

**EIGHTEENTH JUDICIAL CIRCUIT OF FLORIDA**

**SHARED PARENTAL RESPONSIBILITY  
VISITATION GUIDELINES AND RELATED MATTERS**

**AMENDED  
LOCAL  
OR  
SHORT DISTANCE**

AMENDED March 29, 2007

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY, FLORIDA

SHARED PARENTAL RESPONSIBILITY VISITATION GUIDELINES  
AND RELATED MATTERS

When parents of minor children cease to live together, one parent normally has primary physical residential responsibility for the children and the other parent normally has rights of visitation with the children. The breakup of a family unit is traumatic to all involved, especially to the children. The issues of custody and visitation are major issues and the resolution of those issues can benefit or be detrimental to the children, depending upon the parents and the way the issues are resolved. A beneficial resolution requires that the parents be prepared to share the difficult responsibilities of rearing children in separate homes and that they be mature and responsible enough to do so.

These Guidelines have been developed through the joint efforts of psychologists who work with children, attorneys who practice family law and judges who preside over family law cases. The Guidelines represent MODERATE examples of specific visitation rights and considerations applicable to a majority of cases after consideration of the information obtained from all sources. Opinions of experts in some areas were conflicting. The Guidelines were drafted with due regard for the rights of parents and their children.

SHARED PARENTAL RESPONSIBILITY means that both parents share the challenging decisions and responsibilities of rearing children. Shared parental responsibility is favored under the law. Major decisions regarding education, discipline, religious upbringing, health care and other matters not a part of the day to day routine must be discussed and agreed upon, or, if the parents are unable to agree, the matter must be submitted to the Court so that a judge may decide which parent will make the ultimate decision in that area of the children's lives. For example, one parent may be granted sole discretion to make decisions regarding health care, and the other parent may be granted sole discretion to make decisions regarding education, if specially requested and supported by the evidence in a particular case.

An alternative is SOLE PARENTAL RESPONSIBILITY in which one parent has the right to make ALL decisions relative to the children without consulting the other parent. Sole parental responsibility is not favored under the law and is not granted unless the secondary residential parent is irresponsible, neglects or abuses the children, or there is some other reason supported by evidence which justifies sole parental responsibility. Restricted or supervised visitation is not favored but may be necessary if the children will be placed in danger of abuse, neglect or other situations which require more protection for their physical, psychological or emotional well-being.

Visitation is primarily for the benefit of the children. Parents must be respectful, courteous and businesslike to each other in the presence of the children to protect them from

trauma. This is the DUTY and RESPONSIBILITY of each parent. If not fulfilled, the Guidelines cannot work to the greatest benefit to the children.

The Guidelines are only guidelines. THEY ARE NOT "SET IN STONE." Any part of the provisions may be changed or eliminated by evidence indicating a need to change or eliminate a particular part. The judges PREFER that the parents CONSULT and AGREE upon visitation rights and other considerations because the parents best know their work and other schedules and know their children best. A visitation schedule agreed upon by the parents is more likely to work to the satisfaction of the parents and children. It is only if the parents are unable to agree that these Guidelines are considered by the judge assigned to the case. In the event that a judge must decide the issue, the Guidelines are only a STARTING POINT and are not to be arbitrarily imposed. The judge will use discretion based upon the evidence to specify the visitation rights applicable to each case. The schedule may be useful to the parents as an outline to begin negotiations on visitation. Special reasons may exist to alter the suggested visitation rights, such as ages of the children, health, special care needs, detrimental conduct of the secondary residential parent, or similar matters directly related to visitation and child care issues.

The "C" section of the visitation schedule represents an effort to address matters which come before the courts on a frequent basis on motions for contempt. These matters have been placed in the Guidelines to make parents aware of their responsibilities. By honoring these responsibilities, parents may avoid litigation or present clear issues to the Court in the event of alleged violations. The object is to minimize the necessity for contempt hearings, as continued conflict between the parents has a detrimental effect upon their children.

As used in these Guidelines, the term "custodial parent" shall be used to designate that parent who has ACTUAL PHYSICAL CUSTODY of the children at a particular time, and the term "non-custodial parent" shall be used to designate the other parent. The term "primary residential parent" shall be used to designate the parent with whom the children physically reside during a MAJORITY of the time, and the term "secondary residential parent" shall be used to designate the other parent.

While the Guidelines refer to children in the plural, they also apply in cases in which the parents have one (1) child.

## I

### GENERAL CONSIDERATIONS AND PROVISIONS

1. MEDIATION BEFORE LITIGATION: The parents shall mediate all visitation disputes before applying to the court for resolution. They may privately mediate with a mediator of their choice or either party may request court-ordered mediation. This circuit has family law

mediators who regularly conduct mediations of custody and visitation issues. Children under the age of thirteen (13) should never be involved in mediation. However, in the sole discretion of the mediator, a mediator may confer in the absence of the parents with children if they are thirteen (13) years of age or older and their input is deemed necessary or desirable to the mediation process.

2. AREA OF APPLICATION: The Guidelines are applicable to parents who reside in the same county within this circuit and to parents, one of whom resides in a county within this circuit and the other of whom resides in a contiguous county of the county in which the case is filed..

3. SCHOOL CONTACT: Both parents shall have the right to equal participation in the children's school activities. Each parent shall insure that the other has full and adequate information regarding those activities, especially with regard to opportunities for parental contact with teachers and participation in or attendance at special school events.

4. TRANSPORTATION: During the time the children are in his or her actual physical custody, that parent (the custodial parent) shall transport the children to the children's scheduled activities unless otherwise agreed by the parents.

