

Module 8

Access, Parenting Time, and Custody Issues

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 8-1: Module 8** (title slide).
 2. Ask participants if there are any lingering questions from earlier modules. When there are no further questions, proceed to **Module 8**.
 3. Explain to participants that military parents have access and custody issues similar to civilian parents. However, they face the unique issues of deployment and assignments that are often in distant locations.
 4. Review the module's goals and objectives with participants.
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What you need to know

1. It takes approximately one hour to complete this module.
2. Listed below are the equipment, handouts, and PowerPoint slides needed for the module.

Equipment/Supplies:

- Flipchart stand with two pads of paper or whiteboard
- Markers (permanent, dry-erase, and wet erase)
- Masking tape
- Personal computer with PowerPoint program
- LCD projector and screen
- Trainer Guide
- Participant Guides (including Appendix with Handouts)

PowerPoint Slides:

- 8-1: **Module 8** (title slide)
- 8-2: Family-Centered Child Support Program
- 8-3: Parenting Time Services
- 8-4: Legal Terminology
- 8-5: Applicable State Laws
- 8-6: Applicable Military Regulations
- 8-7: Relationship Between Child Support and Parenting Time
- 8-8: Relationship (cont'd)
- 8-9: Resolution of Parenting Time Issues
- 8-10: On-Line Resources about Child Support and Parental Involvement
- 8-11: Servicemembers Civil Relief Act
- 8-12: Family Care Plans
- 8-13: Relationship Between Family Care Plan and Custody Order
- 8-14: Summary

Handouts:

- 8-1: Review Exercises

MODULE 8: ACCESS, PARENTING TIME, AND CUSTODY ISSUES

Time: 1 hour

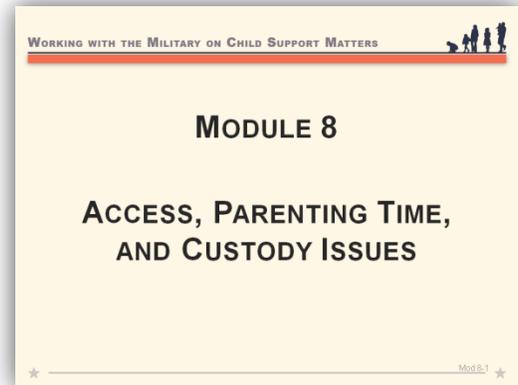
8.1 ACCESS, PARENTING TIME, AND CUSTODY ISSUES

8.1.1 Learning Goals

- Each participant will learn how the child support program can play a role in encouraging healthy parent relationships.
- Each participant will learn about access, parenting time orders (visitation), and custody.
- Each participant will learn about Family Care Plans.
- Each participant will learn about resources available to assist military parents with access, parenting time, and custody issues.

8.1.2 Learning Objectives

- Given an interactive lecture, participants will explain the role the child support program can play in encouraging healthy parent relationships.
- Given an interactive lecture, participants will identify what laws and regulations have an impact on a service member who is encountering access, parenting time, or custody issues.
- Given an interactive lecture and scenario-based exercises, participants will explain the relationship between a Family Care Plan and a custody order.
- Given an interactive lecture and scenario-based exercises, participants will identify resources available to military parents who want assistance with access, parenting time, and custody matters.



TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 8-2: Family-Centered Child Support Program**.
2. Explain to participants how the child support program has broadened its services over the years. Lead participants in a discussion of why it is beneficial for child support agencies to provide greater outreach to families and to encourage healthy family relationships.

What you need to know

1. For additional information, see Healthy Family Relationships, the Child Support Fact Sheet Series, No. 5, published by the federal Office of Child Support Enforcement (OCSE) at <http://www.acf.hhs.gov/programs/css/resource/healthy-family-relationships>.
2. Information about the impact of improved visitation/access on the payment of child support can be found at the Center for Policy Research, *Child Access and Visitation Programs: Participant Outcomes* (2006) and U.S. Department of Health and Human Services, Office of the Inspector General, *Effectiveness of Access and Visitation Programs* (2002), OEI-05-02-00300.
3. For information about a collaboration and strategic planning guide regarding child access and visitation grant programs, see OCSE-DCL-07-0 at <http://www.acf.hhs.gov/programs/css/resource/collaboration-and-strategic-planning-guide-access-and-visitation-grant>.

