

APPENDIX 29.2A: JOINT CUSTODY PLAN – WITH DOMICILIARY PARENT

(NOTE: This plan contains suggested language only. It may be modified as each court sees fit.)

_____ JUDICIAL DISTRICT COURT
VERSUS DOCKET NO. _____
_____ PARISH, LOUISIANA

JOINT CUSTODY PLAN – WITH DOMICILIARY PARENT

The following *Joint Custody Plan* is ordered by the court in accordance with the court’s written reasons/oral reasons issued on _____, in the above-captioned and numbered proceeding.

As used herein, the term “parent” refers to a natural or biological parent of the child(ren) or to a person named by the court as a custodian of the child(ren).

Full Name of Parents:	Relationship to Child(ren):

Full Name of Child(ren):	Date of Birth:

Accordingly, IT IS ORDERED, ADJUDGED AND DECREED that:

The parents shall exchange information concerning the health, education, and welfare of the child(ren) and shall confer with one another in exercising decision-making authority. *See* La. R.S. 9:336. After conferring, the domiciliary parent shall have the authority to make all final decisions affecting the child(ren) unless this *Joint Custody Plan* provides otherwise. All major decisions made by the domiciliary parent concerning the child(ren) shall be subject to review by the court upon the motion of the other parent. It shall be presumed that all major decisions made by the domiciliary parent are in the best interest of the child(ren). *See* La. R.S. 9:335(B)(3).

A. CUSTODY

_____ and _____ are awarded joint custody of the child(ren).

_____ is named the domiciliary parent and _____ as the non-domiciliary parent.

1. School Year Custodial Schedule

During the school year, the non-domiciliary parent shall have custodial periods with the child(ren) as follows:

The domiciliary parent shall have physical custody of the child(ren) at all times not specifically allocated to the non-domiciliary parent herein.

2. Summer Custodial Schedule

During the summer months, the parents shall enjoy custodial periods with the child(ren) as follows:

3. Holiday Custodial Schedule

The parents shall alternate or share the physical custody of the child(ren) for the following holiday periods:

Notwithstanding the foregoing, the child(ren) shall spend every Mother's Day weekend with their MOTHER, and shall spend every Father's Day weekend with their FATHER. In addition, the child(ren) shall spend every mother's birthday with their MOTHER, and shall spend every father's birthday with their FATHER.

In the event a holiday consists of a Monday, such as Martin Luther King Day, Memorial Day, Independence Day, Labor Day, etc., the parent having custody of the child(ren) for the weekend immediately preceding the holiday shall also have custody of the child(ren) through the holiday, and if the child(ren) are to be returned to the custody of the other parent, it shall be at the usual time and location.

It is specifically understood and agreed that the holiday and Mother's Day/Father's Day custodial periods shall supersede the regular custodial periods of the parents set forth above.

4. Vacation Custodial Schedule

Both parties shall have vacation options with the children each year. They shall notify each other in writing of their vacation plans a minimum of 30 days prior to departure. The party giving written notice first shall have first priority to dates selected. Each shall provide the other with a basic itinerary to include travel dates, destinations, and a telephone number for emergency purposes. Travel is not necessary for a party to spend vacation time with the children; "staycations" are allowed.

During each calendar year, each party shall be entitled to enjoy up to fourteen (14) vacation days with the children, to be taken in increments of up to ____ days at a time.

Except for said period(s), the regular parenting time provided elsewhere herein, shall continue as though it had never been interrupted.

Neither party may take a vacation with the children which requires that the children miss any amount of school or which interferes with the enjoyment of a specified holiday or special occasion parenting time of the other party, without the agreement of the other party.

B. OUT-OF-STATE/OUT-OF-TOWN TRAVEL

Either parent may be away from home overnight with the child(ren). However, that parent shall notify the other parent at least forty-eight (48) hours in advance, if practicable, of the name and location where the parent and child(ren) will be lodging and a telephone number where the parent and/or child(ren) can be reached.