5. REINTRODUCTION OF ABSENT PARENTS: The Guidelines assume that each parent has been a continuous presence in the children's lives. In the event that a parent has had limited or no contact with his or her children and wishes to be reintroduced into the children's lives, it is up to the parents to agree on the means by which this is to be accomplished. If the parents are unable to agree, the first alternative shall be to mediate the conflict. If mediation is unsuccessful, it shall be the responsibility of the Court to adopt a schedule to ease the reintroduction. Since each case is unique, the immediate adoption of guideline visitation may not be in the children's best interests and the Court shall exercise its discretion to fashion an appropriate remedy.

6. SCHEDULING EVENTS: Each parent shall advise the other parent of extracurricular activities in which the children participate. Both parents are encouraged to attend such activities. The primary residential parent shall not schedule activities for the children during the secondary residential parent's visitation period without the secondary residential parent's consent or other arrangements which are satisfactory to that parent.

## II

### GENERAL AND SPECIFIC VISITATION ISSUES FOR THE PARENTS OF CHILDREN OF DIVORCE OR SEPARATION

Following a divorce or separation, parents need to cooperate in their efforts to help their children continue to grow emotionally, socially and intellectually, and to insure that their children continue to have meaningful relationships both with the parent with whom they

primarily reside (the primary residential parent) and with the other parent (the secondary residential parent).

These visitation Guidelines are intended to MINIMIZE the harm done to children when their parents divorce or separate. They are written from the standpoint of CHILDREN'S NEEDS and attempt to guide parents seeking to accommodate the BEST INTERESTS of their children.

In developing schedules for contact between children and their parents following a separation or divorce, the following factors need to be considered:

1. MINIMIZE LOSS - Children experience divorce or separation as a series of significant losses. To children, divorce or separation means losing home, family life, loving parents who care about each other, pets, financial security, relationships with extended family, familiar schools, sports activities, and a daily schedule. Children often feel abandoned and uprooted. The disruptive effects of divorce or separation on their lives can have profound consequences for children in later years. Respect your children's plight by eliminating as much pain and trauma and as many changes and losses as possible.

2. MAXIMIZE RELATIONSHIPS - Encourage all relationships which existed between your children and others before the divorce or separation (both parents, grandparents, aunts, uncles, cousins, close adult friends, etc.), as well as future relationships. Your children will most likely keep the feeling of family when they continue to have pleasant, free access to both parents and their extended families. Your children's identities depend upon their feeling that they belong to both families. This requires that your children spend time with both sides of their family.

Encourage and support the other parent in accepting an active parenting role. Share the burden of responsibilities (laundry, transportation, doctor visits, teacher conferences, etc.) as well as the joyous occasions (holidays, birthday parties, movies, sports outings, trips, etc.). When parents are able to remain in the same geographical area, relationships are more likely to be maximized.

Never make your children feel guilty about enjoying their time with the other parent. Enjoyment of that time is a tribute to the security that both you and the other parent have instilled in your children and suggests that your children are learning to trust and to explore a wide range of healthy relationships.

Reassure your children that they are not to blame for the separation or divorce and that BOTH parents still love them. Try to avoid blaming the other parent. It is destructive to children's security and self concepts when they are compelled to take sides after a separation or divorce. You should also AVOID disclosing details of your adult relationship's problems to your children. Although they may initially want the details and may want to alleviate your pain and anger by taking sides with you, they ultimately may resent you for confusing them and increasing their anxieties about their freedom to love and to relate comfortably to both of their parents.

3. INCREASE SECURITY - Your children are more likely to feel protected from losses when allowed to remain in the safety, consistency and support of old, familiar surroundings. Children feel secure when they have positive time with both parents, the familiarity of established family rules, and the opportunity to continue in previously established religious, school and related activities. Children do best when their parents live in close proximity, especially if they share the same school district. Children then have the reassurance of familiar after-school friends at both parents' homes. Children also feel most secure when their parents share responsibility for their after-school care. Parents need to talk about and agree upon ways to build certainty, structure and stability in their children's lives.

4. AVOID CONFLICT - Scientific research verifies that your children will suffer both now and later if they frequently see their parents in conflict. Raised voices, arguments, hateful remarks and physical altercations are not suitable for children to experience. Children are also harmed when they hear one parent say bad things about or refuse to acknowledge the existence of the other parent. If one parent directly or indirectly creates an image of the other parent that is in any way negative, children's own self-images will be assaulted. Children will only feel as good about themselves as they do about each parent.

A good procedure for divorced or separated parents to follow is to try never to discuss children's issues and adult issues in the same conversation. When you are talking with the other parent about children's issues, stick to those topics and do not allow the conversation to drift into discussions of problems between the other parent and yourself. Save those topics for another discussion at another time and never discuss them in the presence of your children. If the other parent and you simply cannot avoid fights and arguments when you begin or end visits, you should consider enlisting the help of another person (grandparent, mutual friend, babysitter, etc.) who will agree to serve as a "neutral" to facilitate transfer of the children and thereby avoid negative contacts between the parents.

5. AGE RELATED NEEDS - Children of different ages need and benefit from different parenting arrangements. Parents should try to be flexible and to tailor their schedules as much as possible to reflect their children's developmental needs and individual requirements. You can expect that, as your children get older, you will need to be more flexible and will need to work hard at effective communication and fair compromises both with your children and with the other parent.

### LOCAL VISITATION SCHEDULE

The following are paragraphs which should be considered for orders or final judgments as applicable. The language suggested is only a sample and may be changed or eliminated based upon stipulations of the parents or the discretion of a judge based upon the evidence. The precise provisions have been drafted based upon input from psychologists, attorneys and judges of the Eighteenth Judicial Circuit. You may initial the provisions you agree upon if you wish to use these guidelines as the basis for an agreement.



