights, be established either by agreement of the parties or by the Court if the parties cannot agree.

These Guidelines have been developed through the joint efforts of psychologists who work with children, attorneys who practice family law, and judges who preside over family law cases. The Guidelines represent moderate examples of specific timesharing rights and considerations applicable to a majority of cases after consideration of the information obtained from all sources. Opinions of experts in some areas were conflicting. The Guidelines were drafted with due regard for the rights of parents and their children.

SHARED PARENTAL RESPONSIBILITY means that both parents share the challenging decisions and responsibilities of rearing children. Shared parental responsibility is favored under the law. Major decisions regarding education, discipline, religious upbringing, health care and other matters not a part of the day-to-day routine must be discussed and agreed upon; or, if the parents are unable to agree, the matter must be submitted to the Court so that a judge may decide which parent will make the ultimate decision in that area of the children's lives. For example, one parent may be granted sole discretion to make decisions regarding health care, and the other parent may be granted sole discretion to make decisions regarding education, if specially requested and supported by the evidence in a particular case.

An alternative is SOLE PARENTAL RESPONSIBILITY in which one parent has the right to make all decisions relative to the children without consulting the other parent. Sole parental

responsibility is not favored under the law and is not granted unless the other parent is irresponsible, neglects or abuses the children, or there is some other reason supported by evidence which justifies sole parental responsibility. Restricted or supervised timesharing is not favored but may be necessary if the children will be placed in danger of abuse, neglect or other situations which require more protection for their physical, psychological or emotional well-being.

A Parenting Plan should be agreed upon by the parents, but if the parents are unable to agree, the Plan must be established by the judge assigned to the case. A Parenting Plan is a written document, signed by each party, containing rights and obligations the parents will have regarding the decisions that must be made regarding a child or children who are still minors. The Plan may include, but is not limited to, education of the children, health care, physical and social as well as emotional well-being and rules of conduct between the parents in their relationship with the children and the other parent. The Plan should reflect the circumstances existing between the parents as well as past domestic violence and any other relevant factors. The Plan must consider and address all jurisdictional issues. A form for the Plan may be obtained from the Court. A Parenting Plan recommendation is a non-binding recommendation made by a licensed psychologist.

Timesharing is primarily for the benefit of the children. Parents must be respectful, courteous and businesslike to each other in the presence of the children to protect them from trauma. This is the duty and responsibility of each parent. If not fulfilled, the Guidelines cannot work to the greatest benefit to the children.

The Guidelines are only guidelines. THEY ARE NOT "SET IN STONE." Any part of the provisions may be changed or eliminated by evidence indicating a need to change or eliminate a particular part. The judges prefer that the parents consult and agree upon timesharing rights and other considerations in a Parenting Plan because the parents best know their work and other schedules and know their children best. A timesharing schedule agreed upon by the parents is more likely to work to the satisfaction of the parents and the children. It is only if the parents are unable to agree that these Guidelines are considered by the judge assigned to the case. In the event that a judge must decide the issues, the Guidelines are only a STARTING POINT and are not to be arbitrarily imposed. The judge will use discretion based upon the evidence to specify the timesharing rights applicable to each case. The schedule may be useful to the parents as an outline to begin negotiations on timesharing. Special reasons may exist to alter the suggested timesharing rights, such as ages of the children, health, special care needs, detrimental conduct of a parent, or similar matters directly related to timesharing and child care issues.

Section (c) below represents an effort to address matters which come before the courts on a frequent basis on motions for contempt. These matters have been placed in the Guidelines to make parents aware of their responsibilities. By honoring these responsibilities, parents may avoid litigation or present clear issues to the Court in the event of alleged violations. The objective is to minimize the necessity for contempt hearings, as continued conflict between the parents has a detrimental effect upon their children.

A. GENERAL CONSIDERATIONS AND PROVISIONS

Following a divorce or separation, parents need to cooperate in their efforts to help their children continue to grow emotionally, socially and intellectually, and to insure that their children continue to have meaningful relationships with both parents.

These timesharing Guidelines are intended to MINIMIZE the harm done to children when their parents divorce or separate. They are written from the standpoint of CHILDREN'S NEEDS and attempt to guide parents seeking to accommodate the BEST INTERESTS of their children.

In developing schedules for contact between children and their parents following a separation or divorce, the following factors need to be considered:

1. **MEDIATION BEFORE LITIGATION:** The parents shall mediate all timesharing disputes before applying to the court for resolution unless a timesharing dispute arises on short notice or the matter must be resolved before mediation is possible. They may mediate with a private mediator of their choice or either party may request court-ordered mediation. This circuit has family law mediators who regularly conduct mediations of timesharing issues. Children are not permitted in mediation.

2. **AREA OF APPLICATION:** The Guidelines are applicable to parents who reside in the same county within this circuit and to parents, one who resides in a county within this circuit and the other who resides in a contiguous county.

3. **SCHOOL CONTACT:** Both parents shall have the right to equal participation in the children's school activities. Each parent shall insure that the other has full and adequate information regarding those activities, especially with regard to opportunities for parental contact with teachers and participation in or attendance at special school events.

4. **TRANSPORTATION:** During the time the children are with one parent, that parent shall transport the children to the children's scheduled activities unless otherwise agreed by the parents.

