

About Parenting Plans in Tennessee - HELP4TN Blog



When married parents start the process of divorce or legal separation, a permanent parenting plan will be made a part of the final decree. Unmarried parents can also ask the courts to enact a parenting plan to divide the responsibilities and privileges of parenthood between the mother and the father. This plan is called permanent, but the court keeps jurisdiction over it. That means that the plan can be changed through the court in the future.

The Parenting Schedule

A parenting plan will name one parent as the “Primary Residential Parent,” who will exercise custody of the children at least half of the time. The other parent is called the “Alternate Residential Parent.” A visitation schedule states exactly when and how long the children will be in each parent’s custody. The parenting plan will also

declare who gets to make educational, medical and religious decisions for the child - the mother, the father, or both.

How to Create a Parenting Plan

You can create your own proposed parenting plan using the form found [here](#). A parenting plan can be created a few different ways. Parents can work together to complete an agreed parenting plan. If they can't agree on the terms of the parenting plan, they can each submit their own proposed plan to the court. The judge will then choose between the competing plans. Alternatively, the judge can create their own plan, which may combine elements from both submitted plans.

Best Interest of the Child

In adopting a plan, the judge must make a decision based on the best interest of the children. To help the judge decide what is in the best interest of the children, the Tennessee legislature enacted a law that lists a variety of factors that the judges are required to consider. Some of the factors are pretty obvious, like “the strength, nature, and stability of the

child's relationship with each parent,” and “the disposition of each parent to provide the child

with food, clothing, medical care, education and other necessary care.”

Another important factor is “the importance of continuity in the child's life.” So, if one parent has been taking primary responsibility for the care of a child over a long period of time, and the child has been thriving in that parent’s care, there is a good chance the judge will make that arrangement part of the permanent parenting plan. It is best for children to have a healthy relationship with both of their parents, if at all possible.

Another important factor is each parent’s willingness to encourage a close and continuing relationship between the child and the other parent. If the custodial

parent deliberately keeps the child away from the other parent for vindictive or spiteful reasons, that can result in a change of custody. Judges frown upon any parent's use of access to a child as a weapon against the other parent.

The law that includes the above factors also lists certain rights that each parent is entitled to when the child is not in that parent's possession, even if those rights are not specifically spelled out in the parenting plan. These include the right to regular communication between parent and child by phone and by mail, the right to receive timely information about the child's medical care and schooling and "the right to be free of unwanted derogatory remarks made about such parent or such parent's family by the other parent to or in the presence of the child." Open conflict between parents can be very damaging to a child's development. So even when parents are divorced or divorcing, they should still try to get along with each other for the sake of their children. If they don't, they run the risk of an unwanted change in the parenting plan.

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