Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 20TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, GREENUP AND LEWIS COUNTIES

Upon recommendation of the Judges of the 20th Judicial Circuit, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 20th Judicial Circuit, Family Court Division, Greenup and Lewis counties, are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 18th day of July 2012.

CHIEF JUSTICE JOHN D. MINTON, JR.

RULES OF COURT

PRACTICE AND PROCEDURE

COMMONWEALTH OF KENTUCKY

20TH JUDICIAL CIRCUIT

GREENUP AND LEWIS COUNTIES

FAMILY DIVISION

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RULE 1 INTRODUCTION/ADMINISTRATIVE PROCEDURE

101 Preface

These are the Uniform Rules of Court Practice and Procedure of the Greenup and Lewis Circuit Court, Family Division. These Rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP), the Kentucky Rules of Criminal Procedure (RCr) and the Kentucky Rules of Civil Procedure (CR). These rules shall be the only operative Greenup and Lewis Family Court Rules. All previous rules adopted by the Greenup and Lewis Family Court are hereby rescinded.

102 Effective Date

The effective date of these rules shall be thirty (30) days after Kentucky Supreme Court approval.

103 Citation

These Rules shall be cited as GFRP or LFRP.

104 Holidays

Holiday schedules may be obtained at the Greenup or Lewis Circuit Court Clerk's Office.

RULE 2 COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING

201 Regular Motion Hour Schedule

A. For all Greenup Family Court actions Motion Hour shall be on Wednesday at 9:00 a.m. For all Lewis Family Court actions Motion Hour shall be on Thursday at 9:30 a.m.

B. Motions for Paternity, Dependency, Neglect and Abuse, Status Offense and Domestic Violence actions shall be noticed for Wednesday at 9:00 a.m. for all Greenup Family Court actions and 9:30 a.m. for all Lewis Family Court actions.

C. Emergency Dependency, Neglect and Abuse and Status motions may be made on any day of the week, with appropriate notice, upon approval of an assistant County Attorney. Non-emergency Dependency, Neglect and Abuse and Status Offense motions shall be noticed for the beginning of the appropriate and regularly scheduled docket.

D. Arraignment on paternity bench warrants shall be heard daily as needed.

202 Exceptions to Regular Motion Hour Schedule

There shall be no Motion Hour if it falls on a Holiday. If the Court is closed for any other unforeseen reason, i.e., inclement weather, the Motion Hour shall be passed to the following regular rescheduled motion hour. Any cancellation of Motion Hour will be done by Order of the Court and posted at the Circuit Court Clerk's Office.

203 Deadline for Serving and Filing Motions

A. All motions to be heard at the Greenup Family Court Motion Hour or the Lewis Family Court Motion Hour shall be filed and clocked no later than 4:30 p.m. on the preceding Friday with copies to be mailed, hand delivered or sent by electronic transmission. All motions filed after 4:30 p.m. on such Friday shall be automatically passed to the next Motion Hour.

B. If the Greenup Family Court or Lewis Family Court is closed Friday, motions shall be filed and clocked no later than 4:30 p.m. on the preceding Thursday with copies to be mailed, hand delivered or sent by electronic transmission. All motions filed after 4:30 p.m. on such Thursday shall be automatically passed to the next Motion Hour.

204 Greenup and Lewis Family Court Juvenile Sessions

All Greenup Family Court Juvenile Sessions shall be held the second and fourth Mondays of each month. All Lewis Family Court Juvenile Sessions shall be held the second and fourth Thursdays of each month.

RULE 3 ADOPTIONS/TERMINATION OF PARENTAL RIGHTS

301 Inspection of Adoption Records

Adoption motions shall be filed as other motions and noticed for the regular scheduled Motion Hour. The Court will take measures to protect the case confidentiality.

302 Temporary Custody Order

Temporary Custody Orders granted pursuant to KRS 199.473(7) shall be SEALED, and not open to inspection by persons other than the parties to such proceedings and their Counsel.

RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

401 Twenty-four (24) Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol

The Twenty-four (24) Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for the 20th Judicial Circuit and District is located in Appendix 1 to these local rules and incorporated as if set out fully herein.

RULE 5 PATERNITY

501 Procedures for Filing Paternity and/or Child Support Motions

All motions concerning child support and/or paternity shall be noticed for the regular motion docket.

502 Pretrial Procedures

Any pretrial matters shall be held on a case by case basis by relevant motions that may be filed. If the Court deems it necessary or upon motion of a party, the Court may schedule a pretrial conference for the purposes of scheduling or addressing any pretrial matters.

503 Guardian ad Litem/Military Attorney Appointed for Actions Filed Pursuant to KRS 406

A. In order to be appointed as Guardian ad Litem, any licensed attorney in good standing with the Kentucky Bar Association may apply. The appointment is to be made and compensation paid according to the statute, case law, or civil rule authorizing the appointment.

B. Application is to be made by submitting the appropriate form, which is available in the Greenup and Lewis Family Court Office. Appointees serving as Guardians ad Litem who fail to demonstrate appropriate knowledge of the statutes, law and procedures in the area in which appointment is made may be stricken from the list.

C. Motions for compensation shall be accompanied by an affidavit indicating:

1. The statutory basis for appointment;
2. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
3. That the action or proceedings have been concluded and the date of disposition.

D. Guardians ad Litem appointed to represent unmarried infants, persons of unsound mind, or adult prisoners shall notify the Respondent of his/her appointment as a Guardian ad

Litem, and inform the Respondent of the nature of the proceeding and of the Respondent's right to have genetic testing conducted.

E. Within sixty (60) days of the appointment, the Guardian ad Litem shall file an answer on behalf of the Respondent or a report stating that, after careful examination of the case, he/she is unable to present a defense.

F. The failure of the Guardian ad Litem or Military Attorney to file an answer or report within sixty (60) days of notification of appointment may result in sanctions being imposed against the attorney and removal from the Greenup/Lewis Family Court Guardian Ad Litem or Military Attorney List.

504 Reopening Fee

Pursuant to FCRPP 14(1), a $50.00 reopening fee shall not be paid for motions in cases brought pursuant to Title IV-D of the Social Security Act for child support modification or enforcement. However, where an action is initiated pursuant to Title IV-D but subsequent motions regarding child support, custody or visitation are brought by a private attorney or are filed by a party pro se, rather than by Title IV-D Counsel, the fee shall be charged unless the motion is brought in forma pauperis.

505 Permission to Review and Copy Paternity Case Files

Upon receipt of the Greenup/Lewis Family Court Clerk's Office of an attorney's statement seeking permission to review and copy a paternity case file, **OR** upon the receipt by the Greenup/Lewis Family Court Clerk's Office of a party's signed and notarized release authorizing an attorney to inspect the party's paternity case file, for reasons relating to representation in that action of a party thereto, the Clerk's Office shall grant the attorney access to such a file.

Pursuant to KRS 406.035, the attorney seeking permission to review and/or copy the paternity file shall sign a statement that the order of judgment is the only information which may be shared with the client, including information relating to domestic violence or child abuse as well as the addresses of the parties. Regardless of the subsequent representation or non-representation of the party, any information contained in such file is confidential and subject to the attorney-client privilege.

506 Access to Paternity Cases for Attorneys and Guardians ad Litem Representing Incarcerated Parents

The Greenup/Lewis Family Court Clerk's Office shall allow attorneys and Guardians ad Litem who are representing incarcerated parents in paternity cases to have access to the records of those actions.

RULE 6 DEPENDENCY, NEGLECT AND ABUSE

601 Procedure for Emergency Custody Orders

In Greenup/Lewis Counties, to obtain an Emergency Custody Order as set forth in FCRPP 19:

Any time persons seek an Emergency Custody Order (ECO), they shall first go to the Greenup/Lewis County Attorney's Office or Cabinet for Health and Family Services. That office shall counsel that person and then shall contact the Family Court Judge who shall review the petition and determine if an ECO should be issued.

