



GORDON W. "MACK" MCCAIN, JR.

CIRCUIT JUDGE
DIVISION II

FIFTH JUDICIAL DISTRICT
P.O. BOX 2691
POPE COUNTY COURTHOUSE
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COUNTIES
POPE
FRANKLIN
JOHNSON

April 13, 2005

Mrs. Fern Tucker
Pope County Circuit Clerk

Mrs. Jane Houston
Johnson County Circuit Clerk

Mrs. Wilma Brushwood
Franklin County Circuit Clerk

Fern Tucker

2005 APR 13 PM 3 58

FILED
CIRCUIT & CLERK

Re: Proposed Guidelines for the Fifth Judicial District
Child Visitation and Related Matters and
Children's Medical and Dental Expenses

Dear Clerks:

Enclosed are the most recent guidelines signed by Judge McCain, Judge Sutterfield, and Judge Coker. Please note that page two of the Guidelines regarding visitation contains the following paragraph:

Overnight guests: Neither parent shall have any overnight visitors with whom they are romantically involved when the children are present.

The earlier Guidelines did not contain this paragraph.

Yours very truly,

Meridith Whitson

Meridith Whitson

/mw
enclosures

PROPOSED GUIDELINES FOR
THE FIFTH JUDICIAL DISTRICT
REGARDING
CHILDREN'S MEDICAL AND DENTAL EXPENSES

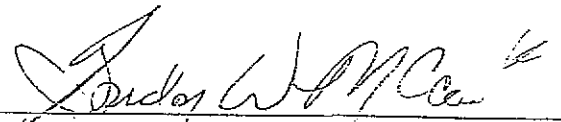
THIS ORDER WILL BECOME EFFECTIVE IN SPECIFIC CASES ONLY WHEN ATTACHED TO AND INCORPORATED BY REFERENCE IN A SEPARATE ORDER OR DECREE.

1. Unless otherwise ordered* each parent shall be responsible for one-half of the child's or children's medical, dental, orthodontic, counseling, prescription drug and eyeglass expenses not covered by either party's insurance, including annual and percentage insurance deductibles.

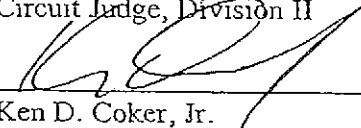
2. The parents shall obtain whatever medical and dental insurance is available at reasonable cost** at his or her place of employment, and such parent's employer is hereby ordered pursuant to Act 368 of 1991 to deduct the premiums for the insurance from the parent's paycheck.

3. If the non-custodial parent fails to obtain the insurance referred to above and the same is available at his or her place of employment, the Court may find that parent responsible for all of the expenses which insurance would have covered, in addition to finding him or her in contempt. Likewise, any parent who fails to cooperate with the other parent in furnishing insurance forms, ID cards, medical providers' billing statements, etc. necessary to obtain insurance benefits may be found liable for any expense which would have been covered but was not due to the omission, as well as being found in contempt.

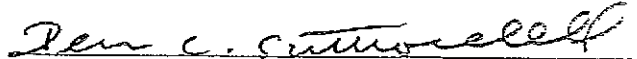
IT IS SO ORDERED.



Gordon W. "Mack" McCain, Jr.
Circuit Judge, Division II



Ken D. Coker, Jr.
Circuit Judge, Division III



Dennis C. Sutterfield
Circuit Judge, Division IV

*This Court will consider "otherwise ordering" when it is convinced some or all of the terms of this order would be inequitable in a specific case due to such factors, for example, as when one of the parents can easily afford to be responsible for all of the above described expenses, whereas part or all of such expenses would be extremely burdensome on the other parent. The Court will also consider an exception where the custodial parent can obtain insurance at substantially less cost than the non-custodial parent. No exception, however, will be in effect unless ordered by the Court.

**Any question about "reasonable cost" shall be determined by the Court.

**PROPOSED GUIDELINES FOR
THE FIFTH JUDICIAL DISTRICT
CHILD VISITATION AND RELATED MATTERS**

WHEN ORDERED BY THE COURT, this will be incorporated into the Court's order or decree.

Specific Visitation: The non-custodial parent shall have visitation as follows: Every other weekend from 5:00 p.m. Friday until 5:00 p.m. Sunday. Visitation will begin the first weekend after the latest court appearance.

Spring Break: Each odd numbered year from 5:00 p.m. the day school adjourns until 5:00 p.m. the day before school resumes.

Easter: Every even numbered year unless it falls on a regular visitation weekend from 5:00 p.m. Saturday until 5:00 p.m. Easter Sunday.

