

## **JUDGE BROWN'S STANDARD VISITATION AND RESTRAINING ORDERS**

### **I. VISITATION:**

**A. Weekend/Midweek Visitation:** The visiting parent shall have alternating weekends from Friday at six o'clock (6:00) p.m. until Sunday at six o'clock (6:00) p.m. Each Thursday evening prior to the weekend not having the child/children, the visiting parent shall have the child/children from five-thirty (5:30) p.m. until nine (9:00) p.m. Regular weekends are superceded by the other specific visitation set forth herein; the party not having the specific visitation set forth in B (1), (2), (3), (5) (6) and C shall have the following weekend and the alternate weekend cycle shall recommence.

### **B. Holiday Visitation:**

- 1. Spring School Break/Easter Weekend:** The visiting parent shall have spring school break (Easter weekend) on even-numbered years starting at six o'clock (6:00) p.m. the last day of school and ending at six o'clock (6:00) p.m. the evening prior to the child/children returning to school. The custodial parent shall have spring school break (Easter weekend) on odd-numbered years starting at six o'clock (6:00) p.m. the last day of school and ending at six o'clock (6:00) p.m. the evening prior to the child/children returning to school.
- 2. Thanksgiving Visitation:** The visiting parent shall have Thanksgiving vacation on odd-numbered years, and the custodial parent shall have Thanksgiving vacation on even-numbered years. Thanksgiving shall commence at six o'clock (6:00) p.m. on the last day the child/children are in school or would be in school if they were attending school, and shall end at six o'clock (6:00) p.m. on the following Sunday.
- 3. Christmas Visitation:** The custodial parent shall have the child/children during the first half of Christmas break on odd-numbered years starting at six o'clock (6:00) p.m. the day school lets out and ending two o'clock (2:00) p.m. Christmas Day and shall have the second half of Christmas break on even-numbered years starting at two o'clock (2:00) p.m. Christmas Day and ending at six o'clock (6:00) p.m. the evening prior to school starting back. The visiting parent shall have the same Christmas holiday with the children except it shall be on the alternating years.
- 4. Mother's Day/Father's Day:** The child/children shall be with the mother on Mother's Day and with the father on Father's Day from nine o'clock (9:00) a.m. until nine (9:00) p.m.
- 5. Monday/Friday Holidays:** As to any other holiday which is celebrated on a Monday or a Friday and which is recognized by the state or the county in which the child/children resides and the school in which the child/children is/are enrolled, while school is in session, the parent having the child/children for that weekend as a normal part of the alternating weekends or selected summer visitations shall have the child/children on that Monday that the holiday is celebrated until six o'clock (6:00) p.m. or starting at six o'clock (6:00) p.m. the Thursday night before the Friday holiday is celebrated.
- 6. Religious Holidays:** If the child/children is/are being raised in a particular faith which has a major religious holiday not otherwise included in the above time frames, the parties shall alternate possession of the child/children from six o'clock (6:00) p.m. the day prior to the event until six o'clock (6:00) p.m. the day after the event or from two (2) hours after the child/children is/are released from school the last day of required school attendance until after the religious holiday at six o'clock (6:00) p.m. the day prior to required school attendance. However, if the child is required to travel and the holiday starts for example at sundown the child may be picked up as

soon as school is out as might be reasonably necessary to allow for the child to arrive at the visiting parents home prior to the required time of commencement for the holiday.

- C. Summer \* Visitation:** The visiting parent shall have one (1) two (2) week period and two (2) one week periods (with at least one [1] week in between each visitation period) of visitation during the summer. He/She shall pick the weeks in writing on or before May 1st of each odd-numbered year and on or before May 15<sup>th</sup> of each even-numbered year. The custodial parent shall have two (2) full weeks during the summer. He/She shall pick the weeks in writing on or before May 1<sup>st</sup> of each even-numbered year and on or before May 15<sup>th</sup> of each odd-numbered year.
- D. Birthday Visitation:** On each parent's birthday, the child/children shall be with that parent from eight o'clock (8:00) a.m. until nine o'clock (9:00) p.m. except for school days when the child shall be with that parent from five-thirty (5:30) p.m. until eight-thirty (8:30) p.m. (This does not allow for the child to be taken out of school; neither does this require the parent to take time off from work.) The party not having the child on that child's birthday shall have three (3) hours on a non-school day and two (2) hours on a school day, independent of any activity of the party with whom the child is placed on that day. This visitation shall be at a reasonable time but not to conflict with any activity the primary party having the child on that day may be having for the child. All the children shall be together on any of their brother's/sister's birthdays.

\* Summer is defined as the period of time the school district in which the child lives is closed for summer vacation.

