

A Comment Concerning Local Rule 19.0

This version of Local Rule 19.0, which was adopted January 1, 2014, is the Court's most recent standard parenting time rule. The Court's adoption of this rule is authorized by Revised Code Section 3109.051 (F)(2).

This most recent version of Local Rule 19.0 is actually the fifth version of this Rule that has been in effect during the time the Court has been in operation. The first version of Local Rule 19.0 was adopted by the Court on or about July 1, 1991. The second version was adopted on or about August 1, 1995. The third version was adopted on October 1, 2000. The fourth version was adopted on May 1, 2009.

Parties wanting to know the rights and responsibilities they have under a divorce decree, dissolution decree or other order involving Local Rule 19.0 should first carefully review their decree or order and determine which of the five versions of the Rule applies to their particular case. To assist parties in doing this, the Court has posted copies of all four of the versions of Local Rule 19.0 on our website that have previously been in effect as well as a copy of the most recent version, which is effective as of January 1, 2014.

RULE 19.0

PARENTING TIMES

19.1 PREFACE: Children require the continued and regular involvement of both parents despite the termination of their parents' marriage or relationship. No standard schedule will meet the needs of every parent-child relationship. The Court therefore encourages parties to submit agreements for parenting times which will meet their and their children's specific circumstances. It is only when the parents cannot agree that the Court will require this standard parenting time schedule to be used.

If there is more than one child, this schedule assumes that parenting time will be exercised with all children together unless the parents agree otherwise.

19.2 CHILD'S RESPONSE TO PARENTING TIMES

For healthy development, children of divorce need both parents to continue regular contact with their child(ren). Both parents should strive to communicate well and avoid angry interactions in front of the child(ren).

It is normal when parents first separate that, during transfer times, a child may have a strong emotional reaction when saying good-bye to one parent. Parents need to know that the emotional response is typical, and that each parent needs to act calmly and reassure the child that they will see the other parent soon. This response by the child does not mean that the child does not love the other parent, or wishes not to spend time with the other parent. The length of a child's adjustment will vary and can be dependent on how well the parents handle the situation.

If a child indicates strong opposition to being with the other parent, it is the responsibility of both parents to deal with the situation appropriately. Depending on the child's developmental level, this may involve talking calmly and reassuringly to the child, exploring the child's concerns, and working with the other parent to help with the transition. When possible, it may be appropriate to arrange indirect transfers--e.g., drop offs and pickups around school or child care so that only one parent is present at the transition.

19.3 PRECAUTIONS: Termination of relationships naturally stirs up emotions. If children are involved, this may compound the matter. Times where children are physically transferred from one parent to another are NOT opportunities for any type of detrimental language or behavior to be directed at the other parent. It is unfortunate to include in this standard parenting time schedule this warning: **IT IS THE ABSOLUTE DUTY OF EACH PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD GOES TO THE OTHER PARENT FOR THE**

SCHEDULED TIMES. A DENIAL OF PARENTING TIME RIGHTS OF EITHER PARENT MAY RESULT IN FINES AND/OR INCARCERATION.

- 19.4 THIRD PARTIES: While it may be necessary or desirable to have other parties accompany a parent during an exchange time, these individuals should be specifically cautioned that any disruptive acts or commentary initiated by them may be found to be interference and result in punishment, including fines or incarceration, by the Court.
- 19.5 TYPES OF PARENTING TIMES: Careful consideration has been given to promote parenting time after the parents have terminated their relationship. The frequency of contact depends on a large number of factors. One of the most significant factors is distance between the respective homes of the parents. The Court has divided these distances into two categories: local and long distance.

Despite these divisions, the primary goal of this standard parenting time schedule is to maintain parental involvement between the non-residential parent and the child(ren). Optimistically, the parties would act with as much flexibility as possible in order to accommodate each other. Where that is not possible, the schedules contained in this Rule provide for **minimal** parental contact. For the best interest of the child(ren), parents should attempt to establish additional parenting times for the non-residential parent.

