



Making a Parenting Plan

What is a Parenting Plan?

A Parenting Plan is a written agreement created by parents explaining how they will meet the needs of the child or children.



Do I Have to Have a Parenting Plan?

No. You and the other parent decide if you want to make a Parenting Plan. Sometimes the court will make one for you, but not if one parent has committed domestic abuse against the other parent or the child.

Can I Have a Parenting Plan If I Am Not Married to the Other Parent?

Yes.

What Must Be In the Parenting Plan?

The Plan must include

- A schedule of the time each parent spends with the child
- Who will make certain decisions about the child

AND

- A way to settle arguments

What Other Things Can Be In the Parenting Plan?

The Plan may use terms other than “physical” and “legal custody.” But, it must also clearly state if the parents have joint legal custody or joint physical custody or which parent has sole legal custody or sole physical custody.

You can tell the court how you would like it to make the decision about moving a child’s place of residence from Minnesota. For example, you could tell the court to use the “best interests of the child” factors to make the decision. But only if

- Both parents have a lawyer when the court approves the Plan

OR

- The court order says both parents were fully informed, the Plan was voluntary, and the parents understand it.



The Plan can explain which expenses each parent pays for the child so long as it agrees with the Minnesota child support guidelines.

You can be as detailed as you want in your Parenting Plan. For example, you can make specific schedules for holidays, school breaks and birthdays. Your plan can explain the amount of phone and email contact with the child or the child's participation in activities such as sports and music.

A sample Parenting Plan can be found online at

<http://www.extension.umn.edu/distribution/familydevelopment/Parenting-Agreement-Worksheet.pdf>

What If There Has Been Domestic Abuse?

If one parent has committed domestic abuse against the other parent or a child

- the court cannot make a Parenting Plan for you
- the court cannot order the Parenting Plan to provide joint legal custody

AND

- the Parenting Plan's way to settle arguments can only be through the court

What If I Want to Change the Parenting Plan Later?

You can change the Parenting Plan if you and the other parent agree. But to enforce the change, you must have a court order.

Divorce and custody cases are complicated and affect important legal rights. It is best to get legal advice from a lawyer. To find a lawyer in your area go to www.lawhelpMN.org

OR

In Hennepin County call 612-752-6666

In Ramsey County call 651-224-1775

In Dakota County call 952-431-3200

MN Legal Services Coalition

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