

CREATING YOUR PARENTING PLAN

Shelly E. Finman, Esq., Robert B. Silver, Ph.D., ABPP & Deborah Coe Silver, Psy.D., ABPP, NCSP

In Florida when parents decide to separate and live apart the law requires that they must think about many different things before deciding on how to share their children. This paper was written to make these complex ideas more clear. Starting a new life on your own can be hard enough. Listed in *italics* writing is the actual law. This regular printing explains Florida law, with some examples so that you will have a better idea of what you and your parenting partner must think about before you complete your time sharing arrangements for your child or children.

For purposes of establishing or modifying parental responsibility and creating, developing, approving, or modifying a parenting plan, including a time-sharing schedule, which governs each parent's relationship with his or her minor child and the relationship between each parent with regard to his or her minor child, the best interest of the child shall be the primary consideration. Determination of the best interests of the child shall be made by evaluating all of the factors affecting the welfare and interests of the minor child, including, but not limited to:

You and your parenting partner must first think about your child, or your children, before you think about what is easiest or best for you. This means that the children come first. It is very hard to put aside what a grownup might want for themselves but the law says that you must do this. Think very hard about what has been most important to the child, or children, in your family before you begin to plan. Consider what each child likes to do, the places they like to go to, and the people they love and care about most. You will be the best parent you can be when you put your child first.

(a) The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required.

How are you and your parenting partner in helping your child to feel close to both of you? When your parenting partner asks for a favor, do you try to make it happen? Are you comfortable in asking a favor of your parenting partner, such as taking the children to a scheduled event or activity? Are you comfortable in giving such favors and meeting requests from your parenting partner? When the unexpected things happen in life, and they always do, do you start out with a positive attitude to solve the problem, or do you start blaming your parenting partner or someone else for why the problem happened in the first place? Do you criticize your parenting partner in front of the children? Are you reliable in meeting your parenting partner when a time has been set?

This part of the law means that you should have been working in a respectful and kind way to share each child with their other parent. When you look back to how you have done things all along, you will think of many ways that you have helped each child feel good about their other parent. You do everything you can to keep your promises and usually arrive on time when you are meeting your parenting partner so that they can enjoy time with your child. You

are patient when plans are disrupted for some unexpected reason. You know that you cannot criticize your parenting partner into a better relationship.

(b) The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties.

How often will you need to have someone else - a friend, babysitter or family member - help you out with taking care of your child? Will your schedule let you take care of your children and be there for them when they need you? Florida law says you must think about how much help you will need to manage your children's lives and activities, before you decide on a time-sharing plan. In addition, is your parenting partner available to help sometimes instead of a third person?

(c) The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child as opposed to the needs or desires of the parent.

Are you pretty good at thinking about what other people want or need, rather than always having to do things your way, or to do things for you? You and your parenting partner must think about how each one has acted when your child has an important need. Did you make sure your child got what they needed, even if it meant you couldn't have what you wanted at the time? Would you make sure that your child got a cavity filled, before you took care of your own teeth? Do you spend money on items that are luxuries - such as cigarettes, liquor, jet skis or manicures-when your child needs new shoes or supplies for school? Many parenting partners have different parenting styles. Some parents are stricter, and others less so. Some parents have more rules for the children to follow, others less so. Are you comfortable in allowing your parenting partner the freedom to raise your children in their home in the manner that is comfortable for your parenting partner, even if you would parent differently?

(d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

Florida law expects that children should remain in the same home or general area, if this has been a positive experience for them. We know that children do best if we give them time to get used to the changes in their lives. Think about how you and your parenting partner can limit the number of changes your children must face with the sharing schedules that you are considering. If your child is happy in their present home and you can financially make it work to keep that home, it is good for you and your parenting partner to give this opportunity to your child.

(e) The geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the parenting plan. This factor does not create a presumption for or against relocation of either parent with a child.

Think about where each parent will be living. Particularly when children are in school, it is important to try to live close by each other, as well as by where your child will be spending most of their day. Try to limit the time your child must spend traveling between both homes and

their school or day care. Moving with children, especially into a new neighborhood or to a new school or away from relatives, can be very stressful for your children. They will feel better about themselves and you the less often they move.

(f) The moral fitness of the parents.