Infants and Toddlers (0 to 3 years of age)

Rule 19.0 may not apply to infants and very young children (up to three years of age). Children under three have very different ideas of time than older children and need more frequent contact with both parents than Rule 19.0 specifies. Ideally, parents will exercise more flexibility in scheduling times for infants and very young children. If it deems it necessary, the Court may order a different schedule for these children, even when there are older children in the family.

Teenagers (13 to 18 years of age)

A regular routine of parenting may become more difficult as a child ages, has more activities outside of the family unit, obtains a driver's license, dates, works, and spends time with friends. Both parties should respect a teenager's need to spend time with peers and in organized activities, especially during weekends and summer vacations. Quality of time is more important than a rigid schedule and flexibility in scheduling may be necessary. Within limits and when possible, it is preferable to consider the teenager's wishes so long as **both** parties agree.

Supervised Parenting Times

The Court recognizes, unfortunately, that in some instances the supervision of parenting times is necessary, either temporarily or permanently, in

order to serve the child(ren)'s best interest. In these cases, the Court will enter appropriate orders requiring parenting times to take place at a supervised visitation center or under the direct supervision of a suitable third party. Parenting times taking place at a supervised visitation center shall be conducted in strict accordance with the center's rules. Supervised parenting times are, in most instances, substantially less in quantity and duration than unsupervised parenting times provided for by Local Rule 19.0.

NOTE: Parties who exercise supervised parenting times are prohibited from challenging the authority or decisions of the supervising center or individual. If the party believes the supervising center or individual is acting unfairly, he or she may file a formal motion requesting an appropriate modification of the parenting time order.

A. LOCAL PARENTING TIMES

The local parenting time schedule shall apply when the parents reside less than 150 miles from each other.

1. Weekends: The non-residential parent shall have parenting time on alternate weekends beginning Friday at 6:00 p.m. and ending Monday morning when the child shall be returned to school, daycare or the residential parent by 9:00 a.m.
2. Weekdays: The non-residential parent shall have midweek visitation on Wednesdays beginning at 6:00 p.m. and ending Thursday morning when the child shall be returned to school, daycare or the residential parent by 9:00 a.m.

B. HOLIDAYS and DAYS OF SPECIAL MEANING SCHEDULE

1. General Provisions
 - a). On Mother's Day and Father's Day the child(ren) are with each celebrating parent from 9:00 a.m. to 6:00 p.m.
 - b). There is no spring break for children not of school age UNLESS an older sibling does attend school.
 - c). Home schooled children follow the schedule of the residential parent's school district.
 - d). Child(ren) Birthdays are split as follows; even years to mother, odd years to father. If the parents cannot agree, the parenting time shall be from 10:00 a.m. until 6:00 p.m. if the child's birthday falls on a non-school day for the child

and a non-working day for the designated parent. If the child's birthday is on the child's school day or the designated parent's workday, the parenting time shall be from 5:00 p.m. until 8:00 p.m.