1. VISITATION IS FOR BENEFIT OF CHILDREN: Visitation is for the

ultimate benefit of the children and, unless restricted, means that certain minimum rights are recited in these Guidelines. The intent is that the primary residential parent will allow additional visitation at other times upon request, provided that such requests are reasonable and will not cause a substantial inconvenience to the primary residential parent or unnecessarily interfere with pre-planned activities involving the children. This provision is meant to provide SPECIAL EVENT AND OTHER extra visitation but is not to be used as a means to harass the primary residential parent or to make CONSTANT or daily demands for extra visitation. Common sense and respect for the other parent's separate life and privacy should be used in making requests for extra visitations.

2. SHARED PARENTAL RESPONSIBILITY: The parents are awarded Shared Parental Responsibility relative to the minor child(ren), \_\_\_\_\_, born \_\_\_\_\_, 20\_\_, and \_\_\_\_\_, born \_\_\_\_\_, 20\_\_ , (use more lines if more than two children) and parental responsibility shall be shared by both parents to the extent that both parents shall retain full decision making responsibility with respect to the minor children.. Both parents are required to confer so that MAJOR DECISIONS affecting the welfare of the children will be determined jointly. Such areas of responsibility for the children shall include their education, religious training, non-routine medical and dental care, disciplinary measures, choice of day care facility or babysitter, and similar matters. If the parents are unable to agree upon the matter in the best interests of the children after a good faith negotiation, the matter shall be presented to the Court by motion for an evidentiary hearing and the Court shall determine which parent shall have the right to decide the issue. The parent who has actual physical custody of the children at any particular time (the custodial parent) shall make the DAY TO DAY regular and ordinary decisions for the children's control and discipline, emergency medical and dental care, other routine daily care, and any emergency decision if there is insufficient time to contact the other parent.

3. GOOD FAITH EFFORTS OF THE PARTIES EXPECTED: Both parents shall exercise, in the utmost good faith, his and her efforts at all times to encourage and foster the maximum relations of love and affection between the minor children and the children's parents. When the children are with one parent, the other parent shall have open but reasonable rights of telephonic communication with the children, in private, one (1) time per day. Both parents must recognize that the children have the right to be treated as interested and affected persons and not as pawns or possessions of either parent; the right to grow to maturity in home environments which will best guarantee opportunities for the children to become mature and responsible citizens; the right to the love, care, discipline and protection of both parents; the right to know both parents and to have the benefit of both parents' love and guidance through visitation; the right to positive and constructive relationships with both parents; the right to the most adequate

level of economic support that can be provided by both parents; and the right to be regarded as persons within the family. In return, the children have the moral duty to honor and respect their mother and father.

4. CONTACT BY NON-RESIDENTIAL PARENT (VISITATION): Each of the parents shall exercise the utmost good faith and shall therefore consent to reasonable requests by the other parent in connection with parental contact and access (visitation). The CHILDREN have a right to spend substantial time with the secondary residential parent, and the primary residential parent is expected to provide contacts with the children at unscheduled times when requested if it does not unreasonably disrupt prior planned activities of the children or the primary residential parent. This provision is for SPECIAL EVENT AND OTHER extra visitation but is not to be used as a means to harass the primary residential parent or to make constant or daily demands for extra visitation. Visitation rights shall not be used as a pretext for the secondary residential parent to attempt to visit the primary residential parent for purposes other than to pick up the children. Therefore, not as a limitation, but as an extension of the foregoing, the secondary residential parent is entitled to and shall have the following minimum visitation rights with the children.

Regular and extra visitation schedules should be made to accommodate each parent's work schedule, including morning, daytime and weekend visitation.

A. CHILDREN WHO ARE INFANTS UP TO FIVE (5) YEARS OLD:

(1) INFANTS TO SIX (6) MONTHS:

The parties shall confer and agree upon a schedule consisting of three (3) three (3) hour time periods per week with no more than two (2) days between visits. If the parents cannot agree, visitation shall be on Tuesdays and Thursdays from 5:30 p.m. to 8:30 p.m. and on Saturdays from 10:00 a.m. to 1:00 p.m. In addition, the secondary residential parent shall have the right to have AT LEAST one overnight visitation per month, from 6:00 p.m. on Friday to 1:00 p.m. on Saturday. If the parents cannot agree, it shall be the second Friday of the month from 6:00 p.m. on Friday to 1:00 p.m. on Saturday. If the children are being breast-fed, the parents shall cooperate so that the children are with the mother at feeding time if possible. Alternatively, breast milk may be harvested by the mother to provide for the children when they are with the father at feeding time or other feeding arrangements shall be made. Visitation should be exercised regularly and preferably at the secondary residential parent's residence to enable infants to become familiar with those surroundings. Both parents should promote consistency in the children's nutrition and environment. The primary residential parent shall supply items such as breast milk or formula, clothing, blankets, pacifiers, wipes, toys and infant car seats to the secondary residential parent as may be needed, all unconsumed items of which shall be returned with the children.

When the secondary residential parent's regular visitation does not occur on Thanksgiving, Christmas or Easter, the parties shall confer and agree upon a schedule consisting

of four (4) hours on each said holiday. If the parties cannot agree, visitation shall be from 2:00 p.m. to 6:00 p.m. on each holiday.

The secondary residential parent's visitation shall include at least one (1) full weekend to be agreed upon between the parties from Friday at 6:00 p.m. to Sunday at 6:00 p.m. If the parties cannot agree, the weekend shall be the first (1st) weekend following the child's attainment of twenty (20) weeks of age.

The secondary residential parent shall be entitled to be with the children on Mother's Day or Father's Day, as appropriate, for a four (4) hour period. If the parties cannot agree, visitation on such days shall be from 2:00 p.m. to 6:00 p.m.

