



**ARE YOUR DUCKS LINED UP?  
KEYS TO A SUCCESSFUL PARENTING PLAN**

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## Introduction

During and after divorce, parents must carefully consider how to share parenting responsibilities and the needs of children. This concept *sounds* obvious, as few parents would openly admit the needs of the kids are low on the priority list. Unfortunately, divorce is often accompanied by stress, anger, resentment and other emotions that can cloud decision making and cause some loving parents to forget what priority number one is. Sometimes, parents become stuck in their own positions and forget about rule numero uno...

### Key Point No. 1

**Your focus should be on the  
best interests of your children.**

*If you just keep this one, simple rule in mind when considering your parenting plan, your kids should be just fine.*

The goal of this somewhat concise E-Book is to help parents develop a workable parenting plan for now and the future that will meet the needs of the re-formatted family unit. This E-Book is not intended to serve as legal advice. You should consult with an experienced divorce attorney in your jurisdiction for legal advice related to your specific situation.

Also, this E-Book is not written for couples that have experienced domestic violence or other safety issues. Some of the tips may be helpful, but those situations may require special attention.

Well, let's get started.

## Just What Is a Parenting Plan?

If you are separated, think about parenting duties when you lived with your spouse (if you were married) and things were perhaps less tense. What worked? Did you share



responsibilities such as driving kids to soccer or dance lessons? Who helped with homework? How did you reach decisions about selecting medical professionals or setting rules? Maybe there was conflict around these issues or maybe things went smoothly.

Either way, you already had a parenting plan during the marriage. Most couples that are together don't refer to it as a formal plan, but it is there. Your parenting arrangements may not have worked out that well. Maybe one parent has a super-demanding job while the other felt that he or she needed more help with the kids. Whatever it is, consider your present predicament as an opportunity to make some improvements in the parenting of your 1.85 children - the average number of children under the age of 18 per household according to Massachusetts census data. Your exact number of children may vary.

A parenting plan involves more than just legal custody, and addresses items such as:

- Where the children will live
- How the parents will make decisions
- When and how children will spend time with their parents and others
- Meeting the children's medical, educational, physical, and religious needs
- Expenses related to the children
- Dispute resolution and making changes to the plan

Another important point to remember is that you know your children better than anyone else. Better than any divorce lawyer or judge. If possible, work with your spouse to reach decisions surrounding parenting. You have a common goal, right? Parents that turn over decision-making to the courts oftentimes BOTH end up unhappy.

***Avoid a custody war like a tweet from a politician!***

Litigation is costly, and not only to your bank account. Some parents think that a process such as divorce mediation will not work for them and that an all-out battle is the best course of action. Take it

from someone who has worked with divorcing couples for many years - custody battles stink. When parents end up in a messy custody case, it hurts the children and you will probably not recover so that you can parent effectively with your ex. Even if you win, you and your kids



may lose in other ways. Think of something really stressful, now multiply it by 100 times. That is how you will probably feel during a custody war.

Some people do benefit from custody battles. Lawyers. Yes, I *am* one - but be careful of any lawyer that seems too anxious to fight out custody and parenting issues instead of trying to reach an agreement. Besides the expense of big legal fees, consider the toll that the emotional roller coaster and stress may cause, ranging to problems focusing at work to physical health problems.

Conflict between parents is the worst thing for kids before, during and after divorce. In my opinion, most divorce lawyers do not enjoy litigating custody disputes.

We know what it can do and have witnessed the after-effects. Sometimes there is no other choice, but such cases are not the norm.

This brings us to us to our next key point:

**Key Point No. 2**  
**Work together as parents to keep control of**  
**decision making whenever possible.**  
**Avoid the custody battle!**

### **Focused - Yet Flexible - The Building Blocks of Your Parenting Plan**

Whether I am working with a couple as their [divorce or family mediator](#) or as their lawyer, Parenting Plans are not engraved upon granite tablets. There is a reason for this, besides the fact that it would be really heavy. Parenting plans change. Kids get older. Schedules need adjusting, hockey or summer camp expenses increase, your daughter gets diagnosed with a learning disability and needs to have some special education arrangements made that involve a new school twice as far away.

