

MONTGOMERY COUNTY
GUIDELINES FOR EFFECTIVE PARENTING

September, 1997

I. Preamble

Maryland has established the public policy that it is in the child's best interest to maintain contact with the non-residential parent through liberal and meaningful visitation. However, portions of these guidelines may not apply to (1) a child from birth to age three or (2) to a child who, for whatever reason, has been separated from the non-residential parent for a significant period of time.

II. General Rules

1. Each parent (and any subsequent spouse) will refrain from exercising undue influence over the child with regard to the other parent, criticizing the other parent in the presence of the child, inducing the child to challenge the authority of the other parent, or encouraging the child to request a change of custody or to resist visitation. Neither parent will interrogate the child about the other parent.

2. Each parent will refrain from interfering with the custody or visitation rights of the other parent and will take steps to ensure that any parent's subsequent spouse or partner so refrains.

3. Parents will communicate directly with each other concerning the child, and will not require the child to deliver messages (including child support payments) to the other parent. Parents will ensure that their respective subsequent spouses do not interfere with the parents in matters concerning the child.

4. Each parent has the right and responsibility to make decisions concerning the child's daily routine when the child is in that parent's care. Parents with joint legal custody have an equal right and responsibility to make long-range decisions concerning the child, including, without limitation, education, religious training, discipline, medical care, and other matters of major significance concerning the child's life and welfare. The parent without legal custody of the child retains the authority to consent to emergency surgery or other necessary medical care for the child while in his/her care when there is insufficient time to contact the parent with legal custody.

5. Each parent is permitted access to all school and medical records of the child.

(A) The parent with legal custody shall take the necessary action with the authorities of the school in which the child is enrolled to:

(1) List the other parent as a parent of the child;

(2) Authorize the school to release to the other parent any and all information concerning the child;

(3) Ensure that the other parent may receive copies of any notices regarding the child.

(B) The parent with legal custody shall be the parent to authorize participation in school activities, sign permission slips, request excusal from school activities and early departure. The parent without legal custody shall be permitted to authorize the same only when the child is in that parent's care and only with the consent of the parent with legal custody.

(C) If not already furnished by the child's school, the parent with legal custody will promptly transmit to the other parent any information received concerning parent-teacher meetings, school programs, athletic schedules, and any other school and extra-curricular activities in which the child may be engaged or interested. Each parent is permitted and encouraged to attend.

(D) If not already furnished to the other parent by the child's school, the parent with legal custody will promptly, after receipt of the same, furnish to the other parent a photocopy of the child's grades or report, and copies of any other reports concerning the child's status or progress.

(E) The parent with legal custody will notify the other parent of all parent-teacher conferences, which whenever possible shall be arranged at a time when both parents can attend.

(F) The parent with legal custody will authorize medical providers to release to the other parent copies of any and all information concerning medical care provided to the child and will execute any medical release form necessary for the other parent to obtain such information. The parent with legal custody will promptly inform the other parent of any illness or injury of the child which requires medical attention. Emergency surgery necessary for the preservation of the child's life or to prevent a further serious injury or condition may be authorized by either parent provided that the other parent is notified as soon as possible. Elective surgery for the child may be authorized by the parent with legal custody after notification to the other parent.

6. Under Maryland law, a move out of state with the minor children by the parent with legal custody constitutes a change in circumstances that warrants a review of the residential arrangements. Therefore, the parent with legal custody shall notify the other parent at least 45 days in advance of any contemplated move (and sooner if possible), and the parents shall cooperate to work out a new visitation schedule. In the event that a new visitation schedule cannot be agreed upon by the parents, the parents shall promptly submit the issues raised by relocation to mediation.

7. The parent with legal custody will encourage free communications between the child and the other parent and will not do anything to impede or restrict communications by phone or mail between the child and parent. This rule applies equally to the parent without legal custody, most especially when the child is on extended visitation with that parent.

(A) Unless specifically permitted by the Court to withhold such information, each parent will provide the other parent with the following information in advance whenever the child is with him or her: a telephone number and an address where the child may be reached, as well as the name, address and telephone number of any regular child-care provider.

