Clerk's Office Florida Supreme Court 500 South Duval Street Tallahassee, FL 32399-1927

In re: Amendments to the Florida Supreme Court Approved Family Law Forms No. SC 08-2058

Comment on Form 12.995(a), Parenting Plan (03/09)

The purpose of this letter is to comment on the Court's approved family law form 12.995(a). Attached to this original letter are nine copies of the letter together with nine copies of proposed modifications to the approved family law form. I propose the following amendments to the approved form:

(1) <u>Instructions</u>. I suggest amending the second paragraph of the instructions to request either deletion or strike-through of the unnecessary terms. This will shorten the form in many cases for review by trial judges. Secondly, if the original parenting plan is filed with the Court, it then becomes procedurally impossible for the Court to then enter the order approving the plan. It also is impossible to later attach the original to the final judgment as an Exhibit "A". Thus, I suggest that a duplicate signed original be filed with the clerk and then a duplicate signed original be attached to the final judgment. I also make reference to the statutory citation for the factors for the Court to consider.

(2) Parenting Plan.

- (a) I suggest moving the requirement for contact information to Section I on page 1.
- (b) I think page numbers will help both the Court and the parties to keep pages together.
 - (c) Section III Jurisdiction delete "Other".
- (d) Section VII Time-sharing Schedule. I suggest that it is too laborious to show the time-sharing for each parent. I suggest showing the time-share arrangement for the minority time parent and a statement that the other parent gets all other time. See page 5 of the attachment.
 - (e) Page 6 will allow the holiday schedule to be noted with "M" or "F".
 - (f) Section 3 Winter Break change from "alternative" to "alternate".

- (g) Section 6 Number of Overnights this paragraph is unnecessary as the overnights will be counted and included in a child support guideline worksheet.
- (h) Modifications and Conflict Resolution page 11. I suggest giving the parties an option of choosing mediation as a prerequisite to further litigation.

Each of the changes suggested are highlighted in color on the attachments for consideration.

Very truly yours,

John C. Lenderman Circuit Judge

JCL/bg

Enclosures

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.995(a), PARENTING PLAN (03/09)

When should this form be used?

A <u>Parenting Plan</u> is required in all cases involving <u>time-sharing</u> with minor child(ren), even when time-sharing is not in dispute. This form or a similar form should be used in the development of a Parenting Plan. If the case involves <u>supervised time-sharing</u>, the <u>Supervised/Safety Focused Parenting Plan</u>, Florida Supreme Court Approved Family Law Form 12.995 (b) or a similar form should be used.

This form should be typed or printed in black ink. Please delete or strikethrough terms or paragraphs that are inappropriate or inapplicable to your agreement. If an agreement has been reached, both parties must sign the Parenting Plan and have their signatures witnessed by a <u>notary public</u> or <u>deputy clerk of court</u>. After completing this form, you should file a duplicate signed original with the clerk of the circuit court file the original with the <u>clerk of the circuit court</u> in the county where the <u>petition</u> was filed and keep a copy for your records. If both parties agree to the parenting plan, the other duplicate signed original should be attached to a proposed Final Judgment which should be presented to the judge at the hearing or trial (final hearing). You should then refer to the instructions for your petition, <u>answer</u>, or answer and <u>counterpetition</u> concerning the procedures for setting a hearing or <u>trial</u> (final hearing). If an agreed Parenting Plan is not filed by the parties, the Court shall establish a Plan.

Where can I look for more information?

Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms. The words that are in "bold underline" in these instructions are defined there. For further information, see chapter 61, Florida Statutes, and the instructions for the petition and/or answer that were filed in this case.

Special notes...

At a minimum, the **Parenting Plan** must describe in adequate detail:

- How the parties will share and be responsible for the daily tasks associated with the upbringing of the child(ren),
- The **time-sharing schedule** arrangements that specify the time that the minor child(ren) will spend with each parent,
- A designation of who will be responsible for any and all forms of health care, school-related matters, other activities, and
- The methods and technologies that the parents will use to communicate with the child(ren).

