

## 50/50 Parenting Plans During Separation and Divorce: Practical Considerations for Mediating Parenting Plans

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When creating a parenting plan, the goal is for both parents to maintain a meaningful relationship with the children unless special circumstances exist. How can parents develop a viable “50/50” parenting plan? What does equal parenting mean in a “50/50” case?

In many cases, parents want to be equally involved, knowing what will work best for the unique needs of their family. “50/50” parenting can be developed in many different ways. What follows is information on developing and negotiating a parenting plan. Some of these ideas can be applied in negotiations that do not involve 50/50 parenting access schedules. Although there are different types of 50/50 plans, in each case the parents remain the main decision-makers. Even when parents agree on equal time, it still may be hard to recalibrate during conflict and focus on how to create two homes for the children. For that reason, it is important that parents utilize the right process for their situation and select experienced professionals. An effective process should allow time for reflection about how best to meet the children’s needs in the new family structure.

### Establishing a framework for discussion in the Mediation:

The following presumes that the initial session about how the mediator and the parents will work together has already taken place.

#### 1. **Gathering information on the family.**

The mediator will look to gather the following information:

- Members of the family
- Age and maturity level of each child
- Does the child (or the parents) have any special needs?
- What is the current schedule of each parent? How flexible are these schedules? (Included in this discussion is how each parent is currently spending time with each child.)
- What is each child’s schedule? (What are the extra-curricular activities of each child?)
- What childcare arrangements are currently in place, if any
- What are the parents’/child’s religious practices?
- What are the current living arrangements? Has there been any discussion about future living arrangements?
- Depending on the situation, other qualified professionals may be included in the mediation to bring specialized skills in addressing the issues presented.

- #### 2. **Establishing priorities:** Next, a discussion takes place about the considerations that are important to each parent with respect to the parenting plan, such as: 1) having a close, secure relationship with the child; 2) being consistently involved in the child’s life; 3) recognizing the special relationship that the parent has with the child; 4) sharing responsibility for caring for the children.

3. **Informed decision-making:** In addition to discussions about the needs of the family and each individual child, many parents want to understand the difference between joint and sole custody before deciding on a parenting plan that will address when the children will be with each parent and how major decisions will be made. This discussion usually takes place early on in the mediation.

4. **Developing ideas/options for the plan:** During this session, most mediators review how ideas/options will be generated, and the parents are asked for their ideas on how the week might work. It can be extremely helpful to chart the week on paper or on a white board to help determine if the plan is workable, if changes need to be made, and/or if other plans should be considered. Honest feedback is extremely important in arriving at a plan that will work best for the uniqueness of each particular family. In addition to the information that has already been gathered, other factors to consider in a review of the plan are as follows:

- Is the plan developmentally responsive to each child?
- Does the plan facilitate ongoing, meaningful co-parent involvement?
- How and when each child will transition to his or her time with the other parent?
- How and when the child will have regular contact with each parent by phone, email, Skype, Face Time or other methods?
- How and when the parents will communicate with each other about the children?
- How holidays, school recesses will be shared (to facilitate this discussion a holiday template is often distributed). The parents may want to work on the template outside of the session.
- Will each parent be able to consistently follow his/or her parenting time? Do exceptions need to be addressed – such as what happens during business travel?
- Do the parents want to address the issue of significant others, e.g. how and when they will be introduced to the children?
- How expenses for the children will be met. (Note: This becomes part of a larger discussion on support.)

5. **Developing the plan or memorandum of understanding:** The written plan (memorandum or term sheet) will be developed to provide predictability and consistency. It is incorporated into a binding agreement signed by both parents. Depending upon the ages of the children, the parents may want to consider reviewing the plan at certain intervals and how that will be accomplished (e.g. at the start of the school year, upon certain events, when requested by either parent).

Developing “50/50” parenting plans can be truly rewarding to both parents. It is also a challenge for parents in conflict to work together on how best to protect their relationship with their children and what is in the best interest of each child. Having a structure in place helps alleviate the stress and facilitates productive negotiations. Fathers and mothers play equally important roles in raising children and children thrive when parents cooperate to develop a plan that provides security, predictability and consistent time with each parent.

