

SCENARIOS TO CONSIDER UNDER UCCJEA

1. Both parties in State A for 6 months or more and parties separate but servicemember's "home of record" is State B.

2. Same scenario as 1, but non-custodial parent moves to State B; custodial parent stays in State A:

3. Same scenario as 2, but child goes to live with parent in State B, and for several years has no contact with other parent who still resides in State A:

4. Same scenario as 3, but neither parent nor child reside in State A, but reason is deployment of parent to Iraq for more than 6 months:

5. Same scenario as 2 and custodial parent also leaves State A, but non-custodial parent returns to State A one month later:

6. Servicemember moves from State A to State B leaving child and parent in State A. Parent obtains custody order in State A and sends to State B for registration and enforcement:

**SAMPLE PROVISIONS FOR CUSTODY IN SEPARATION
AGREEMENTS**

Specific:

Child Custody/Welfare: Wife and Husband shall have the joint legal care, custody and control of the minor children born of the marriage with the primary physical custody of the child being placed with Wife. Although the primary physical custody of the child shall be placed with Wife, the parties agree that each parent will maintain an active participation in each child's life. Both Husband and Wife agree that the minor children are entitled to the love, nurturing, advice, and training of and from both their father and mother. Both Husband and Wife agree that neither will do anything to endanger the health, welfare, safety, or best interests of their children.

A. Visitation: Wife shall have the primary physical custody of the minor children. Husband shall have visitation with the minor children at the following times:

1. Beginning upon the execution of this Agreement, Husband shall have the minor children one weekend per month to be determined by the parties from Friday at 5:00 p.m. until Sunday at 3:00 p.m. Wife shall have the fourth weekend of every month. On every other weekend of the month, Husband shall have the minor children from Saturday at 2:00 p.m. until Sunday at 3:00 p.m.

2. On Thursday evening each week from 5:00 p.m. until 8:00 p.m. for dinner unless a different evening is agreed upon by Husband and Wife.

3. Notwithstanding contrary provisions within this Agreement, the parties agree to the following visitation from year to year during major holidays of Christmas, Thanksgiving, and other holidays as provided for herein. The holiday and vacation physical custody schedule of the said minor children as hereinafter set out shall supersede and take priority over the regular physical custody schedule of the said minor children as set out hereinabove in these subparagraphs. Weekends lost or gained shall not be made up without the mutual agreement of the parties.

4. Wife shall have the minor children with her for the Thanksgiving school holiday in each year.

5. Husband shall have the minor children with him for Christmas in each even-numbered year from the time the minor children are released from school for the holidays until 6:00 p.m. on the last day of Christmas vacation unless other jointly agreed upon arrangements have been made by the parties. Wife shall have the minor children with her for Christmas each odd-numbered year from the time the minor children are released from school for the holidays until 6:00 p.m. on the last day of Christmas vacation unless other jointly agreed upon arrangements have been made by the parties.

6. Husband shall have the minor children with him for Easter weekend in each odd-numbered year from 6:00 p.m. on Thursday prior to Good Friday and continuing until 6:00 p.m. on Easter Sunday; Wife shall have the minor children with her for Easter weekend in each even-numbered year from 6:00 p.m. on Thursday prior to Good Friday and continuing until 6:00 p.m. on Easter Sunday;

7. Husband shall have the minor children with him for the July 4th holiday on even-numbered years based upon his vacation schedule not to exceed ten (10) days. Husband will notify Wife of his July 4th vacation plans by June 1st of each year.

8. Wife shall have the minor children with her on Mother' s Day of each and every year, whether or not this day falls within the normal visitation schedule set forth herein, from 10:00 a.m. until 5:00 p.m. on Mother' s Day; and Husband shall have the minor children with him on Father' s Day of each and every year, from 10:00 a.m. until 5:00 p.m. whether or not this day falls within the normal visitation schedule set forth herein;

9. Each party shall have up to two nonconsecutive weeks (7 days) during the summer months with the minor children. The parties will provide notice of her/his intended vacation weeks no later than June 1st of each year. In the event of a conflict, Wife' s weeks shall have priority in even-numbered years and Husband' s weeks shall have priority in odd-numbered years.

