

**MARSHALL COUNTY UNIFIED FAMILY COURT**  
**STANDARD CUSTODY AND VISITATION ORDER**  
**EXHIBIT "A"**

Parents are urged to work out custody and visitation arrangements that suit their individual children and own personal lives. To the extent that they do not clearly agree otherwise they are bound by the following rules:

The party having custody is hereinafter called the "Custodial Parent" or "Custodian".

The party not having custody, hereinafter called the "Visiting Parent", shall have the following right to visitation with the minor child or children of the parties:

**USUAL TIMES OF VISITATION**

1. On the first, third, and fifth Fridays of each month from 6:00 p.m. on Friday until 6:00 p.m. the following Sunday, except that there shall be no visitation beginning the third Friday in the Month of December in even numbered years. The first Friday of a new month is deemed by this Court to be the first week-end of each month.

2. Each Tuesday from 6:00 p.m. through Wednesday morning at time for school / daycare to start, or if the child(ren) is/are not in school or daycare, until 8:00 a.m. Wednesday. This provision is not applicable if the visiting parent lives a distance of more than 45 miles (45 mile radius, not road miles) from the custodial parent. Tuesday visitation does not occur during the following times: (a) Spring or Fall Vacation designated by the custodian; and (b) the week before and after Christmas when the custodian has the child or children as provided below.

3. In odd numbered years from the time school recesses for the Christmas holidays until 12:00 noon Christmas Day. In even numbered years Christmas Day from 12:00 noon until 12 noon the following New Year's Day. Christmas visitation supersedes any scheduled weekday or weekend visitation that conflicts. The custodial parent shall have visitation in even numbered years from the time school recesses for the Christmas holidays until 12:00 noon Christmas Day. The custodial parent shall have visitation in odd numbered years Christmas Day from 12:00 noon until 12 noon the following New Year's Day.

4. The parties shall rotate custody of the minor child during the summer vacation time from school seven days on and seven days off with the exchange on Friday at 6:00 p.m. The non-custodian's first seven days shall begin with the first Friday of the month of June each calendar year. The parties shall cease the rotation of the seven on-seven off as of the last Friday prior to the first day of school starting of the new school year in August.

5. Thanksgiving holidays from 12:00 p.m. on Wednesday, the day before Thanksgiving, through 6:00 p.m. on Sunday immediately following Thanksgiving, in even numbered years. It is intended that the custodial parent have this same time during the odd numbered years. Thanksgiving visitation supersedes any scheduled weekend visitation that conflicts therewith.

6. Every birthday of each child from 6:00 p.m. on that date until 8:00 a.m. the following day, or at the time for school to start.

7. Every birthday of each parent, with the parent having the child from 6:00 p.m. on that date until 8:00 a.m. the following day or at the time for school to start.
8. On Father's Day the father shall have the child or children from 9:00 a.m. until 6:00 p.m. whether or not such conflicts with other provisions.
9. On Mother's Day the mother shall have the child or children from 9:00 a.m. until 6:00 p.m. whether or not it conflicts with other provisions.
10. Spring and Fall Vacations shall apply if one or more of the children are attending school, beginning with kindergarten. Spring and Fall Vacations shall be exercised as follows:
  - a. Each parent shall have the children for 50% of the holiday period. The holiday period is the days that the children would normally be in school but are not due to the holiday. The parent that had the children the night before the holiday period begins shall have the children during the first half of the holiday and the other parent will have the children for the second half of the holiday period. (Example: If the children have Monday, Tuesday, Wednesday off for Fall Break, the parent who had them the Sunday night before the break will keep them until noon on Tuesday, then the other parent will keep them through Wednesday then resume the normal custody schedule).
  - b. When the child(ren) is/are "home schooled" the parents shall follow the provisions of paragraph (a) above.
  - c. In the event that either parent has children in his or her household whose school breaks do not fall at the same time as the children of the parties, the parties are encouraged to work together to coordinate so that any planned vacation or outing during such break can be accomplished.
11. Easter Weekend: from noon on Saturday before Easter until the following day on Sunday at 6:00 p.m in each odd-numbered years, regardless of whether such conflicts with other provisions.
12. Special Family Events: Each parent shall have the child(ren) with him or her for special family events, such as weddings and funerals which pertain to members of the parent's immediate family (parents, grandparents, siblings and/or other children). Provided, however, that no such periods shall, without the other parent's prior consent, interfere with nor deprive a parent of his or her holiday, spring or fall break, other special occasion time as outlined above, or out-of-town vacation periods with the children (so long as appropriate notice has been given regarding the vacation as set out below). The parent seeking to have the children with him or her for the special family event shall provide as much advance notice to the other parent as possible. When the event falls on a weeknight or weekend when the children would normally not be with the parent who wishes to take them to the special event, the parent shall attempt to agree to switch weeknights or weekends, as the case may be. If the parents cannot otherwise agree, the make-up time shall be in an equal number of days as those used and shall be made up during the next time the children are scheduled to be with the parent requesting the special time.