602 Petition

A. All petitions shall be filed in accordance with FCRPP 20 and shall be submitted to the Greenup/Lewis County Attorney, who shall check the petition for legal sufficiency. If the petition is rejected by the County Attorney, it shall be submitted to a Family Court Judge for determination of legal sufficiency. If the Judge determines that the petition fails to state grounds for action pursuant to KRS Chapter 620, the petition shall be dismissed. If the petition is approved, the Assistant County Attorney or Judge, as appropriate, shall initial the petition for filing. A copy shall be distributed to the Assistant County Attorney assigned to prosecute dependency, neglect and abuse actions and the original shall be filed with the Office of the Greenup/Lewis Family Court Clerk.

B. Any petition filed with this Court shall comply with the following conditions:

1. Citations to specific statute and factual allegations relied upon in asserting the Court's jurisdiction; and

2. Full information concerning the child's parents and the address(es). The Petitioner shall make diligent efforts to locate the child's parents, including but not limited to, initiating contact with the Child Support Division of the Greenup/Lewis County Attorney's Office.

603 The Effects of Service on Only One Parent/Persons Exercising Custodial Control or Supervision

The Judge may permit the Temporary Removal Hearing or the Adjudication Hearing to go forward when the non-custodial parent has not been served in accordance with FCRPP 18(1) if it is established on the record that the Petitioner has made diligent efforts to serve all other parties including initiating contact with the Child Support Division of the County Attorney's Office in an attempt to locate any absent parent. The Petitioner shall make continuing diligent efforts after the hearing to locate and notify all persons who were not served.

604 Time for Temporary Removal Hearing

The Temporary Removal Hearing shall be held according to the following guidelines:

A. The Temporary Removal Hearing shall be scheduled on the dependency docket of the Family Court if that docket will be held within 72 hours, excluding holidays and weekends, of the issuance of an ECO. If the division's dependency docket will not be held within 72 hours, the temporary Removal Hearing shall be scheduled by the Court.

B. The Temporary Removal Hearing shall be held no earlier than the day following the filing of the petition to allow time for service to be attempted.

605 Appointment of Guardian ad Litem and Parent Attorney

The Court shall appoint a Guardian ad Litem, and attorneys for parents based upon indigency. Any attorney wanting to be appointed as a Guardian ad Litem must have completed the Administrative Office of the Courts Guardian ad Litem training.

606 Records and Transcripts

A videotaped record of all proceedings shall be kept and copies shall be available to the parties and their Counsel upon request in accordance with the provisions of FCRPP 27.

607 Dispositional Hearing

At the dispositional hearing CHFS shall provide the Court with information required pursuant to FCRPP 28 by completing DNA 12. In addition, if the siblings have been separated, CHFS shall explain the reasons for the separation.

RULE 7 DOMESTIC RELATIONS PRACTICE

701 Required Case Information

A. A Case Data Information sheet shall be filed with the petition (Form AOC-FC-3).

B. In any divorce action where the parties are ordered to attend a Divorce Education Program, the Greenup/Lewis Family Court Clerk's Office shall provide a copy of the Case Data Information sheet to the Families In Transition Office.

702 Appearances, Waivers and Agreements

A. Any unrepresented party who signs and acknowledges an appearance and waiver or agreement shall do so before a notary or deputy clerk.

B. No entry and appearance shall be signed prior to the filing of a petition.

C. All agreements and Agreed Orders shall contain the correct mailing and e-mail addresses for the attorneys and parties.

703 Divorce Education Program

Families involved in a divorce proceeding where there are minor children may be ordered to participate in a Divorce Education Program.

704 Mediation

Pursuant to FCRPP 2(6)(a), mediation and/or appointment of a parent's coordinator may be done by agreement of the parties and with the permission of the Court. The Court will not order mediation in any case unless the parties agree. If mediation is ordered, the terms of such shall be as worked out between the attorneys and the Court.

