

CHILD VISITATION GUIDELINES

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CHILD VISITATION GUIDELINES

This visitation schedule has been approved by the Judges of the Family Law Division as a reasonable visitation schedule for use in Polk, Highlands and Hardee Counties. Parties to any order entered before the effective date of these guidelines may agree in writing to the provisions herein; otherwise, such parties shall continue to comply with the old order unless a modification of the order is entered by the court.

The judges prefer that the parents agree upon visitation schedules because the parents best know their work, other schedules and their child. An agreed upon visitation schedule is more likely to work to the satisfaction of the parents and the child. The schedule may be useful as a starting point to begin negotiations on visitation. If the parties cannot agree on visitation, their first alternative is to mediate the conflict. Special reasons may exist to alter this visitation schedule such as: age of the child, health, special care needs, etc.

VISITATION IS FOR THE PRIMARY BENEFIT OF THE CHILD.

VISITATION 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 PRIMARY RESIDENTIAL PARENT IS EXPECTED TO PROVIDE ACCESS TO EACH CHILD AT UNSCHEDULED TIMES IF REQUESTED AND IF TO DO SO WOULD NOT UNREASONABLY DISRUPT PRIOR PLANNED ACTIVITIES OF THE CHILD OR THE PRIMARY RESIDENTIAL PARENT.

GENERAL

- 1. The parent with primary custody shall be referred to herein as the primary residential parent, and the other parent shall be referred to as the secondary residential parent.**
- 2. Section I includes “General Provisions” applicable to both local and nonlocal visitation.**
- 3. Section II includes approved schedules applicable when both parties reside within 150 driving miles of each other. The schedule set forth in Section I.A. applies to children under 18 months of age. The schedule set forth in Section I.B. applies to children 18 months and older. Parties with children in both age groupings should familiarize themselves with both schedules.**
- 4. Section III includes approved schedules applicable when the parties reside a distance of more than 150 driving miles from each other.**
- 6. The no-contact or limitation-of-contact provisions of any domestic violence case, injunction case, juvenile case, or criminal case supersede any contact provisions set forth in these guidelines. That is, the no-contact or limitation-of-contact provisions of any domestic violence case, injunction case, juvenile case, or criminal case should be followed as set forth by the judge in that case. It may be necessary to seek a modification of the no-contact or limitation-of-contact provisions in order to facilitate visitation.**
- 7. The term “local” shall apply to parties residing within 150 driving miles of each other.**
- 8. The term “nonlocal” shall apply to parties not residing within 150 driving miles of each other.**

SECTION I

GENERAL PROVISIONS

1. **MEDICATION, ILLNESS OR ACCIDENT:** If medication or therapy has been prescribed for the child, then both parents shall **without fail** provide the child all medical prescription dosages, treatment and/or therapy as may be prescribed for the child. The parents shall share the health care professional's name and phone number as well as instructions for treatment. If the child becomes ill or is involved in an accident, and treatment by a medical professional is obtained, the parent who has the child at the time of the illness or accident shall notify the other parent as soon as practicable but no later than three (3) hours after the incident or diagnosis. **ILLNESS OF THE CHILD SHALL NOT PREVENT VISITATION WITH THE CHILD, UNLESS THE CHILD IS HOSPITALIZED.**

2. **COMMUNICATIONS.** Provided that both parents have telephones in their homes, the child shall be entitled to reasonable telephone communication with both parents. Each parent shall immediately deliver to the child all letters, cards, e-mails, correspondence, telephone messages, gifts, toys, clothes and other items sent to that child by the other parent. Neither parent shall withhold, return, destroy, give away, sell or otherwise dispose of any such items. If either parent plans a vacation or trip out of town with the child for three (3) days or more, that parent must provide the other parent with a general itinerary, a phone number where the child can be reached, and the dates of departure and return.

3. **SCHEDULED EVENTS:** Both parents shall be entitled and are encouraged to attend and participate in the child's special events, such as school programs, graduation, sports, recitals, and other extracurricular activities. When the child has extracurricular activities, the parent caring for the child when the activity is scheduled should assure the child's attendance. The child's wishes shall be taken into account. Each parent shall advise the other parent of extracurricular activities in which the child participates within twenty-four (24) hours of notification of an event or activity. Each parent shall make an effort not to schedule activities for the child that interfere with the other parent's time with the child.

