

Sgeqpf Judicial District



Family Court Services
Parent Resource Booklet

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Questions for Parents

These questions are intended to help you focus on your situation and move forward in a productive manner. Ask yourself the following questions and honestly answer them. It is often helpful for you to write or type your answers on a separate page.

1. What are the 10 most important values in your life?
2. How have your values influenced your behavior through the divorce/separation/case?
3. Which values have suffered?
4. Which values have been strengthened?
5. What do you want to be said about your actions during this divorce/custody dispute?
6. Five years from now, what will your child/ren say about your behavior during this court case? Ten years from now?
7. List 5 negative things you have said about the other parent and honestly analyze your motivation for saying them.
8. List 5 good things about the other parent.
9. List 5 good things about yourself
10. What internal (mental/emotional) influences may be preventing you from working effectively with the other parent to raise your child(ren)?
11. What external influences (such as other people) may be preventing you from working effectively with the other parent to raise your child(ren)?
12. List 10 things your child/ren need/s to have security and stability in their lives.
13. How can you work together with the other parent to help provide these things?

Parenting Time Guidelines

In General

- What is fair and equal for the parents is not necessarily what is best for the child. While children benefit from their involvement with two competent parents, the aim of a parenting plan should not be equal time for parents, but stability for children.
- As long as the child has a healthy attachment, the child can attach to others. The visits can be all day from the beginning if the caregiver is attuned and consistently meets the child's needs. Separation of more than two days from the primary attachment figure may interfere with that attachment. Parents are not interchangeable.
- It is important to maintain an infant's basic sleep, feeding and waking cycle. Visits should take into consideration the child's schedule for feeding, playing, bathing, and putting the infant to sleep.
- Research has shown that the impact of parental conflict is the single most negative factor in a healthy outcome for children. Children who are exposed to parental hostility are at high risk for later emotional disturbance. They are more likely to have problems in school, be more sexually active, more aggressive, anxious, depressed, withdrawn, and more likely to abuse drugs and to participate in delinquent acts than their peers.
- The aim of a workable parenting plan is to build healthy relationships between the parents and the child. Moving too quickly into lengthy visits could have an opposite, potentially disruptive, effect on the relationship-building process.
- When parents are in conflict, parents or courts may need to consider a neutral transition plan (at daycare, school or professionally supervised) so the child is protected from the distress parental conflict can cause.
- Parents must consider their children's individual needs when they develop shared parenting arrangements. Children differ in how they cope with change and adjust to their parents' separation.
- If there is more than one child, a different schedule for each child may be considered. For example, a schedule that works well for an eight year old, may not work for a teenager. If this is the case, a schedule that allows all of the children to be together at certain times may be best.
- When a parent has not been an active parent prior to separation, the initial parenting plan should allow that parent enough time to develop a positive relationship with the child, without creating anxiety for the child. As the parent-child bond strengthens, changes can be made to the plan.
- Parents who have been away or absent for a length of time (perhaps in the military or because of job requirements) need to build trust gradually with their children, so their children have an opportunity to get to know them.

Birth to One Year

- Infants should reside with the person who has been the primary source of nurturing.
- Overnights are **not** generally recommended. However, some experts cautiously recommend overnights when both parents **significantly** participated in all aspects of the child care prior to the separation. Even when this criterion is met, overnights are minimal, one per week.
- Infants are especially vulnerable to conflict and need smooth routines that shield them from the emotional upset of conflicting parents.
- As the bonding and relationship to the non-residential parent strengthens, the longer the contact can be.

Sample Schedules

- Three periods of 3-5 hours spaced throughout each week.
- Two periods of 4-6 hours spaced throughout each week
- Two 3-5 hour periods and one 8-hour period spaced throughout each week