705 All parties must comply with the filing requirements of FCRPP 2 through FCRPP 9.

706 Status Quo Orders

All parties are directed to FCRPP 2(5). At the initial Court appearance the Court may enter a standing Status Quo Order. Any party may introduce proof that the other party has attempted to avoid the effects of FCRPP 2(5) by doing those actions this rule was adopted to prevent.

707 Time-Sharing / Visitation

Time-Sharing / Visitation is to be determined on a case by case basis. However, to facilitate a schedule between the parties, the Court and parties may use the existing Schedule A and B Time-Sharing / Visitation Guidelines in addition to the guidelines set forth in the Appendix to the FCRPP to determine appropriate visitation times. Schedule A Time-Sharing / Visitation Guidelines are attached hereto as Appendix 2. Schedule B Time-Sharing / Visitation Guidelines are attached hereto as Appendix 3.

RULE 8 STATUS OFFENSES

All Status Offense cases shall be heard at the regular scheduled juvenile docket of the Greenup/Lewis Family Court. See FCRPP 37 through FCRPP 44 for statewide uniform rules of procedure.

RULE 9 MISCELLANEOUS

901 Identification of Counsel or Party Required

Every pleading, motion and other paper filed in the record by Counsel or party shall contain the case number, typed or printed name, address, telephone number and e-mail address of the attorney or party signing the paper. A rubber stamp shall not be deemed a signature either under this Rule or CR 11.

902 Protection of Personal Identifiers

A. The Family Court Case Data Sheet must be fully completed in all cases. In addition, all pleadings must comply with the requirements of KRS Chapters 205, 403, 405, 406 and 407 by providing the personal identifying information required in those chapters. However, except as set forth in paragraph B below, where personal identifiers are required by statute or contained in other documents or exhibits filed with the Court pursuant to the above-stated chapters, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an un redacted copy in a marked and sealed envelope. The Clerk of the Court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a Judge of the Court or other authorized Court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the Court. As used in this section, "personal identifier" means a Social Security number or taxpayer identification number, date of birth or financial account number.

B. Pleadings, documents or exhibits filed in actions deemed confidential by statute need not be redacted, and any access to those files shall be governed by these local rules and by KRS 199.570, KRS 610.340, KRS 625.045 and KRS 625.108.

903 Video Copies of In-Chamber Interviews with Children

Pursuant to FCRPP 17, the Greenup/Lewis County Circuit Court Clerk's Office shall not release any Greenup/Lewis Family Division video in-chamber interviews with children without a specific written order of the Family Court Judge. An individual requesting a judicial order must provide the Family Court Judge a written explanation for the request which specifically indicates the portion of the video record being requested is an in-chamber interview with a child and specific purpose for the request.

904 Requests for Confidential Video Records

The Greenup/Lewis County Circuit Court Clerk's Office shall not release any copies of Greenup/Lewis Family Court confidential video records, except for paternity actions, without a specific written order from the presiding Family Court Judge. An individual requesting a

judicial order must file a written motion with notice to all parties, including the child's Guardian ad Litem, if any, and set forth the purpose for the request.

Except that, pursuant to KRS 610.340(2), this shall not apply to public officers or employees engaged in the investigation and prosecution of cases under KRS Chapters 600 through 645 or other prosecutions authorized by the Kentucky Revised Statutes, as certified by that public officer or employee. Said public officer or employee shall use and distribute this information only for investigation or prosecution of offenses under the Kentucky Revised Statutes.

905 Releasing Individuals in Custody

As authorized by Court Order, Deputy Clerks in the Greenup/Lewis Family Court Clerk's Office may sign release for individuals in custody who purge themselves of contempt or post bond.

This the 17th day of July, 2012.

Jeffrey L. Preston, Judge
20th Circuit Court
Family Court Division

Robert Conley, Judge
20th Circuit Court

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING AMENDMENT TO APPENDIX 1 OF THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 20TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, GREENUP AND LEWIS COUNTIES

Upon the recommendation of the Judges of the 20th Judicial Circuit, Greenup and Lewis counties, and being otherwise sufficiently advised,

The amendment to Appendix 1 of the Rules of Court Practice and Procedure for the 20th Judicial Circuit, Family Court Division, is hereby approved. This order shall be effective as of the date of this Order and shall remain in effect until further orders of this court.