4. **ADEQUATE AND CLEAN CLOTHING FOR VISITATION:** Adequate and clean clothing shall be supplied by the primary residential parent and all these clothes shall be returned in the same clean condition by the secondary residential parent to the primary residential parent after each visitation period.

5. **NOTICE OF INTENT TO RELOCATE:** In the event that either parent intends to relocate outside of the Polk, Highlands or Hardee County area, he/she shall provide the other parent with **ninety (90) days written notice prior to any relocation.** This is a notice provision only and does not eliminate the need for court approval of such relocation if legally necessary.

6. **CHANGES IN ADDRESS AND PHONE NUMBERS:** Neither parent shall conceal the whereabouts of the child from the other parent. Each parent shall advise the other parent at all times of the residence address and telephone number where the child will be as well as the parent's work telephone number. If a residence or telephone number changes, the parent making the change shall notify the other parent personally or by telephone within twenty-four (24) hours and in writing within seventy-two (72) hours of the change.

7. **CHILD SUPPORT:** Non-payment or late payment of child support is **NOT** an acceptable reason to deny or interfere with visitation. Conversely, denial of visitation is **NOT** justification for non-payment or late payment of child support. Child support and child visitation are separate and independent issues and are not to be manipulated by either parent to gain leverage over the other parent with regard to visitation or child support. **Child support shall NOT stop during visitation periods, unless provided by court order.**

8. **FLEXIBILITY AND THE BEST INTERESTS OF THE CHILD:** The parents may agree to change this schedule to meet the needs of their child. The parents are encouraged to put such changes in writing. If the parents do not agree to visitation schedule changes, they must adhere to these guidelines, or a parent in violation may be held in contempt of court.

9. **NEW SPOUSE OR COMPANION:** The parents shall not encourage the child to call a new spouse or companion “Father”, “Dad”, “Mother”, “Mom”, or similar names, as such is detrimental to the child’s relationship with his/her natural parents and may confuse and adversely affect the child. A substitute name may be suggested or encouraged. Each parent shall encourage a new spouse or companion not to confront or to interfere with the other parent’s contacts or visitation with the child and each parent is expected to prevent any such confrontation or interference. The other parent shall not be adversarial or hostile to a new spouse or companion but shall be courteous, polite, respectful, and non-threatening. Unless otherwise ordered or agreed by the parties, the parents are expected to speak directly with each other concerning all matters related to a divorce or separation judgment or order.

10. **REMOVAL OF CHILD FROM DAYCARE OR SCHOOL:** Absent prior agreement between the parties and proper notification of the daycare or school - except in the event of an emergency - the secondary residential parent shall not remove the child from daycare or school for visitation or otherwise. This paragraph shall not be applied to preclude the secondary residential parent’s participation as a parent in school activities and access to the child at school, to the same extent as afforded the primary residential parent, nor to prevent the secondary residential parent from picking the child up after school or daycare if such pickup is pursuant to the parties’ visitation arrangement.

11. **CANCELLATION BY SECONDARY RESIDENTIAL PARENT**

A. **Local** (parties residing within 150 driving miles of each other)

1. **Twenty-four (24) hours’ notice** shall be given by the parent entitled to visitation with the child **if visitation will not be exercised** for the weekday or weekend.
2. A minimum of **one (1) week’s notice** shall be given by the parent entitled to visitation for a holiday **if visitation will not be exercised**.
3. A **minimum of thirty (30) days’ notice** shall be given in writing by the parent entitled to visitation for a period of one week or greater **if visitation will not be exercised**.
4. The parent seeking cancellation shall arrange and pay for babysitting, child care or other appropriate visitation of the child for the visitation period, to the extent such expense is due to the cancellation. **ANY VISITATION CANCELLED BY THE SECONDARY RESIDENTIAL PARENT SHALL BE FORFEITED, UNLESS THE PARTIES AGREE TO SUBSTITUTE VISITATION. IF**

THE REQUIRED CANCELLATION NOTICE IS GIVEN, THE PRIMARY RESIDENTIAL PARENT SHALL NOT UNREASONABLY WITHHOLD SUBSTITUTE VISITATION.

