

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF

Name _____

Case No. _____

Year of Birth _____ A ☐ male ☐ female

ORDER FOR CUSTODY AND ADOPTING PARENTING PLAN

Pursuant to K.S.A. 38-2264(j)

NOW on this ____ day of _____, 20____ the above entitled matter comes before the court.

WHEREUPON, the Court, after reviewing matters of record, the file, the statements of the parties and being duly advised in the premises enters the following findings and orders.

1. The child(ren) is/are placed with _____, and doing well. Such placement is in the best interest of the child(ren).
2. The parenting plan herein applies to the minor child(ren) set forth in the heading above, is in the best interest of the child(ren) and is hereby adopted by the Court.

3. Legal Custody (Decision-Making)

- ☐ A. **Joint Legal Custody.** Parents shall have joint legal custody of their minor child(ren). "Joint legal custody" means that both parents have equal rights to participate in, contribute to, and have responsibility for matters of health and education in their child(ren)'s best interests. Neither parent's rights are superior to the other parent's rights, and they should cooperate to determine what is in their children's best interests.
- ☐ B. **Sole Legal Custody.** Joint legal custody is not in the child(ren)'s best interests. "Sole legal custody" means that the parent granted sole legal custody has the primary right to decide matters of health and education in the child(ren)'s best interests. The parent not granted sole legal custody may make emergency decisions affecting the child(ren)'s health or safety when the child(ren) are in that parent's physical care and control. The

grant of sole legal custody to one parent does not deprive the other parent of access to information regarding the child(ren) unless the court specifically orders, stating the reasons for that determination.

1. Sole legal custody is granted to ☐ **Mother** ☐ **Father** for the following reasons:

- ☐ a. Agreement of the parents.
- ☐ b. The other parent is unable or should not be allowed to exercise decision-making because: _____
_____.
- ☐ c. There is a danger to the child(ren) because: _____

_____.
- ☐ d. Other: _____

_____.

2. ☐ Restriction of Information Regarding the Child(ren) to Non Legal Custodian.

The ☐ **Mother** ☐ **Father** is restrained from accessing the child(ren)’s health, educational and other personal information because of the following specific reasons :

_____.

4. **Parenting Time Schedule.**

The ☐ **Mother** ☐ **Father** is the primary residential custodian.

The ☐ **Mother** ☐ **Father** shall have parenting time as follows:

HOLIDAY SCHEDULE

☐ The holiday schedule as set out in the _____ (name county) Family Law Guidelines controls holiday parenting time.

or

☐ The holiday schedule is as follows:

<u>HOLIDAY PARENTING SCHEDULE</u>	<u>Mother</u> <u>Even/Odd/Every</u>	<u>Father</u> <u>Even/Odd/Every</u>
New Year's Day: From _____(day) at _____ (time) until _____(day) at _____ (time)		
Spring Break: From _____(day) at _____ (time) until _____(day) at _____ (time)		
Spring Break: From _____(day) at _____ (time) until _____(day) at _____ (time)		
Memorial Day/weekend: From _____(day) at _____ (time) until _____(day) at _____ (time)		
Mother's Day: From _____(day) at _____ (time) until _____(day) at _____ (time)		
Father's Day/Weekend: From _____(day) at _____ (time) until _____(day) at _____ (time)		
Independence Day: From _____(day) at _____ (time) until _____(day) at _____ (time)		
Labor Day/weekend: From _____(day) at _____ (time) until _____(day) at _____ (time)		
Halloween: From _____(day) at _____ (time) until _____(day) at _____ (time)		
Thanksgiving Day/weekend: From _____(day) at _____ (time) until _____(day) at _____ (time)		
Winter Break: From _____(day) at _____ (time) until _____(day) at _____ (time)		
Winter Break: From _____(day) at _____ (time) until _____(day) at _____ (time)		

<u>HOLIDAY PARENTING SCHEDULE</u>	<u>Mother</u> <u>Even/Odd/Every</u>	<u>Father</u> <u>Even/Odd/Every</u>
Other: From _____(day) at _____(time) until _____(day) at _____(time)		
Other: From _____(day) at _____(time) until _____(day) at _____(time)		
Other: From _____(day) at _____(time) until _____(day) at _____(time)		
Other: From _____(day) at _____(time) until _____(day) at _____(time)		

☐ **5. Telephone contact and mail between parent and child(ren)**

Each parent is allowed reasonable telephone access to their child(ren) at reasonable hours without interference from the other parent. Telephone contact with the child(ren) should not be used ~~as an~~ opportunity by either parent to discuss issues not related to the child(ren) with the other parent. On telephone contacts attempted to be made with a child(ren), the child(ren) should have direct access to the telephone ~~and~~ the telephone should be given directly to the child(ren) with a minimum of conversation between the parents unless necessary for discussion of matters related to that contact. Any parent shall not refuse to answer the phone, turn off the phone or put call block on the line in order to deny the other parent telephone contact with the child(ren). Each parent shall supply the other parent with current telephone numbers, where the child(ren) may be found or is staying.

Each parent with whom the child(ren) is not then living should have unlimited ability to contact each other by use of either regular United States mail or electronic mail, if such an account is available. The parent seeking mail contact must provide self-addressed stamped envelopes for the child(ren) to use. If available, current email addresses shall be supplied to both parents by each parent. Where possible, reasonable computer access should be allowed.

6. Alternative Dispute Procedures

Disputes between the parents, other than about child support, shall be submitted to:

☐ Mediation by: _____(name of mediator)

☐ The following dispute resolution method: _____.

7. Transportation and transportation costs

☐ Transportation arrangements and cost shall be the responsibility of the parent exercising parenting time.

☐ Responsibility for transportation and transportation costs, as it relates to parenting time, shall be as follows:

8. Exchange

If the parties cannot agree, the exchange point for parenting time shall be at the police substation nearest to the home of the custodial parent.

9. Notice of intent to exercise or not to exercise parenting time

Each parent shall notify the other parent 5 days in advance of the intent to not exercise scheduled parenting time. If notification is not given, the subject parenting time will be considered waived.

A parent is not required to wait for more than 15 minutes before parenting time is considered waived, except where advance contact is made concerning delay, but in no case is the parent required to wait for more than 30 minutes.

10. Address Change

A. Each parent shall notify the other parent of any address change in writing no less than 30 days before changing address by sending written notice to the other parent by certified mail – restricted delivery, return receipt requested, at that other parent’s last known address.

B. Each parent shall notify the other parent of any plan to remove any child(ren) from the State of Kansas for more than 90 days by sending written notice to the other parent by certified mail – restricted delivery, return receipt requested, at that other parent’s last known address.

C. A parent is not required to give written notice of removal to the other parent under either (A) or (B) if the other parent has been convicted of a crime specified in Article 34 (crimes against persons),

Article 35 (sex offenses), or Article 36 (crimes affecting family relationships and children) of Chapter 21 (Crimes and Punishments) of the Kansas Statutes Annotated to which the child(ren) was the victim.

11. Modification.

This custody order shall remain in effect until modification by a court of competent jurisdiction.

☐ There is a civil custody case within the State of Kansas, Case No. _____ in _____ County, Kansas and, pursuant to K.S.A. 38-2264(j)(2), a certified copy of this order shall be filed therein by the clerk;

or

☐ No civil custody case is on file in the State of Kansas and any party seeking modification of this order shall, pursuant to K.S.A. 38-2264(j)(4), file a civil custody case and file a copy of this order therein.

IT IS SO ORDERED.

Judge of the District Court

Authority

K.S.A. 38-2264(j).