

**MEMORANDUM
FAMILY COURT OF THE FIFTH CIRCUIT**

JUDGE CALVIN K. MURASHIGE

DATE: 12/29/05

**TO: Family Law Practitioners
Pro Se Parties**

RE: Parenting Plan

Act 244, Session Laws of Hawaii 2005, has mandated that "[f]or every action that includes a contested custody of children, both parties or both parents shall develop either a mutually agreed-upon general parenting plan or separate individually-desired parenting plan and file the plan at the outset of the action."

Effective January 2, 2006, Act 244 (also known as Section 571-46.5, Hawaii Revised Statutes) must be complied with and proposed parenting plans must be filed with the complaint for divorce. Attached is a proposed parenting plan that may be utilized. Please note that Act 244 does not mandate that the attached plan be used; you may submit your own detailed parenting plan provided that the statutory requirements have been complied with.



CHILD SUPPORT ENFORCEMENT AGENCY,
STATE OF HAWAI'I, and

(Name: First, Middle, Last) MOTHER FATHER

PLAINTIFF(S)/PETITIONER(S),

vs.

(Name: First, Middle, Last) MOTHER FATHER CARETAKER

(Name: First, Middle, Last) MOTHER FATHER CARETAKER

and CHILD SUPPORT ENFORCEMENT AGENCY,
STATE OF HAWAI'I

DEFENDANT(S)/RESPONDENT(S).

This document is prepared by:

Plaintiff/Petitioner

Defendant/Respondent

Caretaker/Other*

Attorney for Petitioner/Plaintiff Defendant/Respondent

Name

Address

City, State, Zip Code

Telephone Number

*Relationship of Caretaker/Other to the child(ren):

I will be relocating to _____ on or about _____.
(If you are relocating, file one plan for before relocation and another plan for after relocation.)

This is the plan for before relocation.

This is the plan for after relocation.

1. Child(ren): See attached sheet for additional children.

Full Name	Birth Date	Gender	School/Grade	Is CPS* Involved?
Child 1 _____	_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Child 2 _____	_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Child 3 _____	_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Child 4 _____	_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Child 5 _____	_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Child 6 _____	_____	<input type="checkbox"/> M <input type="checkbox"/> F	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

*CSP stands for Child Protective Services

2. Legal Custody should be awarded to (person(s) making the major decisions, such as, school enrollment, medical, driver's license):

Mother

Father

Jointly to both Mother and Father

Caretaker

3. Physical Custody should be awarded to (the child(ren) will primarily live with this person):

Mother

Father

Jointly to both Mother and Father

Caretaker

(State Pending Time Below*)

* _____ **Joint custody with the child(ren) will be shared between Mother and Father as follows (even if you are suggesting joint custody, you can also use the checklist in Section 5 and 6.):**

_____ .

FOR COURT USE ONLY

4. **Special Concerns:** (i.e. breast-feeding infant, special needs of child(ren) or disability of either parent): _____

_____.

5. **Visitation Schedule:** Father Mother (check one) shall have visitation, which shall commence on (fill in date), as follows:

Reasonable visitation as agreed to by the parties.

Every other weekend Every weekend

from _____ (day of the week) at _____ A.M. P.M.

to (day of the week) _____ at _____ A.M. P.M.

Midweek dinner visits on _____ (days of the week) from _____ P.M. to _____ P.M.

(Note: For Friday and Monday holidays, the child(ren) will stay with the parent who has the child(ren) for that weekend.)

Summer Vacation:

Should be split as agreed to by Father and Mother

Father and Mother shall each have one-half of the summer vacation with alternate weekends to the other parent. The child(ren) should be returned to the custodial parent at least one (1) week prior to the start of school.

Other: _____.

Christmas and New Year's Vacation:

Should be split as agreed to by Father and Mother

Father and Mother shall each have one-half of the Christmas/New Year's vacation.

Other: _____.

Intersession Vacation: (Spring Break and Fall Break):

Each intersession break should be split as agreed to by Father and Mother

Each intersession break should be alternated yearly between Father and Mother.

Father and Mother shall each have one-half each intersession break.

Other: _____.