In the event either parent will be away from their regular place of residence without the children for twenty-four (24) hours or longer while the child(ren) are scheduled to be in the physical custody of said parent, that parent shall offer the other parent the right to care for the child(ren) should the occasion arise. In the event the other parent not enjoying the physical custody of the child(ren) cannot care for the child(ren), the parent with physical custody shall arrange for an appropriate caregiver. In such an event, the other parent shall be advised in advance of the location of the child(ren) and a telephone number where the child(ren) can be reached.

C. RIGHT OF ACCESS AND INFORMATION

When one parent is exercising physical custody of the child(ren), the other parent shall have the right of access by telephone at reasonable times and intervals.

The parents are to communicate concerning all factors affecting the health, education and welfare of the child(ren). Cost of long distance communication shall be borne by the parent initiating same. The parents are encouraged to consult with each other by telephone or by correspondence such as e-mail, texting, and/or social media if personal conferences are impractical in an effort to mutually agree in regard to the general health, welfare, education, and development of the child(ren) in order that they may mutually adopt a harmonious policy in rearing the child(ren).

The child(ren) shall have complete and full access to communication with each parent. No communication shall be intercepted, censored, or monitored unless ordered by the court. Neither parent shall restrict the right of the other parent without physical custody to reasonable telephone access and communication with the child(ren) during reasonable hours.

All information regarding school, report cards, conferences, trips, functions, meetings, etc., shall be furnished to the other parent as either parent receives the same.

All medical and other information regarding the child(ren)'s health and welfare shall be furnished to the other parent as either parent receives the same.

The parents shall not communicate through the child(ren), or third parties, or use the child(ren) because they refuse to communicate.

Either parent shall be entitled to immediate access from third parties of records and information pertaining to the child(ren), without permission from the other, including but not limited to, medical, dental, health, and school, psychological and educational records.

Unless otherwise ordered by the court, each party shall always keep the other informed of his/her actual address of residence, mailing address if different, business address, e-mail address, home, work, and cellular telephone numbers, and of any changes to same within twenty-four hours of such change occurring.

D. MEDICAL AND DENTAL

As the domiciliary parent, _____, shall have the authority to decide which health care providers shall treat the child(ren) for conditions of a non-emergency nature after first conferring with the non-domiciliary parent. The domiciliary parent shall advise the non-domiciliary parent of the name, address and telephone numbers of the health care providers that are to be utilized to treat the child(ren). Each parent shall inform the other as soon as practicable as to any emergency medical or dental treatment of the child(ren), as well as routine doctor and dental appointments. Spouses and significant others shall/shall not (circle one) be present at doctor and dental appointments.

In the event the non-domiciliary parent does not agree to the medical or dental care and treatment of the child(ren) that is of a non-emergency nature, he/she may only prevent the medical or dental care and treatment by filing a rule to show cause with the court.

The parent who fills prescription medication for the child(ren) shall transfer said medication to the other parent at the time the child(ren) are exchanged. Prescription medication shall be returned to the other parent with the child(ren) at the end of each parent's custodial period. The child(ren) shall be given medication as directed, i.e., the prescribed dosage at the appropriate intervals.

Pursuant to La. R.S. 9:351, each parent is entitled to access to all medical, dental, and treatment records and information pertaining to the child(ren), which shall not be denied to a parent solely because the requesting parent is not the child(ren)'s custodial or domiciliary parent.

Unless otherwise ordered by the court, reimbursements due for medical expenses incurred shall be handled as follows:

- a. The parents shall take full advantage of any health related benefits offered by any present and/or future employer of the parent providing primary insurance coverage, even if an employee contribution is required or medical services are provided by a predefined network of health care providers, in order to provide maximum coverage for the child(ren). Absent an emergency, and in the event that either parent fails to take advantage of the health insurance benefits provided by the insurer, the other parent's financial obligation for the uninsured medical expenses of the child(ren) shall be limited to that which would have been incurred through utilization of the predetermined network of providers;
- b. Any request for reimbursement of medical expenses shall be made in writing with supporting documents within _____ days of the incurred expenses. The parent responsible for reimbursement shall pay or provide in writing his/her valid objections to reimbursement within _____ days;
- c. Any parent receiving an Explanation of Benefits (EOB) shall provide a copy to the other parent within thirty (30) days of receipt of the EOB; and
- d. A Qualified Medical Support Order shall be executed by the parents.

