

Choices about decision making do not determine how much time a child spends with each parent. In fact, while unlikely, an individual with sole decision-making could, under the law, actually have less “parenting-time” than the other parent.

### **Parenting Time**

Divorcing parents must decide how much time the children will spend with each parent after the separation and divorce. Agreements about parenting time should take into consideration the age of the children, degree of conflict between the parents, geographical distance between the parents’ homes, whether the schedules of other siblings will affect parenting time and other important factors.

### **Conflict Resolution**

The law allows parents to determine how conflicts will be handled if they arise. Many parenting plans say that if there is a dispute, the parents must go to a negotiation, mediation or arbitration session before proceeding to court. Some plans agree to use an outside expert, such as a psychologist, special advocate or other professional trained to resolve issues involving children. Information about alternative dispute resolution procedures is available from the court, and the State Office of Dispute Resolution, as well as in the Yellow Pages. Without an agreement in the parenting plan, most courts now order that parties attend mediation prior to any contested hearing with a judge or magistrate.

In many disputes, mediation, negotiation with a third party or arbitration will be successful at resolving a dispute. This pamphlet is published as a public service by the Colorado Bar Association. Its purpose is to inform citizens of their legal rights and obligations and to provide information regarding the legal profession and how it may best serve the community. Changes may have occurred in the law since the time of publication, so consult an attorney about individual cases.

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# *Your Parenting Plan*

## **What is the Parenting Plan?**

A parenting plan is a design for the way you will raise your children after separation and divorce. Parenting plan forms are sold at the courthouse, and books about parenting plans are available at bookstores.

If you do not agree on a parenting plan, each parent may submit a separate plan, and the court will enter one for you. The Court may also, in the absence of an agreement, craft its own parenting plan. Once the court determines a parenting plan is in the best interests of the children, it will become an order of the court, which is as enforceable as any other court order.

## **What are the Best Interests of the Child?**

In determining parental responsibilities, parents should consider the age, independence, emotional needs and development of the child as well as the schedules of each parent. Although there may have been certain parenting “schedules” prior to the divorce, a divorce, by its nature requires that the parties discuss an alternate plan which will ensure contact between the children and both parents. Consider the distance between parental homes, school locations, and the children’s schedules, interests, activities and health. Schedules (those of both parents and children) will change as children get older, you can informally modify your plan by mutual agreement. If changes have legal ramifications, you should submit an amended plan to the court and ask that it become an enforceable court order. If changes to the plan are not filed with the court, the changed schedule will not be enforceable. Thus, it is imperative that changes be filed with the court.

Children usually do best in an arrangement in which both parents continue to have an active role in their lives. Children need and love both parents and don’t want to “lose” either parent. It

is critical for parents to consider and determine arrangements with the child’s best interests in mind, even though they may not coincide with the parents’ personal desires.

The court must approve the parenting arrangement and will do so only if it finds the arrangements to be advantageous to the child and in the child’s best interests.

Laws differ from state to state. For questions and concerns about the law, contact an attorney who practices family law in that particular state to get up-to-date information.

## **Decision Making Responsibilities**

The law used to require that parenting decisions be made by one appointed person or jointly. Now, the law allows parents to decide which parent will have decision-making authority over each major area. However, general “joint” decision-making over all major areas continues to be both a common and appropriate agreement for the children.

Parents going through a divorce must decide whether one or both parents will have responsibility of making important decisions concerning choice of school, religion, medical care and general welfare.

Some parents want to be very detailed about these future decisions, and others do not want a lot of detail. It may be in the best interests of the children that all decision-making responsibility be placed with one parent. Often times, a parent may seek sole decision-making over an area in which he/she has a certain level of expertise, such as a doctor or teacher.

However, it may also be in the best interests of the children for parents to continue to share these decisions even after a divorce.