

150 Mile Custody Schedule and Parenting Clauses
Of the Twenty-Third Judicial Circuit
(In the event the parents reside more than 150 miles from each other)

1. **CUSTODY SCHEDULE**

a. **Parents are allowed to vary from the Court-ordered custody schedule by mutual agreement. In fact, the Court hopes that parents will be flexible in dealings regarding a child. However, if parents are not both in agreement, the following custody schedule is to be followed. Failure to do so can subject a party to sanctions for contempt of Court.**

b. ***Weekends***

1st and 3rd weekends of each month, from 3:00 p.m. on Friday until 6:00 p.m. on the following Sunday. The *first Friday of a new month is deemed by this Court to be the "first weekend" of that month.* This visitation is subject to the following conditions:

- 1) The visiting parent shall give the other parent at least five days' advance notice of intent to exercise visitation.
- 2) The visiting parent shall bear all costs of transportation attendant to the visitation.
- 3) Parents are encouraged to take into consideration the distance to be traveled, length of visitation, and duration of time between the last visitation period. Further, the parents are to ensure the safe transportation of the child and to ensure that the child is not physically and/or mentally exhausted from extensive or unreasonable travel to the detriment of the child's health, safety and well-being.
- 4) If transportation is being provided by air travel, the parents shall abide by all applicable airline rules and regulations regarding the travel for minor children. In the event airline travel can be accomplished through means of direct flights (as opposed to connecting flights) wherein the visiting and/or custodial parent is not required to travel more than 100 miles from his/her residence to meet a flight, the flights of the children shall be direct. This is to reduce the risk of diverted, cancelled or delayed flights, thereby increasing the risk of stress in such travel.

c. ***Spring Break from School:*** From 3:00 p.m. on the last day of school in session (in the district which the child(ren) reside(s), even if the child(ren) is(are) not in school) until 6:00 p.m. on the day before school starts back at the end of Spring

Break in *even*-numbered years with the custodial parent having the child in *odd*-numbered years, regardless of whether such conflicts with other provisions.

- d. ***Summer:*** For one-half of the child(ren)'s summer break from school, with the non-custodial parent having the child(ren) for the first half during *even*-numbered years, and the second half during *odd*-numbered years, and the custodial parent having the other half not awarded to the non-custodial parent herein. The parent who is not awarded that half of the summer break from school is awarded the weekend visitation described in subparagraph (d) above during the other parent's half of the summer break. In the event the parties cannot agree, summer break from school is from 8:00 a.m. on the Monday following the last day of school until 6:00 p.m. on the last Friday before school resumes.

The parents shall share equally in the reasonable costs of transportation connected with the exercise of the non-custodial parent's summer visitation as follows: the non-custodial parent shall cause the child to be delivered to his or her residence for the beginning of said visit, and the custodial parent shall cause the child to be delivered back to his or her residence at the end of such visitation.

- e. ***Easter Weekend:*** From 3:00 p.m. on Friday of the weekend in which Easter Sunday falls until 6:00 p.m. on Easter Sunday in each *odd*-numbered year, with the custodial parent having the child in *even*-numbered years, regardless of whether such conflicts with other provisions.
- f. ***Thanksgiving Break from School:*** From 3:00 p.m. on the last day of school before the Thanksgiving School Break until 6:00 p.m. on the Sunday following in each *odd*-numbered year, with the custodial parent having the child in *even*-numbered years. This Thanksgiving visitation supersedes the weekend and weekday visitation rights. This visitation shall be subject to the conditions set forth in subparagraphs 1(a) through (d) above.
- g. ***Christmas Break from School:*** In *even*-numbered years, from 9:00 a.m. on the day after the last day of school before the break until 6:00 p.m. on December 26th; *and*, in *odd*-numbered years, from 6:00 p.m. on December 26th until 6:00 p.m. on January 2nd next following, with the custodial parent having the child in *odd*-numbered years, from 9:00 a.m. on the day after the last day of school before the break until 6:00 p.m. on December 26th; *and*, in *even*-numbered years, from 6:00 p.m. on December 26th until 6:00 p.m. on January 2nd next following. This Christmas visitation supersedes the weekend and weekday visitation rights. The parents shall share equally in the reasonable costs of transportation connected with the exercise of this visitation as follows: The non-custodial parent shall cause the child to be delivered to his or her residence for the start of the visit, and the custodial parent shall cause the child to be delivered back to his or her residence at the end of such visitation.