5. **REINTRODUCTION OF ABSENT PARENTS:** The Guidelines assume that each parent has been a continuous presence in the children's lives. In the event that a parent has had limited or no contact with his or her children and wishes to be reintroduced into the children's lives, it is up to the parents to agree on the means by which this is to be accomplished. If the parents are unable to agree, the first alternative shall be to mediate the conflict. If mediation is unsuccessful, it shall be the responsibility of the Court to adopt a schedule to ease the reintroduction. Since each case is unique,

the immediate adoption of guideline timesharing may not be in the children's best interests and the Court shall exercise its discretion to fashion an appropriate remedy.

6. SCHEDULING EVENTS: Each parent shall advise the other parent of extracurricular activities in which the children participate. Both parents are encouraged to attend such activities. Neither parent shall schedule activities for the children during the other parent's timesharing period without that parent's consent or other arrangements which are satisfactory to that parent.

6. MINIMIZE LOSS - Children experience divorce or separation as a series of significant losses. To children, divorce or separation means losing home, family life, loving parents who care about each other, pets, financial security, relationships with extended family, familiar schools, sports activities, and a daily schedule. Children often feel abandoned and uprooted. The disruptive effects of divorce or separation on their lives can have profound consequences for children in later years. Respect your children's plight by eliminating as much pain and trauma and as many changes and losses as possible.

7. MAXIMIZE RELATIONSHIPS - Encourage all relationships which existed between your children and others before the divorce or separation (both parents, grandparents, aunts, uncles, cousins, close adult friends, etc.), as well as future relationships. Your children will most likely keep the feeling of family when they continue to have pleasant, free access to both parents and their extended families. Your children's identities depend upon their feeling that they belong to both families. This requires that your children spend time with both sides of their family.

Encourage and support the other parent in accepting an active parenting role. Share the burden of responsibilities (laundry, transportation, doctor visits, teacher conferences, etc.) as well as the joyous occasions (holidays, birthday parties, movies, sports outings, trips, etc.). When parents are able to remain in the same geographical area, relationships are more likely to be maximized.

Never make your children feel guilty about enjoying their time with the other parent. Enjoyment of that time is a tribute to the security that both you and the other parent have instilled in your children and suggests that your children are learning to trust and to explore a wide range of healthy relationships.

Reassure your children that they are not to blame for the separation or divorce and that BOTH parents still love them. Try to avoid blaming the other parent. It is destructive to children's security and self concepts when they are compelled to take sides after a separation or divorce. You should also AVOID disclosing details of your adult relationship's problems to your children. Although they may initially want the details and may want to alleviate your pain and anger by taking sides with you, they ultimately may resent you for confusing them and increasing their anxieties about their freedom to love and to relate comfortably to both of their parents.

8. INCREASE SECURITY - Your children are more likely to feel protected from losses when

allowed to remain in the safety, consistency and support of old, familiar surroundings. Children feel secure when they have positive time with both parents, the familiarity of established family rules, and the opportunity to continue in previously established religious, school, and related activities. Children do best when their parents live in close proximity, especially if they share the same school district. Children then have the reassurance of familiar after-school friends at both parents' homes. Children also feel most secure when their parents share responsibility for their after-school care. Parents need to talk about and agree upon ways to build certainty, structure, and stability in their children's lives.

9. AVOID CONFLICT - Scientific research verifies that your children will suffer both now and later if they frequently see their parents in conflict. Raised voices, arguments, hateful remarks and physical altercations are not suitable for children to experience. Children are also harmed when they hear one parent say bad things about or refuse to acknowledge the existence of the other parent. If one parent directly or indirectly creates an image of the other parent that is in any way negative, children's own self-images will be assaulted. Children will only feel as good about themselves as they do about each parent.

A good procedure for divorced or separated parents to follow is to try never to discuss children's issues and adult issues in the same conversation. When you are talking with the other parent about children's issues, stick to those topics and do not allow the conversation to drift into discussions of problems between the other parent and yourself. Save those topics for another discussion at another time and never discuss them in the presence of your children. If the other parent and you simply cannot avoid fights and arguments when you begin or end visits, you should consider enlisting the help of another person (grandparent, mutual friend, babysitter, etc.) who will agree to serve as a "neutral" to facilitate transfer of the children and thereby avoid negative contacts between the parents.

10. AGE RELATED NEEDS - Children of different ages need and benefit from different parenting arrangements. Parents should try to be flexible and to tailor their schedules as much as possible to reflect their children's developmental needs and individual requirements. You can expect that, as your children get older, you will need to be more flexible and will need to work hard at effective communication and fair compromises both with your children and with the other parent.

B. LOCAL TIMESHARING SCHEDULE & RELATED PROVISIONS

The following are paragraphs which should be considered for orders or final judgments as applicable. The language suggested is only a sample and may be changed or eliminated based upon stipulations of the parents or the discretion of a judge based upon the evidence. The precise provisions have been drafted based upon input from psychologists, attorneys, and judges of the Eighteenth Judicial Circuit. You may use these guidelines as the basis for an agreement in your Parenting Plan.

1. TIMESHARING IS FOR BENEFIT OF CHILDREN: Timesharing is for the ultimate benefit of the children and, unless restricted, means that certain minimum rights are recited in these Guidelines. The intent is that each parent will allow additional timesharing at times upon request, provided that such requests are reasonable and will not cause a substantial inconvenience to that parent

or unnecessarily interfere with pre-planned activities involving the children. This provision is meant to provide SPECIAL EVENT AND OTHER extra timesharing but is not to be used as a means to harass the one parent or to make CONSTANT or daily demands for extra timesharing. Common sense and respect for the other parent's separate life and privacy should be used in making requests for extra timesharing.