- B. Nonlocal** (parties not residing within 150 driving miles of each other): A **minimum of one (1) week's notice** shall be given by the parent entitled to visitation for a holiday or special occasion **if visitation will not be exercised**. A **minimum of thirty (30) days' notice** shall be given in writing by the parent entitled to visitation for Christmas, Spring Break or an annual visitation period of one (1) week or greater **if visitation will not be exercised**. If the cancellation is **NOT** agreed to by both parents, the parent seeking cancellation must arrange and pay for babysitting, child care or other appropriate supervision of the child for the visitation period, to the extent such expense is due to the cancellation. **ANY VISITATION CANCELLED BY THE SECONDARY RESIDENTIAL PARENT SHALL BE FORFEITED, UNLESS THE PARTIES AGREE TO SUBSTITUTE VISITATION. IF THE REQUIRED CANCELLATION NOTICE IS GIVEN, THE PRIMARY RESIDENTIAL PARENT SHALL NOT UNREASONABLY WITHHOLD SUBSTITUTE VISITATION.**

12. TRANSPORTATION

- A. Local** (parties residing within 150 driving miles of each other): The secondary residential parent shall pick up the child for visitation and the primary residential parent shall pick up the child after visitation. A third party, agreed to by both parents, may substitute for one of the parents in transporting the child to and from visitation. The parties should reasonably consider a parent's current spouse or a family member of the child as a substitute. A party who moves and thereby causes an increase of more than thirty (30) miles in driving distance between the two parents, shall bear responsibility for transportation absent Court intervention.
- B. Nonlocal** (parties not residing within 150 driving miles of each other): The court shall decide the issue of transportation on a case by case basis absent an agreement by the parties.

13. WAITING: A child shall be picked up or delivered within thirty (30) minutes of the scheduled time of exchange. If the secondary residential parent is more than thirty (30) minutes late to pick up the child for visitation and creates a hardship as a result, visitation shall be forfeited for that visitation period. If legitimate reasons exist for delay in picking up the child for any weekend or longer visitation, and beginning the visitation the next day does not create a hardship on the primary residential parent, the secondary residential parent may pick up the child at a mutually agreed upon time later in the visitation period. The secondary residential parent shall give the primary residential parent as much notice as reasonably possible of any delay in picking up the child.

SECTION II

LOCAL GUIDELINES (PARTIES RESIDING WITHIN 150 DRIVING MILES OF EACH OTHER)

A. VISITATION (CHILDREN UNDER 18 MONTHS)

The following visitation guidelines should balance the needs of both parent and child, regardless of whether that child has older siblings that enjoy extended visitation with the secondary residential parent.

1. **WEEKENDS:** The secondary residential parent shall be entitled to weekend visitation every other weekend. Visitation shall begin Friday at 6:00 p.m. and end Saturday at 6:00 p.m.
2. **WEEKDAY VISITATION:** The secondary residential parent shall be entitled to visitation two (2) evenings per week from 5:00 p.m. to 8:00 p.m. These shall be the same two evenings every week and varied only if the weekday visitation schedule conflicts with the holiday or vacation schedule. If the parties cannot agree, weekday visitation shall be on Monday and Wednesday.
3. **HOLIDAYS:** In odd-numbered years, the secondary residential parent shall be entitled to spend Martin Luther King Jr. Day, Easter, July 4th, Thanksgiving and Christmas Day with the minor child; and the primary residential parent shall be entitled to Memorial Day, Labor Day, Christmas Eve and New Years. In even numbered years, the schedule shall be reversed. A party's entitlement to Holiday visitation overrides the other party's right to regularly scheduled weeknight or weekend visitation. The Court recognizes that this schedule revolves around Christian holidays. If either or both parties celebrate other holidays, such holidays should be written down, divided and alternated each year. In the absence of an agreement, the court shall allocate religious holidays between the parties.
 - a. **NEW YEARS:** Visitation shall begin at 6:00 p.m. New Years Eve (December 31st) and end at 6:00 p.m. on New Years Day (January 1st).
 - b. **MARTIN LUTHER KING JR. DAY:** Visitation shall be from 9:00 a.m. until 6:00 p.m. on the official holiday.
 - c. **EASTER:** Visitation shall begin at 6:00 p.m. on the Saturday before Easter Sunday and end at 6:00 p.m. Easter Sunday.
 - d. **MOTHER'S DAY:** shall be spent with the mother every year with priority over any other visitation schedule; visitation hours shall be from 9:00 a.m. until 6:00 p.m.
 - e. **MEMORIAL DAY:** Visitation shall be from 9:00 a.m. until 6:00 p.m. on the official holiday.
 - f. **FATHER'S DAY:** shall be spent with the father every year with priority

over any other visitation schedule; visitation hours shall be from 9:00 a.m. until 6:00 p.m.

