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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

2017 MAR -4 PM 3:08

IN RE THE MARRIAGE OF:

██████████

Petitioner,

-and-

██████████

Respondent.

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DON NEWBERRY
COURT CLERK

DISTRICT COURT
FILED

APR 04 2017

Case No. ██████████

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DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

JOINT CUSTODY PLAN

This matter came on for presentation by agreement of the parties for entry of a *Joint Custody Plan*. Petitioner, ██████████ and the Respondent, ██████████ pursuant to Okla. Stat. tit. 43 §109, submit this *Joint Custody Plan* for the minor child of the parties, to wit: *M. P. Hill, born September 26, 2008.*

1. **Physical and Legal Custody.** Both parties are fit and proper persons and parents, physically and psychologically, to be granted physical and legal care, custody and control of the above-named minor child. The parties agree that the child shall continue to attend the Owasso School District so long as either one of them resides therein.
2. **Equal Rights and Responsibilities.** Both parties should and shall have equal rights and responsibilities concerning the minor child, as more specifically set out below, and neither party's rights shall be superior, except as provided below.
3. **Conferring and Joint Decision-Making.** Both parties should and shall reasonably confer with one another by the most reasonable and appropriate method, and should and shall share decision-making authority as to important decisions affecting the physical, mental and moral upbringing of the minor child, and other areas requiring decisions affecting the growth and development of the minor child, including, but not limited to:
 - a. Summer camps and church schools and/or classes which the child shall attend;
 - b. The child shall not be spanked with any sort of object;
 - c. Religious instruction shall be decided by the parent who has the child for that weekend;
 - d. Medical, dental, orthodontic, and optical care, psychotherapy and counseling;

- e. Organized recreational and extracurricular activities; and,
 - f. Sports activities and extracurricular activities;
 - g. No one other than the Petitioner and Respondent shall administer corporal punishment to the minor child;
4. **Normal, Regular and Routine Matters.** The parties agree that during the period each of them has physical custody of the child, that parent shall decide all normal, regular and routine matters concerning the child's welfare, and that each party shall cooperate with one another in maintaining a mutually supportive arrangement regarding such normal, regular and routine matters.
5. **Routine Medical Care.** The Mother shall have the sole decision-making authority concerning the routine medical care of the child during periods of time the child are in the physical custody of the Mother. The Father shall have the sole decision-making authority concerning the routine medical decisions of the child during periods of time the child are in the Father's physical custody.
6. **Major Medical Care or Treatment.** Both parties shall be required to consult with each other and make joint decisions regarding major medical care or treatment. Neither parent shall be permitted to schedule an elective surgery for the minor child without the consent of the other parent.
7. **Emergency Medical Care or Treatment.** The parent having physical custody of the minor child shall have the right to authorize emergency medical care or treatment; **PROVIDED THAT** the parent shall inform and notify the other parent of the "emergency" as soon as possible.
8. **Physical Custody Schedule.** In order to insure continuing association between the minor child and parents and best promote and foster continued parent-child companionship, physical custody of the minor child should and shall be as follows:
- a. The physical custody schedule is as set forth below:
 - i. The parties shall operate under a "50 – 50" physical custody plan, specifically the "2-2-5-5" Plan for the immediate future and shall arrange the same based upon their respective work schedules. In the event of a disagreement on how to effectuate this, the Parenting Coordinator shall address this via recommendation to the Court.
 - ii. All holidays as contained in Exhibit B shall be those defined and set by the Owasso Public School Calendar.
 - iii. Each party shall designate and inform one another of three (3) agents who can be used for drop off and pick up of the minor child.

iv. The parties shall alternate holiday physical custody as set forth below with the Respondent having the visitation in the year opposite of that designated for the Petitioner;

