

CHILDREN'S TIME-SHARING SCHEDULE

Children have a right of contact with both parents when the parents separate. Contact with both parents is important to a child because it promotes stability and security in the child's life. Florida law requires frequent and continuing contact between both parents and the children. The following time-sharing schedule is only the minimum contact ordered between the parents and the children.

This parties are ordered to apply this schedule so that there is frequent and continuing contact between the children and both parents, which is what the law requires. The parties must be flexible and cooperative in implementing this schedule. The parties are ordered to make informal changes and adjustments to this schedule from time to time as circumstances require in the future.

Changes and adjustments to this schedule by informal agreements between the parents from time to time cannot form the basis of a petition to modify this schedule. *See, e.g., Sidman v. Marino*, 46 So.3d 1136 (Fla. 1st DCA 2010), in which the court said: "[A]llowing an agreement between the parents to provide a basis for modification would discourage parents from making informal, joint decisions for the benefit of their children", citing *Smoak v. Smoak*, 658 So.2d 568 (Fla. 1st DCA 1995). Therefore, the parties are ordered to be flexible and accommodating to their children.

1. Time-Sharing Schedule Effective immediately, the children shall have the following time-sharing schedule:

1.1. Weekly Time-Sharing Schedule

For weekly time-sharing, the children shall be with or at the direction of the Father Monday through Friday and every other weekend and shall be with or at the direction of the Mother on the alternate weekends from Thursday at 5:00 PM until Sunday at 5:00 PM. These are the Father's assigned days of weekly time-sharing and these are the Mother's assigned days of weekly time-sharing.

However, if during the school year school is in session on any Thursday of Mother's weekend, then Mother's weekend begins with pick up from school on that Thursday, and if during the school year school is in session on any Monday following Mother's weekend, then Mother's weekend extends to Monday return to school. If the Monday following Mother's weekend is a holiday, then Mother's weekend extends to Monday at 5:00 PM or Tuesday return to school if school is in session the next Tuesday.

Mother's first weekend begins on the second Thursday after the entry of this order and every other weekend thereafter.

"School" is defined as the K - 12 required public school days calendar.

1.2. Summer Time-Sharing Schedule

1.2.1. Until age 18. The parties shall confer and agree upon a summer schedule for each parent consisting of fourteen (14) continuous days. Under this paragraph, if the parents cannot reach any agreement in writing signed by both by April 15 of any year, then the children will be with or under the direction of the Father for 14 days from June 10 at 9 a.m. to June 24 at 3 p.m. each year and with or under the direction of the Mother for 14 days from July 12 at 9 a.m. to July 26 at 3 p.m. each year.

The fourteen (14) continuous days arrived at under this paragraph are the days assigned to each parent during the children's summers.

1.2.2 During any holiday or summer time-sharing period the parents may take the children out of the county or out of the country during their respective time-sharing periods.

1.3. Holiday Time-Sharing, Winter Break, Thanksgiving, Spring Break, Halloween, Etc. - From the kindergarten school year through age 18. The holiday days arrived at under this paragraph are the days assigned to each parent during the holidays designated below.

(1) For holiday time-sharing from the children's kindergarten school year through age 18, the parties shall have the children for:

- (A) Thanksgiving day in odd numbered years with Father, alternated year to year;
- (B) the two portions of the Winter break vacation from school, alternated year to year as provided below;
- (C) 12/24 at noon to 12/25 at noon, alternated year to year as provided below;
- (D) Spring break shall be divided as provided below;
- (E) Father's Day and Mother's Day as provided below;

(2) Thanksgiving day the children will be with the parent entitled. If the Wednesday night before is not a weekly night with the parent entitled to Thanksgiving in any year, the children shall be exchanged at 5 p.m. on the Wednesday night before so that the children are with that entitled parent Wednesday night, all day Thursday and then Thursday night, and the weekly schedule will resume on Friday after Thanksgiving.

(3) The "Winter Break" is defined in this order as consisting of all of the days from and including the second day after the last day of school in December to and including the second day before the school day that school resumes in January but excluding 12/24 and 12/25.

(A) The weekly schedule shall continue until the first day after the last day of school in December and shall resume on the first day before the school day that school resumes in January.

(B) The parties shall equally divide the days of the "Winter Break," that is, from and including the second day after the last day of school in December to and including the second day before the school day that school resumes in January but excluding 12/24 and 12/25.

(C) In even numbered years the Father shall have the first half of the equally divided days of the "Winter Break" as defined above and the Mother shall have the second half. In odd numbered years this will reverse.

(D) As for 12/24 and 12/25, the children will be exchanged at noon on 12/24 and noon on 12/25, and this 24 hour period will be alternated year to year with the Father having the children in even numbered years and the Mother in odd numbered years and so on thereafter.

(4) The "Spring Break" is defined as the Monday to Friday that the children are not in school in the spring. The Father shall be entitled to the children for "Spring Break" during even numbered years, the Mother during odd numbered years. Under the weekly schedule, the children will be with one parent on the weekend before and the other parent on the weekend after that week off from school. The children will stay the night with the parent who is the parent who has the alternate spring holiday in any year so that the children are with or under the direction of that parent every night for that parent's weekend and the Sunday night or Friday night before or after the "Spring Break," as the case may be.