- g. **JULY FOURTH and LABOR DAY**: Visitation shall be from 9:00 a.m. until 6:00 p.m. on the official holiday.
- h. **THANKSGIVING**: Visitation shall begin on the Wednesday before Thanksgiving at 6:00 p.m. and end at 6:00 p.m. Thanksgiving day.
- i. **CHRISTMAS EVE**: Visitation shall begin at noon on Christmas Eve and end at 10:00 a.m. Christmas Day.
- j. **CHRISTMAS DAY**: Visitation shall begin at 10:00 a.m. on Christmas Day and end at noon on December 26th.
- k. **MOTHER'S BIRTHDAY**: shall be spent with the mother every year. If the mother is the secondary residential parent and the mother's birthday is on Sunday, Monday, Tuesday, Wednesday, or Thursday, visitation hours shall be from 5:00 p.m. until 8:00 p.m.. If the mother's birthday is on Friday or Saturday, visitation shall be from 6:00 p.m. on Friday and end at 6:00 p.m. on Saturday. This visitation will not affect holiday visitation.
- l. **FATHER'S BIRTHDAY**: shall be spent with the father every year. If the father is the secondary residential parent and the father's birthday is on Sunday, Monday, Tuesday, Wednesday, or Thursday, visitation hours shall be from 5:00 p.m. until 8:00 p.m.. If the father's birthday is on Friday or Saturday, visitation shall be from 6:00 p.m. on Friday and end at 6:00 p.m. on Saturday. This visitation will not affect holiday visitation.
- m. **CHILD'S BIRTHDAY**: The child shall celebrate his or her birthday with the secondary residential parent in odd-numbered years and the primary residential parent in even-numbered years. In years that the child spends his or her birthday with the secondary residential parent, if the child's birthday falls on Sunday, Monday, Tuesday, Wednesday, or Thursday, visitation shall be from 5:00 p.m. until 8:00 p.m.; if the child's birthday falls on Friday or Saturday, visitation shall be from 6:00 p.m. on Friday and end at 6:00 p.m. on Saturday. The parent holding a birthday party for the child may wish to consider inviting the other parent.

- 4. **ANNUAL VISITATION FOR CHILDREN (UNDER 18 MONTHS)**: Unless otherwise agreed to by the parties, regular weekend and weekday visitation shall be maintained year round in lieu of a designated annual visitation period.

B. VISITATION (CHILDREN 18 MONTHS AND OLDER)

- 1. **WEEKENDS**: The secondary residential parent shall be entitled to weekend visitation every other weekend. Visitation shall begin Friday at 6:00 p.m. and end at 6:00 p.m. on Sunday. It is not the responsibility of the primary residential parent to provide food or shelter for the child during the secondary residential parent's

visitation.

2. **WEEKDAY VISITATION:** If the parties reside within thirty (30) miles driving distance of each other, the secondary residential parent shall have visitation with the school age child one (1) evening per week from the time school releases until 8:30 p.m. If the parties reside thirty (30) miles or more (still within 150 driving miles) driving distance of each other, the secondary residential parent shall have visitation with the school age child one (1) evening per week from the time school releases until 8:30 p.m., but shall exercise the weekday visitation in the locale of the child's primary residence. The preceding sentence shall not preclude occasional travel beyond the thirty (30) miles for special weekday events. If the child is preschool age, visitation shall be from 3:00 p.m. until 8:00 p.m. The weekday visitation shall be on the same evening each week and varied only if it conflicts with the holiday or vacation schedule. If the parties cannot agree on the weeknight and if there are no scheduled activities for Wednesday, it shall be Wednesday evening. If there are activities scheduled for Wednesday, the secondary residential parent shall have first choice of an alternate weekday for weekday visitation.

3. **HOLIDAYS:** In odd-numbered years, the child shall spend spring break vacation, Easter, July 4th weekend, Thanksgiving and the first half of Christmas vacation with the secondary residential parent; the primary residential parent shall be entitled to spend Martin Luther King, Jr. Day weekend, Memorial Day weekend, Labor Day weekend, Halloween, and the second half of Christmas vacation with the minor child. In even-numbered years, the schedule shall be reversed. A party's entitlement to holiday visitation overrides the other party's right to regularly scheduled weeknight or weekend visitation. The Court recognizes that this schedule and the typical school schedule revolve around Christian holidays. If either or both parties celebrate other holidays, the parties should attempt a written agreement about allocation of the holidays between them. Absent a written agreement about any holidays not included in this sub-paragraph 3, this sub-paragraph 3 controls unless the Court allocates the other holidays between the parties.
 - a. **MARTIN LUTHER KING JR. DAY WEEKEND:** Visitation shall be from 6:00 p.m. on Friday until 6:00 p.m. on Monday.