(B) Unless otherwise ordered by the Court, mail between the child and parent is strictly confidential between the child and that parent, and shall not be opened or read by the other parent or any other person.

(C) One of the following rules shall apply as agreed upon by the parents, or ordered by the Court, considering the circumstances of the parents and child:

(1) Each parent is entitled to reasonable telephone access to the child during those times when the child is with the other parent. Such telephone conversations shall be private, unrecorded, and take place out of the other parent's presence, limited only by the child or the calling parent terminating the telephone call; or

(2) At the request of either parent, telephone communications between parent and child shall be at set times agreed to by the parents, taking into consideration the regular routine of the child and the child's age. Such telephone conversations shall be private, unrecorded, out of the presence of the other parent, and limited only by the child or the calling parent terminating the telephone call.

8. Neither parent shall attempt to modify the religious practice of the child as established prior to the parents' separation without first consulting with the other parent. If after consultation the parties are unable to agree, the decision of the parent with sole legal custody shall prevail. If the parents share joint legal custody, the issue shall be submitted to mediation.

9. A decision to maintain, initiate or terminate therapy for their child should be made after discussion and following an agreement by the parties, but, if they are unable to agree, the parent with sole legal custody shall make the decision, or, if the parents share joint legal custody, the issue shall be submitted to mediation.

10. The parents will schedule weekend and holiday visitation on a regular basis. The following provisions assume that the parent with legal custody is the primary "residential" parent and that the parent without legal custody is the "non-residential" parent.



(A) The non-residential parent will give the residential parent notice of any change to the time of pick up and return of the child for regular weekend and holiday visitation at least 48 hours before a scheduled visit, except in the case of emergency and circumstances beyond the non-residential parent's control, in which case notification of the time of exchange will be made as soon as possible.

(B) The residential parent shall furnish the non-residential parent with any prospective plans for the child's summer camp/activity schedule as soon as it is available to the residential parent. The non-residential parent will notify the residential parent of summer vacation plans with the child as soon as his/her employment schedule permits.

(C) Parents shall not ask the child to communicate with the other parent regarding visitation arrangements.

(D) The residential parent, non-residential parent, and subsequent spouses, will be diligent in having the child ready and available at the appointed times for visitation and return from visitation. The transporting parent will be prompt in picking up and delivering the child within the grace periods set out on the applicable visitation schedule.

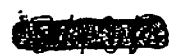
(E) Holiday visitation commences at the regular hour as set for the commencement of weekend visitation and ends at the regular hour set for the evening of weekend visitation. Holiday visitation will have precedence over the regular visitation schedule, but will not result in weekend visitation more than three (3) weekends in a row.

(F) The residential parent will send with the child on visitation sufficient clothing and outerwear appropriate for the season to last the period of visitation. For example, in the case of an infant, the residential parent will send with the child sufficient bottles, formula and diapers necessary to last one (1) day of the visitation period. The non-residential parent will provide any additional formula and diapers necessary. The non-residential parent shall return all such clothing and other reusable items sent with the child. Soiled clothing including cloth diapers shall be laundered before return.

(G) Each parent shall provide a car seat as required by law to transport the child.

(H) The residential parent will send with the child sufficient medication for a weekend or holiday visitation period and any necessary prescription for medication necessary for the first week during an extended summer visitation. The non-residential parent will provide any additional medication necessary.

(I) No alcoholic beverage may be consumed by either parent prior to operating a motor vehicle in which the child is riding. No illegal drug may be taken by either parent at any time. As a general practice, visitation does not include picking up the child and leaving the child



with a non-family member while the visiting parent pursues personal activities. The children may be picked up by a designated family member or others acceptable to either parent and may spend a portion of the visitation time with members of the respective parent's family, including resident partners not married to that parent. Visitation does not include taking the child to a non-restaurant type bar.

