

After October 2, 2006

RULE 28.00 - STANDARD VISITATION AND COMPANIONSHIP RIGHTS

A. Visitation and companionship rights shall comply with this Rule unless otherwise ordered by the Court or by the mutual agreement of the parties.

B. The non-residential parent shall have visitation on alternate weekends from Friday night at 7:00 PM to Sunday evening at 7:00 PM.

C. The non-residential parent shall have week day visitation for a period of two (2) hours per week. The beginning and ending times may be varied to accommodate the work schedules of the parties, the schedule of the children and the appropriate bedtime for the children during the school year. If no agreement can be reached, said visitation shall be had on Wednesday of each week.

D. Mother's Day the children shall be with the mother and Father's Day the children shall be with the father. In the event this provision requires the children to be with the residential parent when it is the non-residential parent's normal weekend visitation, the non-residential parent shall return the children by 9:00 AM on the appropriate holiday. In the event that this provision requires the children to be with the non-residential parent on a day not falling within the non-residential parent's visitation weekend, the non-residential parent shall receive the children at 9:00 AM on that day and return them at 7:00 PM on said day.

E. Holiday visitation shall be as follows:

EVEN YEARS

Residential Parent

Non-residential Parent

President's Day

Friday night to Monday night

Easter

Thursday night to Sunday night

Memorial Day

Friday night to Monday night

4th of July

Night before to morning after except when the 4th falls on Friday, Saturday, Sunday or Monday, when the visitation shall commence on Friday night and continue to the end of the weekend or the end of the holiday, whichever is later.

Labor Day

Friday night to Monday night

Thanksgiving

Wednesday night to Sunday night

Christmas

Christmas Eve and Christmas Day until 2:00 PM.

Christmas

Christmas Day at 2:00 PM for the remainder of the Christmas holiday until 6:00 PM on January 1st unless January 1st falls on a Friday or Saturday in which case the visitation shall continue until the Sunday immediately following that date at 6:00 PM.

Odd Years

During the odd years the above schedule shall be reversed as to Residential and Non-residential parents.

Unless otherwise indicated, holiday visitations shall commence at the regular hour as set forth for the commencement of weekend visitation and shall end at the regular hour set for the ending of weekend visitation. Holiday visitation shall have precedence over the regular weekend visitation but shall not modify it (for example, if the Holiday granted in any particular year to a non-residential parent falls between the regular weekend visitation, the non-residential parent will have three (3) weekends in a row at that particular time).

Christmas and holidays may be modified by agreement of the parties to suit individual family schedules or by agreement or Court Order, upon proper motion, to suit religious preferences.

F. The child shall celebrate the birthday in the home of the residential parent, unless it falls on a regular visitation day, in which event it shall be celebrated with the non-residential parent.

G. Summer visitation

1. The non-residential parent shall have extended summer visitation each summer; however, same shall not exceed four (4) weeks in duration and shall be exercised in two (2) separate blocks of time consisting of fourteen (14) consecutive days. The non-residential parent shall notify the residential parent, in writing, of the time thereof as soon as the vacation schedules at the non-residential parent's place of employment are posted or decided upon but in any event no later than thirty (30) days prior to the exercise of each summer visitation.

2. The residential parent is also entitled to two (2) weeks of vacation time in a block of fourteen (14) consecutive days and shall notify the non-residential parent, in writing, of their intent to exercise a period of time for summer vacation. If there is a conflict over summer vacation time, the parent to first supply written notification to the other parent shall be entitled to exercise the chosen time. Extended summer visitation does not modify or terminate child support during the period of visitation unless by specific order of the Court. Further, unless otherwise agreed by the parties, neither parent may use summer visitation in combination with regular visitation such as to extend the vacation block of time to a period in excess of (14) days.

3. Holiday visitation takes preference over summer visitation and summer visitation takes preference over weekend visitation.

H. Miscellaneous Orders as to visitation and companionship:

1. It is the responsibility of the residential parent to ensure that the children have visitation with the non-residential parent. Such decisions shall not be left to the child.

2. The residential parent shall take the necessary action with the school authorities of the schools in which the children are enrolled to list the non-residential parent as a parent of the children, to authorize the school to release to the non-residential parent any and all information concerning the children and to insure that the non-residential parent receives copies of any notices regarding the children.

3. The residential parent shall promptly transmit to the non-residential parent any information received concerning parent - teacher meetings, school club meetings, school programs, athletic schedules, and any other school activities in which the children may be engaged or involved.

4. Both parties shall be diligent in having the children ready and available at the appointed times and the transporting party shall be prompt in picking up and delivering the children, provided however, that the transporting parent for visitation shall have a grace period of fifteen (15) minutes for pick up and delivery if the parties live within a distance of thirty (30) miles of each other. If the one way distance between the parties is in excess of thirty (30) miles, the grace period shall be thirty (30) minutes. In the event that the visiting parent exceeds the grace period, the visitation for the weekend is forfeited unless prior notification and arrangements have been made and except in cases where the visiting parent lives in excess of thirty (30) miles away and suffers an unavoidable breakdown or delay en route, and the visiting parent promptly notifies the other parent by telephone of the delay. Repeated violations by either parent shall be cause for granting a modification of parental rights and responsibilities.

