

AGREED CHANGE OF RESIDENTIAL PARENT AND LEGAL CUSTODIAN (CUSTODY)
FAIRFIELD COUNTY COMMON PLEAS COURT

INSTRUCTIONS

Attached are forms requesting a change of residential parent and legal custodian (change of custody). These forms can only be used when the Domestic Relations Judge has already signed a custody judgment entry and both parents agree to change custody from what was ordered. **DO NOT USE THESE FORMS UNLESS YOU ARE SURE THAT THE OTHER PARENT AGREES TO THE CHANGE OF CUSTODY.** If the person giving up custody is able to pay child support but will refuse to do so, then you probably do not have an agreement.

These instructions are intended to be a general guide to help you get the form filled out, filed with the Court, and presented properly before the Judge. These instructions are not intended to be a legal analysis of your request or advice as to whether you should win your motion. They are merely to assist you in preparing and presenting your request.

If you have any doubt or question as to whether you can use these papers, contact a private attorney.

WARNING

MODIFYING THE ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES, ALSO KNOWN AS CHANGING CUSTODY AND VISITATION, IS A VERY SERIOUS THING TO DO. YOU MAY NOT BE ABLE TO CHANGE IT BACK AGAIN. TO CHANGE CUSTODY THE LAW REQUIRES TWO THINGS: 1) THE COURT MUST DECIDE THAT A CHANGE HAS OCCURRED IN THE CIRCUMSTANCES OF THE CHILD(REN) OR THE CUSTODIAL PARENT SINCE THE LAST COURT ORDER THAT DETERMINED CUSTODY; AND 2) THE COURT MUST DECIDE THAT CHANGING CUSTODY IS NECESSARY TO SERVE THE BEST INTEREST OF THE CHILD(REN).

IN APPLYING THIS TEST, THE COURT WILL GENERALLY REFUSE TO CHANGE THE LAST CUSTODY ORDER UNLESS THE COURT DECIDES THAT CHANGING IT WOULD BE IN THE BEST INTEREST OF THE CHILD AND EITHER 1) THE CUSTODIAL PARENT AGREES TO THE CHANGE, OR 2) THE COURT DECIDES THAT THE CHILD(REN) HAVE BEEN "INTEGRATED" WITH THE CONSENT OF THE CUSTODIAL PARENT INTO THE HOUSEHOLD OF THE PERSON SEEKING CUSTODY, OR 3) THE COURT DECIDES THAT THE HARM LIKELY TO BE CAUSED TO THE CHILD(REN) BY THE CHANGE IS OUTWEIGHED BY THE ADVANTAGES.

THOUGH YOU MAY BE ABLE TO PERSUADE THE COURT TO CHANGE CUSTODY AT THIS TIME BECAUSE THE CUSTODIAL PARENT IS AGREEING TO THE

CHANGE, IF YOU CHANGE YOUR MIND IN THE FUTURE AND WANT TO CHANGE CUSTODY BACK TO THE WAY IT IS NOW, YOU PROBABLY WON'T BE ABLE TO UNLESS THE COURT DECIDES THAT THERE HAS BEEN A NEW CHANGE IN CIRCUMSTANCES AND THAT A CHANGE IS NECESSARY TO SERVE THE BEST INTEREST OF THE CHILD(REN). THUS, IF THE PERSON WHO IS MADE CUSTODIAL PARENT BY YOUR NEW COURT ORDER REFUSES TO AGREE TO GIVE CUSTODY OF THE CHILD(REN) BACK, YOU MAY NOT BE ABLE TO GET CUSTODY BACK.

IF YOU HAVE ANY QUESTIONS ABOUT USING THESE FORMS, AND WHAT MIGHT HAPPEN IF YOU DO USE THEM, YOU SHOULD CONSULT AN ATTORNEY.