8.2 THE EVOLVING CHILD SUPPORT PROGRAM



Although child support agencies continue to focus on core services, they also increasingly provide services or work collaboratively with other programs to engage fathers in the lives of their children, increase noncustodial parent employment, improve family relationships and encourage health marriages, secure health care coverage, and help prevent family violence. One area in which child support agencies are increasingly involved is co-parenting, including parenting time (visitation).

Whether or not parents stay together, they are parents for life. Their children depend on them. Parents who have a collaborative and low-conflict relationship with each other are better able to cooperate and work together for their children's emotional and financial well-being. And noncustodial parents who have good relationships with their children may feel a greater commitment to providing for their needs, including paying child support consistently. Poor relationships, however, can lead noncustodial parents to withhold child support or custodial parents to try to block the noncustodial parent's parenting time (visitation). Sometimes family violence is involved. The child support program is uniquely positioned to reach both parents and help them form and maintain healthy and safe family relationships, which will benefit their children and likely lead to increased child support payments.

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 8-3: Parenting Time Services**.
 2. Provide participants with information about federal OCSE competitive grants related to parenting time services, as well as federal funding available to states through the Access and Visitation Program.
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What you need to know

OCSE has a page on its website dedicated to information to the states on the federal grants for access and visitation: <http://www.acf.hhs.gov/programs/css/grants/access-visitiation>.

Parenting Time Services

- Child support agencies are not mandated to provide access or parenting time services; therefore, most currently do not provide
- All states currently participate in the Access and Visitation formula grant program, which is funded separately from the IV-D program
- Services provided through grants vary

Mod 8-3

There is currently no legal requirement that child support agencies provide co-parenting and parenting time services, and therefore most do not directly provide such services. Parents who want to resolve or formally allocate legal responsibility for their children often do so in court. However, the child support program has played a critical role in supporting healthy marriage and couples skill-building programs.

Congress has authorized additional federal funding to support healthy parental relationships. In 2005, Congress enacted the Healthy Marriage and Responsible Fatherhood grants program, administered by the Office of Family Assistance, which authorized \$100 million per year for five years for programs that promoted healthy marriages. Another \$75 million was authorized in 2011. States also receive \$10 million per year in federal funding for the Access and Visitation Program, administered by the federal Office of Child Support Enforcement (OCSE). This program supports and facilitates noncustodial parents' access to and parenting time with their children. Services funded by this grant program include mediation, counseling, education, development of parenting plans, supervised visitation, safe exchange services, and development of guidelines for parenting time and alternative custody arrangements. Services vary among the states. In some states, the child support agency participates in the coordination of services along with other agencies.

TRAINING NOTES

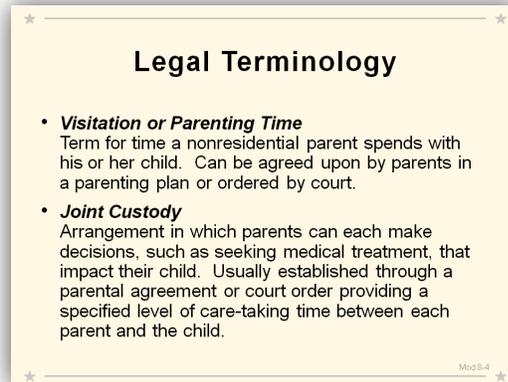
What you need to say/do

1. Display **PowerPoint Slide 8-4: Legal Terminology.**
 2. Explain the terms “visitation,” “parenting time,” and “joint custody.”
 3. Differentiate between joint legal custody and joint physical custody.
-

What you need to know

In joint custody cases, usually the parents agree upon the child’s residence for such purposes as school. In the absence of agreement, the court makes the determination.

