

ANDREA L.  
GAMALSKI

A T T O R N E Y S   A T   L A W

## **How to Create a Strong Parenting Plan**

Let's face it: divorce is an exhausting process. Between mounting legal fees and arranging a new family dynamic, you end up spending a lot of money and emotional energy trying to build a new life for yourself.

One of the areas where this exhaustion is most keenly felt is in the creation of a parenting plan. There are so many factors you need to consider while doing so: what's best for your child, you and your spouse's respective schedules, and how to communicate with your soon-to-be-ex-spouse without things dissolving into a bitter argument.

For these reasons, we think it's a good idea to offer you some tips on what and what not to include in a parenting plan. Read on to learn what they are.

### **Handling Communication**

If the thought of co-parenting with your spouse is about as appealing as a root canal, you're not alone. This year in particular has strained relatively cordial relationships between ex-spouses as they learn to navigate the ever-changing landscape of a post-COVID world, especially in relation to their children's education.

However, there are a few useful apps and software programs that can help lighten tensions and keep things peaceful between you and your ex-spouse.

- **Talking Parents** - Talking Parents is a communication app specifically designed for co-parenting ex-spouses. However, there are a few key features that make it so wonderful.

For starters, Talking Parents has recently added an Accountable Calling feature that records all audio conversations between ex-spouses on the platform. In addition to audio recordings, you can also get text transcripts of your conversations. Interestingly, this change was implemented upon the request of an overwhelming number of Talking Parents users.

Other important features include Secure Messaging, Shared Calendar, Personal Journal, Attachment Library, and File Vault, all of which create unalterable records to mitigate any disputes between ex-spouses. You can also order digital PDF downloads or certified printed hard copies of your Calling, Messaging, and Calendar records as well.

It's important to note that all these records are admissible in court.

- **My Family Wizard** - My Family Wizard is another co-parenting app that tracks communication, stores important information, and helps ex-spouses coordinate duties related to their children. It can also be used to share important documentation pertaining to your child's educational, religious, or extracurricular affairs.

The judge presiding over your divorce case may require you and your ex-spouse to communicate via this app when discussing child-rearing duties as a part of your child custody order.

## **Is Joint Custody Feasible?**

First, it's important to distinguish the different types of custody there are: **physical custody** and **legal custody**.

Physical custody is held by the parent with whom the child primarily lives. Legal custody denotes the duties and responsibilities pertinent to the child's general welfare, including schooling, healthcare, and after-school activities.

Some states have statutory joint legal custody laws; New York is not one of them. This means that parents must specifically request to share legal custody of their child in a divorce proceeding, otherwise sole legal custody will go to one of the parents. If either of the parents fails to satisfy their duties as a joint legal custodian, then the non-offending parent can request the court to modify the custody order to make themselves the sole legal custodian.

In the state of New York, it's common for parents to share legal custody, with only one of them having primary physical custody. An example schedule could look like the child living with their mother during the week and then with their father every other weekend.

Parents who aren't awarded primary physical custody may worry about not being able to develop a close relationship with their child. Fortunately, that's almost never the case; non-custodial parents can absolutely become closer with their child during scheduled visitations, and can even make important decisions for them if they share legal custody with the primary caretaker.

The important things to remember, though, are to make the visitation schedule as clear as possible and to follow it to the letter. Parents who miss scheduled visitations repeatedly may soon discover an angry primary caretaker has petitioned to modify the visitation schedule--and not in their favor.

## Consequences of Not Having a Strong Parenting Plan

Trouble can easily brew if the language in your parenting plan isn't super-specific.

Let's take holidays, for example. Holiday dates and vacation periods can vary widely from year to year. If you don't specifically outline which holidays and time frames the child will spend with each parent, then you could be in for a whole mess of heartache come Christmastime. The language you use to write these plans will need to account for these calendar differences, sometimes down to the hour, to avoid any confusion.

Another tricky situation is a couple's religious beliefs. Even though a parent's religion doesn't (and shouldn't) directly influence a parenting plan, it may later compel one of the parents to seek a modification to the custody order if these beliefs are directly or indirectly harming the child.

However, parents with differing religious beliefs isn't always a recipe for disaster; sometimes you just need to implement firm boundaries to make everyone happy. This means that a strong parenting plan should outline strict time frames for religious practice and important religious occasions. In the latter case, the plan should note which parent makes these religious decisions, who will attend and participate in the occasion, and who will pay the costs related to the occasion.

**As tedious as it is to get the smallest details in writing, it'll save everyone grief in the future.**

Generally speaking, though, a relatively vague parenting plan can not only stir up a lot of unnecessary emotional strife, but it can also incur another wave of court fees. Moreover, a parent can be held in contempt of court for violating one of these plans, even if they're unaware they're violating it. In extreme cases, the violating parent may even face criminal charges as a result.

Even if you get along with your ex-spouse and want to make your parenting plan relatively flexible, remember that **flexibility is not enforceable in court**. A parenting plan that lacks specific time periods and dates for visitations, school pickups and

dropoffs, and the like cannot be enforced in court. Thus, you may run into a lot of quibbling over what means what down the line. To make both you and your ex-spouse's lives easier in the long run, enlist the help of a family law attorney who can help make your parenting plan as ironclad and enforceable as possible.

Andrea L. Gamalski is a family law attorney who understands the effort and detail that goes into a thoughtful parenting plan. As a mother having gone through a divorce herself, she knows firsthand just how important it is to work with an attorney who can empathize with their client's situation. Gamalski Law handles family law cases of all kinds, and we strive to offer all our clients professional legal counsel with a compassionate ear. You don't have to worry about justifying the way you feel or your reasons for seeking a divorce with Attorney Gamalski; she's been there herself, so she knows what it's like. To schedule your free consultation, call 845-853-8036 or contact us today.