- h. *Child's Birthday:*** In *even*-numbered years, the non-custodial parent shall have visitation on the child's birthday along with the child's siblings, regardless of whether such conflicts with other provisions, with the custodial parent having the child and the child's siblings in *odd*-numbered years. This visitation shall be subject to the conditions set forth in subparagraphs 1(a) through (d) above.
- i. *Father's Day Weekend:*** The father shall have visitation from 3:00 p.m. on Friday of the weekend in which Father's Day falls until 6:00 p.m. on Sunday, regardless of whether such conflicts with other provisions. This visitation shall be subject to the conditions set forth in subparagraphs 1(a) through (d) above.
- j. *Mother's Day Weekend:*** The mother shall have visitation from 3:00 p.m. on Friday of the weekend in which Mother's Day falls until 6:00 p.m. on Sunday, regardless of whether such conflicts with other provisions. This visitation shall be subject to the conditions set forth in subparagraphs 1(a) through (d) above.
- k. *Holidays Falling on a Monday After a Visitation:*** If the Monday after a weekend or holiday weekend (Easter/Thanksgiving/Father's Day/Mother's Day) of visitation is a school holiday for the child, the visitation period shall extend until 6:00 p.m. on that Monday.
- l. *Fall Break from School:*** From 3:00 p.m. on the last day of school in session (in the district which the child(ren) reside(s), even if the child(ren) is(are) not in school) until 6:00 p.m. on the day before school starts back at the end of Fall Break in *even*-numbered years with the custodial parent having the child in *odd*-numbered years, regardless of whether such conflicts with other provisions.

It is the Court's intent that each parent will have one of the school breaks, either Spring or Fall Break, each school year, and shall alternate which break is to be exercised each school year in the event the child(ren) attends school in a system in which both Spring and Fall Breaks are observed.

- m. *Time for Out-of-Town Vacation:*** Notwithstanding the foregoing schedule, both parents shall have the right to take the child(ren) out of town for a vacation for a period not to exceed ten (10) consecutive days during which time the other parent shall not have the visitation/joint custody time otherwise provided for above. No make-up time shall be provided for; provided, however, that the vacation period to be exercised by the custodial parent shall not be allowed during the non-custodial parent's Summer, School Break, Special Occasion, or Holiday periods of visitation. Likewise, the non-custodial parent's Out-of-Town Vacation period shall be scheduled during his or her exercised Summer period of visitation, and shall not be allowed during the custodial parent's School Break, Special Occasion, or Holiday periods with the child(ren). (School Break: Spring Vacation/Fall School Breaks (as specified above); Holidays: Christmas/Thanksgiving School

Breaks/Easter Weekend/"Other School Holidays" (as specified above); Special Occasion: Child(ren)'s Birthday/Mother's Day Weekend/Father's Day Weekend)

- n. The custodial parent shall be entitled to the same holiday and special occasion periods (Christmas/Thanksgiving/Easter/Spring Break/Fall Break) with the child in the years opposite those years designated for visitation with the non-custodial parent, regardless of whether it conflicts with the weekend periods of visitation herein awarded to the non-custodial parent. The special occasion and holiday visitations take precedence over the weekend visitation awarded herein.

2. PARENTING CLAUSES

- a. Both parties shall have reasonable telephone access to the minor children while they are in the physical control of the other parent. The minor children shall also have reasonable telephone access to both parties at reasonable times.
- b. At all times hereafter, each parent shall keep the other informed of the respective business, cellular and home telephone numbers and their respective street address, mailing addresses and electronic mail address unless leave of court is granted. Both parties will make themselves available for direct communications with the other for the purposes of discussion pertaining to the minor children; provided, however, neither parent will harass or burden the other with excessive or abusive telephone calls, or any other such non-productive communication.

Both parents shall refrain from delegating their responsibility of communicating with the other parent to third parties, except in bona fide emergencies, and will at reasonable times and places make themselves available to communicate directly with the other parent pertaining to the needs and interest of the children. If agreed upon by both parents, electronic mail services such as "the Wizard" or "Google calendar" may be used to track communications and share appointments and events between parents.