 - b. **SPRING BREAK VACATION/EASTER:** Spring break vacation begins at 6:00 p.m. on the day school releases for spring break and continues until 6:00 p.m. on Sunday at the end of spring break. If Easter occurs during spring break vacation, spring break and Easter shall be treated as one "holiday." If Easter does not occur during the school spring vacation, visitation hours shall be from 6:00 p.m. on the Friday before Easter until 6:00 p.m. on Easter Sunday.

 - c. **MOTHER'S DAY:** shall be spent with the mother every year. In the event the holiday falls on a weekend that is scheduled to be spent with the other parent, visitation hours shall be from 9:00 a.m. until 6:00 p.m. on Mother's Day. This visitation shall not affect vacation visitation.

 - d. **MEMORIAL DAY:** Visitation shall be from 6:00 p.m. on Friday until 6:00

p.m. Monday.

- e. **FATHER'S DAY**: shall be spent with the father every year. In the event the holiday falls on a weekend that is scheduled to be spent with the other parent, visitation hours shall be from 9:00 a.m. until 6:00 p.m. on Father's Day. This visitation shall not affect vacation visitation.
- f. **JULY FOURTH WEEKEND**:
 - 1. If July 4th is on Tuesday, Wednesday, or Thursday, then visitation shall begin on July 3rd at 6:00 p.m. and end at 8:30 a.m. on July 5th.
 - 2. If July 4th is on Friday, then visitation shall begin on July 3rd at 6:00 p.m. and end at 6:00 p.m. on July 6th.
 - 3. If July 4th is on Saturday or Sunday, then visitation shall begin at 6:00 p.m. on the Friday before July 4th and end at 8:30 a.m. the Tuesday after July 4th.
- g. **LABOR DAY WEEKEND**: Visitation shall begin at 6:00 p.m. on Friday and end at 6:00 p.m. Monday.
- h. **HALLOWEEN/OCTOBER 31ST**: If the holiday falls on a weekday, visitation shall be from 3:00 p.m. or when school releases until 8:30 p.m.; If the holiday falls on a Saturday or Sunday, visitation shall be from 9:00 a.m. until 8:30 p.m.
- i. **THANKSGIVING**: Visitation shall begin on the Wednesday before Thanksgiving at 6:00 p.m. and end at 6:00 p.m. Sunday.
- j. **CHRISTMAS VACATION**: The first half of the Christmas visitation period shall begin at 6:00 p.m. on the last day of school before Christmas and end (including all travel) at 8:30 p.m. December 24th. The second half of the Christmas visitation period shall begin at 8:30 p.m. December 24th and end at noon January 1st (including all travel). If school resumes significantly after the January 1 holiday, the parties are encouraged to negotiate allocation of the additional time. Absent agreement, the specific schedule set forth in this sub-paragraph (j) shall apply.
- k. **MOTHER'S BIRTHDAY**: shall be spent with the mother every year. If the mother is the secondary parent and the mother's birthday is on a weekday, visitation hours shall be from 3:00 p.m. or when school releases until 8:30 p.m.. If the mother's birthday is on a weekend that is scheduled to be spent with the other parent, visitation shall be from 9:00 a.m. until 6:00 p.m. on the mother's birthday. This visitation will not override holiday or vacation visitation.
- l. **FATHER'S BIRTHDAY**: shall be spent with the father every year. If the father is the secondary parent and the father's birthday is on a weekday, visitation hours shall be from 3:00 p.m. or when school releases until 8:30

p.m.. If the father's birthday is on a weekend that is scheduled to be spent with the other parent, visitation shall be from 9:00 a.m. until 6:00 p.m. on the father's birthday. This visitation will not override holiday or vacation visitation.

m. **CHILD'S BIRTHDAY**: shall be spent with the secondary residential parent in odd-numbered years and the primary residential parent in even-numbered years. In years that the child spends his or her birthday with the secondary residential parent, if the child's birthday falls on a weekday, visitation shall be from 3:00 p.m. or when school releases until 8:30 p.m. If the child's birthday falls on a weekend, visitation shall be from 9:00 a.m. until 6:00 p.m. on the child's birthday. The parent holding a birthday party for the child may wish to consider inviting the other parent.