A. FILLING OUT THE FORM

1. All of the enclosed forms should be filled out before you go to the Courthouse to file them. The Clerk of Courts staff may not help you in completing the forms. Type or neatly write, in blue or black ink, the information that these instructions tell you to fill in. It is extremely important that the information be filled in neatly so the Court can read it.
2. At the top of the Post-Decree Motion for Change of Residential Parent and Legal Custodian, you need to fill in the names of the Plaintiff/Petitioner and Defendant/Respondent/Petitioner, and your addresses, Social Security numbers, and dates of birth. Also fill in the case number. (You can find out the case number, as well as which of you is the Plaintiff/Petitioner and which of you is the Defendant/Respondent/Petitioner from the Divorce or Dissolution Decree or other court papers filed in this case.) If you do not have such papers, you can get this information from the Clerk of Courts office at the Courthouse. Leave the line after "JUDGE" blank.
3. In the first paragraph of the Post-Decree Motion, put your name in the first blank and the name of the other parent of your children in the second blank. In the next blank, list the names of your children. After this paragraph, under Memorandum in Support, are blank lines on which you can list your reason(s) for wanting to change custody. You should be specific. Start by stating who has custody (or is the residential parent and legal custodian) now and who you want to change it to. You do not have to list here all of the facts that support your request or everything that has happened to you that causes you to want to change the residential parent and legal custodian. However, you have to be specific enough so that the Judge will know from reading your Motion the main reasons why you want to change the residential parent and legal custodian.
4. You and the other parent should then sign the Motion and then print your names, addresses, and phone numbers under the words "Respectfully submitted."
5. Under the words Instructions for Service, there is a blank line in the first sentence. You need to put the other parent's name here that is in agreement with the custody change.

Then, sign in the blank above the word “Movant”.

6. Fill out the document called Information for Child Custody Proceeding. Fill out the parties’ names and case number as you did on the Motion. In the first blank, write in your name. There are blank lines for you to list the names of your children and their dates of birth. Also, you need to state the addresses where the children have lived for the past five years, the dates they lived there, and the names of the people they lived with. Start with your current address and go back through your other addresses until you have gone back either five years or to the birth of the child of, whichever is more recent. If you run out of room on the form, use an extra piece of paper to finish.
7. Read questions three, four, five, and six of the Affidavit carefully and mark the answer that applies to you -- either answer Yes or No to the questions asked. If #3 is yes, write down the case number and court of any known case currently pending concerning custody of the children in the blank provided. Do the same with Questions #4 and #6. For #5, list the name and address of anyone who is not a party to this action who might have a claim to custody or visitation of the children, if there is anyone. You must sign the affidavit on the line above the word “Affiant” in front of a Notary Public.
8. You and the other parent should fill out an Affidavit of Indigency if you are unable to pay a deposit on court costs for this Motion. Fill out the top as you did on the other forms. To find out the amount of the cost deposit, you should call the Clerk of Courts office. Both you and the other parent must sign the Affidavit of Indigency form in front of a Notary Public.
9. On the forms marked Entry and Agreed Judgment Entry, fill in only the names of the Plaintiff/Petitioner and Defendant/Respondent/Petitioner and the Case Number. Leave the rest of the forms blank except, on the form marked Agreed Judgment Entry, you and the other parent should sign on the lines after “Approved:”.
10. Fill in the names of the Plaintiff/Petitioner and the Defendant/Respondent/Petitioner and the Case Number on the Notice of Hearing.
11. If income will be an issue, you need to fill out the Financial Affidavit to the best of your knowledge. If any of the information you provide is estimated, you should say it is an estimate. You will need to sign the Financial Affidavit in front of a notary public. You should also be prepared to bring a copy of last year’s tax return, including all W-2’s and schedules, as well as a copy of your current pay stub or wage statement with a year-to-date figure, to Court with you for verification of your income.
12. If the motion will result in the establishment of child support, you will need to immediately go to your local Child Support Enforcement Agency to apply for child support. You should submit a copy of your application for Child Support services with

the other papers.

13. Make two (2) additional copies of each page of each form you have filled out, including any attachments such as a copy of the judgment entry, order, or decree violated.

B. FILING THE MOTION

1. After you have filled all the forms out, make three copies of each and go to the Clerk's Office, 2nd Floor, Fairfield County Hall of Justice, 224 E. Main Street, Lancaster, Ohio. This is the only place you can file your papers.
2. When you file your Motion, the Clerk's office will take the original and two copies of your papers. You should ask the Clerk to time-stamp your copy of the Motion, Affidavit of Indigency, Financial Affidavit, and Information for Child Custody Proceeding. This will be your proof that you filed the originals. The Entry and Judgment Entry will not be time-stamped and you will not get any copies of them back. If the Judge later signs them, you will get a copy back.