The best interests of the child(ren) is the primary consideration in the Parenting Plan. In creating the Parenting Plan, all circumstances between the parties, including the parties' historic relationship, domestic violence, and other factors must be taken into consideration. Determination of the best

Instructions for Florida Supreme Court Approved Family Law Form 12.995(a), Parenting Plan (03/09)

interests of the child(ren) shall be made by evaluating all of the factors affecting the welfare and interest of the minor child(ren) as listed in section 61.13(3)(a-t), including, but not limited to:

- 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;
- The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties;
- The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child(ren) as opposed to the needs or desires of the parent;
- The length of time the child(ren) has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- 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(ren);
- The moral fitness of the parents;
- The mental and physical health of the parents;
- The home, school, and community record of the child(ren);
- The reasonable preference of the child(ren), if the court deems the child(ren) to be of sufficient intelligence, understanding, and experience to express a preference;
- The demonstrated knowledge, capacity, and disposition of each parent to be informed
 of the circumstances of the minor child(ren), including, but not limited to, the child(ren)'s
 friends, teachers, medical care providers, daily activities, and favorite things;
- The demonstrated capacity and disposition of each parent to provide a consistent routine for the child(ren), such as discipline, and daily schedules for homework, meals, and bedtime;
- The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child(ren), and the willingness of each parent to adopt a unified front on all major issues when dealing with the child(ren);
- 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;
- 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;
- The particular parenting tasks customarily performed by each parent and the division or parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties;
- The demonstrated capacity and disposition of each parent to participate and be involved in the child(ren)'s school and extracurricular activities;
- The demonstrated capacity and disposition of each parent to maintain an environment for the child(ren) which is free from substance abuse;
- The capacity and disposition of each parent to protect the child(ren) from the ongoing litigation as demonstrated by not discussing the litigation with the child(ren), not sharing

- documents or electronic media related to the litigation with the child(ren), and refraining from disparaging comments about the other parent to the child)ren); and
- The developmental stages and needs of the child(ren) and the demonstrated capacity and disposition of each parent to meet the child(ren)'s developmental needs.

This standard form does not include every possible issue that may be relevant to the facts of your case. The Parenting Plan should be as detailed as possible to address the time-sharing schedule. Additional provisions should be added to address all of the relevant factors. The parties should give special consideration to the age and needs of each child.

In developing the Parenting Plan, you may wish to consult or review other materials which are available at your local library, law library or through national and state family organizations.

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900 (a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE	JUDICIAL CIRCUIT
IN THE CIRCUIT COURT OF THE IN AND FOR	COUNTY, FLORIDA
	Case No:
	Division:
 Petitioner,	
and	
Respondent.	
PARENTIN	IG PLAN
his parenting plan is: (Choose only one)	
A Parenting Plan submitted to the court with t	the agreement of the parties
[] A proposed Parenting Plan submitted by or on	•
{Parent's Name}	
A Parenting Plan established by the court.	 ;
,	
his parenting plan is: (Choose only one)	
[] A final Parenting Plan established by the court	
[] A temporary Parenting Plan established by the	
[] A modification of a prior final Parenting Plan of	or prior final order.
I. PARENTS	
Mother	
Name:	
Address:	
Telephone Number:	
E-Mail:	
Father	
Name:	
Address: Telephone Number:	

Each parent has a continuing responsibility to provide a residential, mailing, or contact address and contact telephone number to the other parent. Each parent shall notify the other parent in writing within 24 hours of any changes. Each parent shall notify the court in writing within seven (7) days of any changes.

