

## Insights

# The Parenting Plan

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Parents raising children in separate households, whether due to divorce or paternity matters, are faced with the difficult, daunting and somewhat unnatural task of memorializing their co-parenting relationship in a legal document—a Parenting Plan. A Parenting Plan, generally, outlines how parents will make decisions regarding their children’s education, health, welfare and extracurricular activities; establishes a regular weekday/weekend schedule for children to share time with each parent; establishes a holiday schedule for children to celebrate with each parent; and outlines appropriate methods of communication between the co-parents and between parents and children.

At times, it is necessary for a judge to determine and prepare a Parenting Plan. High conflict cases, for instance, those involving domestic violence and substance abuse, often require judicial intervention. In these cases, the judge will determine when parents see their children, both during the weekdays/weekends and holidays; set methods for communication, for example, set designated periods of time, including time limits, for the parent who does not have time with the children to speak to them; and determine the division of parental responsibilities and decision-making.

For many families, it is not appealing for a judge to determine, for example, which parent sees their children on Monday and Tuesday nights or on Wednesday and Thursday nights, which parent gets to open presents on Christmas morning in even years, and which parent gets to go trick-or-treating in odd years. When two parents can work together and agree on the co-parenting of their children, they simply get a better result because they have more of a voice in the process.

A Parenting Plan negotiated by parents outside of the courtroom can also do much more than a court-determined plan. It can allow parents to collectively determine the guideposts for how they will raise their children and how they will handle conflict and disagreement. In many respects, it forces parents to have difficult conversations and reach agreements

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regarding the safety, morals, rules and regulations for parenting their children. For example, a Parenting Plan can designate an agreed upon religious practice, set boundaries for parents' alcohol consumption when with the children, outline agreements pertaining to vaccination, designate schools, establish methods for introducing significant others, determine what age children are permitted to have cell phones and address safety concerns such as contact sports and pool safety. When Parenting Plans are negotiated through legal counsel and/or the mediation process, they can be uniquely tailored to each family. This is an important consideration as all families are unique and have different traditions, which they may want to transfer from the intact family to a co-parenting relationship.

Because a Parenting Plan requires compromise, and during a time when often the two individuals have struggled with communication and compromise, it is important to be aware that there are additional tools a family can implement to help negotiate a Parenting Plan outside of the courtroom.

Parents can engage in Co-Parenting Counseling with a licensed mental health counselor. This is a voluntary process that both parents must agree to participate in without their attorneys. Parents engage in this process privately outside of the courtroom, often during the early stages of a legal action. While the process is voluntary and any outcome is not binding, a Co-Parenting Counselor can help parents create and implement a Parenting Plan for their family. This process is often unknown or simply underutilized. Co-Parenting Counselors work directly with the parents, both individually and jointly, in person and/or via electronic platforms, to focus on establishing and maintaining co-parenting roles, help parents understand the effects of conflict on their children and help develop tools for parents to better communicate with each other and avoid and defuse conflict. When it comes to drafting a Parenting Plan, a Co-Parenting Counselor can even assist with memorializing any agreements reached for the parents' attorneys to review and provide input on behalf of their respective clients. Co-Parenting Counselors can help parents develop ideas and options and provide guidance for the presentation of these ideas to the other parent. Since a Co-Parenting Counselor's role is not that of an attorney or a judge, they provide a unique vantage point to help parents.

Additionally, while all Parenting Plans address communication between parents (how/when/what) on some level, the reality is that parents do not carry their Parenting Plans around with them, and co-parenting requires frequent and continuous communication and coordination. There are now applications available to parents, some of which are free and others that carry a minimal annual fee (for example, Talking Parents and Our Family Wizard), that provide structure and organization for communications between parents. Instead of e-mail or text message communications, which are hard to maintain and organize, parents can communicate via the application and the application time and date stamps the communication, maintains the record, cannot be manipulated and can easily be downloaded. This benefits not only the parents but also attorneys, mental health counselors or judges who may need to review the communications. Because the messages cannot be deleted or manipulated, the applications also provide an extra layer of internal self-control for the sender, which aims to reduce verbal conflict. Further, these applications have calendar features that can track parenting time, holidays and extracurricular activities to ensure both parents are on the same page.

The co-parenting relationship is an important relationship, and it begins with a Parenting Plan. This document should not be overlooked and minimized, and parents should be aware of additional services and tools that can aid them in creating a plan that works for their family and fosters a healthy, long-term co-parenting relationship.