One to Three Years

- Toddlers up to 2½ years should reside with the parent who has been the primary source of nurturing.
- Overnights still are **not** generally recommended. However, experts are cautious in recommending overnights when both parents had **significantly** participated in all aspects of the child care prior to the separation. Even when this criterion is met, overnights are minimal, one per week.
- Toddlers need a rigid schedule to have predictability. A parenting schedule that allows toddlers frequent contact (3-5 times each week), with both parents is important.
- Frequent contact is not recommended when there is a high degree of conflict between parents, except when children can transition between homes without parent-to-parent contact (neutral transition places, i.e. daycare).
- If contact is regular and frequent, the child can tolerate most of a day.
- If contact is not frequent, shorter times (1-3 hours) are recommended.
- By the time a child reaches three they have a better memory. A child can go for longer periods of time without seeing a parent.
- Many three year olds can tolerate up to two non-consecutive overnights a week. Weekends or longer time periods during the summer can be difficult

Sample Schedules

- Four periods of 3-6 hours spaced throughout each week
- Three 3-hour periods spaced throughout each week
- Two 3-5 hour periods and one 8-hour period spaced throughout each week
- Two non-consecutive overnights each week (starting at age three)

Three to Five Years

- Three to five year olds are attached to their regular caregivers and separation from them may cause them to be fearful, uncomfortable, or anxious. They may have trouble moving between the parent's homes.
- If one parent was minimally involved in the child's daily routine, a few days each week including a full weekend day will allow the relationship to develop. As the child becomes more comfortable moving between two homes, additional time and one or two overnights may be added.
- If a child is in daycare during the week, consider splitting each weekend so the child has one full stay-at-home day and an overnight with each parent every week.
- An every other weekend schedule with weekly midweek contact could work for the older child in this age group.

Sample Schedules

- Two 3-5 hour periods and one 8-hour period spaced throughout each week
- Two periods of 3-6 hours and 1 overnight each week
- One period of three to six hours and two non-consecutive overnights each week
- An equal parenting time schedule where the child isn't away from the other parent for more than two consecutive days. (This plan is **only** for those parents with low levels of conflict and who can mutually agree on this plan.)
- One period of 3-6 hours and two consecutive overnights each week
- Each parent has the same 2 consecutive weekday overnights and alternates the weekends
- Two consecutive overnights every other week with an additional 3-6 hour period each week

Six to Eight Years

- For children this age a regular routine is important.
- The parenting schedule should provide the child with opportunities to maintain contact with friends and participate in after-school activities.
- Many children still require a home base while being with their other parent from one to three days a week.
- Multiple overnights are usually okay.
- A full week at each parent's home can usually be phased in by age eight.
- At this age, a child may still have difficulty with a 50/50 arrangement. A 60/40 arrangement may be better, provided that the conflict between the parents is low, and both parents live close in proximity, allowing access to the same schools, peers and activities.

Sample Schedules

- Each parent has the same 2 consecutive weekday overnights and alternates the weekends
- Two consecutive overnights every other week with an additional 3-6 hour period each week
- Three consecutive overnights every other week and an additional 4-6 hour period each week
- Split each week and weekend

Nine to Twelve Years

- While children benefit from the involvement of two compete parents, many children desire one home base with specific evenings, weekends, and activities at the other home.
- Some children do well with equal contact in each home. **A 50/50 arrangement should only be considered only when there is low conflict, parents have been able to successfully work together, and both parents live close in proximity, providing equal access to the same school, peers and activities.**
- Some children prefer a home base. Many children this age report that it is too confusing and burdensome to pack up and shift homes weekly. Many report losing a sense of belonging, losing a sense of feeling personally anchored.
- The schedule should be regular and predictable, and minimize interference with peer relationships, school, and after-school activities.
- At this age, children need more flexibility to accommodate their extra curricular activities and their increasing social lives.

Sample Schedules

- Two consecutive overnights every other week with an additional 3-6 hour period each week
- Three consecutive overnights every other week and an additional 4-6 hour period each week
- Alternating 7-day periods (only when low conflict and high cooperation between parents)
- Split each week and weekend
- Each parent has the same 2 consecutive weekday overnights and alternates the weekends

Thirteen to Seventeen Years

- Teens are capable of forming an opinion about where and with whom they want to live. This opinion should be considered but not necessarily followed. The center of the brain responsible for assessing risks and consequences is not fully developed until about age 21.
- Teens need some say in planning the schedule.
- Teens do not need contact of long duration with either parent. Positive contact once or twice each week for an hour or more may be enough.
- Some teens need one home base with regular and predictable evenings, weekends, and activities at the other home. Some teens prefer a more equal basis with each parent.
- It is important for the teen to maintain accessibility to school, activities, and peers from both homes.

