

Superior Court of Washington, County of Pierce

In re:

Petitioner:

Miranda Henderson (FKA Smith)

And Respondent:

Kevin Smith

No. 15-3-04472-8

Parenting Plan
(PPP / PPT / PP)

Clerk's action required: **1**

Parenting Plan

1. This parenting plan is a *(check one)*:

Proposal (request) by a parent *(name/s)*: Kevin Smith.
It is not a signed court order. (PPP)

2. Children – This parenting plan is for the following children:

Child's name	Age
1. Thomas Smith	8
2. Genevieve Smith	7

3. Reasons for putting limitations on a parent (under RCW 26.09.191)

a. Abandonment, neglect, child abuse, domestic violence, assault, or sex offense.
*(If a parent has any of these problems, the court **must** limit that parent's contact with the children and that parent's right to make decisions for the children, and may not require dispute resolution other than court.)*

Neither parent has any of these problems. *(Skip to **3.b.**)*

b. Other problems that may harm the children's best interests. *(If a parent has any of these problems, the court **may** limit that parent's contact with the children and that parent's right to make decisions for the children.)*

A parent has one or more of these problems as follows *(check all that apply)*:

- Emotional or physical problem** – *(Parent's name)*: Miranda Henderson has a long-term emotional or physical problem that gets in the way of his/her ability to parent.
- Abusive use of conflict** – *(Parent's name)*: Miranda Henderson uses conflict in a way that may cause serious damage to the psychological development of a child listed in **2**.
- Withholding the child** – *(Parent's name)*: Miranda Henderson has kept the other parent away from a child listed in **2** for a long time, without a good reason.

4. Limitations on a parent

- Evaluation or treatment required.** *(Name)*: Miranda Henderson must undergo a mental health assessment with Kevin Smith utilized as a collateral contact.
 - start (or continue) and comply with treatment:
 - as recommended by the evaluation.
 - provide a copy of the evaluation and compliance reports *(specify details)*: To Kevin Smith and to the Court.

If this parent does not follow the evaluation or treatment requirements above, then *(what happens)*: Visitation will be suspended and Kevin Smith can seek to modify the residential provisions of this Parenting Plan.

5. Decision-making

When the children are with you, you are responsible for them. You can make day-to-day decisions for the children when they are with you, including decisions about safety and emergency health care. Major decisions must be made as follows:

a. Who can make major decisions about the children?

Type of Major Decision	Joint <i>(parents make these decisions together)</i>	Limited <i>(only the parent named below has authority to make these decisions)</i>
School / Educational	<input type="checkbox"/>	<input checked="" type="checkbox"/> <i>(Name)</i> : Kevin Smith
Health care (not emergency)	<input type="checkbox"/>	<input checked="" type="checkbox"/> <i>(Name)</i> : Kevin Smith
Other: Childcare (work related)	<input checked="" type="checkbox"/>	<input type="checkbox"/> <i>(Name)</i> :
Other: Extracurricular Activities	<input checked="" type="checkbox"/>	<input type="checkbox"/> <i>(Name)</i> :
Other: Mental Health Counseling	<input type="checkbox"/>	<input checked="" type="checkbox"/> <i>(Name)</i> : Kevin Smith

b. Reasons for limits on major decision-making, if any:

- Major decision-making **should** be limited because *(check all that apply)*:
 - Both parents are against shared decision-making.
 - One of the parents does not want to share decision-making and this is reasonable because of:

- problems as described in **3.b.** above.
- the parents' ability and desire to cooperate with each other in decision-making.
- the distance between the parents' homes makes it hard to make timely decisions together.