- (1) Martin Luther King Day (Petitioner – odd numbered years) Monday from 9:00 a.m. to 7:00 p.m.
- (2) Presidents Day (Petitioner – even numbered years) Monday from 9:00 a.m. to 7:00 p.m.
- (3) Easter (Petitioner – odd numbered years) Sunday from 9:00 a.m. to 7:00 p.m.
- (4) Memorial Day (Petitioner – even numbered years) Monday from 9:00 a.m. to 7:00 p.m.
- (5) July 4 (Petitioner – odd numbered years) from 9:00 a.m. (July 4th) until 7:00 p.m. (July 5th)
- (6) Labor Day (Petitioner– even numbered years) Monday from 9:00 a.m. to 7:00 p.m.
- (7) Thanksgiving (Petitioner – odd numbered years) from 6:00 p.m. the day school recesses until 7:00 p.m. the day before school resumes

The holiday program shall take precedence over any other visitation/physical custody format. Further, if a holiday to which a parent is entitled occurs adjacent to a weekend the parent is exercising, then the holiday attaches.

Christmas –

1st Session shall occur from 6:00 p.m. on the day school recesses for break until 2:00 p.m. Christmas Day and shall go to Petitioner in Even Years.

2nd Session shall occur from 2:00 p.m. Christmas Day until 6:00 p.m. on the evening prior to school resuming in the New Year and shall go to Petitioner in Odd Years.

Spring Break - shall be split. The party exercising physical custody of the child over the first weekend shall continue the physical custody until Wednesday at 6:00 p.m. The party exercising physical custody of the child over the second weekend shall acquire the child at 6:00 p.m. on Wednesday and continue the holiday until school resumes.

Fall Break - This is a two or three day holiday occurring from 6:00 p.m. Wednesday until 6:00 p.m. Friday (generally in October). It occurs when teachers attend their statewide conference and school is recessed. This holiday shall alternate annually. The mother shall exercise this holiday in even numbered years.

Mother's Day – This holiday is assigned to the mother in every year and shall occur from 9:00 a.m. until 6:00 p.m. on Mother's Day.

Father's Day and Father's Birthday (2-14) - This holiday is assigned to the father in every year and shall occur from 9:00 a.m. until 6:00 p.m. on Father's Day.

It is not intended that the child be removed from school for these holidays.

- vi. That the attached "Judicial Order of Proper Conduct" attached hereto and marked as Exhibit "B" shall be adopted herein;
- vii. Liberal telephone visitation for the non-physical custodial parent on any day that they do not see the child; that neither party shall ignore or fail to answer the calls from the other parent;
- viii. Such other times as may be agreed to by the parties.
- ix. The holiday and summer custody provisions take preference over regularly scheduled custody.

9. **Joint Parenting Rights.** Both parents intend to jointly exercise the following rights in the best interest of the minor child:

- a. Right to reasonable access and unhampered contact with the child upon reasonable prior notice and within the schedule of joint physical custody included in this Plan.
- b. Right to be notified in case of a child's "illness."
- c. Right to inspect and receive the child's medical, dental, orthodontic, optical, psychological or other records, and the right to consult with any professional treating the child.
- d. Right to consult with school officials concerning the child's educational status, and the right to inspect and receive student records.
- e. Right to receive, or have forwarded promptly from the physical custodial parent or school, copies of all school reports, calendar of school events, notice of parent-teacher conferences and school programs, and the right to purchase school pictures.
- f. Right to a schedule of the child's activities.

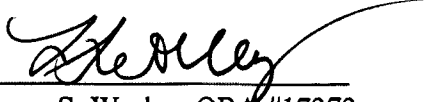
- g. The parties agree that the address and telephone numbers of one another, and those places where the minor child might be temporarily staying, shall be known to each other at all times.
 - h. Right of First Refusal shall apply, more specifically, if either party has to be away from the child for more than four (4) hours during his or her custodial period, that party shall offer the child to the other party before seeking child care from a third party.
 - i. The non-custodial parent shall have the right to morning and evening telephone conversation with the child.
 - j. Neither parent shall refuse the right of the child to speak to the other parent at any time.
 - k. The parties agree that the minor child shall be in bed no later than 9 p.m. on school nights and at a reasonable time on non-school nights.
 - l. Parties agree that they shall cooperate with obtaining a passport for the minor child and that said passport shall be kept at the Parenting Coordinator's office or at an agreed upon location when not being used and returned there for safe keeping within forty-eight hours of returning to the state.
10. **School, Sports and Peer Activities.** The parties agree that they should and shall be mindful of the child's school activities, sport activities and peer activities and associations, and the wishes of the child, and in the event of conflict respecting visitation, both parties shall work together reasonably in advance to arrange for alternate visitation if necessary. Further, that the child shall be enrolled in at least one extracurricular activity with the expenses of all agreed upon activities being split 50-50 between the parties; all extracurricular activities not agreed upon shall be paid in full by the parent enrolling the child.
11. **Relationships with Significant Others.** Both parties shall be respectful of the minor child in their relationships with persons of the opposite sex or individuals with whom they are romantically involved.
12. **Withholding of Physical Custody.** The parties further agree that:
- a. Neither parent has the right to withhold the physical custody of the minor child from the other in violation of this Plan for Joint Custody;
 - b. Withholding of custody of the minor child is contrary to the letter and spirit of the Joint Custody Plan; and,

