

Appendix J

<b>STATE OF TENNESSEE</b>	<b>COURT</b> <i>(Must be completed)</i>	<b>COUNTY</b> <i>(Must be completed)</i>
<b>PERMANENT PARENTING PLAN ORDER</b>		FILE No. _____ <i>(Must be completed)</i>
<input type="checkbox"/> PROPOSED <input type="checkbox"/> AGREED <input type="checkbox"/> ORDERED BY THE COURT		DIVISION _____
<b>PLAINTIFF</b> <i>(Name: First, Middle, Last)</i> _____		<b>DEFENDANT</b> <i>(Name: First, Middle, Last)</i> _____
<input type="checkbox"/> Mother <input type="checkbox"/> Father		<input type="checkbox"/> Mother <input type="checkbox"/> Father

*The mother and father will behave with each other and each child so as to provide a loving, stable, consistent and nurturing relationship with the child even though they are divorced. They will not speak badly of each other or the members of the family of the other parent. They will encourage each child to continue to love the other parent and be comfortable in both families.*

This plan                       is a new plan.  
     modifies an existing Parenting Plan dated \_\_\_\_\_.  
     modifies an existing Order dated \_\_\_\_\_.

Child's Name	Date of Birth

**I. RESIDENTIAL PARENTING SCHEDULE**

**A. RESIDENTIAL TIME WITH EACH PARENT**

The Primary Residential Parent is \_\_\_\_\_

Under the schedule set forth below, each parent will spend the following number of days with the children:

Mother \_\_\_\_\_ days                      Father \_\_\_\_\_ days

**B. DAY-TO-DAY SCHEDULE**

The  mother  father shall have responsibility for the care of the child or children except at the following times when the other parent shall have responsibility:

From \_\_\_\_\_ to \_\_\_\_\_  
*Day and Time*                      *Day and Time*

every week     every other week     other: \_\_\_\_\_.

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The other parent shall also have responsibility for the care of the child or children at the additional parenting times specified below:

From \_\_\_\_\_ to \_\_\_\_\_  
Day and Time Day and Time

every week  every other week  other: \_\_\_\_\_.

This parenting schedule begins  \_\_\_\_\_ **or**  date of the Court's Order.  
Day and Time

**C. HOLIDAY SCHEDULE AND OTHER SCHOOL FREE DAYS**

Indicate if child or children will be with parent in ODD or EVEN numbered years or EVERY year:

	<b>MOTHER</b>	<b>FATHER</b>
New Year's Day	_____	_____
Martin Luther King Day	_____	_____
Presidents' Day	_____	_____
Easter Day (unless otherwise coinciding with Spring Vacation)	_____	_____
Passover Day (unless otherwise coinciding with Spring Vacation)	_____	_____
Mother's Day	_____	_____
Memorial Day (if no school)	_____	_____
Father's Day	_____	_____
July 4 <sup>th</sup>	_____	_____
Labor Day	_____	_____
Halloween	_____	_____
Thanksgiving Day & Friday	_____	_____
Children's Birthdays	_____	_____
Other School-Free Days	_____	_____
Mother's Birthday	_____	_____
Father's Birthday	_____	_____
Other:	_____	_____

A holiday shall begin at 6:00 p.m. on the night preceding the holiday and end at 6:00 p.m. the night of the holiday, unless otherwise noted here \_\_\_\_\_.

**D. FALL VACATION (If applicable)**

The day to day schedule shall apply except as follows: \_\_\_\_\_  
 \_\_\_\_\_ beginning \_\_\_\_\_.

**E. WINTER (CHRISTMAS) VACATION**

The  mother  father shall have the child or children for the first period from the day and time school is dismissed until December \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  in odd-numbered years  in even-numbered years  every year. The other parent will have the child or children for the second period from the day and time indicated above until 6:00 p.m. on the evening before school resumes. The parties shall alternate the first and second periods each year.

Other agreement of the parents: \_\_\_\_\_

**F. SPRING VACATION** *(If applicable)*

The day-to-day schedule shall apply except as follows: \_\_\_\_\_

\_\_\_\_\_ beginning \_\_\_\_\_.

**G. SUMMER VACATION**

The day-to-day schedule shall apply except as follows: \_\_\_\_\_

\_\_\_\_\_ beginning \_\_\_\_\_.

Is written notice required?  Yes  No. If so, \_\_\_\_\_ number of days.

**H. TRANSPORTATION ARRANGEMENTS**

The place of meeting for the exchange of the child or children shall be: \_\_\_\_\_

Payment of long distance transportation costs *(if applicable)*:  mother  father  both equally.

Other arrangements: \_\_\_\_\_.

If a parent does not possess a valid driver's license, he or she must make reasonable transportation arrangements to protect the child or children while in the care of that parent.

**I. SUPERVISION OF PARENTING TIME** *(If applicable)*

**Check if applicable**

Supervised parenting time shall apply during the day-to-day schedule as follows:

Place: \_\_\_\_\_.

Person or organization supervising: \_\_\_\_\_.