C. PREPARATION FOR THE HEARING

1. Since both of you are in agreement about the change of residential parent and legal custodian, it is possible that the Court will sign the Judgment Entry changing custody without requiring a hearing. If a hearing is scheduled, you should follow the instructions below.
2. It helps a lot if you are prepared for the hearing. You should dress as you would for a job interview and have with you any witnesses that you wish to support your request. Your child or children may also be able to testify about the change of custody.
3. The Judge will want to know basically these things: Why you want to change the residential parent and legal custodian (change of custody) what circumstances have changed that makes you and the other parent want to change custody and whether the change is in the best interests of the child or children.
4. At the hearing you will be asked questions by the Judge or by an attorney. Respond directly to the question and make sure that you provide the information that you are asked for. If you do not understand the question or are not sure what you are being asked, you have the right to have the question explained to you before answering it. Never answer a question you do not understand.

GOOD LUCK!

IN THE COURT OF COMMON PLEAS
FAIRFIELD COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

*

*

*

SSN# _____

*

DOB _____,

*

Plaintiff/Petitioner,

*

CASE NO. _____

vs.

*

JUDGE _____

*

*

*

SSN# _____

*

DOB _____,

*

POST-DECREE MOTION
FOR MODIFICATION OF
RESIDENTIAL PARENT
AND LEGAL CUSTODIAN

Defendant/Respondent/Petitioner.

*

Now come _____ and _____ and
ask this Court to change the residential parent and legal custodian of their minor child(ren),

that there has been a change in circumstance that warrants this change, and because it would be
in the best interests of the child(ren) as further explained below in the Memorandum of Support.

MEMORANDUM IN SUPPORT

Take notice that an application to the Child Support Enforcement Agency to investigate and establish a child and medical support order is being submitted.

Respectfully submitted,

Signature

Signature

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve a copy of the above-captioned Post-Decree Motion for Modification of Residential Parent and Legal Custodian, ancillary documents, and Notice of Hearing upon

_____ by Certified Mail, Return Receipt
Requested

at the following address:

_____.

Movant

IN THE COURT OF COMMON PLEAS
FAIRFIELD COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

_____, *
Plaintiff/Petitioner, * CASE NO. _____
vs. *
_____, *
Defendant/Respondent/Petitioner * ENTRY

Pursuant to request of the movant and for good cause shown, it is hereby ORDERED that the attached Motion be accepted without pre-payment of the costs.

MAGISTRATE

JUDGE

IN THE COURT OF COMMON PLEAS
FAIRFIELD COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

_____, *
Plaintiff/Petitioner, * CASE NO. _____
vs. *
_____, *
Defendant/Respondent/Petitioner. * AGREED JUDGMENT ENTRY
FOR CHANGE OF CUSTODY

The Court is advised that the parties hereto agree that there has been a change of circumstances since this Court's prior custody order and that the best interest of the minor child(ren), _____, requires a change of custody from _____ to _____, and all persons whose consent to the change is required have and do consent thereto, as evidenced by their signature on this order.

This Court finds that said change of custody is in the best interest of the child(ren) and that all parties whose consent is required have consented to said change. Therefore this Court ORDERS that the care, custody, and control of _____, is placed with _____, and that _____ is entitled to visitation as follows:

All until further Order of this Court

JUDGE

APPROVED:

MOTHER

FATHER

IN THE COURT OF COMMON PLEAS
FAIRFIELD COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

_____, *
Plaintiff/Petitioner, * CASE NO. _____
vs. *
_____, *
Defendant/Respondent/Petitioner. * NOTICE OF HEARING

Take notice that a hearing in the above-captioned Motion for Modification of Residential Parent and Legal Custodian has been scheduled for the _____ day of _____ at _____ .m. in the Court of Common Pleas of Fairfield County, Ohio.

JUDGE, COURT OF COMMON PLEAS

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
DOMESTIC RELATIONS COURT

Plaintiff / Petitioner

Case No. _____

v.

