

**Wayne County Rules of Civil Procedure for Court of Common Pleas General
Division and Domestic Relations Division**

TITLE 18: PARENTING TIME SCHEDULES

18.01 PARENTING TIME SCHEDULES

Liberal parenting time is encouraged by the Court, taking into account the number of children, their ages, and the geographic proximity of the parties. The parenting time schedule, to the extent possible, should encourage periods of parenting time of significant duration and minimize frequent shifting of the children back and forth between their parents.

The parties are encouraged to agree upon a schedule of parenting time. If they cannot agree, the Court will normally order parenting time as set forth in the schedule herein, unless the particular circumstances indicate that such parenting time would not be in the best interests of the children.

In split custody situations, this Rule shall not apply, and parenting time shall be as ordered by the Court, consistent with the philosophy of this Rule and provide, to the extent possible, that siblings shall be together during parenting time.

1) Flexibility and cooperation by the parents in handling all aspects of parenting time is in the best interests of the children. The parties shall make reasonable efforts to accommodate each other's needs, as well as the needs of the children, in implementing the ordered schedule of parenting time. The parties may, from time to time, mutually agree to a schedule that varies from the ordered schedule of parenting time to accommodate their needs and the needs of the children.

2) Basic Parenting Time Schedule:

- a) Alternate weekends from Friday to Sunday. If the parties are unable to agree otherwise, said parenting time shall commence at 6:00 P.M. on Fridays and end at 6:00 P.M. on Sundays. This schedule shall be followed year-round;
- b) The non-residential parent shall have one midweek parenting time per week. If the parties are unable to agree, then the midweek parenting time shall be every Wednesday evening from 4:30 P.M. (or as soon thereafter as the non-residential parent is available) until 8:00 P.M. If the children are in a child care arrangement, the parent may pick up the children from the caretaker.
- c) For the purpose of parenting time, there are seven (7) holidays as follows:
 - (1) Martin Luther King Day (Friday at 10:00 A.M. until Monday at 8:00 P.M.)
 - (2) President's Day (Friday at 10:00 A.M. until Monday at 8:00 P.M.)
 - (3) Easter (Sunday at 10:00 A.M. until 8:00 P.M.)
 - (4) Memorial Day (Friday at 10:00 A.M. until Monday at 8:00P.M.)
 - (5) Fourth of July (10:00 A.M. until 8:00 P.M.)

- (6) Labor Day (Friday at 10:00 A.M. until Monday at 8:00 P.M.)
- (7) Thanksgiving (Wednesday before Thanksgiving after school or 3:00 P.M. until Sunday at 8:00 P.M.)

In the odd-numbered years, the Mother shall have the children on the odd-numbered holidays; and the Father shall have the children on the even-numbered holidays. In the even-numbered years, the Father shall have the children on odd-numbered holidays; and the Mother shall have the children on even-numbered holidays.

d) Except as otherwise provided herein, each parent shall have the children for one-half of the Christmas break or Winter break. "Christmas/Winter break" shall be deemed as commencing the day after the last day of school at 9:00 A.M. until the day before school reconvenes at 6:00 P.M. (including weekends) but not including December 24 and December 25. In the event there is an odd number of days during Christmas break, the non-residential parent shall have the children for the extra day. The non-residential parent's choice of dates during Christmas break has priority over the residential parent's Christmas break schedule if the non-residential parent notifies the residential parent of the dates not later than October 1 of the applicable year. Absent timely notification by the non-residential parent, the residential parent's Christmas break schedule shall have priority. For purposes of this paragraph a "day" is all or any portion of one calendar day.

e) In even-numbered years, the non-residential parent shall have the children from 9:00 P.M. on December 24 until 6:00 P.M. on December 25. In odd-numbered years, the non-residential parent shall have the children from 10:00 A.M. until 9:00 P.M. on December 24 and from 6:00 P.M. to 11:00 P.M. on December 25. The children shall be with the residential parent on December 24 and December 25 at all other times not otherwise specified on these dates.

