



GENERAL GUIDE TO CO-PARENTING



The SGS General Guide to Co-Parenting is to act as a starting point of information for an individual experiencing (or about to experience) separation or divorce, or for those who have children with a life partner. The co-parenting guide can also provide helpful resources for those who may be confused about the legal system and where to get help in difficult times.

This tool does not guarantee safety and is provided as a courtesy of Smart Gen Society. SGS is not legally responsible for your family or safety.

ABOUT SGS

Smart Gen Society (SGS) is an Omaha-based non-profit, empowering smart choices in today's digital world. Our expert staff and trained facilitators seek to protect and empower the community to use online resources safely, while maintaining their privacy, and staying true to their personal brand.

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WHAT IS CO-PARENTING?



Legal definition: the sharing of legal and physical custody of children after a divorce or separation. Co-parenting involves planning out how the co-parents will share the time and decision-making aspects of raising a child.

WHAT YOU NEED TO KNOW ABOUT CO-PARENTING

- Includes making decisions about healthcare, housing, schools and extracurricular activities, as well as spending time with extended family members and travel plans.
- The ultimate goal of co-parenting is to keep the child's life as stable as possible in the wake of separation or divorce.
- Co-parenting tends to be favored in some states because it avoids the historic problem of absent fathers/parents, and allows a child to have a more balanced upbringing. (Kendra Fershee, Professor, Creighton School of Law)



NEBRASKA STATUTES



Family laws are unique in each state. The statutes listed below are a good starting point to enter into a discussion with an attorney to decide if co-parenting is the right choice for you. The statutes below discuss the Parenting Act, which is the baseline for legal decisions surrounding separation, divorce and co-parenting. The statutes can be found on the Nebraska Legislature website but have been compiled here for ease of the reader.

Parenting Act in Nebraska extends from statutes 43-2920 to 43-2929

- The goal of a parenting plan is to create a safe and stable environment for children to grow up in, despite experiencing divorce in the home.
- The court uses the best interest of the child standard any time a child is involved.
 - Divorce, custody, jurisdiction, etc.
- **Neb. Rev. Statute: 43-2923: best interest of child standard**
 - “Parenting plan or other court-ordered arrangement that provides for a child’s safety, emotional growth, health, stability and physical care and regular and continuous school attendance and progress for school-age children.”
 - Safety of the parent if there is a preponderance of evidence of domestic intimate partner abuse.
 - Appropriate activeness in parenting roles with “safe, appropriate quality contact between children and their families.”
 - The court shall ultimately determine whether it is in the best interest of the child for “parents to maintain continued communications with each other and to make joint decisions in performing parenting functions as are necessary for the care and healthy development of the child.”
 - Certain principles will not be negotiated: “to minimize the potentially negative impact of parental conflict on children; to provide parents the tools they need to reach parenting decisions that are in the best interests of a child; to provide alternative dispute resolution or specialized alternative dispute resolution options that are less adversarial for the child and the family; to ensure that the child’s voice is heard and considered in parenting decisions; to maximize the safety of family members through the justice process; and, in cases of domestic intimate partner abuse or child abuse or neglect, to incorporate the principles of victim safety and sensitivity, offender accountability, and community safety in parenting plan decisions.”
 - When determining custody and parenting arrangements, the court considers things such as:
 - Relationship of minor child to each parent.
 - Desires and wishes of a minor child to some degree.
 - General health, welfare and social behavior of minor child.
 - Any credible evidence of abuse.
 - Any credible evidence of neglect or domestic intimate partner abuse.

NEBRASKA STATUTES

CONTINUED



- **Neb. Rev. Statute: 43-2925: proceeding in which parenting functions for children are at issue; information provided to parties; filing required.**
 - In any proceedings where functions of the child are at issue, subsequent to the filing of such proceeding all parties shall receive from the clerk of the court information regarding:
 - The litigation process
 - A dissolution or separation process timeline
 - Healthy parenting approaches during and after the proceeding
 - Information on child abuse or neglect, domestic intimate partner abuse, and unresolved parental conflict
 - Mediation, specialized alternative dispute resolution, and other alternative dispute resolution processes
 - Resource materials identifying the availability of services for victims of child abuse or neglect and domestic intimate partner abuse
 - Intervention programs for batterers or abusers

