

Parenting Time

What happens with parenting time when a court decides paternity?

When a court makes a decision about paternity, the court order is also supposed to have decisions about custody and parenting time.

When the court makes decisions about parenting time, it looks at letting the child and the non-custodial parent to keep up a relationship that is in the best interest of the child. The court should consider the age of the child and the type of relationship the child had with that parent before the legal action began. The court can order a specific schedule for parenting time or leave it very broad and general by calling it “reasonable parenting time.” If the court finds that parenting time is likely to harm the child physically or emotionally, the court can restrict or condition parenting time. Restrictions can be things like:

- making a rule that another adult has to be there to supervise parenting time
- making a rule that the parent has to be sober, or
- limiting the parenting time to a place such as a child safety center where trained individuals are present.

Reasonable Parenting Time

Sometimes the “Judgment and Decree” (court order) states that the parent without custody will have “reasonable parenting time.” The parenting times are not set and the parties must make their own plan for visits. The plan can change from time to time if the parents agree. The parent who has custody has the final decision, but must be fair in allowing parenting time to the non-custodial parent. This works well when both parents get along well enough to plan the visits and set the times. If parents have conflicts, a parenting time schedule is better than “reasonable parenting time.”

Scheduled Parenting Time

If the parents cannot agree, the court may schedule parenting time by court order. For example, parenting time may take place on weekends and holidays, during a part of school vacations and for a longer time during the child's summer vacation. Parenting time can also be during the school week.

You may ask the court to order a law enforcement officer or another person to come along to make sure parenting time rules in the court order are followed. But this is not a permanent solution. If the pick-ups and drop-offs of the child cannot happen safely or as ordered on a regular basis, the court is likely to order a more restrictive exchange plan or location. If law enforcement or another person is needed, the court order needs to say this.

Additional Parenting Time to Provide Childcare

Additional parenting time may be given to the non-custodial parent to provide childcare while the custodial parent is working. This kind of plan has to be fair and in the best interest of the child. In looking at if this additional parenting time/childcare time should be given, the court will look at



1. how well the parents can cooperate
2. methods for solving arguments and about the care of the child and the parents' willingness to use those methods and
3. if there has been domestic abuse between the parties.

Courts cannot lower child support payments because they order this kind of childcare.

Parenting Time Expeditor

The court can appoint a "parenting time expeditor." This expeditor is a neutral person who will help solve problems about parenting time. Expeditors may not be available in all counties. If an agreement is not reached, the expeditor will make the decision. The decision of the parenting time expeditor is "non-binding." This means that the court can change the decision if either party brings a motion asking the court to resolve the dispute. The decision is "binding" (has to be followed) until changed by the court.

If a problem comes up, the expeditor will meet with the parties. The parties may also agree to meet with a mediator, social worker, or someone who can help them reach an agreement. If no agreement is reached, the parties may go back to court.

The court cannot make you have your parenting time problem settled by a parenting time expeditor if

- you claim to be the victim of domestic abuse by the other parent or
- the court finds that you or your child have been physically abused or threatened by the other parent.

You and the other parent will have to pay for the expeditor. The court will decide how much each of you will pay before appointing the expeditor. If you cannot afford to pay the expeditor's fees, and the other parent doesn't agree to pay, your parenting time problem will not be sent to an expeditor.