10. The parties may, from time to time, and at least once every twelve months, review and as agreeable modify the above set forth terms for custody and visitation as they shall mutually agree.

B. In the event the Husband moves more than 100 miles outside Greensboro, North Carolina, then the parties acknowledge that they will need to review and modify the foregoing provisions for visitation particularly with respect to the regular weekly and weekend visitation. The parties acknowledge and agree that they will endeavor to work

together to make modifications of the schedule for the best interests of their minor children.

C. The parties may, from time to time, and at least once every twelve months, review and as agreeable modify the above set forth terms for custody and visitation as they shall mutually agree.

D. That Husband and Wife shall encourage said children to honor, respect, and love the other parent, and neither party shall attempt to destroy in any manner the affection of said children for the other party. Both parties shall also maintain no environment nor engage in any activity which is or may be detrimental to the physical and/or mental health or welfare of said children. Both parties shall refrain from making disparaging comments about the other parent in the presence of the minor children and shall encourage third parties, whether friends or family members, to refrain from making disparaging comments about either parent in the presence of the minor children. In the event family or friends refuse to refrain from making such comments in the presence of the minor children, then the parent overhearing the comment shall remove the children from the presence of the person making the disparaging comment until such comments cease.

E. That regardless of the regular physical custody schedule set out hereinabove, both parties shall cooperate with one another in making the said minor children available to be with the other party hereto on special occasions or at special events upon reasonable advance notice by the party not having physical custody on a particular day to the other party, provided that such unscheduled time shall not unduly interfere with the health, schooling, or previously scheduled organized activities of the said minor children.

F. That each of the parties hereto shall have free and unrestricted access to school, medical and other important records of the said minor children, and that each party hereto shall do everything in his or her power and authority to ensure that the other party hereto has such access to such records of the said minor children, including apprising him or her of the need to see and review such records, and including making photocopies of such items as report cards and progress reports available to the other party hereto which for any reason may not be readily accessible to such other party hereto.

G. Each party shall allow telephone contact between the minor children and the other party when the children are in his or her care at reasonable times and for reasonable durations.

H. That each party shall at times keep the other party hereto informed as to his or her residence address, residence mailing address (if different), place of employment, residence telephone number and business telephone number, including prompt notification of any and all changes therein; and further that, in the event that either party hereto shall take the minor children with him or with

her on any overnight trips out of town, that party shall provide the address and telephone number of the overnight accommodations to the other party hereto in advance.

Less specific:

A. Child Custody/Welfare: Husband and Wife shall have the joint legal custody of the minor child Patrick with the primary physical custody of the minor child being placed with Wife. The parties agree that they will share in making major decisions regarding the child and that each parent will maintain an active participation in the child's life. Both Husband and Wife agree that the minor child is entitled to the love, nurturing, advice, and training of and from both her father and mother. Both Husband and Wife agree that neither will do anything to endanger the health, welfare, safety, or best interests of their minor child. Wife shall have the primary physical custody of the minor child, and the Husband shall have secondary physical custody and reasonable and liberal access to the minor child in accordance with the same manner that the parties have done since their separation. Both parties shall work together with their schedules and the schedule of the minor child to ensure that the child spends time with both parents.

1. Holidays / Summer Vacation: The parties shall coordinate the major holidays of Christmas, Thanksgiving, Spring Break/Easter, other holidays, and the summer so that each party can maximize the opportunities the minor child has to be with each party and members of their extended family for each holiday and summer.

