

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

CASE NO.:

_____,
Petitioner,

vs.

_____,
Respondent.

_____ /

ORDER - SHARED PARENTAL RESPONSIBILITY AND VISITATION

A (Trial) (Hearing) was held on a _____ on _____, 200__. Upon the evidence presented, It is Ordered that the paragraphs checked and initialed by the Judge are applied and the parties are Ordered to comply with them.



1. VISITATION IS FOR BENEFIT OF THE CHILD: Visitation is for the ultimate benefit of the child and, unless restricted, means that certain minimum rights are recited in this order. 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 child. 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, _____, born _____, _____, 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 child.. Both parents are required to confer so that MAJOR DECISIONS affecting the welfare of the child will be determined jointly. Such areas of responsibility for the child shall include 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 child 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 child at any particular time (the

custodial parent) shall make the DAY TO DAY regular and ordinary decisions for the child'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 child and the child's parents. When the child is with one parent, the other parent shall have open but reasonable rights of telephonic communication with the child, in private, one (1) time per day. Both parents must recognize that the child has the right to be treated as an interested and affected person and not as a pawn or possession of either parent; the right to grow to maturity in home environments which will best guarantee opportunities for the child to become a mature and responsible citizen; 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 a person within the family. In return, the child have the moral duty to honor and respect the 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 CHILD has a right to spend substantial time with the secondary residential parent, and the primary residential parent is expected to provide contacts with the child at unscheduled times when requested if it does not unreasonably disrupt prior planned activities of the child 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 child. 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 child.

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

A. CHILD WHO IS AN INFANT 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 child is being breast-fed, the parents shall cooperate so that the child is with the mother at feeding time if possible. Alternatively, breast milk may be harvested by the mother to provide for the child 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 child'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 child.

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 child 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 child'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 child 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 child between the ages of twelve (12) months to thirty-six (36) months:

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

(B) With a child 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 child is being breastfed, breast milk may be harvested by the mother to provide for the child when the child is with the father or other substitute feeding (such as formula) arranged.

B. CHILD 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 child. The primary residential parent shall pick up the child on a timely basis so that the child will not be tardy for school, or by 9:00 a.m. if the child is not in school. The secondary residential parent shall have the child properly dressed and shall insure that the child 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 child to school. The parent shall deliver the child at the normal time so the child will not be tardy and shall have the child properly dressed and shall insure that the child receives 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 child is 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 child 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 child 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 child's school recesses or, if the child is 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 child is 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 child. 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 child. The primary residential parent shall be entitled to at least two (2) weeks summer vacation visitation with the child 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 1st 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 child is one (1) year to three (3) years old, the summer visitation is as set forth in Part A; for child 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 child 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 child seven (7)

years old and older, six (6) weeks.



(9)(B) Each summer, commencing 200__, for (_____% of the vacation period).

The parents shall compute the total number of days, including weekends and holidays, the child 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 is in a year round school, the same computation shall be made as to each period. The child 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 child attends 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 child is 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 child is 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 child.

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 child, 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 child or by use of third parties. A parent shall not ignore or fail to respond when the child 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 child about the activities of the other parent. Neither parent shall use the child 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 child.



(4) The _____ shall have a leeway of _____ minutes from the specified time to pick up the child 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 child 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 at least one (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, child'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 child 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 child 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 child residing within this circuit or a contiguous county and will require adjustments if the child's residence is changed.



(8) Neither parent shall argue or participate in altercations or adversarial behavior in the presence of the child at any time. Their relationship in front of the child 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 child 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 child.



(11) At any time when a custodial parent intends to place the child 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 child 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 child regularly attends a kindergarten or day care facility where programmed educational material is offered, the parents shall consult with one another regarding leaving the child with the other parent versus taking the child 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 child shall be at curbside at the residence of the custodial parent or as otherwise agreed. The parent or person picking up the child shall remain in the motor vehicle and the person delivering the child shall send the child 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 child shall follow the same procedure. If the non-custodial parent or other adult is not at home when the child is returned, the child shall be kept in the care of the custodial parent until the child can be safely left at the residence or other agreed upon location.

OR



(12) (B) Pick up of the child 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 child shall follow the same procedure. If the non-custodial parent or other adult is not at home when the child is returned, the child shall be kept in the care of the custodial parent until the child 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 child for visitation. The person must be a responsible adult, a spouse, a relative or other person known to both parents AND the child.



(14) The person picking up the child 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 child out of their county of residence or to allow the child 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 child will be staying. The non-custodial parent shall have the right to contact the child by telephone ONE (1) time per day while the child is are out of county for a brief conversation in private not to exceed fifteen (15) minutes for each call. The child may telephone the non-custodial parent at reasonable times at the child'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 child.



(16) Neither parent shall involve the child in decisions regarding visitation unless the

child is twelve (12) years old or older. All visitation plans and conversations shall be conducted solely between the parents until the child is at least twelve (12) years of age. The final decisions are to be made by the parents and not the child. The primary residential parent is expected to encourage and assist in visitation with the secondary residential parent. Neither parent shall plan activities for the child 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 child and understand the child'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 child's activities if it is possible to do so without undue disruption of the secondary residential parent's visitation with the child. The secondary residential parent shall have the option to transport the child 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 during the time scheduled for visitation by the secondary residential parents without prior agreement.



(17) The parents shall not encourage the child 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 child. A substitute name such as step-dad 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 child 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 child 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 child 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 child with written doctor's instructions for frequency and dosage. The secondary residential parent shall administer any medication to the child in conformity with the doctor's instructions. The secondary residential parent is expected to maintain sufficient appropriate clothing for the child for visitation and MUST own and use child restraint devices or car seats for transportation of the child 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 his/her infant car seat when visitation of an infant (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 child is an infant or still on formula or is 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 child'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 child to do so, but shall deliver them to the child.



(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 child; 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 child for whom it is paid.



(23) The non-custodial parent shall have the right to contact the child 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 child 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 child to return the call to the non-custodial parent when the child returns. Telephone calls are limited to one (1) per day, unless the parents otherwise agree, to avoid claims of harassment or interference with visitation. The child shall be allowed to telephone and to speak in private with the non-custodial parent at all reasonable times that

the child desires to talk with that parent. The fifteen (15) minute time limitation set forth above shall not apply to telephone calls initiated by the child. The child shall have the right to receive and send e-mail and instant message communication between the child 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 child from the other parent. Each parent shall advise the other at all times of the residence address and telephone number where the child 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 child 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 child, and shall have an equal right to receive all information from doctors, health care providers and hospitals pertaining to the child and the emergency.



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



(27) If the child is 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 child 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 child, 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) The custodial parent shall insure that the child is 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 child to remain hungry.



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



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



(31) Both parents shall be entitled to participate in and attend special activities in which the minor child is 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 child, 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 child, 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.

DONE AND ORDERED in Chambers at the Brevard County Courthouse, Titusville, Florida, this __ day of _____, 200__.

CHARLES M. HOLCOMB
Circuit Judge

family/o-sharedvisit-child
Feb. 2002