11.		REN: This parenting plan is for the fond dditional lines as needed)	Date of Birth	Sex
III.	JURISI	DICTION		
The	e United	d States is the country of habitual res	sidence of the child(ren).	
		of Florida is the child(ren)'s home n and Enforcement Act.	state for the purposes of the Ur	niform Child Custody
Juri Sec Asp	isdiction tions 1 pects of	iting Plan is a child custody determing and Enforcement Act, the Interpolation 1601 et seq., the Parental Kidnappolation of International Child Abduction enage and federal laws.	rnational Child Abduction Reme ling Prevention Act, and the Con	edies Act, 42 U.S.C evention on the Civi
<mark>Ot</mark>	ner:			·
IV.	PAREN	NTAL RESPONSIBILITY AND DECISION	N MAKING	
	1. Pa	rental Responsibility (Choose only o	one)	
	[]	Shared Parental Responsibility. It is in the best interests of the characteristic major decisions affecting the welf-not limited to, decisions about responsibilities unique to this family	are of the child(ren). Major decis the child(ren)'s education, he	ions include, but are
	OR			
	[]	Shared Parental Responsibility with It is in the best interests of the chon the major decisions involving the authority for making major decision	ild(ren) that the parents confer a he child(ren). If the parents are	unable to agree, the
		Education/Academic decisions Non-emergency health care Religion/Religious training	[] Mother [] Father [] Mother [] Father [] Mother [] Father [] Mother [] Father	

		[] Mother [] Father
0	R	
[]	Sole Parental Responsibility: It is in the best interests of the child(ren) that the [] Mother [] Father shall have sole authority to make major decisions for the child(ren.)
2.	Ea tho pa of en	y-to-Day Decisions ch parent shall make decisions regarding day-to-day care and control of each child while e child is with that parent. Regardless of the allocation of decision making in the renting plan, either parent may make emergency decisions affecting the health or safety the child(ren) when the child is residing with that parent. A parent who makes an nergency decision shall share the decision with the other parent as soon as reasonably ssible.
3.	Ex	tra-curricular Activities (Choose all that apply)
[]	Either parent may register the child(ren) and allow them to participate in the activity of the child(ren)'s choice.
[]	The parents must mutually agree to all extra-curricular activities.
[]	The parent with the minor child(ren) shall transport the minor child(ren) to and/or from all mutually agreed upon extra-curricular activities, providing all necessary uniforms and equipment within the parent's possession.
[]	The costs of the extra-curricular activities shall be paid by: Mother % Father %
[]	The uniforms and equipment required for the extra-curricular activities shall be paid by: Mother % Father %
[]	Other:

V. INFORMATION SHARING. Unless otherwise indicated or ordered by the Court:

Both parents shall have access to medical and school records pertaining to the child(ren) and shall be permitted to independently consult with any and all professionals involved with the child(ren). The parents shall cooperate with each other in sharing information related to the health, education, and welfare of the child(ren) and they shall sign any necessary documentation ensuring that both parents have access to said records.

Each parent shall be responsible for obtaining records and reports directly from the school and health care providers.

Both parents have equal rights to inspect and receive governmental agency and law enforcement records concerning the child(ren).

Both parents shall have equal and independent authority to confer with the child(ren)'s school, day care, health care providers, and other programs with regard to the child(ren)'s educational, emotional, and social progress.

Both parents shall be listed as "emergency contacts" for the child(ren).

Each parent has a continuing responsibility to provide a residential, mailing, or contact address and contact telephone number to the other parent. Each parent shall notify the other parent in writing within 24 hours of any changes. Each parent shall notify the court in writing within seven (7) days of any changes.

	Ot	her:	
VI.	SC	HEDULING	
	1.	School Calendar If necessary, on or before of each year, both parents should obtain a cop of the school calendar for the next school year. The parents shall discuss the calendars and the time-sharing schedule so that any differences or questions can be resolved.	
	The [] [] [] [] []	the youngest child the school calendar for County	
	2.	Academic Break Definition When defining academic break periods, the period shall begin at the end of the last scheduled day of classes before the holiday or break and shall start end on the first day of regularly scheduled classes after the holiday or break.	
	3.	Schedule Changes (Choose all that apply)	
	[]	A parent making a request for a schedule change will make the request as soon as possible, but in any event, except in cases of emergency, no less than before the change is to occur.	

