

INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.995(a), PARENTING PLAN (12/10)

When should this form be used?

A **Parenting Plan** is required in all cases involving **time-sharing** with minor child(ren), even when time-sharing is not in dispute. The Parenting Plan must be developed and agreed to by the parents and approved by the court. If the parties cannot agree to a Parenting Plan or if the parents agreed to a plan that is not approved by the court, a Parenting Plan will be established by the court with or without the use of parenting plan recommendations. This form or a similar form should be used in the development of a Parenting Plan. If the case involves **supervised time-sharing**, the **Safety Focused Parenting Plan**, 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 either delete or strike-through 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 **notary public** or **deputy clerk**. After completing this form, you should **file** the original with the **clerk of the circuit court** in the county where the **petition** was filed and keep a copy for your records. You should then refer to the instructions for your petition, **answer**, or answer and **counterpetition** concerning the procedures for setting a hearing or **trial (final hearing)**. If the parents have not reached an agreement, a proposed Parenting Plan may be filed by either parent at the time of or any time prior to the 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, including the address to be used for school-boundary determination and registration, 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 parents, including their historic relationship, domestic violence, and other factors must be taken into consideration. Determination of the best interests of the child(ren) shall be made by evaluating all of the factors affecting the welfare and interest of the particular minor child(ren) and the circumstances of that family, as listed in section 61.13(3), Florida Statutes, 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. If the court accepts evidence of prior or pending actions regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect, the court must specifically acknowledge in writing that such evidence was considered when evaluating the best interests of the child(ren).
- 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 of 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 AND FOR _____ COUNTY, FLORIDA

Case No: _____
Division: _____

Petitioner,
and

Respondent.

PARENTING PLAN

This Parenting Plan is: (Choose only one)

- A Parenting Plan submitted to the court with the agreement of the parties.
- A proposed Parenting Plan submitted by or on behalf of:
 {Parent's Name} _____.
- A Parenting Plan established by the court.

This Parenting Plan is: (Choose only one)

- A final Parenting Plan established by the court.
- A temporary Parenting Plan established by the court.
- A modification of a prior final Parenting Plan or prior final order.

I. PARENTS

Mother

Name: _____
Address: _____
Telephone Number: _____
E-Mail: _____

- Address Unknown: (Please indicate here if mother's address is unknown) _____
- Address Confidential: (Please indicate here if mother's address and phone numbers are confidential pursuant to either a Final Judgment for Protection Against Domestic Violence, or
- Other court order _____.

Father

Name: _____
Address: _____
Telephone Number: _____
E-Mail: _____

- Address Unknown: (Please indicate here if father's address is unknown) _____

() Address Confidential: (Please indicate here if father's address and phone numbers are confidential pursuant to either a () Final Judgment for Protection Against Domestic Violence or

() Other court order _____.

II. CHILDREN: This Parenting Plan is for the following child(ren) born to, or adopted by the parties: *(add additional lines as needed)*

| Name | Date of Birth |
|-------|---------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

III. JURISDICTION

The United States is the country of habitual residence of the child(ren).

The State of Florida is the child(ren)'s home state for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

This Parenting Plan is a child custody determination for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act, the International Child Abduction Remedies Act, 42 U.S.C. Sections 11601 et seq., the Parental Kidnapping Prevention Act, and the Convention on the Civil Aspects of International Child Abduction enacted at the Hague on October 25, 1980, and for all other state and federal laws.

Other: _____.

IV. PARENTAL RESPONSIBILITY AND DECISION MAKING

1. Parental Responsibility (Choose only one)

[] Shared Parental Responsibility.

It is in the best interests of the child(ren) that the parents confer and **jointly** make all major decisions affecting the welfare of the child(ren). Major decisions include, but are not limited to, decisions about the child(ren)'s education, healthcare, and other responsibilities unique to this family.

OR

[] Shared Parental Responsibility with Decision Making Authority

It is in the best interests of the child(ren) that the parents confer and attempt to agree on the major decisions involving the child(ren). If the parents are unable to agree, the authority for making major decisions regarding the child(ren) shall be as follows:

| | |
|------------------------------|-----------------------|
| Education/Academic decisions | [] Mother [] Father |
| Non-emergency health care | [] Mother [] Father |
| _____ | [] Mother [] Father |
| _____ | [] Mother [] Father |
| _____ | [] Mother [] Father |

OR

- [] **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). It is detrimental to the child(ren) to have shared parental responsibility.