## II. OTHER PARENTAL GUIDELINES, RIGHTS & INSTRUCTIONS:

- A. Telephone Contact:** Both parents shall have reasonable and at all times private telephone contact with the child/children and the child/children shall be allowed to have reasonable private telephone contact with either parent.
- B. Important Events:** Both parties shall timely notify the other party of any reasonably important event occurring while the child is in their care, such as, but not limited to baptisms, barmitzvahs, sporting events, dance recitals, school plays, etc. Both parents may attend. When in doubt, the other parent shall be noticed.
- C. Access to Records:** Both parents shall have full and complete access to all medical providers, school records, school personnel, coaches, counselors and other professionals involved the child's/children's lives and shall be allowed to discuss their child's/children's circumstances and needs with these people. Each party shall inform the other party of the identity of such people and if not otherwise reasonably available, and how to contact such people.
- D. Medical Emergencies:** In a medical emergency, the visiting parent may make appropriate decisions and is hereby granted authority to and shall sign appropriate documents to protect the health and welfare of the visiting child. This is not to undermine the custodian's legal authority to make appropriate decisions. The visiting parent shall make reasonable efforts to contact the custodian but shall have the authority to act and shall not delay in protecting the child from imminent danger. Each person shall provide and sign such information and forms as required and not otherwise reasonably available to reasonably allow for the fulfillment of this Order. This includes but is not limited to such items as: insurance cards, school schedules, flight schedules, medical appointments, work schedules, prescription medications, releases of information, etc.
- E. FAILURE TO PAY CHILD SUPPORT/DENIAL OF VISITATION:** The failure to pay child support does not alter this visitation and the denial of this visitation does not alter one's duty to pay child support. (Remedies such as contempt may apply.)

- F. PICK UP AND RETURN OF CHILDREN:** Unless otherwise specified, the visiting parent shall pick up and return the child/children to and from the custodian's residence for all periods of visitation. The custodian may not thwart/deny visitation by moving away and if the custodian moves greater than fifteen (15) miles from the location where the children lived and were being picked up, the custodian shall have the children at the old location until a court order or written agreement is obtained altering this location. (This is not a ruling as to the right or prohibition of one's right to move or relocate.)
- G. ALTERING VISITATION.** The parents may by agreement alter visitation. However, absent a written agreement to deviate a rebuttable presumption exists that the deviation was not with the agreement of the other party.

### III. RESTRAINING ORDERS:

- A.** All parties are restrained against having any form of physical or verbal confrontation or allowing another to do so in front of the child/children.
- B.** All parties are restrained against excessively consuming or being under the influence of alcohol (defined the same as might apply to driving under the influence), the consumption of any illegal drug or the abuse of any prescription drug or allowing another to do so while the child/children are under his/her care.
- C.** All parties are restrained against the use of profanity or making any derogatory comments about or toward the other party or allowing anyone else to do so in front of the child/children or in any manner whereby the child/children might learn of the same.
- D.** All parties are restrained from having the child/children on an overnight basis in the presence of an adult party of the opposite sex (\* or the same sex if the party or guest is bi-sexual or homosexual) to whom the parties are not related by blood or marriage, or any lover/paramour. Neither party shall expose the child/children to conditions which imply a relationship such as a boyfriend or girlfriend, paramour/lover or some type of improper relationship while the party is still married to another person. While the parties are still engaged in marital litigation, the restriction shall be against the mere presence of any alleged paramour or one who under the circumstances may reasonably be construed as a paramour and not merely against overnight visitation.
- E.** All parties are required to keep the child/children in a moral and safe environment at all times.
- F.** All parties are required to see that the child/children in their care properly attend school and are not out of school in violation of any educational requirement of this State.
- G.** All parties are required to see that the child/children in their care receive proper medical attention and appropriately take prescribed medications or reasonably necessary medical treatments and to that end shall ensure that the child/children in their care attend any scheduled medical appointments and shall exchange medications which are to be taken, all as might be reasonable and appropriate and in compliance with their religious beliefs, a specific court order or the law.

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\* The restraining Order in Section III(D) is preventive in nature and issued to avoid one being able to assert the other adult present, although of the opposite sexual attraction, is only a friend. To do otherwise would make it impossible to protect the child from the inappropriate conduct.

- H. All parties are restrained against conduct detrimental to the child/children of any particular nature relating to the particular needs of a given child/children such as not smoking around a child who is asthmatic.
- I. One party shall not schedule nor allow others to schedule elective matters to do with the child/children on or during the other party's time.
- J. At all times the child/children shall be properly supervised and not left with babysitters who are not appropriate in any manner by way of age, conduct, past history or otherwise of which a parent or custodian or visiting party has knowledge, should have knowledge or may with reasonable efforts have gained knowledge.
- K. All parties are restrained against allowing the child/children to see or be exposed to age-inappropriate movies, games or other material or forms of entertainment and shall take all reasonable precautions against the same. In no case shall the children be exposed to any X-rated or pornographic material or R-rated movies. The parents may use discretion as to children sixteen (16) and over as to R-rated movies but if either parent objects, the child shall not be exposed to the R-rated movie.

**NOTE !!**

**This Order applies to custodians and visiting parents alike. A violation of any of this Order could subject the violating party to contempt sanctions which include up to one (1) year in jail to coerce compliance or six (6) months in jail to punish, up to a One Thousand Five Hundred (\$1,500.00) Dollar fine and up to three hundred (300) hours community service. One may also be required to pay the attorney's fees and costs of the party who brings the action to enforce this Order.**

*Revised June 24, 2005*