

**PARENTING TIME GUIDELINES FOR THE DISTRICT COURTS
OF THE 31ST JUDICIAL DISTRICT OF KANSAS**

These parenting time guidelines are designed to assist parents and counsel. These are only guidelines. Orders in each case must be based upon the best interest of the children and the particular facts of the case. We thank the judges of the 11th Judicial District for allowing us to utilize “The Green Book” as a pattern for these guidelines.

Sincerely,

Judges of the 31st Judicial District

**TYPES OF CUSTODIAL AND
RESIDENCY ARRANGEMENTS**

Legal custody and residency mean different things. Legal custody relates to decision-making authority. Residency relates to where the child lives. Joint legal custody does not mean equal parenting or residency time. Conversely, primary residency does not mean primary decision making authority. There are two types of legal custody the court may order:

1. **Joint custody** means that both parents have equal rights and responsibilities regarding their child(ren)’s health, education and general welfare. Neither parent’s rights are superior to the other parent’s.

2. **Sole custody** means that the parent granted sole legal custody has the primary right to decide matters regarding the health, education and welfare of the child(ren). The other

parent may still be granted visitation and parenting time. Sole custody is ordered only if the court finds that it is not in the best interests of the child(ren) that both parents should have equal right to make decisions pertaining to the child(ren). Sole custody is an unusual and infrequent custodial arrangement.

There are three types of residential placement or parenting time arrangements the court may find, in its discretion, to be in the best interest of the child(ren):

1. **Residency**, ranging from primary residency with one parent to equal residency time with both parents.
2. **Divided residency**, in which one or more children reside with each parent and have parenting time with the other. This is only ordered in exceptional cases.
3. **Nonparental residence**, where it is determined that the child is in need of care or that neither parent is fit to have residency.

Children fare best after divorce when both parents are actively involved in their lives. In joint legal custody, both parents have the responsibility for support, discipline, decision making, guiding, and caring for their children. An unworkable marriage does not mean joint parenting will be unsuccessful. However, the adults must be able to focus on their role as parents, not as ex-spouses. Repeated unreasonable interference by one parent with the visitation rights or parenting time rights of the other parent may result in a sole custody order or a

modification of residency or parenting time as the court finds the circumstances merit.

PARENTAL CONTACT

Kansas law provides that both parents are entitled to reasonable parenting time with the child(ren) unless the Court finds that such contact would not be in the best interests of the child(ren). Children should be encouraged to have access to both parents. Such access includes reasonable parenting time, telephone, correspondence and other contact. Each parent is expected to follow through with the parenting schedule. It is expected that the parent shall have the child(ren) ready and that both parents are on time for the exchange.

Unless an emergency arises, any parent unable to keep the parenting schedule shall give three days notice to the other parent. If an emergency situation prevents advance notice, such notice as is possible under the circumstances shall be given.

ADDRESSES, TELEPHONE NUMBERS AND CHANGES THEREOF

Each parent shall supply the other with his/her current residential address and telephone number and shall promptly advise the other of any changes that occur. Notice should be in writing. Any parent intending to change the address of a child shall give the other parent not less than 30 days notice thereof in writing. Any parent intending to move a child's residence from the State of Kansas for a period

of time exceeding 90 days shall send 30 days advance notice by restricted mail, return receipt requested.

MINIMUM PARENTAL CONTACT SCHEDULE

The following is a sample parenting time and contact schedule that the judges in this district will normally consider minimally consistent with the best interests of the child(ren) under a joint legal custody and parenting time order in which parent A has primary residential custody:

1. Alternate Weekends: Parent B to have alternate weekend parenting time beginning at 6:00 p.m. on Friday until 6:00 p.m. on Sunday.
2. Evening Physical Custody: Parent B to have one weekday evening per week which, if feasible, should be overnight.
3. Holidays:
 - a. Easter Weekend: Parenting time with parent B from 6:00 p.m. Friday until 6:00 p.m. Sunday during even numbered years and with parent A during odd numbered years.
 - b. Spring Break: Parenting time with each parent during one half of the spring break, with a transfer to occur on Wednesday at 12:00 PM. The parent normally having the child during the first weekend of

spring break shall continue to have the child until the Wednesday transfer.