- **NEB. Rev. Statute 43-2928: attendance at basic level parenting education course; delay or waiver; second-level parenting education course; State Court Administrator; duties; costs**
 - Court shall order all parties to a proceeding under the Parenting Act to attend a basic level parenting education course
 - May order a second-level parenting course
 - All parenting education courses shall be approved by the State Court Administrator
 - The basic level parenting class is designed to “educate the parties about the impact of the pending court action upon the child and appropriate application of parenting functions.”
 - Shall include information on the “development stages of children, adjustment of a child to parental separation, the litigation and court process, alternative dispute resolution, conflict management, stress reduction, guidelines for parenting time, visitation, or other access, provisions for safety and transition plans, and information about parents and children affected by child abuse or neglect, domestic intimate partner abuse, and unresolved parental conflict.”
 - Second-level class shall include info “about development of provisions for safety and transition plans, the potentially harmful impacts of domestic abuse and unresolved parental conflict on the child, use of effective communication techniques and protocols, resource and referral information for victim and perpetrator services, batterer intervention programs and referrals for mental health services, substance abuse services, and other community resources.”
 - Each party is responsible for their own costs

CO-PARENTING VS. SOLE CUSTODY



Traditional separations or divorces see families in either positions of co-parenting or sole custody. Co-parenting can mean that one co-parent has sole physical custody but both co-parents share the responsibility of legal custody, or vice versa. Sole custody can mean that only one co-parent makes decisions for the child, but there is still visitation with the other parent, or no contact at all. Each client situation is different, and the descriptions below are very general and gathered from different law review article studies. Always remember to ask your attorney which options are most accessible for your situation.



PROS

- Developmental and emotional support from both parents with shared parental responsibility (Parenting Plans, Parental Responsibility, and Time-Sharing)
- Keeps both parents involved in all major areas of a child's life
- Can encourage parents to remain civil and connected throughout a child's life
- A child can remain connected with both parents and feel that they have support in multiple places
- Using electronic forms of communication like social media and cell phones has made it easier for co-parents and a child to stay in contact

CONS

- In high conflict divorces, a child can feel like they have to live two separate lives
- The shared parenting responsibility can come to feel like a lasting conflict
- A child may feel a sense of instability in moving from home to home
- Major life changes can cause intense conflict later on
- A child in two different homes may have to face a reality of two different worlds with different life boundaries

HOW DOES A CASE GET TO COURT?



While each case is different and unique in its own way, there are some steps that remain more or less concrete during a legal divorce. This page is designed to relieve some of the uncertainty for an individual considering divorce as an option, and can bridge some of the gap between the attorney and client moving through the process. Information provided by Jayne Wagner, J.D., Attorney at Law and Andrew Schill, J.D., Attorney at Law.

1. **Meet with an attorney, decide together to take the case to court.**

- a. The attorney will ask questions and gather information from the client, and figure out what the client is most comfortable with.

2. **Set up a timeline with the court for temporary hearings, discovery, and final hearings.**

- a. Temporary hearings:
 - i. Typically take place about two weeks to 45 days after deciding to go to trial.
 1. The attorney will file affidavits and other information documents.
 - a. These documents can have other things attached to them detailing things like custody and any instances of domestic violence; if there is financial support; parent-child relationships and other informational things the attorney will clarify with the client.
 - b. Child support calculations can also be attached to the affidavits; and other types of supporting evidence.
 2. Discovery: the process of gathering more information and evidence to support the client's case.
 - i. Requests for admissions, interrogatories, and production of documents.
 1. Admissions: what the client admits happened versus what they deny.
 2. Interrogatories: the attorney will get an idea of assets and debts, parenting time, medical records, etc.
 3. Production of documents: physical documents and records
 - a. Tax returns, pay stubs
 - b. Before the trial or the first official hearing, the attorney will also check on things such as:
 - i. Parenting classes (if they are required, if the parent should take them)
 - ii. Mediation (if it is required in the county or if it is viable at all)
 - iii. Local court rules prior to the hearing

3. **At the Trial:**

- a. Trial Preparation
 - i. The attorney will help the client be prepared for trial, take care of any scheduling that needs to be done, and file any necessary paperwork.
 - ii. Exhibits have to be entered at least 5 days before trial

WHAT IS A PARENTING PLAN?