Before working out the details of your parenting plan, honestly assess the relationship between yourself and the other parent. To be successful, you will have to push aside feelings of frustration and try to trust each other for the benefit of the kids. It this easy? No, but you can do it - just like thousands of other couples.

Especially in the early stages, things between you and your spouse or the other parent may be tense. One or both parents may feel depressed, may lash out, or display some other unflattering traits.



As the months go by, remember that things usually settle down as people transition out of the marriage or other relationship.

Parenting is different than the adult relationship you had that did not work out. That fact is not an excuse not to be a loving and supportive mom or dad.

Other goals of a parenting plan are to reduce conflict between parents, and to encourage supporting, loving relationships between the children and both parents. Kids do not only worry about their own needs. Kids fear losing contact with one or both parents and they worry about Mom and Dad, or whatever combination of folks make up the family.

Sometimes, it may be tempting to blame the other parent or undermine the relationship between a child and the other parent. Don't put your kids in that position. Help your kids with the transitions they are facing in a supportive way. And now, to our next Key Point!

### **Key Point #3**

**Keep your relationship baggage away from parenting issues.**

**Strive to become "cooperative colleagues."**

### **Sidebar on Communications**

If things are particularly cranky between you and the other parent, cooperation will obviously more of a challenge. You don't need to be a divorce lawyer to figure that one out.

Believe it or not, couples can improve their communications with some effort, breaking out of those toxic patterns. By working with a dynamic mediator or within the framework of the collaborative law process, you and your spouse can learn to communicate in a respectful way to each other. It may take some practice and you will experience some bumps along the way, but don't assume the way you communicate right now will be the status quo.



## Core Elements of the Parenting Plan

Here are some of the main issues that should be addressed in a comprehensive parenting plan:

### *1. Where Will the Children Live?*

First, do not feel constrained by what you see on television, or what your sister-in-law has for a parenting schedule. There are plenty of options to consider, and sometimes couples fail to consider some of them. I cannot remember how many times I have met people who thought that an “every other weekend” schedule is what they are “supposed” to do.

Will your kids live in one primary residence, or spend time at two different households? After answering these questions, there remains a lot of thinking to do about how much time (approximately) the children will spend at each household. A good goal is to have the children spend as much time as possible with both parents - and that is what is best for them in most circumstances.

There are many scheduling options, and clearly different things work for different families. Generally, school-age children can handle more frequent transitions between homes. Your plan should consider different blocks of time, such as weekends vs. school week time, and whether the base schedule will change when school is not in session, if you have school age kids.

If possible, try to avoid the concept that one parent is the “real” parent and the other is the “visiting” parent. Also, a visiting parent may be viewed as the “fun” parent, while the other parent is enforcing things like homework and piano practice. Beware of projecting your own concerns onto the kids. For example, one parent may not want to share the children with the other parent and could say something like “it is too much back and forth for the kids!” when in reality it may not be.

### *A few words about Dads....*

Research clearly supports the fact that when a father leaves the home and does not maintain a strong relationship with children, children suffer from greater levels of separation anxiety, aggression, low self-esteem, lower grades, and other bad stuff.

More and more families share parenting time about equally (best not to get bogged down in exact percentages). Historically, most people would agree that the legal system was biased towards awarding custody to Moms. Times are changing, however. Some states, including New Hampshire, even assume shared (50/50) custody as the starting point.

#### **Key Point No. 4**

**Construct a plan that allows the children ample quality time with both parents, while avoiding the concept of a “visiting parent”.**

#### **What is Nesting?**

Nesting is an interesting concept, although not very common - at least not around Massachusetts. In a nesting situation, the kids remain in one home, and the parents come and go. When the parents return, they bring back worms for the kids. When not at home with the kids, the other parent needs a place to sleep. This can be at the home of a relative or friend, or sometimes both parents will share the cost of an apartment.

Nesting is oftentimes most appropriate during the initial transition or for infants. It requires a high level of cooperation and mutual respect. Sometimes privacy issues can complicate things.