2. SHARED PARENTAL RESPONSIBILITY: The parents are awarded Shared Parental Responsibility relative to the minor children, and parental responsibility shall be shared by both parents to the extent that both parents shall retain full decision making responsibility with respect to the minor children. Both parents are required to confer so that MAJOR DECISIONS affecting the welfare of the children will be determined jointly. Such areas of responsibility for the children shall include their education, religious training, non-routine medical and dental care, disciplinary measures, choice of day care facility or babysitter, and similar matters. If the parents are unable to agree upon the matter in the best interests of the children after a good faith negotiation, the matter shall be presented to the Court by motion for an evidentiary hearing and the Court shall determine which parent shall have the right to decide the issue. The parent who physically has the children at any particular time shall make the day-to-day, regular, and ordinary decisions for the children's control and discipline, emergency medical and dental care, other routine daily care, and any emergency decision if there is insufficient time to contact the other parent.

3. GOOD FAITH EFFORTS OF THE PARTIES EXPECTED: Both parents shall exercise, in the utmost good faith, his and her efforts at all times to encourage and foster the maximum relations of love and affection between the minor children and the children's parents. When the children are with one parent, the other parent shall have open but reasonable rights of electronic communication with the children, in private, one time per day. Both parents must recognize that the children have the right to be treated as interested and affected persons and not as pawns or possessions of either parent; the right to grow to maturity in home environments which will best guarantee opportunities for the children to become mature and responsible citizens; the right to the love, care, discipline and protection of both parents; the right to know both parents and to have the benefit of both parents' love and guidance through timesharing; the right to positive and constructive relationships with both parents; the right to the most adequate level of economic support that can be provided by both parents; and the right to be regarded as persons within the family. In return, the children have the moral duty to honor and respect their mother and father.

4. CONTACT BY PARENTS (TIMESHARING): Each of the parents shall exercise the utmost good faith and shall therefore consent to reasonable requests by the other parent in connection with parental contact and access (timesharing). The children have a right to spend substantial time with each parent, and each parent is expected to provide contacts with the children at unscheduled times when requested if it does not unreasonably disrupt prior planned activities of the children or the one parent. This provision is for SPECIAL EVENT AND OTHER extra timesharing but is not to be used as a means to harass the one parent or to make constant or daily demands for extra timesharing. Timesharing rights shall not be used as a pretext for the other parent to attempt to visit the one parent for purposes other than to pick up the children. Therefore, not as a limitation, but as an extension of

the foregoing, the other parent is entitled to and shall have the following minimum timesharing rights with the children.

Regular and extra timesharing schedules should be made to accommodate each parent's work schedule, including morning, daytime and weekend timesharing.

(a) CHILDREN WHO ARE NEWBORN UP TO THREE YEARS OLD:

(1) NEWBORN TO SIX MONTHS:

The parties shall confer and agree upon a schedule consisting of three three-hour time periods per week with no more than two days between visits. If the parents cannot agree, timesharing for Parent B shall be on Tuesdays and Thursdays from 5:30 p.m. to 8:30 p.m. and on Saturdays from 10:00 a.m. to 1:00 p.m. In addition, Parent B shall have the children overnight at least once per month, from 6:00 p.m. on Friday to 1:00 p.m. on Saturday. If the parents cannot agree, it shall be the second Friday of the month from 6:00 p.m. on Friday to 1:00 p.m. on Saturday. If the children are being breast-fed, the parents shall cooperate so that the children are with the mother at feeding time if possible. Alternatively, breast milk may be harvested by the mother to provide for the children when they are with the father at feeding time or other feeding arrangements shall be made. Timesharing should be exercised regularly and preferably at the other parent's residence to enable infants to become familiar with those surroundings. Both parents should promote consistency in the children's nutrition and environment. Parent A shall supply items such as breast milk or formula, clothing, blankets, pacifiers, wipes, toys and infant car seats to Parent B as may be needed. All unconsumed items of which shall be returned with the children.

When Parent B's regular timesharing does not occur on Thanksgiving, Christmas or Easter, the parties shall confer and agree upon a schedule consisting of four hours on each holiday. If the parties cannot agree, timesharing shall be from 2:00 p.m. to 6:00 p.m. on each holiday.

Parent B's timesharing shall include at least one full weekend to be agreed upon between the parties from Friday at 6:00 p.m. to Sunday at 6:00 p.m. If the parties cannot agree, the weekend shall be the first weekend following the child's attainment of 20 weeks of age.

Parent B shall be entitled to be with the children on Mother's Day or Father's Day, as appropriate, for a four-hour period. If the parties cannot agree, timesharing on such days shall be from 2:00 p.m. to 6:00 p.m.

(2) SIX MONTHS TO 36 MONTHS:

The parents shall confer and agree upon a schedule consisting of two three-hour periods during the week with no more than two days between visits, and five hours every other Sunday. Additionally, Parent B shall have the children overnight two times per month, on the second Friday of each month from 6:00 p.m. on Friday to 6:00 p.m. on Saturday, and on the fourth Saturday of each month from

6:00 p.m. on Saturday to 6:00 p.m. on Sunday. The Sunday five-hour visits are applicable to the weekends when there is no overnight timesharing. If the parties cannot agree, timesharing shall be on Tuesdays and Thursdays from 5:30 p.m. to 8:30 p.m., and on Sundays from 9:00 a.m. to 2:00 p.m.