8.2 LEGAL TERMINOLOGY



States use many legal terms to refer to the time a child spends with each parent. These terms include “visitation” and “parenting time,” and are basically interchangeable. Parents can agree upon parenting time in a parenting plan or the court can establish parenting time in its order.

Another important legal term is “joint custody.” Joint custody can refer to joint legal custody, joint physical custody, or both. Parents with joint legal custody each have authority to make decisions, such as seeking medical treatment, that impact their child. Parents with joint legal custody should consult with each other, where possible, before making major decisions affecting the child.

Parents with joint physical custody have an agreement or court order providing a specified level of care-taking time between each parent and child. Joint physical custody does not mean an exact division of the child’s time with each parent. However, it differs from an arrangement where one parent has sole physical custody and the other parent has visitation or access. In a joint physical custody arrangement, the child spends substantial residential time with each parent. The court awards joint physical custody most often when the parents agree to the arrangement. Where a child’s parents were never married, most states provide that the child’s biological mother has sole custody (physical and legal) unless the biological father takes steps to have himself considered for custody; such steps include a legal determination of paternity.

TRAINING NOTES

What you need to say/do

1. Explain the term “sole custody.”
2. Display **PowerPoint Slide 8-5: Applicable State Laws.**
3. Point out that state laws vary regarding parenting time and custody. Some states have presumptions; others do not. In addition to state laws, court rules may govern whether parties must participate in mediation or counseling related to parenting time and custody issues.

What you need to know

For information with regard to state enactment of the model Deployed Parents Custody and Visitation Act, see the website for the Uniform Law Commission:
www.uniformlaws.org.

8.3 APPLICABLE LAWS AND REGULATIONS

8.3.1 State Laws

Applicable State Laws

- State law governs how parenting time and custody issues are handled
- Court rules may establish requirements for parents to participate in parenting time mediation
- Laws, policies, and procedures vary from state to state

Mod 8.5

State laws govern the relationship between individual parents, such as marriage, divorce, separation agreements, parenting time plans, and custody. These laws vary. With regard to custody, some states leave custody totally within the court's discretion based on the best interest of the child. Some states have a presumption of joint physical custody when the parents are in agreement. A few states purport to have a presumption of joint custody in all cases, which can be rebutted based on evidence of the child's best interest. Court rules may also establish requirements related to determination or mediation of parenting time and custody issues. The Commissioners on Uniform State Laws has developed a Deployed Parents Custody and Visitation Act, which it hopes state legislatures will enact to address custody and visitation (parenting time) issues that arise when parents are deployed in military or other national service.

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 8-6: Applicable Military Regulations.**
2. Point out that just as state laws vary regarding access, parenting time, and custody, each military branch has its own regulations and/or policy concerning access and custody. Although the specifics may vary, all military branches require compliance with any court order regarding access and custody.
3. Display **PowerPoint Slide 8-7: Relationship Between Child Support and Parenting Time.** In recognition of the importance of healthy parental involvement in a child's life, most state child support guidelines factor in parenting time arrangements that meet a certain threshold of time between the parent and child when calculating the child support amount.

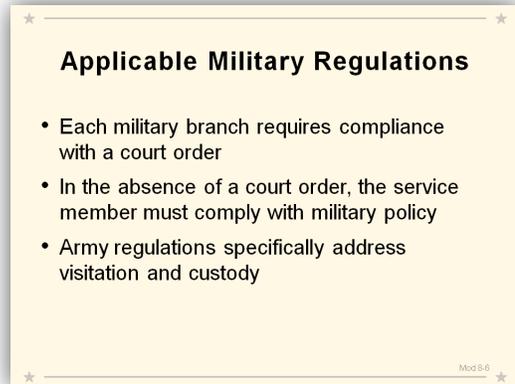
What you need to know

Army Regulation 608-99 Family Support, Child Custody, and Paternity (Oct. 29, 2003) specifically addresses a member's responsibility to comply with the terms of a visitation or custody order. It also addresses the situation when there is an inquiry about a member's failure to return a child to the lawful custodian.

