

**DRAFT 02**  
**227<sup>th</sup> Rules Order**  
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# Maryland Parenting Plan Instructions



## WHAT IS A PARENTING PLAN?

A parenting plan is a written agreement describing how people, called parties, will care for and make decisions about their child(ren). It may be an initial agreement or a modification of an existing agreement. A parenting plan is a guide that includes topics about when the child(ren) spend time with you (parenting time or physical custody) and how decisions about the child(ren) are made (decision-making authority or legal custody).

*A “party” is a person seeking to establish or maintain a parent-child relationship with the child(ren).*

You can work together, separately, or with a mediator to develop a parenting plan. If you agree on a parenting plan, file it with the court. If the court decides that the plan is in the best interest of the child(ren), it may be written into a court order. The court then has authority to enforce the order. If you cannot agree on a parenting plan, the court will decide what is in the best interest of the child(ren).

## WHY A PARENTING PLAN IS IMPORTANT

By setting clear expectations, you can reduce conflict, and avoid the cost, stress, and reliance on the court to handle parenting issues. You know about the child(ren)’s interests, needs, and routines and are likely in a better position than a court to develop a plan that works for the family.

## HOW TO CREATE A PARENTING PLAN

Use a Maryland Parenting Plan Tool (CC-DR-109), which you will get at **or before** your first court appearance. Or, find it at [mdcourts.gov/court-forms/ccdr109.pdf](https://mdcourts.gov/court-forms/ccdr109.pdf). Before you sign a parenting plan, consider asking a lawyer to review it.

- **If you are sent to mediation**

Review the Maryland Parenting Plan Tool and consider how the topics apply to your family. Mediation will give you a chance to develop solutions unique to your child(ren). You do not need to complete the form before mediation but think about topics you want to discuss. You and the other party will work together to find solutions. Bring this tool to help the mediator focus on issues involving your child(ren).

- **If you are not sent to mediation**

Review the Maryland Parenting Plan Tool and consider the needs and interests of your family. Bring the completed form to the pre-trial/settlement conference, where the court will determine which issues are in dispute. [mdcourts.gov/court-forms/ccdr109.pdf](https://mdcourts.gov/court-forms/ccdr109.pdf)

## WHAT SHOULD I THINK ABOUT WHEN CREATING A PARENTING PLAN?

Consider the unique needs and interests of each child and whether you want a plan for each child. Children change as they get older. A strong plan sets clear guidelines for each of you, but is flexible. Also, keep in mind the factors for you to consider to determine if the plan is in the best interest of the child(ren).

# FACTORS for you to consider to determine if the parenting plan is in the best interest of the child(ren)

- Stability for the child(ren)
- Foreseeable health and welfare of the child(ren)
- Frequent, regular, and continuing contact with the child(ren) and those who act in their best interest
- Your ability to share the rights and responsibilities of raising the child(ren)
- Maintaining the child(ren)'s relationship with each of you, siblings, other relatives, and important adults in their lives
- The child(ren)'s physical and emotional security and developmental needs including physical safety, emotional security, positive self-image, interpersonal skills, and intellectual and cognitive growth
- Protection from **exposure to** conflict and violence
- How you plan to meet the day to day needs of the child(ren), including education, socialization, culture and religion, food, shelter, clothing, and mental and physical health
- How well you:
  - ◇ place the child(ren)'s needs above your own
  - ◇ protect the child(ren) from negative effects of any conflict
  - ◇ maintain the child(ren)'s relationship with each of you, siblings, other individuals who may have a significant relationship with the child(ren)
- Age(s) of the child(ren)
- Military deployment and its effect on the relationship with the child(ren)
- Success or failure of prior court orders or agreements
- Each of your responsibilities before separation
- Location of your homes as it relates to your abilities to coordinate parenting time, school, and activities
- Your relationship with each other, including how you communicate and co-parent without disrupting the child(ren)'s lives
- Your ability to resolve future disputes without needing to go to court
- Child(ren)'s preference, if age appropriate
- Child(ren)'s other needs and interests
- Any other factor you consider relevant **in determining how best to serve the physical, developmental, and emotional needs of the child.**



# WHAT SHOULD BE IN A PARENTING PLAN?

A Parenting Plan should address each of your responsibilities, including:

## Decision-making authority (legal custody)

- Medical care and mental health. How will you choose providers? How will each of you be notified of or included in exams and decisions about elective treatments (orthodontic, cosmetic treatments, etc.)?
- Education. Will the child(ren) be home schooled or attend public or private schools? Which address will determine the child(ren)'s school district?
- Religious training.
- Extracurricular activities. How will you handle conflicts with parenting time and exchange of activity calendars?



## Communication

- How will you communicate with each other?
- How will you communicate with the child(ren) when they are with another party?

## Information sharing

- How will you share and access information about the child(ren)'s health, education, and welfare?
- How will you be listed as emergency contacts?
- How will you notify each other about changes to your address or contact information?

## Parenting time (physical custody)

- When will the child(ren) spend time with each of you?
- How will you address holidays, school breaks, vacations, out-of-state travel, and other special days?

## Transportation and exchange of the child(ren)

- How will you transport the child(ren)?
- Where will exchanges occur?

## Child care

- How will you decide who cares for the child(ren) when you are unavailable?
- How will you maintain the child(ren)'s relationships with family members?

## Other issues you may want to address

- The child(ren)'s names.
- Names used to refer to step-parents or other adults.
- Circumstances requiring parental consent (driving, marriage, military service, employment, etc.).
- Restrictions on what the child(ren) are exposed to (entertainment, firearms, all-terrain vehicles, etc.).
- Discipline.
- Other issues unique to your family.

## WHAT IF YOU CANNOT AGREE ON A PARENTING PLAN?

If you are not able to agree on a comprehensive parenting plan (for example, you agree on some but not all issues important to your family), complete the Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time (CC-DR-110). This form will help the court understand your disagreements and what each of you believe is in the best interest of the child(ren). [mdcourts.gov/court-forms/ccdr110.pdf](http://mdcourts.gov/court-forms/ccdr110.pdf)

### How to determine the “due date”

The due date is the date by which you must file the joint statement with the court:

- The date set by the court;
- 10 days before your settlement conference (if there is one); or
- 20 days before your trial date.

### Other important dates to remember

- At least 30 days before the due date, prepare a proposed joint statement and serve it on the other party/parties.
- At least 15 days before the due date, the plaintiff(s) should sign and serve the other party with a proposed joint statement.
  - o If the other party agrees: Sign the joint statement and file it with the court.
  - o If the other party does not agree: Compose a written statement that explains why you did not sign the joint statement and file both statements with the court.