- c. Mother's Day: From 9:00 a.m. until 6:00 p.m. with the child's mother.
- d. Memorial Day: From 6:00 p.m. Friday until 6:00 p.m. Monday with Parent A in even numbered years and parent B during odd numbered years.
- e. Father's Day: From 9:00 a.m. until 6:00 p.m. with the child's father.
- f. Independence Day: From 6:00 p.m. July 3 until 6:00 p.m. on July 5 with parent A during even numbered years and parent B during odd numbered years.
- g. Labor Day: From 6:00 p.m. Friday until 6:00 p.m. Monday with parent B during even numbered years and parent A during odd numbered years.
- h. Halloween: A minimum of three hours Halloween evening with parent A in even numbered years and with parent B during odd numbered years.

- i. Thanksgiving: From 6:00 p.m. Wednesday until 6:00 p.m. Sunday with parent B during even numbered years and parent A during odd numbered years.

- j. Christmas Eve: From 6:00 p.m. the day school is dismissed for Christmas vacation until 9:00 p.m. Christmas Eve, December 24, with parent B during even numbered years and parent A during odd numbered years.

- k. Christmas Period: From 9:00 p.m. December 24 until 6:00 p.m. December 30 with parent A during even numbered years and parent B during odd numbered years.

- l. New Years Eve and New Years Day: From 6:00 p.m. December 30 until 6:00 p.m. on the evening before school resumes with parent B in even numbered years and parent A in odd numbered years.

- m. Parent's Birthday: The child shall spend part of the day (a minimum of three hours) with the respective parent on that parent's birthday.

- n. Child's Birthday: The child shall spend the child's birthday with parent B in even numbered years and with parent A in odd numbered years. The child shall spend the day before or the day after the child's birthday with the other parent.

4. Summer Residency: The Court suggests the parties select a summer vacation plan that is appropriate for their family. Some options include:
 - a. Residency with parent B from June 1st to August 1st with alternate weekend parenting time for parent A.
 - b. One half of summer with each parent.
 - c. In addition to alternate weekend parenting time, more frequent periods of time with parent B.

5. Vacation: After 30 days advance notice and consultation with the other parent, each parent may arrange to take a vacation trip with the child for a period not exceeding 14 days.

6. Conflicts and Good-faith Considerations:
 - a. Birthday-Holiday: Conflicts between a holiday and a birthday shall be resolved in favor of the holiday schedule. However, the parties are directed to be flexible in allowing the birthday to be celebrated before or after the holiday period.
 - b. Weekend-Holiday: Conflicts between weekends and holidays shall be resolved in favor of the holiday schedule.

- c. Weekend: The schedule of weekend parenting time shall be determined without regard to whether the regular schedule has been preempted from time to time by one of the scheduled holidays. There shall be no adjustment for “missed” weekends due to interruption by the holiday visitation schedule, however, the parties are encouraged to compensate for missed parenting time so a non-residential parent will not go three weekends without seeing the child.

- 7. Telephone Communication: Telephone calls between parent and child should be liberally permitted at reasonable hours and at the expense of the calling parent. Weekly telephone communication with the child should be permitted.

- 8. Postal and E-mail Contact: Parents and children should have an unrestricted right to send cards, letters, packages, audio, video and e-mail communications to each other. Neither parent should interfere with this right.

**PROHIBITION AGAINST
JUDICIAL CONTACT**

The judge cannot discuss the case with either party unless all parties are notified and have an opportunity to be present in court. You should discuss any questions with the attorney or attorneys handling the case. Do not attempt to contact the judge directly.

PROHIBITION AGAINST CLERK OF THE DISTRICT COURT'S OFFICES GIVING LEGAL ADVICE

All personnel in all Clerk of the District Court offices are prohibited from giving legal advice. You should discuss any questions with the attorney or attorneys handling the case. Do not attempt to obtain legal advice from the Clerk's office.

SELF HELP

If a party fails to comply with a provision of a decree, temporary order, injunction, parenting plan or other order of the court, the obligation of the other party to make payments for support or maintenance or to permit visitation or to otherwise comply with the court's orders is **not** suspended. He or she may move the court, in writing, to enforce its orders. If the parties mutually agree to change or modify the provisions of any agreement or order that has been filed with the court, they are obligated to cause a written *Journal Entry* that specifies the modifications to the court for review and approval. In the event that the parties do not obtain a court order effectuating the change, the court is not bound by the allegations of one party that there was a prior agreement between the parties to change the provisions of any previously file agreement or order.