E. SCHOOLING AND EXTRACURRICULAR ACTIVITIES

The child(ren) shall attend the school district as selected by the domiciliary parent if: (1) after conferring, the parties cannot agree, and (2) the decision is in accordance with applicable school board policy.

All extracurricular activities of the child(ren) that will impact the custodial period of the other parent shall be by mutual agreement, which shall not be unreasonably withheld. Each of the parents shall maintain the extracurricular activities of the child(ren) while in his or her physical custody.

F. RESIDENCE AND CHANGE OF RESIDENCE OF THE CHILD(REN)

The principal residence of the child(ren) shall be (full street address required): _____

If there is intent to establish the principal residence of the child(ren) at any location outside the state for a period of sixty days or more, not including a temporary absence from the principal residence, the parents shall follow the provisions of R.S. 9:355.1, *et seq.*

If there is an intent to establish the principal residence of the child(ren) at any location within the state that is at a distance of more than seventy-five miles from the principal residence of the child(ren) set forth above, the parents shall follow the provisions of R.S. 9:355.1, *et seq.*

G. TRANSPORTATION

In exercising joint custody, the parents shall exchange physical custody of the child(ren) as follows: _____

Each parent is responsible for transporting the child(ren) to school, extracurricular activities, medical and dental appointments, etc., when the child(ren) are in his or her care.

Neither parent shall allow the child(ren) to ride in a motor vehicle unless the driver has a valid driver's license, automobile insurance, seatbelts, and child safety seats as required by Louisiana law.

Neither parent shall be required to wait more than fifteen minutes after the scheduled exchange time for the other parent to arrive, unless the parent has called to advise of the length of the delay which shall not exceed thirty minutes.

H. TUTORSHIP

The parents shall enjoy the natural co-tutorship of the child(ren) in accordance with Articles 250 and 258 of the Louisiana Civil Code, except as limited herein.

I. PROPERTY OF THE CHILD(REN)

The parents shall have administration of the property of the child(ren) as provided by Article 4262 of the Louisiana Code of Civil Procedure.

J. ACUTE ILLNESS

In the event of a serious acute illness, each parent shall afford reasonable visitation to the other upon request.

K. GENERAL PROVISIONS

1. Neither parent shall attempt, nor condone any attempt, directly or indirectly, by any artifice or subterfuge whatsoever, to estrange the child(ren) from the other parent, or to injure or impair the mutual love and affection of the child(ren) and the other parent. At all times the parents shall encourage and foster in the child(ren) a sincere respect and affection for both parents, and shall not hamper the natural development of the child(ren)'s love and respect for the other parent. Neither parent nor other persons shall speak about the other parent or the other parent's family in a derogatory fashion, or refer to them in vulgar, insulting or disparaging terms in the presence of the child(ren). Further, neither parent nor other persons shall discuss any pending or past litigation with the child(ren) or involve the child(ren) in adult issues if at all possible.

2. The parents shall not use any type of illegal drugs or substances which are prohibited by law, or use mind-altering substances, or abuse alcohol or prescription medications, or consume alcoholic beverages in violation of the law when the child(ren) are in their physical custody. At no time shall either parent allow the child(ren) to be in the presence of any person using any type of illegal drugs or substances which are prohibited by law, using mind-altering substances, abusing alcohol or prescription medications, or consuming alcoholic beverages in violation of the law when the child(ren) are in their physical custody.

3. Neither parent shall allow the child(ren) to refer to a stepparent or significant other by a name that is traditionally used to refer to a parent, i.e., mom/dad, mother/father, mama/daddy, etc.

4. In a non-shared physical custody arrangement, each parent shall transfer to the other sufficient wardrobe for the child(ren), considering the season, as well as school-related items. Any wardrobe transferred shall be returned to the transferring parent at the next exchange of custody.

5. Each parent has the right to attend the child(ren)'s extracurricular functions and to communicate with the child(ren) at such functions.

6. Either parent may have physical custody of the child(ren) at such other times as are mutually agreed upon by both parents. Each parent is to maintain sufficient flexibility to allow for variations made necessary by the ebb and flow of social, educational and recreational life.

SIGNED in _____ at _____, Louisiana,
this _____ day of _____, 20____.

DISTRICT JUDGE