



HOW TO CREATE

A WIN-WIN PARENTING SCHEDULE THAT WORKS

FOR BOTH PARENTS

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How to Create a Win-Win Parenting Schedule That Works For Both Parents

By David P. Badanes, Esq.

If you are getting divorced and have children, most likely one of your major concerns is when you will get to see your children. The time you get to see your children can go by many names, including: visitation, parental access, parenting time, or custodial time. Whatever it is called, the concept is the same, namely, when will you your children spend time with you.

In many divorces, the non-custodial parent will have what some attorneys call the “typical” parenting time, which most attorneys define as every other weekend with one or two weeknight visits. Those weekend times are usually from Friday evening until Sunday evening, although, in some situations it is extended to Monday morning. Many parents find that schedule does not work for them or their children.

There is no New York State law dictating that “alternating weekends” is required or that schedule is the “standard” or “typical” parenting time. Yet, in most situations, if a New York Court has to decide on a schedule, it will usually impose an alternating weekend schedule.

However, if you and your soon-to-be-ex-spouse can agree on a parenting time schedule, you have the ability to fashion a parenting time schedule that is different from the alternating weekend schedule.

Here, are some different parenting time schedules you may want to consider:

The first five schedules are all 50/50 parenting time schedules.

- A) One week on, one week off: This is where the children will spend one full week with one parent and then the next full week with the other parent. The advantage of this schedule is it reduces the number of transitions and allows the children a full week with each parent. The disadvantage of this schedule is that you do not get to see your children for a full week.
- B) One week on, one week off, with a weeknight dinner: This schedule is similar to the above schedule, with one difference. When the children are with the other parent, you get to have a weeknight dinner with them. In this manner, this allows you to see the children at least once during your off week. Many parents prefer this schedule to a true one week on, one week off schedule. One disadvantage of this schedule, is that a weeknight dinner can interfere with the children’s after-school activities.
- C) The 4-3; 3-4 schedule: This schedule is typically used by parents with very young children, although, it can be used by anyone. On week one, the children spend Sunday night through Wednesday night with the mother (the “4” nights) and then the next three nights with the father. The next week, the children spend Sunday night through Tuesday nights with the mother (the “3” nights) and then the next four nights with the father. The week one, week two schedule will continue to rotate. The disadvantage of this schedule is that neither parent gets a full weekend. The advantage is that there at not that many exchanges and each parent gets a good amount of consecutive days with their children.

- D) The 2-2-3 schedule: Here, the children spend the first two nights with the mother, the next two nights with the father, and then the next three nights with the mother (which would include the weekend). The next week reverses, with the father getting the first two nights, the mother getting the next two nights, and then the father getting the next three nights (the weekend). The advantage of this schedule is that the children get to see both parents frequently. Another advantage is that each parent gets a weekend. The disadvantage is that the children have to go through many exchanges and some children never get to feel “settled” at any one home.
- E) The 2-2-5-5 schedule: In this custody schedule, each parent is assigned two set weeknights and then the weekends alternate. For example, the mother could have every Monday and Tuesday night, the father could have every Wednesday and Thursday night, and then Friday, Saturday and Sunday nights alternate, giving each parent five nights in a row, which results in each parent having alternate weekends. One advantage of this schedule is that if a child has an activity on a certain weeknight, that parent will always be responsible to bringing the child to that activity. It also allows each parent to have five nights in a row and alternating weekends. This allows the children to spend more consecutive time with each parent. The disadvantage of this schedule is that it is more complex to understand and also has more exchanges than an alternating week schedule.
- F) Bird’s nest custody: This is where the children live in only one house, but the parents take turns living in that house (typically, either one week at a time). In other words, one parent will live with the children for a week at the children’s house. Once that week ends, that parent will leave and the other parent will then come to live with the children. The advantage of this schedule is that the children do not have to move from one home to another and they have a more stable life than in most other types of custody arrangements. The disadvantages of this schedule is that it is more costly for the parents as most likely they will need three residents (one for the children, one for the mother and the other for the father).

