

# **AUGUSTA JUDICIAL CIRCUIT**

## **DOMESTIC RELATIONS DIVISION**

To: Members of the Bar

From: Sheryl B. Jolly, J. David Roper & Daniel J. Craig

May 27, 2008, revised August 18, 2008

### **Parenting Plans & Revised Child Support Addendum**

**THIS MEMO IS COMPLEX. PLEASE READ THE ENTIRE DOCUMENT.**

#### **Parenting Plans in General**

The attached parenting plans are approved for use in the Augusta Judicial Circuit. Please note that there is no order at the end of the PPs. This is to permit use with separation agreements. Except as provided in "Final Judgment" below, we recommend that you use a PP to cover all custody and visitation issues, and that the PP be incorporated into the separation agreement, if there is one, and the final judgment.

*All of the PPs have revision dates 8-4-08; however, none contains any substantive changes from those published in May 2008. The 8-4-08 revisions are to correct errors found in the previous versions and for clarity.*

#### **Basis Parenting Plan**

We have previously published a generic PP. It has now been revised and we request that, if you need a generic plan, you discard the previous ones and use the Basic Parenting Plan.

#### **Parenting Plan A Long Form**

This PP is modeled after our Visitation Schedule A, but is intended to satisfy all requirements of a PP. Except as shown in the box on the first page, default provisions have been chosen for all options. This does not mean that you cannot choose the other options.

#### **Parenting Plan A Short Form**

*This is the Long Form with all the option removed. Only the default provisions remain. We believe that you will want to use the Short Form as your standard "Schedule A" plan.*

## **Parenting Plan B Long Form**

This PP is modeled after our Visitation Schedule B, but is intended to satisfy all requirements of a PP. Except as shown in the box on the first page, default provisions have been chosen for all options. This does not mean that you cannot choose the other options.

## **Parenting Plan B Short Form**

*This is the Long Form with all the option removed. Only the default provisions remain. We believe that you will want to use the Short Form as your standard "Schedule B" plan.*

## **Additional Provisions for Parenting Plans**

These are for your use, as needed or desired. They have not changed since the May 2008 version.

## **Revised Child Support Addendum**

We have revised (May 2008) our previously approved child support addendum for two reasons: (1) As with the PPs, we have removed the order at the end. This also is to permit use with separation agreements. Except as provided in "Final Judgment" below, we recommend that you use an addendum to cover all child support issues, and that the addendum be incorporated into the separation agreement, if there is one, and the final judgment; and (2) Para 16 has been amended to refer to PP A & PP B, rather than Schedule A & B. The revisions are on Pg 1 (introductory paragraph), Pg 5 (para 16 only), and the last page.

## **Final Judgment**

***Please heed this instruction:*** The final judgment must contain: (a) the names and birth dates of the children; (b) which parties have legal custody, primary physical custody, and visitation (without elaboration); and (c) the amount and frequency of child support.

All other details regarding custody and child support should be contained in the PP and addendum attached to the final judgment.

## **Conflict Provisions**

Please note that the PPs and the addendum provide that conflicts in the documents are resolved in the following order: (1) judgment; (2) PP or addendum; (3) agreement of the parties.

If your separation agreement has a different order, it should be changed to conform to the above order, or the conflicts provision should be removed.

## **Suggested Language for Final Judgment**

### **Custody/Visitation**

The parties have \_\_\_ minor child/children, to-wit: JOHN BLANK, born July 4, 2003, and JANE BLANK, born December 25, 2005. Plaintiff and Defendant shall have joint legal custody of said children. Plaintiff shall have primary physical custody of said children. Defendant shall have visitation with said children. Custody and visitation shall be in accordance with the Parenting Plan (Plans) attached hereto and hereby made a part of this judgment.

### **Child Support**

\_\_\_\_\_ shall pay child support to \_\_\_\_\_ in the amount of \$\_\_\_\_\_ per \_\_\_\_\_ as set forth in the Child Support Addendum attached hereto and hereby made a part of this judgment.

### **Incorporation of Separation Agreement**

The Parenting Plan (Plans) and the Child Support Addendum attached hereto are hereby made a part of this judgment. The parties have entered into a separation agreement dated \_\_\_\_\_ settling various matters relating to the dissolution of their marital relationship. A copy of said agreement is attached hereto. Said agreement is hereby approved by the Court and made a part of this judgment. If any provision of said agreement conflicts with another provision of this judgment, the other provision of this judgment shall control.

### **Compliance**

The parties shall comply with all provisions of this judgment, including the Parenting Plan (Plans), Child Support Addendum and Separation Agreement incorporated herein, and shall perform all acts and execute all documents necessary to effectuate each provision hereof.

### **When PP A & PP B Are Attached**

Option 1 – Mandatory Switch to Plan B Unless Parties Agree Otherwise

Parenting Plan A shall apply unless the distance between the parties' homes is more than \_\_\_\_\_ highway miles, in which case, Parenting Plan B shall apply; provided, however, that the parties may agree to continue to utilize Parenting Plan A.

Option 2 – Noncustodial Parent May Elect PP B

Parenting Plan A shall apply unless the distance between the parties' homes is more than \_\_\_\_\_ highway miles, in which case, Parenting Plan B shall apply, if \_\_\_\_\_ [noncustodial parent] so elects.