

**CIRCUIT COURT OF WILL COUNTY  
GUIDELINES FOR PARENTING TIME  
REVISED: SEPTEMBER, 2012**

**1. INTRODUCTION**

These parenting guidelines have been approved by the Judges of the Family Law division of the 12<sup>th</sup> Judicial Circuit as consisting a reasonable parenting schedule where both parents are fit and have an ongoing relationship with the child. The guidelines were developed after significant consultation with members of the family bar and psychologists who serve as custody evaluators, as well as review of court and legislative guidelines adopted by other states and circuit courts. There are only guidelines, and may be followed by the Judges as they weigh what is in the best interests of the child, given the many individual considerations that may be present in individual cases.

The Judges prefer and encourage the parties to consult and agree upon a parenting schedule because they best know their work and social schedules, the child's needs and activities and other relevant factors that affect visitation. A parenting schedule agreed upon by both parents is more likely to work to the satisfaction of the parents and the child.

**PARENTING IS FOR THE PRIMARY BENEFIT OF THE CHILD.**

**PARENTING TIME SHOULD NOT BE VIEWED AS A PRIVILEGE TO BE EXERCISED AT THE WHIM OF EITHER PARENT, BUT AS A RESPONSIBILITY THAT SHOULD BE FULFILLED ABSENT NECESSARY CAUSE.**

The Judges recognize that various circumstances may make application of the guidelines inappropriate, including but not limited to the following:

- 1) The minor child or children are each less than thirty-six (36) months old;
- 2) Large geographical distances exist between the parents;
- 3) One or both parents work schedules frequently vary from an 8:00 a.m. to 5:00 p.m. Monday through Friday work week;
- 4) Conflict between the parents;
- 5) The child is exposed to an excessive number of caregivers as a result of a certain visitation schedule;
- 6) The child's personality and development;
- 7) The child's special needs, or medical or psychological development (i.e. taking into account conditions such as autism, retardation, ADHD, or learning disabilities);

- 8) Prior to requesting court intervention, the parties have agreed upon or utilized a parenting schedule substantially different than these guidelines propose;
- 9) The child's activities;
- 10) Other considerations relevant to a determination of what is in the child's best interests.

These guidelines are intended to apply to both parenting time by the non-custodial parent in sole custody cases and "non-residential custody" by the non-residential parent in joint custody cases, both of which shall be referred to by the term "parenting time". Also, the term "non-residential parent" shall include the non-residential parent in a joint custody situation and the term "custodial parent" shall include the residential parent in a joint custody situation.

## **II CONSIDERATIONS FOR PARENTING TIME INVOLVING CHILDREN OF TENDER YEARS.**

Based on psychological studies and recommendations, it is in the best interests of children under the age of 36 months to develop a parenting schedule that provides the non-residential parent with frequent and regular contact with the child. Ideally, the parent would have contact with the child at least every 2-3 days. The parenting schedule should take into account the child's feeding and sleeping schedule, which should be consistent between households. Overnight visitation is appropriate when there is a showing that the non-custodial parent has familiarity with the child's routines including feedings, bathing, sleep, and medication along with the ability to meet those schedules and other needs of the child.

## **III CONSIDERATIONS FOR PARENTING TIME WITH CHILDREN**

The following shall be considered the guidelines for parenting time to which the non-custodial parent shall be entitled.

- (1) Weekends: alternating weekends from 5:00 p.m. on Friday until 7:00 p.m. on Sunday. (Said weekends do not "reset" due to the non-custodial parent missing such a weekend).
- (2) Weekdays: Consistent visitation (not overnight) on a specific weeknight each week, with the child returned one hour before bedtime.
- (3) Holidays: (A) in years ending in odd number the non-custodial parent shall have the following holidays and in years ending in an even number the custodial parent shall have the following holidays:

- (i) The night before each child's birthday from 5:00 p.m. to 7:00 p.m. (or one hour before child's regular bedtime);
  - (ii) Memorial Day weekend from 6:00 p.m. on Friday until 7:00 p.m. on Monday (or one hour before child's regular bedtime);
  - (iii) Labor Day weekend from 6:00 p.m. on Friday until 7:00 p.m. on Monday (or one hour before child's regular bedtime);
  - (iv) Thanksgiving holiday from 6:00 p.m. on Wednesday until 7:00 p.m. on Sunday (or one hour before child's regular bedtime);
  - (v) From 10:00 a.m. on December 25<sup>th</sup> until 7:00 p.m. on January 1<sup>st</sup> (or one hour before child's regular bedtime).
- (B) In years ending in an even number the non-custodial parent shall have the following holidays and in years ending in an odd number the custodial parent shall have the following holidays:
- (i) Each child's birthday from 1:00 p.m. (or as soon as employment or school permits) to 7:00 p.m. (or one hour before child's regular bedtime);
  - (ii) Easter weekend from 6:00 p.m. on Good Friday until 7:00 p.m. on Easter Sunday. If there are one or more school-aged children also Spring or Easter vacation from school, starting at 6:00 p.m. on the children's last day of school prior to the start of Spring or Easter vacation and ending at 7:00 p.m. on the date before resumption of classes (or one hour before child's regular bedtime);
  - (iii) Independence Day from 6:00 p.m. on July 3<sup>rd</sup> until 7:00 p.m. on July 5<sup>th</sup> (or one hour before child's regular bedtime);
  - (iv) Winter break from 6:00 p.m. on December 20<sup>th</sup> until 10:00 a.m. on December 25<sup>th</sup>.
- (4) Birthdays/Mother's and Father's Day: The non-custodial parent shall have parenting time every year on the non-custodial parent's birthday from 9:00 a.m. in the morning until 7:00 p.m. at night, except that is the non-custodial parent works that day, visitation shall begin as soon as reasonably possible after the work day ends, and if the children are in school on the date, it shall begin as soon after 4:00 p.m. as the non-custodial parent's work schedule allows.

The non-custodial parent shall have parenting time on Mother's or Father's Day weekend (whichever is applicable to the non-custodial parent) starting at 6:00 p.m. on Friday and continuing until 7:00 p.m. on said holiday. Moreover, the custodial parent shall similarly have the Mother's or Father's Day weekend applicable to the custodial parent and the non-custodial parent's regular weekend, birthday, or vacation visitation shall be subordinate to such Mother's or Father's Day weekend visitation.

(5) Summer Vacation: Once the child is ten years old, "Summer" for the purpose of this paragraph shall mean:

- (a) if none of the children are attending school (kindergarten through high school), from 9:00 a.m. on June 1 to 6:00 p.m. on August 31; or
- (b) if any one of the children are attending school (kindergarten through high school), then summer shall be defined as starting at 9:00 a.m. the day all the children are not attending school due to summer recess and ending seven days before any of the children begin attending school after the end of summer recess. "Summer school" shall not constitute school attendance for the purpose of this paragraph.

For children in fourth grade (roughly age ten) or older, each parent should have the right to four weeks of vacation time with the child during the summer, to be exercised in no more than two two-week periods. Only one of the two week periods should be uninterrupted.

Otherwise each parent should have three weeks vacation time with the children during the summer, to be exercised in increments of no more than two weeks at a time.

The first choice regarding specific weeks of summer vacation shall be alternated by the parties.

The custodial parent shall have first choice in even numbered years and the non-custodial parent shall first choice in the odd numbered years, except as provided below.

Notice of selection of summer vacation weeks by the parent having first choice shall be in writing and shall be served upon the other parent by regular mail, e-mail, or personal service on or before April 1<sup>st</sup> of the relevant year, and

mailed notice shall be effective upon the date of mailing if deposited in U.S. mail, postage prepaid and properly addressed.

If the parent having first choice properly and timely notifies the other parent of the selection of specific summer vacation weeks, then the other parent shall, in the same manner notify the parent have first choice by May 21<sup>st</sup> of such other parents' selected summer vacation weeks, which weeks may not conflict with the weeks chosen by the parent with first choice.

