

Your Parenting Plan

A parenting plan is a tool to assist both parties with identifying decision making and parenting time in regards to the best interest of the children after a legal separation or divorce action is filed with the court. A Parenting Plan is also used for parties who have never married and file an allocation of parental responsibilities action with the court. The Parenting Plan (JDF 1113) is available on-line at courts.state.co.us or available at office supply stores.

It is best if both parties work together to prepare the Parenting Plan. If parties cannot agree, then 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, prepare a Parenting Plan. Once the court determines a Parenting Plan is in the best interests of the children, the Parenting Plan will become an order of the court and enforceable as any other court order.

What are the “Best Interests” of the Child?

In determining parental responsibilities (decision-making responsibilities and parenting time), 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, the filing of a legal action, it is important that parents discuss an alternate plan that will ensure contact between the children and both parents. The court must approve the Parenting Plan and will do so only if it finds the arrangements to be advantageous to the child and in the child’s best interests.

Consider the distance between parental homes, school locations, and the children’s schedules, interests, activities and health. 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.

Schedules (those of both parents and children) will change as children get older. You have two options when modifying a Parenting Plan.

- You can informally modify your Parenting Plan by mutual agreement. However by not filing with the court any changes to the Parenting Plan, any changes made are not enforceable with the court.

- You can file a motion to modify the Parenting Plan along with an amended Parenting Plan to the court and ask that it become an enforceable court order.

What’s included in the Parenting Plan?

The main areas within the Parenting Plan focus on decision-making responsibilities and parenting time. However, the Parenting Plan can also address issues of relocation of one parent, child support and payment of health/dental benefits, secondary education, tax exemption of the children and any other special issues that you would like to have within the court ordered Parenting Plan.

Decision-Making Responsibilities

- Parents must decide whether one or both will have responsibility of making important decisions concerning choice of school, religion, medical/dental care, general welfare and extracurricular activities. The Parenting Plan outlines the options for making such decisions.
- 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.
- Choices about decision-making do not determine how much time a child spends with each parent. It is possible that a parent with sole decision-making could, under the law, have actually less “parenting-time” than the other parent.

Parenting Time

- Parents must decide how much time the children will spend with each parent. The Parenting Plan 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.
- Parents must decide the details of various schedules; weekdays and weekends during the school year, summer vacations and holidays.

Conflict Resolution

The law allows parents to determine how conflicts will be handled if they arise. Parents can select an option within the Parenting Plan to attend some type of alternative dispute resolution, e.g. mediation, arbitration, or consult with a parenting coordinator. In addition, some Parenting 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, the State Office of Dispute Resolution, as well as on-line. Without an agreement in the Parenting Plan, most courts now order that parties attend mediation prior to scheduling a contested hearing with a judge or magistrate.

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