

DISTRICT COURT  
OF  
JOHNSON COUNTY, KANSAS  
CIVIL COURT DEPARTMENT  
COURTHOUSE  
OLATHE, KANSAS 66061

*Dear Parent,*

*This pamphlet has been prepared to assist you in understanding the needs of your child or children before, during and after divorce.*

*As you know, a divorce does not terminate or end your child's family. It is a reorganization of their family. Your child is entitled to receive continued love and affection from both of you. If you cooperate and work together, it will greatly facilitate meeting the needs of your child during this difficult time.*

*This pamphlet was prepared by a committee of judges, mental health professionals, and attorneys who have had experience in working with families going through the difficult process of divorce. We hope you find the information helpful.*

*Sincerely,*

*Judges of the District Court*

## **LOVING YOUR CHILD**

You and your spouse are divorcing. This is not the end of your child's family. Your child is entitled to receive continuing love and affection from each of you. Your child is entitled to respond with an expression of love and affection for each of you. Most parents understand this need and desire to cooperate in loving and parenting their child. The purpose of this pamphlet is to assist in this understanding.

## **CHILD CUSTODY AND PARENTING ARRANGEMENTS**

Parents should adopt a parenting plan that clearly and appropriately sets out their rights and responsibilities for their child, as well as the times their child is to spend with each of them. In developing any parenting plan, parents should consider the child's age, needs, and other factors unique to the child. Parents should be aware that a child perceives time differently than adults. Parenting Plans should provide regular and predictable parenting time for both parents and the child. Ideally, a child should not be separated from either parent for more than a few days.

**JOINT LEGAL CUSTODY** is an arrangement where both parents share as equal partners in raising their child. It means that both parents are fit and proper persons to have joint responsibility for the care of their child. The term "joint legal custody" means that both parents have equal rights and responsibilities with their child and that neither parent's rights are superior. In accordance with their joint responsibilities, parents shall consult with each other with respect to major decisions affecting the child and attempt to come to agreement on matters affecting the child. Such major decisions include their child's education, religious training, health and medical decisions (except when an emergency prevents immediate consultation), arrangement for transfers from one parent to another, and other important matters affecting the child. Each parent has the right to inspect and receive medical and educational records.

Both parents have the obligation to jointly adopt a parenting plan where time with the child and responsibility for the child is determined. A plan agreed to by the parents will be considered to be in the child's best interest. Children fare best after divorce when both parents are actively involved in their lives. In joint legal custody, in addition to both parents having responsibility for support, they each have responsibility for discipline, decision-making, guiding, and caring for their child. Joint legal custody gives each parent the opportunity to plan creatively the residential arrangement that is best for their child.

An unworkable marriage does not mean joint parenting will be unsuccessful. However, the adults must be able to focus on their role

as parents, not as ex-spouses. Joint legal custody reflects shared parenting responsibilities for the child, but does not imply specific residential arrangements or equal financial responsibilities for the child.

An alternative to joint legal custody is **SOLE CUSTODY**. This arrangement involves one parent being granted the responsibility and control of all the major decisions for the children, with the other parent granted the right to have time with the child. If the court awards sole custody to one of the parents, the Judge must include on the court record why this arrangement would be in the child's best interest.

## **HOW TO MAKE YOUR ARRANGEMENT A SUCCESS**

Successful parenting plans contain the following components: (1) A commitment to work together as parents to raise the child and the desire to continue to be an active part of each child's life. (2) Recognition of the other parent's importance to your child. Each parent has different skills and assets – when the parenting skills of each parent are combined, your child's needs are more likely to be met. (3) As parents, there must be an ability to communicate civilly about your child's health, education, and welfare. Parents need to be able to discuss the needs of the child and changes in the schedule. (4) Parenting is cooperative, not competitive. Each parent should strive to resolve conflicts as they occur, realizing that your child's needs and your needs may change over time. (5) The arrangement should provide your child with consistency or a routine. It needs to provide continuity for your child, not confusion. (6) There is a need for a shared sense of responsibility for your child in areas such as discipline, finances, and care.

