

Rule 23B: Long-Distance Parenting Time Guidelines

23B.01 In General

The Court strongly encourages parents to create their own cooperative parenting time schedules tailored to the specific needs of their children, the parents' respective work hours, and the collective needs of each household. To help create a workable schedule, parents are urged to read "Planning for Parenting Time: Ohio's Guide for Parents Living Apart," available on the Domestic Relations website at www.lcdrect.org. There are sample parenting time schedules in the guide.

The long-distance parenting time schedule shall be used when parents reside more than 150 miles apart. For parents who are unable to agree on a parenting schedule, the Court sets forth in this Rule a plan to ensure the minor children have frequent and consistent contact with both parents.

The Court's plan reflects:

- (1) The preservation and development of a close relationship between the children and each parent; and,
- (2) Consideration of the changing developmental needs of the children.

If parents cannot agree on their own plan or the Court's plan due to objections because of special circumstances (such as travel time, work requirements, substance abuse, mental illness, or violence), the parents must be prepared to present specific facts in a hearing for a proposed plan which considers the best interests of the children, not the parents.

23B.02 Summer Parenting Time

(A) For Children Age Four and Older: For children age four and older, the nonresidential parent shall have parenting time either the greater of seven weeks or half of the school summer vacation. School summer vacation is defined as beginning the day after the last day the children attend school, and ending the day before school reconvenes. If the children are not yet of school age, summer vacation will be based on the public school calendar of the district in which the residential parent resides.

The residential parent shall notify the nonresidential parent by March 15th of each year of the dates school summer vacation begins and ends. The nonresidential parent must notify the residential parent in writing by April 30th of each year of the summer parenting time dates. The nonresidential parent's summer parenting time shall not be exercised during the last week before school reconvenes unless agreed by the parents in writing or ordered by the Court.

(B) For Children under Age Four: Summer parenting time for children under the age of four shall be as agreed by the parents in writing or by order of the Court. In considering parenting time for children in this age group, parents should consider the children's age and

development, maturity, emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same parenting time, the degree of familiarity and comfort the children have with the nonresidential parent, and any other relevant factors.

(C) For Children under Age Four with Older Siblings: If a child under the age of four has older siblings, the parenting time shall be scheduled to coincide with the older siblings.

23B.03 Holiday Parenting Time for the Nonresidential Parent

(A) For Children Age Four and Older: The nonresidential parent shall have parenting time during:

- (1) Spring breaks in even years and Thanksgiving in odd years;
- (2) One-half of the Christmas break, including Christmas Day in even years; and,
- (3) One-half of the Christmas break, excluding Christmas Day in odd years.

Thanksgiving, Christmas, and Spring breaks are defined by the school calendar in the district where the residential parent resides, unless the parents agree otherwise in writing.

Father's Day shall be spent with Father and Mother's Day shall be spent with Mother whenever suitable transportation arrangements can be made. Parenting time shall be from 9:00 a.m. to 6:00 p.m., or as otherwise agreed.

By October 1 of each year, the residential parent shall notify the nonresidential parent in writing as to the dates of Thanksgiving, Christmas, and Spring breaks in the school district where the residential parent resides.

By November 1 of each year, the nonresidential parent shall notify the residential parent in writing as to the following:

- (1) Whether parenting time will be exercised;
- (2) What the travel arrangements will be;
- (3) When the children need be ready for departure; and,
- (4) When the children will be returned.

Thanksgiving, Christmas, and Spring breaks begin at 6:00 p.m. the day school ends and end at 6:00 p.m. the day before school reconvenes. Reasonable deviations from these hours shall be made as appropriate to accommodate travel schedules that are not within a parent's control, such as airline or other public transportation schedules.

(B) For Children under Age Four: Holiday parenting time for children under the age of four shall be as agreed by the Parties in writing, or by order of the Court. In considering

parenting time for children in this age group, parents should consider the children's age and development, maturity, emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same parenting time, the degree of familiarity and comfort the children have with the nonresidential parent, and any other relevant factors.

23B.04 Weekend Parenting Time for the Nonresidential Parent

(A) **For Children Two Years Old and Older:** Parenting time shall be permitted once per month, if travel time for the minor children is no more than three hours one way. The nonresidential parent must notify the residential parent at least one week in advance if that parent intends to exercise weekend parenting time.

(B) **For Children under Age Two:** All parenting time for children under age two shall be as agreed by the Parties in writing, or by order of the Court. In considering parenting time for children in this age group, parents should consider the children's age and development, maturity, emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same parenting time, the degree of familiarity and comfort the children have with the nonresidential parent, and any other relevant factors. As much as possible, parents should strive to achieve parenting time similar to that provided for this age group in the local standard parenting time schedule.

23B.05 Other Parenting Time for the Nonresidential Parent

(A) The nonresidential parent shall notify the residential parent at least two days in advance of any time the nonresidential parent will be in the area and wants a parenting time period. Absent extraordinary circumstances, parenting time shall occur in a manner appropriate to the children's age and development.

(B) The residential parent shall notify the nonresidential parent at least two days in advance when the residential parent and the minor children will be in the area of the nonresidential parent, and parenting time shall be permitted in a manner appropriate to the children's age and development.

23B.06 Rules Regarding Parenting Time

(A) **Audio/Visual Communication:** Each parent has the right to audio and visual communication (if available) with the children as often as the parents agree. If the parents do not agree, then the nonresidential parent should have these privileges at least twice per week. In addition, a parent may contact children once during a scheduled or agreed parenting time period that is missed. The residential parent has the right to contact children when on vacation with the nonresidential parent as the parents agree. If there is no agreement, then the residential parent has audio/visual communication privileges up to twice per week.

Communications should be made during the normal hours the children are awake, and if the children are unavailable for conversation, each parent shall take the responsibility of seeing that the children timely return the calls. Any time the children are with one parent, the children

shall be permitted to communicate with the other parent. Any long distance calls made by children to a parent shall be collect unless the other parent agrees otherwise.

(B) Vacations away from Home: Whenever either parent takes the children on vacation away from that parent's home, that parent shall notify the other parent at least 14 days in advance, in writing, and provide the other parent with a written agenda indicating the vacation destination, phone numbers where the parent and children can be reached, times of arrival and departure, and method of travel.

(C) Support of Parenting Time: If children indicate strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation. Each parent shall calmly talk to the children as to the children's reasons, and shall work with the other parent to do what is in the children's best interests, and avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. It is the absolute affirmative duty of the residential parent to make certain that the children go to the nonresidential parent for the parenting time period.

(D) Address and Telephone Numbers: Unless the Court orders otherwise, each parent must keep the other informed of his or her current residence address and telephone number, and an alternate telephone number in the event of an emergency. A P.O. Box or other address that is used for mail but is not the actual residence does not satisfy this requirement. If mail is only received at a P.O. Box address, that address must also be provided.

(E) Access to School and Medical Records, Day Care Records, and Student Activities: According to Ohio Revised Code Sections 3109.051(H), (I), and (J), the nonresidential parent is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record related to the children, and any student activity related to the children, or any public school, private school, or day care that is, or in the future may be, attended by the children.