2. Husband and Wife shall encourage said child to honor, respect, and love the other parent, and neither party shall attempt to destroy in any manner the affection of said child for the other party. Both parties shall also maintain no environment nor engage in any activity which is or may be detrimental to the physical and/or mental health or welfare of said child. Both parties shall refrain from making disparaging comments about the other parent in the presence of the minor child and shall encourage third parties, whether friends or family members, to refrain from making disparaging comments about either parent in the presence of the minor child. In the event family or friends refuse to refrain from making such comments in the presence of the minor child, then the parent overhearing the comment shall remove the child from the presence of the person making the disparaging comment until such comments cease.

3. Both parties furthermore shall continue to share the responsibility and authority with respect to all major decisions affecting said child and agree that no major decisions involving upbringing, education, medical, health, nutrition, religion, and financial support of said child shall be made without consulting with one another;

4. That each of the parties hereto shall have free and unrestricted access to school, medical and other important records of the said minor child, and that each party hereto shall do everything in his or her power and authority to ensure that the other party hereto has such access to such records of the said minor child, including appraising him or her of the need to see and review such records, and including making photocopies of such items as report cards and progress reports available to the other party hereto which for any reason may not be readily accessible to such other party hereto;

5. Each party shall allow telephone contact between the minor child and the other party when the child is in his or her care at reasonable times and for reasonable durations;

6. That each party shall at times keep the other party hereto informed as to his or her residence address, residence mailing address (if different), place of employment, residence telephone number, business telephone number, and cellular phone number (if applicable) including prompt notification of any and all changes therein; and further that, in the event that either party hereto shall take the minor child with him or with her on any overnight trips out of town, that party shall provide the itinerary for said trip and a reasonable means for the other party to contact the minor child, and vice-versa while on the trip.

Very flexible:

A. Custody for Non-Holiday / Summer Vacation: Wife shall have the primary physical custody of the minor child. The Husband shall have reasonable and liberal access to the minor child under the following terms and conditions:

1. Close and frequent contact through visitation shall be encouraged by the Wife.
2. Visitation shall not be arbitrarily or unreasonably denied.
3. Visitation by the Husband shall not be planned without checking on the schedule of the Wife and the minor child.
4. The Wife shall not schedule activities of the minor child that would unnecessarily or unreasonably conflict with the expected visitation times/dates of the Husband.
5. The Husband shall not schedule visitation that would unnecessarily or unreasonably conflict with the child's schedule.

6. Reasonable advance notice shall be provided by the Husband of the intent to visit with the minor child.

B. Custody for Holidays / Summer Vacation: The parties agree to share physical custody during major holidays of Christmas, Thanksgiving, Spring Break/Easter and other holidays so that each party can maximize the opportunities the minor child has to be with each party and members of their extended family for each holiday.

Specific Provisions Tailored to Possibility of a Move (PCS):

Child Custody/Welfare: Wife and Husband shall have the joint legal care, custody and control of the minor children born of the marriage with the primary physical custody of the child being placed with Wife. Although the primary physical custody of the child shall be placed with Wife, the parties agree that each parent will maintain an active participation in each child's life. Both Husband and Wife agree that the minor children are entitled to the love, nurturing, advice, and training of and from both their father and mother. Both Husband and Wife agree that neither will do anything to endanger the health, welfare, safety, or best interests of their children.

A. Visitation: Wife shall have the primary physical custody of the minor children. Husband shall have visitation with the minor children at the following times:

1. Beginning October 20, 2001, one overnight every other weekend on either Friday or Saturday night at times to be agreed upon by Husband and Wife by Wednesday of the week preceding the weekend visitation;

2. On Wednesday evening each week from 5:00 p.m. until 8:00 p.m. for dinner unless a different evening is agreed upon by Husband and Wife;

3. Notwithstanding contrary provisions within this Agreement, the parties agree to the following visitation from year to year during major holidays of Christmas, Thanksgiving, and other holidays as provided for herein. The holiday and vacation physical custody schedule of the said minor children as hereinafter set out shall supersede and take priority over the regular physical custody schedule of the said minor children as set out hereinabove in these subparagraphs. Weekends lost or gained shall not be made up without the mutual agreement of the parties.