Judge _____

Defendant / Petitioner

**INFORMATION FOR CHILD CUSTODY
PROCEEDING
(\$3127.73 Ohio Rev. Code)**

NOTE: By law, an affidavit **must** be filed and served with the first pleading filed by each party in every child custody proceeding (allocation of parental rights, legal custody, parenting time, or visitation). Each party has a continuing duty while this case is pending to inform the Court of any child custody proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, attach an additional page.**

My full name is _____ and I state, under oath, that the following information is true:

1. State the name and date of birth for each child who is in issue in this case, the address(es) where each child lived during the past five years, the dates the child lived at each address, and the name of all adults who lived with the child at each address. (If more than four children are in issue, attach a separate page and provide this same information for each additional child.)

Child's Name:			Date of Birth:
Last Five (5) Years		Address	Adult(s) who lived at this address
	to	Present	
	to		
	to		
	to		
	to		

Child's Name:			Date of Birth:
Last Five (5) Years		Address	Adult(s) who lived at this address
	to	Present	
	to		
	to		
	to		
	to		

Child's Name:			Date of Birth:
Last Five (5) Years		Address	Adult(s) who lived at this address
	to	Present	
	to		
	to		
	to		
	to		

Child's Name:			Date of Birth:
Last Five (5) Years		Address	Adult(s) who lived at this address
	to	Present	
	to		
	to		
	to		
	to		

2. The names and **current** addresses of all adults listed in #1 are:

Adult's Name	Current Address

3. Have you participated as a party, a witness, or in any other capacity in any other proceeding concerning the allocation of parental rights and responsibilities for these child(ren), including any proceeding concerning parenting time rights, visitation, or the designation of residential parent and legal custodian?

Yes. No.

If you answer "Yes", state the name and address of the court, the case number, and the date of the proceeding.

4. Do you know of any other proceeding that could affect the current proceeding, including a proceeding for enforcement of a child custody determination, a proceeding relating to domestic violence or protection orders, a proceeding to adjudicate the child as an abused, neglected, or dependent child, a proceeding seeking termination of parental rights, or a proceeding for adoption?

Yes. No.

If you answer "Yes", state the name and address of the court or agency, the case number, and the nature of the proceeding.

5. Do you know of any person who is not a party to this proceeding and who has physical custody of the child(ren), claims to be the residential parent and legal custodian of the child(ren), or claims to have parenting time or visitation rights with respect to the child(ren)?

Yes. No.

6. Do you know of any child support order for the child(ren) that has been issued by any court or agency?

Yes. No.

If your answer is "Yes", state the name and address of the court or agency that issued the order and the case number.

7. I understand that I must inform the Court if I learn of any other child custody proceeding concerning the child(ren) that could affect the current proceeding.

OATH OF AFFIANT

I hereby swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury under Ohio Revised Code 2921.11.

AFFIANT

Sworn to and subscribed before me on this ____ day of _____, _____.

NOTARY PUBLIC

**IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

Plaintiff/Petitioner
-vs-/-and-

Case No.: _____

Defendant/Petitioner

**FINANCIAL AFFIDAVIT/MOTION
FOR TEMPORARY ORDERS/AFFIDAVIT
OF HEALTH INSURANCE COVERAGE**

_____, Affiant(s), being duly sworn, say(s):

PART A - TEMPORARY RELIEF REQUESTED

I am requesting the following relief:

- | | |
|--|--|
| <input type="checkbox"/> Financial Disclosure Only | <input type="checkbox"/> Spousal Support |
| <input type="checkbox"/> Residential Parent Allocation | <input type="checkbox"/> Debt Allocation |
| <input type="checkbox"/> Companionship Only | <input type="checkbox"/> Legal Fees and Expenses
(Amount Requested _____) |
| <input type="checkbox"/> Child Support | <input type="checkbox"/> Other (Please Specify)
_____ |

PART B - NOTICE OF HEARING

This matter shall come on for non-oral hearing on affidavits only (parties and counsel need not appear) on the _____ day of _____, 20____ at _____ .m.