6. Dispute Resolution

Important! After this parenting plan is signed by a judge or commissioner, if you and the other parent disagree about shared decisions or what parts of this plan mean, the court may require you to use a dispute resolution provider before going back to court. The court may only require a dispute resolution provider if there are **no** limitations in **3.a.** above. If a dispute resolution provider is checked below, the parents may, and sometimes must, use this provider before filing a Petition to Change a Parenting Plan or a Motion for Contempt for not following the plan. Check your county's Local Court Rules.

a. The parents will go to (check one):

- Court (without having to go to mediation, arbitration, or counseling).
(If you check this box, skip to section **7** below and do not fill out **6.b.**)

What to expect in the dispute resolution process:

- Preference shall be given to carrying out the parenting plan.
- If you reach an agreement, it must be put into writing, signed, and both parents must get a copy.
- If the court finds that you have used or frustrated the dispute resolution process without a good reason, the court can order you to pay financial sanctions (penalties) including the other parent's legal fees.
- You may go back to court if the dispute resolution process doesn't solve the disagreement or if you disagree with the arbitrator's decision.

7. Custodian

The custodian is Kevin Smith solely for the purpose of all state and federal statutes which require a designation or determination of custody. Even though one parent is called the custodian, this does not change the parenting rights and responsibilities described in this plan.

(Washington law generally refers to parenting time and decision-making, rather than custody. However, some state and federal laws require that one person be named the custodian. The custodian is the person with whom the children are scheduled to reside a majority of their time.)

➤ Parenting Time Schedule (Residential Provisions)

8. School Schedule

a. Children under school-age

- Does not apply. All children are school-age.

b. School-age children

This schedule will apply (check one):

immediately.

The children are scheduled to live with Kevin Smith, except when they are scheduled to live with Miranda Henderson on *(check all that apply)*:

WEEKENDS: every other week from pick up from school until Sunday at 5:00 p.m.

9. Summer Schedule

Summer begins and ends according to the school calendar. Summer break is considered as beginning at school's release on the last day of school and ending on Sunday at 5:00 p.m., the day before school's resumption.

The parents shall exchange the children on a weekly basis at 5:00 p.m. on Mondays at the Martin Way Park & Ride in Lacey, Washington at 4800 Martin Way E, Lacey, WA 98516.

Each parent shall spend 2 weeks of uninterrupted vacation time with the children each summer. The parents shall confirm their vacation schedules in writing by the end of April each year.

10. Holiday Schedule (includes school breaks and special occasions)

All Holidays and School Breaks begin at school's release and end the day before school's resumption.

The children are scheduled to spend holidays, school breaks, and special occasions as follows:

(Check all that apply. Note any differences for children who have not yet started school.)

Martin Luther King Jr. Day – Begins at school's release prior to the holiday weekend and ends at 5:00 p.m. the day before school's resumption.

Odd years with Kevin Smith; Even years with Miranda Henderson.

Presidents' Day – Begins and ends: Begins at school's release prior to the holiday weekend and ends at 5:00 p.m. the day before school's resumption.

Odd years with *(name)*: Miranda Henderson; Even years with the Kevin Smith.

Other plan: If Presidents' Day Weekend and Mid-Winter Break are combined into the same holiday weekend, the parents' shall follow this paragraph and disregard the Mid-Winter Break section below.

Mid-winter Break (or its equivalent)– Begins and ends: Begins at school's release prior to the holiday weekend and ends at 5:00 p.m. the day before school's resumption.

Odd years with Kevin Smith; Even years with Miranda Henderson.