13. If the child(ren) are not in school or not of school age then for the purposes of determining the above visitation schedule the parties will follow the school calendar of the school system where the custodial parent resides.

**14. Parents are allowed to vary from the Court-ordered parenting time/custodial schedule by mutual agreement. In fact, the Court hopes that parents will be flexible in dealings regarding the children. However, if parents are not both in agreement, the parenting time/custodial schedule entered by the Court is to be followed.**

#### **GENERAL TERMS OF CUSTODY AND VISITATION**

A. Care and Supervision- The Custodian, will provide the child or children with regular nutritious food, clean and appropriate clothing, sanitary and reasonable living and sleeping quarters, appropriate medical examinations and treatments, and guidance and counsel in worldly and spiritual matters. The Custodian will train the child or children to obey and respect their teachers and the law, require the child or children to attend all regular sessions of school until graduation unless excused for medical reasons or by the Court, and personally supervise and control the conduct and activities of the child or children except, when they in the immediate care of another competent person.

Neither party shall engage in, or permit in the presence of the children, any excessive drinking of alcoholic beverages, use of illegal controlled substances, abuse of prescription medications, immoral conduct, obscenities, violence, or words or actions showing disrespect for law and order or the other parent. Likewise, the child or children shall not be in any motor vehicle operated by any one under the influence of or abusing prescription medications. Neither party shall permit the child or children to be in a motor vehicle operated by a person who has consumed any alcohol or illegal controlled substances whatsoever.

Neither party shall allow any person of the same or opposite sex to whom he or she is not related by blood or marriage, and with whom he or she has been or is involved in a romantic and/or sexual relationship to remain in the home overnight or between the hours of 10:00 p.m. and 8:00 a.m. while the children are present.

The Custodian will advise the Visiting Parent of all school or police disciplinary contacts, accidents, illness or medical contacts and reports of a serious nature, important developments in the lives and activities of the children including school grades and within 14 days, intended changes in the child's school system, withdrawals or decisions to home school.

The Visiting parent is still the parent of the child or children and their rights and duties as a parent are not ended except to the extent specifically provided for and necessary to carry out the judgment of the Court. The Visiting Parent has the right and duty to share with the Custodian, to the extent practical, major decisions affecting the welfare of the child or children. The Visiting Parent has the right to discuss with school authorities all matters relating to the education of the child or children and shall have the right to obtain a copy of the child's or children's educational records. The Visiting Parent has the right to discuss with doctors and other medical personnel all matters relating to the health of the child or children and shall have the right to obtain a copy of the child's or children's medical records.