## **PARENTAL CONTACT**

Kansas law provides that both parents are entitled to reasonable contact and time with their child unless the court finds, after a hearing, such contact would seriously endanger the child's physical, mental, moral, or emotional health. Further, the court may modify any order granting or denying contact with the child whenever modification would serve the best interest of the child. Kansas law further recognizes the psychological bonding of children to grandparents and stepparents. The court may grant them special contact with the child.

The court takes the position that children should be **encouraged** to have frequent contact with both parents. Each parent should make every effort to follow through with the scheduled arrangements. Children benefit greatly from having a good relationship with both parents. Time with each parent is the child's right. Reasons which **are not valid** for denying contact include the following:

1. The child is sick (unless the other parent is provided with the specific nature of the illness and is given an opportunity to see the child).
2. The child had to go somewhere else.
3. The child is not home.
4. The other parent is behind in the child support obligation.
5. The child wants to stay home.

6. The parent does not want the child to go.
7. The weather is bad.
8. The child has no clothes to wear.

Every effort should be made to follow the parenting time schedule. Any change in the schedule must be agreed upon by both parents. When disagreements occur regarding arrangements for the child, both parents should make every effort to openly discuss options to resolve disputes and solve problems. If conflicts continue, options such as educational classes, mediation, and counseling should be considered as methods for resolving those conflicts.

## SCHEDULING

Scheduling the time and responsibility you take for your child is not always an easy task. You must consider the uniqueness of your family – this involves several factors: (1) the age of your child; (2) your child’s activities; (3) each parent’s work schedules; and (4) the distance between the two homes.

A schedule should not be a purely mathematical formula. It should be viewed as a new but realistic lifestyle. It requires flexibility, understanding, and a change from old familiar patterns.

Any schedule requires commitment and follow-through. Your child will depend on the time they are scheduled to be with you. As your needs and the needs of your child change, you should re-evaluate the best plan for everyone in the family – especially the child.

For a child younger than school age and for older adolescents, more creativity and flexibility will be necessary. Our court recognizes that each family’s schedule needs to be tailored to its own situation. For your assistance, a framework has been established to start you thinking about the best schedule for your family.

Absent other agreement, the following is suggested as a **minimum** plan for one parent’s parenting time for **children who are ages 37 months and up**. Time not designated for that parent will be time spent with the other parent:

1. **Alternating Weekends.** This period shall begin after school, after daycare or at 5:00 p.m. Friday and continue until 8:00 p.m. on Sunday or until school, day care or 8:00 a.m. (if the child is not in school or day care) on Monday morning. If during the school year, school is not in session on the day before or the day after a weekend, the weekend should be extended to include the additional day. If the extra day is Friday the weekend shall begin on Thursday at 5:00 p. m. If the extra day is a Monday, the weekend shall end on Monday at 8:00 p.m. (unless the weekend normally ends on Monday morning in which case it would end on Tuesday morning).
2. **Weekday Parenting Time.** At least one evening each week (on a day mutually agreed by the parents or, if no agreement, on Wednesday) beginning either after school, after daycare or at 5:00 p.m. in the evening and continuing until 8:00 p.m. that evening or until school, day care or 8:00 a.m. (if the child is not in school or day care) the next morning.
3. **Holiday Parenting Time Schedule.** Absent other agreement, holidays should be shared as follows:

- (A) Spring Break. The parents should consider alternatives to share Spring Break. Spring Break shall begin when school is let out for the extended break (this may include in-service days) and shall continue until the commencement of school (after the extended break and any additional in-service days);
- 1). If the parents do not typically travel for Spring Break, the child should reside with each parent during one-half of the Spring Break. The parent normally having the child during the first weekend of Spring Break shall have the child during the first half of Spring Break.
  - 2). If the parents typically travel for Spring Break, the parents should alternate the weeks of Spring Break with Mother in even-numbered years and with Father in odd-numbered years;
- (B) Mother's Day. The child shall spend Mother's Day from 9:00 a.m. until 8:00 p.m. or until school, day care or 8:00 a.m. Monday (if the child is not in school or day care) with the child's mother;
- (C) Memorial Day. The child shall spend the Memorial Day weekend from Friday immediately after school, after day care or 5:00 p.m. until Monday at 8:00 p.m. or until school, day care or 8:00 a.m. Tuesday (if the child is not in school or day care) with Mother in even-numbered years and with Father during odd-numbered years.
- (D) Father's Day. The child shall spend Father's Day from 9:00 a.m. until 8:00 pm or until school, day care or 8:00 a.m. Monday (if the child is not in school or day care) with the child's father;
- (E) Fourth of July. The child shall spend the Fourth of July holiday from after school, after day care or 5:00 p.m. on July 3 until 8:00 p.m. on July 5 with Mother in even-numbered years and with Father in odd-numbered years.
- (F) Labor Day. The child shall spend Labor Day weekend from Friday immediately after school, after day care or 5:00 p.m. until Monday at 8:00 p.m. or until school, day care or 8:00 a.m. Tuesday (if the child is not in school or day care) with Father in even-numbered years and with Mother in odd-numbered years.
- (G) Halloween. Every effort should be made to share time between the parents every year. In the event parents cannot agree, the child shall spend a minimum of three hours on Halloween evening with Mother during even-numbered years and with Father during odd-numbered years;
- (H) Thanksgiving. The parents shall consider alternatives to share the Thanksgiving holiday:
- a. From after school, after day care or 5:00 p.m. until Friday evening at 5:00 p.m. with Father during even-numbered years and with Mother during odd-numbered years.
  - b. The parent that does not have the holiday shall always have the weekend following Thanksgiving Day; or
  - c. From after school, day care or 5:00 p.m. the day school is dismissed until 8:00 p.m. Sunday or until school, day care or 8:00 a.m. Monday (if the child is not in school or day care) with Father during even-

numbered years and with Mother during odd-numbered years.

- (I) **Winter Break.** The child shall spend from after school, after day care or 5:00 p.m. on the day that school is dismissed for vacation until 10:00 p.m. on December 24 with Father during even-numbered years and with Mother during odd-numbered years. The child shall spend from 10:00 p.m. on December 24 until 8:00 p.m. on December 30 with Mother during even-numbered years and with Father during odd-numbered years.
- (J) **New Year's Eve and New Year's Day.** The child shall spend from December 30 at 8:00 p.m. until 8:00 p.m. on the evening before school resumes or until the beginning of school, day care or 8:00 a.m. on the day school commences with Father during even-numbered years and with Mother during odd-numbered years.
- (K) **Summer Schedule.** The parents shall consult with one another to discuss a schedule for the summer months, which shall be finalized on or before March 1<sup>st</sup> of each year. *The parents should select a summer plan that is appropriate for their unique family. These options are not stated in the order of preference. Some options include:*
1. continuation of the parenting plan that is in effect during the remainder of the year;
  2. two or three extended periods of time with each parent in the months of June, July, and August;
  3. sharing the summer equally with each parent; or
  4. an extended period with one parent from June 10<sup>th</sup> until August 1<sup>st</sup>.
- (L) **Extended Time Periods.** With 30 days advance notice and consultation with the other parent, each parent may arrange to take one annual extended time period with the child for a period of time not exceeding ten (10) consecutive days. Such time shall not be scheduled during the other parent's holiday time and, for school aged children, shall not be scheduled while school is in session absent agreement of the parents. Every effort should be made to not interfere with the other parent's weekend parenting time.

### **SCHEDULING FOR INFANTS**

Absent other agreement, the following is the suggested minimum for one parent's parenting time with **infants (birth to 12 months of age)**. Time not designated for that parent will be time spent with the other parent. *Because infants perceive time differently than adults, parenting time with infants should be on a consistent routine basis, with frequent contact throughout the entire week for generally shorter periods than for older children. Ideally, neither parent should be separated from their infant child for more than three days. If the infant child has older siblings, the parents should agree to a parenting plan that provides for parenting time with each parent as a family unit. It is usually appropriate for the parenting plan to provide a single parenting time schedule for all children in the family.*

1. **Weekday Parenting Time.** Two blocks of not less than three-hours every week (e.g. Tuesday and Thursday from 5:00 p.m. until 8:00 p.m.); and
2. **Weekend Parenting Time.** One block of not less than eight hours every weekend on either Saturday or Sunday; and
3. **Overnights.** If the parents are both regularly involved in providing day-to-day care for the infant child, the parents should consider extending the parenting time to overnights, if appropriate.
4. **Holiday Parenting Time.** Holiday parenting times should be consistent with the regular weekly parenting time throughout the year (i.e., two blocks of three hours and one block of eight hours consistent throughout the week), unless appropriate for the particular family.

