

# INSTRUCTIONS FOR TENTH JUDICIAL CIRCUIT COURT APPROVED UNIFORM FAMILY LAW PARENTING PLAN

## **When should this form be used?**

A Parenting Plan is required in all cases involving time-sharing with minor child(ren), even when time-sharing is not in dispute. The Parenting Plan must be developed and agreed to by the parents and approved by the court. If the parties cannot agree to a Parenting Plan or if the parents agreed to a plan that is not approved by the court, a Parenting Plan will be established by the court with or without the use of parenting plan recommendations. This form or a similar form should be used in the development of a Parenting Plan. If the case involves supervised time-sharing, or if the case involves relocation, pursuant to Section 61.13001, Florida Statutes, then the appropriate options should be indicated on this form. Use the designated option for “**Other**” to explain the requirement for supervised timeshare, or to indicate a non-local timeshare option that may not be listed.

This form should be typed or printed in black ink. If an agreement has been reached, both parties must sign the Uniform Parenting Plan and have their signatures witnessed by a notary public or deputy clerk. After completing this form, you should file the original with the clerk of the circuit court in the county where the petition was filed and keep a copy for your records. You should then refer to the instructions for your petition, answer, or answer and counterpetition concerning the procedures for setting a hearing or trial (final hearing). If the parents have not reached an agreement, a proposed Parenting Plan may be filed by either parent at the time of or any time prior to the final hearing. If an agreed Parenting Plan is not filed by the parties, the court shall establish a Plan.

## **IMPORTANT INFORMATION REGARDING E-FILING**

The Florida Rules of Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so. If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida rule of Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. The rules and procedures should be carefully read and followed.

## **IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION**

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. You must strictly comply with the format requirements set forth in the Rules of Judicial Administration.

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the Designation of Current Mailing and E-mail Address, Tenth Judicial Circuit Court Uniform Parenting Plan, and you must provide your e-mail address on each form on which your signature appears. Please CAREFULLY read the rules and instructions for: Certificate of Service (General), Tenth Judicial Circuit Court Uniform Parenting Plan; Designation of Current Mailing and E-mail Address, Tenth Judicial Circuit Court Approved Family Law Form; and Florida Rule of Judicial Administration 2.516.

### **Special notes...**

At a minimum, the Parenting Plan must describe in adequate detail:

- How the parties will share and be responsible for the daily tasks associated with the upbringing of the child(ren),
- The time-sharing schedule arrangements that specify the time that the minor child(ren) will spend with each parent,
- A designation of who will be responsible for any and all forms of health care, school-related matters, including the address to be used for school-boundary determination and registration, other activities, and
- The methods and technologies that the parents will use to communicate with the child(ren).

**The best interests of the child(ren) is the primary consideration in the Parenting Plan.** In creating the Parenting Plan, all circumstances between the parents, including their historic relationship, domestic violence, and other factors must be taken into consideration. Determination of the best interests of the child(ren) shall be made by evaluating all of the factors affecting the welfare and interest of the particular minor child(ren) and the circumstances of that family, as listed in section 61.13(3), Florida Statutes, including, but not limited to:

- The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required;
- The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties;
- The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child(ren) as opposed to the needs or desires of the parent;
- The length of time the child(ren) has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- The geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the parenting plan. This factor does not create a presumption for or against relocation of either parent with a child(ren);
- The moral fitness of the parents;
- The mental and physical health of the parents;
- The home, school, and community record of the child(ren);

- The reasonable preference of the child(ren), if the court deems the child(ren) to be of sufficient intelligence, understanding, and experience to express a preference;
- The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child(ren), including, but not limited to, the child(ren)'s friends, teachers, medical care providers, daily activities, and favorite things;
- The demonstrated capacity and disposition of each parent to provide a consistent routine for the child(ren), such as discipline, and daily schedules for homework, meals, and bedtime;
- The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child(ren), and the willingness of each parent to adopt a unified front on all major issues when dealing with the child(ren);
- Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, regardless of whether a prior or pending action relating to those issues has been brought. If the court accepts evidence of prior or pending actions regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect, the court must specifically acknowledge in writing that such evidence was considered when evaluating the best interests of the child(ren);
- Evidence that either parent has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect;
- The particular parenting tasks customarily performed by each parent and the division or parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties;
- The demonstrated capacity and disposition of each parent to participate and be involved in the child(ren)'s school and extracurricular activities;
- The demonstrated capacity and disposition of each parent to maintain an environment for the child(ren) which is free from substance abuse;
- The capacity and disposition of each parent to protect the child(ren) from the ongoing litigation as demonstrated by not discussing the litigation with the child(ren), not sharing documents or electronic media related to the litigation with the child(ren), and refraining from disparaging comments about the other parent to the child(ren); and
- The developmental stages and needs of the child(ren) and the demonstrated capacity and disposition of each parent to meet the child(ren)'s developmental needs.