PART C - CASE INFORMATION		
	Husband	Wife
Full Name		
Street Address		
City/State/Zip		
Telephone		
Social Security No.		
Date of Birth/Age		
Date Married	When Separated	Number of Children
Children's Ages	With Whom Children Live	Number of Dependents
Children's Address	Home Rented or Owned? ____ Occupied By _____	Number of Dependent Children by Previous Marriage - H ____ W ____

PART D - ANNUAL INCOME

	Husband	Wife
Employer/Source of Income		
Street Address		
City/State/Zip		
Telephone		
Gross annual wages or self employment income * (excluding overtime and bonuses)	\$	\$
Gross annual overtime or bonuses	\$	\$
Gross annual unemployment benefits	\$	\$
Gross annual worker's compensation	\$	\$
Gross annual interest or dividends	\$	\$
Child support received for other children	\$	\$
Spousal support received from prior marriage	\$	\$
Other: (eg. pensions, annuities, etc.)	\$	\$
TOTAL GROSS ANNUAL INCOME:	\$	\$
*Attach Verification - Current Pay Stub, W-2's, Tax Return, Etc.		
Deductions from Income		
Income Tax Actually Paid (Federal/State/Local)	\$	\$
F.I.C.A.	\$	\$
Mandatory Retirement Plan	\$	\$
Union Dues	\$	\$
Health Insurance Coverage	\$	\$
Child Support Withheld From Income	\$	\$
Spousal Support Withheld From Income	\$	\$
TOTAL ANNUAL DEDUCTIONS:	\$	\$
TOTAL NET ANNUAL INCOME:	\$	\$

PART E - FINANCIAL DISCLOSURE

LIST ALL CASH AND FUNDS ON DEPOSIT IN ANY AND ALL ACCOUNTS IN ANY BANK, SAVINGS AND LOAN, CREDIT UNION OR OTHER FINANCIAL INSTITUTION. ACCOUNT MAY INCLUDE ONE OR MORE OF THE FOLLOWING: CHECKING, CERTIFICATE OF DEPOSIT, INVESTMENT, SAVINGS, INDIVIDUAL RETIREMENT, STOCK OPTION, ETC. NOTE - YOU ARE REQUIRED TO DISCLOSE ALL FUNDS IN WHICH YOU HAVE AN INTEREST REGARDLESS OF THE NAME IN WHICH THESE FUNDS ARE HELD. INCLUDE CASH OVER \$250.00.

Name of Financial Institution	Address	Account Number	Name On Account	Balance

PART F - DEPENDENT INFORMATION

LIST EACH BIOLOGICAL OR ADOPTIVE MINOR CHILD, NOT THE SUBJECT OF THIS ACTION, LIVING WITH EITHER PARTY. (DO NOT INCLUDE THE CHILD(REN) INVOLVED IN THIS ACTION. DO NOT INCLUDE STEP-CHILDREN.)

Husband's Household		Wife's Household	
Child's Name	Date of Birth	Child's Name	Date of Birth

PART G - EXPENSES

STATE YOUR ACTUAL EXPENSES PER MONTH:

	Husband		Wife	
1. Rent (Not to include mortgage payments)	\$		\$	
2. Utilities				
a. Gas	\$		\$	
b. Electric	\$		\$	
c. Phone	\$		\$	
d. Other (Identify)	\$		\$	
3. Insurance	\$		\$	
a. Auto	\$		\$	
b. Life	\$		\$	
c. Health (Not withheld from income)	\$		\$	
4. Uninsured Medical/Dental	\$		\$	
5. Clothing	\$		\$	
6. Groceries & Household Supplies	\$		\$	
7. Transportation				
a. Fuel	\$		\$	
b. Maintenance & Repairs	\$		\$	
8. Work-Related Child Care (Attach verification)	\$		\$	
9. Child Support Paid For Other Child(ren) (Not withheld from income)	\$		\$	
10. Spousal Support Paid For Ex-Spouse	\$		\$	
11. Other (Please identify)	\$		\$	

PART H - DEBTS

LIST **ALL** DEBTS OWED BY EACH PARTY, WHETHER ALLEGED TO BE MARITAL OR SEPARATE DEBT. **DO NOT INCLUDE ANYTHING LISTED IN PART G AS EXPENSES.**

Secured Creditors	Debtor H W J	Person in Possession, Use or Occupancy	Principal	Monthly Installment
Mortgage				
2nd Mortgage				
Auto				
Auto				
Other				
Unsecured Creditors	Debtor H W J		Principal	Monthly Installment