- c. The parties understand that any party who withholds custody from the other, without justification, can be assessed costs and attorney's fees as determined by the Court.
13. **Derogatory Remarks.** Both parties shall refrain from making derogatory remarks or comments about each other in the presence of the child, or ask the child to keep secrets from the other parent. Both parties shall shelter the minor child from derogatory remarks about the other parent made by others.
14. **Marriage.** Both parties agree that in the event either marries, that party's spouse should and shall be made aware of the terms of this joint custody plan, and that party shall exert every effort to ensure that his or her spouse honors and respects the terms and provisions of the plan.
15. **Death, Incapacitation or Serious Illness.** The parties agree that in the event of a death, incapacitation or serious illness of either party legal and physical custody of the minor child shall vest exclusively in the other party. The surviving parent shall continue to allow, encourage and foster a relationship with the deceased parent's family.
16. **Parenting Coordinator.** That upon application by either party, a Parenting Coordinator shall be appointed to assist the parties with effectuating the terms of this *Joint Custody Plan*.
17. **Mediation or Arbitration.** In the event a dispute arises between the parties regarding the interpretation of any provisions of this Plan, the parties will submit to mediation or arbitration with an arbitrator agreed upon by the parties or, the Court may, pursuant to 43 O.S. § 109(H), appoint an arbitrator to resolve any such disagreement or dispute and in that event the determination of the arbitrator shall be final and binding on parties to the proceedings until further order of the Court; and further, that both parties have the right of appeal to the Court of the arbitrator's decision and both parties recognize that if either of them refuses to consent to arbitration as herein provided, the Court may terminate this *Joint Custody Plan*.

DATED this 4 day of April 2017.


~~THE HONORABLE OWEN EVANS~~ T.L. Bruel
JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:



Lynn S. Worley, OBA #17373

Attorney for Petitioner

5801 E. 41st Street, Ste. 300

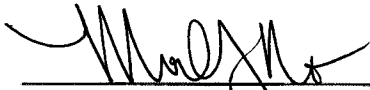
Tulsa, OK 74135

(918) 770-4890

FAX (918) 770-4892



Petitioner



Moura A. J. Robertson, OBA # 14965

Moura Robertson Family Law

Attorney for Respondent

110 West 7th Street, Ste. 2610

Tulsa, OK 74119

(918) 382-9332

FAX (918) 382-9319



Respondent

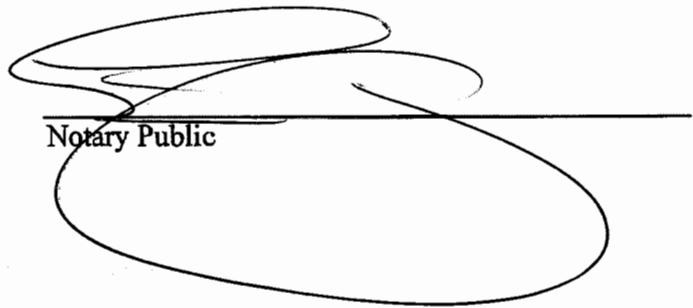
STATE OF OKLAHOMA)
)
COUNTY OF TULSA) ss.