- Spring Break** – Begins and ends: Begins at school’s release prior to the holiday weekend and ends at 5:00 p.m. the day before school’s resumption.
[X] Odd years with: Miranda Henderson; Even years with Kevin Smith.
- Mother’s Day** – Begins and ends: The Friday prior to the holiday until Sunday at 5:00 p.m.
[X] Every year with: Miranda Henderson.
- Memorial Day** – Begins and ends: Begins at school’s release prior to the holiday weekend and ends at 5:00 p.m. the day before school’s resumption.
[X] Odd years with: Kevin Smith; Even years with the Miranda Henderson.
- Father’s Day** – Begins and ends: The Friday prior to the holiday until Sunday at 5:00 p.m.
[X] Every year with: Kevin Smith
- Fourth of July** – Begins and ends: Begins on July 3 at 5:00 p.m. until July 5 at 5:00 p.m.
[X] Odd years with: Miranda Henderson; Even years with Kevin Smith.
- Labor Day** – Begins and ends: If during the school year, begins at school’s release prior to the holiday weekend and ends at 5:00 p.m. the day before school’s resumption. If during the summer, begins at 5:00 p.m. on Friday prior to the holiday weekend and ends on Tuesday at 5:00 p.m.
[X] Odd years with: Miranda Henderson; Even years with Kevin Smith.
- Thanksgiving Day / Break** – Begins and ends: Begins at school’s release prior to the holiday break and ends at 5:00 p.m. the day before school’s resumption.
[X] Odd years with: Miranda Henderson; Even years with the Kevin Smith.
- Winter Break** – Begins and ends: Begins at school’s release prior to the holiday break and ends at 5:00 p.m. the day before school’s resumption.
[X] Other plan: This break includes the Christmas Eve, Christmas Day, New Year’s Eve and New Year’s Day holidays. During odd years, the child shall reside with Miranda Henderson over the first half of Winter Break and with Kevin Smith, over the second half of winter break. The first half of winter break includes Christmas Eve and Christmas, and the second half of winter break includes New Years Eve and New Years. In even years, the above schedule shall alternate.
Winter Break shall be split evenly depending on the school calendar.
- All three-day weekends not listed elsewhere**
(Federal holidays, school in-service days, etc.)
[X] The children shall spend any unspecified holiday or non-school day with the parent who has them for the attached weekend.

Other occasion important to the family: Thomas' Birthday

Other plan: Both parents are entitled to spend time with the children on their birthdays. The parent without visitation is entitled to be with the children (in a location local to the parent with whom the child is residing) from 10:00 a.m. – 2:00 p.m. on their birthday.

Other occasion important to the family: Genevieve's Birthday

Other plan: Both parents are entitled to spend time with the children on their birthdays. The parent without visitation is entitled to be with the children (in a location local to the parent with whom the child is residing) from 10:00 a.m. – 2:00 p.m. on their birthday.

11. Conflicts in Scheduling

The Holiday Schedule must be observed over all other schedules. If there are conflicts within the Holiday Schedule (*check all that apply*):

Named holidays shall be followed before school breaks.

Children's birthdays shall be followed before named holidays and school breaks.

12. Transportation Arrangements

The children will be exchanged for parenting time (picked up and dropped off) at:

During the School Year

other location (*specify*): Exchanges during the school year are preferred to take place at the children's school or daycare. If the picking up parent is unable to pick the children up from school, the picking up parent must notify the other parent the day before and the parents will exchange the children at the Martin Way Park & Ride in Lacey, Washington at 4800 Martin Way E, Lacey, WA 98516 at 5:00 p.m. on Sundays.

During the Summer

Exchanges during the summer will take place on Monday's at 5:00 p.m. at the Martin Way Park & Ride in Lacey, Washington at 4800 Martin Way E, Lacey, WA 98516.

Who is responsible for arranging transportation?

The **picking up** parent – The parent who is about to **start** parenting time with the children must arrange to have the children picked up.

Other details (if any): The parents are free to designate persons to perform exchanges of the children if they are unable to. Any designee used by either parent for exchanges must be licensed, insured, and known to the children.

If the children know the designee, the dropping off parent may not unilaterally decide to terminate the exchange or alter the exchange.

13. Moving with the Children (Relocation)

Anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the children **must notify** every other person who has court-ordered time with the children.

Move to a different school district

If the move is to a different school district, the relocating person must complete the form *Notice of Intent to Move with Children* (FL Relocate 701) and deliver it at least **60 days** before the intended move.

Exceptions:

- If the relocating person could not reasonably have known enough information to complete the form in time to give 60 days' notice, s/he must give notice within **five days** after learning the information.
- If the relocating person is relocating to a domestic violence shelter or moving to avoid a clear, immediate, and unreasonable risk to health or safety, notice may be delayed **21 days**.
- If information is protected under a court order or the address confidentiality program, it may be withheld from the notice.
- A relocating person who believes that giving notice would put her/himself or a child at unreasonable risk of harm, may ask the court for permission to leave things out of the notice or to be allowed to move without giving notice. Use form *Motion to Limit Notice of Intent to Move with Children (Ex Parte)* (FL Relocate 702).

The *Notice of Intent to Move with Children* can be delivered by having someone personally serve the other party or by any form of mail that requires a return receipt.