Entered this 8th day of January 2016.

CHIEF JUSTICE

TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION PROTOCOL
20TH JUDICIAL CIRCUIT AND DISTRICT
GREENUP AND LEWIS COUNTIES

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rule of Practice and Procedure Section IV, this local protective order protocol is established to ensure twenty-four hour accessibility to emergency protective orders (EPOs) and temporary interpersonal protective orders (TIPOs) and to establish written procedures for matters in which there may be joint jurisdiction between the Circuit/Family and District Courts.

I. Uniform Protocol for Handling Cases

A. All petitions requested, completed and signed by persons seeking protection under KRS Chapter 403 or KRS Chapter 456 shall be made on form AOC-275.1, and shall be accepted and filed with the court. KRS 403.725, KRS 456.030.

B. All protective order cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.

C. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.

D. "No drop" policies which place limitations on a petitioner's right to modify or withdraw a petition for a protective order are not permitted. Pursuant to KRS 403.740 and KRS 456.060, any orders for relief issued directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault shall not order the petitioner to take any affirmative action.

E. Cases may be reassigned within the judicial circuit and, pursuant to FCRPP 12, a case may be transferred to another circuit if there is a pending dissolution or custody matter. If reassignment or transfer occurs, the issuing judge shall re-issue a summons until the matter may be heard by the receiving judge.

F. The court shall review a petition for a protective order immediately upon its filing. KRS 403.730, KRS 456.040. Petitioners shall not be sent away or left waiting for extended periods of time. Petitions should be reviewed within an hour of presentation to a judge or trial commissioner unless impossible due to no judge or trial commissioner being available.

II. Twenty-four Hour Accessibility

A. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **during** regular business hours:
Greenup Circuit Court Clerk's Office
Lewis Circuit Court Clerk's Office

B. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner **after** regular business hours and weekends:
Any law enforcement officer

C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the District Judge. If the District Judge is not available, to the Family Judge or Circuit Judge, or if not available, to a judicial officer in another circuit consistent with the Regional Program Administration Charter.

D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to the District Judge. If the District Judge is not available, to the Family or Circuit Judge, or if not available, to a judicial officer in another circuit consistent with the Regional Program Administration Charter.

III. Assignment of Cases

A. Pursuant to KRS 403.735 and KRS 456.030, jurisdiction over petitions filed under this chapter is concurrent between district, circuit, and family court.

B. The judge reviewing a petition for an order of protection shall indicate in the "Court Action" section of the petition whether the resulting action is a domestic violence action under KRS Chapter 403 or an interpersonal protective order action under KRS Chapter 456.

C. The circuit clerk shall assign interpersonal protective order cases to the Family Court.

D. The schedule for hearings on protective orders is as follows:

EPO/DVO/IPO Wednesdays at 10:00 am – Family Courtroom

E. Cases may be reassigned or transferred between courts if it is determined that there are other actions pending or circumstances indicate that review by the other court is proper. KRS 403.725, KRS 456.030. If reassignment or transfer occurs, the issuing judge shall re-issue a summons until the matter may be heard by the receiving judge.

IV. Contempt Proceedings

A. Pursuant to KRS 403.763 and KRS 456.180, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually

exclusive. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.

B. Petitioners seeking to initiate contempt proceedings should contact the Circuit Court Clerk's Office in the county where the order was issued.

C. No petitioner may be held in contempt for failure to appear at a domestic violence hearing or prosecute a criminal violation of a protective order.