## **SCHEDULING FOR TODDLERS**

Absent other agreement, the following is a minimum contact schedule that the court would normally consider to be reasonable for **toddlers (12 months to approximately 36 months of age)**. Time not designated for that parent will be time spent with the other parent. *As children grow older, their needs and abilities will dictate modifications of the parenting plan. It is important to have a gradual transition from one stage to the next in keeping with the individual child's age and maturity. For younger children, separation anxiety and consistency should be the highest criteria in determining access. As the child grows older and becomes more mature the access can be less frequent, longer, but still must be consistent. All research indicates that particularly for young children, consistency of access is more important than frequency. If the toddler child has older siblings, the parents should agree to a parenting plan that provides for parenting time with each parent as a family unit. It is usually appropriate for the parenting plan to provide a single parenting time schedule for all children in the family.*

1. **Weekday Parenting Time.** Two blocks of not less than three-hours every week (e.g. Tuesday and Thursday, 5:00 p.m. to 8:00 p.m.); and
2. **Weekend Parenting Time.** One block of not less than eight hours every weekend on either Saturday or Sunday; and
3. **Overnight Parenting Time.** If both parents have provided regular day-to-day care for their toddler child, they should implement or increase overnight parenting time, considering their toddler's needs, anxiety, the previous history of overnight parenting, and the need for consistent parent-child interactions.
4. **Holiday/Summer Parenting Time.** The parents should, considering the age and maturity of the child, begin to alternate holiday parenting time. If the toddler is spending overnights with both parents, the standard holiday schedule should normally be utilized. If appropriate for the toddler and the family, the parents should consider some extended summer parenting time.

## **SPECIAL CONSIDERATIONS FOR OLDER CHILDREN**

There are special considerations that should be addressed when determining a contact schedule for **older children**. Both parents have the obligation to jointly adopt a parenting plan in which time with

the child and responsibility for the child is determined. With older children, special consideration should be given to the child's school, social, and work schedules as well as the wishes of the older child. Any parenting plan agreed to by the parents should be determined in consultation with the older child and for the older child's overall best interest. The schedule for parenting time should allow the child to have regular and consistent contact with both parents while not unduly limiting or affecting the child's work, school or reasonable social activities. Although the child's wishes and desires should enter into any schedule of parenting time, those wishes are not controlling. The schedule for parenting time should be more flexible and less structured than for children of other ages.

### **SPECIAL CONSIDERATIONS FOR CHILDREN WITH SPECIAL NEEDS**

Special considerations should be given when adopting a parenting plan for a child with special needs, as the schedules recommended herein may conflict with the child's best interests. Any parenting plan agreed to by the parents should be determined in consultation with the child's treating specialist or other court-appointed professionals.

### **OTHER CONSIDERATIONS**

Some **other considerations** in determining a contact schedule:

- a) **Parent's Birthday.** The child shall spend part of the day with the respective parent on that parent's birthday.
- b) **Child's Birthday.** The child shall spend the child's birthday with Father during even-numbered years and with Mother during odd-numbered years. During such years, the child shall spend the day before or the day after the child's birthday with the other parent.
- c) **Conflict Between Weekend and Holiday Parenting Time.** Whenever there is a conflict between weekend and holiday parenting time, the holiday parenting time shall apply. There shall be no adjustment for "missed" weekends due to interruption by holiday parenting time. The parents are, however, encouraged to compensate for missed weekends so that a parent will not go more than two weekends without having weekend parenting time.
- d) **Conflict Between Holiday Parenting Time and Birthday Celebrations.** When there is a conflict between birthday and holiday parenting time, the holiday schedule shall apply. However, the parents should be flexible in allowing the birthday to be celebrated either the weekend before or the weekend after the holiday period.
- e) **Contact With Both Parents.** The child shall be encouraged to have contact with both parents and shall be allowed frequent time with each parent. This includes physical contact, correspondence, telephone conversations, and other means of interaction. Each parent shall make every effort to follow through with the scheduled arrangement.
- f) **Right of First Refusal.** If a parent has scheduled time with the children, it is that parent's responsibility to provide or locate appropriate supervision for the children if the time is to be missed or

rescheduled. Whenever reasonably possible if a parent cannot be with the child during the regularly scheduled parenting time, that parent should give the other parent the opportunity to care for the child instead of hiring babysitters or finding friends or other family members to watch the children. In considering the reasonableness of the situation, the parents should consider the amount of time the parent will be away, the distance between the parents, the age of the children and other factors considered relevant by the parents.