Memorial Day Weekend: Every odd numbered year unless it falls on a regular visitation weekend from 5:00 p.m. Friday until 8:00 p.m. Monday. In the event Memorial Day falls on a regular visitation weekend, the visitation will be extended until 8:00 p.m. Monday.

Mother's Day: To be spent with the mother each year from 9:00 a.m. until 6:00 p.m. whether or not the father would normally have the child or children on that day.

Father's Day: To be spent with the father each year from 9:00 a.m. until 6:00 p.m. whether or not the father would normally have the child or children on that day.

July 4th Holiday: Every even numbered year unless it falls on a regular visitation weekend from 9:00 a.m. until 10:00 p.m. If this holiday occurs during the non-custodial parent's summer visitation, the holiday shall be spent with the non-custodial parent.

Labor Day Weekend: Every odd numbered year unless it falls on a regular visitation weekend from 5:00 p.m. Friday until 8:00 p.m. Monday. In the event Labor Day is preceded by a regular visitation weekend, the weekend visitation will be extended until 8:00 p.m. Monday.

Thanksgiving Visitation: Every even numbered year from 5:00 p.m. Wednesday to 5:00 p.m. Sunday.

Christmas Vacation: Every odd numbered year from 5:00 p.m. on the day school adjourns until 5:00 p.m. Christmas Day. On even numbered years visitation shall be from 5:00 p.m. Christmas Day to 5:00 p.m. the day before school resumes.

Parent's Birthday: The child shall have visitation with the parent celebrating the birthday from noon until 8:00 p.m. if school is not in session, or from after school until 8:00 p.m. if school is in session. In the event the birthday of the custodial parent falls during regular visitation of the non-custodial parent, the visitation of the non-custodial parent will not take place that day. If the parents have the same birthday, the child will have visitation with the non-custodial parent in odd-numbered years.

Summer Visitation: Visitation will be for a period of six (6) weeks beginning at 5:00 p.m. the first Friday after school adjourns and ending at 5:00 p.m. on the Friday of the sixth week. During summer visitation, the permanent custodian will have visitation from 5:00 p.m. Friday until 5:00 p.m. Sunday every other weekend. The non-custodial parent will pay one-half of the normal amount of child support during periods of visitation of fourteen days and longer.

Preemption: The holiday period visitation shall supersede and preempt regular weekend visitation, but such regular weekend visitation shall be continued to be counted in an alternating fashion as if they had occurred even though they were superseded.

School: When school vacations are used to set visitation times, the school vacation times of the school district the child lives in shall be used even if the child is not of school age.

Additional Visitation: The Court encourages and approves of the parties agreeing to as much additional visitation as they desire. It also encourages and approves of the parties agreeing to flexibility with the visitation specified in this order. However, in the absence of agreement, the terms of this order are to be strictly observed.

Overnight guests: Neither parent shall have any overnight visitors with whom they are romantically involved when the children are present.

* **Transportation:** The non-custodial parent shall be responsible for transportation at the beginning of the visitation and the custodial parent shall be responsible for return transportation at the end of the visitation. Pick-up and return times should be strictly observed. In the rare instance when the times cannot be so observed, the other party must be given as much advance notice as possible. Transportation shall be provided only by a responsible adult.

No Removal From State: Both parties are enjoined and restrained from removing the child or children from the state of Arkansas except for brief trips without the advance written permission of the Court. The Court will not grant permission for permanent removal without a hearing unless both parties have agreed in writing before a notary.

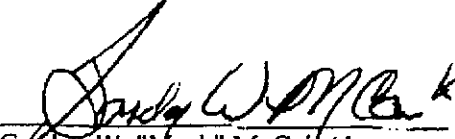
Current Address and Telephone Number: Each party shall keep the other advised at all times of his or her current address and telephone number. The child or children should be permitted to call the other parent at all reasonable times.

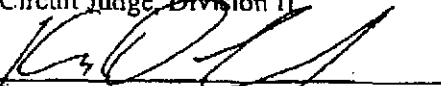
School and Health Records: These records shall be made available to the non-custodial parent immediately upon request.


Derogatory Remarks: Both parties are enjoined and restrained from making derogatory remarks about the other parent in the presence of the child or children. Violation of this provision could result in a loss of custody or visitation. The Court considers it to be the child's right to grow up respecting both of his or her parents.

Standing Order: Any Standing Order presently in effect is hereby vacated.

IT IS SO ORDERED.


Gordon W. "Mack" McCaib, Jr.
Circuit Judge, Division II


Ken D. Coker, Jr.
Circuit Judge, Division III


Dennis C. Sutterfield
Circuit Judge, Division IV