

MARSHALL COUNTY UNIFIED FAMILY COURT
JOINT CUSTODY PARENTING PLAN

1. Pursuant to Code of Alabama, §30-3-150 et seq., commonly known as the Joint Custody Statute, the parties shall have joint legal and physical custody of the minor children, and it is the intent of the Court, consistent with the statute, that the child/children have frequent and substantial contact with both parents. It is the opinion of this Court that there is no perfect standard custody and visitation schedule or parenting plan that can address the intricacies of the parties of a particular case especially considering holiday periods. **Parenting time provided for herein shall not preclude other and further parenting time as the parties may from time to time agree and the parties are free at any time to modify the terms of the custody and visitation in the best interests of the child.**

a. Normal Custodial Periods:

The parties will divide their custodial periods of time on a weekly basis, with the exchange occurring on Fridays after school (with the party beginning their custodial week to pick up the child from school), or at 6:00 p.m. if there is no school on any given Friday or until the child becomes school age.

In addition, the non-custodial party shall have a mid-week visitation from Tuesday after school (with the party exercising their mid-week visitation to pick up the child from school) or at 6:00 if there is no school on any given Tuesday until the following morning with the visiting parent dropping off the child at school or at 12:00 p.m. if there is no school on any given Wednesday. **It is the parents' responsibility and duty to communicate with one another regarding the child's school responsibilities and extracurricular activities. The parties may waive, by agreement, this mid week visitation should the exercise of such become impractical or not in the child's best interest. Further the parties shall make reasonable accommodations for pickup up and drop off based on the work schedule of each parent.**

This establishment of custodial and visitation times in no way prevents the non-custodial parent from participating in the life of the child (ie attending school or extracurricular events/functions). The parents are not relegated to the right to be involved with their child only during "their week."

b. Holidays:

In the odd-numbered years, mother has, and in the even-numbered years, father has:

- **Thanksgiving:** from 4:00 p.m. on Wednesday before Thanksgiving, and shall return the child to the other parent on Thanksgiving Day at 2:00 p.m. (There will be no mid-week visitation during the week of Thanksgiving).
- **Christmas:** from 9:00 a.m. on December 24th to 2:00 p.m. on Christmas Day (there will be no mid-week visitation from Dec 23rd through Dec 31st).

In the odd-numbered years, father has, and in the even-numbered years, mother has:

- **Thanksgiving:** from 2:00 p.m. on Thanksgiving, and shall return the child to the other parent on the day following Thanksgiving at 6:00 p.m. unless that Friday begins the parents seven day physical custodial and if so they shall keep the child and begin their regular custodial period. (There will be no mid-week visitation during the week of Thanksgiving).
- **Christmas:** from 2:00 p.m. on Christmas Day to 6:00 p.m. on December 26th (there will be no mid-week visitation from Dec 23rd through Dec 31st).
- **Easter:** from noon on Saturday before Easter, and shall return the children to school on the next

school day following the holiday.

- July 4th: from 9:00 a.m. on July 4 to 9:00 a.m. on July 5.

c. Special Occasions

- Every birthday of each parent, by the parent having the child from 5:00 p.m. on that date until 8:00 a.m. the following day or at the time for school to start.
- Unless the parties can agree otherwise, on the child's birthday, the parent not possessing physical custody on that morning shall have visitation with the child from 6:00 p.m until the following morning at the time or school or 9:00 a.m. if there is no school.
- New Year's shall be spent with the parent who has the child during the regularly scheduled weekly rotation.
- Mother's Day and Father's Day are to be spent with the appropriate parent. These are as agreed or from 9:00 a.m. until 6:00 p.m.
- Each parent shall have the children 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 schedule to be with the parent requesting the special time.

d. School Breaks: The spring and fall (if any) school breaks shall be divided equally, with the exchange on Wednesdays at noon if the parties cannot agree otherwise. If either parent desires to take the child on a trip which would extend longer than their portion of the week they shall give written notice to the other parent within 60 days of the proposed date of the trip within a reasonable amount of information regarding the trip and attempt to work out an arrangement for the missed time to be made up within the month. If such cannot be resolved the matter may be brought before the Court to resolve such in the best interests of the child. The summer schedule shall continue on the week-to-week rotation. However, either party shall give ten-days notice to the other of any week during which that parent intends to take the children out of town for a vacation. Both parties shall be entitled to two full weeks (both weeks at the same time or two separate weeks) of out of town summer vacation periods wherein the mid-week visitation shall not occur. The parties are free to agree to any further, different, or additional visitation terms in writing. When the child(ren) is/are "home schooled" the parents shall follow the provisions of paragraph (d) above.

e. Miscellaneous:

- 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.
- For school-day exchanges, the party ending their parenting time must make sure the other parent is provided with any personal possessions the child may need during the child's stay with the other parent.
- Summer school necessary for the child to pass to the next grade must be attended. Any school requirements take precedence.

