

**SAINT REGIS MOHAWK TRIBAL COURTS
IN AND FOR THE SAINT REGIS MOHAWK TRIBE**

In re:

Children:

Petitioner:

and

Respondent:

Case No. _____

PARENTING PLAN

- PROPOSED**
- TEMPORARY**
- FINAL ORDER**

This parenting plan is proposed by:

- MOTHER**
- FATHER**
- OTHER:** _____

I. GENERAL INFORMATION

This Parenting Plan applies to the following children:

<u>Name</u>	<u>Age and Date of Birth</u>

II. VISITATION SCHEDULE

The Visitation Schedule must set forth where the child(ren) shall reside each day of the year, including provisions for holidays, birthday of family members, vacations and other special occasions, and what contact the child(ren) shall have with each parent. Parents are encouraged to create a Visitation Schedule that meets the development needs of the child(ren) and individual needs of their family. Paragraphs A through I are one way to write your Visitation Schedule. If you do not use these paragraphs, write in your own schedule in Paragraph K.

A. SCHEDULE FOR CHILDREN UNDER SCHOOL AGE:

There are no children under school age.

Prior to enrollment in school, the child(ren) shall reside with: Mother Father, except for the following days and times when the child(ren) will reside with or be with the other parent:

From _____ (day and time) To _____ (day and time)

Every week Every other week The first and third week of the month

The second and fourth week of the month. Other: _____

From _____ (day and time) To _____ (day and time)

Every week Every other week The first and third week of the month.

The second and fourth week of the month. Other: _____

B. SCHOOL SCHEDULE:

Upon enrollment in school, the child(ren) shall reside with the: Mother Father, except for the following days and times when the child(ren) will reside with or be with the other parent:

From _____ (day and time) To _____ (day and time)

Every week Every other week The first and third week of the month

The second and fourth week of the month Other: _____

From _____ (day and time) To _____ (day and time)

Every week Every other week The first and third week of the month

The second and fourth week of the month Other: _____

The school schedule will start when each child begins: Kindergarten First grade Other:

C. SCHEDULE FOR WINTER VACATION:

The child(ren) shall reside with the: Mother Father during winter vacation, except for the following days and times when the child(ren) will reside with or be with the other parent:

From _____ (day and time) To _____ (day and time)

Every week Every other week The first and third week of the month

The second and fourth week of the month Other: _____

From _____ (day and time) To _____ (day and time)

Every week Every other week The first and third week of the month

The second and fourth week of the month Other: _____

D. SCHEDULE FOR SPRING VACATION:

The child(ren) shall reside with the: Mother Father during spring vacation, except for the following days and times when the child(ren) will reside with or be with the other parent:

From _____ (day and time) To _____ (day and time)

From _____ (day and time) To _____ (day and time)

E. SUMMER SCHEDULE:

Upon completion of the school year, the child(ren) shall reside with the: Mother Father, except for the following days and times when the child(ren) will reside with or be with the other parent:

Same as school year schedule.

Other: _____

F. VACATION WITH PARENTS:

Does not apply.

The schedule for vacation with parents is as follows: _____

G. SCHEDULE FOR HOLIDAYS:

The visitation schedule for the child(ren) for the holidays listed below is as follows:

HOLIDAY	WITH MOTHER <i>Specify Year (Odd/Even/Every)</i>	WITH FATHER <i>Specify Year (Odd/Even/Every)</i>
New Year's Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Martin Luther King Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
President's Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Easter	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Mother's Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Memorial Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Father's Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Independence Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Labor Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Indigenous People's Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Veteran's Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Thanksgiving Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Christmas Eve	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Christmas Day	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every

For the purposes of this Parenting Plan, a holiday shall begin, and end as follows (set forth times):

Holidays which fall on a Friday, or a Monday shall include Saturday and Sunday.

Other: _____

H. SCHEDULE FOR SPECIAL OCCASIONS:

The visitation schedule for the child(ren) for the following special occasions (for example, birthdays, ceremonies, baptisms, etc.) is as follows (*use blank boxes to specify occasions*):

SPECIAL OCCASION	WITH MOTHER <i>(Specify Odd/Even/Every Year)</i>	WITH FATHER <i>(Specify Odd/Even/Every Year)</i>
Child's Birthday	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Mother's Birthday	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
Father's Birthday	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every
	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every	<input type="checkbox"/> Odd; <input type="checkbox"/> Even; <input type="checkbox"/> Every

I. PRIORITIES UNDER THE VISITATION SCHEDULE:

Does not apply.

If the Visitation Schedule, Paragraphs A through H results in conflict where the children are scheduled to be with both parents at the same time, the conflict shall be resolved by priority given as follows:

Rank the order of priority, with 1 (one) being given the highest priority:

____ School Schedule	____ Spring vacation
____ Vacation with parent	____ Special occasions
____ Winter vacation	____ Summer schedule
____ Holidays	

Other: _____

J. DESIGNATION OF PHYSICAL CUSTODIAN:

The child(ren) named in this parenting plan are scheduled to reside the majority of the time with the:

Mother Father. This parent is designated the *custodian* of the child(ren) for purposes of all statutes of the Saint Regis Mohawk Tribe. This designation shall not affect either parent’s rights and responsibilities under this Parent Plan.

