The Family Court of the State of Delaware



In and For  New Castle  Kent  Sussex County

**Contact Guidelines**

Parents are encouraged to create an agreed equitable written contact schedule that fits their circumstances and their children’s lives, with the following serving as a possible schedule when the parents cannot agree. Nothing herein prohibits the parents from changing the schedule upon mutual agreement. In the event of conflicting dates and times, holidays and school breaks shall take priority.

If a child indicates a strong opposition to being with the other parent, it shall be the responsibility of both parents to appropriately deal with the situation by calmly discussing with the child his or her reasons, and to work together to alleviate any issues without confrontation or argument. If they cannot resolve the problem, the parents are encouraged to seek the immediate assistance of a counselor or other professional, or may file a motion requesting Court-ordered counseling. It is the absolute affirmative duty of both parents to encourage compliance with any such Court Order.

The Court’s goal is to have the children spend as much quality time with each parent as possible.

The guidelines are based on the assumption that both parents are competent and effective parents and that the child is safe with each parent. In the event that the parties attend a mediation conference and are unsuccessful in reaching either an interim or permanent agreement on the issue of parental contact, the mediator may recommend an alternative schedule considering the particular circumstances of the case as presented during that mediation.

It is with this background that the following guidelines will be applied after considering the factors in 13 Del. C. §722:

1. The wishes of the child's parent or parents as to his or her custody and residential arrangements;

2. The wishes of the child as to his or her custodian(s) and residential arrangements;

3. The interaction and interrelationship of the child with his or her parents, grandparents, siblings, persons cohabiting in the relationship of husband and wife with a parent of the child, any other residents of the household or persons who may significantly affect the child's best interests;

4. The child's adjustment to his or her home, school and community;

5. The mental and physical health of all individuals involved;

6. Past and present compliance by both parents with their rights and responsibilities to their child under § 701 of this title;

7. Evidence of domestic violence as provided for in Chapter 7A of this title; and

8. The criminal history of any party or any other resident of the household including whether the criminal history contains pleas of guilty or no contest or a conviction of a criminal offense

In addition to the 13 Del. C. §722 factors, the following factors may be considered:

1. Previous contact with parents
2. Parents’ ability to communicate
3. Geographical proximity with regard to home, school and daycare
4. Housing arrangements
5. Parents’ work schedule
6. Number and age of siblings
7. Drug and alcohol history
8. Prior parental interaction
9. Other relevant factors as the Court deems appropriate.

For those children who have had more exclusive care by one parent, the Court should consider whether such overnight visitation should be phased in.

**Birth to 18 months:** Every other weekend, beginning 6:00 p.m. on Friday through 6:00 p.m. Sunday and two week nights for a minimum of three hours with the parent seeking contact. Each parent shall be entitled to two non-consecutive weeks of vacation. A parent shall give a minimum of thirty (30) days written notice to the other parent prior to the first parent exercising his or her vacation.

**18 months to 5 years**: Two overnights per week and every other weekend from 6:00 p.m. on Friday through Monday morning with the parent seeking contact. Each parent shall be entitled to two non-consecutive weeks of vacation. A parent shall give a minimum of thirty (30) days written notice to the other parent prior to the first parent exercising his or her vacation.

**5 years and up**: Shared contact schedule which may be extended to alternate weeks.

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| 1. **Holidays** |  | shall have the children on the holidays in Column 1 in odd-numbered | | |
| years and the holidays in Column 2 in the even-numbered years. | | |  | shall have the |
| children on the holidays in Column 1 in the even-numbered years and the holidays in Column 2 in odd- | | | | |
| numbered years: | | | | |

**Column 1 Column 2**

Easter or other religious holiday Memorial Day

Fourth of July Labor Day

Halloween Thanksgiving Day

Christmas Day Christmas Eve

With the exception of Christmas and Halloween contact, holiday contact shall be from 9 a.m. until 6 p.m. the day of the holiday. Halloween contact shall begin at 5 p.m. and end at 8 p.m. on Halloween. Christmas Eve contact shall begin at 6 p.m. on December 24th and end at noon on December 25th. Christmas Day contact shall begin at noon on December 25th and end at 6 p.m. on December 26th. When a holiday falls on a Monday immediately following a contact weekend, the parent that had contact for the weekend shall be entitled to keep the children continuously from 6 p.m. Friday until 6 p.m. Monday.

