



# WHAT'S THIS *New Thing* CALLED A *“Parenting Plan”?*

By Joel H. Feldman

**On October 1, 2008, major** revisions to the dissolution of marriage laws of Florida (Chapter 61 of the Florida Statutes) went into effect. These new laws have a profound impact on child custody itself, as well as on timesharing schedules and the delegation to one or both parents of responsibility for a wide variety of issues.

All references to “custodial parent,” “primary residential parent” and “non-custodial parent” are eliminated. The new law refers simply to “parents” with neither given any title that suggests he or she is more of the decision-maker than the other. Each parent is considered fully equal in making decisions concerning the education, religion, health and general well-being of the children unless the parents state otherwise, in writing, in a Parenting Plan. The child’s “residence” will have no bearing on the right to make major decisions for the child.

Every divorce case in which there are minor children must have a separate document called a “Parenting Plan”. This plan must describe the custodial arrangement and must detail a schedule of timesharing, that is, when the children are with one parent and when they are with the other parent. The Parenting Plan must describe weekday, weekend, holiday and vacation timesharing. It must indicate where children will be picked up and where they will be dropped off. It must state where the children attend school or preschool, what other persons (such as family members) are

authorized to pick up or take the children to school or doctor appointments, whether the children are allowed to travel outside the State of Florida, whether they may travel outside the United States, and it must state how costs related to agreed extracurricular activities are to be shared. The Parenting Plan also should take into account the parents’ historic relationship, acts of domestic violence, any issues of paternity, special needs of the children and non-binding recommendations from psychologists. The Parenting Plan should state how parents are to communicate, that is, it should provide email addresses, various telephone numbers and emergency contact information.

As of this writing, there is no established form that states exactly what must be put into a Parenting Plan nor what format must be used. However, the clear intent of the new statute is to encourage parents undergoing divorce to address issues that most probably will arise during the parenting of the minor children so that future litigation can be avoided. While the Parenting Plan involves some micromanaging as part of the divorce process, it is intended to avoid having the courts micromanage parenting after the divorce is finished.

If parents fail to agree on a Parenting Plan, the court is required to establish a Parenting Plan. The pitfalls are obvious. Parents who cannot agree on a Parenting Plan are allowing a Judge – a stranger to the children – to make fundamental decisions on how the children are raised and when they get to see their parents. Of

course, attorney’s fees and costs litigating custody and timesharing can be huge with no guarantee of outcome.

An experienced family law attorney is a necessity to assist the parties not only in dealing with the financial issues of their divorce but in dealing with the issues of custody and timesharing and the creation of the now-mandatory Parenting Plan. <sup>stb</sup>

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