SCHEDULE

ODD YEARS

EVEN YEARS

<p><u>MOTHER'S SCHEDULE FOR ODD YEARS</u></p> <p>EASTER: Sat 6:00 p.m. to Sun 6:00 p.m.</p> <p>*SPRING BREAK: 9:00 a.m. the day AFTER school recesses to 6:00 p.m. the day BEFORE school resumes</p> <p>LABOR DAY: Sun 6:00 p.m. to Mon 6:00 p.m.</p> <p>CHRISTMAS: December 24 at 9:00 p.m. to January 1 at 6:00 p.m.</p> <p><u>FATHER'S SCHEDULE FOR ODD YEARS</u></p> <p>PRESIDENT'S DAY: Sun 6:00 p.m. to Mon 6:00 p.m.</p> <p>MARTIN LUTHER KING DAY: Sun 6:00 p.m. to Mon 6:00 p.m.</p> <p>MEMORIAL DAY: Sun 6:00 p.m. to Mon 6:00 p.m.</p> <p>BEGGAR'S NIGHT: (where father resides) 4:30 p.m. to 8:00 p.m.</p> <p>THANKSGIVING: Wed 6:00 p.m. to Thu 6:00 p.m. unless Father's regular weekend visit follows then the visit ends Monday morning (school, daycare or 9:00 a.m.)</p> <p>CHRISTMAS: December 21 OR last day of school, whichever occurs first, from 6:00 p.m. to December 24, 9:00 p.m.</p>	<p><u>FATHER'S SCHEDULE FOR EVEN YEARS</u></p> <p>EASTER: Sat 6:00 p.m. to Sun 6:00 p.m.</p> <p>*SPRING BREAK: 9:00 a.m. the day AFTER school recesses to 6:00 p.m. the day BEFORE school resumes</p> <p>LABOR DAY: Sun 6:00 p.m. to Mon 6:00 p.m.</p> <p>CHRISTMAS: December 24 at 9:00 p.m. to January 1 at 6:00 p.m.</p> <p><u>MOTHER'S SCHEDULE FOR EVEN YEARS</u></p> <p>PRESIDENT'S DAY: Sun 6:00 p.m. to Mon 6:00 p.m.</p> <p>MARTIN LUTHER KING DAY: Sun 6:00 p.m. to Mon 6:00 p.m.</p> <p>MEMORIAL DAY: Sun 6:00 p.m. to Mon 6:00 p.m.</p> <p>BEGGAR'S NIGHT: (where mother resides) 4:30 p.m. to 8:00 p.m.</p> <p>THANKSGIVING: Wed 6:00 p.m. to Thu 6:00 p.m. unless Mother's regular weekend visit follows then the visit ends Monday morning (school, daycare or 9:00 a.m.)</p> <p>CHRISTMAS: December 21 OR last day of school, whichever occurs first, from 6:00 p.m. to December 24, 9:00 p.m.</p>
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ANY OR ALL PARTS OF THIS SCHEDULE CAN BE CHANGED IF BOTH PARTIES AGREE.

C. EXTENDED PARENTING TIME, SUMMER VACATIONS AND TRAVEL

1. General Provisions

- a). Summer School: If summer school is necessary for a child in order to pass into the next grade, then regardless of which option the parties have chosen, each parent is responsible for getting the child to school during their summer parenting time.
- b). Regardless of the schedule chosen during the summer break, each parent is responsible for obtaining their own work related child care provider unless the parties agree otherwise in writing.
- c). In the event of multiple children with different length summer breaks, the shortest summer break dictates the schedule.
- d). Home schooled children shall follow the schedule of the residential parent's school district.
- e). On the July 4th holiday, the child(ren) shall remain with the parent exercising parenting time on that date.

2. Schedules

- a). One of the following four options **must** be selected at the time the parenting time order is issued.

_____ **Option 1 (One week rotating schedule): This option is the default option for ex parte orders and temporary orders during a pending divorce case.**

During the child(ren)'s summer break from school, the parents shall exercise parenting time on alternating weeks (beginning and ending at 6:00 p.m. on Fridays). In even years, the nonresidential parent shall exercise the first week of summer parenting time, which shall begin at 6:00 p.m. on the first Friday after school recesses for the summer, followed by the residential parent exercising a week of summer parenting time. This alternating pattern shall continue during the remainder of the summer school recess. The summer parenting time schedule shall end at 6:00 p.m. on the last Friday before school resumes. Each parent may exercise a mid-week visit with the child(ren) on _____ . Any regular weekend parenting time shall be

suspended during the summer. In odd years, the residential parent shall exercise the first one (1) week block and begin the rotation.

Each parent may exercise a one week uninterrupted vacation during one of their one week blocks of time. The parent intending to exercise a vacation shall provide a 30-day notice to the other by _____ . As soon as available, but prior to leaving, the vacationing parent shall provide a travel itinerary which includes the destination, times of arrival and departure, methods of travel, and contact information to use during the vacation.

Each parent may delegate a portion of his/her vacation time to a close relative.

Option 2 (Two week rotating schedule):

During the child(ren)'s summer break from school, the parents shall exercise parenting time in alternating two-week periods (beginning and ending at 6:00 p.m. on Fridays). In even years, the nonresidential parent shall exercise the first two week block of summer parenting time, which shall begin at 6:00 p.m. on the first Friday after school lets out for the summer, followed by the residential parent exercising a two week block of summer parenting time. This alternating pattern shall continue during the remainder of the summer school recess. The summer parenting time schedule shall end at 6:00 p.m. on the last Friday before school resumes. Each parent shall exercise a mid-week visit with the child(ren) on _____. Any regular weekend parenting time shall be suspended during the summer. In odd years, the residential parent shall exercise the first two week block and begin the rotation.