8.3.2 Military Regulations and Policy

Where there is a court order, military policy of each service branch requires compliance with the order. The contents of a court order may be the basis for a lawful order from the member's commander. In the absence of a court order regarding visitation or custody, the service member must comply with the policy of his or her service branch.

For example, the Army has regulations that address visitation and custody, including a commanding officer's duties if there is an inquiry regarding a member's failure to return a child.



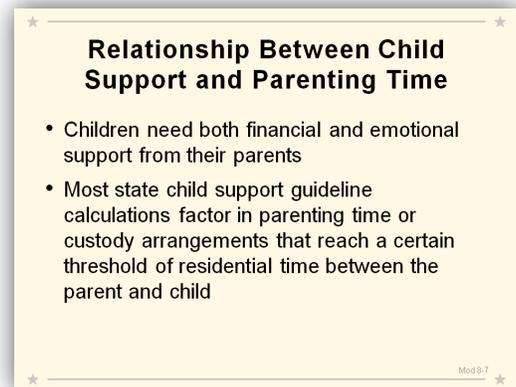
Applicable Military Regulations

- Each military branch requires compliance with a court order
- In the absence of a court order, the service member must comply with military policy
- Army regulations specifically address visitation and custody

Mod 8.6

8.4 RELATIONSHIP BETWEEN CHILD SUPPORT AND PARENTING TIME

Children need both financial and emotional support from their parents. In recognition of the importance of both parents' involvement in a child's life, most state child support guideline calculations factor in parenting time or custody arrangements in establishing the appropriate amount of child support.



Relationship Between Child Support and Parenting Time

- Children need both financial and emotional support from their parents
- Most state child support guideline calculations factor in parenting time or custody arrangements that reach a certain threshold of residential time between the parent and child

Mod 8.7

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 8-8: Relationship (cont'd)**. Point out that a noncustodial parent's failure to pay child support is not a legal justification for the custodial parent to deny parenting time. Nor is the custodial parent's denial of parenting time a legal justification for the noncustodial parent to fail to make a child support payment.
2. Although there is no legal *quid pro quo* relationship between child support and parenting time, research shows that if a noncustodial parent has a healthy relationship with his or her child through parenting time, that parent is more likely to make regular child support payments.

What you need to know

1. A 2002 HHS Inspector General study found that a noncustodial parent's participation in mediation resulted in increased access rights of the noncustodial parent, visitation by the noncustodial parent, and support payments by the noncustodial parent. The study estimated that monthly child support payments went up by \$56 per case after receiving mediation services. U.S. Department of Health and Human Services, Office of the Inspector General, *Effectiveness of Access and Visitation Programs* (2002). See <http://oig.hhs.gov/oei/reports/oei-05-02-00300.pdf>.
2. According to a 2007 Census Bureau report, a majority (81.7 percent) of the custodial parents due child support payments in 2007 had arrangements for joint child custody or shared parenting time with the noncustodial parent. Among this group, 78.3 percent received at least some child support payments in 2007. Of the custodial parents due child support who did not have either joint custody or parenting time arrangements, 67.2 percent received child support payments. See <http://www.census.gov/prod/2009pubs/p60-237.pdf>.
3. Another study found that parents who were behind in their child support and received parenting education nearly doubled their child support payments during the 12 months following program participation. Center for Policy Research, *Child Access and Visitation Programs: Participant Outcomes* (2006).

Relationship (cont'd)

- Nonpayment of child support is not a legal justification for denial of parenting time
- Denial of parenting time is not a legal justification for nonpayment of child support
- Research shows that an NCP's participation in mediation results in increased:
 - Access rights
 - Parenting time
 - Support payments

Mod 8-8

Although child support guidelines often provide for reduced support awards when the noncustodial parent reaches a certain threshold of residential time with the child, there is no legal *quid pro quo* relationship between the payment of child support and parenting time. Child support and parenting time are legally independent, involving separate rights and responsibilities. Nonpayment of child support is not a legal justification for denial of parenting time. Similarly, denial of parenting time is not a legal justification for nonpayment of child support.