f) On Mother's Day and Father's Day, no matter whose turn for parenting time, the children will be with the appropriate parent from 10:00 A.M. until 6:00 P.M.

g) "School summer recess" is defined as beginning at 6:00 P.M. on the Friday immediately after the last day the children attend school and ending at 6:00 P.M. on the Friday one week before school reconvenes.

i) The parents shall alternate weeks with the children from Friday at 6:00 P.M. until the following Friday at 6:00 P.M., continuing to alternate weekends with the children according to the year-round schedule.

ii) However, each parent shall be entitled to take the children on vacation away from that parent's residence for a period of up to fourteen (14) consecutive days upon thirty (30) days advanced written notice to the other parent, accompanied by written agenda indicating the vacation destination, phone numbers where he or she can be reached, times of arrival and departure and method of travel. An itinerary with contact telephone numbers must be given to the other parent no later than ten (10) days prior to departure. This time shall not interfere with or conflict with

the holiday or days of special meaning schedule and does not have to be made up. Seven (7) of the fourteen (14) days must include the parent's week of parenting time.

h) The children shall celebrate their birthday in the home of the parent who has parenting time on that day.

i) When conflicts arise under this Basic Parenting Time Schedule, the following priority schedule shall apply (in descending order) with lowered-numbered items taking priority over high-numbered items:

- 1) Parenting Time at Christmas time;
- 2) Thanksgiving parenting time;
- 3) Extended summer parenting time;
- 4) Mother's Day and Father's Day;
- 5) Other holiday parenting time;
- 6) Weekend parenting time; and
- 7) Midweek parenting time.

j) The continued participation in extracurricular activities (school related or otherwise) shall continue uninterrupted regardless of this parenting time schedule. It shall be the responsibility of the parent with whom the children are with at the time of the activity to provide physical and reasonable economic costs of transportation to these activities. Each parent shall provide the other parent with notice of all extra-curricular activities (school related or otherwise) in which the children participate. The parent enrolling the children in the activity shall provide to the coach, leader or facilitator of the activity, the other parent's name, telephone number, email and contact information. Schedules of extracurricular activities (handwritten by the parent if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available) shall also be provided to the other parent. Extracurricular activities of the children shall not be scheduled by the residential parent so as to unreasonably interfere with parenting time.

k) Absent agreement otherwise, the non-residential parent shall arrange for the pick up the children at the beginning of each parenting time and the residential parent shall arrange for the pick up the children at the end of each parenting time for return to their residence. The transportation provider shall be the parent or any individual known to the children. Any person driving the children must comply with all child restraint laws. No person transporting the children may be under the influence of drugs or alcohol. Only licensed drivers may transport the children.

1) If a non-residential parent is unable to exercise parenting time, 24 hours' notice must be provided to the residential parent, absent exigent circumstances. A non-residential parent more than thirty (30) minutes late for parenting time forfeits that parenting time. The Court may consider frequently missed parenting time, with or without notice, as grounds for modification of the parenting time schedule and/or contempt. A residential parent may cancel scheduled parenting time due to a

child's illness and should give 24-hours' notice, if possible. Any parenting time canceled due to illness shall be made up as soon as is practicable.

m) Parenting time is a time for the children to be and do things with the parent with whom they do not live. During parenting time, the children should not be left with babysitters, except for short durations or to facilitate work schedules.

n) Open and free communication by telephone, FaceTime, videochat and otherwise shall be permitted between the children and the parent with whom they are not then residing for a reasonable duration.

o) Upon either parent learning or determining, whichever occurs first, that he/she will be moving, he/she shall immediately notify the other parent except in those circumstances wherein notice is not required by Ohio Revised Code §3109.051(G) and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information that is necessary to effectuate a smooth transition for the children.