4. **ANNUAL VISITATION**: Both parents are entitled to an annual visitation period uninterrupted by the other parent's weeknight or weekend visitation. In addition to the holiday schedule set forth in Section B.3 (a-m) above, annual visitation shall be as follows:

a.) **CHILDREN AGE 18 MONTHS THROUGH FIVE YEARS**: Three (3) one (1) week periods during the summer to start no sooner than the first full week of June and to end no later than the last full week of August. In the event that written notification is not given as set forth in section v.) **Scheduling Annual Vacation**, visitation shall be the second full week of June, the second full week of July and the fourth full week of July. The one (1) week visitation period shall begin 6:00 p.m. Friday and end at 6:00 p.m. the following Friday.

b.) **CHILDREN AGE SIX THROUGH ELEVEN YEARS**: Four (4) weeks during the summer to start no sooner than one (1) full week after the last day of school and to end no later than one (1) full week before the first day of school. Visitation may be exercised in one (1) three-week period plus a one (1) week period or two (2) two-week periods that shall not be consecutive. In the event that written notification is not given as set forth in section v.) **Scheduling Annual Vacation**, visitation shall be the last two (2) full weeks of June and the last two (2) full weeks of July.

c.) **CHILDREN TWELVE AND OLDER**: Five (5) weeks during summer vacation to start no sooner than one (1) full week after the last day of school and to end no later than one (1) full week before the first day of school. Annual visitation shall be exercised in a period of three (3) weeks and a period of two (2) weeks, not consecutive to each other. In the event that written notification is not given as set forth in section v.) **Scheduling Annual Vacation**, visitation shall be the last three (3) full weeks of June and the last two (2) full weeks of July.

d.) **CHILDREN IN DIFFERENT AGE GROUPINGS**: If there are two (2) or more children whose ages span different age groupings entitling the children

to different visitation periods with the secondary residential parent, then the younger children shall get the benefit of the oldest child's visitation schedule. **THIS PROVISION DOES NOT APPLY TO CHILDREN UNDER 18 MONTHS. PARENTS OF A CHILD UNDER 18 MONTHS MUST FOLLOW THE VISITATION SCHEDULE FOR THAT CHILD REGARDLESS OF WHETHER OR NOT THE CHILD HAS OLDER SIBLINGS ON A DIFFERENT SCHEDULE.**

5.) SCHEDULING ANNUAL VACATION:

- a.** The secondary residential parent shall have first choice of annual vacation visitation and shall designate such choice in writing no later than April 1 of each year. Subject to the secondary residential parent's designated choice on or before April 1, or the default schedules as set forth in subparagraphs (ii) or (iii) above, the primary residential parent shall designate in writing his or her choice for annual vacation by April 15th of each year.
- b.** The primary residential parent's annual vacation shall be scheduled around the secondary residential parent's annual vacation and may override no more than one (1) weekend and three (3) weeknight regularly scheduled visitation periods of the secondary residential parent.
- c.** A parent's first choice of annual vacation shall not interfere with the other parent's entitlement to the child's birthday or the Fourth of July Holiday.
- d.** Unless specifically prohibited by Court order, either parent may temporarily remove the child from the State of Florida for purposes of annual visitation only if the parent traveling with the child provides the other parent with a written general itinerary and phone numbers where the child can be contacted during the vacation.
- e.** Annual vacation shall not conflict with the school calendar.

SECTION III

NONLOCAL GUIDELINES **(PARTIES NOT RESIDING WITHIN 150 DRIVING MILES OF EACH OTHER)**

A. VISITATION (CHILDREN UNDER 18 MONTHS)

Visitation for children under 18 months old shall be established by the court on a case-by-case basis.

B. VISITATION (CHILDREN 18 MONTHS & OLDER)

1. **HOLIDAYS:** If the parties celebrate religious holidays other than those defined in sections A and B below, those religious holidays shall be mutually agreed upon in writing, divided, and alternated each year. In the absence of an agreement, the court shall allocate those religious holidays between the parties.