For an additional resource, I frequently suggest the book *Mom's House, Dad's House* by Dr. Isolina Ricci. There is even a version of the book for kids to read.

## 2. *Holidays, Vacations & Special Events*

Holidays and vacations for many families are a special time filled with happiness, not to mention a smattering of lost luggage, fruitcake and Aunt Edna. But let's stay positive here.

Your family may have long-entrenched family traditions surrounding major holidays. When one person wants to disrupt the status-quo, things can become stressful. Remember that holidays happen *every* year, so stay flexible and do not be afraid to start some new traditions.

To begin, it is a good idea to identify which holidays are most important for the children. Don't forget to think about birthdays. Next, consider some options that have worked for others:

- Alternate spending time with the kids on an even/odd year basis
- Divide longer holiday periods (such as Thanksgiving and the school break) between two parents
- Celebrate the same holiday twice! Kids just appreciate spending time with Mom and Dad and may find this fun.
- Use your new circumstances as a way to get out of holiday activities you never liked anyway!
- Vacations should be addressed, including, how to coordinate the scheduling and planning of vacations.
- For more info on dealing with holidays, [click here to read my earlier blog-post](#) on the subject.

### 3. *Health Insurance*

Insurance. One of life's most exciting topics. I know this to be true since I was an insurance broker. So, what does insurance have to do with your parenting plan?

As you are likely aware, health insurance is expensive, and it benefits the family to have a solid policy in place for everyone. If available, dental and vision insurance should be considered. Frequently, medical insurance is available

to one or both parents through an employer-sponsored plan. In Massachusetts, the cost of the insurance ties into child support, but that is a topic for a different day.



### 4. *Decision-making*

When a parent is with a child, he or she normally makes the day to day parenting decisions. Important decisions such as “you’re NOT wearing that” and “I think you should stop texting now and go for a bike ride.” Remember that while the welfare of the children is most important, decisions do not occur in a vacuum. Take into consideration how any decision will affect the other parent.

Larger decisions should be discussed in advance between parents. Whenever possible, it is best to discuss the issue and attempt to reach an agreement before involving others, such as a mediator or parenting coordinator.

If there is a lot of conflict between parents, more detailed information about decision making may need to be included in a parenting plan.

### 5. *Education*

Do not underestimate the importance of this topic. For families with younger children, your parenting plan should address where the children will go to school. This decision is frequently tied to the living arrangements of the children. In other instances, children

may attend private school, and parents must consider the additional costs and transportation requirements.

Remember to consider the issue of staying notified about school activities, field trips, and performances. Sometimes, the “backpack express” does not work so well with two



homes. Other options include setting up a shared online calendar. Many schools will send out notices by email, so just make sure they are provided both parent’s contact information, which they should have for emergency purposes anyway.

Soon, college will cost 750 billion dollars per semester. A detailed parenting plan should include language about the college selection process and identify how the cost of applications and any standardized tests will be apportioned. Selecting a college or university must take into consideration the desires of the child, and is not a decision that anyone should make unilaterally. Other education costs such as books and the cost of a lap-top computer, now required by many schools, should be addressed. In Massachusetts, details about college is usually contained in a separate section of your divorce agreement.

## *6. Extracurricular Activities*

If you have school-age children, you know extracurricular activities can be expensive. Time spent at sports or musical pursuits can impact a parent’s time with their children, yet are important to a child’s development. These two issues - scheduling and expenses - should be covered in your Parenting Plan. Don’t forget to discuss related issues such as transporting kids to and from activities, and the related expenses for equipment and maintenance.

## 7. *Transportation Requirements*

Kids are always going someplace. Whether to school, practice, a friend's house, doctor's appointment, a secure detention facility, or someplace else, coordinating the transportation of these highly mobile creatures can make you feel like a logistics expert. Now, mix in two households, and your skills with child transport and communications must be finely tuned! Your parenting plan should cover how the transportation is going to be divided, and what happens if someone has a conflict and needs to make a change. Having some back-up is helpful, and parents living in closer proximity to each other will find themselves spending less time on the road.

For parents living far away from each other, this issue will need more attention in your parenting plan.