(2) 6 MONTHS TO 36 MONTHS:

The parents shall confer and agree upon a schedule consisting of two (2) three (3) hour periods during the week with no more than two (2) days between visits, and five (5) hours every other Sunday. Additionally, the secondary residential parent shall have two (2) overnight visits per month, on the second Friday of each month from 6:00 p.m. on Friday to 6:00 p.m. on Saturday and on the fourth Saturday of each month from 6:00 p.m. on Saturday to 6:00 p.m. on Sunday. The Sunday five (5) hour visits are applicable to the weekends when there is no overnight visitation. If the parties cannot agree, visitation shall be on Tuesdays and Thursdays from 5:30 p.m. to 8:30 p.m., and on Sundays from 9:00 a.m. to 2:00 p.m.

When the secondary residential parent's regular visitation does not occur on or is less than five (5) hours on Thanksgiving, Christmas, Easter or the children's birthdays, the parties shall confer and agree upon a schedule consisting of five (5) hours on each such occasion. If the parties cannot agree, visitation shall be from 1:00 p.m. to 6:00 p.m. on each holiday or birthday.

The secondary residential parent shall be entitled to be with the children on Mother's Day or Father's Day, as appropriate, for a five (5) hour period. If the parties cannot agree, visitation on such days shall be from 1:00 p.m. to 6:00 p.m.

In addition to the foregoing, the following rights of extended visitation shall be enjoyed by the secondary residential parent of children between the ages of twelve (12) months to thirty-six (36) months:

(A) With children between the ages of twelve (12) months to twenty-four (24) months, visitation by the secondary residential parent shall include one (1) of the following alternatives, as the parties may agree or as may be ordered by the Court:



(1) Two (2) one (1) week periods at least four (4) weeks apart from 6:00 p.m. on Friday to 6:00 p.m. on the following Friday. During such one (1) week visitations, the primary

residential parent shall be entitled to visitation on Monday and Wednesday evenings from 5:30 p.m. to 8:30 p.m.

OR



(2) Two (2) four (4) day periods at least four (4) weeks apart from 6:00 p.m. on Friday to 6:00 p.m. on the following Tuesday. During such four (4) day visitations, the primary residential parent shall not be entitled to the exercise of visitation.

If the children are being breastfed, breast milk may be harvested by the mother to provide for the children when the children are with the father or other substitute feeding (such as formula) arranged.

(B) With children between the ages of twenty-four (24) months to thirty-six (36) months, visitation by the secondary residential parent shall include one (1) of the following alternatives::



(1) Three (3) one (1) week periods at least four (4) weeks apart from 6:00 p.m. on Friday to 6:00 p.m. on the following Friday. During such one (1) week visitations, the primary residential parent shall be entitled to visitation on Monday and Wednesday evenings from 5:30 p.m. to 8:30 p.m.

OR



(2) Three (3) four (4) day periods at least four (4) weeks apart from 6:00 p.m. on Friday to 6:00 p.m. on the following Tuesday. During such four (4) day visitations, the primary residential parent shall not be entitled to the exercise of visitation.

If the children are being breastfed, breast milk may be harvested by the mother to provide for the children when the children are with the father or other substitute feeding (such as formula) arranged.

**B. CHILDREN THREE (3) YEARS OLD AND OLDER:**

(1) One evening per week from 5:30 p.m. to 8:30 p.m. If the parties cannot agree upon the evening, it shall be Wednesday evening.



(2)(A) Alternate weekends from 6:00 p.m. on Friday to 6:00 p.m. on Sunday, commencing on \_\_\_\_\_, 20\_\_\_\_.



(2)(B) Alternate weekends from 6:00 p.m. on Friday through Monday morning at which time the primary residential parent shall pick up the children. The primary residential parent shall pick up the children on a timely basis so that the children will not be tardy for school, or by 9:00 a.m. if the children are not in school. The secondary residential parent shall have the children properly dressed and shall insure that they receive breakfast. The alternate weekends shall commence on \_\_\_\_\_, 20\_\_\_\_.



(2)(c) Alternate weekends from 6:00 p.m. on Friday through Monday morning at which time the secondary residential parent shall transport the children to school. The parent shall deliver the children at the normal time so the children will not be tardy and shall have the children properly dressed and shall insure that they receive breakfast and lunch. The alternate weekends shall commence \_\_\_\_\_, 20\_\_.



(3) Alternate holidays (Martin Luther King Day, Valentine's Day, Easter Day, Memorial Day, Independence Day, Labor Day, and Halloween) commencing on \_\_\_\_\_ 20\_\_\_\_. If the secondary residential parent's employer provides a three-day weekend for the holiday, the visitation shall commence at 6:00 p.m. the day prior to the first day of the extended weekend and continue to 6:00 p.m. of the last day of the weekend. Except as set forth above and on Valentine's Day and Halloween, all visitation shall begin at 6:00 p.m. on the day before the holiday period and shall end at 6:00 p.m. of the appropriate day. On Valentine's Day and Halloween, visitation shall be from 6:00 p.m. to 9:00 p.m.



(4) After the children are in school, spring break in alternate years, in (odd) (even) numbered years, from 6:00 p.m. on the day that school recesses to 6:00 p.m. of the Saturday before school recommences.



(5) The children shall be with the mother on Mother's Day and with the father on Father's Day from 9:00 a.m. to 6:00 p.m.



(6) If the parents cannot agree, birthdays of the children in (odd)(even) numbered years, commencing in 20\_\_\_\_, from 9:00 a.m. to 6:00 p.m. of the day of the birthday if the parent entitled to the exercise of birthday visitation is not required to work on that day; otherwise, from 5:30 p.m. to 8:30 p.m.

(7) Every alternate Thanksgiving weekend holiday, in (odd) (even) numbered years, from 6:00 p.m. on the Wednesday before Thanksgiving Day to 6:00 p.m. on the Friday following Thanksgiving Day. During (odd) (even) numbered years, from 6:00 p.m. on the Friday following Thanksgiving Day to 6:00 p.m. on the Sunday following Thanksgiving Day.