When Parent B's regular timesharing does not occur on or is less than five hours on Thanksgiving, Christmas, Easter or the children's birthdays, the parties shall confer and agree upon a schedule consisting of five hours on each such occasion. If the parties cannot agree, timesharing shall be from 1:00 p.m. to 6:00 p.m. on each holiday or birthday.

Each parent shall be entitled to be with the children on Mother's Day or Father's Day, as appropriate, for a five-hour period. If the parties cannot agree, timesharing on such days shall be from 1:00 p.m. to 6:00 p.m.

In addition to the foregoing, the following rights of extended timesharing shall be enjoyed by Parent B of children between the ages of 12 months to 36 months:

(A) With children between the ages of 12 months to 24 months, timesharing for Parent B shall include one (1) of the following alternatives, as the parties may agree or as may be ordered by the Court:

(1) Two one-week periods at least four weeks apart from 6:00 p.m. on Friday to 6:00 p.m. on the following Friday. During such one-week period, the other parent shall be entitled to timesharing on Monday and Wednesday evenings from 5:30 p.m. to 8:30 p.m.

OR

(2) Two four-day periods at least four weeks apart from 6:00 p.m. on Friday to 6:00 p.m. on the following Tuesday. During such four-day periods, Parent A shall not be entitled to the exercise of timesharing.

If the children are being breastfed, breast milk may be harvested by the mother to provide for the children when the children are with the father or other substitute feeding (such as formula) arranged.

(B) With children between the ages of 24 months to 36 months, timesharing by Parent B shall include one of the following alternatives:

(1) Three one-week periods at least four weeks apart from 6:00 p.m. on Friday to 6:00 p.m. on the following Friday. During such one-week periods, Parent A shall be entitled to timesharing on Monday and Wednesday evenings from 5:30 p.m. to 8:30 p.m.

OR

(2) Three four-day periods at least four weeks apart from 6:00 p.m. on Friday to 6:00 p.m. on the following Tuesday. During such four-day periods, Parent A shall not be entitled to the exercise of

timesharing.

If the children are being breastfed, breast milk may be harvested by the mother to provide for the children when the children are with the father or other substitute feeding (such as formula) arranged.

(b) CHILDREN THREE YEARS OLD AND OLDER:

(1) One evening per week from 5:30 p.m. to 8:30 p.m. If the parties cannot agree upon the evening, it shall be Wednesday evening.

(2)(A) Alternate weekends from 6:00 p.m. on Friday to 6:00 p.m. on Sunday, commencing on _____, 20____.

(2)(B) Alternate weekends from 6:00 p.m. on Friday through Monday morning at which time Parent A shall pick up the children. Parent A shall pick up the children on a timely basis so that the children will not be tardy for school, or by 9:00 a.m. if the children are not in school. Parent A shall have the children properly dressed and shall insure that they receive breakfast. The alternate weekends shall commence on _____, 20____.

(2)(c) Alternate weekends from 6:00 p.m. on Friday through Monday morning at which time Parent B shall transport the children to school. The parent shall deliver the children at the normal time so the children will not be tardy and shall have the children properly dressed and shall insure that they receive breakfast and lunch. The alternate weekends shall commence _____, 20__ .

(3) Alternate holidays (Martin Luther King Day, Valentine's Day, Easter Day, Memorial Day, Independence Day, Labor Day, and Halloween) commencing on _____ 20____. If Parent B's employer provides a three-day weekend for the holiday, the timesharing shall commence at 6:00 p.m. the day prior to the first day of the extended weekend and continue to 6:00 p.m. of the last day of the weekend. Except as set forth above and on Valentine's Day and Halloween, all timesharing shall begin at 6:00 p.m. on the day before the holiday period and shall end at 6:00 p.m. of the appropriate day. On Valentine's Day and Halloween, timesharing shall be from 6:00 p.m. to 9:00 p.m.

(4) After the children are in school, spring break in alternate years, in (odd) (even) numbered years, from 6:00 p.m. on the day that school recesses to 6:00 p.m. of the Saturday before school recommences.

(5) The children shall be with the mother on Mother's Day and with the father on Father's Day from 9:00 a.m. to 6:00 p.m.

(6) If the parents cannot agree, birthdays of the children in (odd)(even) numbered years, commencing in 20__, from 9:00 a.m. to 6:00 p.m. of the day of the birthday if the parent entitled to the exercise of birthday timesharing is not required to work on that day; otherwise, from 5:30 p.m. to

8:30 p.m.

(7) Every alternate Thanksgiving weekend holiday, in (odd) (even) numbered years, from 6:00 p.m. on the Wednesday before Thanksgiving Day to 6:00 p.m. on the Friday following Thanksgiving Day. During (odd) (even) numbered years, from 6:00 p.m. on the Friday following Thanksgiving Day to 6:00 p.m. on the Sunday following Thanksgiving Day.

(8)(A) Every alternate Christmas season, in (odd) (even) numbered years, from 6:00 p.m. on the day that the children's school recesses or, if the children are not in school, on December 20th, through December 25th at 12:00 noon. During (odd) (even) numbered years, from 12:00 noon on December 25th to 6:00 p.m. on the day prior to school recommencing. The intent is that the parties have equal time during the Christmas break.