Responsibility for cost, if any:  mother  father  both equally.

**J. OTHER**

The following special provisions apply :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**II. DECISION-MAKING**

**A. DAY-TO-DAY DECISIONS**

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with that parent, including any emergency decisions affecting the health or safety of a child.

**B. MAJOR DECISIONS**

Major decisions regarding each child shall be made as follows:

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- Educational decisions                     mother     father     joint
- Non-emergency health care             mother     father     joint
- Religious upbringing                     mother     father     joint
- Extracurricular activities               mother     father     joint
- \_\_\_\_\_                                       mother     father     joint

**III. FINANCIAL SUPPORT**

**A. CHILD SUPPORT**

Father's gross monthly income is \$ \_\_\_\_\_  
Mother's gross monthly income is \$ \_\_\_\_\_

1. The final child support order is as follows:
  - a. The  mother  father shall pay to the other parent as regular child support the sum of \$ \_\_\_\_\_  weekly  monthly  twice per month  every two weeks. **The Child Support Worksheet shall be attached to this Order as an Exhibit.\***

If this is a deviation from the Child Support Guidelines, explain why:  
\_\_\_\_\_

2. Retroactive Support: A judgment is hereby awarded in the amount of \$ \_\_\_\_\_ to  mother  father against the child support payor representing retroactive support required under Section 1240-2-4.06 of the D.H.S. Income Shares Child Support Guidelines dating from \_\_\_\_\_ which shall be paid (including pre/post judgment interest) at the rate of \$ \_\_\_\_\_ per  week  month  twice per month  every two weeks until the judgment is paid in full.

3. Payments shall begin on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

This support shall be paid:

- directly to the other parent.
- to the Central Child Support Receiving Unit, P. O. Box 305200, Nashville, Tennessee 37229, and sent from there to the other parent at: \_\_\_\_\_  
A Wage Assignment Order is attached to this Parenting Plan.
- by direct deposit to the other parent at \_\_\_\_\_ Bank for deposit in account no. \_\_\_\_\_.
- other: \_\_\_\_\_.

The parents acknowledge that court approval must be obtained before child support can be reduced or modified.

\*Child Support Worksheet can be found on DHS website at <http://www.state.tn.us/humanserv/is/incomeshares.htm> or at your local child support offices.

**B. FEDERAL INCOME TAX EXEMPTION\***

The  mother  father is the parent receiving child support.

\* NOTE: The child support schedule assumptions in the guidelines (1240-2-4-.03 (6)(b) ) assume that the parent receiving the child support will get the tax exemptions for the child.

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The Mother shall claim the following children: \_\_\_\_\_

The Father shall claim the following children: \_\_\_\_\_

The  mother  father may claim the exemptions for the child or children so long as child support payments are current by the claiming parent on January 15 of the year when the return is due. The exemptions may be claimed in:  alternate years starting \_\_\_\_\_  
 each year  other: \_\_\_\_\_.

The  mother  father will furnish IRS Form 8332 to the parent entitled to the exemption by February 15 of the year the tax return is due.

**C. PROOF OF INCOME AND WORK-RELATED CHILD CARE EXPENSES**

Each parent shall send proof of income to the other parent for the prior calendar year as follows:

- IRS Forms W-2 and 1099 shall be sent to the other parent on or before February 15.
- A copy of his or her federal income tax return shall be sent to the other parent on or before April 15 or any later date when it is due because of an extension of time for filing.
- The completed form required by the Department of Human Services shall be sent to the Department on or before the date the federal income tax return is due by the parent paying child support. *This requirement applies only if a parent is receiving benefits from the Department for a child.*

The parent paying work-related child care expenses shall send proof of expenses to the other parent for the prior calendar year and an estimate for the next calendar year, on or before February 15.

**D. HEALTH AND DENTAL INSURANCE**

Reasonable health insurance on the child or children will be:

- maintained by the mother
- maintained by the father
- maintained by both

Proof of continuing coverage shall be furnished to the other parent annually or as coverage changes. The parent maintaining coverage shall authorize the other parent to consult with the insurance carrier regarding the coverage in effect.

Uncovered reasonable and necessary medical expenses, which may include but is not limited to, deductibles or co-payments, eyeglasses, contact lens, routine annual physicals, and counseling will be paid by  mother  father  pro rata in accordance with their incomes. After insurance has paid its portion, the parent receiving the bill will send it to the other parent within ten days. The other parent will pay his or her share within 30 days of receipt of the bill.

If available through work, the  mother  father shall maintain dental, orthodontic, and optical insurance on the minor child or children.

**E. LIFE INSURANCE**

If agreed upon by the parties, the  mother  father  both shall insure his/her own life in the minimum amount of \$ \_\_\_\_\_ by whole life or term insurance. Until the child

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support obligation has been completed, each policy shall name the child/children as sole irrevocable primary beneficiary, with the  other parent  other \_\_\_\_\_, as trustee for the benefit of the child(ren), to serve without bond or accounting.