Before me, undersigned a Notary Public within and for the State of Oklahoma, on this 31st day of March, 2017, personally appeared [REDACTED] to me sworn to be the identical person who executed the above and foregoing *Joint Custody Plan*, and personally acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth, that she agrees to the plan and will abide by its terms.

IN WITNESS WHEREOF I have affixed by signature and official seal the day and date heretofore stated.

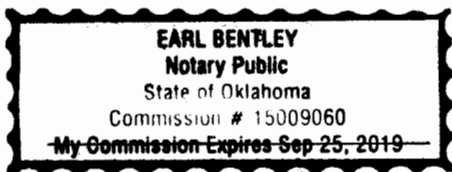
[REDACTED]

Petitioner



Notary Public

My Commission Expires:



STATE OF OKLAHOMA)
)
COUNTY OF TULSA) ss.

Before me, undersigned a Notary Public within and for the State of Oklahoma, on this 28th day of March, 2017, personally appeared [REDACTED] to me sworn to be the identical person who executed the above and foregoing *Joint Custody Plan*, and personally acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth, that he agrees to the plan and will abide by its terms.

IN WITNESS WHEREOF I have affixed by signature and official seal the day and date heretofore stated.

[REDACTED]

Respondent



Toni Reed
Notary Public

My Commission Expires:

10/17/2019

**JUDICIAL ORDER FOR PROPER CONDUCT
OF SEPARATED OR DIVORCED PARENTS**

This Judicial Order is directed equally to both the Petitioner, [REDACTED] and the Respondent, [REDACTED] herein.

If there is bitterness between you, it should not be inflicted upon your child. In every child's mind there should always be an image of **TWO GOOD PARENTS**. Your future with your child and with this Court will be enhanced if you will follow these guidelines.

1. **Choosing One Parent Over the Other**. The divorce is not the child's fault. It is not because of anything he did. For the child, it is a confusing, frustrating experience over which he has no control. Children should not be made to feel like they need to choose sides when their parents are at odds.
2. **Blame for Divorce**. Children will tend to blame themselves for the divorce and you must constantly reassure him that he is not to blame; that it happens to all kinds of children and that he is not alone. Help him with his fears by assuring him that he will be taken care of.
3. **Conflict After Divorce**. Research is now suggesting that it is not the divorce itself that hurts the children, but rather the conflict that they have to live with afterwards results in maladjustment.
4. **Access to Both Parents**. It is important for children to have access to both parents for a balanced picture of male and female roles. They need your time and attention far more than presents. A child can love both parents more if he is not pressured to love one parent less. They will generally not feel very close to one parent who continually puts down the other and are quick to go for guidance to the parent who has a positive attitude towards life.
5. **Arguments and Fighting**. Your child's sense of who he is comes from both parents. He will be burdened if he is told of his other parent's shortcomings. Spare your child the painful experience of seeing his parents fighting. This only adds to the pain of divorce and the feeling that the conflict is over him.
6. **Mourning**. Do your mourning with your adult friends and family rather than using your child as your therapist.
7. **Child as Messenger**. Do not use your visitation to continue argument with the other parent. Never quarrel in the presence of the child. You should not use the child as a messenger to communicate with the other parent.
8. **Questioning Children**. Keep your visitation as pleasant as possible for your child by NOT

questioning him regarding activities of the other parent. Do not burden your child with the worries and troubles of adults. Do not discuss with him the details of any pending litigation matters.