OR

(8)(B) Every alternate Christmas season, in (odd)(even) numbered years, from the day after school recesses or on December 20th, whichever is earlier, through December 26th at 2:00 p.m. During (odd)(even) numbered years from 2:00 p.m. on December 26th to 6:00 p.m. on the day prior to school recommencing. The intent is that the parties have equal time during the Christmas break.

(9)(A) If the children are seven years old or older: Six weeks during summer vacation commencing in 20___. The parties should agree in advance so that each party may plan vacations with the children. If the parents are unable to agree, timesharing shall be the last three weeks of June and the last week of July and first two weeks of August. The parents may agree that the timesharing may be exercised in three two-week periods, two three-week periods, a continuous six-week period or otherwise to accommodate the parents and the children. Parent A shall be entitled to at least two weeks summer vacation timesharing with the children and the scheduled overnight timesharing rights of Parent B shall be suspended for that two (2) weeks unless the parties otherwise agree. However, other normal timesharing rights shall continue. Parent B shall have first choice as to the selection of summer timesharing, provided that written notification shall be delivered to Parent A no later than April 15th of each year. Absent extraordinary circumstances, if such written notification is not given on a timely basis, Parent A shall have first choice as to the selection of summer timesharing.

NOTE: If the children are one year to three years old, the summer timesharing is as set forth in Part A; for children from three to five years old, two periods of 14 consecutive days, with at least 14 days between such extended timesharings; for children from five to seven years old, a total of five weeks, consisting of one-week period and two -week periods, with at least fourteen (14) days between each such extended timesharings; for children seven years old and older, six (6) weeks.

OR

☺☐☹☺☹☹☹ Each summer, commencing 200___, for (_____% of the vacation period). The parents shall compute the total number of days, including weekends and holidays, the children will be out of school, starting the day after school lets out through the day school starts in the fall and multiply

DRAFT - REVISED SPRING 2012

the percentage times the number of days to determine Parent B's share. If the children (is) (are) in a year round school, the same computation shall be made as to each period. The children will be out of school on breaks and Parent B will have the right to exercise that timesharing during each break period. The time period shall be continuous unless the parties agree otherwise to split the time in two or more different periods. Timesharing shall commence the fifth day after school lets out if not a year round school, and shall continue for the number of days so computed or as agreed between the parents.

During this timesharing, Parent A shall have telephone contact and e-mail rights set out for Parent B herein and, reasonable contact which shall include at least two overnight periods if requested. Any full day or overnight periods by Parent A shall be added to the number of days of timesharing due Parent B and shall extend the timesharing period by that number of days. Parent A shall give Parent B advance notice of at least seven days of the intent to exercise the timesharing. If Parent B has planned travel for the timesharing period to visit relatives, go sightseeing or otherwise, Parent A shall not schedule timesharing during the period of planned travel even if it means no timesharing during Parent B's timesharing.

(9)(C) If the children attend a year round school with no regular summer vacation, the extended timesharing rights of each parent shall be determined by the Court if the parents cannot otherwise agree. If no agreement is reached, Parent B shall have the right to have the child 80% of the time off computed as set forth in the proceeding alternate to summer weeks of timesharing.

(10) In the event that summer timesharing exceeds a continuous two-week period, and the children are staying at the residence of Parent B, Parent A shall have timesharing on the third weekend beginning at 6:00 p.m. on Saturday to 6:00 p.m. on Sunday and on every alternate weekend thereafter during such continuous extended timesharing from 6:00 p.m. on Saturday to 6:00 p.m. on Sunday. However, this timesharing shall not apply if the children are out of the area visiting or vacationing during the time that Parent A's timesharing would occur.

(11) Any other timesharing made available by the parents working in harmony for the best interests of the children.

(c) SPECIFIC PROVISIONS REGARDING EXERCISE OF TIMESHARING:

(1) Specific religious holidays observed in each parent's faith or other days of special meaning should be agreed upon, written down and alternated.

(2) Neither parent shall in any way impede, obstruct or interfere with the exercise by the other of his or her right of companionship with the minor children, and neither of them, at any time, shall in any way disparage, downgrade or criticize the other parent, or allow any other person to do so, to or in the presence of the minor children or by use of third parties. A parent shall not ignore or fail to respond when the children mention the other parent, as this engenders a negative attitude and discourages mention of the other parent as "taboo." Each parent should respond with positive statements and positive non-verbal communication, even if it is believed that the other parent does not deserve them.

(3) Neither parent shall directly or by use of third parties interrogate or question the children about the activities of the other parent. Neither parent shall use the children to send messages to the other. Each parent is ordered affirmatively to foster love and respect for the other parent in all dealings with the children.

(4) Each parent shall have a leeway of _____ minutes from the specified time to pick up the children for the exercise of timesharing. If he or she is more than _____ minutes late and creates a hardship as a result, he or she may forfeit that timesharing period. However, no forfeiture shall occur unless an actual hardship is created by the late arrival or if late arrival is the result of illness, injury of the parent, unexpected work requirements imposed by an employer or physical impossibility because of some unforeseen event. Each parent shall also have a _____ minute leeway for pick up of the children at the conclusion of timesharing. If an emergency occurs, the non-one parent shall notify the other parent as quickly as possible.