5. The residential parent shall send with the children on visitations sufficient clothing and outer wear appropriate for the season to last the period of visitation. (For a weekend visitation this shall consist of a minimum of two (2) extra sets of play clothes and one (1) dress outfit in addition to the clothes the children are wearing at the start of the visitation). In the case of infants, the residential parent shall send with the child sufficient bottles, formula and diapers to last the visitation period. Violations of this requirement shall be deemed sufficient cause for a modification of parental rights and responsibilities.

6. Visitation does not include picking up the children and leaving them with a non-family member while the visiting parent pursues their own pleasure nor does it include taking the children to a bar for an extended period of time. Violations may result in a modification of companionship time.

7. The residential parent shall encourage free communications between the children and the non-residential parent and shall not do anything to impede or restrict communications by phone or mail between the children and the non-residential parent whether initiated by the children or the non-residential parent. The mail between the children and parent shall be strictly confidential between them and that parent, and shall not be opened or read by the other parent. This rule applies equally to the residential and non-residential parents.

8. Both parents shall refrain from criticizing the other in the presence of the children and shall refrain from requiring the children to choose sides as between the parents.

9. Neither party shall attempt to modify the religious practice of the children without first having consulted the each other and the Court.

10. The parent receiving the child is responsible for transportation, except mid-week companionship, when the non-residential parent shall transport.

11. These are guidelines concerning parental rights and responsibilities and they will be changed or modified by the Court if it is shown that there is a need for such change. The Court also recognizes that it is impossible to devise a set of rules that will apply in each and every case and therefore encourages the parties to attempt to work out their differences on their own keeping in mind, the best interests of their children.

I. **Long Distance Visitation** (more than 200 miles, each way) – If the standard rule visitation is not practical due to the distance between the parties, and if the parties do not otherwise agree, the following non residential parent schedule shall apply:

1. In odd years – from December 26 through January 1.
2. In even years from the day after school ends through January 1 and if the child is not attending school, from December 18 through January 1.
3. Every Spring break from school.
4. The first one-half of the summer in odd years and the last one-half of the summer in even years.
5. Holidays per the standard rule unless otherwise addressed.
6. Anytime that the non-residential is in the vicinity of the residential parent, the non-residential parent may exercise up to 48 hours of visitation provided there has been 72 hour notice to the residential parent. Said visitation may not take place outside the child's county of residence.

J. **Phase - in Visitation** – If the parties and child have never lived as a family unit, or have not lived as a family unit for over one year, the visitation with the non-residential parent shall be phased in using the following schedule. After the introduction phase is concluded, visitation would be extended to the standard visitation schedule.

1. Unless the parties agree otherwise, or subject to modifying order, introductory visitation shall be as follows:

- (A) Visitation shall occur once a week for three hours away from the residential parent's home at a neutral site, such as a suitable relative of the non-residential parent or Our Home or Grampy's House.
- (B) The non-residential relative must agree to the supervision.
- (C) The child will not be removed from the agreed upon visitation site during the visitation period.
- (D) No alcoholic beverages or substances of abuse shall be used during or in the 24 hours prior to any visitation.
- (E) The visit shall take place on a day of the residential parent's choice and time, unless this conflicts with the non-residential parent's work schedule. In such case, if the residential parent can not choose another non-conflicting day and time, then the non-residential parent may choose the day and time.
- (F) Introductory visitation shall continue for four weeks. If the non-residential parent misses any visitation, the introductory period will continue beyond four weeks until three consecutive weeks have occurred.

2. Thereafter, visitation shall be enhanced for an additional four weeks, for one day per week, for six hours. However, visitation may take place away from the relative's home or other facility. All other guidelines under the first introductory phase shall continue in effect.

3. Thereafter, the non-residential parent may have the child for overnight visitation, once every other week. This shall continue for six weeks. The choice of days shall follow the selection process set out in the first introductory phase. Visitation shall commence at 10:00AM and terminate the following day at 10:00AM, unless otherwise agreed to.

4. After the successful completion of the third phase, the parties shall exercise visitation in accordance with the standard order.

K. **Grandparent or other relative or non-relative visitation** - if allowed by law, after proper joinder, motion or complaint and the parties can not agree other wise, the following schedule of non-parental visitation shall apply:

1. One weekend per month from Saturday at 10:00 AM to Sunday at 7:00 PM.
2. One week per summer from July 10 at 10:00 AM to July 17 at 7:00 PM.
3. Non-parental visitation shall not interfere with a non-residential parent's visitation or with any holiday visitation of either parent.