(5) In addition, the children shall be with the Father on Father's Day, from at least 10:00 a.m. to 5:30 p.m. if that Sunday is a weekend for the children to be with the Mother under the weekly schedule, and with Mother on Mother's Day, for at least the same hours if that Sunday is a weekend for the children to be with the Father under the weekly schedule.

(6) The Holiday and Summer time-sharing schedules supersede and are superimposed over the weekly schedule with the parents' assigned weekends preceding and following the Holiday and Summer time-sharing schedules in sequence until age 18.

2. Transportation. The parties shall each share the responsibility for transporting the children for weekly, summer and holiday time-sharing. The parties' residences are the locations for the exchange, unless the children are dropped off or picked up at school under the time-sharing schedule.

The party acquiring the children shall drive to the other parent's residence and the place of exchange shall be the parents' residences, unless pick up and drop off at school applies to the weekly contact.

The parents may each designate any adult to pick up or drop off the children and they do not have to pick

up or drop off the children themselves.

The parents shall have the children available for pick up or drop off for up to 1.0 hour after the designated time.

They shall coordinate passing the children's clothes and personal items and also books and school work between them when the children are exchanged.

3. Itinerary. If either parent plans a vacation or a trip out-of-town with the children for more than three (3) days, that parent must provide the other parent with a general itinerary and the dates of departure and return.

4. Cancellations. If possible, each parent should give at least 24 hours notice of any cancellation of contact. Time cancelled by the Mother is forfeited.

5. No telephone, etc., parent-initiated communication with child is allowed Neither parent may initiate any telephone, text, email, Skype, Facebook, or other communication with a child while the child is with the other parent or under the other parent's direction on his or her assigned days under this time-sharing schedule or otherwise. Further, neither parent may request or direct the children to initiate a call him or her during days assigned to the other parent.

6. No "first choice" child care is ordered No "first choice" child care is ordered, so a parent may use any person acceptable to the parent for child care during the parent's time with the children under this time-sharing order, and a parent is not required to use the other parent for child care.

7. Scheduling Communication. Scheduling parenting time, arranging transportation and other details concerning exchanges of the children **must** be discussed **only** between the parents and not between the children and the parents. No parent should expect the children to make the arrangements with the other parent. This is the duty of the adults. If the parties cannot talk to each other, they should consider family counseling with a professional counselor so that they may learn how to communicate for the best interests of their children.

8. School. Both parties shall have contact with the children at school and other extracurricular activities, as follows:

8.1. Both parents may visit the children at school during non-instructional times such as lunchtime or to attend school functions, may have access to the school officials and teachers and administrators to discuss the children's schooling with the teachers and other school officials, and may have equal access to the children's student records.

8.2. Both parents may volunteer to participate in all activities available to parents at the children's school and taking place after school hours or on weekends.

8.3. Both parents may participate as a chaperon for field trips that the children participate in. However, the parent who is not entitled to parenting time for that day is not permitted to privately transport the children on a field trip unless written permission is given by the parent who is entitled to parenting time for that day.

8.4. Only the parent who has the right to parenting time for that day and at that time may remove the children from the school premises either during school or when the school day ends. However, if the parent entitled to parenting time for that day gives written permission to the other parent, the other parent may remove the children from the school premises. If the school administration has any question about who is entitled to pick up the children, they may require the parents to provide the school administration with written permission signed by both of them for this change in the children's standard pick up schedule.

8.5. The parent entitled to parenting time for that day and time may designate someone, including the other parent, to pick up the children from school by first notifying the school in writing, or, in the event of an emergency or if acceptable to the principal, by a phone call.

8.6. The parents shall not under any circumstances cause any disturbance as a result of any disagreements between them regarding their children to occur on school grounds or in front of the children. Such disputes must be discussed privately between the parties and if they cannot resolve the matter, they must be brought before the court. Any disturbance or disagreement concerning the children expressed verbally or otherwise on school grounds

or in front of the children shall be a violation of this order subjecting the parties to sanctions.

8.7. The residence of the parent with whom the children spend most of the time during the months of the school year, in a settlement agreement, order or final judgment, shall be the residence of the children for enrollment purposes and determination of the children's school district.

8.8. The school administration has no obligation to provide both parents with duplicate copies of a children's school work, grade reports, test reports, and other information when these reports are mailed out, although either parent may come to the school to review this information. When this information is mailed out or otherwise made available, the school will provide it to the parent with whom the children spend most of the time during the months of the school year, in a settlement agreement, order or final judgment.

8.9. If the children rides a bus to or from school, the children will ride the bus that travels to and from the residence of the parent with whom the children spend most of the time during the months of the school year, in a settlement agreement, order or final judgment, and if the parties have agreed or the court has ordered that the other parent is entitled to pick up the children on any given day or to ride the bus to or from the residence of the other parent on any given day, the parties shall provide the school administration with written permission signed by both of them for this alternate pick up or bus travel.