3) When the Oldest Child Is less than Eighteen Months. The Basic Parenting Time Schedule shall not apply when the oldest child of the parents is less than eighteen months of age. When the oldest child of the parents is less than eighteen months of age the non-residential parent shall have two (2) weekly visits with the children.

If the parents cannot agree, these visits shall be every Wednesday from 5:30 P.M. to 8:30 P.M. and every Sunday from 12:00 P.M. to 6:00 P.M.

The general rules of parenting time set forth in subparagraphs (i) through (o) of the Basic Parenting Time Schedule shall apply.

When the oldest child of the parents has attained the age of eighteen months, the parenting time schedule shall be pursuant to paragraph (4) of this rule.

4) When the Oldest Child is Eighteen Months to Three Years. When the oldest child of the parents is age eighteen months to three years, the Basic Parenting Time Schedule shall not apply. When the oldest child of the parents is age eighteen months to three years, the non-residential parent shall have two (2) weekly visits, with one (1) being an overnight visit with the children.

If the parents cannot agree, this parenting time shall be every Wednesday from 5:30 P.M. to 8:30 P.M. and every Saturday from 12:00P.M. to Sunday at 6:00 P.M.

The general rules of parenting time set forth in subparagraphs (i) through (o) of the Basic Parenting Time Schedule shall apply.

When the oldest child of the parents has attained the age of three years, parenting time shall be pursuant to the Basic Parenting Time schedule as to all children of the parents.

5) Travel Distance of 100 Miles or More. If the parents reside 100 miles or more from each other, the Basic Parenting Time Schedule shall not apply. If the parties cannot agree on a parenting time schedule (unless the Court otherwise orders), the following will normally be ordered as the parenting time schedule by the Court:

a) Five (5) consecutive weeks for the non-residential parent, commencing the first Sunday of the summer school vacation.

The residential parent shall be permitted to have the children, overnight, one (1) weekend from Saturday at 9:00 A.M. until Sunday at 6:00 P.M. during the five (5) weeks of parenting time. This weekend of parenting time for the residential parent shall be exercised in the geographic area of the non-residential parent's residence, unless the parents otherwise agree. The parents shall agree upon the designated weekend with priority given to the non-residential parent's vacation plans.

b) Each year during Christmas break, the non-residential parent shall have the children seven (7) consecutive days over the Christmas school vacation, not including Christmas Day, which shall be spent with the residential parent. In odd-numbered years, the non-residential parent shall have the children on Christmas Day, in addition to seven (7) additional consecutive days.

c) In even-numbered years, the non-residential parent shall have the children from the Wednesday preceding Thanksgiving (after school) until the Sunday subsequent to Thanksgiving at 8:00 P.M.

d) The non-residential parent shall have the children every spring school break from the last day of school (after school) until the day before school reconvenes at 8:00P.M.

e) If travel time, by car, is less than three (3) hours one way, the non-residential parent shall have the children from Friday at 8:00 P.M. until Sunday at 8:00 P.M. the last weekend of each month during the school year. If said weekend is preceded on Friday by a holiday or followed on Monday by a holiday, said weekend shall be deemed as including the holiday and shall commence at 10:00 A.M. (on Fridays) and end at 8:30 P.M. (on Mondays).

Open and free communication by telephone, FaceTime, videochat and otherwise shall be permitted between the children and the parent with whom they are not then residing for a reasonable duration (g) Responsibility for transportation costs shall be included in the Court's order. If the parents cannot agree on costs of transportation, costs shall be ordered by the Court. The Court may consider the costs of transportation to effectuate parenting time as a factor in deviating from child support calculations.

f) When a child or children of parents residing more than 100 miles from each other has not yet attained the age of five (5) years, parenting time shall be as ordered by the Court, consistent with the philosophy of parenting time set forth by this Rule.

g) When a child or children of parents residing more than 100 miles apart from each other has attained the age of fourteen (14) years, the parenting time schedule shall be as set forth in this Rule unless the Court otherwise orders.