(8)(A) Every alternate Christmas season, in (odd) (even) numbered years, from 6:00 p.m. on the day that the children's school recesses or, if the children are not in school, on December 20th, through December 25th at 12:00 noon. During (odd) (even) numbered years, from 12:00 noon on December 25th to 6:00 p.m. on the day prior to school recommencing. The intent is that the parties have equal time during the Christmas break.

OR

(8)(B) Every alternate Christmas season, in (odd)(even) numbered years, from the day after school recesses or on December 20th, whichever is earlier, through December 26th at 2:00 p.m. During (odd)(even) numbered years from 2:00 p.m. on December 26th to 6:00 p.m. on the day prior to school recommencing. The intent is that the parties have equal time during the Christmas break.

(9)(A) If the children are 7 years old or older: Six (6) weeks during summer vacation commencing in 20\_\_\_. The parties should agree in advance so that each party may plan vacations with the children. If the parents are unable to agree, visitation shall be the last three (3) weeks of June and the last week of July and first two (2) weeks of August. The parents may agree that the visitation may be exercised in three (3) two (2) week periods, two (2) three (3) week periods, a continuous six (6) week period or otherwise to accommodate the parents and the children. The primary residential parent shall be entitled to at least two (2) weeks summer vacation visitation with the children and the scheduled overnight visitation rights of the secondary residential parent shall be suspended for that two (2) weeks unless the parties otherwise agree. However, other normal visitation rights shall continue. The secondary residential parent shall have first choice as to the selection of summer visitation, provided that written notification shall be delivered to the primary residential parent no later than April 15th of each year. Absent extraordinary circumstances, if such written notification is not given on a timely basis, the primary residential parent shall have first choice as to the selection of summer visitation.

NOTE: If the children are one (1) year to three (3) years old, the summer visitation is as set forth in Part A; for children from three (3) to five (5) years old, two (2) periods of fourteen (14) consecutive days, with at least fourteen (14) days between such extended visitations; for children from five (5) to seven (7) years old, a total of five (5) weeks, consisting of one (1) week

period and two (2) week periods, with at least fourteen (14) days between each such extended visitations; for children seven (7) years old and older, six (6) weeks.

**OR**



Each summer, commencing 200\_\_, for (\_\_\_\_\_% of the vacation period). The parents shall compute the total number of days, including weekends and holidays, the child(ren) will be out of school, starting the day after school lets out through the day school starts in the fall and multiply the percentage times those number of days to determine the non custodial parent's share. If the child(ren) (is) (are) in a year round school, the same computation shall be made as to each period. The child(ren) will be out of school on breaks and the secondary parent will have the right to exercise that visitation during each break period. The time period shall be continuous unless the parties agree otherwise to split the time in two or more different periods. Visitation shall commence the 5th day after school lets out if not a year round school, and shall continue for the number of days so computed or as agreed between the parents. During this visitation, the primary residential parent shall have telephone visitation and e-mail rights set out for the secondary residential parent herein and, reasonable contact which shall include at least two (2) overnight visits if requested. Any full day or overnight visits by the primary residential parent shall be added to the number of days of visitation due the secondary residential parent and shall extend the visitation period by that number of days. The primary residential parent shall give the secondary residential parent advance notice of at least seven (7) days of the intent to exercise the visitation. If the secondary custodial parent has planned travel for the visitation period to visit relatives, go sightseeing or otherwise, the primary residential parent shall not schedule visitation during the period of planned travel even if it means no visitation during the secondary residential parent's visitation.



(9)(C) If the children attend a year round school with no regular summer vacation, the extended visitation rights of the secondary residential parent shall be determined by the Court if the parents cannot otherwise agree. If no agreement is reached, the secondary residential parent shall have the right to have the child 80% of the time off computed as set forth in the proceeding alternate to summer weeks of visitation.



(10) In the event that summer visitation exceeds a continuous two (2) week period, and the children are staying at the residence of the secondary residential parent, the primary residential parent shall have visitation on the third (3rd) weekend beginning at 6:00 p.m. on Saturday to 6:00 p.m. on Sunday and on every alternate weekend thereafter during such continuous extended visitation from 6:00 p.m. on Saturday to 6:00 p.m. on Sunday. However, this visitation shall not apply if the children are out of the area visiting or vacationing during the time that the primary residential parent's visitation would occur.

(11) Any other visitation made available by the parents working in harmony for the best interests of the children.

C. SPECIFIC PROVISIONS REGARDING EXERCISE OF VISITATION RIGHTS:

(1) Specific religious holidays observed in each parent's faith or other days of special meaning should be agreed upon, written down and alternated.

(2) Neither parent shall in any way impede, obstruct or interfere with the exercise by the other of his or her right of companionship with the minor children, and neither of them, at any time, shall in any way disparage, downgrade or criticize the other parent, or allow any other person to do so, to or in the presence of the minor children or by use of third parties. A parent shall not ignore or fail to respond when the children mention the other parent, as this engenders a negative attitude and discourages mention of the other parent as "taboo." Each parent should respond with positive statements and positive non-verbal communication, even if it is believed that the other parent does not deserve them.

(3) Neither parent shall directly or by use of third parties interrogate or question the children about the activities of the other parent. Neither parent shall use the children to send messages to the other. Each parent is ordered affirmatively to foster love and respect for the other parent in all dealings with the children.

(4) The \_\_\_\_\_ shall have a leeway of \_\_\_\_\_ minutes from the specified time to pick up the children for the exercise of visitation. If he or she is more than \_\_\_\_\_ minutes late and creates a hardship as a result, he or she may forfeit that visitation period. However, no forfeiture shall occur unless an actual hardship is created by the late arrival or if late arrival is the result of illness, injury of the parent, unexpected work requirements imposed by an employer or physical impossibility because of some unforeseen event. The \_\_\_\_\_ shall also have a \_\_\_\_\_ minute leeway for pick up of the children at the conclusion of visitation. If an emergency occurs, the non-custodial parent shall notify the other parent as quickly as possible.

