

Divorce: Parenting Plans



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WHAT IS A PARENTING PLAN?

A parenting plan is part of your final divorce order. It says:

- how parenting time (visitation) will be divided between the parents;
- how you will make decisions about the children; and
- child support.

DO BOTH PARENTS HAVE TO GO TO PARENTING CLASSES?

Yes. 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. Failure to complete parenting classes can result in serious legal/criminal consequences.

HOW DO YOU WRITE A PARENTING PLAN?

You will need a copy of the parenting plan form. Your lawyer will prepare the form. If you do not have a lawyer, you will need a copy of the parenting plan form which is available at the AOC website. www.tsc.state.tn.us

On the parenting plan form, you state:

- When the children will stay with each parent, including holidays, vacations, and birthdays
- How much child support will be paid (according to child support guidelines) and by whom
- How you will make decisions about the children's medical care, education, extracurricular activities, and religion

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 case is final. If the parents cannot agree on a final plan, the judge will make the final decision.

If you do not have an agreed parenting plan, the law requires you to go to mediation. 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 that satisfies each parent. The mediator is not a judge, does not give legal advice, and can't make you agree to anything. The mediator is a neutral third party. Sometimes mediation in domestic violence cases is not required

WHAT IF YOU CAN'T AFFORD MEDIATION?

You might be able to get free or low cost mediation. You need to fill out an Affidavit of Indigency. This is a form that lists your income, expenses, assets, and debts. The purpose is to show that you have a low income. Write on the Affidavit you cannot afford mediation. Give the form to the court clerk, and ask the clerk to present to the judge.

WHAT IF I NEED TO CHANGE MY PARENTING PLAN?

You cannot change your current parenting plan without a court order. Look at your current parenting plan to see what it says about how changes can be made.

WORDS TO KNOW:

- *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*.
- *Parenting Schedule* states 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.
- *Permanent Parenting Plan* means a written plan that becomes an order of the court. It includes:
 - Where the children will live
 - What days the children will spend with each parent
 - What each parent is responsible for doing for the children
 - How much child support will be paid as determined by the child support worksheet

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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.