2. Day-to-Day Decisions

Unless otherwise specified in this plan, each parent shall make decisions regarding day-to-day care and control of each child, including the performance of daily tasks, while the child is with that parent. Regardless of the allocation of decision making in this Parenting Plan, either parent may make emergency decisions affecting the health or safety of the child(ren) when the child is residing with that parent. A parent who makes an emergency decision shall share the decision with the other parent as soon as reasonably possible.

3. Extracurricular 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 extracurricular activities.
- [] The parent with the minor child(ren) shall transport the minor child(ren) to and/or from all mutually agreed upon extracurricular activities, providing all necessary uniforms and equipment within the parent's possession.
- [] The costs of the extracurricular activities shall be paid by:
Mother _____% Father _____%
- [] The uniforms and equipment required for the extracurricular activities shall be paid by:
Mother _____% Father _____%
- [] Other: _____.

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

Unless otherwise prohibited by law, each parent shall have access to medical and school records and information 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, and 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.

Other: _____

VI. SCHEDULING

1. School Calendar

If necessary, on or before _____ of each year, both parents should obtain a copy 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 parents shall follow the school calendar of: (Choose all that apply)

- the oldest child
- the youngest child
- the school calendar for _____ County
- the school calendar for _____ School

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 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 _____

VII. TIME-SHARING SCHEDULE

1. **Weekday and Weekend Schedule**

The following schedule shall apply beginning on _____ with the

Mother Father and continue as follows:

A. The child(ren) shall spend time with the **Mother** on the following dates and times:

WEEKENDS: Every Every Other Other (specify)

From _____ to _____

WEEKDAYS: Specify days _____

From _____ to _____

OTHER: (Specify) _____

B. The child(ren) shall spend time with the **Father** on the following dates and times:

WEEKENDS: Every Every Other Other (specify)

From _____ to _____

WEEKDAYS: Specify days _____

From _____ to _____

OTHER: (Specify) _____

_____.

C. Please indicate if there is a different time sharing schedule for any child. Complete a separate Attachment for each child for whom there is a different time sharing schedule.

[] There is a different time-sharing schedule for the following child(ren) in Attachment _____.

_____, and _____.
 (Name of Child) (Name of Child)

2. Holiday Schedule (Choose only one)

- [] No holiday time -sharing shall apply. The regular time-sharing schedule set forth above shall apply.
- [] Holiday time-sharing shall be as the parties agree.
- [] Holiday time-sharing shall be in accordance with the following schedule. The holiday schedule will take priority over the regular weekday, weekend, and summer schedules. Fill in the blanks with Mother or Father to indicate where the child(ren) will be for the holidays. Provide the beginning and ending times. If a holiday is not specified as even, odd, or every year with one parent, then the child(ren) will remain with the parent in accordance with the regular schedule

| <u>Holidays</u> | <u>Even Years</u> | <u>Odd Years</u> | <u>Every Year</u> | <u>Begin/End Time</u> |
|-------------------------|-------------------|------------------|-------------------|-----------------------|
| Mother's Day | _____ | _____ | _____ | _____ |
| Father's Day | _____ | _____ | _____ | _____ |
| President's Day | _____ | _____ | _____ | _____ |
| Martin Luther King Day | _____ | _____ | _____ | _____ |
| Easter | _____ | _____ | _____ | _____ |
| Passover | _____ | _____ | _____ | _____ |
| Memorial Day Weekend | _____ | _____ | _____ | _____ |
| 4 th of July | _____ | _____ | _____ | _____ |
| Labor Day Weekend | _____ | _____ | _____ | _____ |
| Columbus Day Weekend | _____ | _____ | _____ | _____ |
| Halloween | _____ | _____ | _____ | _____ |
| Thanksgiving | _____ | _____ | _____ | _____ |
| Veteran's Day | _____ | _____ | _____ | _____ |
| Hanukkah | _____ | _____ | _____ | _____ |

| | | | | |
|------------------------|-------|-------|-------|-------|
| Yom Kippur | _____ | _____ | _____ | _____ |
| Rosh Hashanah | _____ | _____ | _____ | _____ |
| Child(ren)'s Birthdays | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