4. Wife shall have the minor children with her for the Thanksgiving school holiday in each year;

5. Husband shall have the minor children with him for Christmas in each odd-numbered year from 2:00 p.m. on Christmas Day until 6:00 p.m. on the December 26th; Wife shall have the minor children with her for Christmas each odd-numbered year from 10:00 a.m. on December 24th until 2:00 p.m. on Christmas Day; Wife shall have the minor children with her for Christmas in each even-numbered year from 2:00 p.m. on Christmas Day until 6:00 p.m. on the December 26th; Husband shall have the minor children with him for Christmas each odd-numbered year from 10:00 a.m. on December 24th until 2:00 p.m. on Christmas Day; the remainder of the Christmas school holiday shall be divided between the parties by mutual agreement so that the minor children can spend as much time as possible with each parent and their extended family during the holiday season.

6. Husband shall have the minor children with him for Easter weekend in each odd-numbered year from 6:00 p.m. on Thursday prior to Good Friday and continuing until 6:00 p.m. on Easter Sunday; Wife shall have the minor children with her for Easter weekend in each even-numbered year from 6:00 p.m. on Thursday prior to Good Friday and continuing until 6:00 p.m. on Easter Sunday;

7. Husband shall have the minor children with him for the July 4th holiday in each year beginning at 6:00 p.m. on July 3rd and continuing until 9:00 a.m. on July 5th of each year;

8. Wife shall have the minor children with her on Mother' s Day of each and every year, whether or not this day falls within the normal visitation schedule set forth herein, from 10:00 a.m. until 5:00 p.m. on Mother's Day; and Husband shall have the minor children with him on Father' s Day of each and every year, from 10:00 a.m. until 5:00 p.m. whether or not this day falls within the normal visitation schedule set forth herein;

9. Each party shall have up to two nonconsecutive weeks (7 days) during the summer months with the minor children. Husband shall provide notice to Wife no later than May 1st of each year of the weeks he intends to take; Wife shall provide notice to Husband no later than May 15th of each year of the weeks she intends to take;

10. The parties may, from time to time, and at least once every twelve months, review and as agreeable modify the above set forth terms for custody and visitation as they shall mutually agree.

B. In the event the Husband moves to _____, then the following provisions for visitation shall supersede and replace those terms and provisions set forth herein in subparagraph A:

1. If Husband is in Greensboro, North Carolina and provides Wife at least 14 days notice of his intent to be in Greensboro, Wife shall make the minor children available to him for the weekend or for some reasonable time if Husband is in Greensboro during the weekdays;

2. Notwithstanding contrary provisions within this Agreement and in the event the Husband relocates to _____ or some other area more than 100 miles outside of Greensboro and intends to exercise visitation at his new residence or otherwise outside of Greensboro, North Carolina, the parties agree to the following visitation from year to year during major holidays of Christmas, Thanksgiving, and other holidays as provided for herein. If the Husband intends to exercise visitation in Greensboro, North Carolina, then the holiday and vacation provisions as set forth in subparagraph A. shall govern. The holiday and vacation physical custody schedule of the said minor children as hereinafter set out shall supersede and take priority over the regular physical custody schedule of the said minor children as set out hereinabove in subparagraph B.1. If the Husband intends to exercise visitation outside of Greensboro, North Carolina, Husband shall make the travel arrangements and pay the travel costs associated with the visit. Until the younger minor child has attained the age of eight (8), the Husband shall accompany them on all travel to and from his residence. At such time as the younger minor child becomes eight (8) years of age, then the parties shall review this travel policy and determine whether their minor children have reached sufficient maturity to travel unaccompanied;

3. Wife shall have the minor children with her for the Thanksgiving school holiday in each year;

4. Husband shall have the minor children with him for Christmas in each odd-numbered year from 9:00 a.m. on December 26th until 6:00 p.m. on the day prior to their return to school from the holiday; Wife shall have the minor children with her for Christmas each odd-numbered year from the time school recesses for the holiday until 9:00 a.m. on December 26th; Wife shall have the minor children with her for Christmas in each even-numbered year from 2:00 p.m. on December 26th until 6:00 p.m. on the day prior to their return to school from the holiday; Husband shall have the minor children with him for Christmas each odd-numbered year from the time school is released for the holiday and the Husband can make reasonable travel arrangements until 2:00 p.m. on December 26th.