B. Visitation - The Visiting Parent shall provide all transportation by a licensed driver necessary for visitation and may take the child or children to such reasonable activities as the Visiting Parent may determine, including but not limited to brief travel out of state. The Visiting Parent shall briefly explain to the Custodian any unusual plans or activities at the beginning of any visitation period and must inform the other parent if out of state travel is planned. The Custodian shall have the child or children ready and available promptly for all visits. The Custodian shall provide all clothing reasonably necessary for each visit and, if advised in advance, the Custodian shall provide the child or children with such special and additional clothing as may be appropriate for the planned activities, to the extent the Custodian has such clothing. All clothing shall be returned by the Visiting Parent at the end of the visit, clean if possible, and the Visiting Parent shall immediately replace or pay for all clothing lost or damaged regardless of fault.

Neither party has a duty to wait for the other parent for an exchange for more than fifteen minutes after the designated start of the parenting time. However, should the parent give notice of a reasonable delay then the parent shall exercise good faith in waiting.

The party ending their parenting/visiting time must ensure the other parent is provided with any personal possessions the child may need during the child's stay with the other parent. This includes any items that the child may need for participation in any extracurricular activities or any other scheduled activities.

In the event a child or children is/are invited or desire(s) to participate in other activities which may interfere with a visit, the Custodian shall not encourage, permit, or consent thereto without previous approval of the Visiting Parent. The Visiting Parent may correspond with the child or children and Custodian shall not censor such correspondence. The Visiting Parent may telephone the child or children from time to time and if the Custodian objects that the calls are excessive, such calls shall not exceed one call per day nor more than fifteen minutes at time. The Custodial Parent may telephone the child or children from time to time while the child or children is/are with the Visiting Parent, but such call shall not exceed one time per day, for no more than 15 minutes at a time. Neither parent shall participate in or listen in on such calls. In the event that the child has his or her own cell phone, then the calling parent is to call the child's phone for phone visitation. The child is to be instructed by both parents to answer when the other one calls. Neither parent is to call the child repeatedly if he or she fails to answer a call. In the event that after two hours the child still has not answered the parent's call, the calling parent may call the other parent's phone to try to reach the child. Each parent shall allow the calls to occur as set out herein and if missed, shall allow the child or children to return a missed phone call. Phone visitation should occur during times the child would normally be awake and should not occur after the child's normal bedtime. Parents should also be mindful of the child's schedule in exercising phone visitation and should not call the child when they know he or she will be away from the phone or unavailable to talk.

The Visiting Parent shall return the child or children at the end of each visit at the appropriate time and shall take all reasonable steps to notify the Custodian of any change in plans or any delay caused by the unforeseen circumstances in returning the children.

Children do not have the right to "choose" to visit or not visit. In the event that the child does not want to visit for whatever reason, the parents are instructed to work together to encourage the child to visit and to facilitate the same. It is the Custodial Parent's duty to make the child available for all scheduled visitation. After a child has reached age 13, parents should pay more

and more attention to the child's personal plans and consider altering their plans to accommodate the child's wishes. After a child has reached the age of 16 and is being allowed to drive to visitation, the visiting parent should work with the child about changing or canceling visitation based upon the child's school and social activity schedule.

C. Interference - Neither parent will intrude upon the privacy of the other, nor falsely make nor imply any mean, nasty, derogatory or deprecatory statements about the other to anyone, nor prevent nor restrict nor in any way interfere with the other's rights granted by the Court. The parents and all persons subject to their control are enjoined and restrained from doing or attempting to do, or threatening to do any act of injuring, maltreating, vilifying or molesting the adverse party, or any of the children. The Court strongly discourages saying unkind, degrading and similar things about the other parent in the child's or children's presence even if such things are true.

Both parents shall encourage the minor children to love, respect and honor the other parent. Neither of them shall alienate or attempt to alienate or diminish the affection of the minor children for the other parent or disparage or allow others to disparage the other parent to or in the presence of the minor children.

Neither parent shall knowingly expose the children to conflict between the parents.

