

Tennessee judges and lawyers want to make sure children are not hurt by a divorce. There is now a law to help make divorce easier on the children. This law says a divorce is not final until there is a written parenting plan. It reminds parents that the most important part of a family is the children.

What is a parenting plan?

A parenting plan is part of your final divorce order. It says what each parent will do for the children; how you will make decisions about the children; how parenting time will be divided between the parents; and how the children will be supported.

Writing a parenting plan can help you work together for the good of your children. Parents usually must agree on some things until their children are adults. Making things clear in the plan can cut down on arguing later.

Who needs a parenting plan?

All parents who divorce after January 1, 2001 must have a written parenting plan.

What if you divorced before January 1, 2001? You only need a parenting plan if you make changes in your child custody or visitation.

What if you get custody of your children in some other court? You may not have to have a parenting plan.

Both parents must go to a class on children and divorce

As part of the plan, both parents **MUST** go to this class. In the class, you learn how divorce affects children and how you can help them.

Classes will be held in your area several times each month. Your lawyer or court clerk will help you find classes in your area. It is up to you to contact the class leader and sign up. You may have to pay for

the class. If you can't afford to pay, tell the leader. You may get to go for free or you may have to pay only part of the cost.

Writing the parenting plan

You will need a copy of the **parenting plan forms**. Your divorce lawyer will prepare the forms with your help. What if you are filing for divorce without a lawyer? You can ask for the forms at the Court Clerk's office. What if your husband or wife files for the divorce? They should file a temporary parenting plan with the divorce papers. If they don't, you should file a temporary plan with your answer.

On the parenting plan forms, you state what each parent will do for the children. You spell out when the children will stay with each parent, including holidays, vacations, and birthdays; how much child support will be paid and by whom, and how you will make decisions about the children's medical care, education and religion. You say how you will settle future disagreements about the children.

What if the parents cannot agree on the long-term parenting plan?

One parent or both parents can give a short-term or **temporary parenting plan** to the Judge. The Judge can put this plan into effect **until the divorce is final**. The plan will state where the children will live until the divorce is final. If the parents can't agree on a final plan, parents should give a temporary plan to the Judge and the Judge will make the final determination.

The Judge may order you go to **mediation** together. This may help you agree on a temporary plan and a long-term plan. In mediation, a trained person tries to help you and your spouse make a parenting plan you can agree on. The mediator is not a judge. The

mediator does not give legal advice. The mediator can't make you agree to anything.

What if you can't afford mediation? You **MUST** tell the Judge. You may get mediation for free if you are indigent. The Judge may also decide if mediation is appropriate. Sometimes mediation in domestic violence cases is not appropriate.

What if you still can't agree?

Then both parents write down a plan and give it to the Judge. The Judge can choose one of the plans or write a new one.

The parenting plan forms have some new words. Here is what they mean:

- **Parenting responsibilities** mean your duties as a parent. These duties include making decisions and caring for your child. They mean feeding and clothing your child and helping to pay for what the child needs. They mean making sure your child is safe and feels secure. They mean deciding about the child's medical care, education and religion. They also mean deciding what other things the child will do. This includes things like taking piano lessons or playing football.

- **Residential parenting schedule** means when the child stays with each parent. This includes birthdays, holidays, vacations, and other special times.

- **Temporary parenting plan** means a plan for where the child will live until the divorce is final.

- **The permanent parenting plan** means a written plan that becomes an order of the court. It says how almost everything about the children will be done after the divorce. It includes:
Where the children will live,
When they will spend time with the other parent,

What each parent has to do,
How much child support will be paid.

• **Primary Residential Parent** means the parent with whom the child lives the majority of the time. This is what used to be known as “custody”. The other parent is known as the **Alternate Residential Parent**.

• **Residential Sharing Time** means the time that the child spends with the Alternate Residential Parent. It is what used to be known as “visitation”.



OFFICE HOURS AND LOCATIONS

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This pamphlet is intended for general information only. The circumstances of every case are different and need to be dealt with on a case-by-case basis. This is not a substitute for the advice of a lawyer. Also, the law may change and may be different from county to county.



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In Tennessee, a
Parenting Plan
is part of a divorce



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