The undersigned hereby acknowledge that all general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judicial officers in the circuit:

Robert Conley
Circuit Judge

1/4/16
Date

Jeffrey L. Preston
Family Court Judge

12/23/15
Date

Brian C. McCloud
District Judge

12/23/2015
Date

APPENDIX 2

TIME-SHARING / VISITATION SCHEDULE "A"

The following schedules are suggested as **guidelines** for the parents and the court in establishing time-sharing/visitation schedules. Each case will present unique facts or circumstances which shall be considered by the court in establishing a time-sharing / visitation schedule and **the final schedule established by the court or agreed to by the parents may or may not be what these guidelines suggest.**

WEEKENDS: Alternate weekends from Friday at 5:30 P.M. until Sunday at 6:00 P.M. for all children 12 months of age or older. If the child is less than 12 months of age, weekend visitation shall be from 10:00 A.M. to 6:00 P.M. on Saturday and Sunday.

MIDWEEK: One evening each week, Wednesday 5:30 P.M. to 9:00 P.M.

HOLIDAYS: In the odd-numbered years, the custodial parent has Easter and Christmas Day; and the non-custodial parent has July 4th, Thanksgiving, and Christmas Eve. In the even-numbered years, the schedules are reversed. Memorial Day and Labor Day attach to the preceding weekend.

a) A holiday that falls on a weekend should be spent with the parent who would normally have the children for the holiday. The rest of the weekend is to be spent with the parent who would normally have that weekend. These do not have to be made up.

b) Mother's Days and Father's Day are to be spent with the appropriate parent. Hours are agreed, or 10:00 A.M. to 7:30 P.M.

c) Other days of special meaning, such as religious holidays, and national holidays, should be decided together, written into the Court Order, and alternated as above.

d) Hours for parents who cannot agree are as follows: Easter - 10:00 A.M. to 7:30 P.M.; July 4th - 9:00 A.M. to 9:00 A.M. the next day; Thanksgiving - 9:00 A.M. to 9:00 A.M. the next day; Christmas Eve - 9:00 P.M. on December 23rd to 9:00 P.M. on December 24th; Christmas Day - 9:00 P.M. on December 24th to 9:00 P.M. on December 25th.

BIRTHDAYS: One-half day with each parent, even if it falls on a regular visitation day.

WAITING: The children and custodial parent have no duty to await the visiting parent for more than 30 (thirty) minutes of the visitation time. A parent who is late

forfeits visitation for that period. The custodial parent, or acceptable representative, must be home at the return time to receive the child.

CANCELLATIONS: If a child is ill, the custodial parent should give 24-hour notice, if possible, so appropriate plans can be made. The non-custodial parent should give 24-hour notice to cancel. The time cancelled by the non-custodial parent is forfeited. Time lost for the child's illness should be made up.

VACATIONS: Four weeks of visitation each year are to be arranged with advance notice by the non-custodial parent by May 1st. The custodial parent must give the non-custodial parent notice of vacations, or special plans for the child, to avoid planning conflicts, by May 15th.

a) Summer school necessary for the child to pass to the next grade must be attended.

b) A general itinerary should be provided for the parent, if vacation will be out of town.

RULES OF PARENTAL CONDUCT:

Each parent is under an affirmative duty to foster the love and affection of the child for the other parent. Neither parent shall do nor say anything that will interfere with the love and affection of the child for the other parent. Neither parent shall allow third parties to do or say anything to or in the presence of the child that will interfere with the love and affection of the child for the other parent. In addition to these general duties, neither parent shall:

1. Have the child deliver money or messages from one parent to the other and thus place the child in the middle;

2. Ask the child to keep a secret from the other parent and, in effect, teach the child to lie;

3. Quiz the child about what is going on at the other parent's home and thus turn the child into a spy.

4. Say unkind things about the other parent to the child or in the presence of the child;

5. Try to conduct parental business when exchanging the child for visitation;

6. Make any threats or start arguments with the other parent when exchanging the child for visitation;

7. Ask a child directly or subtly, "Which of us do you really want to be with?" and thus place the burden on the child;

8. Allow a child to take control of visitation whenever he or she wants to do so;

9. Eavesdrop on or interrupt the child's telephone conversations with the other parent.

APPENDIX 3
2OTH JUDICIAL CIRCUIT

TIME-SHARING / VISITATION SCHEDULE "B"

The following schedules are suggested as **guidelines** for the parents and the court in establishing time-sharing/visitation schedules. Each case will present unique facts or circumstances which shall be considered by the court in establishing a time-sharing/visitation schedule and **the final schedule established by the court or agreed to by the parents may or may not be what these guidelines suggest.**

Weekends: On weekends beginning at 6:00 p.m. on the 1st, 3rd and 5th Friday of each month and ending at 6:00 p.m. on the following Sunday.