## 8. *Relocation*

This can be a challenging topic. If one parent wants to move out of the area with the children it will potentially have a large impact on the parenting plan. What if one parent must move for a great job opportunity, yet the other parent wants to stay put?

Unfortunately, such cases (often referred to as "removal" cases) can be difficult. Some parents are able to reach agreement when such a situation arises, but other families may require court intervention.

## 9. *Dispute Resolution*

No matter how well you and your ex get along, you will encounter some disagreements. This is not anything to worry about, so long as you can try to reach a reasonable resolution. But what happens when you cannot get on the same parenting page?



*This is one way to transport the kids, but as they get older this option becomes less attractive.*

There are several options for resolving disagreements. Oftentimes agreements will have a number of steps illustrating how parents will attempt to resolve the conflict.

Steps range from having a simple meeting, to using a mediator or parenting coordinator, arbitration, and eventually involving attorneys and the courts if necessary. Unless it is an urgent matter, spending time to resolve the issue in a less-adversarial way has a number of benefits.

### **10. Other Issues**

Parenting Plans come in different shapes and sizes, just like families. Many other areas can be covered in your own Parenting Plan, including:

- Child care arrangements & providers
- Ways to improve transition times
- Sharing information
- Telephone contact between parents and children, and both parents
- Grandparents, relatives, and important friends
- Introduction of new significant others

#### **Key Point No. 5**

All families are unique, and your parenting plan should reflect this. Don't be afraid to be creative and try different things in order to see what works!

### **Don't Badmouth the Other Parent**

One of the quickest ways to create problems with your parenting plan and upset your children and your ex is to criticize the other parent or their new partner in front of the



children. In Massachusetts, there is often a “Non-Disparagement Clause” contained in most parenting plans, and thus incorporated into final divorce agreements.

Children should not hear negative comments (or read them) about the other parent. The parent criticizing the other parent weakens the child’s relationship, and the

message to kids is that they must not express love or admiration for the other parent in that home. Disparaging the other parent actually backfires, as a child will oftentimes grow to resent the disparaging parent for speaking poorly about their other parent.

Besides being harmful to children, if you are the parent making the negative comments, it makes you look like a jerk. Don’t trash your former spouse on Facebook, during parties, or at your kid’s school. This behavior is also not at all appreciated by Judges, so should you have to explain yourself in court at a custody modification hearing, it will probably not be a good day.

### **Key Point No. 6**

Don’t disparage the other parent in front of the children or publicly. It makes you look resentful and is generally unflattering.

### **Conclusion**

As you can see, there is a lot more to Parenting Plans than you might have originally considered. By working with an experienced divorce attorney or mediator, you will have the help you need to develop a Parenting Plan that aligns with the needs of your specific situation and that everyone can live with.

## About the Author



[Stephen McDonough](#) is a Massachusetts divorce lawyer and mediator. He is the owner of the Massachusetts family law firm, *The Divorce Collaborative LLC*. Before graduating from law school, he served as a police officer for over 12 years. Steve is an experienced mediator and collaborative attorney, and suggests clients consider a less adversarial approach to resolving their family law conflict whenever possible before heading to court.

Steve is frequently invited to speak to other lawyers and mediators, and has recently presented to the Massachusetts Collaborative Law Council and a number of other professional groups. For additional information and to read what some former clients are saying, please visit his profile on the attorney website, [AVVO](#). Steve resides in Norfolk, MA with his family and is also an accomplished percussionist.

## About The Divorce Collaborative LLC

TDC is a divorce and family law firm with offices in Bedford and Franklin, Massachusetts. As you might guess from the name of the firm, TDC does not dabble in divorce and family law - it is their single focus.

The staff at The Divorce Collaborative takes a highly personalized approach to the practice of family law. Their experienced and caring team of professionals devotes all the time necessary to gain a thorough understanding of client's greatest concerns and most important goals. Then, we explain the options in clear, easy-to-understand language, without all the legal jargon. We serve as the bridge that makes the transition as efficient and stress-free as possible, while still helping you achieve your objectives in the areas of child support, custody, alimony and other family law matters. Please call for more information or to set up a consultation.