

MONTANA SIXTH JUDICIAL DISTRICT PARENTING GUIDELINES

A powerful cause of stress, suffering, and maladjustment in children of divorce is not simply the divorce itself, but continuing conflict between the parents before, during and after the divorce. To minimize conflict over the children, the parents should agree on a parenting arrangement that is most conducive to the children having frequent and meaningful contact with both parents with as little conflict as possible. When parents' maturity, personality and communication skills are adequate, the ideal arrangement is reasonable parenting time upon reasonable notice, since that provides the greatest flexibility. The next best arrangement is a detailed parenting agreement made by the parents to fit their particular needs and, more importantly, the needs of the children. If the parents are unable to agree, however, the following guidelines will help the parents in knowing what the presiding judge in the Sixth Judicial District believes are generally reasonable, unless special circumstances require a different arrangement. (See Paragraph 1.17 in the Specific Guidelines attached.) In the event parenting time becomes an issue in court, the judge reserves the right to set whatever schedule best meets the needs of the children in that case.

I. GENERAL RULES

Parents should always avoid speaking negatively about the other and should firmly discourage such conduct by relatives or friends. In fact, the parents should speak in positive terms about the other parent in the presence of the children. Each parent should encourage the children to respect the other. Children should never be used by one parent to spy on the other. The basic rules of conduct and discipline established by the residential parent should be the base-line standard for both parents and any step-parents, and consistently enforced by all, so that the children do not receive mixed signals.

When a parent is granted parenting time, the parent is expected, by the child(ren), the other parent, and by the Court, to exercise that parenting time.

Children will benefit from continued contact with all relatives and family friends on both sides of the family for whom they feel affection. Such relationships should be protected and encouraged. But relatives, like parents, need to avoid being critical of either parent in front of the children. Parents should have their children maintain ties with both the maternal and paternal relatives. Usually the children will visit with the paternal relatives during times the children are with their father and with the maternal relatives during times they are with their mother.

1.1 Parental Communication. Parents should always keep each other advised of their home and work addresses and telephone numbers. As far as possible, all communication concerning the children shall be conducted between the parents themselves in person, or by telephone at their residences and not at their places of employment.

1.2 Grade Reports and Medical Information. Both parents shall have the right to communicate concerning the child directly with the school and with the children's doctors and other professionals outside the presence of the other parent. Each parent shall immediately notify the other of any medical emergencies or serious illnesses of the children. The residential parent shall notify the non-residential parent of all school or other events involving parental participation. If the child is taking medications, the residential parent shall provide a sufficient amount and appropriate instructions for its use during the other parent's parenting time.

1.3 Children's clothing for Parenting Time. Each parent shall return the clothing worn by the child at the exchange, or the clothing sent with the child to the exchange. Each parent shall advise the other parent, as far in advance as possible, of any special activities so that the appropriate clothing may be sent.

1.4 Withholding Support or Parenting Time. Neither parenting time nor child support is to be withheld because of either parent's failure to comply with a court order. Only the court may enter sanctions for non-compliance. Children have a right both to support and parenting time, neither of which is dependent upon the other. In other words, no support does not mean no parenting time and no parenting time does not mean no support. If there is a violation of either a parenting or support order, the exclusive remedy is to apply to the court for appropriate sanctions.

1.5 Adjustments in the Parenting Time Schedule. Although there may be a specific court-ordered parenting time schedule, the parties are expected to fairly modify parenting time when family necessities, illnesses or commitments reasonably so require. The requesting parent shall act in good faith and give as much notice as circumstances permit.

1.6 Parent's Vacation. Unless otherwise specified in a court order or agreed by the parties, each parent is entitled to a vacation with the children for a reasonable period of time.

1.7 Insurance Forms. The parent who has medical insurance coverage for the children shall supply, as applicable, insurance forms and a list of insurer- approved or HMO-qualified health care providers in the area where the other parent is residing. A parent who, except in an emergency, takes the children to a doctor, dentist or other provider not so approved or qualified should pay the additional cost thus created. However, when there is a change in insurance which requires a change in medical care providers and a child has a chronic illness, thoughtful consideration should be given by the parties to what is more important: allowing the child to remain with the original provider or the economic consequences of changing. When there is an obligation to pay medical expenses, the parent responsible therefor shall be promptly furnished with the bill by the other. The parents shall cooperate in submitting bills to the appropriate insurance carrier. Thereafter, the parent responsible for paying the balance of the bill shall make arrangements directly with the health care provider and shall inform the other parent of such arrangements. Insurance refunds should be promptly turned over to the parent who paid the bill for which the refund was paid.

1.8 Child Support Abatement. Unless a court order otherwise provides, support shall not abate during any parenting time.

1.9 Missed Parenting Time. When scheduled parenting time cannot occur due to events beyond either parents' control, such as illness of the parent who should have parenting time, or the child, a mutually agreeable substituted parenting time date shall be arranged, as quickly as possible. Each parent shall timely advise the other when a particular parenting time cannot be exercised. Missed parenting time should not be unreasonably accumulated.

1.10 Parenting Time a Shared Experience. Because it is intended that parenting time be a shared experience between siblings and, unless these Guidelines, a court order, or circumstances, such as age, illness, or the particular event, suggest otherwise, all of the children shall participate in any particular parenting time.

1.11 Telephone Communication. Telephone calls between parent and child shall be liberally permitted at reasonable hours and at the expense of the calling parent. The residential parent may call the children at reasonable hours during those periods the children are with the non-residential parent. The children may, of course, call either parent at reasonable hours during those periods the children are with the other parent. If the call initiated by the children is long distance, it shall be at the cost of the parent called. During long vacations the parent with whom the child is on vacation is only required to make the child available for telephone calls every five days. At all other times the parent the child is with shall not refuse to answer the phone or turn off the phone in order to deny the other parent telephone contact. If a parent uses an answering machine, messages left on the machine for the child should be returned. Parents should agree on a specified time for calls to the children so that the children will be made available.

1.12 Mail Contact. Parents have an unrestricted right to send cards, letters and packages to their children. The children also have the same right with their parents. Neither parent should interfere with this right.

1.13 Privacy of Residence. A parent may not enter the residence of the other except by express invitation of the resident parent, regardless of whether a parent retains a property interest in the residence of the other. Accordingly, the children shall be picked up and returned to the front entrance of the appropriate residence, unless the court has ordered a different transfer point. The parent dropping the children off should not leave until the children are safely inside. Parents should refrain from surprise visits to the other parent's home. A parent's time with the children is their own, and the children's time with that parent is equally private.