(J) As much as possible during visitation, the child's customary activities will be continued. The residential parent will make every effort not to schedule activities or appointments during the other parent's visitation period. The non-residential parent shall make every effort to support the child's interests and activities, including, without limitation, sports practice and games, medical appointments, dancing and music lessons and recitals, church, school, extra-curricular, parties and other social gatherings, scouting and club activities. Both parents are encouraged to attend such activities, whether scheduled during visitation or at other times, but, when such activities occur during visitation, the other parent will be respectful of the visiting parent's time.


(K) When one parent is not available to take care of the children during his or her regularly scheduled time (e.g., business trip, weekend out of town) for more than one day, that parent is encouraged to give the other parent the opportunity to take the children rather than placing the children with a third party. Such an opportunity, however, is not obligatory; nor is it to be used by either party to interfere with the other party's scheduled visitation time.

11. Extended visitation does not terminate or reduce child support for that period except on specific Order of the Court, as the child support formula amount has been calculated to take into account periods of visitation. **CHILD SUPPORT AND VISITATION ARE NOT MUTUALLY DEPENDENT UPON THE OTHER. CHILD SUPPORT IS PAYABLE REGARDLESS OF VISITATION. VISITATION IS PERMITTED REGARDLESS OF THE PAYMENT OF CHILD SUPPORT.**

12. Repeated violations by either parent of any of the Guidelines for Effective Parenting may constitute a material change in circumstances and may be cause for granting modification of the custody or visitation Order, changing custody, curtailing or expanding visitation, implementing a visitation adjustment policy, or instituting contempt procedures, as the situation may warrant.

III. VISITATION SCHEDULES

Parents are encouraged to establish more convenient visitation schedules by agreement.



VISITATION SCHEDULE A

Schedule A contemplates the parents living one (1) hour or less apart driving door to door, and includes the General Guidelines for Effective Parenting listed earlier. Schedule A provides the minimum visitation, and parents are encouraged to agree on additional visitation.

(A) Visitation by the non-residential parent on alternate weekends from Friday at 7:00 p.m. to Sunday at 7:00 p.m. (the beginning and ending times may be varied to accommodate the work schedule of the parents). Visitation on one evening during one of the weekdays between alternate visitation weekends from ____ p.m. to ____ p.m. (one hour prior to the child's normal bedtime).

(B) Mother's Day the child will be with the mother; Father's Day the child will be with the father. In the event this provision requires the child to be with the residential parent when it is the non-residential parent's normal weekend visitation, the non-residential parent will return the child by 10:00 a.m. on that day. In the event that this provision requires the child to be with the non-residential parent on a day not falling within the non-residential parent's visitation weekend, the non-residential parent may have visitation from 9:00 a.m. to 7:00 p.m.

(C) The parents will alternate having the child with him or her on the child's birthday, and each parent shall be entitled to have the child with him or her on that parent's birthday.

(D) The parents will have the child on holidays as follows: (Holiday visitation will commence and end at the regular hour set for weekend visitation, except as otherwise set forth here.)

EVEN-NUMBERED YEARS

RESIDENTIAL PARENT

Memorial Day:
Friday night through Monday
night.

Labor Day:
Friday night through Monday
night.

Halloween:
Halloween Day afternoon
from after school through
the morning after.

Christmas/winter break:
Christmas Eve, 9:00 a.m.
through Christmas Day,
2:00 p.m.

NON-RESIDENTIAL PARENT

President's Day:
Sunday night until Monday night.

Easter/spring break:
To coincide with vacation from
school; for example, Friday,
7:00 p.m. through week off until
Sunday, 7:00 p.m.

Fourth of July:
Night before through morning
after, except when the 4th falls on
Friday, Saturday, Sunday or Monday,
in which case visitation will commence on
Friday night and continue to the end
of the weekend or end of holiday,
whichever is later.

Thanksgiving:
To coincide with vacation from
school; for example, Wednesday
7:00 p.m. until Sunday 7:00 p.m.

Christmas/winter break:
Christmas Day, 2:00 p.m.
through New Year's Day,
7:00 p.m.

