

# JOINT PHYSICAL CUSTODY HOLIDAY SCHEDULE AND PARENTING CLAUSES

## 1. CUSTODY SCHEDULE

- a.** Parents are allowed to vary from the Court-ordered custody schedule by mutual agreement. In fact, the Court hopes that parents will be flexible in dealings regarding a child. However, if parents are not both in agreement, the following custody schedule is to be followed. Failure to do so can subject a party to sanctions for contempt of Court.
- b.** Visitation rights shall be allowed to the other parent in lieu of a child being cared for on an overnight basis by any person other than a parent, or the parent's spouse. However, a child spending occasional nights with a grandparent shall not be considered a violation of this provision.
- c.** *Spring Break from School:* From 3:00 p.m. on the last day of school in session (in the district which the child(ren) reside(s), even if the child(ren) is(are) not in school) until 6:00 p.m. on the day before school starts back at the end of Spring Break. The father shall exercise Spring Break with the child(ren) in *even*-numbered years, regardless of whether such conflicts with other provisions, with the mother having the child(ren) in *odd*-numbered years.
- d.** *Easter Weekend:* From 3:00 p.m. on Friday of the weekend in which Easter Sunday falls until 8:00 a.m. on the Monday following. The father shall exercise Easter Weekend with the child(ren) in each *odd*-numbered year, regardless of whether such conflicts with other provisions, with the mother having the child(ren) in *even*-numbered years.
- e.** *Thanksgiving Break from School:* From 3:00 p.m. on the last day of school before the Thanksgiving School Break until 6:00 p.m. on the Sunday following. The father shall exercise Thanksgiving Break with the child(ren) in each *odd*-numbered year, regardless of whether such conflicts with other provisions, with the mother having the child(ren) in *even*-numbered years.
- f.** *Christmas Break from School:* In *even*-numbered years, the father shall have the child(ren) from 9:00 a.m. on the day after the last day of school before the break until 6:00 p.m. on December 25th; *and*, in *odd*-numbered years, from 6:00 p.m. on December 25th until 6:00 p.m. on the day before school starts back at the end of the break, regardless of whether such conflicts with other provisions, with the mother having the child(ren) in *odd*-numbered years from 9:00 a.m. on the day after the last day of school

before the break until 6:00 p.m. on December 25th; *and*, in *even*-numbered years, from 6:00 p.m. on December 25th until 6:00 p.m. on the day before school starts back at the end of the break, regardless of whether such conflicts with other provisions

- g. *Child's Birthday:*** In *even*-numbered years, the father shall have visitation on the child's birthday along with the child's siblings, regardless of whether such conflicts with other provisions, with the mother having the child and the child's siblings in *odd*-numbered years.
- h. *Father's Day Weekend:*** The father shall have visitation from 3:00 p.m. on Friday of the weekend in which Father's Day falls until 8:00 a.m. on the Monday after Father's Day, regardless of whether such conflicts with other provisions.
- i. *Mother's Day Weekend:*** The mother shall have visitation from 3:00 p.m. on Friday of the weekend in which Mother's Day falls until 8:00 a.m. on the Monday after Mother's Day, regardless of whether such conflicts with other provisions.
- j. *Parent's Birthday:*** The parent shall have visitation on the parent's birthday with the child(ren), unless said birthday is on a holiday referenced herein, then the parent shall have visitation with the child(ren) on another day as agreed to by the parties.
- k. *Other Holidays:*** The father shall have visitation from 8:00 a.m., or if the child(ren) is/are in school from 3:00 p.m., until 8:00 a.m. the next morning, when the father shall take the child(ren) to school, or day care, or return to the mother, as the case may be, on the following holidays with the mother to have the child(ren) on said holidays in the years opposite those years set out for the father:

  - (1) Martin Luther King:** *Odd*-numbered years
  - (2) National Memorial Day:** *Even*-numbered years
  - (3) 4<sup>th</sup> of July:** *Odd*-numbered years
  - (4) Labor Day:** *Even*-numbered years
  - (5) Halloween:** *Even*-numbered years
  - (6) Veteran's Day:** *Odd*-numbered years
- l. *Fall Break from School:*** The father shall have the child(ren) from 3:00 p.m. on the last day of school in session (in the district which the child(ren) reside(s), even if the child(ren) is(are) not in school) until 6:00 p.m. on the day before school starts back at the end of Fall Break in *even*-numbered years, regardless of whether such conflicts with other provisions, with the mother having the child(ren) in *odd*-numbered years.