How honorable are you? Do you try to follow what the law requires and give your best to do the right thing? If a judge was making the decision about how you would be sharing your children, they would look at whether you have gotten in trouble with the law, mainly if it was something that happened recently and you had broken the law a lot. Children manage living from two homes best if they have two parents that they can count on to do the right thing, even when no one else is watching them. They are safer when they have parents who always make sure seatbelts are buckled up, follow the speed limit when driving, watch over them at night rather than leaving them alone to drink alcohol in a bar and limit the number of strangers who come into their lives.

(g) The mental and physical health of the parents.

Do you take good care of your self? When you are flying in an airplane the flight attendant always reminds parents to put their oxygen mask on before they put the oxygen mask on their child. If you are unhealthy in mind or body, you cannot give your very best care to your child. If you have a mental or physical illness do you do what your doctor suggests? It is important for parents to have regular medical evaluations and care, just as it is for their children. This does not mean that if you have some sort of physical or mental illness that you cannot be a good parent. What is important is that you are taking care of any problem that you do have, that could harm your child if it is not taken care of.

(h) The home, school, and community record of the child.

Where has your child been living and going to school? How does your child do in school? Do your children enjoy sports or arts activities? Have they been included in a church or temple family? All of these experiences that your child has enjoyed before you and your parenting partner began living apart are important to keep in place now, if you possibly can.

(i) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

Children's feelings do matter, according to Florida law. Particularly as they get to be teenagers these young people have their own lives that they want to keep going. This does not mean that children have their say over what their parents decide is best. It is important for both parents to listen to what their child is saying and consider their feelings when they build time-sharing plans. These plans are very likely to change as your child grows, if you are really listening to them. What may fit when they are young may not work well when they are older. It is best to not let your feelings get hurt when your child talks about what is best for them, when it comes to where they would like to spend their time. Chances are that their feelings are telling

you more about their interests and their comfort, rather than whether they like one parent more than the other.

(j) The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including, but not limited to, the child's friends, teachers, medical care providers, daily activities, and favorite things.

How much do you know about what your child does? Have you been spending the time needed to find out about what they do in their life and what they are interested in? When you are making plans with your parenting partner think about the following in how each parent has: been involved in taking the child to school, made sure the child has spent time with friends, scheduled and attended doctor's visits and scheduled fun activities. If you have one parent that has been taking charge of this in the past, it does not mean that the other parent cannot start doing it now. It is usually best if both parents can be as fully involved in the child's life as they possibly can be.

(k) The demonstrated capacity and disposition of each parent to provide a consistent routine for the child, such as discipline, and daily schedules for homework, meals, and bedtime.

Does your child have a regular routine that you have made sure that they follow? Do you and your parenting partner agree on how to react when your child misbehaves? Children do best when they have a predictable life. Are both parents able to agree on when your child will go to bed and do their homework? Does your child act better when you manage his behavior in a certain way? Do you and your parenting partner have similar chores for your child in each home? Parents who are structured and organized themselves create homes that children can do well in.

(l) The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child.

It is important for children to believe that their parents are working together as a grown-up team. Children feel safe when their parents can talk to each other with respect and kindness, particularly when it comes to the child's life. Are you the kind of person who will make sure that you let your parenting partner know, ahead of time, about your child's important activities? If you find your child needs to see the doctor, will you talk to your parenting partner first to see when they might be able to go to, if it is possible? If you have a funny feeling about your child's behavior or what they have said, will you pick up the telephone or send a quick text message, to see if your parenting partner has some ideas about this? Children are in danger when their parents cannot or will not do this. Mature parents think about helping their children to have good and happy lives, before they think about the possible hassle of talking to the other parent.

(m) Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, regardless of whether a prior or pending action relating to those issues has been brought.

Have you or your parenting partner been in trouble with the law for harming another person, whether it is a child or an adult? Is there a legal record that shows either parent has not properly cared for a child? These are very serious concerns that can limit the way a child spends time with a parent who has had such problems with the law in the past.

(n) Evidence that either parent has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect.

Has either parent made untrue statements about another person to a judge, accusing them of hurting or neglecting a child or another person, when they know they are speaking a lie? We cannot parent our children in the best ways if we are filled with hatred and wanting to get back at other people. Scientists have proven that children are terribly harmed when their parents are so angry at each other that they keep fighting and blaming each other after they separate.

(o) The particular parenting tasks customarily performed by each parent and the division of parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties.