A. **ODD NUMBERED YEARS:** In odd numbered years, the secondary residential parent shall have the following visitation:

a. **THANKSGIVING:** Visitation shall begin the last day of school before Thanksgiving at 6:00 p.m. and end at 6:00 p.m. on the Sunday after Thanksgiving.

b. **CHRISTMAS:** Visitation shall begin at 6:00 p.m. on the last day of school before Christmas and shall end (including all travel) by 8:30 p.m. December 26th.

c. **SPRING/EASTER BREAK:** If the child is a preschooler, the secondary residential parent is entitled to a one (1) week visitation period in the spring that may include the Easter holiday. If the child is enrolled in school the secondary residential parent is entitled to spend the entire spring break with the child. Travel shall commence by noon the day after school lets out and the child shall be returned to the primary residential parent at least one (1) full day before school reconvenes. If Easter falls within spring break then the secondary residential parent shall also be entitled to spend Easter with the child.

B. **EVEN NUMBERED YEARS:** In even numbered years the secondary residential parent shall have the following visitation:

a. **THANKSGIVING:** There shall be no visitation.

b. **CHRISTMAS:** Visitation shall begin at noon December 26th and shall end (including all travel) by 6:00 p.m. January 2nd.

c. **SPRING/EASTER BREAK:** The secondary residential parent is entitled to the same spring/Easter break as provided in the odd-

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numbered years set forth in section B.1.A.c. above, which is:

1. If the child is a preschooler, the secondary residential parent is entitled to a one (1) week visitation period in the spring that may include the Easter holiday.
2. If the child is enrolled in school the secondary residential parent is entitled to spend the entire spring break with the child. Travel shall commence by noon the day after school lets out and the child shall be returned to the primary residential parent at least one (1) full day before school reconvenes.
3. If Easter falls within spring break then the secondary residential parent shall also be entitled to spend Easter with the child.

2. **ANNUAL VACATION:** Visitation shall be as follows:

- A. **CHILDREN AGE 18 MONTHS THROUGH FIVE YEARS:** In addition to the Holiday Schedule set forth in section B.1 above, the secondary residential parent shall be entitled to three (3) two-week periods annually. These two (2) week visitation periods must be scheduled at intervals at least ten (10) days apart.
- B. **CHILDREN AGE FIVE YEARS AND OLDER:** In addition to the Holiday Schedule set forth in section B.1 above, the secondary residential parent shall be entitled to six (6) weeks of annual vacation visitation each year.
- C. **CHILDREN IN DIFFERENT AGE GROUPINGS:** If there are two (2) or more children whose ages span different age groupings entitling the children to different visitation periods with the secondary residential parent, the younger children get the benefit of the oldest child's visitation schedule. **THIS PROVISION DOES NOT APPLY TO CHILDREN UNDER 18 MONTHS. PARENTS OF A CHILD UNDER 18 MONTHS MUST FOLLOW THE VISITATION SCHEDULE FOR THAT CHILD REGARDLESS OF WHETHER OR NOT THE CHILD HAS OLDER SIBLINGS ON A DIFFERENT SCHEDULE.**

3. **SCHEDULING ANNUAL VACATION:**

- A. Except as qualified by section 3.B below, the secondary residential parent shall have first choice of annual vacation and shall designate such choice in writing no later than April 1 of each year. Subject to the secondary residential parent's designated choice on or before April 1, the primary residential parent may plan an annual vacation and shall notify the secondary residential parent of those dates by April 15th of each year.
- B. A parent's first choice of annual vacation shall not interfere with the other parent's entitlement to the child's birthday or the fourth of July holiday, unless the secondary residential parent will be denied the full annual

visitation period if the primary residential parent exercises visitation on the child's birthday or July 4th. If the child's birthday or July 4th falls within the anticipated summer school break, and if the parties are unable to reach a specific agreement about an annual vacation schedule, the parties shall mediate the annual vacation scheduling issue before final hearing, unless mediation is excused by court order (see In Re: Administrative Provisions for Family Law Division, Administrative Order No: 5-20.2, Section 2). If the parties are unable to resolve the annual vacation schedule issue through agreement or mediation, the parties shall present the issue to the court before entry of a final visitation order.

- C. Unless specifically prohibited by Court order, either parent may temporarily remove the child from the State of Florida for purposes of Annual Visitation only if the parent traveling with the child provides the other parent with a written general itinerary and phone numbers where the child can be contacted during the vacation.
- D. Annual vacation shall not conflict with the school calendar.

C. ADDITIONAL VISITATION:

The secondary residential parent shall be entitled to exercise other reasonable visitation in the locale of the child's primary residence upon reasonable notice to the primary residential parent.