g) Telephone Contact Between Parent and Child. The parent who is not exercising parenting time should have the ability to contact the child at reasonable hours of the day or evening without interference from the other parent – especially on those weekends when that parent is not with the child. The reasonableness of the time is dependent upon the age of the child but should not normally occur after 9:00 p.m. for any child. Absent extraordinary circumstances, a parent should not make repeated phone calls or texts to a child or children on a single day. Attempted phone contact with a child should not be used as an opportunity by either parent to discuss with the other parent issues unrelated to the child. When telephone contact is attempted to be made with the child, the child should have either direct access to the telephone or the telephone should be given directly to the child with a minimal amount of conversation between the parents unless necessary for discussion of matters related to that contact. The parent with whom the child is then with should not refuse to answer the phone, turn off the phone or put a call block on the line in order to deny the other parent telephone contact with the child. If the child is not home when the parent calls, the parent with whom the child is then with should encourage and facilitate a return phone call by the child as soon as is reasonably possible under the circumstances.

h) Mail Contact Between Parent and Child. The parent with whom the child is not then with and the child should have unlimited ability to contact each other by use of either regular United States mail, or electronic mail, if such an account is available. The parent with whom the child is not then with should provide self-addressed stamped envelopes for the child to use.

i) Responsibility for Transportation of Child. Unless otherwise stated in the order or agreed by the parents, it shall be the responsibility of the parent to pick up the child at the beginning of their parenting time. If the shortest distance between the parents' residences exceeds 25 miles one way, the parents should consider other arrangements to share the transportation responsibilities.

j) Notice of Transportation Difficulties. In the event the parent either picking up or dropping off the child is unavoidably detained, for reasons not foreseeable by that parent in advance, that parent shall advise the other as soon as possible of the delay and the expected time of arrival. The parents should be flexible and cooperative in dealing with traffic delays, workplace emergencies, and the like. Each parent should be considerate of the other's plans and endeavor to avoid delays in picking up or dropping off the child whenever possible.

k) Notice of Change in Schedule. Every effort should be made to follow the parenting time schedule. Unless an emergency arises, each parent shall give the other parent at least three days advance notice if he or she is unable to exercise parenting time with the child. Special consideration shall be given in emergency situations to insure that the needs of the child are adequately met. In such situations, the parent unable to spend time with the child is not necessarily entitled to

compensatory or “make-up” time. Any change in the schedule must be agreed upon by both parents.

l) Late Fees. In the event that a parent is late picking up a child from daycare or is otherwise unable to pick up a child at daycare and late pick up fees are assessed, the parent responsible for the late pick up shall also be responsible for the late fees incurred.

m) Current Address and Telephone. Each parent shall supply the other with their current residential and employment address and telephone number and shall advise the other parent of any changes that may occur. Such notice should be made promptly, but in any event, it shall be made in writing within five days before the change or otherwise in compliance with statutory requirements. Each parent should give the other parent a telephone number where that parent can be reached if an emergency situation should arise.

**Comment:** *It is recommended that the agreement or order should specify advising of each parent’s current work address and telephone number. If child support is paid through the District Court Trustee, that office should also be notified of any change in address or telephone number.*

n) Prescription Medication. If the child is prescribed medication by a licensed health care provider, the parent filling the prescription shall see that the child has an adequate supply of medication together with appropriate instructions prior to any transfer to the other parent’s care. The other parent shall be responsible for insuring that the child is given the medication according to the prescription while in that parent’s care.

o) Phase-In of Parent-Child Contact In Certain Cases. Contact between parent and child shall be phased in gradually in cases (such as those under the Kansas Parentage Act) in which a parent seeking contact is not already closely acquainted with the child.

p) Shared Custody Direct Expense Plan. If a family has adopted a parenting plan that includes an equal or nearly equal sharing of the child’s time and direct expenses, the parents must further agree upon a formal method to share and account for the direct expenses of the child.