5. Husband shall have the minor children with him for Easter weekend in each odd-numbered year from the time school is released for the holiday and the Husband can make reasonable travel arrangements and continuing until 6:00 p.m. on Easter Sunday; Wife shall have the minor children with her for Easter weekend in each even-numbered year from the time school is released for the holiday on Thursday prior to Good Friday and continuing until 6:00 p.m. on Easter Sunday;

6. Husband shall have the minor children with him for the July 4th holiday in each year beginning on July 3rd from the time the Husband can make reasonable travel arrangements and continuing until 6:00 p.m. on Sunday following the holiday;

7. Wife shall have the minor children with her on Mother' s Day weekend of each and every year, whether or not this day falls within the normal visitation schedule set forth herein; and Husband shall have the minor children with him on Father' s Day weekend of each and every year from the time the Husband can make reasonable travel arrangements on the Friday prior to the holiday and continuing until 6:00 p.m. on the Monday following the holiday; whether or not this day falls within the normal visitation schedule set forth herein;

6. Each party shall have up to two nonconsecutive weeks (7 days) during the summer months with the minor children. Husband shall provide notice to Wife no later than May 1st of each year of the weeks he intends to take; Wife shall provide notice to Husband no later than May 15th of each year of the weeks she intends to take;

7. The parties may, from time to time, and at least once every twelve months, review and as agreeable modify the above set forth terms for custody and visitation as they shall mutually agree.

B. During any period when the minor children are with one of the parties, that party shall take measures to ensure that the minor children are not exposed to any third party with whom he or she is involved with in a dating or other intimate relationship for a period of one (1) year from the date of the execution of this Agreement. Specifically, neither party shall have an overnight guest of the opposite sex unrelated by blood or marriage present while the children are present.

C. That Husband and Wife shall encourage said children to honor, respect, and love the other parent, and neither party shall attempt to destroy in any manner the affection of said children for the other party. Both parties shall also maintain no environment nor engage in any activity which is or may be detrimental to the physical and/or mental health or welfare of said children. Both parties shall refrain from making disparaging comments about the other parent in the presence of the minor children and shall encourage third parties, whether friends or family members, to refrain from making

disparaging comments about either parent in the presence of the minor children. In the event family or friends refuse to refrain from making such comments in the presence of the minor children, then the parent overhearing the comment shall remove the children from the presence of the person making the disparaging comment until such comments cease.

D. That regardless of the regular physical custody schedule set out hereinabove, both parties shall cooperate with one another in making the said minor children available to be with the other party hereto on special occasions or at special events upon reasonable advance notice by the party not having physical custody on a particular day to the other party, provided that such unscheduled time shall not unduly interfere with the health, schooling, or previously scheduled organized activities of the said minor children.

E. That each of the parties hereto shall have free and unrestricted access to school, medical and other important records of the said minor children, and that each party hereto shall do everything in his or her power and authority to ensure that the other party hereto has such access to such records of the said minor children, including apprising him or her of the need to see and review such records, and including making photocopies of such items as report cards and progress reports available to the other party hereto which for any reason may not be readily accessible to such other party hereto.

F. Each party shall allow telephone contact between the minor children and the other party when the children are in his or her care at reasonable times and for reasonable durations.

G. That each party shall at times keep the other party hereto informed as to his or her residence address, residence mailing address (if different), place of employment, residence telephone number and business telephone number, including prompt notification of any and all changes therein; and further that, in the event that either party hereto shall take the minor children with him or with her on any overnight trips out of town, that party shall provide the address and telephone number of the overnight accommodations to the other party hereto in advance.