Child(ren)'s Birthday(s):

The child(ren)'s birthday(s) should be celebrated as agreed to by Father and Mother

A child's birthday will be spent with the parent who has the child on that day.

[] Father [] Mother should have the child(ren) on the child(ren)'s birthday on even-numbered years. The other parent should have the child(ren) on the child(ren)'s birthday on odd-numbered years.

Father and Mother will share the child(ren) for at least half the day on the child(ren)'s birthday.

Other: _____.

Extensive Visitation (if applicable) should be as follows: _____

_____.

Out-of-State Visitation (if applicable) should be as follows: _____

_____.

6. Detailed Holiday Schedule: Some cases work better if more details are listed. Use this as a checklist. You do not have to fill in everything. Anything that is left blank means that the child will spend the day with the parent who has the child on that day. (Note: For Friday and Monday holidays, the child(ren) will stay with the parent who has the child(ren) for that weekend.) Check "M" for Mother and "F" for Father. An example is shaded in gray.

Holiday	Time (put a.m. or p.m.)	Every Year	Even Years	Odd Years
Example Holiday	9 a.m. to 7 p.m.	<input type="checkbox"/> M <input type="checkbox"/> F	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input checked="" type="checkbox"/> F
New Year's Eve		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
New Year's Day		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Martin Luther King, Jr. Day	MONDAY HOLIDAY (see above note)			
President's Day	MONDAY HOLIDAY (see above note)			
Prince Kuhio Day (March 26th)		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Good Friday	FRIDAY HOLIDAY (see above note)			
Memorial Day	MONDAY HOLIDAY (see above note)			
King Kamehameha Day (June 11th)		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Independence Day (July 4th)		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Statehood Day (Admissions)	FRIDAY HOLIDAY (see above note)			
Labor Day	MONDAY HOLIDAY (see above note)			
Veterans' Day (Nov. 11th)		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Thanksgiving Day		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Christmas Eve		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Christmas Day		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Mother's Day		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Father's Day		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Mother's Birthday		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Father's Birthday		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Halloween (Oct. 31st)		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Other:		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F
Other:		<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> M <input type="checkbox"/> F

7. Childcare: These are the arrangements for childcare when I am at work (if you have agreed to joint custody, also state the arrangements of the other parent): _____

8. Parents covering each other:

- If we cannot care for the child(ren) during a time assigned to us, we will ask the other parent to take care of the child(ren) before we ask anybody else.
- It will be up to each parent who they ask for help during their assigned times.

9. Transportation:

- The parent will agree to who can transport the child(ren).
- Only the following people can help the parents with transportation:

10. Communication and Information Sharing:

- The parent without the child(ren) can call the child(ren) (check only one)
 - At reasonable hours OR
 - Everyday from _____ a.m./p.m. to _____ a.m./p.m.
- E-Mail at this address: _____ Other: _____
- Parents will share information with each other
- Parent must get information from the source (e.g., Doctor, school)

11. Supervised Visitation/No visitation: Father Mother

- Will have supervised visitation with the child(ren):
 - at PACT Visitation Center Under the supervision of: _____
 - Will have no visitation.
- (State the reason why supervised or suspended visitation is necessary) _____

12. Modifications to the visitation schedule:

- Any additional visitation or changes to the visitation schedule can be agreed upon by the parents/caretaker with at least 24-hour notice.
- If the non-custodial parent fails to arrive at the appointment time, then the custodial parent/caretaker will wait for _____ minutes before considering the visitation cancelled.
- Other: _____
- No modifications allowed except by a court order.

13. Mediation and Solving Disagreements:

- The parties should mediate any unresolved issues or future disagreements at:
 - The Mediation Center of the Pacific: Other: _____
- Mediation is inappropriate because: Domestic Violence/TRO Other: _____
- Before going to court, the parents will ask the following person to help them solve disagreements: _____

(list name, relationship, address, phone number)

14. Counseling:

List present counselors for:
Mother: _____ Father: _____ Child(ren): _____

Under penalty of perjury, I/we declare that this plan is proposed in good faith and is in the best interest of the child(ren) listed in Section 1.

Print Attorney's Name	Date	Party's Name	Date
Attorney's Signature	Date	Party's Signature	Date