On the “ground” level, however, parents often link the two issues through their behavior. Where the parental relationship is poor, it can lead parents to withhold child support or block parenting time. In contrast, noncustodial parents who have good relationships with their children may feel a greater commitment to providing for their needs, including paying child support consistently. Research suggests that where there is healthy parental contact there is also often improved child support payment.

TRAINING NOTES

What you need to say/do

1. Before beginning Section 8.5, display **PowerPoint Slide 8-9: Resolution of Parenting Time Issues**.
2. Lead the group in a discussion of civilian and military resources available to a service member when there are access/visitation/custody issues.
3. Display **PowerPoint 8-10: On-Line Resources about Child Support and Parental Involvement**. Identify some of the resources targeted to service members that are available through the internet:
 - **[Air Force JAG Corps Legal Assistance Public Page](#)** – This web page provides excellent information about a number of legal topics, including family law. Within the family law area, there is information about child and family support, paternity, divorce and separation.
 - **[Military OneSource](#)** - Military OneSource is a DoD program that provides resources and support to active-duty, National Guard, and Reserve service members and their families anywhere in the world. Its website includes information on child support, custody, and visitation.
4. In addition to the resources noted above, fatherhood programs may also provide resources for military parents.

What you need to know

8.5 RESOLUTION OF PARENTING TIME ISSUES

Sometimes parents need assistance in resolving parenting time issues. Some states have used federal Access and Visitation grant money to fund mediation projects through the court, the child support agency, or other community organizations. Local jurisdictions often fund dispute resolution or mediation services through the courts. The service member has a number of additional resources available to assist with parenting time issues. Some are free, such as those offered through military legal assistance offices, military lay advisors and counselors, and non-military advocacy groups. These resources often provide counseling and mediation assistance. There are also resources targeted to the service member that are accessible through the internet. Some examples are in the slide depicted below.

Resolution of Parenting Time Issues

- If there is a conflict, some states provide counseling or mediation services through the court
- Military legal assistance offices and lay advisors can provide assistance, but do not represent service members in state court
- Parents may need to hire a lawyer to help resolve issues

Mod 8-9

Military legal assistance officers, who are often not licensed to practice law in the jurisdiction where their installation is located, do not represent service members in state court. The service member may hire a private lawyer to help resolve parenting time and custody issues, and to represent the member in any legal proceeding.

On-Line Resources about Child Support and Parental Involvement

- **Air Force JAG Corps Legal Assistance Public Page:** Info on various legal topics. The family law area contains information about child and family support, paternity, divorce and separation, <https://aflegalassistance.law.af.mil/las/las.html>
- **Military OneSource:** DoD program providing resources and support to active-duty, National Guard, and Reserve service members and their families worldwide. Its website includes information on child support, custody, and visitation, www.militaryonesource.com/default.aspx
- On-line resources offered by fatherhood programs

Mod 8-10

TRAINING NOTES

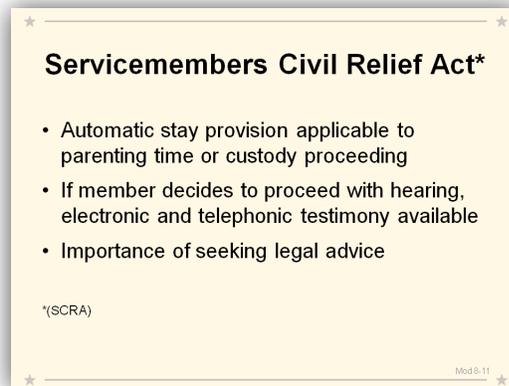
What you need to say/do

1. Display **PowerPoint Slide 8-11: Servicemembers Civil Relief Act.**
 2. Note that a member may decide it is in both the child's and the member's best interest, to proceed with the hearing, especially if the member is able to testify telephonically or electronically.
-

What you need to know

Child support attorneys and caseworkers are usually not involved in custody proceedings, which are separate from child support proceedings. The information in Section 8.6 provides general information about the relationship between the SCRA and custody proceedings.