(5) Each parent shall give the other parent at least twenty-four (24) hours advance notice of his or her intention *to exercise or* not to exercise weeknight, weekend, Father's Day, Mother's Day, or birthday timesharing; or, if an emergency occurs, as quickly as possible. As to holidays, one week advance notice shall be given. As to Christmas and summer, one month advance notice shall be given. Notice as to Christmas and summer timesharing shall be in writing and notice as to summer timesharing shall be given prior to April 1, or at least one month prior to school recessing for the summer. Giving notice prior to April 1 each year gives the other parent the right to choose the time for timesharing. At least one month notice prior to school recessing for the summer insures timesharing but Parent A's plans must be considered. Failure to give notice by April 1 does not forfeit timesharing rights.

(6) Holidays, children's birthdays, Father's Day, and Mother's Day shall have priority over weekend timesharing. Any timesharing missed by either parent as a result of any such conflict, including timesharing which was canceled due to illness of the children or of the other parent, or other reason which did not result in forfeiture of the timesharing time, shall be made up or recovered by comparable timesharing within sixty days of the missed timesharing.

(7) Neither parent shall remove the children from the State of Florida or from their present county of residence for more than sixteen continuous days to any place other than a contiguous county without first obtaining the written consent of the other parent or court order. The timesharing rights of Parent B are structured based upon the children residing within this circuit or a contiguous county and will require adjustments if the children's residence is changed.

(8) Neither parent shall argue or participate in altercations or adversarial behavior in the presence of the children at any time. Their relationship in front of the children shall be businesslike, courteous and non-adversarial. Each parent shall demonstrate respect for the other parent, even if he or she does not believe that the other deserves it.

(9) Neither parent shall threaten the other parent with limitation or withholding of timesharing with the children or actually limit or withhold timesharing because of non-payment of child support or

other financial demands.

(10) Neither parent shall threaten to limit or terminate timesharing rights with the other parent, to change timesharing or to withhold support as a form of discipline or punishment of the children.

(11) At any time when one parent intends to place the children with a babysitter or day care facility for more than five hours, that parent shall contact the other parent and offer the other parent the option to care for the children for that time period. One parent shall provide as much notice to the other parent as possible. That parent shall respond to the other parent with his or her decision as soon as possible. Repeated failures on the part of one parent to notify the other parent of such occasions, and repeated short notifications or responses by either parent, without adequate justification, shall be considered by the Court as evidence of intentional interference with the other parent's rights. If the children regularly attend a kindergarten or day care facility where programmed educational material is offered, the parents shall consult with one another regarding leaving the children with the other parent versus taking the children to the facility. If the parents cannot agree, the matter shall be presented to the Court by motion and the Court shall decide the issue.

(12) (A) Pick up of the children shall be at curbside at the residence of Parent A or as otherwise agreed. The parent or person picking up the children shall remain in the motor vehicle and the person delivering the children shall send the children out and remain at the door of the residence. No conversation or words shall occur on these exchanges between the parents or other persons involved except "hellos" and "goodbyes" and conversational pleasantries. Return of the children shall follow the same procedure. If a parent or other adult is not at home when the children are returned, the children shall be kept in the care of the other parent until they can be safely left at the residence or other agreed upon location.

OR

(12) (B) Pick up of the children shall be at the front door at the residence of Parent A or as otherwise agreed. No conversation or words shall occur on these exchanges between the parents or other persons involved except "hellos" and "goodbyes" and conversational pleasantries. Return of the children shall follow the same procedure. If a parent or other adult is not at home when the children are returned, the children shall be kept in the care of the other parent until they can be safely left at the residence or other agreed upon location.

(13) Either parent is authorized to use a responsible alternate person to pick up or receive the children for timesharing. The person must be a responsible adult, a spouse, a relative or other person known to both parents and the children.

(14) The person picking up the children shall not arrive at the residence of the parent more than ten minutes in advance of the time set for pickup unless an agreement is made in advance for an early pickup.

(15) If either parent plans to take the children out of their county of residence or to allow the

DRAFT - REVISED SPRING 2012

children to go with another person out of the county (such as grandparents) for more than two consecutive days, that parent shall, in advance if known, or within eight hours after arrival if not known in advance, provide the other parent with the address and telephone number where the children will be staying. Parent B shall have the right to contact the children by telephone one time per day while they are out of county for a brief conversation in private not to exceed 15 minutes per child for each call. The children may telephone Parent B at reasonable times at the children's request and shall be allowed to talk in private. The 15-minute time limitation set forth above shall not apply to telephone calls initiated by the children.

(16) Neither parent shall involve children in decisions regarding timesharing unless the children are 12 years old or older. All timesharing plans and conversations shall be conducted solely between the parents until the children are at least 12 years of age. The final decisions are to be made by the parents and not the children. Parent A is expected to encourage and assist in timesharing with Parent B. Neither parent shall plan activities for the children which will conflict or interfere with the timesharing schedule of the other parent unless discussed and agreed upon in advance, with make-up time agreed upon as appropriate in advance. Both parents must be sensitive to the developmental needs of the children and understand the children's needs to be involved in school, social, church and other extracurricular activities such as sports, dance lessons and recitals, music lessons, school functions, and the like. The parents shall cooperate to accommodate the children's activities if it is possible to do so without undue disruption of the other parent's timesharing with the children. Parent B shall have the option to transport the children to and from any such functions or events if there is a conflict with timesharing schedules. Parent A shall not schedule activities or functions for the children during the time scheduled for timesharing by Parent B without prior agreement.