If the relocating person wants to change the *Parenting Plan* because of the move, s/he must deliver a proposed *Parenting Plan* together with the *Notice*.

Move within the same school district

If the move is within the *same* school district, the relocating person still has to let the other parent know. However, the notice does not have to be served personally or by mail with a return receipt. Notice to the other party can be made in any reasonable way. No specific form is required.

Warning! If you do not notify...

A relocating person who does not give the required notice may be found in contempt of court. If that happens, the court can impose sanctions. Sanctions can include requiring the relocating person to bring the children back if the move has already happened, and ordering the relocating person to pay the other side's costs and lawyer's fees.

Right to object

A person who has court-ordered time with the children can object to a move to a different school district and/or to the relocating person's proposed *Parenting Plan*. If the move is within the same school district, the other party doesn't have the right to object to the move, but s/he may ask to change the *Parenting Plan* if there are adequate reasons under the modification law (RCW 26.09.260).

An objection is made by filing the *Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721). File your *Objection* with the court and serve a copy on the relocating person and anyone else who has court-ordered time with the children. Service of the *Objection* must be by personal service or by mailing a copy to each person by any form of mail that requires a return receipt. The *Objection* must be filed and served no later than **30 days** after the *Notice of Intent to Move with Children* was received.

Right to move

During the 30 days after the *Notice* was served, the relocating person may not move to a different school district with the children unless s/he has a court order allowing the move.

After the 30 days, if no *Objection* is filed, the relocating person may move with the children without getting a court order allowing the move.

After the 30 days, if an *Objection* has been filed, the relocating person may move with the children **pending** the final hearing on the *Objection* **unless**:

- The other party gets a court order saying the children cannot move, or
- The other party has scheduled a hearing to take place no more than 15 days after the date the *Objection* was served on the relocating person. (However, the relocating person may ask the court for an order allowing the move even though a hearing is pending if the relocating person believes that s/he or a child is at unreasonable risk of harm.)

The court may make a different decision about the move at a final hearing on the *Objection*.

Parenting Plan after move

If the relocating person served a proposed *Parenting Plan* with the *Notice*, **and** if no *Objection* is filed within 30 days after the *Notice* was served (or if the parties agree):

- Both parties may follow that proposed plan without being held in contempt of the *Parenting Plan* that was in place before the move. However, the proposed plan cannot be enforced by contempt unless it has been approved by a court.
- Either party may ask the court to approve the proposed plan. Use form *Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children* (FL Relocate 706).

Forms

You can find forms about moving with children at:

- The Washington State Courts' website: www.courts.wa.gov/forms,
- Washington LawHelp: www.washingtonlawhelp.org, or
- The Superior Court Clerk's office or county law library (for a fee).

(This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.)

14. Other

The children shall attend school in the Orting School District at the school districted to the Father's home. Both parents shall ensure the children are timely and consistently available for school.

All communications between the parties relating to the children shall occur through the Talking Parents application. However, nothing herein shall be interpreted to preclude communication by telephone, text, or e-mail to reach the other parent if there is reasonable and/or urgent need to do so.

Each party shall have a right to equal access to all of the children's medical, criminal, juvenile and educational records and to any other information relevant to the children's best interest or welfare including but not limited to, any records being kept or maintained by the State of Washington, Department of Social and Health Services, Child Protective Services or equivalent agency. Any third party having or maintaining any such records is

hereby authorized to release information upon presentation of this Order by a named parent herein, without the necessity of a court Order or a Subpoena Duces Tecum. Any person, including but not limited to any physician, law enforcement officer, caseworker, or educator, may speak candidly of or concerning the child named herein to either of the above-named parents without court order or Subpoena authorizing same, upon presentation of this Order.

Each parent shall be entitled to direct access to information regarding school, athletic, extracurricular activities and social events in which the children may participate. Both parents may participate in school activities for the children, such as open house, attendance at athletic events, etc. Participation in the children's activities shall not be limited, providing that either parent is not disruptive to other participants.

