

# Residential Responsibility

## Guidelines for Establishing Good Orders

When a child's parents are not together, many issues need to be resolved. Many families end up seeking court orders to formalize the rights and responsibilities of both parents. Some parents can work together, others cannot agree on anything. If you end up needing a Parental Rights and Responsibilities Order, there are some things to keep in mind that will make the residential schedule work better. It does not matter whether you are entering into an agreement, or giving a judge a proposed Parenting Plan, these guidelines could make a big difference for you and your children. If you do not live with your children, a good order can help you remain actively involved in your child's life. A bad one can be a tool used to prevent you from having regular, quality time with your child.

### **Guidelines:**

- **Avoid a residential schedule that allows either parent's time with the children to be:**
  - at the discretion of either party, or
  - only by agreement of the parties.

These orders give one parent too much power to influence or interfere with the other parent's time. It is even possible to put up obstacles and make it look like they are being reasonable at the same time. It is extremely hard to establish bad faith in these situations, and the burden will fall on you to prove that the other parent is interfering on purpose.

- **Avoid taking responsibility for something that should be shared, or that you are not fully confident of your ability to provide. For example:**
  - providing all transportation between households,
  - staying in current housing.

Sometimes one parent pressures the other to agree to provide all of the transportation. Time with both parents is for the benefit of the children more than anything else, so it is not unreasonable to expect the parents to share the transportation. If your access to transportation is not

completely certain, you might be setting yourself up to lose your time. Similarly, you may not have control over your housing. People move for a variety of reasons, and it may prevent you from seeing your children even though you have done nothing unreasonable or wrong.

- **Avoid orders that do not reflect reality. For example:**
  - orders that say the child will primarily reside in one place even though the child has been residing elsewhere for some time,
  - orders which call for child support even though the other parent “promises” not to collect it.

All of these are recipes for disaster. If your child’s principal residence has been shared all along, then the court should know that. If it has been working well for the children then it might be reasonable to ask a court to continue the arrangement. Do not expect a court to enforce any side agreement that is different from the order. This is true whether you are looking at child support or parenting time. If the other parent is willing to make the agreement, they should be willing to make it in writing and submit it to the court.

Here is the downloadable/fillable [Parenting Plan form](#) from NH Family Division. You may complete the court’s Parenting Plan form, or you may create your own document. If you choose to create your own document, you must follow the [standard order of lettered paragraphs](#).

## Try Also Reading...

- [Parents' Rights - A Place to Start](#)
- [Parental Rights and Responsibilities](#)
- [Whether to File a Petition for Parental Rights and Responsibilities](#)
- [Child Support](#)
- [Parenting Plans](#)
- [Medical Support](#)
- [Paternity and Child Support](#)
- [Enforcing an Order](#)
- [Modification of Parental Rights & Responsibilities](#)

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Author: LEGAL ADVICE & REFERRAL CENTER