- A general itinerary shall be provided by both parents if the child will be taken on vacation out-of-town.
- If a parent does not desire to exercise his or her parenting time on any given holiday, he or she shall give 48 hour notice to the other parent.
- Each parent is always the first choice as a care-giver for any time in excess of eight hours. The Court does not consider time spent with the child's grandparents as "babysitting". The parties shall exchange the names, telephone numbers and addresses for all child-care providers, relatives and others who may temporarily have the child in their care.
- The party receiving physical custody of the child is responsible for transportation. If a party moves from Marshall County, said party will be responsible for the transportation to and from the parenting time.

2. The Court encourages the parties to work together to co-parent the child; both parents shall cooperate with each other in making joint decisions regarding the child's welfare and they both shall encourage the sharing of love, affection, and contact between the child and the other parent. They shall work together to make mutual, joint decisions related to the children; in the event they cannot agree on a major decision, the tie-breaker shall be designated in the final order in the following areas: educational, social and extra-curricular*, non-emergency medical, religious. This does not entitle the "authoritative parent" to dictate decisions regarding the child and if evidence is presented that there is not a good faith attempt to discuss the issues and seek a compromise then the Court will reconsider the allocation of the parental responsibilities.

3. Each party shall pay all day-to-day expenses of the children while they are in that party's care. Each will have clothing and uniforms at their respective homes. The parties will share all major expenses of the children equally, including extracurricular expenses* such as ball, band, dance or school registration fees and supplies.

*The Court will take a very conservative stance on extra-curricular activities and the reimbursement of the same. While these activities are beneficial to the child in most cases, these decisions must be based on the reasonableness of the cost and each party's ability to afford the same.

4. The parties will maintain health insurance on the minor children in the same manner in which it currently exists, unless the parties agree or the Court orders otherwise. Each party shall pay one-half of said insurance premium expense monthly and further, shall pay one-half of all uninsured and/or unreimbursed medical, dental, pharmaceutical, psychological, psychiatric, optical and orthodontic expenses of the minor children, including co-payments. When a party pays an expense as addressed herein, the paying party must present the other party with a copy of the statement, invoice or bill or any other evidence of the charge or its payment within thirty days, and the other party shall reimburse the paying party for one-half of this expense within thirty days after being presented with the bill.

5. Pursuant to Code of Alabama, §30-3-154, both parents shall have equal access to all information concerning the children, including but not limited to medical, dental, psychological, hospital records, school records, report cards, recreational activity records, scholastic, athletic, extracurricular, and law enforcement and other information concerning the minor children. If the children are in a school district that operates on an electronic system, both parties shall have password access at all times. Should either parent receive a school calendar, parent-teacher conference notice, and/or the report card of the children outside of the electronic system, the parent receiving such shall provide the other parent with a copy thereof immediately. Each parent shall be designated as a person that the children's school is to contact in case of emergency. The parties are strongly encouraged to create a shared calendar for the child's events with a service such as google so that both parents are aware of all events in the child's life and events can be updated immediately when changes occur.