The school shall be kept informed of both parents' address and telephone number, and the school shall be requested to send information to both parents for such events as special school trips, school pictures, concerts, etc. It is anticipated that the children will be authorized to participate in school sponsored activities and both parents shall have an obligation to ensure that the children are available to participate. Both parents are responsible for coordinating with the school to obtain access to any electronic networks or database applications if such a resource is available. However, each parent shall provide the other parent copies of information concerning the well-being of the children, including, but not limited to documents such as report cards, notices, requests for conferences, or recommendations for diagnostic tests promptly upon receipt to ensure that both will have timely notice and access to the same.

Each parent shall notify the other at least forty-eight (48) hours in advance, if he or she is unable to comply with the regular schedule (other than changing the pick up location as described in Section 12). The parties shall try and stick to the above schedule as closely as possible and shall try to work out any deviance or emergency that may come up.

Each parent shall keep the other apprised of his or her current residence address and residence telephone number.

Neither parent, nor anyone in their household/families, shall speak in a derogatory fashion about the other parent in front of or in the presence of the children. Both parents are free to express his/her own political/religious/moral beliefs in front of or in the presence of the children.

Each parent must honor one another's parenting style, privacy and authority. Neither parent will interfere with the parenting style of the other, nor will either parent make plans and arrangements that would impinge upon the other parent's authority or time with the children without express agreement of the other parent. Each parent must encourage the children to discuss their grievances with a parent directly. The parties agree that corporal punishment is not a suitable means for discipline given the age of the children and it shall not be employed.

Each party shall notify the other party of any/all emergencies, medical, financial, etc., concerning the children by whatever means is available immediately after the event and shall endeavor to provide written notification, whether by Talking Parents, e-mail, or text, within four (4) hours following the event giving rise to an obligation for notice.

Each child shall be allowed to participate in one sporting activity at a time in addition to Girl Scouts and Boy Scouts. The parents agree to support these activities logistically and financially. The parents agree to ensure the children are transported to and from the children's activities in a timely manner. All other activities shall be by agreement or on one parent's time and expense for signing up the child if not agreed.

15. Proposal

- Does not apply. This is a court order.
- This is a **proposed** (requested) parenting plan. (*The parent/s requesting this plan must read and sign below.*)

I declare under penalty of perjury under the laws of the state of Washington that this plan was proposed in good faith and that the information in section **3** above is true.



Parent requesting plan signs here

Kevin Smith

Signed at (city and state)



Other parent requesting plan (if agreed) signs here Signed at (city and state)

16. Court Order

- Does not apply. This is a proposal.
- This is a court order (if signed by a judge or commissioner below).

Findings of Fact – Based on the pleadings and any other evidence considered:

The Court adopts the statements in section **3** (Reasons for putting limitations on a parent) as its findings.

The Court makes additional findings which are:

contained in an order or findings of fact entered at the same time as this *Parenting Plan*.

attached as Exhibit A as part of this *Parenting Plan*.


other: _____

Conclusions of Law – This *Parenting Plan* is in the best interest of the children.

Other: _____

Order – The parties must follow this *Parenting Plan*.

Date



Judge or Commissioner signs here

Warning! If you do not follow this *Parenting Plan*, the court may find you in contempt (RCW 26.09.160). You still have to follow this *Parenting Plan* even if the other parent doesn't. Violation of **residential** provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

If this is a court order, the parties and/or their lawyers (and any GAL) sign below.

This order (*check any that apply*):
 is an agreement of the parties.
 is presented by me.
 may be signed by the court without notice to me.

This order (*check any that apply*):
 is an agreement of the parties.
 is presented by me.
 may be signed by the court without notice to me.

▶ _____
Petitioner or lawyer signs here + WSBA #

▶ _____
Respondent or lawyer signs here + WSBA #

Print Name *Date*

This order (*check any that apply*):
 is an agreement of the parties.
 is presented by me.
 may be signed by the court without notice to me.

Print Name *Date*

This order (*check any that apply*):
 is an agreement of the parties.
 is presented by me.
 may be signed by the court without notice to me.

▶ _____
Other party or lawyer signs here + WSBA #

▶ _____
Other party or Guardian ad Litem signs here

Print Name *Date*

Print Name *Date*