

Parenting Plans for Separating or Divorcing Parents

Cynthia R. Strasheim, Extension Educator

When parents divorce, they are required to file a parenting plan with the court before the final divorce decree is granted. This NebGuide discusses what a parenting plan encompasses and how this plan can serve the best interests of the child.

A parenting plan is a written agreement developed by separating or divorcing parents to provide a method to share parenting that serves the best interest of the children.

Nebraska requires a parenting plan to be filed before a final divorce decree is granted, according to the Nebraska Parenting Act, Nebraska Revised Statute 43-2920, et seq. (2008). Parenting plans become legal and binding contracts through the court system. If the parents can't agree on a parenting plan, mediation may be recommended or even ordered. If all attempts to agree on a plan fail, the court will develop a plan that it believes is in the best interest of the child.

What Is Included in the Parenting Plan?

The parenting plan includes a statement declaring which parent or parents will have legal and/or physical custody. In some cases, one parent may have sole custody — meaning the child resides exclusively with mom or dad, who will make all of the decisions affecting the child — and the child will have parenting time (visitation) with the non-custodial parent.

In other cases, parents may choose joint legal custody, in which they will share equally in the major life decision making, but the children remain primarily with one parent.

Parents also may share joint legal and physical custody, in which they actually share parenting time during the year.

In a parenting plan, parents can mix and match the options that they feel best meet the needs of their children.

Ideally, a parenting plan will include an agreement that outlines the residential plan, parenting times, and the dates and times of child exchanges, including weekends, holidays, out-of-school time, and family gatherings. This plan will help parents and children be consistent, courteous, and compatible. The plan doesn't have to be written with a lot of legal jargon. It is simply a guideline of how each parent will spend parenting time with the child.

Parenting Plans include:

- Residential arrangements
- Parenting time schedule
- Medical care
- Communication with school
- Religion and cultural heritage
- Legal custody
- Physical custody
- Vacations
- Transportation
- Child care
- Safe transitions between parents
- Non-residential parent-child communication
- Extended-family visitations
- How to change the plan

Who Creates the Parenting Plan?

A parenting plan may be created by the parents or with assistance from lawyers and/or mediators. For some parents, developing a parenting plan can mean addressing a lot of contentious, emotional issues. Mediation or advice from a legal professional can prove helpful because it takes co-parenting out of the adversarial arena into a cooperative, “what’s best for the kids” discussion. Mediation centers and private mediators are available across Nebraska for parents who decide to use their services.

Simply put, a parenting plan is “a blueprint” for how children are going to be parented after their parents have separated. In addition to indicating how the day-to-day time with the children will be shared and how holidays and vacation time will be determined, a parenting plan also can include decisions on parenting functions such as:

- Which parent takes the children on unexpected snow days or out-of-school time?
- How will it be decided which school the children attend?
- Who will pick up and drop off children at day care?
- What are the transition (pick up and drop off) plans for the children?
- How will parents talk to each other about the children's needs?
- How will the parents ensure the safety of the children?
- How can parents keep parental conflict away from the children?

According to the Nebraska Parenting Act, Nebraska Revised Statute 43-2920, et seq. (2008), the purpose of creating a parenting plan is to help parents and children experience a healthy adjustment to the changes experienced with separation. The effort made by parents to create a plan helps put the child at the center of the parents' decisions.

Basic-level parenting classes offered across Nebraska have dual goals: 1) to teach parents enhanced skills to recognize the emotional and physical needs of their children during the divorce process; 2) to develop a written parenting plan to be submitted to the court at the final divorce hearing along with a property and financial statement.

What Is the Nebraska Parenting Act?

In 2008, the Nebraska Legislature updated the Parenting Act.

The New Parenting Act:

- emphasizes the "best interests of the child" standard as the basis by which child custody and parenting time issues are resolved;
- recognizes the importance of maintaining parent-child relationships while at the same time protecting victims of domestic abuse or child neglect;
- defines the court-recognized distinction between joint legal and joint physical custody arrangements;
- requires parenting plans for all matters, such as custody, visitation, and access to children;
- requires parents involved in custody and parenting time cases to attend a parenting education course;
- encourages the voluntary use of mediation to create parenting plans;
- may require mediation in some contested cases.

What Is Parenting Time?

In an effort to help children normalize living in two homes, the term "parenting time" is gaining increased use over the term "visitation". Parenting time is a more accurate description of the hours and events when the parent and child spend time together. Visitation was used to describe time spent with the non-custodial parent in the court case known as *Wilson vs. Wilson* (1984), which often has been used as the default plan for divorce cases. There are many examples to use when developing a plan. Some additional Web sites with examples are listed at the end of this publication.

What Is the Benefit of Planning for the Shared Parenting of Children?

In discussing parenting time, whether the legal arrangement is sole custody or joint custody, most courts allow and encourage children to spend time with both parents. Research shows that shared parenting is an increasingly favored solution for preserving parent-child relationships post-divorce, bringing with it both opportunity and risk.

The obvious benefits for children include the presence of two active social and family support networks, increased attention and stimulation, and male and female gender role modeling. Parents are able to experience the gratifications and rewards of "real time" parenting and to help eliminate the stresses of primary parenting (Pearson and Thoennes, 1990). The shared parenting approach may address the real psychological and social needs of contemporary mothers and fathers to create a balance between work and family and to allow fathers to establish a different level of involvement that may indeed be more gratifying than that which they experienced in marriage.

What Is Meant by "the Best Interest of the Child"?

"The best interest of the child" is a legal standard that describes what parents and the court should consider in making decisions for children according to developmental ages and stages of normal growth and development. This phrase is written into most state statutes regarding divorce, custody, shared parenting, and parenting plans. Use of this term is important as a guide that focuses on the needs of the child, not the needs of the parents or the court system. This and other terminology related to divorce is available at the Nebraska Supreme Court Web site, www.supremecourt.ne.gov/public under the heading "Parenting and Divorce in Nebraska."

Examples of Parenting Plans may be found at the following addresses:

- www.supremecourt.ne.gov
- www.parenting.umn.edu
- www.flsenate.gov/cgi-gin/view_page.pl
- www.supremecourt.az.gov

Resources

Deb Brownyard, Director, Office of Dispute Resolution,
Nebraska State Court Administrator Office.

Chris Johnson, Attorney, Conway, Pauley & Johnson PC.

McKinnon, R., and Wallerstein, J.S. (1986). Joint custody
and the preschool child. *Behavioral Sciences and the
Law*, 4(2), 169-183.

Pearson, J., & Thoennes, N. (1990). Custody after divorce:
Demographic and attitudinal patterns. *American Journal
of Orthopsychiatry*, 60, 233-2409.

Nebraska Parenting Act, Nebraska Revised Statute 43-2920,
et seq. (2007, 2008)

www.supremecourt.ne.gov

www.parenting.umn.edu

www.supremecourt.az.gov

This publication has been peer reviewed.

UNL Extension publications are available online
at <http://extension.unl.edu/publications>.

**Index: Family Life
Relationships**

Issued January 2010

Extension is a Division of the Institute of Agriculture and Natural Resources at the University of Nebraska–Lincoln
cooperating with the Counties and the United States Department of Agriculture.

University of Nebraska–Lincoln Extension educational programs abide with the nondiscrimination policies
of the University of Nebraska–Lincoln and the United States Department of Agriculture.

© 2010, The Board of Regents of the University of Nebraska on behalf of the University of Nebraska–Lincoln Extension. All rights reserved.