A parenting plan is supposed to facilitate time-sharing and decision-making responsibilities between co-parents. Each area must be examined separately through the lens of the “best interest of the child” standard.

A good parenting plan is created in a developmental way that acknowledges and respects that a child will grow and develop outside the age when the plan is originally developed (Prof. Brooks). If co-parents discover problems along the way, they are encouraged to seek mediation or negotiation, but most tend to take the matter back to the courts and attempt to relitigate (Catherine Brooks, M.A.J.D., Professor, Creighton School of Law).

- Minimum level of parenting plan: (Parenting Plans, Parental Responsibility, and Time-Sharing)
 - Need lots of detail about how the co-parents will share and be responsible for daily tasks associated with raising a child.
 - Time-sharing schedule arrangements: specify the time that a child will spend with each parent.
 - Designate which co-parent will be responsible for...
 - Health care
 - School-related matters such as boundary determination and registration
 - Other extra-curricular and important activities in a child's life
 - Methods and technologies to be used to communicate with a child (Parenting Plans, Parental Responsibility and Time-Sharing)
- Even non-married couples can put together a parenting plan for custody and visitation (Family Law Quarterly: Nonmarital Families and the Legal System's Institutional Failures, 2016)

WHAT IS TRADITIONALLY INCLUDED?

- There are formats for joint physical and legal custody, sole custody variations and ultimate decision-making forms.
- The form for joint physical and legal custody has sections about parental agreements regarding the standard that will apply, regular school attendance, and the developmental needs of a child, and how their needs may change as time passes.
- Parenting time, including holidays and special occasions.
- Summer Parenting Schedule
- Transition and Responsibility Exchanges
- Telephone and Virtual Parenting Access

WHAT TO CONSIDER TODAY?

- **SGS's Smart Digital Family Plan**
- Being on time for transfers of responsibility
- Scheduling activities
- Children's events
- Parenting behavior
- Access to information
- Emergency medical issues
- Temporary changes
- Permanent changes
- Mediation for Future
- Disputes
- Notification requirement for current and change of address and contact information



SMART DIGITAL FAMILY PLAN



The SGS Smart Digital Family Plan is a tool to encourage your family to have meaningful conversations to Active, Protect, and Empower safe media habits. This planning tool does not guarantee online safety and is provided as a courtesy of Smart Gen Society. SGS is not legally responsible for your family's digital planning or safety.

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SETTING APPROPRIATE AGE LIMITS



The average age a child receives a smartphone in the U.S. is 10.3. We encourage families to think critically about the implications this has on the important developmental stages of children.

COPPA Laws indicate no child under the age of 13 should have a social media account.

Consider the age your child should be allowed to access the following:

- _____ First digital device
- _____ First smart phone
- _____ Use of texting devices or applications
- _____ Playing multiplayer games
- _____ Augmented reality games
- _____ Having and using social media

When setting digital boundaries in your home, it is important that all members of the family come together and agree to established rules. This may be an adjustment for all.

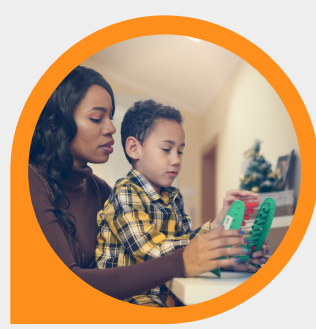
Consider ways to keep each other accountable and to use technology in a positive and educational way.



Want to take SGS wisdom on the go?
Download the SGS App for more resources and tools.



ESTABLISHING DIGITAL BOUNDARIES



Places devices are not allowed:

- _____ Family mealtimes
- _____ Movie / game night
- _____ Front seat of the car
- _____ During sleepovers
- _____ Bathroom or locker room
- _____ Bedroom
- _____ Behind a closed door

FAMILY TECHNOLOGY TIMES

M-F _____ to _____

Sat- Sun _____ to _____

Vacation Hours _____ to _____

Phones will be plugged into family charging station by: _____

Family charging station will be located:

Who will be responsible for providing the child with a phone?

Discuss how the device acts as a communication tool between the child and the parent he or she is not currently with. If the phone is taken away the child how will the child stay in contact with the other parent?

USERNAMES AND PASSWORDS



To better protect the safety and privacy of families everywhere, SGS encourages parents and guardians to be intentionally engaged in a child's online activities. Directly talking to children about the applications they are using allows open communication about potential problem areas and safety concerns online. We recommend that parents periodically review these platforms to ensure children are staying safe, private, and "on-brand."