8.6 CUSTODY PROCEEDINGS AND THE SERVICEMEMBERS CIVIL RELIEF ACT



As noted earlier, the Servicemembers Civil Relief Act (SCRA) provides for an automatic stay of civil administrative and judicial matters for at least 90 days upon a proper request from the service member. If a member receives notice that a proceeding related to custody or parenting time has been initiated against him or her during a period of military service or within 90 days thereafter, the member has the right under the SCRA to request that the action or proceeding be stayed for a period of at least 90 days. Remember that protection under the SCRA is not automatic. The member must produce a statement showing how his or her military duties materially affect the member's ability to appear and specifying a date when the member will be available to appear. The request must include a statement from the commanding officer stating that the member's current military duty prevents his or her appearance and that military leave is not authorized for the member at the time of the statement. The initial request for a stay must be granted upon production of the required statements.

TRAINING NOTES

What you need to say/do

1. Continue to display **PowerPoint Slide 8-11: Servicemembers Civil Relief Act.**
 2. If a service member asks a child support caseworker what he or she should do in response to a summons regarding a parenting time or custody proceeding, the caseworker should advise the member to seek legal advice. It is not the role of the caseworker to tell the member what is in his or her best interest.
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What you need to know

The member also has the right to request that the court extend such a stay if necessary. The granting of an additional stay beyond the mandatory 90-day period is within the discretion of the court. If the member's request for an extension of a stay is denied, then the court must appoint an attorney to represent the member in the action or proceeding.

Depending upon the issues in the custody or parenting time proceeding, the service member may wish to proceed with the hearing rather than delay it. For example, a member who needs an adjustment to visitation may decide to request electronic or telephonic testimony rather than allow a delay to affect the situation of the child. Section 111 of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) permits an individual to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state.

It is important for a service member to seek legal advice about invoking the protections of the SCRA as soon as possible after learning of a legal action. Service members may contact the nearest Armed Forces Legal Assistance Program office. See <http://legalassistance.law.af.mil/content/locator.php>. The member may also seek assistance from a private attorney.

TRAINING NOTES

What you need to say/do

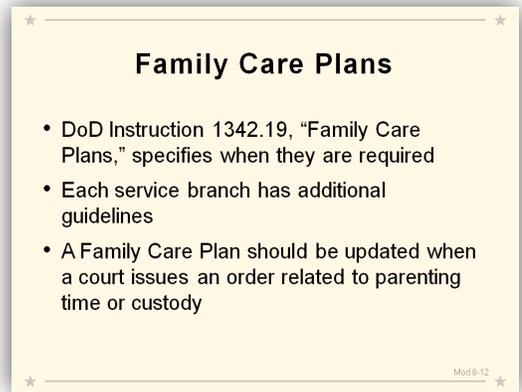
1. Display **PowerPoint Slide 8-12: Family Care Plans**.
2. Department of Defense Instruction 1342.19 spells out who must have a Family Care Plan and what it must include. Each service branch provides additional guidelines. There are military resources available to help a service member develop a Family Care Plan.

What you need to know

Military OneSource has comprehensive information about Family Care Plans. Visit its website at <http://www.militaryonesource.mil> and do a search for "Family Care Plan."

8.7 FAMILY CARE PLAN¹

A Family Care Plan is a “blueprint” that spells out how the military member’s family will be cared for in the member’s absence – whether the member is deployed, on temporary duty, or otherwise unavailable because of military obligations. It allows for a smooth transition of responsibilities to a spouse or other caregiver when a service member must leave for short or long periods of time. These plans demonstrate to the commander that unit members will be ready to accomplish the mission of the unit with little or no disruption by family issues. However, as discussed later, it does not supersede a court order regarding parenting time or responsibility for making legal decisions affecting a child.



8.7.1 Who Must Have a Family Care Plan?

According to Department of Defense Instruction 1342.19, the following members within all active and reserve components and the DoD Civilian Expeditionary Workforce are required to have a Family Care Plan:

- Single parents with custody of children under 19 years of age
- Dual military couples with custody of children under 19 years of age. (They are required to develop a single Family Care Plan that both members sign.)
- Married service members who have custody or joint custody of a child whose noncustodial biological or adoptive parent is not the current spouse of the service member

¹ The information on Family Care Plans is from an article entitled “Preparing a Family Care Plan,” prepared by Ceridian. That resource is no longer available. For more information, see “Creating a Family Care Plan for Caregivers” at http://www.militaryonesource.mil/phases-new-to-the-military?content_id=267568.