Sample Schedules

- Two consecutive overnights every other week with an additional 3-6 hour period each week
- Three consecutive overnights every other week and an additional 4-6 hour period each week
- Alternating 7-day periods (only when low conflict and high cooperation between parents)
- Split each week and weekend
- Two periods of 1-6 hours spaced throughout each week

Sources for Parenting Guidelines Information

State of Idaho, Third Judicial District (2008). *Focus on Children, Parenting Apart Education*

Baris, Mitchell, Ph.D and Garrity, Carla, Ph.D. (1988). *Children of Divorce, A Developmental Approach to Residence and Visitation*, Blue Ridge Printing Company,

AFCC (2006). *Planning for Shared Parenting, A Guide for Parents Living Apart*,

State of Washington, Spokane County Superior Court. *Child-Centered Residential Schedules*

Arizona Supreme Court, Court Services Division, Family Law Unit (2001). *Model Parenting Time Plans for Parent/Child Access*,

Ball, Sunni, MA, DAPA, CASA of the Pikes Peak Region (2004). *Recommendations for Supervised Parenting Time, How Much, How Often?*

State of Oregon, Oregon Judicial Department, Medium Distance Schedule,
<http://courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw/Attachment4A-MediumDistanceScheduletabtest2savableFinal.pdf>

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State of Oregon, Oregon Judicial Department, Sample Parenting Schedules,
<http://courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw/AllSampleSchedules-WhatIsBestForMyChild.pdf>

Mediation

What is mediation?

Mediation is a process where an impartial third person, known as a mediator, is appointed by the court to help parties move toward a mutually acceptable agreement about co-parenting issues (custody and visitation). In mediation, the mediator does not take sides. The mediator is not the judge and does not make decisions about what is best for your child(ren). Instead, the mediator helps each person listen to the other's perspective, communicate about each person's interests and needs, focus on the needs of your child(ren), and reach a mutually agreeable plan for co-parenting.

Who are the mediators?

A mediator is an impartial person, outside of your dispute, that has been specially trained to assist in resolving custody disputes. The Idaho Supreme Court maintains a roster of mediators who meet minimum standards for training. This roster is available from Family Court Services, or online at http://www.isc.idaho.gov/district_tbl.htm.

Why do courts order mediation?

A working, mutual agreement between parents is always preferable to a court-imposed plan. Courts require that all parties to mediation participate in good faith. Parents who work together act responsibly, minimize costs in time and money, and reduce the stress on everyone involved including, most importantly, the child. Resolving what is best for your child by going through trial should be a last resort, and often indicates a failure by one or both parents. Mediation is your opportunity to turn an otherwise negative experience into something positive for the long-term health of your family.

What does it cost?

The actual cost of mediation will vary from mediator to mediator. However, when looking at that cost it is important for each party to compare the cost of 2-6 hours of mediation with the often huge costs (financial and emotional) of continued legal proceedings, including pretrial motions, court conferences, depositions and discovery, trial and witness preparation, the actual trial, and possible appeal if you lose.

When is mediation not appropriate?

Most cases are amenable to mediation. However, a case may not be appropriate for immediate referral to mediation if there is a history of domestic violence, incapacitating mental illness, or substance abuse. If you do not feel safe around the other parent, traditional mediation is generally not appropriate

Where does my attorney fit in?

Each attorney is considered an officer of the court, and is responsible to see that the court's order for mediation is obeyed. An attorney best does this by encouraging mediation and explaining to the client how mediation works. By law, attorneys cannot be present during

the custody mediation sessions unless the mediator asks that they be there. However, you have the right to have an attorney review any agreement you may reach, prior to signing anything, and to seek a change if necessary. The best attorneys will prepare you in advance for a positive mediation experience and to reach a reasonable and workable agreement.

What does it take to successfully reach an agreement?

Effort, common sense, an open mind, and a willingness to listen carefully to the guidance of the mediator, lead to successfully reaching an agreement. Time and time again, situations that at first seem hopeless are resolved in mediation. A commitment of your time and effort is needed to reach that goal.