It is the Court's intent that each parent will have one of the school breaks, either Spring or Fall Break, each school year, and shall alternate which break is to be exercised each school year in the event the child(ren) attends school in a system in which both Spring and Fall Breaks are observed.

- m. Special Family Events:* Each parent shall have the child(ren) with him or her for special family events, such as weddings, funerals, and reunions, which pertain to members of the parents' immediate family (parents, grandparents, siblings and/or other children). Provided, however, that no such periods shall, without the other parent's prior consent, interfere with nor deprive a parent of his or her holiday, school break, special occasion, or out-of-town vacation periods with the child(ren). (School Break: Spring Vacation/Fall School Breaks (as specified above); Holidays: Christmas/Thanksgiving School Breaks/Easter Weekend/"Other School Holidays" (as specified above); Special Occasion: Child(ren)'s Birthday/Mother's Day Weekend/Father's Day Weekend/Parent's Birthday.)

The parent seeking to have the child(ren) with him or her for the special family event shall provide as much advance notice to the other parent as possible. When the event falls on a weeknight or weekend when the child(ren) would normally not be with the parent who wishes to take them to the special event, the parent shall attempt to agree to switch weeknights or weekends, as the case may be. If the parents cannot otherwise agree, the make-up time shall be the next following weeknight (if a weeknight is missed) or weekend (if weekend time is missed).

## 2. PARENTING CLAUSES

- a.* Both parties shall have reasonable telephone access to the minor child(ren) while they are in the physical control of the other parent. The minor child(ren) shall also have reasonable telephone access to both parties at reasonable times.
- b.* At all times hereafter, each parent shall keep the other informed of the respective business, cellular and home telephone numbers and their respective street address, mailing addresses and electronic mail address unless leave of court is granted. Both parties will make themselves available for direct communications with the other for the purposes of discussion pertaining to the minor child(ren); provided, however, neither parent will harass or burden the other with excessive or abusive telephone calls, or any other such non-productive communication.

Further, both parents shall refrain from delegating their responsibility of communicating with the other parent to third parties, except in bona fide emergencies, and will at reasonable times and places make themselves available to communicate directly with the other parent pertaining to the needs and interest of the child(ren). If agreed upon by both parents, electronic mail services such as "the Wizard" or "Google calendar" may be used to track communications and share appointments and events between parents.

- c.* The parties shall promptly notify each other in the event of serious illness or injury of the minor child(ren).
- d.* Both parents shall encourage the minor child(ren) to love, respect and honor the other parent. Neither of them shall alienate or attempt to alienate or diminish the affection of the minor child(ren) for the other parent, or disparage or allow others to disparage the other parent to or in the presence of the minor child(ren). The parties understand and agree that the designations of "father" and "mother", or similar designations, shall refer to each of them only and not to third parties.
- e.* Neither parent shall schedule activities for the minor child(ren) which will preclude the other from having the minor child(ren) with him or her at the times and places set forth herein. In the event, however, that it is necessary to schedule activities that may be in conflict with visitation schedules, the parties shall jointly confer and make joint decisions concerning those activities. It shall be the sole responsibility of the parent who has physical custody of the minor child(ren) to transport him or her to those activities. The scheduling of activities shall not be utilized to deprive the other parent of time with the child(ren).
- f.* Both parents shall have equal access to all information concerning the child(ren), including but not limited to medical, dental, and hospital records, school records, report cards, recreational activity records, and other information concerning the minor child(ren). If information is available online, the parents shall provide each other with the information necessary to establish a user name and password for school and extracurricular activities which use online communication as the means of communicating with the parent. In the event that only paper communication is available and duplicate notifications cannot be obtained through the school, should either parent receive a school calendar, parent-teacher conference notice, and/or the report card of the child(ren), the parent receiving such shall provide the other parent with a copy thereof immediately. In event that a parent enrolls a child in a sporting or extracurricular activity, that parent shall provide the same information

with regard to the other parent that the parent provides regarding himself or herself.