Parents should have access to all usernames and passwords of children's accounts.

SOCIAL MEDIA ACCOUNTS

	Username	Password		Username	Password
Instagram:	_____	_____	Discord:	_____	_____
Snapchat:	_____	_____	Reddit:	_____	_____
TikTok:	_____	_____	Tumblr:	_____	_____
YouTube:	_____	_____	Venmo:	_____	_____
Facebook:	_____	_____	Paypal:	_____	_____
Twitter:	_____	_____	Kik:	_____	_____
Visco:	_____	_____	Whatsapp:	_____	_____

INTERACTIVE GAMING

	Username	Password	Platform	Username	Password
Minecraft:	_____	_____	:	_____	_____
Fortnite:	_____	_____	:	_____	_____
Roblox:	_____	_____	:	_____	_____
Pokemon:	_____	_____	:	_____	_____
:	_____	_____	:	_____	_____

STAYING SMART, GENUINE, AND SAFE



It is essential that children come to their parents or caregivers when they are struggling with online activities. Consider the following family rules that can be established to help children understand the responsibilities that come with having an electronic or mobile device...

- _____ I will stay on-brand and only post, send, and share pictures I would want my family to see.
- _____ I will protect my personal data on social media or gaming applications by turning all of my accounts to private mode.
- _____ I will protect myself by turning OFF my location sharing / geolocation services with anyone but my parents or caregivers.
- _____ I will tell my parents ASAP if someone sends me an "off-brand" or inappropriate picture.
- _____ I will tell my parents ASAP if someone asks me to share an "off-brand" or inappropriate picture.
- _____ I will be SMART, GENUINE, and SAFE when posting on my social media and messaging others.
- _____ I will not participate in (or use) polling, gossip, or anonymous apps.
- _____ I will hand over my device when asked and without arguing.
- _____ I will only "friend" people I know and love that provide positive value to my life.
- _____ I will only "follow" people or allow people to follow me that add positive value to my life.
- _____ I will ...
- _____ I will ...

JOIN THE SOCIETY

For additional resources on specific social media apps, SGS updates and more, visit our website at smartgensociety.org and click the **Join the Society!** link at the bottom of our homepage.

PARENTING PLAN STATUTES



Neb. Rev. Stat. 43-2913 (Karr, Mediation Program Coordinator, Concord Mediation Center)

- Mediations go over many of the same areas as the Parenting Plan forms do, but the added bonus is having another person in the room to help you in the moment with any questions or concerns you may have.
- Mediations are individualized to each case. The mediator will take the time to negotiate and help sort out each nuance tailored to each case. (Andrew Karr, Concord Mediation Center).
- Mediators can also help clients and co-parents navigate the different rules for parenting plans in each county and state, and answer questions about the formalities of court proceedings should any questions arise.
- Most co-parents tend to struggle with the initial change from sharing all the time and raising a child together, getting a child to and from places, how bedtime will work, etc. (Andrew Karr, Mediation Program Coordinator)
 - Mediation sessions will cover:
 - Acknowledging the best interest of the child standard
 - Custody and primary residence discussion
 - Parenting time and how to split it up
 - Holiday schedules; vacation
 - Transportation and transition plan (standard in parenting plans)
 - Telephone Contact
 - School and medical details
 - Decision-making
 - Access to records and whether to make sole or joint decisions regarding the children
 - Parental Communication
 - Activities
 - This really regards respecting parenting time and not scheduling conflicts when you know the other parent has parenting time.
 - Current Information
 - Contact information and keeping everything up to date
 - Extended Family
 - Change of Residence
 - Remediation
 - Prior to filing legal action
 - Additional paragraphs
 - Childcare and childcare emergencies
 - Formal roles for future parenting communications

OTHER RESOURCES



- **Smart Digital Family Plan**
- **Smart Gen Society**
- Abigale Brohard, SGS Legal Intern, abigale@smartgensociety.org
- Nebraska Judicial Website
- Concord Mediation Center
- Conciliation Office
- Courthouse Help Desk
- Volunteer Lawyer's Project
- NSBA Lawyer Referral Service
- Creighton Law School Clinic
- Legal Aid Society
- Women's Center for Advancement
- Project Harmony

