IN THE SUPREME COURT OF FLORIDA
IN RE: AMENDMENTS TO THE LFORIDA SUPREME COURT
APPROVED FAMILY LAW FORMS, CASE NO. SCO8-2058

I believe the proposed Parenting Plan forms are excellent overall and would like to commend those who put them together, however, I do have some concerns as outlined below.

I. COMMENTS TO PROPOSED FORM 12.995(a), PARENTING PLAN

Section VII. TIME-SHARING SCHEDULE.

Subsection 1. Weekday and Weekend Schedule - By requiring the parties to delineate the exact time-sharing schedule with *both* parents as opposed to just one, this section can be confusing and overly cumbersome on the parties, particularly pro se parties. As a legal aid attorney who often reviews forms for pro se parties before they file them with the court, I have found that many parties simply leave part of the section blank and/or only spell out the time for one parent anyway due to confusion. In addition, this practice does not encourage flexibility in the day-today time-sharing schedules for unexpected events.

I would suggest that the form simply require delineation of the time-sharing schedule with one parent and then state that "the child(ren) shall be with the other parent at all other times not specified herein," much like the Basic Parenting Plan (Brief Version) first created by the 12th Judicial Circuit and modified for temporary use in the 6th Judicial Circuit. Such a parenting plan would be less likely to entail inadvertent mistakes and/or omissions of time periods, and therefore would typically lead to fewer problems in carrying out the schedules.

Subsection 6. Number of Overnights - If I am correct that part of the purpose of the new Chapter 61 legislation abolishing the terms custody and visitation is to improve parents' efforts to work together for the sake of the children and thereby to discourage unnecessary "custody battles" wherein the children are at times viewed as property, then I believe that spelling out the number of overnights would still lend itself to animosity between the parties or otherwise lead to problem for several reasons, many of which intersect. First, by having to spell out the exact number of overnights with each parent, it does not encourage built-in flexibility or open-endedness for holidays and summers. Nor does it does allow for or encourage built-in flexibility to the day-to-day time-sharing schedules, such as to accommodate spending time with a relative who is coming to town or to be present for a half sibling's special school tournament or recital. Second, mistakes can and will be made in the counting of the number of overnights for each parent. All of the above can be very problematic, particularly where there is a history of domestic violence or unequal bargaining power. For example, I have come across one recent situation where the parties agreed to a Parenting Plan giving the Mother weekend time-sharing and an open-ended schedule for holidays and summers as agreed to between the parties. In designating the number of overnights with each parent, the parties did not account for the holidays and summers. Now that Summer is approaching, the parent with the history of abuse is using that figure of sixty or so overnights to limit the other parent's time-sharing, insisting that if the other parent wants to exercise any additional Summer time-sharing she will need to give up

some weekend time-sharing so that the total number of nights does not exceed the amount in the court-approved parenting plan. Finally, I have some concern that spelling out the exact number of overnights in the Parenting Plan itself, highlights and really emphasizes who has the children the majority of the time, which may encourage some parents to "fight" for more time simply for the sake of it or even to meet (or as payee parent to not meet) "substantial time sharing" thresholds for child support purposes, rather than because it would be best for the children. And as already mentioned, parties will make mistakes in counting the number of overnights.

I would suggest the form simply not designate the number of overnights with each parent, much like the Basic Parenting Plan (Brief Version) first created by the 12th Judicial Circuit and modified for temporary use in the 6th Judicial Circuit.

Section XIV. RELOCATION.

The current wording may lead to problems with interpretation later on if any amendments are ever made to section 61.13001, Florida Statutes. I suggest this clause specify whether it intends to bind the parties to the version of section 61.13001, Florida Statutes, in place at the time of the signing of the Parenting Plan or at the time of later enforcement and/or relocation. I suggest that the form not automatically restrict the parties to the relocation laws in place at the time of the signing but instead to allow for amendments to the statute.

II. COMMENTS TO PROPOSED FORM 12.995(b), SUPERVISED/SAFETY-FOCUSED PARENTING PLAN:

TITLE OF FORM.

I would suggest changing the title of the form to simply "Safety-Focused Parenting Plahe" (leaving out to word "Supervised") in order to accommodate other types of restrictions to time-sharing such as "no overnights."

Section V. TIME-SHARING SCHEDULE.

There are times where restrictions short of requiring supervision at all times would suffice to protect the children, such as daytime only time-sharing or restricting alcohol consumption. I would suggest this section spell out what kind of time-sharing will take place, i.e., supervised or no overnights, and that it then delineate the time schedules, much like the "Safety-Focused Parenting Plan" created for temporary use by the Twelfth Judicial Circuit.

Thank you for your consideration of these comments and suggestions.
Respectfully submitted,

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