- g.* Each parent shall see to it that the minor child(ren) are provided with a sufficient amount of clothing to be utilized by them during the other parent's period of custody, and anything needed by the child(ren) for school and/or activities, including school books, uniforms, sporting equipment, etc. Each parent shall, likewise, see to it that all of said clothing and other materials are returned with the minor child(ren) after the period of custody.
- h.* Both parents agree that they shall discuss and consider the wishes of the other parent in all major decisions to be made regarding the minor child(ren), including but not limited to medical, dental, religious, educational and recreational activities. Provided, however, that in the event of a dispute between the parties, the parent designated in the Final Decree of Divorce as having the primary authority and responsibility regarding same shall make the final decision on any such issue.
- i.* The party in whose care the minor child(ren) are then being kept shall be authorized to make and decide medical emergency decisions concerning said minor child(ren). In the event such an emergency medical decision should arise, the party then in physical custody of the child(ren) shall notify and consult the other party, as time may reasonably allow, governing any such emergency.
- j.* Neither party shall use illegal drugs, prescription drugs not as prescribed, nor be impaired by the use of alcohol, during any time that a child of the parties is in his or her care.
- k.* During any period of overnight visitation and/or exercise of custody with the parties' minor child(ren), neither party shall allow any person to whom he or she is not related by blood or marriage, and with whom he or she is involved in a romantic and/or sexual relationship, to stay overnight in the same place with the parties' child(ren).
- l.* The Court expects children to be insulated to the fullest extent possible from the conflict between their parents. They should not be made to be confidants of a parent, and should be encouraged to love, honor and respect both parents and their respective families. Parents should act accordingly in the presence of the children.
- m.* The Court expects both parents to have the opportunity to attend a child's medical and/or dental appointments, as well as a child's school and extracurricular activities, including parent-teacher conferences, school

events, sporting events, etc. A parent scheduling any such appointment or receiving notice of such activities should give the same notice to the other parent as soon as received. Parents shall conduct themselves in a civil and appropriate manner at all such appointments and activities. Contact by the child with both parents at any such activity is encouraged and should be allowed.

- n.* Unless otherwise specifically ordered, a parent shall be allowed to eat lunch with a child at school; provided, however, that all applicable school rules and requirements shall be followed.
- o.* The parent exercising custody shall be responsible for making sure the child(ren) does homework, studies for any tests, and is otherwise prepared for school the next day, and shall be responsible for getting the child(ren) to school on time with whatever the child(ren) needs for that school day, including, but not limited to, lunch.
- p.* It is the desire of the Court that both parents work together to ensure that a child grows up as happy and well-adjusted as possible. It is important to the Court that a child of divorced parents is made to feel and understand that the divorce is not the child's fault; that just because the parents are divorcing, they are not divorcing the child; that the child has a lot of people who love the child; and that even though the parents will be living in separate homes, the child is still part of a family.
- q.* A parent shall not delegate his or her responsibility for communication with the other parent to a spouse of a parent or any other person unless both parties agree to communicate through the spouse or other person. A parent shall treat the spouse of a parent with the same civility and respect herein requested of a parent. Provided however, a spouse of a parent shall not attempt to interfere in communications or dealings between a child's parents. A child shall be taught and encouraged by both parents to show respect to a spouse of a parent.
- r.* Alabama law requires each party in this action who has either custody of or the right of visitation with a child to notify other parties who have custody of or the right of visitation with a child of any change in his or her address or telephone number, or both, and of any change or proposed change of principal residence and telephone number or numbers of a child. This is a continuing duty and remains in effect as to each child subject to the custody or visitation provisions of this decree until such child reaches the age of majority or become emancipated and for so long as you are entitled to custody of or visitation with a child covered by this order. If there is to be a change of principal residence by you or by a child subject to the custody or visitation provisions of this order, you must provide the

following information to each other person who has custody or visitation rights under this decree as follows:

- (a) The intended new residence, including the specific street address, if known.
- (b) The mailing address, if not the same as the street address.
- (c) The telephone number or numbers at such residence, if known.
- (d) If applicable, the name, address, and telephone number of the school to be attended by a child, if known.
- (e) The date of the intended change of principal residence of a child.
- (f) A statement of the specific reasons for the proposed change of principal residence of a child, if applicable.
- (g) A proposal for a revised schedule of custody of or visitation with a child, if any.
- (h) Unless you are a member of the Armed Forces of the United States of America and are being transferred or relocated pursuant to a non-voluntary order of the government, a warning to the non-relocating person that an objection to the relocation must be made within 30 days of receipt of the notice or the relocation will be permitted.

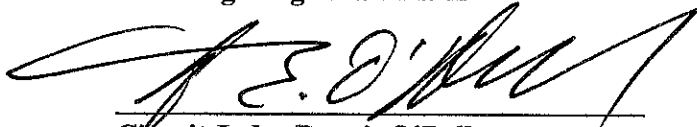
You must give notice by certified mail of the proposed change of principal residence on or before the 45<sup>th</sup> day before a proposed change of principal residence. If you do not know and cannot reasonably become aware of such information in sufficient time to provide a 45-day notice, you must give such notice by certified mail not later than the 10<sup>th</sup> day after the date that you obtain such information.

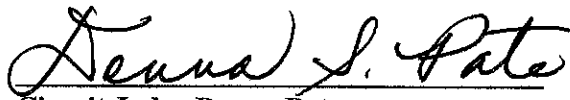
Your failure to notify other parties entitled to notice of your intent to change the principal residence of a child may be taken into account in a modification of the custody of or visitation with a child.

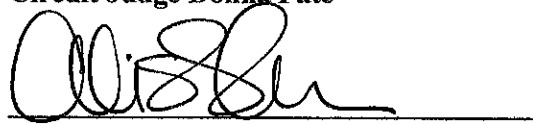
If you, as the non-relocating party, do not commence an action seeking a temporary or permanent order to prevent the change of principal residence of a child within 30 days after receipt of notice of the intent to change the principal residence of a child, the change of principal residence is authorized.

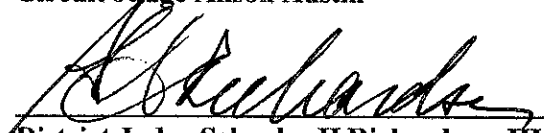
Done this the 26<sup>th</sup> day of April 2016.

  
Presiding Judge Alan Mann

  
Circuit Judge Dennis O'Dell

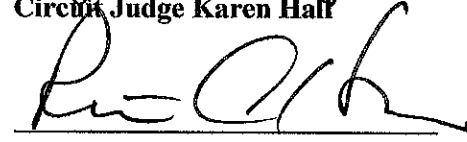
  
Circuit Judge Donna Pate

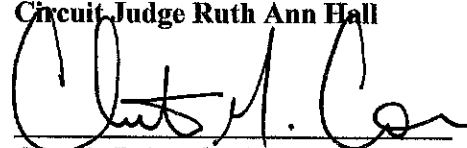
  
Circuit Judge Alison Austin

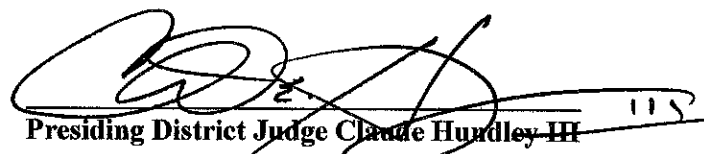
  
District Judge Schuyler H Richardson, III

  
District Judge Patricia Demos

  
Circuit Judge Karen Hall

  
Circuit Judge Ruth Ann Hall

  
Circuit Judge Chris Comer

  
Presiding District Judge Claude Hurdley III

  
District Judge Linda Coats