PART I - GROUP HEALTH INSURANCE FOR MINOR CHILDREN

INSTRUCTIONS: **IF MINOR CHILDREN ARE INVOLVED IN THIS ACTION**, ANSWER THE FOLLOWING QUESTIONS ABOUT THE AVAILABILITY, COST, AND COVERAGE OF GROUP HEALTH INSURANCE FOR THE MINOR CHILDREN. **IF MINOR CHILDREN ARE NOT INVOLVED IN THIS ACTION, DO NOT COMPLETE PART I.**

	Husband	Wife
AVAILABLE THROUGH EMPLOYER (Yes or No)		
AVAILABLE THROUGH NON-EMPLOYER (Yes or No)		
NAME AND ADDRESS OF INSURANCE COMPANY		
GROUP POLICY NUMBER		
COST TO YOU OR THE OTHER PARTY PER YEAR: (For children only)	\$	\$
Summarize the benefits of each plan (ie. DEDUCTIBLES, CO-PAYMENTS, HMO, COMPREHENSIVE, MAJOR MEDICAL, DENTAL, OPTICAL, ETC...).		
<u>Husband's Policy:</u>		
<u>Wife's Policy:</u>		

Affiant

Sworn to and subscribed before me this ____ day of _____, 20__.

Notary Public

Affiant

Sworn to and subscribed before me this ____ day of _____, 20__.

Notary Public

**FAIRFIELD COUNTY COMMON PLEAS COURT
DOMESTIC RELATIONS DIVISION
RULE 17.0 STANDARD PARENTING TIME ORDER
(EFFECTIVE FOR CASES DECIDED AFTER MARCH 1, 2004)**

17.1 LOCAL PARENTING TIME. The following schedule is applicable to those situations where the parties live within 150 miles of each other. The primary goal of any parenting time schedule is to maintain contact between the non-residential parent and the child(ren). The optimum parenting time schedule is where the parties agree to be as flexible as possible.

17.11 Regular Parenting Time. The non-residential parent shall have parenting time on alternate weekends from Friday, 6:00 p.m. until Sunday, 6:00 p.m.; however, if the preceding Friday or the following Monday of that weekend is a holiday during which the non-residential parent is scheduled to have parenting time, then parenting time will be expanded to include the holiday by beginning Thursday evening at 6:00 p.m. (if Friday is the holiday) or shall extend through Monday to 6:00 P.M. (if Monday is the holiday).

The non-residential parent will have mid-week parenting time of 5:00 p.m. to 8:00 p.m. on Wednesday evening every week. At the discretion of the non-residential parent, if he or she has the facilities and is able to take the child to school on Thursday morning this parenting time period may extend all night Wednesday and the non-residential parent must provide transportation and deliver the child to school on Thursday morning or to the residence of the residential parent or to daycare by 9:00 a.m. Thursday morning.

17.12 Holidays. For the following listed holidays:

- | | |
|----------------------------|---------------------|
| (1) Martin Luther King Day | (3) President's Day |
| (2) Easter or Passover | (4) Memorial Day |
| (5) July 4th | (6) Veteran's Day |
| (7) Labor Day | |

the parenting time schedule shall be:

For the years ending with an odd number, the non-residential parent shall have parenting time on the above odd numbered holidays, and the residential parent shall have parenting time on the above even numbered holidays. For the years ending with an even number, the non-residential parent shall have parenting time on the above even numbered holidays, and the residential parent shall have parenting time on the above odd numbered holidays. Parenting time shall be from 6:00 p.m. the day before the holiday to 6:00 p.m. of the holiday except that with notice to the other parent, the July 4th return may be delayed until the following morning at 9:00 a.m.; however, where a non-residential parent's work schedule would not permit this parenting time, the holiday parenting time will be restricted to the hours the non-residential parent can actually spend with the child(ren) between 9:30 a.m. to 8:30 p.m. (except July 4th as noted above) unless notice is given that the child(ren) will be staying with grandparents during the holiday parenting time. Holidays shall take precedence over regular weekend parenting time.