What happens after we reach an agreement?

The agreement will be submitted to the court. If all issues in your case are resolved in your agreement no further court proceedings are generally necessary. If only some of the issues are resolved by agreement additional steps in the court process may be needed. When your agreement is submitted to the court the judge will review it and may only reject it if it is not in the best interests of your child(ren).

Preparing for Mediation

Prior to mediation, review and answer the questions below. Discuss them with your attorney if you are represented.

What are the basic interests or needs that you are striving to meet? (Stability, financial security, consistency, closure, etc.) What are the basic interests or needs that the other parent is striving to meet? What basic needs or interests need to be met for the children?

What are all the ways your needs/interests can be met without reaching agreement with the other parent? (Examples: go to trial, dismiss the case, get counseling, continue your education, get a job, etc.) What are all the ways the other parent's needs/interests can be met without reaching agreement with you?

What is the best possible alternative/outcome if you do not reach an agreement? For you? For the other Party?

What is the worst possible alternative/outcome if you do not reach an agreement? For you? For the other Party?

What is the most likely outcome if you don't settle? For you? For the other Party?

How important is the relationship between you and the other parent? Between the other parent and the child(ren)? Will the relationships continue on some level? (Hint: When you have kids together there will almost always be some level of continued relationship). How can the relationships be improved?

List all of the possible ways in which each parent's interests may be met by reaching mutual agreement.

List possible objective criteria you can use to evaluate your options in mediation. (Ex. Idaho Child Support Guidelines, Parenting Time Guidelines, etc.)

Is there anyone you must discuss things with before finalizing an agreement? If so, who?

What do you need from the other parent in order to commit to an agreement?

What can you offer the other parent?

How will you communicate with the other parent in mediation? What will you say? How will you say it?

Legal Concepts

Legal Custody. “Joint legal custody” means the parents are required to share the decision-making rights, responsibilities and authority relating to the health, education and general welfare of the child/ren. The court will award joint legal custody unless you can prove it would not be in the best interest of the minor child/ren for the other parent to share the decision-making rights.

Physical Custody. “Joint physical custody” means each parent has significant periods of time in which a child resides with or is under his/her care and supervision. Joint physical custody assures the child/ren frequent and continuing contact with both parents but does not necessarily mean the child spends exactly the same amount of time with each parent. The court will award joint physical custody unless you can prove it would not be in the best interest of the minor child/ren.

Child Support - Idaho Child Support Guidelines (Selected sections)

Section 2. Application. The Guidelines apply to determinations of child support obligations between parents in all judicial proceedings that address the issue of child support for children under the age of eighteen years or children pursuing high school education up to the age of nineteen years. Support for post-secondary education after age eighteen is beyond these Guidelines.

Section 3. Function of Guidelines. The Guidelines are premised upon the following general assumptions: (a) the costs of rearing a child are reasonably related to family income, and the proportion of family income allocated to child support remains relatively constant in relation to total household expenditures at all income levels; (b) in relation to gross income, there is a gradual decline in that proportion as income increases; and (c) the Guidelines amount is the appropriate average amount of support during the minority of the child at a given parental income, so that age-specific expenses do not alter the Guidelines amount. These assumptions may not be accurate in all cases. The amount resulting from the application of the Guidelines, which includes the basic child support calculation and all adjustments, is the amount of child support to be awarded unless evidence establishes that amount to be inappropriate. In such case the court shall set forth on the record the dollar amount of support that the Guidelines would require and set forth the circumstances justifying departure from the Guidelines; and (d) child support received and the custodial parent's share of support are spent on the child(ren).

Section 4. Basic Guideline Principles. These Child Support Guidelines are premised upon the following basic principles to guide parents, lawyers, and courts in arriving at child support obligations:

(a) Both parents share legal responsibility for supporting their child. That legal responsibility should be divided in proportion to their Guidelines Income, whether they be separated, divorced, remarried, or never married.

(b) In any proceeding where child support is under consideration, child support shall be given priority over the needs of the parents or creditors in allocating family resources. Only after careful scrutiny should the court delay implementation of the Guidelines amount because of debt assumption.