**Comment:** *Direct expenses include many different expenses incurred on behalf of the child. Direct expenses do include the children’s educational and activity expenses, but do not include food, transportation, housing or utilities. Some common direct expenses are: clothing, school uniforms, sports uniforms, scout uniforms, band instruments, sports fees, sports equipment, school supplies, school tuition, school fees, school lunches, music lessons, tutoring, maintenance for child’s car, fuel for child’s car, insurance for child’s car, testing fees, and field trip fees..*

q) Extra Curricular Activities. The parents shall consult with one another and agree in advance before enrolling the child in any extra curricular activities. The activities include, but are not limited to, sports, music, and dance. It is recommended that if the child is participating in particular activities at the time the agreement or order is entered that those activities be specifically referenced as approved activities. The parents should agree to take the child to his or her activities provided that there is no reasonable schedule conflict that makes participation in the activity on a particular day impractical or impossible.

## **RELIGIOUS HOLIDAYS**

**Christian Religious Holidays.** The following holiday schedule may be followed for families of Christian faith:

- a. Easter Sunday. The child shall spend Easter Sunday (from Saturday night at 6:00 p.m. until Sunday at 7:00 p.m.) with Father during even numbered years and with Mother during odd numbered years.
- b. Christmas. The Christmas Eve and Christmas Day schedule is reflected in the Winter Break schedule set forth in Scheduling.

**Jewish Religious Holidays.** The following holiday schedule may be followed for families of Jewish faith. Unless otherwise stated the holiday should be considered to begin the evening before the holiday and end the evening of the holiday.

- a. Purim. The child shall spend Purim with Mother during even-numbered years and with Father during odd-numbered years.
- b. Rosh Hashanah. The child shall spend Rosh Hashanah with Father during even-numbered years and with Mother during odd-numbered years. The parents should agree upon the definition of the holiday as it may be observed as a single day or over two days depending upon the practices of the family.
- c. Yom Kippur. The child shall spend Yom Kippur with Mother during even-numbered years and with Father during odd-numbered years.
- d. Sukkot. The child shall spend the first day (s) of Sukkot with Father during even-numbered years and with Mother during odd-numbered years. The child shall spend the final day(s) of Sukkot with Mother during even-numbered years and with Father during odd-numbered years. The parents should agree upon the definition of the holiday as it may be observed as a single day or over two days depending upon the practices of the family.
- e. Alternate Nights of Hanukkah. The child shall spend alternate nights of Hanukkah beginning with the first night, with Father having the first night during even-numbered years and with Mother having the first night during odd-numbered year.
- f. The First Night of Passover. The child shall spend the first night of Passover with Father during even-numbered years and with Mother during odd numbered years. The holiday time shall end before the beginning of the second night.
- g. The Second Night of Passover. The child shall spend the second night of Passover with Mother during even numbered years and with Father during odd numbered years. The holiday time shall end at the conclusion of the second day.
- h. Simhat Torah. This holiday should be alternated as set out above for the Sukkot holidays.
- i. Shavuot. The child shall spend the holiday with Father during even-numbered years and with Mother during odd-numbered years. The parents should agree upon the definition of the holiday as it may be observed as a single

day or over two days depending upon the practices of the family.

**Islamic Religious Holidays.** The following holiday schedule may be followed for families of Muslim faith:

- a. Eid al-Fitr. The child shall spend this holiday's celebration with Mother during even-numbered years and with Father during odd-numbered years.
- b. Eid at-Hadr. The child shall spend this holiday's celebration with Mother during odd-numbered years and with Father during even-numbered years.

**Other Religious Holidays.** Religious holidays or celebrations other than those referenced above should be shared or alternated similarly to that provided in the above schedules.

### **NOTIFICATION OF INTENT TO CHANGE CHILD'S RESIDENCE**

Each parent shall give the other written notice by restricted mail, return receipt requested, at his or her last known address not less than thirty (30) days prior to changing the residence of the child or removing the child from the state of Kansas for a period of time in excess of ninety (90) days, as required by K.S.A. 60-1620 as amended.