(5) The \_\_\_\_\_ shall give the \_\_\_\_\_ at least twenty-four (24) hours advance notice of his or her intention *to exercise or* not to exercise weeknight, weekend, Father's Day, Mother's Day or birthday visitation; or, if an emergency occurs, as quickly as

possible. As to holidays, one (1) week advance notice shall be given. As to Christmas and summer, one (1) month advance notice shall be given. Notice as to Christmas and summer visitation shall be in writing and notice as to summer visitation shall be given prior to April, or at least (1) month PRIOR TO SCHOOL RECESSING for the summer. Giving notice prior to April 1 each year gives the secondary residential parent the right to choose the time for visitation. At least one (1) month notice prior to school recessing for the summer insures visitation but the primary residential parent's plans must be considered. Failure to give notice by April 1 does not forfeit visitation rights.



(6) Holidays, children's birthdays, Father's Day and Mother's Day shall have priority over weekend visitation. Any visitation missed by the \_\_\_\_\_ as a result of any such conflict, including visitation which was canceled due to illness of the children or of the secondary residential parent, or other reason which did not result in forfeiture of the visitation time, shall be made up or recovered by comparable visitation within sixty (60) days of the missed visitations.



(7) Neither parent shall remove the children from the State of Florida or from their present county of residence for more than sixteen (16) continuous days to any place other than a contiguous county without first obtaining the written consent of the other parent or court order. The visitation rights of the secondary residential parent are structured based upon the children residing within this circuit or a contiguous county and will require adjustments if the children's residence is changed.



(8) Neither parent shall argue or participate in altercations or adversarial behavior in the presence of the children at any time. Their relationship in front of the children shall be businesslike, courteous and non-adversarial. Each parent shall demonstrate respect for the other parent, even if he or she does not believe that the other deserves it.



(9) Neither parent shall threaten the other parent with limitation or withholding of visitation with the children or actually limit or withhold visitation because of non-payment of child support or other financial demands.



(10) Neither parent shall threaten to limit or terminate visitation rights with the other parent, to change custody or to withhold support as a form of discipline or punishment of the children.



(11) At any time when a custodial parent intends to place the children with a babysitter or day care facility for more than five (5) hours, the custodial parent shall contact the non-custodial parent and offer the non-custodial parent the option to care for the children for that time period. The custodial parent shall provide as much notice to the non-custodial parent as possible. The non-custodial parent shall respond to the custodial parent with his or her decision as soon as possible. Repeated failures on the part of the custodial parent to notify the non-custodial parent of such occasions, and repeated short notifications or responses by either parent, without adequate justification, shall be considered by the Court as evidence of intentional interference with the other parent's rights. If the children regularly attend a kindergarten or day care facility where programmed educational material is offered, the parents shall consult with one another regarding leaving the children with the other parent versus taking the children to the facility. If the parents cannot agree, the matter shall be presented to the Court by motion and the Court shall decide the issue.



(12) (A) Pick up of the children shall be at curbside at the residence of the custodial parent or as otherwise agreed. The parent or person picking up the children shall remain in the motor vehicle and the person delivering the children shall send the children out and remain at the door of the residence. No conversation or words shall occur on these exchanges between the parents or other persons involved except "hellos" and "goodbyes" and conversational pleasantries. Return of the children shall follow the same procedure. If the non-custodial parent or other adult is not at home when the children are returned, the children shall be kept in the care of the custodial parent until they can be safely left at the residence or other agreed upon location.

OR



(12) (B) Pick up of the children shall be at the front door at the residence of the custodial parent or as otherwise agreed. No conversation or words shall occur on these exchanges between the parents or other persons involved except "hellos" and "goodbyes" and conversational pleasantries. Return of the children shall follow the same procedure. If the non-custodial parent or other adult is not at home when the children are returned, the children shall be kept in the care of the custodial parent until they can be safely left at the residence or other agreed upon location.



(13) Either parent is authorized to use a responsible alternate person to pick up or receive the children for visitation. The person must be a responsible adult, a spouse, a relative or other person known to both parents AND the children.



(14) The person picking up the children shall not arrive at the residence of the custodial parent more than ten (10) minutes in advance of the time set for pickup unless an agreement is made in advance for an early pickup.



(15) If either parent plans to take the children out of their county of residence or to allow the children to go with another person out of the county (such as grandparents) for more than two (2) consecutive days, that parent shall, in advance if known, or within eight (8) hours after arrival if not known in advance, provide the other parent with the address and telephone number where the children will be staying. The non-custodial parent shall have the right to contact the children by telephone ONE (1) time per day while they are out of county for a brief conversation in private not to exceed fifteen (15) minutes per child for each call. The children may telephone the non-custodial parent at reasonable times at the children's request and shall be allowed to talk in private. The fifteen (15) minute time limitation set forth above shall not apply to telephone calls initiated by the children.



(16) Neither parent shall involve children in decisions regarding visitation unless the children are twelve (12) years old or older. All visitation plans and conversations shall be conducted solely between the parents until the children are at least twelve (12) years of age. The final decisions are to be made by the parents and not the children. The primary residential parent is expected to encourage and assist in visitation with the secondary residential parent. Neither parent shall plan activities for the children which will conflict or interfere with the visitation schedule of the other parent unless discussed and agreed upon in advance, with make-up time agreed upon as appropriate in advance. Both parents must be sensitive to the developmental needs of the children and understand the children's needs to be involved in school, social, church and other extracurricular activities such as sports, dance lessons and recitals, music lessons, school functions, and the like. The parents shall cooperate to accommodate the children's activities if it is possible to do so without undue disruption of the secondary residential parent's visitation with the children. The secondary residential parent shall have the option to transport the children to and from any such functions or events if there is a conflict with visitation schedules. The primary residential parent shall not schedule activities or functions for the child(ren) during the time scheduled for visitation by the secondary residential parents without prior agreement.