This holiday schedule may affect the regular time-sharing schedule. Parents may wish to specify one or more of the following options:

- When the parents are using an alternating weekend plan and the holiday schedule would result in one parent having the child(ren) for three weekends in a row, the parents will exchange the following weekend, so that each has two weekends in a row before the regular alternating weekend pattern resumes.
- If a parent has the child(ren) on a weekend immediately before or after an unspecified holiday or non-school day, they shall have the child(ren) for the holiday or non-school day.

3. Winter Break

A. 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 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: _____

 _____.

B. Specific Winter Holidays

If not addressed above, the specific Winter Holidays such as Christmas, New Year's Eve, Hanukkah, Kwanzaa, etc. shall be shared as follows:

 _____.

4. Spring 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. Summer 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.
- 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: _____.

6. Number of Overnights:

Based upon the time-sharing schedule, the Mother has a total of _____ overnights per year and the Father has a total of _____ overnights per year. **Note: The two numbers must equal 365.**

7. **If not set forth above**, the parties shall have time-sharing in accordance with the schedule which is attached and incorporated herein.

VIII. TRANSPORTATION AND EXCHANGE OF CHILD(REN)

1. Transportation (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. Exchange

Both parents shall have the child(ren) ready on time with sufficient clothing packed and ready at the agreed upon time of exchange. If a parent is more than _____ minutes late without contacting the other parent to make other arrangements, the parent with the child(ren) may proceed with other plans and activities. (Choose only one):

- 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 all that apply)

- 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 _____.

IX. EDUCATION

1. **School designation.** For purposes of school boundary determination and registration, the Mother's Father's address shall be designated.

2. *(If Applicable)* The following provisions are made regarding private or home schooling:

_____.

3. **Other.** _____

_____.

X. DESIGNATION FOR OTHER LEGAL PURPOSES

The child(ren) named in this Parenting Plan are scheduled to reside the majority of the time with the Mother Father. This majority designation is SOLELY for purposes of all other state and federal laws which require such a designation. **This designation does not affect either parent's rights and responsibilities under this Parenting Plan.**

XI. COMMUNICATION

1. Between Parents

All communications regarding the child(ren) shall be between the parents. The parents shall not use the child(ren) as messengers to convey information, ask questions, or set up schedule changes.

The parents shall communicate with each other: (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 face contact.

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 _____.
- 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)

- 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. CHANGES OR MODIFICATIONS OF THE PARENTING PLAN

Temporary changes to this Parenting Plan may be made informally without a written document; however, if the parties dispute the change, the Parenting Plan shall remain in effect until further order of the court.

Any substantial changes to the Parenting Plan must be sought through the filing of a supplemental petition for modification.

XIV. RELOCATION

Any relocation of the child(ren) is subject to and must be sought in compliance with section 61.13001, Florida Statutes.

XV. DISPUTES OR CONFLICT RESOLUTION

Parents shall attempt to cooperatively resolve any disputes which may arise over the terms of the Parenting Plan. The parents may wish to use mediation or other dispute resolution methods and assistance, such as Parenting Coordinators and Parenting Counselors, before filing a court action.

XVI. OTHER PROVISIONS

_____.

SIGNATURE OF PARENTS

I certify that I have been open and honest in entering into this Parenting Plan. I am satisfied with this Plan and intend to be bound by it.

Dated: _____

Signature of Mother

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

[Print, type, or stamp commissioned name of
notary or clerk.]

Personally known

Produced identification

Type of identification produced _____

I certify that I have been open and honest in entering into this Parenting Plan. I am satisfied with this Plan and intend to be bound by it.

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

[Print, type, or stamp commissioned name of notary or clerk.]

___ Personally known

___ Produced identification

Type of identification produced _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:

[fill in **all** blanks]

I, {full legal name and trade name of nonlawyer} _____,

a nonlawyer, whose address is: {street} _____,

{city} _____,

{state} _____, {phone} _____, helped { name} _____,

who is the [Choose **one** only] ___ petitioner **or** ___ respondent, fill out this form.