If a parent fails to comply with the notice provisions in the manner and time provide above, and the other party has complied, this shall not automatically forfeit the right to summer vacation weeks. Such non-compliant parent shall however (1) forfeit any right to first choice of specific summer vacation weeks that year; and (2) provide at least three weeks prior notice of what specific weeks of summer vacation will be taken, which summer vacation weeks shall not conflict with the summer weeks selected by the complying parent.

If both parents fail to comply with the notice provisions set forth above, then they shall agree to designated weeks, and if they cannot, then neither shall have the right to specific weeks of summer vacation parenting time.

Summer vacation visitation or custody shall be in lieu of weekend parenting time during those weeks. Summer vacation parenting time or custody shall not be taken in such a way as to result in one parent having the children any more that two consecutive weekends. If the non-custodial parent has weekend parenting time prior to the beginning of a summer vacation parenting time period, which begins on Monday, the non-custodial parent will not be required to return the child on Sunday of said weekend.

Summer vacation parenting time or custody by the mother shall be arranged so that is does not interfere with Father's day weekend.

- (6) Temporarily Leaving the State: During parenting time each parent may temporarily remove the children from the State of Illinois for trips, or vacation purposes lasting more than 48 hours without further leave of Court or consent of the other party, provided, the party intending to remove a child shall give the other party at least one week's notice (absent emergency) of his or her intention to do so, and shall supply the other with information regarding the contemplated period of time outside the state, the address and telephone number where the children will be during the period of time outside the State of Illinois, and airline flight information, if applicable, and shall permit reasonable telephone communication between the children and the parent who is not with the children. If an emergency situation exists the parent who is taking the child out of the state shall provide such notice as is possible under the

circumstances. Nothing contained in this provision shall be construed to permit either parent to change the permanent residence of the minor children from the State of Illinois without first securing the written consent of the other parent or securing the approval of the appropriate Circuit Court of Illinois.

- (7) **Transportation**: Unless prior arrangements are made the non-custodial parent shall pick up the children at the times specified and return them at the times specified, and the custodial parent shall have the children ready for visitation at the time they are to be picked up and shall be present (or have a caregiver present) to receive the children at the time they are returned.
- (8) **Notice of Non-Visitation**: The non-custodial parent shall give the custodial parent three (3) days prior notice of the intention not to exercise parenting time unless an emergency situation exists, in which case he or she will give such notice as is possible under the circumstances.
- (9) **Address and Phone Numbers**: Each parent shall supply the other with his/her current address, home telephone number, cell phone number, and e-mail address. Each parent shall allow liberal but reasonable telephone and mail privileges with the children.
- (10) **School and Health Care Information**: The custodial parent shall provide copies of all school and health care reports within ten (10) days of their receipt and shall immediately notify and other parent in the event of a health care emergency. The custodial parent shall inform the non-custodial parent of school and/or social functions permitting parenting participation with 24 hours of notification of such function. The non-custodial parent shall have the right to attend all such functions, including parent/teacher conferences.
- (11) **Priorities**: In the event of a conflict in the schedule of visitation and custody provisions herein, the following priority shall be followed:
  - (i) Mother's or Father's Day
  - (ii) Holidays
  - (iii) Birthdays
  - (iv) Vacation
  - (v) Weekend

Thus, if Mother's or Father's Day weekend falls on the parties or the children's birthdays, the Mother shall still have the children on Mother's Day weekend and the Father on Father's Day weekend. If the parties' birthdays or the

children's birthdays happen to fall on a holiday, the person having the right to have the holiday shall have the right to have the children despite the other party having the right to that birthday. Vacation parenting time and custody shall be arranged so as to not interfere with custody or parenting time on Mother's Day, Father's Day, birthdays or holidays. Weekend parenting time or custody is subordinate to all other parenting time or custody and no "make up" visitation is requested for parenting time or custody, which is superseded pursuant to these provisions, through the parties may agree to make-up parenting time.

If the parties or any children have a birthday, which always falls on a holiday, it is suggested that the parties enter into a separate agreement concerning how to deal with that conflict, but in absence of such an agreement, the above priorities shall apply.