**IV. PRIMARY RESIDENTIAL PARENT (CUSTODIAN) FOR OTHER LEGAL PURPOSES**

The child or children are scheduled to reside the majority of the time with the  mother  father. This parent is designated as the primary residential parent also known as the custodian, **SOLELY** for purposes of any other applicable state and federal laws. If the parents are listed in Section II as joint decision-makers, then, for purposes of obtaining health or other insurance, they shall be considered to be joint custodians. THIS DESIGNATION DOES NOT AFFECT EITHER PARENT’S RIGHTS OR RESPONSIBILITIES UNDER THIS PARENTING PLAN.

**V. DISAGREEMENTS OR MODIFICATION OF PLAN**

Should the parents disagree about this Parenting Plan or wish to modify it, they must make a good faith effort to resolve the issue by the process selected below before returning to Court. *Except for financial support issues including child support, health and dental insurance, uncovered medical and dental expenses, and life insurance*, disputes must be submitted to:

- Mediation by a neutral party chosen by the parents or the Court.
- Arbitration by a neutral party selected by parents or the Court.
- The Court DUE TO ORDER OF PROTECTION OR RESTRICTIONS.

The costs of this process may be determined by the alternative dispute process or may be assessed by the Court based upon the incomes of the parents. It must be commenced by notifying the other parent and the Court by  written request  certified mail  other: \_\_\_\_\_.

In the dispute resolution process:

- A. Preference shall be given to carrying out this Parenting Plan.
- B. The parents shall use the process to resolve disputes relating to implementation of the Plan.
- C. A written record shall be prepared of any agreement reached, and it shall be provided to each parent.
- D. If the Court finds that a parent willfully failed to appear without good reason, the Court, upon motion, may award attorney fees and financial sanctions to the prevailing parent.

**VI. RIGHTS OF PARENTS**

Under T.C.A. § 36-6-101 of Tennessee law, both parents are entitled to the following rights:

- (1) The right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable durations;
- (2) The right to send mail to the child which the other parent shall not open or censor;
- (3) The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of the child;
- (4) The right to receive directly from the child’s school any school records customarily made available to parents. (The school may require a written request

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which includes a current mailing address and upon payment of reasonable costs of duplicating.) These include copies of the child's report cards, attendance records, names of teachers, class schedules, and standardized test scores;

- (5) Unless otherwise provided by law, the right to receive copies of the child's medical health or other treatment records directly from the physician or health care provider who provided treatment or health care. (The keeper of the records may require a written request which contains a current mailing address and the payment of reasonable costs of duplication.) No person who receives the mailing address of a parent as a result of this requirement shall provide such address to the other parent or a third person;
- (6) The right to be free of unwarranted derogatory remarks made about the parent or his or her family by the other parent to the child or in the presence of the child;
- (7) The right to be given at least forty-eight (48) hours notice, whenever possible, of all extra-curricular activities, and the opportunity to participate or observe them. These include the following: school activities, athletic activities, church activities and other activities where parental participation or observation would be appropriate;
- (8) The right to receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency;
- (9) The right to access and participation in education on the same basis that is provided to all parents. This includes the right of access to the child for lunch and other activities. However participation or access must be reasonable and not interfere with day-to-day operations or with the child's educational performance.

**VII. NOTICE REGARDING PARENTAL RELOCATION**

The Tennessee statute (T.C.A. § 36-6-108) which governs the notice to be given in connection with the relocation of a parent reads in pertinent part as follows:

If a parent who is spending intervals of time with a child desires to relocate outside the state or more than one hundred (100) miles from the other parent within the state, the relocating parent shall send a notice to the other parent at the other parent's last known address by registered or certified mail. Unless excused by the court for exigent circumstances, the notice shall be mailed not later than sixty (60) days prior to the move. The notice shall contain the following:

- (1) Statement of intent to move;
- (2) Location of proposed new residence;
- (3) Reasons for proposed relocation; and
- (4) Statement that the other parent may file a petition in opposition to the move within thirty (30) days of receipt of the notice.

**VIII. PARENT EDUCATION CLASS**

This requirement has been fulfilled by  both parents  mother  father  neither.  
Failure to attend the parent education class within 60 days of this order is punishable by contempt.

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**Under penalty of perjury, we declare that this plan has been proposed in good faith and is in the best interest of each minor child and that the statements herein and on the attached child support worksheets are true and correct. (A notary public is**

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**required if this is a proposed plan by one parent rather than one agreed by both parents.)**

\_\_\_\_\_  
Mother Date and Place Signed

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires: \_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Father Date and Place Signed

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires: \_\_\_\_\_  
Notary Public

**APPROVED FOR ENTRY:**

\_\_\_\_\_  
*Attorney for Mother*

\_\_\_\_\_  
*Attorney for Father*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Phone and BPR Number*

\_\_\_\_\_  
*Phone and BPR Number*

*Note: The judge or chancellor may sign below or, instead, sign a Final Decree or a separate Order incorporating this plan.*

**COURT COSTS (If applicable)**

Court costs, if any, are taxed as follows:

\_\_\_\_\_.

It is so ORDERED this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge or Chancellor