9. **Sexual Relations.** Do not expose your child to inappropriate sexual relations with any person.
10. **Drinking and Unreasonable Hours.** Do not visit or transport the child if you have been drinking excessively or are intoxicated. Do not attempt to visit or telephone your child at unreasonable hours.
11. **Keeping Scheduled Visitation.** Always notify the other parent as soon as possible if you are unable to keep your scheduled visitation/physical custody. It is unfair to your child to keep him waiting and even worse to disappoint him by not coming at all. It is in the best interest of your child that scheduled visitation be timely. A visiting parent waiting or no parent present at the time the child is returned is an aggravation leading to confrontations in the presence of the child.
12. **Frequent and Continuing Contact with Both Parents.** When in the best interest of your child, it is the Court's policy to assure your child of frequent and continuing contact with both parents and encourage parents to share the rights and responsibilities of child rearing. To this end, when awarding custody, the Court considers which parent is more likely to allow the child frequent and continuing contact with the non-custodial parent.
13. **Schedules of School, Church or Extracurricular Activities.** It shall be the duty of the custodial parent to inform the non-custodial parent and provide copies to the non-custodial parent of all written schedules and notices of any school, church or extracurricular activities or functions pertaining to your child; including, but not limited to, teacher conferences, open house, awards banquets, sporting events, school plays, report cards, test results, school photographs and similar items. It shall be the duty of the custodial parent to inform and provide copies of such to the non-custodial parent as soon as same is made available to the custodial parent. It shall be the duty of the custodial parent to take the necessary action with the school authorities to list the non-custodial parent's address and phone numbers, and list the non-custodial parent as a person to be contacted in case of an emergency.
14. **Participation in Child's School, Extracurricular or Church Activities.** It shall be the duty of the non-custodial parent to facilitate your child's continued participation in your child's school activities, extracurricular activities, sporting activities or church activities during your visitation periods.
15. **Child's Clothing and Medications.** The custodial parent must prepare the child both physically and mentally for visitation. The child and necessities for his care should be available by the custodial parent to the non-custodial parent at the time mutually agreed upon or the time set by the Court. This includes clothing and medications. All items

furnished by the custodial parent must be returned with the child.

16. **Address, Telephone Number and Serious Illness or Injury.** You are required to keep the other parent informed of any change of address and change of telephone number of yourself and the child at all times. All such changes must be reported immediately. You are required to inform the other parent at once of serious illness or injury to the child.
17. **Child Support.** Be prompt in paying child support exactly as ordered. You will not be credited with presents, clothes, etc., as part of child support. The parent who has a duty of paying child support must always maintain proof of payment and be in a position to prove the payment (i.e. receipts, canceled checks, etc.).
18. **Children's Medical Attention.** The custodial parent shall promptly inform the non-custodial parent of any illness of the child which shall require medical attention. The custodial parent is responsible to the provider for all medical and dental expenses of the child over and above what is covered by insurance. The custodial parent shall provide to the non-custodial parent documentation from the provider of the actual expenses, the amount paid by insurance and the balance owing. The non-custodial parent shall reimburse the custodial parent his/her percentage share as determined under the child support guidelines within thirty (30) days of receipt of such documentation.
19. **Medical and/or Dental Insurance.** The parent who has the responsibility of providing major medical and/or dental insurance, or any type of insurance for the minor child, or who has voluntarily provided insurance for the minor child, is required to keep the other parent informed of the proper name and address of the company, any changes in the benefits, any and all pre-admittance notices required of the company, benefit card with dependent identification numbers, and any other information reasonably necessary to assure the children is covered and claims properly presented to the insurance provider.
20. **Visitation and Children Support.** The issues of visitation and child support are separate and distinct. Neither is dependent upon the other and both are independently enforceable by Contempt. Nonpayment of child support is not a ground the Court is to consider in contempt hearings for denial of visitation. Denial of visitation is not a ground the Court is to consider in contempt hearings for nonpayment of child support.
21. **Raising Children in a Proper, Cooperative Way.** Each parent must realize that the most important job is to carry out the responsibility of raising children in a proper, cooperative way. Always work for the emotional well-being, health, happiness, and safety of your child. Use good judgment and your very best example to achieve these goals. Schedule regular dental and medical examinations. When driving, secure your child in seat belts or a safety chair. Never expose your child to excessive alcohol consumption or inappropriate or illegal drug use nor any dangerous, immoral or illegal situation or circumstances.
22. **Contact With Court.** All parties are advised that it is improper and unethical to discuss any pending matter with the Court.

Effect of Failure to Follow Court's Directions. FAILURE to follow these directions may result in violation of the orders of this Court and may be punished by contempt of Court with a fine, imprisonment or both. Failure to follow these directions will be considered by the Court as a factor in determining the best interests of your child at any hearing before the Court. There may also be the additional expense of attorney fees and court costs, all of which can be better used for the benefit of your child.