

**Sixth Judicial District  
Family Court  
Services**

**Family Resource  
Booklet**

**208-236-7416**

## **NOTICE**

The information in this booklet is for informational purposes only. It does not constitute legal advice and does not represent an official policy or endorsement of the State of Idaho or the Idaho State Courts. If a judge is required to make decisions about the co-parenting arrangement for your child(ren), the judge will make any such decisions based on the individual circumstances of the case and the requirements of the law.

Parenting Time Considerations are provided as a tool to assist parents in making decisions regarding their children. Child development information is provided as a framework, and not as hard and fast rules. Parents should consult with a professional regarding the needs and capacities of each individual child.

The Idaho Supreme Court, the Administrative Office of the Courts and the authors do not warrant that the information herein is complete or accurate and do not assume and hereby disclaim any liability to any person for any loss or damage caused by errors, inaccuracies, or omissions that may appear in this guide.

# 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 Considerations

## *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.
- Attachment with primary caregivers is being developed during this age. Children need frequent and consistent contact with low levels of conflict with caregivers to form health attachments.
- 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.
- Exchange Routines can be important at this age. Comfort items can be helpful during exchanges. They are developing coping skills for being away from caregivers.
- 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

## ***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.
- Social & Relational Skill Development is becoming important at this stage.
- 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 complete parents, many children desire one home base with specific evenings, weekends, and activities at the other home.
- Children are starting to develop a sense of belonging at this age. This age range reports to struggle the most with separation and divorce. If they can have a sense of continuity during this transition, it can often time aid in coping.
- 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.

## 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

## ***LONG DISTANCE CO-PARENTING***

With today's technology, it is possible for the distant parent to maintain a closer relationship. Instant Messaging, Skype, or similar means could be used. Many of these services are free. Phone conversations can be more meaningful when the child and parent can see each other while they talk. The distant parent could help children with their homework or work on projects together. They could even play games together. For the younger children, they have the advantage of "seeing" the distant parent on a regular basis. Parents should be encouraged to read a book on long-distance parenting for more ideas.

During extended parenting time with the distant parent, the residential parent should be afforded the same contact.

### **Birth to Eighteen Months**

- When a child is in infancy, if conflict is low between parents, it is recommended that each parent travels one direction to enable both parents to spend time with the child. The non-residential parent should go to where the infant resides and/or the residential parent may travel with the infant to the vicinity of the distant parent. Contact should be at least once every two months.
- During the visit, establish a schedule that allows short, but frequent contact with the infant. Perhaps two visits a day, one to two hours each, gradually increasing to two, four hour blocks each day. This could continue for several days in a row.
- Out-of-state visits, lengthily overnights, and vacations with the non-residential parent should not be attempted during this early process.

## **Eighteen Months to Three Years**

- When a child is in the toddler stage, it is recommended that one of the parents travel in either direction to enable both parents to spend time with the child. Either the non-residential parent should go to where the toddler resides and/or the residential parent may travel with the toddler to the vicinity of the distant parent. Contact should be at least once every two months.
- If the visiting parent has not had significant contact with the child, start with two visits a day, three to four hours each. Gradually increase contact to one visit a day, up to eight hours. After three days of consecutive visits of eight hours, one overnight can be added. Visitation could be several days in a row.
- Out-of-state visits, lengthily overnights, and vacations with the non-residential parent should not be attempted during this early process.

## **Three to Six Years**

- At this age, it is suggested that one of the parents travels to the residence of the other parent.
- Parenting time with the distant parent could be one weekend a month and could consist of a two to four days in a row. When the distant parent travels to the primary parent's residence, the visit may take place at a hotel or the home of a local friend.
- Regular phone contact is encouraged with little expectation of reciprocity by the child. During the visit, the child should be allowed regular phone contact with the home base parent, also with little expectation of reciprocity. Young children may only be expected to talk on the telephone for short periods of time, one to five minutes, typically. Use of technology where the parent and child can see one another and the child can play while interacting is recommended

## **Six to Nine Years**

- At this age, children can tolerate out-of-state visitation in the other parent's home.
- Visits can be frequent, but generally should be no longer than two weeks at a time.
- At this age, an entire summer is often too long for a child to be away from the home base parent.
- Regular phone contact should be established. During the visit, the child should have ample opportunity to maintain contact with the residential parent.

## **Nine to Thirteen Years**

- At this age, summer parenting time can be increased to four to six weeks in one block of time.
- Additional holiday visitation may include half the Christmas break, all of spring break, Thanksgiving break and President's Day weekend.
- Regular phone contact should be established. During the visit, the child should have ample opportunity to maintain contact with the residential parent.

## **Thirteen to Seventeen Years**

- Adolescents should be able to give input as to what goes into the visitation plan. However, caution has to be given to not let the child manipulate the parents by using visitation. The decision as to whether or not they visit a parent should not be the child's.
- At this age, children can tolerate almost any co-parenting schedule. It might be necessary to review the schedule on a yearly basis.

## Sources for Parenting Considerations Information

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# 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](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. If you are Ordered to Mediation you may also apply for financial assistance through Family Court Services to see if you are eligible.

### 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 Considerations, 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?

## **Family Court Financial Assistance-**

### **Qualifying/Eligible Services:**

- Brief Focused Assessment
- Mediation
- Parenting Time Evaluation (Custody Eval.)
- Supervised Access/Exchange

**Eligibility for Assistance** In order to be eligible for Family Court Services funds a party must: Have a court order for eligible services. Complete a financial assistance application *prior to commencing services*. Qualify for assistance under statewide guidelines Each party must qualify individually; eligibility by one party does not automatically qualify the other party for assistance. Assistance is approved on a sliding scale based on household income and assets. Debts and other obligations (except child support) are not considered.

**General Limitations** All subsidized parties must pay a *minimum fee*. Parties are responsible to pay any fees charged by the service providers which are not paid by the Family Court Services Fund. Limits may be set on the maximum amount of assistance received. Although a party may be eligible, funding may not be available, or particular service provider may not be approved to receive funds. For example, a child custody mediator must be on the Idaho Supreme Court roster in order to receive Family Court Services funds. A service provider may elect not to receive Family Court Services funds. Assistance is paid directly to the service provider, not to the subsidized party. A party may not be reimbursed for any payments the party made to a service provider. If the Family Court Services Fund becomes unavailable for any reason, the funding for the service will stop.

**Please Visit Family Court Services for a  
Free Brochure of:**

**Community Resources**

- Counseling/Therapy Services
- Domestic Violence Services
- Legal Assistance
- Parent Educators/Co-Parent Educator
- Psychological Evaluators
- Substance Abuse Services

**Family Court Core Services:**

- Brief Focused Assessors
- Sixth District Mediators
- Supervised Visitation/ Exchange Providers
- Parenting Time Evaluators (Custody Evaluators)

**Family Court Services**

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