2. **Mother’s/Father’s Day**: On Mother’s Day and Father’s Day, no matter whose turn for contact, the children shall be with the parent whose holiday is being celebrated from 9 a.m. until 6 p.m.

3. **School Breaks (Winter and Spring)**: Winter and Spring Breaks shall be shared equally between the parents by dividing the breaks equally or rotating the breaks.

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| 4. **Summer Vacation**: With the exception of children under the age of 5 years, the parents shall | | | |
| alternate contact weeks in the summer with the schedule beginning the first Friday in June and concluding | | | |
| the last Friday in August. | |  | shall select their weeks first in odd numbered years and |
|  | shall select their weeks first in even numbered years. The parent whose choice it is that | | |
| year shall give the other parent written notice of his/her summer week selection between March 1st and | | | |
| April 1st. The parent who has the child for the week shall be responsible for taking the child to his or her | | | |
| extra curricular activities, summer school, and providing summer care for that week. | | | |

5. **Late pick-up**: Both parents shall have the children ready for pick-up at the start of all contact periods. The children and the parent have no duty to wait for the other parent to arrive for contact more than thirty (30) minutes, unless notified. The parent who arrives more than thirty (30) minutes late without prior notification for a particular contact, forfeits that contact, unless the other parent agrees otherwise.

6. **Drop-off**: Neither parent shall return the children early from contact unless the parents agree to a different drop-off time in advance. The parent or other adult well-known to the children must be present when the children are returned from contact.

7. **Canceling contact**: Except in emergency situations, parents must give one another at least twenty-four (24) hours advance notice when canceling a contact period.

8. **Medical treatment and emergencies**: If the children become seriously ill or injured, each parent shall notify the other parent as soon as practicable. If the children become ill or injured during contact, the parent shall contact the other parent to secure treatment unless the situation is a medical emergency.

9. **Communication**: Both parents shall be entitled to reasonable communication with the child while the child is in the other parents’ care (including but not limited to telephone, e-mail, mail and text messaging). Neither parent shall interfere with the communication between the children and the other parent. Long distance calls from an out-of-town parent shall be at that parent's expense.

10. **Transportation**: Unless otherwise ordered or mutually agreed, parents shall have shared responsibility for transportation of the children to and from their home for contact periods and may use another adult well-known to the children for picking up or dropping off the children when necessary. Any person transporting the children shall not be under the influence of alcohol or drugs, and must be a licensed, insured driver. All child restraint and seat belt laws must be observed by the driver.

11. **School work**: Parents shall provide time for children to study and complete homework assignments, even if the completion of work interferes with the parent's plans for the children. Both parents are responsible for providing all of the school assignments and books to the other parent. Summer school which is necessary for a child must be attended, regardless of which parent has the child during the summer school period.

12. **Extracurricular activities**: Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, should not be interrupted. The parent with whom the children are staying shall be responsible for providing transportation to activities scheduled during contact with that parent. Each parent shall provide the other parent with notice of all extracurricular activities, complete with schedules and the name, address and telephone number of the activity leader, if available.

13. **Relocation**: Prior to a parent relocating their residence, consideration shall be given to the effect the relocation may have on the existing contact schedule. If the relocation may result in a change in the child’s school, travel time to school or extracurricular activities or otherwise may adversely affect the child’s best interest, the parent choosing to relocate shall obtain written approval from the other parent or a Court Order prior to relocating. When a proposed relocation meets the criteria of Section 734 of Title 13 and a party seeks an order from the Court, the Court must consider Section 734’s relocation factors in addition to the best interest factors.

14. **Notice of change of address**: Both parents shall give written notice to the other parent immediately upon any impending change of address and/or phone number. The written notice must include the new mailing address and phone number (in the event the mailing address is a Post Office Box, the written notice must include a physical address and/or directions to the new residence), unless a restrictive order has been obtained from the Court. A copy of the notice shall also be provided to the Family Court in the appropriate county.

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| 15. **Other**: |  |
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