- c. The parties shall promptly notify each other in the event of serious illness or injury of the minor children.
- d. Both parents shall encourage the minor children to love, respect and honor the other parent. Neither of them shall alienate or attempt to alienate or diminish the affection of the minor children for the other parent, or disparage or allow others to disparage the other parent to or in the presence of the minor children. The parties understand and agree that the designations of "father" and "mother", or similar designations, shall refer to each of them only and not to third parties.
- e. Neither parent shall schedule activities for the minor children which will preclude

the other from having the minor children with him or her at the times and places set forth herein. In the event, however, that it is necessary to schedule activities that may be in conflict with visitation schedules, the parties shall jointly confer and make joint decisions concerning those activities. It shall be the sole responsibility of the parent who is either visiting or has physical custody of the minor children to transport them to those activities. The scheduling of activities shall not be utilized to deprive a noncustodial parent of visitation.

- f.** Both parents shall have equal access to all information concerning the children, including but not limited to medical, dental, and hospital records, school records, report cards, recreational activity records, and other information concerning the minor child(ren). If information is available online, the custodial parent shall provide the non-custodial parent with the information necessary to establish a user name and password for school and extracurricular activities which use online communication as the means of communicating with the parent. In the event that only paper communication is available and duplicate notifications cannot be obtained through the school, should either parent receive a school calendar, parent-teacher conference notice, and/or the report card of the children, the parent receiving such shall provide the other parent with a copy thereof immediately. In event that a parent enrolls a child in a sporting or extracurricular activity, that parent shall provide the same information with regard to the other parent that the parent provides regarding himself or herself.
- g.** The custodial parent shall see to it that the minor children are provided with a sufficient amount of clean clothes to be utilized by them during the noncustodial parent's visitation, and anything needed by the children for school and/or activities, including school books, uniforms, sporting equipment, etc. The non-custodial parent shall, likewise, see to it that all of said clothing and other materials are returned with the minor children after the visitation.
- h.** Both parents agree that they shall discuss and consider the wishes of the other parent in all major decisions to be made regarding the minor children, including but not limited to medical, dental, religious, educational and recreational activities. Provided, however, that in the event of a dispute between the parties, the custodial parent shall make the final decision on any such issue.
- i.** The party in whose care the minor children are then being kept shall be authorized to make and decide medical emergency decisions concerning said minor children. In the event such an emergency medical decision should arise, the party then in physical custody of the children shall notify and consult the other party, as time may reasonably allow, governing any such emergency.
- j.** Neither party shall use illegal drugs, prescription drugs not as prescribed, nor be impaired by the use of alcohol, during any time that a child(ren) of the parties is in his or her care.

- k.** During any period of overnight visitation with and/or exercise of custody of the parties' minor children, neither party shall allow any person to whom he or she is not related by blood or marriage, and with whom he or she is involved in a romantic and/or sexual relationship, to stay overnight in the same place with the parties' children.
- l.** The Court expects children to be insulated to the fullest extent possible from the conflict between their parents. They should not be made to be confidants of a parent, and should be encouraged to love, honor and respect both parents and their respective families. Parents should act accordingly in the presence of the children.
- m.** The Court expects both parents to have the opportunity to attend a child's medical and/or dental appointments, as well as a child's school and extracurricular activities, including parent-teacher conferences, school events, sporting events, etc. A parent scheduling any such appointment or receiving notice of such activities should give the same notice to the other parent as soon as received. Parents shall conduct themselves in a civil and appropriate manner at all such appointments and activities. Contact by the child with both parents at any such activity is encouraged and should be allowed.
- n.** Regardless of the custodial/visitation schedule, a parent shall be allowed to eat lunch with a child at school; provided, however, that all applicable school rules and requirements shall be followed.
- o.** The parent exercising custody and/or visitation overnight on a school night shall be responsible for making sure the child does homework, studies for any tests, and is otherwise prepared for school the next day, and shall be responsible for getting the child to school on time with whatever the child needs for that school day, including, but not limited to, lunch.
- p.** It is the desire of the Court that both parents work together to ensure that a child grows up as happy and well-adjusted as possible. It is important to the Court that a child of divorced parents is made to feel and understand that the divorce is not the child's fault; that just because the parents are divorcing, they are not divorcing the child; that the child has a lot of people who love the child; and that even though the parents will be living in separate homes, the child is still part of a family.
- q.** A parent shall not delegate his or her responsibility for communication with the other parent to a spouse of a parent or any other person unless both parties agree to communicate through the spouse or other person. A parent shall treat the spouse of a parent with the same civility and respect herein requested of a parent. Provided however, a spouse of a parent shall not attempt to interfere in

communications or dealings between a child's parents. A child shall be taught and encouraged by both parents to show respect to a spouse of a parent.