6. Neither parent shall be restricted from any activities of the children, including educational or scholastic activities such as field trips, parent teacher conferences or athletic events, nor shall either parent be restricted from any extracurricular activities.
7. Both parents shall discuss and consider the wishes of the other parent in all major decisions to be made regarding the minor children, including but not limited to medical, dental, religious, educational and recreational activities.
8. 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.
9. Neither parent shall expose the children to conflict between the parents or discuss this matter in the presence of the children or with the children. The children shall not be made to be a confidant of a parent, and should be encouraged to love, honor and respect both parents and their respective families. Parents shall act accordingly in the presence of the children. Nothing shall be done or said to poison the child against the other parent or family members. In the event a child testifies in Court, a parent SHALL NOT question or discuss that child's testimony with the child.
10. Both parties shall have reasonable and private telephone access to the minor children while they are in the physical control of the other parent. If a conflict develops regarding phone time, it shall be nightly at 7:00 p.m. The minor children shall also have whatever reasonable telephone access the parties desire if the child is provided a cellular telephone for the purpose by a party desiring greater telephone contact.
11. The households of both parties shall be maintained in a safe, wholesome and proper moral atmosphere whenever the minor child is present. No one shall abuse alcohol or legal drugs, or use illegal drugs in the presence of the minor children. No party, nor the child himself, shall allow the child to ride, drive or be a passenger upon or use any motorized vehicle or watercraft, including but not limited to motorcycles, motor bikes, 3 or 4 wheelers, jet skis, boats, etc., in contradiction of common sense, basic safety concerns, the vehicle's owners' manual, and the laws of this State regarding child safety seats, booster seats, safety belts, and/or personal flotation devices.
12. 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. Should the custodial parent choose to not have the individual leave then the children shall stay overnight with the other parent.
13. At all times hereafter, each parent shall keep the other informed of their respective business and home telephone numbers and their respective street and mailing addresses. This information shall not be used to harass or annoy the other's peace or to invade the other's privacy by any means whatsoever. Both parties will make themselves available for direct communications with the other for purposes of discussion pertaining to the minor children; provided, however, neither parent will harass or burden the other with excessive or abusive telephone calls, or any other such non-productive communication. Both parents shall refrain from delegating their responsibility of communicating with the other parent to third parties, except in bona fide emergencies, and will at reasonable times and places make themselves available to communicate directly with the other parent pertaining to the needs and interest of the children. If the parties cannot directly communicate with each other in a decent and civilized manner, text or email is an effective manner for separated parents to communicate in that it creates a written record, and it can be shared with other care providers. For parents that do not have private computer access, the public library offers free internet access, and numerous providers offer free email accounts.

14. The parties shall promptly notify each other in the event of serious injury to or illness of the minor children. The parties shall administer any and all physician-prescribed medications to the child in full accordance with the physician's instructions.

15. Neither parent shall schedule activities for the minor children that will preclude the other from having the minor children with him or her at the times and places set forth herein. In the event, however, that it is necessary to schedule activities that may be in conflict with the parenting time schedules, the parties shall jointly confer and make joint decisions concerning those activities. It shall be the sole responsibility of the parent who has physical custody of the minor children to transport them to those activities. The scheduling of activities shall not be utilized to deprive the other parent of parenting time. The custodial parent shall ensure the child appears at all reasonably scheduled activities (including school related events) in the best interests of the child and shall not prevent the child from appearing at such to punish the non-custodial parent.

16. **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. Failure to do so can subject a party to sanctions for contempt of Court.**

17. The parties will equally share the income tax deductions for the child with the mother claiming the child for even numbered years and the father for odd numbered years unless otherwise agreed upon in writing.

18. The Alabama Parent-Child Relationship Protection Act Notification included herein made a part of this order:

The Alabama Parent-Child Relationship Protection Act 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 a 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 the parent is entitled to custody of or visitation with a child covered by this order. If there is to be a change of principal residence by a parent or by the child subject to the custody or visitation provisions of this order, the parent ***must*** provide the following information to the other person who has custody or visitation rights under this decree:

1. The intended new residence, including the specific street address, if known.
2. The mailing address, if not the same as the street address.
 - a. The telephone number or numbers at such residence, if known.
 - b. If applicable, the name, address, and telephone number of the school to be attended by the child, if known.
 - c. The date of the intended change of principal residence of a child.
 - d. A statement of the specific reasons for the proposed change of principal residence of a child,
 - e. A proposal for a revised schedule of custody of or visitation with a child, if any.
 - f. Unless the parent is a member of the Armed Forces of the United States of America and is being transferred or relocated pursuant to a non-voluntary order of the government, the re-locating parent must warn the non-relocating person that an objection to the relocation must be made within 30 days of receipt of the notice or the relocation will be permitted.

The relocating parent 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 the parent does not

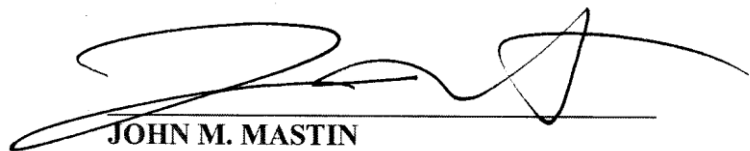
know and cannot reasonably become aware of such information in sufficient time to provide a 45-day notice, the parent must give such notice by certified mail no later than the 10th day after the date that they obtain such information.

A parent's failure to notify other parties entitled to notice of their 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 the non-relocating parent, does 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.

These provisions will not apply to a change of principal residence of a child to a residence which is 60 miles or less from the residence of a non-relocating parent who is entitled to custody of or visitation with the child 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 such change in the principal residence of a child results in a child living in a different state.

Adopted this the 15th day of January 2019.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

JOHN M. MASTIN
Presiding Family and Juvenile Court Judge
for the 27th Judicial Circuit