

- DISCLAIMER -

The following form is provided by FindLaw, a Thomson Business, for informational purposes only and is intended to be used as a guide prior to consultation with an attorney familiar with your specific legal situation. FindLaw is not engaged in rendering legal or other professional advice, and this form is not a substitute for the advice of an attorney. If you require legal advice, you should seek the services of an attorney by linking to FindLaw.com. © 2005 FindLaw.com. All rights reserved.

Visitation Rights:

Form to Establish a Visitation Schedule

_____ [Name], _____ [wife or husband], shall have the care, custody and control of _____ [name], born _____ [date], now _____ years of age, the minor child of the parties. _____ [Name], _____ [husband or wife], shall have the right of visitation with the child as follows:

SECTION ONE.

WEEKENDS

_____ [Husband or Wife] shall have visitation on alternate weekends, commencing _____ [date].

Weekend visitation shall begin at _____ [time] on _____ [Friday] and end at _____ [time] on _____ [Sunday].

If any weekend provided for in this section includes any day, or falls during any weekend or other time period provided for in Sections Two through Four or Section Six below, the visitation provisions of that section shall govern.

SECTION TWO.

HOLIDAY WEEKENDS

A "holiday weekend" is a weekend in which the immediately preceding Friday or following Monday is an official holiday observed by the school attended by the child, such as (but not limited to) Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, the Fourth of July, Labor Day, Columbus Day and Veterans' Day.

_____ [Husband or Wife] shall have visitation on the _____ [specify] holiday weekends in _____ [even-numbered years], and on all other holiday weekends in _____ [odd-numbered years]. If the designated holiday is a _____ [Friday], the holiday weekend shall begin at _____ [time] on _____ [Thursday] and terminate at _____ [time] on _____ [Sunday]. If the designated holiday is a _____ [Monday], the holiday weekend shall begin at _____ [time] on _____ [Friday] and end at _____ [time] on _____ [Monday].

SECTION THREE.

EVEN-NUMBERED YEARS

In even-numbered years, _____ [husband or wife] shall have visitation on the child's birthday, and during _____ [Thanksgiving and New Year's]. For this purpose, the child's birthday shall begin at _____ [time] the day preceding the child's actual birthday and end at _____ [time] on the child's actual birthday; _____ ["Thanksgiving" shall begin at _____ (time) on the Wednesday before Thanksgiving Day and end at _____ (time) on the following Sunday]; and _____ ["New Year's" shall begin at _____ (time) on December 28 and end at _____ (time) on the day before the first day of school following the child's Christmas-New Year's or winter school recess]. If the child's birthday in an even-numbered year falls on a weekend on which

_____ [husband or wife] would have visitation under Sections One or Two above, visitation shall be governed by either of those sections.

SECTION FOUR.

ODD-NUMBERED YEARS

In odd-numbered years, _____ [husband or wife] shall have visitation during _____ [Easter and Christmas]. For this purpose, _____ ["Easter" shall begin at _____ (time) on the last day of school preceding the child's Easter or spring school recess and end at _____ (time) on the day before the first day of school following that recess], and _____ ["Christmas" shall begin at _____ (time) on the last day of school preceding the child's Christmas-New Year's or winter school recess and end _____ (time) on December 28].

SECTION FIVE.

_____ [FATHER'S or MOTHER'S] DAY

Each year, if _____ [husband or wife] would not have visitation on _____ [father or mother]'s Day under any other section of this visitation schedule, _____ [husband or wife] shall have visitation beginning at _____ [time] on the day preceding _____ [father or mother]'s Day and ending at _____ [time] on _____ [father or mother]'s Day.

SECTION SIX.

SCHOOL VACATIONS

Each year, _____ [husband or wife] shall have visitation during the child's school summer vacation, for a period of _____ weeks.

On or before _____ [April 1] of each year, the parties shall agree on the inclusive dates for that year of the visitation provided for in this section, or shall on properly noticed motion obtain a court order specifying those dates.

In any year in which the parties have neither so agreed nor so obtained a court order, the visitation provided for in this section shall begin at _____ [time] on _____ [date, for example: the last Friday in July] and end at _____ [time] on _____ [date, for example: the fourth Sunday afterward].

SECTION SEVEN.

PICK-UP OF CHILD

At the time specified in this agreement for the beginning of each period of visitation, _____ [husband or wife] shall pick up the child at _____ [wife or husband]'s residence.

At the time specified as the end of each period of visitation, _____ [wife or husband] shall pick up the child at _____ [husband or wife]'s residence.

On _____ hours' prior notice to the other, either mother or father may designate another person to pick up the child on a specific occasion.

SECTION EIGHT.

ILLNESS OF CHILD

If the child is too ill for visitation, the then-custodial parent shall so notify the then noncustodial parent at least _____ hours in advance.

On demand of the then noncustodial parent within _____ hours after such notification, the then-custodial parent shall within _____ days of the demand provide the then noncustodial parent with written verification of the illness by a licensed medical practitioner.

Days of visitation missed due to illness of the child shall be made up by visitation for an equal number of days. The days on which visitation is to be made up shall be specified by the then noncustodial parent, but unless the then noncustodial parent consents, the days so specified may not conflict with the provisions respecting visitation on _____ *[holiday weekends, Easter, Thanksgiving, Christmas or New Year's]*.

SECTION NINE.

ILLNESS OF _____ *[husband or wife]*

If the then noncustodial parent is too ill for visitation, the then noncustodial parent shall so notify the then-custodial parent no later than _____ hours before the time for visitation to begin as specified above.

A specific period of visitation is waived if the then noncustodial parent, or the person designated by the then noncustodial parent in accordance with Section Seven, fails to appear to pick up the child within _____ minutes after the time specified for the beginning of that period of visitation.

Days of visitation missed because of the then noncustodial parent's illness or failure to appear may not be made up.

SECTION TEN.

CHILD'S CLOTHING

The then-custodial parent shall provide suitable clothing for each period of visitation. This clothing shall be returned by the then noncustodial parent at the end of each period of visitation.

This provision does not prohibit the then noncustodial parent from furnishing clothing for the child, and keeping that clothing in the then-custodial parent's possession between periods of visitation.

SECTION ELEVEN.

TELEPHONE COMMUNICATIONS WITH CHILD

_____ *[Husband or Wife]* shall be permitted to contact the child by telephone _____ times per _____ *[week]* when the child is with _____ *[wife or husband]*.

_____ *[Wife or Husband]* shall be permitted to contact the child by telephone _____ *[once every two days when the child is with _____ (husband or wife) for more than three days]*.

All telephone contact must occur between _____ *[time]* and _____ *[time]*. "Contact" means actual conversation with the child for at least _____ minutes and no more than _____ minutes. Except for the purpose of answering the telephone, neither mother nor father may listen to or otherwise participate in any such contact between the child and the other party without the express consent of the child and the other party.