

## Helpful Article #2: Parenting Issues

Harriet Gerber, ESQ. | E-mail: [hgerber@nydm.com](mailto:hgerber@nydm.com)

The following is a list of some of the parenting issues we will discuss during the mediation, which will be documented in your actual agreement.

### *Residency of the Children and Legal Custody*

Legal custody refers to decision making for your children. Most parents in mediation choose to have joint legal custody, whereby both parents make critical decisions, together, for their children. Such decisions may include non-emergency medical care, school issues, and all other decisions affecting the children's health, education, welfare, growth and development.

Residential custody refers to which parent the children live with for more than fifty per cent of the time. In most situations, one parent is designated as the residential custodial parent, and the other parent is the non-residential custodial parent. Child support is paid to the custodial parent. In some instances, custody of the children is shared, and the children reside for equal amounts of time with each parent.

### *Access schedule for the Non-residential, Custodial Parent*

A parenting schedule will be developed during mediation, which ensures the non-residential parent continued access to the children. Access periods during the week and weekends is discussed, as well as periods during school recess and vacations, holiday times, birthdays of the children and both parents, Mother's Day and Father's Day, and any other times important to you and the family.

We also discuss telephone and email access to the children, transportation between households, travel away from home with the children, and prior notification of any changes to the documented access plan.

Parents are encouraged to build in annual reviews to the parenting plan, to accommodate the growing children's needs.

### *Access to Records*

We will discuss the non-residential parent's continued access to medical and school records, the children's teachers and health care practitioners, and attendance at the children's school and extra-curricular activities.

### *Geographic Restrictions*

Travel with the children, both in and outside of the continental United States is discussed, as well as the potential for the relocation of the custodial parent with the children from the children's current school district.

### *Significant Others*

Continued relationships with grandparents and other family members are encouraged and built into the agreement. Parents often want to discuss when and how to introduce the children to "significant others" in their lives at some future date.