

# Indiana's Parenting Time Guidelines Revised

In the first comprehensive revision since their adoption, the Indiana Supreme Court recently amended Indiana's Parenting Time Guidelines (Guidelines). The Guidelines, which were first effective March 31, 2001, were revised in 2008 concerning parental relocation. The new Guidelines became effective March 1, 2013.

## *Preparation of Parenting Time Guideline revisions*

The Guidelines are a product of the Domestic Relations Committee (committee) of the Judicial Conference of Indiana. The Chief Justice of Indiana appoints the committee members, which include Indiana judges, magistrates, and commissioners. The committee began its work in 2010 by taking public comments about the existing Guidelines before beginning the task of drafting revisions. After completing an initial draft in 2012, the committee again published its work and received and reviewed comments from judicial officers, attorneys, child psychologists and the public. Upon completing a final draft, the committee submitted its work to the Board of Directors of the Judicial Conference of Indiana. The Board approved the committee's final draft in the fall of 2012, and forwarded it to the Indiana Supreme Court for review and adoption.

## *Parenting Time Guideline Revisions*

The Parenting Time Guidelines are divided into the following areas: Preamble, General Rules, Specific Provisions and Parallel Parenting. The Preamble contains language intended to prevent wholesale changes to already existing parenting time orders. The Guidelines provide "...parenting time orders on the date of adoption of these amend-

ments shall be enforced according to the parenting time Guidelines that were in effect on the date the parenting time order was issued." This is to prevent any confusion about which version of the Guidelines applies to a particular case. Cases with parenting time orders entered prior to March 1, 2013 will be affected only if a court orders or approves an agreement for which the revised Guidelines apply.

The General Rules include new provisions for the use of Email, Internet and Skype communication between the parent and child, a clarification of transportation responsibilities of each parent, a list of unacceptable excuses for the denial of parenting time, a clarification of offers of additional parenting time to the other parent, and additional language urging each parent to establish a relationship with the child's school and health care providers in order to obtain information about the child.

Specific parenting time provisions were also enhanced by emphasizing that parents should try to create their own parenting plans rather than rely only on the Guidelines. In addition, language was added and rearranged to clarify that parenting time includes overnights with younger children unless it can be demonstrated the non-custodial parent has not exercised regular child care responsibilities. The language of the Guidelines was significantly enhanced to provide guidance for parents with children

who attend a school with a year-round or balanced calendar. Although the basic alternating weekend parenting time schedule was maintained, the Guidelines were clarified to provide that there may be occasions when one parent will have parenting time with the child three weekends in a row due to a holiday. The Christmas vacation schedule was revised to present a much more readable format, designating alternating halves of the entire holiday with each parent and omitting New Year's Eve and Day as separate holidays under the Guidelines. Martin Luther King Day and President's Day were added as holidays if observed by the school, and Fall Break was added as a holiday.

## *Parallel Parenting Section Added*

An entirely new section was added on Parallel Parenting for "high conflict parents." A parallel parenting order strictly limits communication between high conflict parents, and "...each parent makes day-to-day decisions about the child while the child is with each parent." It is a deviation from the other sections of the Parenting Time Guidelines. The trial court must enter a written explanation for use of parallel parenting and indicate why the deviation is needed. A hearing to review the parallel parenting order must occur at least every 180 days. The Guidelines provide a model order for parallel parenting as an appendix.