- r. Alabama law requires each party in this action who has either custody of or the right of visitation with a child to notify other parties who have custody of or the right of visitation with a child of any change in his or her address or telephone number, or both, and of any change or proposed change of principal residence and telephone number or numbers of a child. This is a continuing duty and remains in effect as to each child subject to the custody or visitation provisions of this decree until such child reaches the age of majority or become emancipated and for so long as you are entitled to custody of or visitation with a child covered by this order. If there is to be a change of principal residence by you or by a child subject to the custody or visitation provisions of this order, you must provide the following information to each other person who has custody or visitation rights under this decree as follows:
- (a) The intended new residence, including the specific street address, if known.
 - (b) The mailing address, if not the same as the street address.
 - (c) The telephone number or numbers at such residence, if known.
 - (d) If applicable, the name, address, and telephone number of the school to be attended by a child, if known.
 - (e) The date of the intended change of principal residence of a child.
 - (f) A statement of the specific reasons for the proposed change of principal residence of a child, if applicable.
 - (g) A proposal for a revised schedule of custody of or visitation with a child, if any.
 - (h) Unless you are a member of the Armed Forces of the United States of America and are being transferred or relocated pursuant to a non-voluntary order of the government, a warning to the non-relocating person that an objection to the relocation must be made within 30 days of receipt of the notice or the relocation will be permitted.

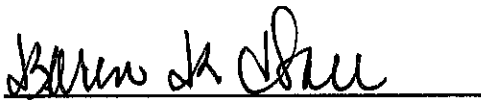
You must give notice by certified mail of the proposed change of principal residence on or before the 45th day before a proposed change of principal residence. If you do not know and cannot reasonably become aware of such information in sufficient time to provide a 45-day notice, you must give such

notice by certified mail not later than the 10th day after the date that you obtain such information.

Your failure to notify other parties entitled to notice of your intent to change the principal residence of a child may be taken into account in a modification of the custody of or visitation with a child.

If you, as the non-relocating party, do not commence an action seeking a temporary or permanent order to prevent the change of principal residence of a child within 30 days after receipt of notice of the intent to change the principal residence of a child, the change of principal residence is authorized.

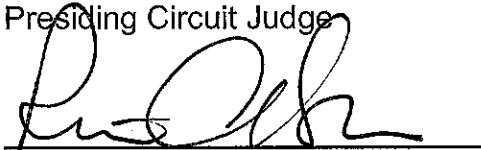
Done this the 30th day of April, 2015.




Honorable Karen K. Hall
Presiding Circuit Judge



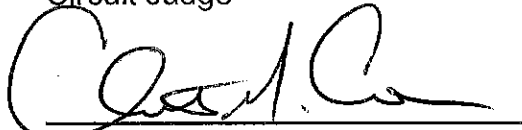
Honorable Dennis E. O'Dell
Circuit Judge



Honorable Ruth Ann Hall
Circuit Judge



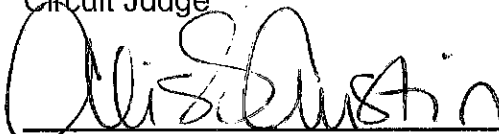
Honorable Donna Pate
Circuit Judge



Honorable Chris Comer
Circuit Judge



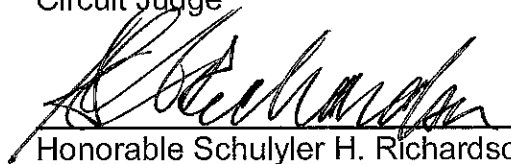
Honorable Alan Mann
Circuit Judge



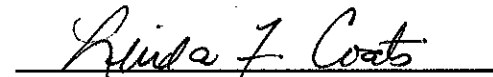
Honorable Alison S. Austin
Circuit Judge



Honorable Claude E. Hundley, III
Presiding District Judge



Honorable Schulyler H. Richardson, III
District Judge



Honorable Linda F. Coats
District Judge



Honorable Patricia Demos
District Judge