The following schedules give one parent less than 50% of the parenting time:

- A) 8 – 6 Schedule: Here, one parent will have eight nights out of every fourteen nights (two weeks), while the other parent has six nights. The parents will alternate the weekends, and one parent will have a sleepover once every week (usually every Wednesday night) and they will alternate sleepovers on a different night (usually every other Thursday nights). The advantage of this schedule is that it is close to 50% of the time with each parent. The disadvantage is that it results in more exchanges of the children.
- B) Two out of every Three Weekends: Instead of alternating weekends, one parent will have two out of every three weekends and then one weeknight (either overnight or a dinner) every week. This schedule can work when the children are comfortable at each parent’s home so that they are okay with spending most weekends away from their residence.

- C) Extended Weekends: This is an alternating weekend schedule, but, the “weekend” would begin on Thursday night and end on Monday morning. This would also include one weeknight (either overnight or a dinner). This allows the non-custodial parent a good number of consecutive days, while limiting the number of exchanges.
- D) Extended Summer: This is an alternating weekend schedule, but, the non-custodial parent would have a full month of the summer.

As you can see, there are many different ways for divorced parents to share parenting time. You can be as creative as you want. The important thing to keep in mind is that whatever schedule you agree upon, must work for both the parents and for the children.

There are many computer programs and smart phone apps that can also help you in creating, organizing and maintaining a parenting time schedule. A quick search on your computer will bring up most of these programs.

You can also go “low-tech” and use an old fashioned print calendar. Here is an example calendar showing how one divorced parents created their parenting schedule. This is an example of an extended weekend schedule and also includes one extra sleepover for the father.

Su	M	Tu	W	Th	Fr	Sa
Mom	Mom;	Mom	Mom;	Mom; <i>Dad after school and sleepover</i>	<i>Dad</i>	<i>Dad</i>
<i>Dad</i>	<i>Dad;</i> Mom after school and sleepover	Mom	Mom;	Mom; <i>Dad after school and sleepover</i>	<i>Dad;</i> Mom after school and sleepover	Mom
Mom	Mom;	Mom	Mom;	Mom; <i>Dad after school and sleepover</i>	<i>Dad</i>	<i>Dad</i>
<i>Dad</i>	<i>Dad;</i> Mom after school and sleepover	Mom	Mom;	Mom; <i>Dad after school and sleepover</i>	<i>Dad;</i> Mom after school and sleepover	Mom

In addition to the monthly parenting time schedule, you also need to create a holiday and vacation time, parenting time schedule. If your children are in school, a good way to start is to look at the school calendar and use that as a guide to what holidays you need to consider. You also want to consider the following special days (that most likely will not be on the school calendar): Mother’s Day, Father’s Day, children’s birthday and parent’s birthdays.

For each holiday, it is good to be specific. For example, instead of agreeing to: Father's Day: Every year the Father, it would be better to state: Father's Day: Every year the Father from the night before at 7:00 p.m. until Father's Day at 8:00 p.m. By being specific, it eliminates any ambiguity and any future conflicts.

You also need to make sure that each parent has vacation time with the children. Many agreements allow each parent at least two weeks of vacation time with the children, however, some agreements allow each parent an equal number of weeks of summer with the children.

No matter how detailed your Agreement is, it is almost certain that some unexpected event will arise that causes you to have to deviate or work with your ex-spouse. When these unexpected events occur, it is better to be flexible than rigid.

It is also important to remember, that you and your ex-spouse can always voluntarily agree to change the Agreement. If you can both agree that you need to change the Agreement, then you do not need to get the Court's permission.

If you are thinking about getting a divorce and need help in crafting a parenting time schedule, the Badanes Law Office and David Badanes can help you. David Badanes has helped countless clients in their divorce cases.

The Badanes Law Office represents clients in Suffolk County, Nassau County and New York City. If you need an attorney, call David Badanes and the Badanes Law Office at 631-239-1702, email at david@dbnylaw.com or visit our web site: www.dbnylaw.com. The Badanes Law Office has offices in Northport, Garden City, Brooklyn and Manhattan.

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