Each parent may exercise a two week uninterrupted vacation during one of their two week blocks of time. The parent intending to exercise a vacation shall provide a 30-day notice to the other by _____. As soon as available, but prior to leaving, the vacationing parent shall provide a travel itinerary which includes the destination, times of arrival and departure, methods of travel, and contact information to use during the vacation.

Each parent may delegate a portion of his/her vacation time to a close relative.

Option 3 (Summer divided at mid-date): This option is the default option for a long distance situation where the parents live more than 150 miles from each other. This schedule supersedes days of special meaning and birthdays that occur during the summer.

In even-numbered years the residential parent shall exercise parenting time beginning 6:00 p.m. on the day after school lets out until 6:00 p.m. on the midpoint date, and the non-residential parent shall exercise parenting time beginning 6:00 p.m. on the midpoint date and ending at 6:00 p.m. on the last Friday before school resumes. In odd numbered years, the non-residential parent shall exercise parenting time beginning 6:00 p.m. on the day after school lets out until 6:00 p.m. on the midpoint date, and the residential parent shall exercise parenting time beginning at 6:00 p.m. on the midpoint date, and ending at 6:00 p.m. on the last Friday before school resumes.

For parties living within 150 miles of each other, the alternating weekend parenting time, as set forth in Section 19.5(A), may be exercised by the parent who is not exercising his or her half of the summer schedule.

Each parent may exercise a two week uninterrupted vacation during their half of the summer. The parent intending to exercise a vacation shall provide a 30 day notice to the other by _____. As soon as available, but prior to leaving, the vacationing parent shall provide a travel itinerary which includes the destination, times of arrival and departure, methods of travel, and contact information to use during the vacation.

Each parent may delegate a portion of his/her vacation time to a close relative.

_____ **Option 4 (maintain existing parenting time schedule) (This Option is the default option if a final decree does not include a specific summer parenting time Option).**

During the child(ren)'s summer break from school, the parties shall continue to operate under their existing parenting time schedule.

Each parent may exercise up to 14 days of uninterrupted vacation time during the summer break. This vacation time must be taken in blocks of time of at least seven consecutive days. The parent intending to exercise a vacation shall provide a 30-day notice to the other by _____. As soon as available, but prior to leaving, the vacationing parent shall provide a travel itinerary which includes the destination, times of arrival and departure, methods of travel, and contact information to use during the vacation.

Each parent may delegate a portion of his/her vacation time to a close relative.

D. LONG DISTANCE PARENTING TIMES

The long distance parenting time schedule shall apply when the parents reside more than 150 miles from each other.

The intent of the long distance parenting time schedule is the same as the local parenting time schedule: to maintain contact between the child(ren) and the non-residential parent. Both parties are encouraged to be as flexible as possible regarding the non-residential parent's parenting times. The following schedule is considered by the Court as a **minimal** schedule for contact between the child(ren) and the non-residential parent.

1. Extended Holiday Periods: The non-residential parent shall have parenting time for the years ending in **even** numbers:
 - a). Thanksgiving: From 6:00 p.m. Wednesday (before Thanksgiving Day) to Sunday at 6:00 p.m.
 - b). Christmas: From noon Christmas Day to 6:00 p.m. of the day before school starts.

For the years ending in **odd**-numbers:

- a). Spring Break: From 6:00 p.m. of the first Friday to 6:00 p.m. of the day before school starts.
 - b). Christmas: From 6:00 p.m. of the last day of school to noon Christmas Day.
2. Additional Vacation Times: The non-residential parent shall exercise additional parenting time with the child(ren) as follows:
 - a). Where the travel time for the child does not involve more than five hours (round trip), the non-residential parent may exercise parenting time for a three day weekend including a holiday designated for a non-residential parent under Rule 19.5(B)(2) beginning at 4:30 p.m. the day before the first day of the three day weekend to 6:00 p.m. of the last day of the three day weekend. The non-residential parent shall be responsible for the transportation costs. The non-residential parent must provide the residential parent with a 30-day notice of intent to exercise this parenting time.
 - b). If the non-residential parent elects to travel to the area where the child(ren) normally reside, the non-residential parent may exercise parenting time pursuant to Rules 19.5(A) or (B). When the non-residential parent elects to travel to the area where the child(ren) normally reside and intends to exercise

parenting times with the child(ren) as provided in Rules 19.5(A) or (B), the non-residential parent shall provide the residential parent with at least 30 days advance written notice.