TRAINING NOTES

What you need to say/do

1. Continue to display **PowerPoint Slide 8-12: Family Care Plans**.
 2. After you review who must make a Family Care Plan, discuss when a Family Care is required and how often it must be updated.
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What you need to know

According to DoD Instruction 1342.19, issued May 7, 2010, each service member must “attempt, to the greatest extent possible, to obtain the consent of the non-custodial biological or adoptive parent to any family care plan that would leave his or her child in the custody of a third party.” In developing an adequate family care plan, the member must include:

The name of any non-custodial biological or adoptive parent not named as the caregiver, along with that person’s consent to the family care plan. If this individual does not consent, the Member should explain the absence of such consent in writing and acknowledge the availability of legal counsel to discuss the associated risks and the best possible courses of action (including the possibility of incorporating the family care plan into a temporary order by a court of competent jurisdiction).

- Service members who are solely responsible for the care of children under the age of 19 or adult family members unable to care for themselves in the service member's absence. This category includes situations where a service member's spouse is injured, chronically sick, or otherwise unable to care for family members or other dependents.
- Service members who, for any other reason, are primarily responsible for dependent family members. This category includes service members with spouses who speak little or no English or are unable to drive or otherwise gain access to basic resources such as medical care and food.

Service members who do not fit into any of these categories may also want to develop a Family Care Plan.

Each service has a corresponding directive that explains that branch's guidelines. Commanders and supervisors can tell military members about the resources available to help them create plans that meet their service's specific requirements. These resources include installation family support centers and legal assistance offices.

8.7.2 When Should a Member Make a Family Care Plan?

Service members should notify their supervisor or commander about creating a Family Care Plan as soon as they enter any of the required categories above. Active-duty members have up to 60 days to submit the final plan. Reserve component service members must submit their final plan within 90 days of alert notification.

It is important that the member updates the Family Care Plan when there is a change in family circumstances that result in the member's becoming responsible for the logistical, medical, or financial support of another person. This is especially true when the court issues a child support, parenting time, or custody order. At a minimum, the member must provide written certification annually to his or her commander that the Family Care Plan is current.

TRAINING NOTES

What you need to say/do

1. Continue to display **PowerPoint Slide 8-12: Family Care Plans**.
2. Point out to participants that it is not necessary for them to memorize the contents of a Family Care Plan. The information is provided so that they will be familiar with Family Care Plans and better understand their relationship to child support and custody orders.

What you need to know

8.7.3 What Must be in a Family Care Plan?

The requirements for a Family Care Plan may vary somewhat depending on the service branch or the member's particular circumstances. However, all plans must contain the following basic information:

- Name and contact information of the member's caregiver and alternate caregiver. The caregivers selected must be non-military, at least 21 years of age, and capable of caring for themselves and the member's family. The member will be required to sign a statement certifying that the caregiver has accepted responsibility for the care of the member's family members and that the member has provided the caregiver with necessary information and copies of all documents required to be included in the Family Care Plan, such as power(s) of attorney. Note: The existence of a custody order will affect who is designated as caregiver. See discussion below.
- Provisions for short- and long-term absences.
- Financial arrangements that ensure the self-sufficiency and financial security of the member's family. The member must provide documentation of allotments and other financial resources and describe how they will be used. A copy of the member's power(s) of attorney must be included with the plan. Note: The existence of a child support order will affect this information.
- Logistical arrangements for transporting family members and/or caregivers to a new location. If the member has different caregivers for short- and long-term absences, the member's plan should address transporting family members from a short-term caregiver to a long-term caregiver in the case of deployment (or other lengthy separation) with little or no notice.
- The name of any noncustodial biological or adoptive parent not named as the caregiver, along with that parent's consent to the Family Care Plan. Note: If the parent will not consent to the third party caregiver, the member must explain the absence of such consent in writing and acknowledge the availability of legal counsel to discuss the associated risks and the best possible course of action (including the possibility of incorporating the family care plan into a temporary order by a court of competent jurisdiction).