### **LONG DISTANCE PARENTING.**

When there is a significant geographical distance separating the two parents, the agreement or order shall contain the following:

- a) Regular telephone and/or web cam contact between the child and the distant parent.
- b) Longer period of contact with the distant parent during school holidays.
- c) The possibility of extended summer residency (for school-age children).
- d) The parent with whom the child usually resides shall send school records, school calendars, school photographs, activity schedules, report cards, standardized test results, etc. on a frequent basis to the distant parent. Distant parents should avail themselves of opportunities to obtain information directly through the school websites, e-mail newsletters and the like.

### **PROBLEM-SOLVING**

When disagreements occur regarding arrangements for the child, both parents shall make every effort to openly discuss options to resolve disputes and solve problems. If conflicts continue, options such as educational classes, mediation, and counseling should be considered as methods of resolving those conflicts.

### **SELF HELP**

Even if the other parent has failed to comply with the temporary order or divorce decree, you still have an obligation to comply with the orders of the Court. You should let the Court determine whether the orders are reasonable; don't refuse to obey your agreement just in response to the other parent's actions. For example, don't deny contact in response to a failure to pay support – don't stop paying support in response to problems with contact.

If both parents agree to change the provisions of their separation agreement or divorce decree (or decree of separate maintenance or annulment), the parents must submit an order (also known as a journal entry) to the court for the judge to approve their mutually agreed changes. If the parents do not obtain a court order reflecting the changes they have agreed upon, the Court may be unable to determine whether an agreement was actually agreed upon by the parents. Without an order by the Court approving the terms of the agreement, the prior agreement might not be enforceable.

### **COUNSELING**

The Court may order family or individual counseling by a licensed professional for the purpose of determining what custody or parental arrangements are in the best interests of the parties' child or to assist in the implementation of those arrangements.

### **METAFAMILY COUNSELING**

A successful approach to working with divorcing and stepparent families is metafamily counseling. In this approach, one therapist meets with all family members and is in a better position to provide feedback about relationships and conflicts which exist.

### **MEDIATION**

At times, making joint decisions about your child can be difficult. It is always best for both parents to have open communication and a cooperative spirit when making major decisions involving their child. The best resolutions to any problem will come from you, the parents. In certain situations, parents may need some assistance in decision-making. One option is using **mediation**. Mediation is a process of meeting an impartial professional to help facilitate the communication between the parents with the goal of reaching a mutually-accepted agreement.

Mediation can be entered into voluntarily or through a court order. Kansas law permits a Judge to order mediation on issues relating to custody, residential arrangements, or co-parenting issues. Our Court expects you to make every effort to resolve issues concerning your child by working directly with the other parent or in a mediation setting. Mediation will usually be ordered before the Court will allow a contested hearing on issues relating to the custody or residence of your child. The communication and problem-solving skills learned in

mediation can be used by parents to resolve many child-related issues for the future.

### **PROHIBITION AGAINST JUDICIAL CONTACT**

You should discuss any questions with the attorney or attorneys handling the case. The Judge cannot discuss the case with either party unless all parties are notified and have an opportunity to be present in court.

### **IMPORTANCE OF COURT ORDERS**

Failure to follow court orders will not only cause additional difficulty for your child, but may result in the court finding you in contempt of court. Contempt of court proceedings will cause the additional expense of attorney fees and court costs, all of which can be better used for the benefit of your child.

### **FOR ADDITIONAL INFORMATION**

Contact your attorney for additional information about counselors, mediators, and other mental health professionals.

This pamphlet was prepared by a committee of judges, attorneys, mental health professionals, mediators, and court personnel to offer information and guidelines about the process of divorce.

Prepared By:

Tenth Judicial District of Kansas  
Johnson County, Kansas  
Olathe, Kansas 66061

Family Law Bench Bar Committee  
Of the  
Johnson County Bar Association

Copyright 1996 – Johnson County Bar Association  
Revised 12/05

Prepared By:

Tenth Judicial District of Kansas  
Johnson County, Kansas  
Olathe, Kansas 66061

Family Law Bench Bar Committee  
Of the  
Johnson County Bar Association

Copyright 1995 – Johnson County Bar Association  
Revised 12/05