19.6 GENERAL RULES REGARDING PARENTING TIMES: The following rules apply to all parenting times provided for this rule.

A. CONFLICTING SCHEDULES - ORDER OF PRIORITY

The local parenting time schedule shall apply when the parents reside less than 150 miles from each other.

Unless the Court orders otherwise, in the event of conflicts in parenting time schedules under Local Rule 19.0, the following is the order of priority (with number 1 having the first priority):

1. Holidays and Days of Special Meaning as set forth in Local Rule 19.4(B), not including the child(ren)'s birthday.
2. Child(ren)'s birthday as set out in Local Rule 19.4(B).
3. Vacation periods or extended parenting times as set out in Local Rule 19.4(C), excepting Option 3.
4. Weekends and mid-week parenting times as set out in Local Rule 19.4(A).

B. ILLNESS.

Parenting time shall be provided to the non-residential parent even if the child is ill unless the child is hospitalized or a physician has recommended that the child not be removed from the residential parent's home, in which event immediate notice shall be given to the non-residential parent. Any weekend parenting time that is missed under this provision shall be made up the first available weekend.

C. MEDICATIONS.

In all instances in which it is necessary for a child to take prescribed medications, the residential parent shall provide the non-residential parent with an adequate supply of such medications to care for the child's needs during the course of visitation at the beginning of each visitation session.

The residential parent shall also provide the non-residential parent with copies of the explanatory material issued by the pharmacy or, in lieu of

this information, a typed or legibly written document setting forth the times of administration of medications, an explanation of whether food should be taken with such medication, a list of any potential side effects known to the residential parent and the name, address, and telephone number of the child's pediatrician and pharmacist. The residential parent shall provide this information to the non-residential parent on the first visit following the prescribing of such medication for the child.

All medications shall be administered to the child by the non-residential parent as prescribed. If the non-residential parent is not physically present to administer medications at the prescribed times, then it shall be the responsibility of such parent to designate an adult of suitable maturity and judgment to administer the medications as prescribed.

D. COMMUNICATION.

1. Contact Information

Unless the Court orders otherwise, each parent must keep the other informed of her or his current address and telephone number and an alternate telephone number in the event of an emergency.

2. Communication Between Parents

IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent shall talk with a child(ren) about schedule changes unless and until the parents have agreed to make a schedule change. Each parent shall refrain from criticizing the other parent or arguing with the other parent in the child(ren)'s presence.

3. Communication Between Parents and Children

a). Telephone and/or Other Electronic Communications

Either parent may have reasonable telephone contact with the child(ren) not to exceed once a day between the hours of 7:00 a.m. and 9:00 p.m. If the child(ren) are not available, the child(ren) should return the telephone call to the calling parent within 24 hours of the time the parent made the unsuccessful call to the child(ren).

Both parents shall encourage free communications between the child(ren) and the other parent.

Neither parent shall do anything to impede or restrict reasonable communications by telephone or mail between the child(ren) and the other parent, whether initiated by the child(ren) or the other parent. Neither parent shall monitor or listen in on the children's telephone calls with the other parent.

b). Mail

Any mail between the child(ren) and either parent shall be strictly confidential and shall not be opened or read by the other parent unless shown or read to such parent by the child to whom the mail is directed. If, however, the child to whom the mail is directed is too young to read, the parent having possession of the child at the time the mail is received may read it to the child. This rule applies equally to the non-residential parent when the child(ren) are spending time with the non-residential parent.

- c). If the child(ren) has access to cellular telephones, text messaging, email, instant messaging, etc., both parents shall abide by the immediately preceding paragraphs regarding the use of such methods of communication with the minor child(ren).