Weekend Parenting Time Extended By a Holiday: If a weekend period of parenting time begins on a Friday that is a school holiday during the regular school term or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of parenting time shall begin at 6:00 p.m. on the Thursday immediately preceding the Friday holiday or end at 6:00 p.m. on the Monday that is the school holiday, as applicable.

Tuesdays: On Tuesday of each week, except during June and July, beginning at 6:00 p.m. and ending at the time the child's school resumes on Wednesday, **except** when weekend parenting time has been extended by a Monday holiday. **The non-primary residential parent shall be responsible for getting the child to school on Wednesday morning, unless other arrangements have been made.**

Thursdays: On Thursday of each week that the non-primary residential parent is **not** entitled to a weekend visit beginning at 6:00 p.m. and ending at 9:00 p.m.

Christmas Holidays in **Even** Numbered Years: In even numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 25th.

Children Ages Six (6) Months to Twelve (12) 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 those times, and five (5) hours every other Saturday. Additionally, the non-primary residential parent shall have two (2) overnight parenting times per month, on the 1st Friday of each month from 6:00 p.m. on Friday to 6:00 p.m. on Saturday and on the 3rd 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 parenting time. If the parents cannot agree, the non-primary residential parent's

parenting time 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 non-primary residential parent's regular parenting time does not occur on or is less than five (5) hours on each such occasion. If the parents cannot agree, the non-primary residential parent's parenting time shall be from 1:00 p.m. to 6:00 p.m. on each holiday or birthday.

The non-primary residential parent's parenting time shall include at least one (1) full weekend to be agreed upon between the parents from Friday at 6:00 p.m. to Sunday at 6:00 p.m. If the parents cannot agree, the weekend shall be the 5th Friday of the month.

The non-primary 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 parents cannot agree, parenting time on such days shall be from 1:00 p.m. to 6:00 p.m.

Children Ages Twelve (12) Months to Twenty-Four (24) Months
The parents shall confer and agree upon a schedule consisting two (2) three (3) hour periods during the week with no more than two (2) days between times, and five (05) hours every other Sunday. Additionally, the non-primary residential parent shall have two (2) overnight parenting times per month, on the 1st Friday of each month from 6: p.m. on Friday to 6:00 p.m. on Saturday and on the 3rd Saturday of each month from 6:00 p.m. on Saturday to 6:00 p.m. on Sunday. The Sunday five (5) hour parenting times are applicable to the weekends when there is no overnight parenting time. If the parents cannot agree, the non-primary residential parent's parenting time 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 non-primary residential parent's regular parenting time does not occur on or is less than 5 hours on Thanksgiving, Christmas, Easter or the children's birthdays, the parents shall confer and agree upon a schedule consisting of five (5) hours on each such occasion. If the parents cannot agree, the non-primary residential parent's parenting time shall be from 1:00 p.m. to 6:00 p.m. on each holiday or birthday.

The non-primary residential parent shall be entitled to be with the children on Mother's Day or Father's Day, as appropriate, for a 5 hour period. If the parents cannot agree, parenting time 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 parenting time shall be enjoyed by the non-primary residential parent which include 2 - 4 day periods at least 4 weeks apart from 6:00 p.m. on Friday to 6:00 p.m. on the following Tuesday.

Long Distance Time Sharing Guidelines *(For Children Five & Older – Younger on a Case by Case Basis)* Modified standard or local time sharing guidelines can be used when the distance

between the residences of parents do not exceed approximately 120 miles. However, more than approximately 120 miles distance between parents normally causes standard or local guidelines to be deficient. Therefore, the following guidelines shall apply in the absence of a mutual agreement between the parents or in the absence of a specific Court Order.

