

Local Rule 25

STANDARD VISITATION DEFINED

25. (A) In any domestic relations case, barring otherwise extraordinary circumstances, where the parties live within approximately 100 miles of each other, if the parties cannot agree to a visitation schedule, it shall be the standard visitation order of this Court that the non-residential parent shall have visitation as follows:

(1) (1) Alternate weekends from Friday evening at 6:00 p.m. until Sunday evening at 6:00 p.m.

(2) The children and/or the residential parent have no duty to await the visiting parent for more than one hour of the visitation time. A parent late more than one hour shall forfeit that visitation period, unless the non-residential parent is notified by the residential parent that visitation cannot be exercised at the scheduled time and a mutually agreeable alternate date is set.

(3) For the purpose of visitation there are seven (7) holidays to be divided between the parents:

(1) New Year's Day

(2) The child's birthday

(3) Easter

(4) Memorial Day

(5) July 4th

(6) Labor Day

(7) Thanksgiving

(a) In the odd-numbered years (i.e. 1991) the residential parent shall have the children on the odd-numbered holidays (left column), and the non-residential parent shall have visitation on the even-numbered holidays (right column).

(b) In the even-numbered years (i.e. 1992) the non-residential parent shall have the odd-numbered holidays and the residential parent the even numbered holidays.

(c) The visitation times for holidays shall be 9:00 a.m. to 8:00 p.m. for children ten years of age or less and 9:00 to 9:00 p.m. for children eleven years of age or older on the day of the holiday unless other-wise agreed. When the non-residential parent's holiday falls on a Monday, and that Monday holiday immediately follows his/her alternate weekend, the visiting parent shall be entitled to keep the children continuously from 6:00 p.m. Friday until 6:00 p.m. Monday. If there is more than one minor child, the hour of return shall be the hour of the youngest child, unless otherwise agreed.

(4) Each year at Christmas time the residential parent shall have the children on Christmas Day and the non-residential parent shall have the children from 1:00 p.m. to 9:00 p.m. on Christmas Eve. The non-residential parent also shall have the children from December 26th, at 9:00 a.m. through December 31st, at 4:00 p.m. when it is not his/her year to have New Year's Day or from December 26th, at 9:00 a.m. to January 1st, at 8:00 p.m. for children ten years of age or less and 9:00 a.m. to 9:00 p.m. for children eleven years of age or older when it is his/her holiday to have the New Year's Day holiday.

(5) On Mother's Day and Father's Day no matter whose turn for visitation, the children shall be with the appropriate parent on those days. The hours for those days shall be from 9:00 a.m. to 6:00 p.m.

(6) A four-week (28 day) visitation each summer. The residential parent shall not be required to make up alternate weekends missed by the non-residential parent due to the residential parent's out-of-town vacation so long as no more than two such alternate weekends are missed. The parties shall agree to the time of summer vacation and shall give consideration to vacation plans for the parties and the summer activities of the children. If the parties cannot agree, then summer vacation shall be the four weeks preceding one full calendar week prior to starting school.

(7) The above standard of visitation is intended to apply to parents who live within approximately 100 miles of each other. It is assumed that parents who live further than 100 miles from each other can apply to the Court for a different visitation schedule.

(8) Each parent shall keep the other parent advised of his/her current address and any phone number

at all times, and if one parent changes his/her current address or phone number, he/she shall notify the other parent of the change by certified mail prior to the change.

(9) The non-residential parent shall be permitted to telephone the children and speak with the children without interference by the residential parent at least once per week.

(10) During the weekdays between weekend visitation, the non-residential parent will be granted visitation in the amount of no less than three hours during one afternoon or evening. The hour of return shall be no later than 8:00 p.m. for children ten years of age or less, and no later than 9:00 p.m. for children eleven years or older. If there is more than one child, the hour of return shall be the hour for the youngest child, unless otherwise agreed.

(11) Visitation is for the mutual benefit of the non-residential parent and child/children. The non-residential parent will not allow his or her visitation rights to interfere with normal and usual activities of the child/children. Visitation is intended to enhance the childhood experience, not to detract from it, and both the residential and non-residential parents shall conduct themselves in such a way as to assure the fulfillment of this intent.

25. (B) A Bill of Rights for Children is adopted and will be considered as part of this rule. The Visitation Rules for Fair Play are also included with these rules.

(Effective April 15, 1992)