

Parenting Plan Checklist - A Section by Section Guide



Tip! Make extra copies of each section of the parenting plan. This is in case you make a mistake. Also, make copies of all papers you give the Court Clerk. Ask the Clerk to date-stamp your copy. Keep all your date-stamped court papers in a folder or envelope. Bring your court papers with you when you go to court.

First Page

- Fill out your Case Information**
- Fill out the Parenting Education Class question**
Tennessee law says both parents must go to a parenting class. You must take the class within 60 days after the judge signs the Plan. This is true unless the judge says you don't have to go. Ask the court clerk for a list of classes OK'd by the court (*T.C.A. 36-6-408*). You will get a paper proving you went to the parenting class. **You must take it to court.** What if the judge orders it but you don't take the class? The judge may say you are in contempt of court and may make you pay a fine.
- List the children you have together.** Children together means:
 - * Children you had together that were born before your marriage to each other **and**
 - Under age 18
 - Or over 18 and disabled
 - Or over 18 and still in high school
 - * Any children born or adopted while you are married to each other. This includes children born while you are separated. The children must be:
 - Under age 18
 - Or over 18 and disabled
 - Or over 18 and still in high school

Warning! It may be difficult to get your parenting plan OK'd if:

- You are expecting a child **OR**
- A child was born during this marriage that is not the husband's child.

Talk to a lawyer.

1. Health Insurance

- Fill out the Health Insurance Section**
Important! Do you have a child support or court order from another court? It may say who has to keep health insurance on the children. If you want to change that order, you can write down what you want here. But the judge decides if the court order will be changed. Follow the court order from the other court until you get a new court order.

If you have health insurance or other types of insurance for the children:

- Keep that insurance, if you can. Most of the time, divorcing parents can't cancel the children's health insurance without the judge's OK.
- Give the other parent proof of the insurance every year by February 15. You must also give them proof any time there are changes to the insurance.
- If the insurance ends, you will need to change this Parenting Plan. See section 15, on how to change the plan.

Important: Is the other parent paying for all or part of things not covered by insurance? Then send a copy of the bill and EOB (explanation of benefits) to the other parent. This is for anything not covered by insurance. Do this within 10 days of getting the bill. After getting the bill, the other parent has 30 days to pay his/her share.

2. Parenting Decisions

Fill out the Parenting Decisions Section

When the children are with **you**, you can make all day-to-day decisions, including decisions about safety and emergency health care.

3. Both Parents Have Rights

Read the Both Parents Have Rights Section

4. Children' Regular Schedule (Day-to-Day Time)

4A. Fill out the Children's Regular Schedule (Day-to-Day Time)

Do you already have a Child Support Worksheet? Are you keeping the number of days each parent has the children the same? Then the total number of days with each parent must match the Child Support Worksheet. (*Example: 85 days with father, 280 days with mother.*)

Don't have a Child Support Worksheet? OR want to change the number of days each parent has the children? Then put how many days the children will be with each parent. It must match the days shown on the Regular and Holiday Schedules. On the Internet, you can see examples of how to fill out this page. Go to www.justiceforalltn.com.

Worried the children won't be safe with the other parent? See "8. Supervised Parenting Time."

4B. Travel for Regular Schedule

4B. Fill out the Travel for Regular Schedule Section

This section helps you decide how to get the children from one parent to another. What if you need to change these plans? If BOTH parents agree, you can make changes. If you don't agree, you must follow what is written here.

Important! Each parent **must** tell the other parent how to reach the child. This lets each parent find the child if there is an emergency. Are you a victim of domestic violence? Talk to a lawyer. This may not be true

5. Children's Holiday Time with Each Parent

- **5A. Fill out the Children's Holiday Time with Each Parent Section**
Need to see examples of holiday schedules? (*Add direct link to examples.*)

Do you already have a Child Support Worksheet? Are you keeping the number of days each parent has the children the same? Then the total number of days with each parent must match the Child Support Worksheet. (*Example: 85 days with father, 280 days with mother.*)

Don't have a Child Support Worksheet? **OR** want to change the number of days each parent has the children? Then put how many days the children will be with each parent. It must match the days shown on the Regular and Holiday Schedules. On the Internet, you can see examples of how to fill out this page. Go to www.justiceforalltn.com.

5B. Travel for Holiday Schedule

- **5B. Fill out the Travel for Holiday Schedule Section**
This section helps you decide how to get the children from one parent to another. What if you need to change these plans? If **BOTH** parents agree, you can make changes. If you don't agree, you must follow what is written here.

6. Number of Days Children will be with each Parent every year

- **Fill out the Number of Days Children will be with each Parent every year section**
The total number of days with Mother plus total number of days with Father **must** equal 365 days.

7. Where Children will Live (Primary Residential Parent)

- **Fill out the Where Children Will Live (Primary Residential Parent) section**
The parent the children live with is called the primary residential parent or custodian. This is **ONLY** for purposes of state and federal laws. Are the parents listed as joint decision makers? Then, for getting health or other insurance, they are joint custodians. This does not change either parent's rights or responsibilities under this Parenting Plan. This decision is very important. It is even more important if you each have the children about half the time. Talk to a lawyer.

8. Supervised Parenting Time

- **Fill out the Supervised Parenting Time section**
Supervised parenting time means another adult will watch you while you are with your children. Judges may give supervised time if:
 - There is drug abuse or
 - The children are not safe or
 - There is domestic violence and/or child abuse or
 - Other reasons including health reasons

9. Child Support Order

- **Fill out the Child Support Order section**
You must attach a completed **Child Support Worksheet** or **Child Support Order** to this Plan.