(17) The parents shall not encourage the children to call a new spouse or companion "Father," "Dad," "Mother," "Mom," or similar names, as such is detrimental to the relationship between the parents and may confuse and adversely affect the children. A substitute name such as stepdad etc. shall be suggested and encouraged. A new spouse or companion shall not confront or attempt to interfere with the other parent's contacts or timesharing with the children, and each parent is expected to prevent any such confrontation or interference. The parents are expected to converse directly with each other concerning all matters in a divorce or separation judgment or order. However, if there has been past violence or intimidation between the parents, the new spouse or companion may handle the contact but shall be courteous, respectful, non-adversarial and non-threatening in doing so. The other parent shall not be adversarial or hostile to the new spouse or companion but shall be courteous, polite, respectful and non-threatening. The children shall not be allowed to use the last name of a new spouse or companion at school or otherwise without written consent of the other parent or court order.

(18) Except in the event of an emergency, neither parent shall remove the children from day care or school for timesharing or otherwise unless agreed upon in advance by the parents so that the day care facility or school may be properly notified.

(19) For timesharing, Parent A shall provide Parent B with at least a two-day provision of appropriate clean clothing, undergarments, shoes, personal apparel, special medical or orthopedic devices, etc., and any medication prescribed for the children with written doctor's instructions for

DRAFT - REVISED SPRING 2012

frequency and dosage. Parent B shall administer any medication to the children in conformity with the doctor's instructions. Parent B is expected to maintain sufficient appropriate clothing for the children for timesharing and must own and use child restraint devices or car seats for transportation of the children if such devices are required by law and Parent A is not otherwise obligated to provide them. Parent A shall allow Parent B to use infant car seats when timesharing with infants (0 to 10 months) will require transportation in a car. Parent B shall return all clothing including shoes, all unused medications, and any other unconsumed items to Parent A at the end of timesharing. If the children are infants or still on formula or are on a restricted diet, Parent A shall furnish a reasonable supply of breast milk or formula, pacifiers, restricted diet food, blankets, diapers, wipes, toys, infant car seats, etc., to accommodate the children's nutrition and comfort for at least one day. All such items and any unused portion of the food, formula, etc., shall be returned by Parent B.

(20) Each parent shall immediately deliver to the child designated by the other parent all letters, cards, correspondence, gifts, toys and other items sent to that child by the other parent. Neither parent shall withhold, return, destroy, give away, sell, or otherwise dispose of any such items, nor permit the children to do so, but shall deliver them to the children.

(21) If ordered to be paid through the Court, child support must be paid through the clerk's office to be credited against ordered support. Purchases of gifts, food or clothing; payment of or reimbursement for medical or dental services, registration fees, sports uniforms, school costs and fees, and the like; gifts of money or items to Parent A or to the children; or payments of other non-ordered payments shall not be credited against the obligations ordered for child support. Extra timesharing given by the one parent, in itself, shall not be a basis to decrease child support unless presented to a judge having jurisdiction and a court order is issued decreasing the amount of child support based upon the time division between the parents.

(22) Payment of child support shall have priority over payment of other debts and obligations. The amount of child support shall not be decreased simply because the parent ordered to pay it remarries or accepts additional responsibilities. Child support is based upon monthly income. It is the responsibility of parents with seasonal or other fluctuating incomes to budget their funds so that child support payments are made consistently as ordered throughout the year, as the timely receipt of child support is necessary to meet the needs of the children for whom it is paid.

(23) Parent B shall have the right to contact the children by telephone one time per day for a brief conversation not to exceed 15 minutes per child for each call. Parent A shall allow the children to talk with Parent B in private. If Parent A does not answer the telephone or is not at home and a message is left on an answering machine, Parent A shall cause the children to return the call to Parent B when the children return. Telephone calls are limited to one per day per child, unless the parents otherwise agree, to avoid claims of harassment or interference with timesharing. Children shall be allowed to telephone and to speak in private with Parent B at all reasonable times that they desire to talk with that parent. The 15-minute time limitation set forth above shall not apply to telephone calls initiated by the children. The children shall have the right to receive and send e-mail and instant message communication between the children and parent in private and without supervision or interference by the other parent. Other types of electronic communication are allowed if the procedure

is approved by Parent A. If this practice is abused, the issue shall be submitted to the court for resolution.

(24) Neither parent shall conceal the whereabouts of the children from the other parent. Each parent shall advise the other at all times of the residence address and telephone number where the children will be and any work telephone number for each parent. If a residence address or telephone number changes, the parent making the change shall notify the other by telephone or personally within 24 hours and in writing within 72 hours of the change.

(25) Each parent shall notify the other by telephone or other direct communication of any serious accident, illness, or other emergency which affects the children as quickly as possible and in no case more than two hours after he/she becomes aware of it. Parent B shall have the right to be fully informed of all aspects of the matter, shall have an equal right to visit or to be with the children, and shall have an equal right to receive all information from doctors, health care providers and hospitals pertaining to the children and the emergency.

(26) If Parent B cancels scheduled timesharing with the children, to the extent appropriate to the age and maturity of the children, that parent shall personally talk with the children and explain the reason or circumstances so that Parent A will not be blamed for the children's hurt feelings or disappointment. It is the responsibility of Parent B to communicate directly with the children in matters involving that parent's relationship with them. When children become teenagers, they may desire to spend the majority of their time with friends, rather than with either parent. Both parents should be sensitive to the developmental aspects of their children during the teenage years. Both parents shall communicate directly with them to arrange shared time and to nurture both parental relationships with the children.