(17) The parents shall not encourage the children to call a new spouse or companion "Father," "Dad," "Mother," "Mom," or similar names, as such is detrimental to the relationship between the parents and may confuse and adversely affect the children. A substitute name such as stepdad etc. shall be suggested and encouraged. A new spouse or companion shall not confront or attempt to interfere with the other parent's contacts or visitation with the children

and each parent is expected to prevent any such confrontation or interference. The parents are expected to converse directly with each other concerning ALL MATTERS in a divorce or separation judgment or order. However, if there has been past violence or intimidation between the parents, the new spouse or companion may handle the contact but shall be courteous, respectful, non-adversarial and non-threatening in doing so. The other parent shall not be adversarial or hostile to the new spouse or companion but shall be courteous, polite, respectful and non-threatening. The children shall not be allowed to use the last name of a new spouse or companion at school or otherwise without written consent of the secondary residential parent or court order.



(18) Except in the event of an emergency, neither parent shall remove the children from day care or school for visitation or otherwise unless agreed upon in advance by the parents so that the day care facility or school may be properly notified.



(19) The primary residential parent shall provide the secondary residential parent for visitation with at least a two (2) day provision of appropriate clean clothing, undergarments, shoes, personal apparel, special medical or orthopedic devices, etc., and any medication prescribed for the children with written doctor's instructions for frequency and dosage. The secondary residential parent shall administer any medication to the children in conformity with the doctor's instructions. The secondary residential parent is expected to maintain sufficient appropriate clothing for the children for visitation and MUST own and use child restraint devices or car seats for transportation of the children if such devices are required by law and the primary residential parent is not otherwise obligated to provide them. The primary residential parent shall allow the secondary residential parent to use infant car seats when visitation of infants (0 to 10 months) will require transportation in a car. The secondary residential parent shall return all clothing including shoes, all unused medications and any other unconsumed items to the primary residential parent at the end of visitation. If the children are infants or still on formula or are on a restricted diet, the primary residential parent shall furnish a reasonable supply of breast milk or formula, pacifiers, restricted diet food, blankets, diapers, wipes, toys, infant car seats, etc., to accommodate the children's nutrition and comfort for at least one (1) day. All such items and any unused portion of the food, formula, etc., shall be returned by the non-custodial parent.



(20) Each parent shall immediately deliver to the child designated by the other parent all letters, cards, correspondence, gifts, toys and other items sent to that child by the other parent. Neither parent shall withhold, return, destroy, give away, sell, or otherwise dispose of any such items, nor permit the children to do so, but shall deliver them to the children.



(21) If ordered to be paid through the Court, child support must be paid

through the clerk's office to be credited against ordered support. Purchases of gifts, food or clothing; payment of or reimbursement for medical or dental services, registration fees, sports uniforms, school costs and fees, and the like; gifts of money or items to the primary residential parent or to the children; or payments of other non-ordered payments shall NOT be credited against the obligations ordered for child support. Extra visitation given by the primary residential parent, in itself, shall NOT be a basis to decrease child support unless presented to a judge having jurisdiction and a court order is issued decreasing the amount of child support based upon the time division between the parents.



(22) Payment of child support shall have priority over payment of other debts

and obligations. The amount of child support shall not be decreased simply because the parent ordered to pay it remarries or accepts additional responsibilities. Child support is based upon monthly income. It is the responsibility of parents with seasonal or other fluctuating incomes to budget their funds so that child support payments are made consistently as ordered throughout the year, as the timely receipt of child support is necessary to meet the needs of the children for whom it is paid.



(23) The non-custodial parent shall have the right to contact the children by

telephone ONE (1) time per day for a brief conversation not to exceed fifteen (15) minutes per child for each call. The custodial parent shall allow the children to talk with the other parent in private. If the custodial parent does not answer the telephone or is not at home and a message is left on an answering machine, the custodial parent shall cause the children to return the call to the non-custodial parent when the children return. Telephone calls are limited to one (1) per day per child, unless the parents otherwise agree, to avoid claims of harassment or interference with visitation. Children shall be allowed to telephone and to speak in private with the non-custodial parent at all reasonable times that they desire to talk with that parent. The fifteen (15) minute time limitation set forth above shall not apply to telephone calls initiated by the children. The child(ren) shall have the right to receive and send e-mail and instant message communication between the child(ren) and parent in private and without supervision or interference by the other parent. Other types of electronic communication are allowed if the procedure is approved by the custodial parent. If this practice is abused, the issue shall be submitted to the court for resolution.



(24) Neither parent shall conceal the whereabouts of the children from the other

parent. Each parent shall advise the other at all times of the residence address and telephone number where the children will be and any work telephone number for each parent. If a residence address or telephone number changes, the parent making the change shall notify the

other by telephone or personally within twenty-four (24) hours and in writing within seventy-two (72) hours of the change.



(25) Each parent shall notify the other by telephone or other direct communication of any serious accident, illness or other emergency occurrence which affects the children as quickly as possible and in no case more than two (2) hours after the custodial parent becomes aware of it. The non-custodial parent shall have the right to be fully informed of all aspects of the matter, shall have an equal right to visit or to be with the children, and shall have an equal right to receive all information from doctors, health care providers and hospitals pertaining to the children and the emergency.



(26) If the non-custodial parent cancels scheduled visitation with the children, to the extent appropriate to the age and maturity of the children, that parent shall personally talk with the children and explain the reason or circumstances so that the custodial parent will not be blamed for the children's hurt feelings or disappointment. It is the responsibility of the non-custodial parent to communicate directly with the children in matters involving that parent's relationship with them. When children become teenagers, they may desire to spend the majority of their time with friends, rather than with either parent. Both parents should be sensitive to the developmental aspects of their children during the teenage years. Both parents shall communicate directly with them to arrange shared time and to nurture both parental relationships with the children.