(c) Support shall be determined without regard to the gender of the custodial parent.

(d) Rarely should the child support obligation be set at zero. If the monthly income of the paying parent is below \$800.00, the Court should carefully review the incomes and living expenses to determine the maximum amount of support that can reasonably be ordered without denying a parent the means for self-support at a minimum subsistence level. There shall be a rebuttable presumption that a minimum amount of support is at least \$50.00 per month per child.

Section 8. Adjustments to the Basic Child Support.

(a) Child Care Costs. A basic child support calculation does not cover work-related child care expenses. The court may order a sharing of reasonable work-related child care expenses incurred by either party in proportion to their Guideline Income. If the court imputes income to a student parent, then the court may order up to a pro-rata sharing of the student's reasonable child care expenses while attending school. If ordered, these payments shall be directly between the parties, unless agreed otherwise. The court may consider whether the federal child care tax credit for such minor is available as a benefit to a parent.

(b) Transportation. The court may order an allocation of transportation costs and responsibilities between the parents after considering all relevant factors, which shall include:

- (1) The financial resources of the child;
- (2) The financial resources, needs and obligations of both parents which ordinarily shall not include a parent's community property interest in the financial resources or obligations of a spouse who is not a parent of the child, unless compelling reasons exist;
- (3) The costs and difficulties to both parents in exercising custodial and visitation time;
- (4) The reasons for the parent's relocation; and
- (5) Other relevant factors.

(c) Tax Benefits. The actual federal and state income tax benefits recognized by the party entitled to claim the federal child dependency exemption should be considered in making a child support award. The parties may agree to an allocation of the dependency benefits. Otherwise, the court should assign the dependency exemption(s) to the parent who has the greater tax benefit calculated from the tables below using the marital status and guidelines income of each parent at the time of the child support award calculation. The parent not receiving the exemption(s) is entitled to a pro rata share of the income tax benefit or child tax credit in proportion to his/her share of the guidelines income. The pro rata share of the income tax benefit will be either a credit against or in addition to basic child support and shall be included in the child support order.

Community Resources

Anger Evaluators

Martha Kitzrow, Ph. D. 208 883-1842
Jim Cunningham, MS
106 E. 3rd St., Suite 6
Moscow, ID 83843

Rand Walker, Ph.D. 208 883-1144
Tim Rehnberg, Ph.D.
205 E 5th, Suite 4
Moscow, ID 83843

Rebecca Alexander, Ph.D. 208 883-0619
814 S. Washington
Moscow, ID 83843

Batterer Treatment Programs

George A. Langfield, M.Ed. 509 334-0782
SE 1240 Bishop Blvd, Suite Q langfield@pullman.com
Pullman WA 99163

Phoenix House 208 746-3040
Loren Caudle PhoenixHouse@qwestoffice.net
111 Main Street, Suite 140
Lewiston, ID 83501

Counseling/Therapy

Alliance Family Services 208 882-5960
Young Children & Families Program 208 883-6454

Domestic Violence

Alliance Family Services 208 882-5960
Alternatives To Violence of the Palouse 208 883-4357
Family Service Alliance 208 232-0742
ILAS DV Advice Line 877 500-2980
National DV Hotline 800 799-7233
YWCA Lewiston 208 743-1535

Legal Assistance

Idaho Legal Aid 208 743-1556
Latah Court Assistance Moscow 208 883-7221
Lawyer Referral Service 208 334-4500
Nez Perce Court Assistance Lewiston 208 799-3191
Volunteer Lawyers Program 800 221-3295

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Pesc6717@vandals.uidaho.edu

UI Law Mediation Clinic

208 885-6541

Parent Education

Even Start
First Steps
Gritman Medical Center
Parent Resource Center of the Palouse
at the Latah County Library
Second District Family Court Services

208 885-3705
208 883-6454
208 882-4511

208 882-3925
208 750-2034
fcs@co.nezperce.id.us

Substance Abuse Services

Al-Anon
Alliance Family Services
Project Hope
Recovery Resources
Road to Recovery

208 298-0997
208 882-5960
509 320-4226
208 882-6619
208 233-6341