

CHILD'S TIME-SHARING SCHEDULE

A child has 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 child. The following time-sharing schedule is only the minimum contact ordered between the parents and the child.

This parties are ordered to apply this schedule so that there is frequent and continuing contact between the child 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 child so that the child has frequent and continuing contact with both parents now that the parents are separated.

1. Time-Sharing Schedule The child shall have the following time-sharing schedule:

1.1. Weekly Time-Sharing Schedule

For weekly time-sharing, the child shall be with or at the direction of the PPP Monday through Friday and every other weekend and shall be with or at the direction of the SSS on the alternate weekends from Friday at 5:00 p.m. until Sunday at 5:00 p.m.

However, if during the school year, school is in session on any Friday, then SSS's weekend begins with pick up from school on Friday and if during the school year, school is not in session on any Monday following SSS's weekend, then SSS's weekend extends to that Monday at 5:00 p.m.

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

"School" is defined as "voluntary pre-kindergarten" and the K - 12 required public school days calendar.

1.2. Summer Time-Sharing Schedule

1.2.1 The summer schedule shall begin during the summer between first grade and second grade.

1.2.2. The summer contact schedule supersedes the weekly contact schedule.

1.2.3. Parents must confer and arrange their summer contact schedule by April 15 of the calendar year. This will permit an orderly transfer of the child and minimize disruption in the parent's and child's lives.

1.2.4. From first grade to 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 child will be with or under the direction of the PPP 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 SSS for 14 days from July 12 at 9 a.m. to July 26 at 3 p.m. each year.

1.2.5 During any holiday or summer time-sharing period the parents may take the child 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, Etc. - From the kindergarten school year through age 18.

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

- (A) Thanksgiving day as provided below;
- (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;
- (F) July 4th holiday as provided below;
- (G) Labor Day and Memorial Day weekends as provided below;

(2) Thanksgiving day the child will be with the PPP in odd numbered years and with the SSS in even numbered years, alternated year to year. If the Wednesday night before is not a weekly night with the parent entitled to Thanksgiving in any year, the child shall be exchanged at 5 p.m. on the Wednesday night before so that the child is 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 PPP shall have the first half of the equally divided days of the "Winter Break" as defined above and the SSS shall have the second half. In odd numbered years this will reverse.

(D) As for 12/24 and 12/25, the child 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 PPP having the child in even numbered years and the SSS in odd numbered years and so on thereafter.

(4) The "Spring Break" is defined as the Monday to Friday that the child is not in school in the spring. The PPP shall be entitled to the child for "Spring Break" during even numbered years, the SSS during odd numbered years. Under the weekly schedule, the child will be with one parent on the weekend before and the other parent on the weekend after that week off from school. The child will stay the night with the parent who is the parent who has the alternate spring holiday in any year so that the child is 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 child shall be with the PPP on PPP's Day, from at least 10:00 a.m. to 5:30 p.m. if that Sunday is a weekend for the child to be with the SSS under the weekly schedule, and with SSS on SSS's Day, for at least the same hours if that Sunday is a weekend for the child to be with the PPP under the weekly schedule.

(6) The child shall be with the SSS on July 4th of even numbered years from 5:00 p.m. on July 3rd, if that is a day the child is with the PPP, until 5:00 p.m. on July 5th unless school is in session on July 5th in which event the SSS shall return the child to school in the morning of the 5th, and with the PPP the same in odd numbered years.

(7) The child shall be with the SSS on the Labor Day weekend of even numbered years and with the PPP in odd number years and with the PPP on the Memorial Day weekend of even numbered years and with the SSS in odd

numbered years. These weekends begin with pick up from school on Friday, if school is in session that day, or 5:00 p.m. if school is not in session, and end with drop off at school on Tuesday, if school is in session that day, or 10:00 a.m. if school is not in session, or earlier if agreeable to both parties.

(8) 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 child for weekly, summer and holiday time-sharing. The party acquiring the child 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 child and they do not have to pick up or drop off the child themselves. The parents shall have the child available for pick up or drop off for up to 1.5 hours after the designated time. They shall coordinate passing the child's clothes and personal items and also books and school work between them when the child is exchanged.

3. Itinerary. If either parent plans a vacation or a trip out-of-town with the child 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 SSS is forfeited. Where feasible, however, the PPP should make reasonable accommodation to a scheduling conflict of the SSS.

5. No telephone, Skype or other communication with child is ordered No telephone, Skype, or other communication with the child is ordered between a parent and the child when the child is with the other parent under this schedule, because the evidence does not support a finding that the parents can manage such an order or that their work schedules justify it and because of the very low level of cooperation and communication between these parents. An order for required phone calls, etc., is an invitation for further litigation. Nevertheless, free and open communication between the child and both parents should occur and may occur if the parents agree from time to time and can work it out.

6. No "first choice" child care is ordered No "first choice" child care is ordered, so that a parent may use any person acceptable to the parent for child care during the parent's time with the child under this time-sharing order, and a parent is not required to use the other parent for child care, because the evidence does not support a finding that the parents can manage such an order or that their work schedules justify it and because of the very low level of cooperation and communication between these parents. An order for required day care by the parents, etc., is an invitation for further litigation. Nevertheless, this would be good for the child and helpful for the parents if they could work this out and may occur if the parents agree from time to time and can work it out.

7. Scheduling Communication. Scheduling parenting time, arranging transportation and other details concerning exchanges of the child **must** be discussed **only** between the parents and not between the child and the parents. No parent should expect the child 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 child.

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

8.1. Both parents may visit the child 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 child's schooling with the teachers and other school officials, and may have equal access to the child's student records.

8.2. Both parents may volunteer to participate in all activities available to parents at the child'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 child participate in. However, the parent who is not entitled to parenting time for that day is not permitted to privately transport the child 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 child 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 child from the school premises. If the school administration has any question about who is entitled to pick up the child, they may require the parents to provide the school administration with written permission signed by both of them for this change in the child'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 child 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 child to occur on school grounds or in front of the child. 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 child expressed verbally or otherwise on school grounds or in front of the child shall be a violation of this order subjecting the parties to sanctions.

8.7. The residence of the parent with whom the child 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 child for enrollment purposes and determination of the child's school district.

8.8. The school administration has no obligation to provide both parents with duplicate copies of a child'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 child spend most of the time during the months of the school year, in a settlement agreement, order or final judgment.

8.9. If the child rides a bus to or from school, the child will ride the bus that travels to and from the residence of the parent with whom the child 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 child 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.