

## **INSTRUCTIONS FOR EXHIBIT B: PROPOSED PARENTING PLAN**

State law requires parties to file a parenting plan with all divorces involving minor children filed after August 1, 2009. The law changes some of the terminology with which parties may be familiar. The terms are identified below:

**“Parenting time”** is the new term for the time when a child is to be in the care of a parent – formerly known as visitation.

**“Residential responsibility”** is the new term for custody. Primary residential responsibility means a parent with more than fifty percent of the residential responsibility.

**“Parenting Plan”** is a written plan required in any proceeding to establish or modify a judgment providing parenting time.

Fill in the names of the parties and include the case number on the top of the form.

1. Read carefully.
2. Checkmark the appropriate party for designation of legal residence of the child for school attendance purposes.
3. Read carefully.
4. Checkmark the appropriate designation of residential responsibility (custody).
5. Clarify Parenting times and parenting schedule (visitation) as clearly as possible.
6. Checkmark the appropriate designation of major decision making. Clarify when both parents must consent to decisions.
7. Read carefully. Clarify telephone and electronic access to the child(ren).
8. Discuss, checkmark and clarify who will be responsible for transportation and exchange of the children, including timing and locations. It is important that these discussions be ongoing and consider the best interests of the children.
9. Discuss and checkmark when review and adjustments will be made to the parenting plan.
10. Discuss and checkmark which types of third parties you will use to resolve various types of disputes and how the costs of hiring a professional mediator will be shared.

STATE OF NORTH DAKOTA  
\_\_\_\_\_ COUNTY

IN DISTRICT COURT

Case No. \_\_\_\_\_

\_\_\_\_\_,  
Plaintiff,

vs.

EXHIBIT B:  
PARENTING PLAN

\_\_\_\_\_,  
Defendant.

Pursuant to NDCC § 14-09-30, the Court enters the following plan dealing with parenting time and hereby incorporates the same into the Judgment.

1. Both parents shall not criticize the other in the presence of the child and shall take all reasonable steps necessary to minimize the child's involvement in any future dispute that may arise between them. Neither parenting time nor child support may be withheld because of either parent's failure to comply with this plan. Parties must apply to the court for sanctions related to violations of the plan.
2. The legal residence of the child(ren) for school attendance shall be with *(choose one)*:
  - a. Plaintiff.
  - b. Defendant.
3. Out of state relocation of the residence of the child(ren) shall be governed by NDCC § 14-09-07.
4. Residential Responsibility (custody):

It is in the best interests of the child(ren) that residential responsibility shall be *(choose one)*:

  - a. Shared equally between the Plaintiff and Defendant.
  - b. Primary residential responsibility shall be with Plaintiff. The Defendant shall have parenting time (visitation) in the Parenting Time Schedule below.
  - c. Primary residential responsibility shall be with Defendant. The Plaintiff shall have parenting time (visitation) in the Parenting Time Schedule below.

5. **Parenting Time (visitation):** The following guidelines are intended to provide ongoing consistent parenting time for the children. The parties recognize that there will be times that the schedule requires adaptation for the best interest of the children. Parties agree to negotiate changes to the schedule in the best interest of the children.

Parenting time, and parenting schedule shall be as follows:

Weekends:  Alternating  Other: \_\_\_\_\_

Weekdays:  One night per week (\_\_\_\_\_)  Other: \_\_\_\_\_

Holidays: \_\_\_\_\_

Days off from school: \_\_\_\_\_

Birthdays:  Alternating the child(ren)'s birthdays: \_\_\_\_\_

Other: \_\_\_\_\_

Plaintiff's Birthday: \_\_\_\_\_

Defendant's Birthday: \_\_\_\_\_

Summers: \_\_\_\_\_

Vacations: \_\_\_\_\_

Parenting time beginning date: \_\_\_\_\_

6. **Decision Making Responsibility:** Each parent is authorized to make routine day-to-day decisions while the child(ren) reside with that parent.

Major decisions such as education, health care, and spiritual development shall be made by (*choose one*):

a. Plaintiff and Defendant jointly.

b. Plaintiff.

c. Defendant.

Both Plaintiff and Defendant must consent before any child shall be allowed to: \_\_\_\_\_

**7. Information Sharing and Access: Both parents shall have access to educational, medical, dental, religious, insurance, and other records or information. Both parents have the right to attend school conferences. This right does not require any school to hold a separate conference with each parent. Both parents shall allow reasonable access to the child by written, phone, electronic or other means. Each parent shall inform the other as soon as reasonably possible of serious accidents or illness which require health care treatment, providing the time of the accident or illness and the name of the treating health care provider. Parents shall inform each other of address and phone number changes immediately. The parties shall keep each other informed of the name and address of the school the child(ren) attend.**

**Telephone access to the child(ren) shall be as follows:** \_\_\_\_\_  
\_\_\_\_\_

**Electronic access to the child(ren) shall be as follows:** \_\_\_\_\_  
\_\_\_\_\_

**8. Transportation and exchange of the children shall be made with the safety of the parties in consideration.**

*(Choose any that apply)*

a. The responsibility of picking up and returning the child(ren) is shared, with pickup at \_\_\_\_\_ and drop off at \_\_\_\_\_.

b. Pick up at \_\_\_\_\_.

c. Drop off at \_\_\_\_\_.

d. Alternative pick up/drop off at \_\_\_\_\_.

e. Any change in pick up or drop off location will be determined by \_\_\_\_\_  
\_\_\_\_\_.

f. Other: \_\_\_\_\_  
\_\_\_\_\_

9. Review and Adjustments to Parenting Plan: When family necessities, illnesses, or commitments reasonably require, the parenting plan will be modified fairly. The parent requesting modification shall act in good faith and give as much notice as circumstances permit.

The parenting plan will be reviewed upon the following events (*choose any that apply*):

- a. Plaintiff and Defendant may change this plan by agreement, but all changes must be in writing, signed, and dated by both.
- b. The oldest child reaches age \_\_\_\_.
- c. Either Plaintiff or Defendant intends to move more than \_\_\_\_ miles from their current residence.
- d. After recommendation of a professional (i.e. doctor, therapist, pastor).
- e. Other: \_\_\_\_\_  
\_\_\_\_\_.

10. Dispute Resolution: In the event Plaintiff and Defendant are unable to resolve their differences with regard to the parenting plan, disputes shall be submitted to (*choose one*):

- a. Counseling.
- b. Mediation.
- c. Other: \_\_\_\_\_.

Plaintiff and Defendant shall share the cost of these services.

In the dispute resolution process with regard to the parenting plan, preference will be given to carrying out this parenting plan.

BY THE COURT:

\_\_\_\_\_  
Judge / Judicial Referee of the District Court