E. SUPPORT FOR THE CHILD(REN) IN BOTH HOMES

1. Clothing and Supplies for Children

The residential parent shall send with the child(ren) sufficient clothing and outerwear appropriate for the season and for any known or planned activities. The non-residential parent shall return all items that are sent with the child(ren) at the end of his or her parenting time. In cases involving infants and young children who are not toilet trained, the non-residential parent shall maintain a sufficient supply of diapers and related items in his or her home for use for the child.

2. Child(ren)'s Activities

Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, lessons, sports, etc.). It is the responsibility of the parents to discuss extra-curricular activities of the child(ren) in advance, including time,

dates and transportation needs, so that no child is deprived of activities and maintaining friends. A parent receiving written material (i.e., activity schedules, maps, instructions, etc.) in connection with the child(ren)'s activities shall provide a copy of the material to the other parent. The parent who has the child(ren) during the time of the scheduled activities is responsible for transportation, attendance and/or other arrangements. Both parents are permitted to attend all their child(ren)'s activities, regardless of the parenting schedule.

The residential parent shall not unreasonably schedule activities or appointments with the minor child(ren) when the child would otherwise be with the non-residential parent.

3. Schoolwork

A parent must provide time for any child to study, complete homework assignments, papers, or other school assigned projects, even if the completion of this work interferes with the parent's plans with the children. If schoolwork is assigned by the school prior to the scheduled parent's time, the other parent must inform the scheduled parent of the work to be done, and it is the scheduled parent's responsibility to see that it is completed.

F. GRACE PERIOD

The parent transporting the children for parenting times shall have a grace period of 15 minutes for pick-up and delivery if both parties live within 30 miles of each other. If the one-way distance to be traveled is more than 30 miles, the grace period shall be 30 minutes. In the event the non-residential parent exceeds the grace period, that particular parenting time session is forfeited unless prior notification and arrangements have been made. This rule shall be subject to the exception that in the event the non-residential parent experiences an unavoidable accident, emergency or traffic delay en route and promptly notifies the other parent of the delay, the parenting time session shall not be forfeited.

Repeated violations of the grace period by either parent may result in fines and/or incarceration.

The Court expects the non-residential parent to notify the residential parent of his or her inability to exercise any parenting time. Failure to do so will result in the non-residential parent forfeiting his or her missed parenting time.

G. TRANSPORTATION

1. Weekend and Midweek Parenting Times

The nonresidential parent shall be responsible for all transportation associated with weekend and midweek parenting times.

2. Other Parenting Times

The transportation for all other parenting times shall be equally divided between the parents as follows: The non-residential parent, or a designated third party, shall pick up the child(ren) from the residential parent's home, or an agreed upon location, at the beginning of the non-residential parent's time. The residential parent, or a designated third party, shall pick up the child(ren) from the non-residential parent's home, or an agreed upon location, at the beginning of the residential parent's time. ***This provision shall apply to summer parenting time (except Option 4), holidays (except Thanksgiving) and other extended parenting times.***

3. Third Parties

If circumstances prevent a parent from personally providing transportation, another responsible adult known to both parties and the child(ren) may provide the transportation with advance notice to the other parent, unless otherwise ordered by the Court.

4. Child Safety

In all instances in which a child is required by Ohio law to be transported in a child safety seat, the non-residential parent shall be responsible for transporting the child in a properly installed child safety seat. In all other instances, the non-residential parent shall be responsible to transport the child(ren) using a properly functioning seat belt. Only a driver with a current, valid license may transport the child(ren).

H. ALTERATIONS OF THE CHILD(REN)'S PHYSICAL APPEARANCE

The non-residential parent shall not alter the physical appearance of the child(ren) without the prior written consent of the residential parent. This includes the cutting or coloring of the child(ren)'s hair, the piercing of ears or other parts of the body, permanent tattooing, or any other act that appreciably alters the physical appearance of the child(ren).

I. DEFINITIONS

Unless otherwise specified in certain provisions of Local Rule 19.0, the term "week" is defined to mean seven consecutive calendar days.

J. CLARIFICATION

The Court strongly encourages parties to direct questions regarding the application of Local Rule 19.0 to their attorneys.