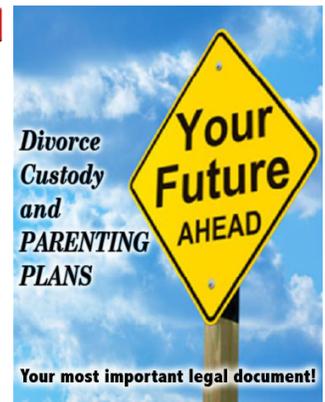


# PARENTING AGREEMENTS AND PLANS:

## Your most important legal document

by Isolina Ricci, Ph.D.

Adapted for Internet readers from *Parenting Plans and Agreements: The Basic Elements, Chapter 12, MOM'S HOUSE, DAD'S HOUSE* (Second Edition), and *THE COPARENTING TOOLKIT, Chapter 11 and 12.*



IN DAYS PAST, it was common to see only one or two sentences about custody and visitation in a marital settlement agreement. For example, "Custody of the minor child will be with the mother with reasonable visitation to the father" or "Custody of the minor child shall be shared between the mother and father." The statements are vague and open to various interpretations. When parents have a long history of cooperation, this absence of detail is not a problem. But conflict and hard feelings are often present (at least some of the time) and the lack of specifics can heighten misunderstandings, alienate the "outside" parent from the child and do little to encourage shared or supportive parenting. To remedy this, I created a process called "developing a Parenting Agreement" that took parents step-by-step through at least 26 different areas of responsibility they could consider for their legal "custody and visitation" agreement.

## HOW IMPORTANT IS A PARENTING AGREEMENT OR PLAN?

**It is the most important legal document parents will have and deserves their deepest respect and greatest efforts.** The process of thinking through these 26 areas of responsibilities usually helps a parent become clearer about his or her role, long-range goals, circumstances and what will work for the child. This can translate into a stronger sense of continuity and security for the child and greater control for parents. Further, parents can probably save a significant amount of money if they can do it themselves.

## IS IT REQUIRED BY THE COURTS?

**Today a permanent and legally binding parenting agreement or plan is required by many courts,** even if you and the other parent have never legally married. The U.S. Commission on Child and Family Welfare recommended that such plans become mandatory in all jurisdictions. Your Agreement or Plan can be a page or two long or five, ten, even twenty pages. It is nearly always filed with the court and incorporated into the court order. The level of detail and thoroughness is up

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to you, but there are certain minimums that courts usually expect you to meet. Many jurisdictions seem to have preferences on what the document is called, and some may have somewhat different requirements on how to finalize it.

### **IS THERE A DIFFERENCE BETWEEN A "PLAN" AND AN "AGREEMENT"?**

**No difference, just different titles.** It is a document, negotiated by the parents (sometimes with help from a mediator or attorney) that explains in detail where their child will live, and how, as parents, they will take responsibility for and make decisions around areas such as health, medical, education, religious training, holidays, vacations, transportation, and support. When this document is signed by the parents and filed with the court, it will have the full force of the law behind it.

The first edition of **MOM'S HOUSE, DAD'S HOUSE** (1980) introduced the Parenting Agreement approach to a national audience. Dr. Ricci had developed the approach in 1974 for her students and clients and then taught it to legal and clinical professionals. Over the years, the use of the Parenting Agreement process along with the term "Parenting Agreement" and more recently, the term "Parenting Plan" has become the standard.

In the latest edition of **MOM'S HOUSE, DAD'S HOUSE** and **VJ G'EQRCTGPVPI 'VQQNMIV**, the Parenting Agreement process is updated and explained in far more detail including standards of conduct, provisions for changing schedules and trading times, revising the plan, evaluating how well the plan works and finally how to use private contracts for such things as shared house rules and safety rules. Sample Plans and clauses are included. In **MOM'S HOUSE, DAD'S HOUSE**, Chapters 13, 14, and 15, readers can learn how to negotiate a Plan by themselves or with the help of a family mediator or attorney. Chapter 15 is a detailed guide for readers who are considering family mediation.

Chapters 11 and 12 in **THE COPARENTING TOOLKIT** have many new examples, more healthy schedules, pros and cons of overnights, and various options for sharing decision-making.

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