

# In Tennessee, a Parenting Plan is part of a divorce or custody battle



Are you in a custody battle or getting a divorce? There is now a law to help make divorce and custody easier on the children. This law says divorce or custody isn't final until there is a written parenting plan. It reminds parents that the most important part of a family is the children.

## What is a parenting plan?



A parenting plan is part of your final divorce or custody order. It says what each parent will do for the children. It says how you will make decisions about the children. It says how parenting time will be divided between the parents.

Writing a parenting plan can help you work together for the good of your children. Parents usually must agree on some things until their children are adults. Making things clear in the plan can cut down on arguing later.

## Who needs a parenting plan?

All parents who divorce after January 1, 2001 must have a written parenting plan.

What if you divorced before January 1, 2001? You only need a parenting plan if you make changes in your child custody or visitation.

Parenting plans are also needed in custody battles in Juvenile Court.

**Divorcing? Both parents must go to a class on children and divorce. Custody battle? The court may order you to go to a parenting class.**

As part of the plan, both parents **MUST** go to this class. You don't have to go at the same time. In the class, you learn how divorce affects children and how you can help them. You also learn how to work with the other parent to raise your child after the divorce.

Classes will be held in your area several times each month. You must attend a class OK'd by the Court to get credit for going. Your lawyer will help you find one. If you don't have a lawyer, ask the Court Clerk for a list of classes. It is up to you to contact the class leader and sign up. You may have to pay for the class. If you can't afford to pay, tell the leader. You may get to go for free. Or you may have to pay only part of the cost.

## Writing the parenting plan

You will need a copy of the **parenting plan papers**. Your lawyer will give you the papers and help you with them. What if you are filing for divorce or custody without a lawyer? You can get the papers on the internet at <http://www.tsc.state.tn.us>. At the top of the web page, in the red bar, click on "Forms and Publications." Then click on "Court Forms." This will take you to a new page. Then click on "Parenting Plan Forms." Then pick the language and kind of form you want by clicking on its name.

What if the other parent files for custody or divorce? What happens while you are waiting for the Court to OK a Parenting Plan? The Court may OK a temporary schedule.

It will say when each parent will spend time with the children. This will last until the final custody hearing. Then you will get a permanent plan.

On the parenting plan papers, you say what each parent will do for the children. You say when the children will stay with each parent, including holidays, vacations, and birthdays. You say how much child support will be paid. You say how you will decide about the children's medical care, education and religion. You say how you will handle future fights about the children.



## What if you two can't agree on the long-term parenting plan?



The Judge may order you go to **mediation** together. This may help you agree on a temporary plan and a long-term plan. In mediation, a trained person tries to help you make a parenting plan

you can agree on. The mediator is not a Judge. The mediator does not give legal advice. The mediator can't make you agree unless you want to.

**What if you can't afford mediation?** You **MUST** tell the Judge. You may get mediation for free if you can't pay. Or the Judge may decide you only have to pay part of the cost. Or, the Judge may decide you don't have to go to mediation. But, only the Judge can decide about mediation.

### Has the other parent ever hit, threatened or bullied you?

Be sure and tell the Judge. You can ask the Judge to not make you go to mediation. You will **NOT** have to go unless you want to. If you **DO** want to go to mediation, there are special rules to help you.

## What if you still can't agree?

Then both parents write down a plan and give it to the Judge. The Judge can choose one of the plans or write a new one. Try to do everything your parenting plan says. If you don't, the Judge can send you to jail for 10 days each time.

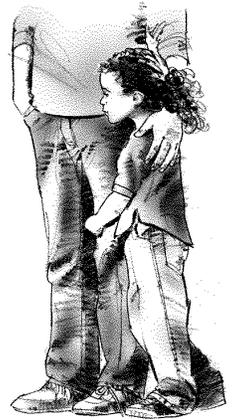
## How do you change your current parenting plan?

It depends on what your current plan says. Some plans just say you must go back to Court. Other plans say you must go to mediation first to try and agree. Then you go to Court for the Judge to OK the new plan. In Court, you must show the Judge that something important has changed. **AND** that because of this, the parenting plan needs to change. You must show how changing the parenting plan is best for the children.

## What do these words mean?

The parenting plan papers have some new words. Here is what they mean:

- **Parenting responsibilities** mean your duties as a parent. These duties include making decisions and caring for your child. It means feeding and clothing your child and helping to pay for what the child needs. It means making sure your child is safe and feels secure. It means deciding about the child's medical care, education and religion. It also means deciding what other things the child will do. This includes things like taking piano lessons or playing football.
- **Residential schedule** means when the child stays with each parent. This includes birthdays, holidays, vacations, and other special times.
- **Temporary parenting plan** says where the child lives until the divorce or custody is final. Some courts want divorcing parents to file a temporary plan.
- **Permanent parenting plan** is a written plan that becomes an order of the court. It says how almost everything about the children will be done after the divorce or custody decision. It includes:
  - Where the children will live
  - When they will spend time with the other parent
  - What each parent has to do
  - How much child support will be paid



**Legal Aid Society**  
of Middle Tennessee & the Cumberland

Working Together. Doing Justice. Restoring Hope.

**1-800-238-1443**

It's a free call.

This pamphlet is not meant to take the place of legal advice. All cases are different and need individual attention.