(27) If the children are engaged in sports events, dance or music lessons, recitals, remedial school classes, or are scheduled for doctor or dental appointments, or the like, the custodial parent shall be responsible for transportation of the children to and from those events unless otherwise agreed. Likewise, if the child must attend remedial classes or other schooling recommended by the child's teacher, the secondary residential parent shall be responsible for the child attending the classes if located in the area of visitation or to arrange substitute classes. The cost of the classes shall be paid by the primary residential parent.



(28) If a child is too ill to leave the primary residential parent's home for scheduled visitation, the primary residential parent shall notify the secondary residential parent as soon as possible after the problem is known. The secondary residential parent shall have the right to a brief visit not to exceed thirty (30) minutes with the child in the primary residential parent's residence on each day of scheduled visitation during the illness. The secondary residential parent shall be given the health care provider's name, address and telephone number and consent, in writing if requested by the secondary residential parent, so that the parent may talk with the health care provider about the child's condition. The primary residential parent shall

consult with and agree to make-up visitation with the secondary residential parent when scheduled visitation is lost because of a child's illness.

(29) Absent extraordinary circumstances, if the secondary residential parent cancels scheduled or planned visitation after the notice period has expired, and the primary residential parent has made plans which, if kept, require a babysitter or child care provider for the children, the secondary residential parent shall reimburse the primary residential parent for the reasonable costs of any such child care or babysitter expense incurred as a result of the late-canceled visitation, as well as any other direct financial loss or expense incurred by the primary residential parent. This provision includes holiday and summer visitation.

(30) If the children fit into different age groups regarding visitation rights, the parents shall confer and shall extend the younger children's visitation to correspond with that of the older children if possible so that the children will not be separated. If the parents cannot agree, the matter may be presented to the Court for a judicial determination in the best interests of the children.

(31) The custodial parent shall insure that the children are provided three (3) meals a day, or the number of meals normally consumed during the time periods with the parent, as well as appropriate snacks, and shall not allow the children to remain hungry.

(32)(A) The secondary residential parent shall pick up the children FOR visitation and the other parent shall pick up the children FROM visitation at an agreed upon location. Each parent shall bear the expense of his or her transportation of the children.

(32)(B) The secondary residential parent shall pick up and return the children from visitation at agreed locations and shall bear the expense of transportation of the children.

(33) Both parents shall be entitled to participate in and attend special activities in which the minor children are engaged, such as school programs and graduation, recitals, sports and other extra curricular activities and programs. The parent initially receiving the information shall advise the other parent of the details of the activity within twenty-four (24) hours after receipt. In addition, each parent shall provide the other parent detailed information within that parent's knowledge of any activities of the children, such as sports, games, recitals, graduations, summer camps etc. and a complete copy of all doctor or health care provider reports, school report cards and notices or any other information concerning the children, including notice of disciplinary or other problems. Each parent shall authorize, in writing if

necessary, schools, health care providers, etc. to furnish the other parent complete and detailed information upon request unless a court order is entered restricting access to such information. The information will be promptly furnished to the other parent within 24 hours of the receipt of the information, and this is a continuing duty on the part of each parent.

### III IN THE EVENT OF AN EMERGENCY INVOLVING EVACUATION:

1.
  - i. From time to time situations may arise where the local, state or federal government calls for the voluntary or mandatory evacuation of the area in which one or both of the parents' homes is located.
  - ii. Within thirty (30) days of the date of this Agreement, i.e. the date it is signed by both parties, each parent shall provide to the other the:
    - (1) Name, address and telephone number of a responsible third party ("contact person") residing outside the State of Florida who is willing to facilitate the exchange of information between the parties; and
    - (2) A telephone number for notification in the event of an evacuation.
  - iii. In the event of a mandatory evacuation order:
    - (1) The party with the child ("evacuating parent") shall evacuate the child;
    - (2) Within one (1) hour of any mandatory evacuation order, the parent with the child shall inform the other parent and both contact persons of the intended evacuation by providing actual notice of:
      - (a) The time the evacuating parent intends to depart; and
      - (b) The route and destination to which the parent intends to evacuate.
      - (c) These notice requirements shall not be considered satisfied by leaving a message on a voice mail system or answering machine; the evacuating parent shall continue to call until that parent reaches and speaks with the other parent and both contact persons.
    - (3) Upon arrival at the evacuation destination, the evacuating parent shall notify the other parent and both contact persons of the arrival.
    - (4) The parents shall communicate with each other, either personally or through the contact persons, at least one time per day to discuss when the child may be safely returned to Brevard County.
    - (5) If possible, the other parent shall have the opportunity to speak with the minor child one time per day.
    - (6) In the event that the parent with the child chooses to disregard a mandatory evacuation order, and the other parent intends to comply with said order, then the child shall be evacuated with the evacuating parent.

iv. In the event of a non-mandatory evacuation, the provisions governing a mandatory evacuation shall apply, except:

(1) The parents shall confer prior to any evacuation on the need to evacuate the child.

(2) If the parents cannot agree, the primary residential parent with the child shall have the ultimate authority to make such decision.

(3) Any visitation missed as a result of the evacuation shall be made up within sixty (60) days.

v. Return of the child:

(1) As long as the area of both parents' homes remains under a mandatory evacuation order, or law enforcement is not permitting residents to return home, the child shall not be returned and shall stay with the evacuating parent.

(2) The child shall be returned if:

(a) Residents in the area of either parent are being permitted to return home, and

(b) Either parent has working electrical service, and

(c) The child's school has resumed regular operation (if the evacuation occurred during the school year; this provision shall not apply if the evacuation occurred during any school break).