Think about all of the ways that you and your parenting partner have taken on the jobs of raising your child. Who got your child to school, scheduled doctor's appointments, planned birthday parties, calmed your child in the middle of the night when they were scared, cooked their meals, cared for them when they were sick and took off time from work when an emergency came up? After separating, it is best if both parents can work together on all of these sorts of parenting tasks. However, not everyone is so great at managing these responsibilities. If one of you is an expert in a certain area, make sure you try to build this into your parenting plan. This will help your child to have the most comfortable life possible. You may wish to consider having one of you be in charge of scheduling routine medical and dental appointments. You and your parenting partner may wish to have one of you chosen on the record at your child's school to be called in case there is an emergency. You might decide ahead of time how you will make decisions for the children of an everyday nature (not a big one like changing schools), with the understanding that any big decisions would require talking ahead of time. If you find that you still do not see eye to eye, you could agree to ask a Judge to decide, if it is necessary.

(p) The demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activities.

How flexible are you in making sure your child gets to school and afterschool activities on time? Does your work require you to be there at very firm hours and days? Is one parent more able to adjust their adult life so that a parent can be with your child when they really need one? Think back to how you and your parenting partner have acted when your child's teacher asked for a school conference. Did you both go, or did just one parent attend? Now would be a great time to work together on these responsibilities, if you both have the ability to take care of these sorts of needs for your child. Your children will be watching and hearing you and your parenting partner and will be paying close attention especially when they hear loud voices or

crying. How you act and what you say over a cell phone are things your children pay attention to. Understand your children will sense conflict and get scared. Children should not suffer because they are worried about mom and dad fighting with each other. They will often blame themselves.

(q) The demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.

Be very honest with yourself right now. Do you have a problem with alcohol or some other drug? Have you ever had a DUI? Does your parenting partner or other family member think you should drink less alcohol? Have you found your self running into personal difficulties, either at work or at home, because you are spending too much time on one activity, such as online computer social networks, gambling or hanging out at a bar? Do you follow your doctor's directions when you have prescriptions, or do you look for doctors who will give you pain medicine just to make yourself feel better? You cannot provide the best care for your children when your brain is not working right. If you have a problem now that will not prevent you from becoming a better parent in the future. Join Alcoholics Anonymous, Gamblers Anonymous or Narcotics Anonymous today and you will have taken an important step toward helping your child.

(r) The capacity and disposition of each parent to protect the child from the ongoing litigation as demonstrated by not discussing the litigation with the child, not sharing documents or electronic media related to the litigation with the child, and refraining from disparaging comments about the other parent to the child.

How grown up are you? Scientists have shown that when human beings are stressed we act much younger than our present age. It is normal when parents take the step to live apart that they might find themselves acting like children at the beginning. However, it is your job to be prepared for this and to make sure that if you cannot act grown up that you keep your childish behavior away from your children. Be warned that if you pull your child into a fight with their other parent you will be hurting that child cruelly. Today is a great day to promise your self that you will keep your children out of grown up business, especially when it is about disagreements with your parenting partner.

(s) The developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child's developmental needs.

This is a very complicated part of Florida law. When you and your parenting partner are making sharing plans, it is important to think about what each child needs at their age, as well as how both parents can help to meet those needs. There is a resource available online that you can get free. Just go to www.silverpsychology.com and click on the link that says "articles" and then look for *Empirically Based Parenting Plans* and click on the "click here" button. You will find general ideas about how to help your children get used to living from two homes. This paper has ideas that are important for you to consider at different ages. Younger children's needs change as they grow. Every few years, as children grow normally, their needs and interests change. Parents should be paying attention to those needs at every stage of a child's growth. In that way, you will

not only be able to guide your child and schedule activities, you will also better understand their educational and social needs. By doing so, your children will feel safer and be happier. The result will be to make your parenting role easier as you will understand your children better in what they say and how they act. Ask your self, do I want to be able to talk with my child in a respectful way when they become teenagers? Do I want a warm and open relationship with my teen, so they might listen to me?

(t) Any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.

Does your child have special needs because of a medical or learning problem? Does either parent have unusual strengths or talents that are important to think about when making sharing plans for your children? Do either or both parents have some limitation that keeps them from caring for the child in some way? Is your child especially close to another family member or to a pet that should be remembered when planning how you will share time with your other parent? How close is your child to a brother or sister who may not be included in this sharing plan, because they have a different parent? Try to think about your child's special situation and how you and your parenting partner can work together to make that child's life as good as it can be.