17.13 Days of Special Meaning. Mother's Day shall always be with the children's mother and Father's Day Shall always be with the Children's father, **regardless of the weekend parenting time schedule.** If the parties cannot agree, the times shall be 9:30 a.m. to 6:00 p.m.

The Child(ren)'s birthdays shall always be with the mother in years ending with even numbers and always with the father in years ending with odd numbers. The non-residential parent must provide one week's notice of the intent to have parenting time for the birthday. If the parties cannot agree, the parenting time shall be 10:00 a.m. to 7:00 p.m. if the birth falls on a non-school day for the child and a non-working day for the designated parent. If it is the child's school day or the designated parent's work day, the parenting time shall be 5:00 P.M. to 8:00 P.M. The child(ren)'s

birthday parenting time Schedules take precedent over all other designated parenting times. Brothers and sisters shall be permitted to attend the birthday event.

17.14 Extended Holiday Periods. There are certain holiday periods where school age children receive additional time of from school during spring breaks, Thanksgiving and Christmas.

For the years ending in even numbers, the non-residential parent shall have, and for the years ending in odd numbers, the residential parent shall have parenting time as follows:

(1) Thanksgiving break: Wednesday before Thanksgiving from 6:00 p.m. to Friday after Thanksgiving at 6:00 p.m.

(2) Spring break: 6:00 p.m. the first day of the break through 6:00 p.m. of the last day before school vacation ends. If the child is not of school age, the school schedule for the school district in which, the residential parent resides shall determine the Spring break dates.

17.15 Christmas Parenting Time. For the years ending in even numbers, the non-residential parent shall have, and for the years ending in odd numbers, the residential parent shall have Christmas parenting time from 6:00 P.M. on the last day of school before Christmas break until 2:00 p.m. on December 25.

For the years ending in odd numbers, the non-residential parent shall have, and for years ending in even numbers, the residential parent shall have Christmas parenting time from 2:00 p.m. on December 25 until 6:00 P.M. on January 1.

If the child is not of school age, the school schedule for the school district in which the residential parent resides shall determine the Christmas break dates.

17.16 Summer Vacations. The non-residential parent shall have the opportunity to have the child(ren) for five (5) weeks during the summer vacation which may be exercised in two blocks of no more than three weeks separated by at least 14 days. During summer vacation there will be reciprocal weekends and mid-week parenting time for the residential parent. Provided also that the parties shall each have two weeks of uninterrupted parenting time with the children without parenting time with the other.

Both the residential and the non-residential parent shall provide the other party with notice of the weeks during which he or she intends to exercise summer vacation with the minor child(ren) on or before April 15 of that year. The non-residential parent's choice of vacation has priority over the residential parent's choice **unless** the residential parent's vacation is during a mandatory shut-down of that party's employer.

17.17 Transportation.

The non-residential parent is responsible for all transportation associated with midweek parenting time. The transportation associated with all other parenting times shall be equally divided between the parents as follows: The child(ren) shall be picked up at the home of the residential parent by the non-residential parent, or a designated driver, at the beginning of the non-residential parent's time. The residential parent, or a designated driver, shall pick up the child(ren) from the non-residential parent's home at the beginning of the residential parent's time.

**17.2 LONG DISTANCE PARENTING TIME
(FOR PARTIES RESIDING OVER 150 MILES APART)**

The intent of long distance parenting time (over 150 miles) is the same as when the parties are located reasonably close to one another and that is to maintain contact between the child(ren) and the non-residential parent. Both parties are encouraged to be as flexible as possible concerning parenting time.

17.21 Extended Holiday Periods. The non-residential parent shall have parenting time:

(A) Thanksgiving: From 6:00 p.m. Wednesday (before Thanksgiving Day) to Sunday, 6:00 p.m.

(B) Spring Break: From 6:00 p.m. of the first day of the break to 6:00 p.m. of the day before school starts.

(C) Christmas Break: From 3:00 P.M. Christmas Day (or Hanukkah) to 6:00 p.m. on the last day before school resumes after New Year's Day.

If the child is not of school age, the school schedule for the school district in which the residential parent resides shall determine the Spring and Christmas break dates.