This **Uniform Parenting Plan** form does not include every possible issue that may be relevant to the facts of your case. The Uniform Parenting Plan should be as detailed as possible to address the time-sharing schedule. Additional provisions should be added to address all of the relevant factors. The parties should give special consideration to the age and needs of each child.

In developing the Uniform Parenting Plan, you may wish to consult or review other materials which are available at your local library, law library or through national and state family organizations.

**Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of a Disclosure from Nonlawyer, Florida Family Law Rules of Procedure**

Form 12.900 (a), before he or she helps you. A nonlawyer helping you fill out these forms also must put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete. A sample form is listed below.

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**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:**

[fill in all blanks] This form was prepared for the: {choose only one} (    ) Mother (    ) Father

This form was completed with the assistance of:

{name of individual} \_\_\_\_\_,

{name of business} \_\_\_\_\_,

{address} \_\_\_\_\_,

{city} \_\_\_\_\_, {state} \_\_\_\_\_, {zip code} \_\_\_\_\_, {telephone number} \_\_\_\_\_.

## Uniform Parenting Plan Step-by-Step Instructions:

- Section I** Fill in the requested information for contact purposes.
- Section II** List the legal name(s) of the child(ren) involved in this Parenting Plan, include the year of their birth.
- Section III** No input needed.
- Section IV** A. Parental Responsibility (choose one from the selections below):
- Indicate the requested choice for Parental Responsibility: Shared Parental Responsibility, Conditional or Specific Responsibility, or Sole Parental Responsibility.
- B. This is a federal requirement making a designation for governmental contact to a parent and does not affect the legal rights of either parent under Florida Law. (This is generally given to the parent having the majority timeshare with the children).
- C. No input needed.
- D. Indicate the appropriate selection for child care decisions.
- E. Education This section allows for the specific designations regarding the child(ren)'s school zone, and school contact (or daycare), and emergency contacts, and /or who is authorized to pick the child(ren) up from the school or daycare facility.
- F. Indicate all choices requested pertaining to the child(ren)'s involvement in extra-curricular activities and the parental financial responsibility for the chosen activities.
- Section V** No input needed.
- Section VI** A. Indicate all of the methods allowed for parental communication regarding the child(ren).
- B. Indicate all of the methods allowed for communication between the parents and the child(ren).
- C. Describe how the responsibility for costs of the electronic communication methods will be assessed. (i.e., 50% Father, 50% Mother; 100% Father or Mother, etc.)
- Section VII** Scheduling:
- A. Enter the date that the selected calendar must be provided by. Select which calendar will be chosen.
- B. No input needed.
- C. Schedule Changes: Indicate how temporary changes to the schedule will be handled between the parents – make the appropriate selection.
- D. No input needed.
- E-1. Time-Sharing Schedule: Indicate the Parental Time-Share, with the exchange time for the overnight, on the calendar below –

E-2. Holiday Time-Share Schedule: Indicate your choice for Holiday Timeshare, or select court approved options.

E-3. Select your choice for summer timeshare.

**E-4. Indicate the number of overnights for each parent based upon the Time-Share Schedule indicated on the calendar, Holiday Timeshare, and the summer time-share. (Total should equal 365)**

**Section VIII. Transportation and Exchange of Child(ren):**

- A. Indicate how the transporting of the child(ren) will be from the selections provided.
- B. Indicate where the exchanges of the child(ren) will take place.
- C. Indicate chosen travel arrangements and notification requirements.

Section IX. No input needed.

Section X. No input needed.

Section XI. No input needed.

Section XII. This is where the parents may indicate other negotiated arrangements and terms of their Parenting Plan Agreement.

Note: A nonlawyer helping you fill out these forms also must put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete. A sample form is provided below.

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:

[fill in all blanks] This form was prepared for the: {choose only one} ( ) Mother ( ) Father

This form was completed with the assistance of:

{name of individual} \_\_\_\_\_,

{name of business} \_\_\_\_\_,

{address} \_\_\_\_\_,

{city} \_\_\_\_\_, {state} \_\_\_\_\_, {zip code} \_\_\_\_\_, {telephone number} \_\_\_\_\_.