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Parenting Plan Proposal

Parents with children who are minors are required to provide the Court a parenting plan as part of the divorce process. A parenting plan consists of three component parts: 1) parenting time, i.e. how much time the child(ren) spends with each parent, 2) decision-making, i.e. how decisions are made on behalf of the child(ren) in the areas of health, education, religion, and extracurricular activities, and 3) an Alternative Dispute Resolution (ADR) mechanism that will be used to resolve disputes in the future short of going to court, such as mediation, arbitration, mediation/arbitration, and the involvement of a Decision-Maker.

The purpose of this document is to guide you through the process of designing a parenting plan that you believe to be in your child(ren)'s best interest. As you work on this task, it is very important that you put aside your feelings about your spouse and keep your child(ren) foremost in your mind. Although this may be difficult given the intense emotions you are probably experiencing as a result of the break-up of your marriage, please allow the future well-being of your children to be your guide.

With regard to parenting time, please include the following:

- 1) A regular parenting time schedule to be used during the school year.
- 2) A regular parenting time schedule to be used during your child(ren)'s summer break from school.
- 3) How best to divide your child(ren)'s other school breaks.
- 4) A holiday schedule which might include one or more of the following:

Presidents Day Weekend
Martin Luther King Day
Passover
Easter
Mothers Day
Memorial Day
Fathers Day

July 4th
Labor Day
Rosh Hashanah
Yom Kippur
Halloween
Thanksgiving Day
Thanksgiving Weekend
Hannukah
Christmas Eve
Christmas Day
New Year's Eve
New Year's Day
The Child(ren)'s Birthday(s)
Your Birthdays

- 5) An arrangement for annual vacations including a) how many vacations should be considered each year, b) how long they should last given the ages of the child(ren), c) the date by which the vacation schedule should be set, d) which parent will have the first choice of vacation times during even-numbered and odd-numbered years, e) a mechanism(s) by which the child(ren) may contact the non-traveling parent), and f) the elements that you believe should be included when providing an itinerary of a vacation that involves travel.
- 6) Telephone contact between you and your children when they are with their other parent.
- 7) Time spent with members of the children's extended families.
- 8) How to make minor adjustments to the parenting time schedule.
- 9) Make-up parenting time (if appropriate).
- 10) Whether or not the other parent should have a right of first refusal in the event that you are unable to take care of your child(ren) during your scheduled parenting time.

With regard to decision-making, please indicate how decisions should be made to best meet your child(ren)'s needs, i.e. by one parent or by both parents. Please note that you may designate any of the four areas as "sole" or "joint" independent of the other areas. I have provided examples of the types of decisions that fall under each category.

Health (including mental health): the selection of child(ren)'s pediatrician, dentist, orthodontist; and consent for diagnostic procedures, major medical and surgical procedures, elective procedures, and psychotherapy.

Education: where the child(ren) attend school; the provision of tutors, specialized testing, special types of education, home-schooling, academic camps, and other academic services.

Religion: the religion that your child(ren) are to practice; where your child(ren) attend church or synagogue or mosque; and participation in special religious ceremonies.

Extracurricular activities: the activities in which your child(ren) are to be involved and for how long; and who arranges their participation, is responsible for purchasing needed equipment, attends their activities, and attends awards ceremonies.

Special decisions: the ages at which your child(ren) should be allowed to drive a car, date, use birth control, get a tattoo.

With regard to Alternative Dispute Resolution (ADR) mechanisms, your options include Mediation, Arbitration, Mediation/Arbitration, and the use of a Decision-Maker. The following is a brief summary of each option.

Mediation is a process in which a trained professional attempts to help you reach an agreement regarding a child-related issue and/or a financial issue. Mediation is a confidential process that can be conducted in a variety of ways including conjoint and/or separate meetings that may or may not include attorneys. A mediator has no decision-making authority. The mediator will issue a Memorandum of Understanding (MOU) when you have reached an agreement. You or one of the attorneys may submit the finalized agreement to the Court to have it made into a court order.

Arbitration is a process involving a trained professional whose job is to make the decision for you when you have been unable to do so. An arbitrator may obtain information in a variety of ways including meetings with parents, interviews with children, consultations with other professionals, and a review of documents that support or refute a parent's position. Arbitration may be informal or very formal depending on the issue to be decided, the preference of the parents, the preference of the arbitrator, and other factors. The arbitrator issues an Arbitration Award that is filed with the Court and is made into a court order unless one of the parents appeals the arbitrator's decision within a certain time frame. Parents may request that the arbitrator address any issue that they have designated in their divorce agreement.

Mediation/Arbitration is a combination of mediation and arbitration. In this case, the professional first serves as a mediator. If parents are unable to reach an agreement via mediation, the professional changes hats and becomes an arbitrator who makes the decision for them.

A **Decision-Maker** is a professional who functions in a manner that is similar to an arbitrator, although the Decision-Maker is not allowed to change the court-ordered parenting plan.

Since you may have never drafted a parenting plan in the context of a divorce, I am available to answer any questions you may have as you put the draft together.