[]		A parent requesting a change of schedule shall be responsible for any additional child care, or transportation costs caused by the change.
[]		Other
. TIN	1E-S	HARING SCHEDULE
1.	W	eekday and Weekend Schedule
		e following schedule shall apply beginning on with the
	The	efirst weekend shall be with the [] Mother [] Father. and continue as follows:
		e child(ren) shall spend time with the [] Mother [] Father Mother on the following es and times:
		EKENDS: [] Every [] Every Other [] Other (specify)
		omto
	W	EEKDAYS: Specify days
		om to THER: (Specify)
	٠.	Tiziii (Specify)
	 A.	The child(ren) shall spend time with the other parent at all other times except as her provided.
		The child(ren) shall spend time with the Father on the following dates and times: WEEKENDS: [] Every [] Every Other [] Other (specify)
	A.	The child(ren) shall spend time with the Father on the following dates and times: WEEKENDS: [] Every [] Every Other [] Other (specify)

[]	No holiday time shall apply.	sharing shall a	pply. The regula	r time-sharing sc	hedule set forth above
[]	Holiday time-sh	aring shall be a	s the parties agr	ee.	
]]	schedule will tal Fill in the blanks for the holidays	ke priority over with Mother <mark>(</mark> . Provide the b very year with c	the regular wee M) or Father <mark>(F)</mark> eginning and end one parent, then	ekday, weekend, to indicate wher ding times. If a ho	schedule. The Holiday and summer schedules. The the child(ren) will be coliday is not specified as ill remain with the parent
<u>H</u>	oliday	<u>'S</u>	Even Years	Odd Years	Every Year	Begin/End Time
Ν	1other	's Day				
F	ather's	s day				
P	reside	nt's Day				
N	1 artin	Luther King Day				
E	aster					
	assove					
		ial Day Weekend	l			
	th of Ju	•				
		ay Weekend				
	allowe	us Day Weekend	ı			
	hanksg	_				
		n's Day				
	anukk	•				
	om Kir					
		ashanah				
C	hild(re	n)'s Birthdays				
_						
_						
		iday schedule m more of the follo	•	egular Time-Shar	ing Schedule. Pa	rents may wish to specify
[]	would result in parents will exc	one parent hav hange the follo	ring the child(ren) for three week so that each has	ne holiday schedule ends in a row, the two weekends in a row
[]	•			•	or after an unspecified holiday or non-school

Α	١.	Entire Winter Break (Choose only one)
[]		The [] Mother [] Father shall have the child(ren) from the day and time school is dismissed until December at a.m./p. m in []odd-numbered years [] even-numbered years [] every year. The other parent will have the children for the second portion of the Winter Break. The parties shall alternative alternate the arrangement each year.
[]		The [] Mother [] Father shall have the child(ren) for the entire Winter Break during [] odd-numbered years [] even-numbered years [] every year.
[]		Other:
В		Specific Winter Holidays If not addressed above, the specific Winter Holidays such as Christmas, New Year's Eve, Hanukkah, Kwanzaa, etc. and shall be shared as follows:
4.	Spi	ring Break (Choose only one)
[]		The parents shall follow the regular schedule.
[]		The parents shall alternate the entire Spring Break with the Mother having the child(ren) during the []odd-numbered years []even numbered years.
[]		The [] Father [] Mother shall have the child(ren) for the entire Spring Break every year
[]		The Spring Break will be evenly divided. The first half of the spring Break will go to the parent whose regularly scheduled weekend falls on the first half and the second half going to the parent whose weekend falls during the second half.
[]		Other:
5.	Sui	mmer Break (Choose only one)
[]		The parents shall follow the regular schedule through the summer.
[]		The [] Mother [] Father shall have the entire Summer Break from after school is out until before school starts.