Schedule for Children Who Are Infants Up to Three (3) Years Old: *Infants to Six (6) Months*: The parents 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 those times. If the parents cannot agree, parenting time for the non-primary residential parent 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 non-primary residential parent shall have the right to have AT LEAST one overnight of parenting time 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 3rd Friday of the month from 6:00 p.m. on Friday to 1:00 p.m. on Saturday.

When the non-primary residential parent's regular parenting time does not occur on Thanksgiving, Christmas or Easter, the parents shall confer and agree upon a schedule consisting of four (4) hours on each said holiday. If the parents cannot agree, the non-primary residential parent shall have parenting time from 2:00 p.m. to 6:00 p.m. on each said holiday.

The non-primary residential parent's parenting time shall include at least one (1) full weekend to be agreed upon between the parents from Friday at 6:00 p.m. to Sunday at 6:00 p.m. If the parents cannot agree, the weekend shall be the first weekend following the child's attainment of twenty (20) months of age.

The non-primary 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 parents cannot agree, the parenting time on such days shall be from 2:00 p.m. to 6:00 p.m.

Christmas Holidays in **Odd** Numbered Years: In odd numbered years, beginning at noon on December 25th and ending at 6:00 p.m. the day before the child's school resumes after the Christmas vacation.

Thanksgiving in **Odd** Numbered Years: In odd numbered years, beginning at 6:00 p.m. on the day the child was dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. the day before the child's school resumes after that Thanksgiving holiday.

Spring Break and Fall Break in **Even** Numbered Years: In even numbered years beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring and fall break vacation and ending at 6:00 p.m. the day before the school resumes after that vacation.

If the school does not declare a spring break or a fall break, then the non-primary residential custodian shall be entitled to exercise a spring and fall break during the months of October and March upon 14 days written notice to the other parent. This time-sharing period shall be for a period of 7 days inclusive of the weekends. **The non-primary residential parent shall be responsible for getting the child to school during these periods.**

Should the school schedule a **two-week** spring break or fall break, the non-primary residential parent shall have the first choice of one of those weeks and the primary residential parent shall have the remaining week in the **even** numbered years. The primary residential parent shall have first choice of those weeks with the non-primary residential parent entitled to the remaining week in the **odd** numbered years.

Extended Summer Parenting Time: Weekends, Tuesday night and Thursday night visitation shall not be exercised during the months of June and July by the non-primary residential parent. Said parent shall however be entitled to exercise, during the months of June and July 30 days extended summer time sharing with the child with said time period being exercised in two fifteen (15) day periods. If the non-residential parent provides written notice by April 1st, then that parent may designate the time periods within which to exercise the extended summer time sharing. Provided that the time-sharing should be exercised in two non-consecutive 15 day time periods with a return of at least 7 days in between the two visitation periods to the primary residential parent. (The non-primary residential parent shall have first choice as to the selection of extended summer time provided written notice is provided to the primary residential parent as noted.) **If written notice is not provided by April 1st,** then the non-primary residential parent shall enjoy extended summer time sharing with the child from 6:00 p.m. June 15th until 6:00 p.m. June 30th and also from 6:00 p.m. July 10th until 6:00 p.m. July 25th.

Child's Birthday: The parent not otherwise entitled to parenting time with the child on the child's birthday pursuant to the applicable guideline shall have time sharing with said child beginning at 6:00 p.m. and ending at 8:00 p.m. on that day provided that the parent picks up the child from the other parent's residence and returns the child to that residence.

Father's Day and Mother's Day: Each year, beginning at 9:00 a.m. on Mother's Day or Father's Day as applicable and ending at 6:00 p.m. on said day, the mother or father, as applicable, provided that he or she is not otherwise entitled to have the child under this Order shall be entitled to parenting time with the child provided that the mother or father shall pick up the child from the other parent's residence and return the child to that same place.