(27) If the children are engaged in sports events, dance or music lessons, recitals, remedial school classes, or are scheduled for doctor or dental appointments, or the like, Parent A shall be responsible for transportation of the children to and from those events unless otherwise agreed. Likewise, if the child must attend remedial classes or other schooling recommended by the child's teacher, Parent B shall be responsible for the child attending the classes if located in the area of timesharing or to arrange substitute classes. The cost of the classes shall be paid by Parent A.

(28) If a child is too ill to leave Parent A's home for scheduled timesharing, Parent A shall notify Parent B as soon as possible after the problem is known. Parent B shall have the right to a brief visit not to exceed 30 minutes with the child in Parent A's residence on each day of scheduled timesharing during the illness. Parent B shall be given the health care provider's name, address and telephone number and consent, in writing if requested by Parent B, so that the parent may talk with the health care provider about the child's condition. Parent A shall consult with and agree to make-up timesharing with Parent B when scheduled timesharing is lost because of a child's illness.

(29) Absent extraordinary circumstances, if Parent B cancels scheduled or planned timesharing after the notice period has expired, and Parent A has made plans which, if kept, require a

babysitter or child care provider for the children, Parent B shall reimburse the one parent for the reasonable costs of any such child care or babysitter expense incurred as a result of the late-canceled timesharing, as well as any other direct financial loss or expense incurred by Parent A. This provision includes holiday and summer timesharing.

(30) If the children fit into different age groups regarding timesharing rights, the parents shall confer and shall extend the younger children's timesharing to correspond with that of the older children if possible so that the children will not be separated. If the parents cannot agree, the matter may be presented to the Court for a judicial determination in the best interests of the children.

(31) The parent who is with the children shall insure that they are provided three meals a day, or the number of meals normally consumed during the time periods with the parent, as well as appropriate snacks, and shall not allow the children to remain hungry.

(32)(A) Parent B shall pick up the children FOR timesharing and Parent A shall pick up the children FROM timesharing at an agreed upon location. Each parent shall bear the expense of his or her transportation of the children.

(32)(B) Parent B shall pick up and return the children from timesharing at agreed locations and shall bear the expense of transportation of the children.

(33) Both parents shall be entitled to participate in and attend special activities in which the minor children are engaged, such as school programs and graduation, recitals, sports and other extra curricular activities and programs. The parent initially receiving the information shall advise the other parent of the details of the activity within 24 hours after receipt. In addition, each parent shall provide the other parent detailed information within that parent's knowledge of any activities of the children, such as sports, games, recitals, graduations, summer camps etc. and a complete copy of all doctor or health care provider reports, school report cards and notices or any other information concerning the children, including notice of disciplinary or other problems. Each parent shall authorize, in writing if necessary, schools, health care providers, etc. to furnish the other parent complete and detailed information upon request unless a court order is entered restricting access to such information. The information will be promptly furnished to the other parent within 24 hours of the receipt of the information, and this is a continuing duty on the part of each parent.

C. EMERGENCY INVOLVING EVACUATION

1. A. From time to time, situations may arise where the local, state, or federal government calls for the voluntary or mandatory evacuation of the area in which one or both of the parents' homes is located.
 - B. Within 30 days of the date of this Agreement, i.e., the date it is signed by both parties, each parent shall provide to the other the:
 - (1) Name, address, and telephone number of a responsible third party ("contact person") residing outside the State of Florida who is willing to facilitate the exchange of information between the parties; and
 - (2) A telephone number for notification in the event of an evacuation.
 - C. In the event of a mandatory evacuation order:
 - (1) The party with the child ("evacuating parent") shall evacuate the child;
 - (2) Within one hour of any mandatory evacuation order, the parent with the child shall inform the other parent and both contact persons of the intended evacuation by providing actual notice of:
 - (a) The time the evacuating parent intends to depart; and
 - (b) The route and destination to which the parent intends to evacuate.
 - (c) These notice requirements shall not be considered satisfied by leaving a message on a voice mail system or answering machine; the evacuating parent shall continue to call until that parent reaches and speaks with the other parent and both contact persons.
 - (3) Upon arrival at the evacuation destination, the evacuating parent shall notify the other parent and both contact persons of the arrival.
 - (4) The parents shall communicate with each other, either personally or through the contact persons, at least one time per day to discuss when the child may be safely returned to Brevard County.
 - (5) If possible, the other parent shall have the opportunity to speak with the minor child one time per day.
 - (6) In the event that the parent with the child chooses to disregard a mandatory evacuation order, and the other parent intends to comply with said order, then the child shall be evacuated with the evacuating parent.
 - D. In the event of a non-mandatory evacuation, the provisions governing a mandatory evacuation shall apply, except:
 - (1) The parents shall confer prior to any evacuation on the need to evacuate the child.
 - (2) If the parents cannot agree, Parent A shall have the ultimate authority to

make such a decision.

- (3) Any timesharing missed as a result of the evacuation shall be made up within 60 days.

E. Return of the child:

- (1) As long as the area of both parents' homes remains under a mandatory evacuation order, or law enforcement is not permitting residents to return home, the child shall not be returned and shall stay with the evacuating parent.
- (2) The child shall be returned if:
 - (a) Residents in the area of either parent are being permitted to return home; and
 - (b) Either parent has working electrical service; and
 - (c) The child's school has resumed regular operation if the evacuation occurred during the school year. This provision shall not apply if the evacuation occurred during any school break.