Parents will make appropriate provisions for other holidays and religious observances regularly observed by the parents and child: example, Hanukkah and Rosh Hashanah.

ODD-NUMBERED YEARS

The above schedule is reversed as to residential parent and non-residential parent unless otherwise indicated.



ADDITIONAL GENERAL GUIDELINES FOR VISITATION SCHEDULE A

1. Each parent shall have a period of two consecutive weeks with the child in the summer. Regular visitation shall be suspended during this period if the parent and child travel out of town. Each party should notify the other of his or her choice of the two-week period as early as possible each spring so that any conflicts can be resolved, if not by agreement of the parties, then by mediation or a Court Order.

2. The transporting parent for visitations may have a grace period of fifteen (15) minutes for pick up and delivery where the parents live within a distance of thirty (30) miles from each other. Where the one-way distance to be traveled is in excess of thirty (30) miles, the grace period is thirty (30) minutes. In the case where the visiting parent suffers an unavoidable breakdown or delay en route, the visiting parent shall promptly notify the other parent by phone of the delay.

VISITATION SCHEDULE B

Schedule B applies presumptively if the parents live more than one (1) hour apart driving door to door, and includes the General guidelines for Effective Parenting listed earlier. Schedule B provides the minimum visitation and parents are encouraged to agree on additional visitation.

(A) Vacation - The non-residential parent will have an extended visitation each summer to coincide to the extent possible with that parent's vacation from work for seven (7) weeks during the child's summer vacation from school, beginning on the first Sunday after school lets out to the Sunday seven (7) weeks later, subject to the residential parent's right to visit with the child for one (1) weekend during the extended visitation period.

(B) Weekends - The non-residential parent shall have visitation with the child for 48 hours on the first full weekend of the following months (the beginning and ending times of which may be varied to accommodate the work schedule of the parents): February, March (only if the non-residential parent does not have spring vacation), April (only if the non-residential parent does not have spring vacation), May, September, October and November (only if the non-residential parent does not have Thanksgiving visitation). The objective is to enable the non-residential parent to have visitation with the child for 48 hours each month. The residential parent is encouraged to permit the non-residential parent to select three-day weekends, but, in any case, in alternate years, the non-residential parent is entitled to have said visitation on all holiday weekends (example, President's Day in February, Memorial Day in May, Labor Day in September, Columbus Day in October, etc.) and extend the visitation through the holiday.

(C) Other holidays - The non-residential parent may visit with the child on (1) alternating Thanksgiving and spring vacations from school, with spring vacations from school in even

years, Thanksgiving vacation from school in odd years; (2) Christmas: residential parent on Christmas Eve, 9:00 a.m. to Christmas Day until 2:00 p.m.; non-residential parent on Christmas Day at 2:00 p.m. until the night of the end of New Year's Day at 7:00 p.m. Parents will make appropriate provisions for other holidays and religious observances regularly observed by the parents and child: for example, Hanukkah or Rosh Hashanah.

(D) Other times - At all other reasonable and seasonable times, as the parents may agree. In addition, if the residential parent of the child is in the state or near the geographical location of the non-residential parent or the non-residential parent is nearby the child, the other parent will be notified and each parent will attempt to arrange visitation if at all possible.

ADDITIONAL GENERAL GUIDELINES FOR VISITATION SCHEDULE B:

(1) The parents are encouraged to share the transportation costs and arrangements. Among the factors to be considered in determining each parent's "share" of these responsibilities are:

- (a) age and any special needs of the children;
- (b) work schedules of parents;
- (c) distance;
- (d) availability of adequate public transportation;
- (e) income of parents;
- (f) whose decision it was to move;

(g) any special circumstances of either party (i.e., disabled, remarried with small children.

(2) Visitation may be exercised outside of the State of Maryland.

(3) The transporting parent for visitations may have a grace period of one (1) hour for pick up and delivery. In the case where the visiting parent suffers an unavoidable breakdown or delay en route, the visiting parent shall promptly notify the other parent by phone of the delay.