K. RESTRICTIONS:

Shall the non-custodial parent’s visitation time with the child(ren) be limited because there are *limiting factors* in the BASIS FOR RESTRICTIONS section? Yes No. If **yes**, the following restrictions shall apply when the child(ren) spend time with this parent:

There are *limiting factors* in the BASIS FOR RESTRICTION section such as OTHER FACTORS, but there are no restrictions on the non-custodial parent’s visitation time with the children for the following reasons:

L. TRANSPORTATION ARRANGEMENTS:

- Transportation costs are included in the Order of Child Support and should not be included here.
- Transportation arrangements for the child(ren), between parents shall be as follows:

M. OTHER:

N. NOTICE REQUIREMENTS AND STANDARDS FOR PARENTAL RELOCATION:

If the person with whom the child resides a majority of the time plans to move, that person shall give *notice* to every person entitled to Court ordered time with the child. If information is protected under a Court order, it may be withheld from the *notice*. A relocating person may ask the Court to waive any *notice* requirements that may put the health and safety of a person or a child at risk. Failure to give the required *notice* may be grounds for *sanctions*, including *contempt*. A person entitled to time with a child under a Court order can file an objection to the *child’s relocation* whether or not he or she received proper *notice*. The *objection* must be served on all persons entitled to time with the child. The **relocating** person shall not move the child during the time for objection unless: (a) the delayed *notice* provisions apply; or (b) a Court order allows the move.

III. DECISION MAKING

A. DAY-TO-DAY DECISIONS.

Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. Regardless of the allocation of decision making in this Parenting Plan, either parent may make emergency decisions affecting the health or safety of the children.

B. LEGAL CUSTODY / MAJOR DECISIONS:

Major decisions regarding each child shall be made as follows -

Education decisions	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
Non-emergency health care	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
Religious upbringing	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint

C. RESTRICTIONS ON LEGAL CUSTODY / DECISION MAKING:

- Does not apply because there are no limiting factors in the BASIS FOR RESTRICTIONS section.
- Sole Legal Custody / decision making shall be ordered to the: Mother Father for the following reasons:
 - A limitation on the other parent’s decision-making authority is mandated by one of the reasons listed in the BASIS FOR RESTRICTIONS section.
 - Both parents are opposed to mutual decision making.
 - One (1) parent is opposed to mutual decision making, and such opposition is reasonably based on the following criteria:
 - a. The existence of a limitation in the BASIS FOR RESTRICTIONS section.
 - b. The history of participation of each parent in decision making.
 - c. Whether the parents have demonstrated ability and desire to cooperate with one another in decision making; and,
 - d. The parent’s geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

There are limiting factors in the BASIS FOR RESTRICTIONS, OTHER section, but there are no restrictions on mutual decision making for the following reasons: _____

DISPUTE RESOLUTION:

The purpose of this dispute resolution process is to resolve disagreements about carrying out this Parenting Plan. This dispute resolution process may, and under the provisions of the plan must, be used before filing a petition to modify the plan or a motion for contempt for failing to follow the plan.

Disputes between the parties, other than child support disputes, shall be submitted to (list person or agency):

Counseling by _____, or

Mediation by _____, or

Arbitration by _____,

As determined in the dispute resolution process.

The counseling, mediation or arbitration process shall be commenced by notifying the other party by: Written request Certified mail Other: _____

In the dispute resolution process:

- a. Preference shall be given to carrying out this Parenting Plan.
- b. Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.
- c. A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party.
- d. If the Court finds that a parent has used or frustrated the dispute resolution process without good reason, the Court shall award attorneys' fees and financial sanctions to the other parent.
- e. The parties have the right of review from the dispute resolution process to the SMRT Tribal Court of Appeals.
- f. No dispute resolution process, except by court action.

OTHER PROVISIONS:

There are no other provisions.

These are the following other provisions: _____

DECLARATION FOR PROPOSED PARENTING PLAN:

Does not apply.

(Only sign *if* this is a proposed Parenting Plan.) I declare under penalty of perjury under the laws of the Saint Regis Mohawk Tribe that this plan has been proposed in good faith and that the statements in the BASIS FOR RESTRICTIONS section of this plan are true and correct.

Mother Signature

Date and Place of Signature

Father Signature

Date and Place of Signature

**State of New York
Territory of Akwesasne**

Notary

Date: _____

Location: _____

I verify that the above named persons signed this petition before me on this ____ day of _____, 20 ____.

Commission Number: _____

Commission Expires: _____

Notary Public Signature: _____

ORDER BY THE COURT:

It is **ORDERED, ADJUDGED AND DECREED** that the Parenting Plan set forth above is adopted and approved as an order of this Court.

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process. If parent fails to comply with a provision of this plan, the other parent’s obligations under the plan are not affected.

Dated this _____ day of _____, 20 ____.

Judge