D. Failure Of Other Party - Refusal to allow the Visiting Parent their right of visitation is not grounds for the Visiting Parent to withhold support for the child or children. Failure of the Visiting Parent to pay support for the child or children is not grounds for refusal by the Custodian to allow visitation. Only the Court has the right to punish for failure to comply with its orders.

E. Providing A Method To Contact Child(ren) During Overnight Trips Or Vacations – In the event the child does not have access to a cell phone to use for contact with the parents, both parties shall be required to furnish a phone number and physical address where they can be contacted when the child or children is/are taken out of town on an overnight trip or vacation. This is to enable a parent to reach the child or children in the event of an emergency and to further provide for phone visitation.

### **RELOCATION REQUIREMENTS**

Alabama law requires each party in this action who has either custody of or the right of visitation with a child to notify the other party who has custody of or the right of visitation with the child of any change in his or her address or telephone number, or both, and of any change or proposed change of principal residence and telephone number or numbers of a child. This is a continuing duty and remains in effect as to each child subject to the custody or visitation provisions of this decree until such child reaches the age of majority or becomes emancipated and for so long as you are entitled to custody of or visitation with a child covered by this order. If there is to be a change of principal residence by you or by a child subject to the custody or visitation provisions of this order, you must provide the following information to each other person who has custody or visitation rights under this decree as follows:

- (1) The intended new residence, including the specific street address, if known.
- (2) The mailing address, if not the same as the street address.

- (3) The telephone number or numbers at such residence, if known.
- (4) If applicable, the name, address, and telephone number of the school attended by the child, if known.
- (5) The date of the intended change of principal residence of a child.
- (6) A statement of the specific reasons for the proposed change of principal residence of a child, if applicable.
- (7) A proposal for a revised schedule of custody of or visitation with a child, if any.
- (8) Unless you are a member of the Armed Forces of the United States of America and are being transferred or relocated pursuant to a non-voluntary order of the government, an objection to the relocation must be made within 30 days of receipt of the notice or the relocation will be permitted.

You must give notice by certified mail of the proposed change of principal residence on or before the 45th day before a proposed change of principal residence. If you do not know and cannot reasonably become aware of such information in sufficient time to provide a 45-day notice, you must give such notice by certified mail not later than the 10th day after the date that you obtain such information.

Your failure to notify other parties entitled to notice of your intent to change the principal residence of a child may be taken into account in a modification of the custody of or visitation with the child.

If you, as the non-relocating party, do not commence an action seeking a temporary or permanent order to prevent the change of principal residence of a child within 30 days after receipt of notice of the intent to change the principal residence of the child, the change of principal residence is authorized.

The provisions concerning notification do not apply to a change of principal residence of a child to a residence which is 60 miles or less from the residence of the non-relocating parent or if the change or proposed change results in the child residing nearer to the non-relocating parent than before the change or proposed change, unless the change or proposed change results in the child living in a different state.

**Standard Out-of-State Visitation/Physical Custody Schedule**  
**(In the event the parents reside more than 150 miles from each other)**

The non-custodial parent shall have the following visitation:

1. Weekends: First and Third weekends of each month from 6:00 p.m. on Friday until 6:00 p.m. the following Sunday. The first Friday of a new month is deemed by this Court to be the “first weekend” of the month. This visitation is subject to the following conditions:
  - a. The non-custodial parent shall give the other parent at least five days' advance notice of intent to exercise visitation.
  - b. The non-custodial parent shall bear all costs of transportation attendant to the visitation.
  - c. If transportation is provided by air travel, the parents shall abide by all the applicable airline rules and regulations regarding the travel for minor children. In the event airline travel can be accomplished through means of direct flights (as opposed to connecting flights) wherein the non-custodial and/or custodial parent is not required to travel more than 100 miles from his/her residence to meet a flight, the flights of the children shall be direct. This is to reduce the risk of diverted, cancelled or delayed flights.
2. School Spring/Fall Visitation: from 9:00 a.m. on the first Saturday following the last day of school (recognized by the district in which the child resides or, if the child attends school, recognized by the school district in which the child is enrolled) until 6:00 p.m. on Sunday at the end of Spring Vacation in odd-numbered years; the same schedule will be followed in even-numbered years for the Fall Vacation period (provided that the district in which the child resides and/or is enrolled in school exercises such Fall Visitation). These periods of visitation supersede the weekend visitation rights. This visitation shall be subject to the conditions set forth in subparagraphs 1(a) through (c) above.
3. Summer: From 6:00 p.m. on June 15th until 6:00 p.m. on July 15th each year. The parents shall share equally in the reasonable costs of transportation connected with the exercise of the non-custodial parent's summer visitation as follows: The non-custodial parent shall cause the child to be delivered to his or her residence no later than 6:00 p.m. on June 15th, and the custodial parent shall cause the child to be delivered back to his or her residence no later than 6:00 p.m. on July 15th at the end of such visitation.
4. Easter Weekend: On Easter Weekend from Friday before Easter at 6:00 p.m. until Easter Sunday at 6:00 p.m. in each odd-numbered year, such to supersede weekend visitations. This visitation shall be subject to the conditions set forth in subparagraphs 1(a) through (c) above.
5. Thanksgiving Weekend: From 6:00 p.m. on the day school is recessed for said holiday until 6:00 p.m. on the Sunday following in odd-numbered years, such to supersede weekend visitations. This visitation shall be subject to the conditions set forth in subparagraphs 1(a) through (c) above.
6. Christmas: In even-numbered years, from 9:00 a.m. on December 20th until 6:00 p.m. on December 26th; and in odd-numbered years, from 6:00 p.m. on December 26th until 6:00 p.m.

on January 2nd, next following, such to supersede weekend visitations. The parents shall share equally in the reasonable costs of transportation connected with the exercise of the non-custodial parent's summer visitation as follows: The non-custodial parent shall cause the child to be delivered to his or her residence no later than the appointed time, and the custodial parent shall cause the child to be delivered back to his or her residence no later than the appointed time at the end of such visitation.

7. Child's Birthday: On the child's birthday from 6:00 p.m. until 9:00 p.m. This visitation shall be subject to the conditions set forth in subparagraphs 1(a) through (c) above. If the non-custodial parent is exercising visitation with the child on the child's birthday pursuant to other provisions herein, then the custodial parent shall have visitation with the child from 6:00 p.m. until 9:00 p.m. on the child's birthday. The visitation shall be subject to the conditions set forth in subparagraphs 1(a) through (c) above. It is the Court's intention that both parents have an opportunity to be with the child on the child's birthday.

8. Weekend of Father's Day: The Father shall have visitation from Friday at 6:00 p.m. until Sunday at 6:00 p.m., regardless of whether such conflicts with other provisions set forth above.

9. Weekend of Mother's Day: The Mother shall have visitation from Friday at 6:00 p.m. until Sunday at 6:00 p.m., regardless of whether such conflicts with other provisions set forth above.

10. Holidays Falling on a Monday After a Visitation: If the Monday after a weekend or holiday weekend (Easter/Thanksgiving/Father's Day/Mother's Day) of visitation is a school holiday for the child(ren), the visitation period shall extend until 6:00 p.m. on that Monday.

11. The custodial parent shall be entitled to the same holiday and special occasion periods with the child(ren) in the years opposite those years designated for visitation with the non-custodial parent, regardless of whether it conflicts with the weekend periods of visitation herein awarded to the non-custodial parent. The special occasion and holiday visitations take precedence over the weekend visitation awarded herein.

12. The Visiting Parent may telephone the child or children from time to time and if the Custodian objects that the calls are excessive, such calls shall not exceed two times a week nor more than fifteen minutes at time.

The Court firmly believes that the parent who does not reside with the child(ren) should have, and exercise, liberal visitation rights. Both parents are encouraged to cooperate with each other in expanding this schedule to fit the child(ren)'s needs.

**(end of exhibit)**