3. Winter Break

]]	The parents shall equally divide the Summer Break. During [] odd-numbered years [] even numbered years, the [] Mother [] Father shall have the children from after school is out until The other parent shall have the child(ren) for the second one-half of the summer break. The parents shall alternate the first and second one-halves each year unless otherwise agreed. During the extended periods of time-sharing, the other parent shall have the child(ren)
[]	Other:
<mark>6.</mark>	<mark>.—N</mark>	umber of Overnights:
	an <mark>eq</mark> of	sed upon the time-sharing schedule, the Mother has a total of overnights per year d the Father has a total of overnights per year. Note: The two numbers must ual 365. (Note regarding revision: This section should be deleted because the numbe overnights may likely vary from year to year. Also, the number of overnights will be nsidered in the mandatory child support worksheet.]
6.	_	If not set forth above, the parties shall have time-sharing in accordance with the nedule which is attached and incorporated herein.
VIII.	TRAN	NSPORTATION AND EXCHANGE OF CHILD(REN)
	. Tra	ansportation (Choose only one) The [] Mother [] Father shall provide all transportation.
[]	The parent beginning their time-sharing shall provide transportation for the child(ren).
[]	The parent ending their time-sharing shall provide transportation for the child(ren).
[]	Other:
2	2.	Exchange (Choose only one)
	rea wi	th parents shall have the child(ren) ready on time with sufficient clothing packed and ady at the agreed upon time of exchange. If a parent is more than minutes late thout contacting the other parent to make other arrangements, the parent with the ild(ren) may proceed with other plans and activities.
[]	Exchanges shall be at Mother's and Father's homes unless both parents agree to a different meeting place.
[]	Exchanges shall occur at

		unless both
		parties agree in advance to a different meeting place.
[]	Other:
3.		Transportation Costs (Choose only one)
[]	Transportation costs are included in the Child Support Worksheets and/or the Order for Child Support and should not be included here.
[]	The Mother shall pay% and the Father shall pay % of the transportation costs.
[]	Other:
4.		Foreign and Out-Of-State Travel (Choose only one)
]]	Either parent may travel within the United States with the child(ren) during his/her time-sharing. The parent traveling with the child(ren) shall give the other parent at least days written notice before traveling out of state unless there is an emergency, and shall provide the other parent with a detailed itinerary, including locations and telephone numbers where the child(ren) and parent can be reached at least days before traveling.
]]	Either parent may travel out of the country with the child(ren) during his/her time-sharing. At least days prior to traveling, the parent shall provide a detailed itinerary, including locations, and telephone numbers where the child(ren) and parent may be reached during the trip. Each parent agrees to provide whatever documentation is necessary for the other parent to take the child(ren) out of the country.
[]	If a parent wishes to travel out of the country with the child(ren), he/she shall provide the following security for the return of the child
[]	Other
ED	UCA	ATION
1.		School designation. For purposes of school boundary determination and gistration, the] Mother's [] Father's address shall be designated.
2.	scł	(If Applicable) The following provisions are made regarding private or home nooling:
	_	

IX.

		·
	3.	Other.
X. D	ESIC	GNATION FOR OTHER LEGAL PURPOSES
	the and	child(ren) named in this Parenting Plan are scheduled to reside the majority of the time wit [] Mother [] Father. This majority designation is SOLELY for purposes of all other state I federal laws which require such a designation. This designation does not affect either ent's rights and responsibilities under this parenting plan.
XI.	CON	MMUNICATION
		Between Parents All communications regarding the child(ren) shall be between the parents. The parents sha not use the child(ren) as messengers to convey information, ask questions, or set up schedule changes.
	[] [] []	The parents shall communicate with each other by: (Choose all that apply) in person by telephone by letter by e-mail Other:
	2.	Between Parent and Child(ren)
		Both parents shall keep contact information current. Telephone or other electronic communication between the child(ren) and the other parent shall not be monitored by or interrupted by the other parent. "Electronic communication" includes telephones, electronic mail or e-mail, webcams, video-conferencing equipment and software or other wired or wireless technologies or other means of communication to supplement face to faccontact.
		The child(ren) may have [] telephone [] e-mail [] other electronic communication in the form of with the other parent: (Choose only one
	[] []	Anytime Every day during the hours of to to On the following days
	[]	during the hours of to Other:

	3. 	Costs of Electronic Communication shall be addressed as follows:
XII.	CHILD	CARE (Choose only one)
7,111	CINED	Come (choose only one)
	{ }	Each parent may select appropriate child care providers
	[]	All child care providers must be agreed upon by both parents.
	[]	Each parent must offer the other parent the opportunity to care for the child(ren) before using a child care provider for any period exceeding hours.
	[]	Other
XIII	CHAN	NGES OR MODIFICATIONS OF THE PARENTING PLAN
		arenting Plan may be modified or varied on a temporary basis when both parents agree in g. When the parents do not agree, the Parenting Plan remains in effect until further orde court.
	supple	ibstantial changes to the Parenting Plan must be sought through the filing of a mental petition for modification, subject to any mediation or dispute resolution requirements thin Section XV below.
XIV	. RELC	CATION
	-	location of the child(ren) is subject to and must be sought in compliance with section 001, Florida Statutes.
XV.	DISPU	ITES OR CONFLICT RESOLUTION
	the Pa <mark>and as</mark>	es shall attempt to cooperatively resolve any disputes which may arise over the terms of renting Plan. The parents may wish to use mediation or other dispute resolution method sistance, such as Parenting Coordinators and Parenting Counselors, before filing a court of If such attempt fails (Choose only one):
	[]	The parents shall use mediation or other dispute resolution methods before filing a court action Mediation or other dispute resolution methods will <i>not</i> be required prior to filing a court action
XVI	. ОТНІ	ER PROVISIONS

SIGNATU	IRE OF PARENTS
I certify that I have been open and honest in enter Plan and intend to be bound by it.	ering into this Parenting Plan. I am satisfied with this
Dated:Signature of Mother Sig	gnature of Mother
	Printed Name:
	Address:
	City, State, Zip:
	Telephone Number:
STATE OF FLORIDA	Fax Number:
COUNTY OF	
Sworn to or affirmed and signed before me on	by
	NOTARY PUBLIC or DEPUTY CLERK
	[Print, type, or stamp commissioned name or notary or clerk.]
Personally known	
Produced identification Type of identification produced	

Dated:		
	Signature of Father	

Printed Name: ______Address: _____

	City, State, Zip:
	Telephone Number:
	Fax Number:
STATE OF FLORIDA COUNTY OF	
Sworn to or affirmed and signed before me on	by
	NOTARY PUBLIC or DEPUTY CLERK
Demonally known	[Print, type, or stamp commissioned name or notary or clerk.]
Personally knownProduced identification Type of identification produced	
IF A NONLAWYER HELPED YOU FILL OUT THIS FORM [fill in all blanks]	И, HE/SHE MUST FILL IN THE BLANKS BELOW:
।, {full legal name and trade name of nonlawyer}	
a nonlawyer, located at {street}	, {city},
who is the [one only] petitioner or responder	
	OF THE COURT
ORDER	or the cook!
IT IS HEREBY ORDERED AND ADJUDGED ADOPTED AND ESTABLISHED AS AN ORDER OF THIS	THAT THE PARENTING PLAN SET FORTH ABOVE IS COURT.
ORDERED ON	
	CIRCUIT JUDGE
COPIES TO:	
Father (or his Attorney)	
Mother (or her Attorney)	
Other	

Florida Supreme Court Approved Family Law Form 12.995(a), Parenting Plan (03/09)