You have 3 choices:

1. **Do you already have a Child Support Worksheet or Child Support Order from ANY court and like it? Then** use the Child Support Worksheet or Order to fill out the boxes below. What if the Child Support Order doesn't show how many days each parent has the children? Then fill out the boxes below. You must attach the Child Support Worksheet or Child Support Order.
2. **Is this parenting plan different from the Child Support Worksheet or Child Support Order** from the Court? Then fill out the boxes below. You also must fill out a new Child Support Worksheet and attach it to this plan. Use the totals on "3. Number of days children will be with each parent every year". You **must attach the old Child Support Worksheet or Order AND the new** Child Support Worksheet.
3. **Don't have a Child Support Order or a Child Support Worksheet?** Then fill out the boxes below. You will need this information to fill out the Child Support Worksheet. You **must attach** the Child Support Worksheet after you fill it out.

You can get the Child Support Worksheet from your local child support office. **OR** go to www.tn.gov/humanserv/cs/cs_main.html on the internet. You must download it to your computer to use it.

Any changes to a Child Support Order or a Court Order must be signed by a Judge.

10. Federal Income Tax

- **Fill out the Federal Income Tax section**
Which parent has the children the most during the calendar year?
Under federal law, that parent usually gets to claim the children as dependents for taxes. (26 U.S.C. §152(a)(1)(c)(1)(B),(c)(4)(B). See *a/so* Treas.Reg. §1.152-4(a)). Often, this means the parent **getting** support claims the children's federal tax exemptions (Tennessee Guidelines, 1240-2-4-.03(6)(b)).

But you **can** agree on which parent will claim the children's dependent exemptions (26 U.S.C. §152(e)). This is true as long as the parents:

- Are divorced or separated and
- Pay more than half the children's support and
- Have custody of the children for more than half the year.

These are your choices:

- You can take turns claiming the children as dependents for taxes
- **OR** each parent can claim some of the children for taxes
- **OR** the parent the children lives with 6 months or more claims the children for taxes

- **OR** the parent the children **DON'T** live with 6 months or more claims the children. BUT both parents must agree. It is not enough to put this into the divorce papers or Parenting Plan. The parent the children live with most **must** sign a paper. The paper must say they agree to let the other parent claim the children for taxes. The easiest way is to sign IRS Form 8332. This must be done by February 15 of each year. The parent claiming the children for taxes must attach a copy to their federal income tax return. (See 26 U.S.C. §152(e) and *Curello v. Commissioner*, T.C. Summ. Op. 2005-23.)
- What if you don't agree which parent will claim the children on federal taxes? The parent the children live with for 6 months or more claims the children for taxes.
- What if the children lived with both parents for more than 6 months? The parent the children lived with longest gets the dependent exemption and child tax credit.
- What if the children lived with each parent the same amount of time? The parent with the highest adjusted gross income gets the dependent exemption and child tax credit.

Can you make a parent pay child support to get the dependent exemption? No. Can you take away the dependent exemption if the parent doesn't pay child support? No. (26 U.S.C. §152(e); Treas.Reg. §1.152-4)

Did the children live with you for more than 6 months of the year? Then you may also be able to get the Earned Income Tax Credit. This is true even if the other parent claims the children for federal taxes. The Earned Income Tax Credit does not automatically go with the dependent exemption. The Parenting Plan cannot be used to decide who will get the Earned Income Tax Credit.

Do you have questions about federal taxes or need to know more? Call your lawyer or the person who does your taxes. Or you can get free help by phone. If you live in Shelby, Tipton, Lauderdale or Fayette counties, call 1-800-499-1602. If you live in any other Tennessee county, call 1-866-481-3669. The calls are free.

11. Parent Must Share Financial Papers

- **Read the Parents Must Share Financial Papers section**

Warning: Are you are a victim of domestic violence? Talk to a lawyer. You may be able to keep your address and phone number out of these papers.

12. Life Insurance

- **Fill out the Life Insurance section**
Why is life insurance important? If a parent is paying child support and dies, most of the time, the child support stops. Life insurance money can help with the cost of raising children. Do you want one or both parents to keep a life insurance policy on his /her life? Then fill out the box in the Life Insurance Section.

The court can decide if life insurance is needed and order the parents to get it.

13. Moving 100 Miles or Out of State

- Read the Moving 100 Miles or Out of State section

WARNING: The rules for moving are hard to understand. The court may shorten the 60 day deadline if you have a good reason to move sooner. You should try to discuss this with a lawyer. (See T.C.A. 36-6-108) (Add direct link to "Petition in Opposition to the Move" here.)

14. Other

- Fill out the Other section if there is anything else you have agreed to that is not already listed.

15. How to Make Changes to this Plan after the Judge OKs it

- Fill out the How to Make Changes to this Plan after the Judge OKs it section
As children grow older or things change, you may need to change your Parenting Plan. Does either parent want to change the parenting plan? Talk to the other parent and see if you can agree on the changes.

WARNING: If you make changes, it is best to get a new Court order signed by the Judge. What if you make changes to the parenting plan but don't get a new court order? The Court always goes by the **last** signed court order.

You **must** go back to court to get a new Order signed, if:

- the change is about child support
- the change is about insurance
- the change is about medical or dental expenses or
- you cannot agree during mediation (read more about mediation below)

WARNING: What if you don't show up at mediation without a good reason? Then the other parent can ask the court to approve his or her changes to the Parenting Plan. They can ask for you to pay all lawyer, mediation and other fees.

16. Parents Must Sign this Page in Front of Notary

- Sign this Page in front of Notary
You must sign this Plan. If you both agree, have the other parent sign this too. Do not sign until you are in front of the notary. (If you both agree to this plan, you may not have to sign in front of a notary. See a lawyer.)

What this means is: If I am lying, I know I can go to jail and/or have to pay a fine. I promise that this plan is what I think is best for my child. I promise that the information in this plan is true and correct.