

Parenting Plan: What it is and How it Works

January 14, 2011

Many psychologist, researchers, and parents agree that structure is essential for a child's healthy development. However, too often the transition from married parenting to divorced parenting can leave a child without structure. The lack of structure combined with the emotional strain children often experience during a divorce can lead to the child feeling fearful, sad, and even angry and can lead to unhealthy behaviors or 'acting out'. Legal scholars, judges, and legislators struggle with this issue and in 2008 Georgia began requiring that divorcing parents with minor children file a Parenting Plan with the court. The Parenting Plan outlines the future parental relationship between divorcing parents and covers many issues relating to custody. Its exact requirements can be found at O.C.G.A. § 19-9-1. An online listing of Georgia statutes can be found [here](#).

A majority of the Parenting Plan focuses on the time the child spends with each parent. It states the minimum amount of parenting time, or visitation time, the secondary physical custodian (traditionally referred to as the non-custodial parent) will have with the child. For example, a commonly used time schedule allows for visitation time every other weekend and Wednesday evenings. It is important to note that a visitation schedule typically provides what will be the minimum allotted visitation. If the parties agree, visitation time can be increased in the future. In addition to the day to day schedule, the Parenting Plan will articulate with which parent the child will spend school breaks, vacations, and holiday time. The Parenting Plan also allows for stipulations and restrictions associated with parenting time. For example, if drug or alcohol abuse by one parent exists, the Parenting Plan may allow visitation only after that parent successfully completes rehabilitation, that the visitation be supervised, or that drugs and alcohol cannot be consumed during visitation times. Finally, the Parenting Plan should summarize the logistics of visitation including who will pick up and drop off the child and any other special issues related to transportation.

Related to custody, the Parenting Plan also allocates legal custody, or decision making authority between the parents. While day to day decisions and emergency decisions are left to the parent who has physical custody at the time, decision making authority regarding major issues related to education, health, extracurricular, and religious upbringing of the child must be allocated to a parent or shared between the parents. For more on physical and legal custody, please see [Child Custody](#).

The Parenting Plan also covers a hodgepodge of other issues related to parenting. O.C.G.A. § 19-9-1 requires that the Parenting Plan recognize that a close and continuing parent-child relationship and continuity in the child's life is in the child's best interest, that the child's needs will change and grow as he or she matures, and that each parent shall have access to the child's records. Many Parenting Plans also require the parents commit to not argue about visitation in the presence of the child, to not disparage the other parent in the presence of the child, and to refrain from other behaviors detrimental to the child.

In most cases, custody and parenting time are negotiated and agreed upon prior to a final hearing. If the parties agree on custody and parenting time, only one Parenting Plan needs to be filed so long as it is signed by both parties. It is typically submitted with the final settlement agreement. If the parties cannot agree, each submits their own Parenting Plan for the judge's consideration.

Finally, here are a couple of special considerations when preparing your Parenting Plan: It is essential that a Parenting Plan be correctly completed and submitted. If neither party submits a Parenting Plan, the judge may not issue the final divorce decree. If custody is contested and one party omits to correctly complete or file a Parenting Plan, the judge will most likely adopt the plan of the opposing party. Also, while O.C.G.A. § 19-9-1 lists the specific items the state of Georgia requires be included in the Parenting Plan, different counties may require additional terms or different language. Therefore, it is very important to consult an attorney, the clerk of superior courts for your county, or other county family law service providers when preparing the plan.

Want to comment on this article? Join the conversation at our official blog:
<http://thesuttonlawoffice.blogspot.com/>

Adam M. Sutton, Esq.