17.22 Summer Vacation. The non-residential parent shall have seven (7) weeks of summer parenting time with the child(ren) which shall be exercised at the discretion of the non-residential parent in two blocks of not more than four weeks separated by at least two weeks. During summer vacation there will be reciprocal weekends for the residential parent if travel time is less than six hours (round trip). In any event, with school age children, the child shall be returned to the residential parent at least one week prior to the start of school. The only exception would be where the residential parent's vacation is controlled by mandatory shut-down of employer's operations. The non-residential parent shall provide the residential parent with notice of the weeks during which he or she intends to exercise summer vacation with the minor child(ren) on or before April 15 of that year.

17.23 Additional Vacation Times. The non-residential parent may exercise additional parenting time with the child(ren) as follows:

(A) Where the travel time does not involve more than six hours (round trip), the non-residential parent may exercise each year one period of parenting time for a three day weekend during a holiday otherwise designated for a non-residential parent under Rule 17.12 beginning at 4:30 p.m. the day before the first day of the three day weekend to 8:30 p.m. of the last day of the three day weekend. The non-residential parent must provide a thirty day notice of intent to exercise this parenting time.

(B) If the non-residential parent elects to travel to the area where the child(ren) normally reside, the non-residential parent may exercise parenting time pursuant to Rule 17.13 except the following times would apply:

(1) Mother'S/Father'S Day: 1:00 p.m. to 5:00 p.m.

(2) Non-residential Parent's Birthday: 1:00 p.m. to 5:00 p.m. (Non-school days); 6:00 p.m. to 8:30 p.m. (school days); (if both parents have same birth date, they are to alternate).

(3) Child(ren)'s Birthday: 1:00 p.m. to 5:00 p.m. (non-school days), 6:00 p.m. to 8:30 p.m. (school days).

(C) If the non-residential parent intends to exercise this additional parenting time, fourteen (14) days notice must be given to the residential parent. Unless the order or decree specifies otherwise, the non-residential parent shall be responsible for the costs of transportation for any parenting time exercised under this Section 17.23.

17.24 Transportation. Where the parties reside more than 150 miles apart, the parties will divide the hours of transportation and the expense as evenly as possible.

17.3 PARENTING TIME WITH INFANTS (AGE BIRTH TO 18 MONTHS)

The court recognizes that parenting time with infants raises special concerns for the parties because of the care, skill and needs of the infant. During this most formative of times it is important that both parents are able to observe, share and participate in activities with the infant. The court encourages the non-residential parent to have frequent short visits with the infant at the beginning, with more and longer visits as the infant grows and the comfort level for the infant and parent increases.

17.31 Birth to twelve months. The non-residential parent shall have parenting time from 2:00 P.M. until 6:00 p.m. on Sundays and 5:00 p.m. to 8:00 p.m. on Wednesdays, every week.

17.32 Twelve months to 18 months. The non-residential parent shall have parenting time from 10:00 a.m. on Saturdays to 6:00 p.m. on Sundays, and from 5:00 p.m. to 8:00 p.m. on Wednesdays, every week.

17.33 After 18 months. Regular parenting time schedule applies.

17.34 Special Situations. If the parties have an infant who is younger than 18 months of age and either parent does not believe this infant schedule is appropriate in their circumstances then, upon the request of either parent, the court will schedule an oral hearing for the purpose of establishing a reasonable parenting time schedule. Said hearing will be scheduled for 30 minutes, allowing each parent 15 minutes to present his/her case.

17.4 GENERAL RULES (APPLICABLE TO ALL PARENTING TIME ORDERS)

(A) **Notice.** Parents have a right to visit their child(ren) and the child(ren) has the right to prepare for and expect a visit. Notice of the intent not to visit shall be given 24 hours in advance. The child(ren) must only be available for 30 minutes past the scheduled pick-up unless prior arrangements have been made by the parties.

(B) **Special situations.** When the residential parent will be gone overnight regardless of the age of the child(ren), the non-residential parent shall be afforded the opportunity to exercise overnight parenting time.

(C) **Telephone.** Each parent shall have telephone contact of reasonable frequency and duration with the child(ren) while in the physical custody of the other parent. Each parent shall provide the other with appropriate telephone numbers.

(D) **Address.** Each parent shall provide the other parent and the Court with any change in residential address promptly and in accordance with the Notice of Relocation required by the Ohio Revised Code.