TRAINING NOTES

What you need to say/do

Continue to display **PowerPoint Slide 8-12: Family Care Plans.**

What you need to know

- The name of the person the member designates to have temporary responsibility for the member's dependent family members in the event of the member's incapacity or death. If the member has named someone in his or her will to have custody of his or her children in the event of death, the Family Care Plan should still designate someone to be responsible until permanent custody can be legally established. It may or may not be the same person as the caregiver.

8.7.4 What are Additional Issues to Address?

The Family Care Plan may also include specific instructions on arrangements for child care, school, medical care, and family activities. It may include the locations of important documents, such as wills, insurance papers, and birth certificates. It may also contain arrangements for communication between the member and his or her children during times of short-term and long-term separation.

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 8-13: Relationship Between Family Care Plan and Custody Order**.
 2. Emphasize the importance of educating a service member that a custody order will govern if there is any conflict with his or her Family Care Plan.
 3. Point out to participants that they may have the opportunity to suggest additional resources to a service member in the development of his or her Family Care Plan, including any resources on parenting that are available through the local court.
-

What you need to know

8.8 RELATIONSHIP BETWEEN A FAMILY CARE PLAN AND A CUSTODY ORDER

Although a Family Care Plan is a very useful tool for addressing parenting issues, it does not take the place of a court order related to custody or parenting time. Therefore, despite the presence of a Family Care Plan, either parent may seek a court order concerning parenting time or custody.

Parents sometimes discover issues while they are preparing the Family Care Plan that might cause them to seek modification of an existing child support or child custody order. If there is a conflict between the Family Care Plan and the court order, the order prevails.

On the other hand, the presence of a court order does not mean that a Family Care Plan is unnecessary. Members who fall within the required categories of individuals under DoD Instruction 1342.19 must prepare a Family Care Plan. They should ensure that the Family Care Plan is consistent with the court order and may wish to incorporate certain provisions of the court order into the Family Care Plan.

Even members who are not required to prepare a Family Care Plan may find it beneficial to do so. A Family Care Plan or a non-military Parenting Plan can address the day-to-day parenting issues that most court orders do not address. For example, co-parenting couples may find it helpful to develop a plan for handling everyday childrearing issues like extracurricular activities, religious instruction, tattoos, or piercings.

In addition to military resources, members may wish to contact their local courts for information on child access, parenting plans, and mediation services.

★ Relationship Between Family Care Plan and Custody Order ★

- One does not replace the need for the other
- A member should strive to have his/her Family Care Plan be consistent with any court order re: custody
- If they conflict, the custody order “trumps” the Family Care Plan

★ Mod 8-13 ★

TRAINING NOTES

What you need to say/do

1. Direct participants to **Handout 8-1: Review Exercises**. As a group, discuss the exercises. Allow 15 minutes for the discussion.
 2. After completion of the exercises, display **PowerPoint Slide 8-14: Summary**.
 3. Respond to any remaining questions.
 4. Inform participants of the topics that **Module 9** will explore.
-

What you need to know

8.9 EXERCISES

The trainer will facilitate a discussion of **Handout 8-1: Review Exercises**.

8.10 SUMMARY

In this module, we discussed:

- the evolving role of the child support program,
- the definitions of visitation or parenting time and custody,
- applicable state laws, court rules, and military regulations governing parenting time and custody,
- resources for resolution of parenting time issues,
- application of the SCRA's stay provisions to a custody proceeding, and
- Family Care Plans.



8.11 PREVIEW OF MODULE 9

In the next module, we will discuss the following topics:

- the importance of collaboration between the child support program and the military,
- opportunities for collaboration with the National Guard Family Readiness Program,
- opportunities for collaboration with Yellow Ribbon events,
- the profile of veterans in the child support caseload, and
- opportunities for collaboration with veterans organizations and events, such as Veterans Stand Down events.

