

MEMO AND DECISION

Date: November 18, 2024
Case: Egeland PC
Subject: Parent Communication, Vacations, Holidays

Background

The PC's initial Memo and Decision dated August 23, 2024, included proposed language on Parent Communication, Vacations, and a Holiday Schedule. Both parties provided their written comments.

Ryan sent his comments on September 22, 2024 and also sent a holiday schedule:

As requested:

1. Parent communication – please see attached for relatively minor suggestions. (attachment is pasted here:

Comments on Provision Language: Great – minor adds.

- 1) **Response time.** Section vii “If response is requested and/or necessary, the other parent shall respond within 24 hours.” Minor additions:
 - a. The OFW calendar tool allows longer response times to be specified by either parent. If so specified, response times may exceed 24h.
<https://www.ourfamilywizard.com/knowledge-center/tips-tricks/parents-website/trade-swap#creating>
- 2) **Use of Calendar Tool.** Coordinating exchanges and time swaps by messaging is not recommended by OFW, due to communications errors. Should add: “Parents will use the OFW calendar tool for all schedule change requests and approvals. The parent will summarize the activity and/or reason for the request in the “Description” section of the OFW calendar tool when making a request. Messaging should only be use for minor (< 1 hour) same-day pick/up or drop off changes.
- 3) **Call logs (including kids).** OFW used for all parent/children calls.
- 4) **Define when to use PC** more specifically.

In Section 3 (when PC should be involved). Clarify as follows “... one of the parents decides that there is an impasse because they can’t agree **or communicate** and that the parents require the PC’s assistance in resolving the issue. **Failure to communicate** occurs once two or more individual messages, each containing prohibited content as listed in Section vii of the Provisions, are sent in a discussion around a given topic. **Failure to agree** occurs when communications don’t lead to successful compromise for both parents.”

2. Vacations – two weeks each parent plus spring break = 5 weeks total for girls to be with a single parent only. That seems way too much one-parent away time at their age. We can get their therapist's perspective. Below are alternative options – Jenn can weigh in:
 - a. One week (7 consecutive days) vacation for each parent; keep week-long spring break per below.
 - b. Shorten vacation blocks to 4 days. Each parent gets two blocks. Could stack two blocks making 8 days if long vacation wanted.
 - c. Eliminate vacation weeks next 12 months, revisit next year. Jenn and I didn't use these weeks last 12 months. We can create long weeks with 5225 by swapping 3-day blocks anyway?

Jenn sent her comments on September 23, 2024 and also sent a holiday schedule:

- a. parent communication-I think what you wrote seemed good. I agree with it.
- b. vacations-I disagree with Ryan's suggestions of not having 2 weeks per year. I think Spring break is considered part of that 2 weeks. So if you have spring break it will be a part of 2 weeks. I think its best to keep the initial mediation agreement that says 2 weeks each parent. We may not use it but its good to have. It will cause less conflict. And remember its not consecutive. Its just 2 extra days of our already 5 days on. I would like it to stay as it is.
- c. holidays- We have some disagreements about holidays that we need your help with. I have attached my revised schedule. My comments are in red. Ryan and I have been disagreeing on things. We would like to go over it with you before holidays start.

On October 7, 2024, Ryan submitted a request for PC assistance:

I would like your assistance with help on resolving the matter of religious instruction and attendance at Church.

Although the children attended these activities on a weekly basis for most of their lives during the marriage, and with both Jenn and me supportive throughout, since we entered into our joint custody agreement last October, we have since been unable to mutually agree on arrangements for that to continue.

As a result, the children missed approx 50% of scheduled classes of religious instruction (Sunday School) last year. Should this remain unresolved again this year, they will both fall further behind in their religious education. Mae will not meet attendance requirements to receive the important Catholic sacrament of First Communion.

If they are able to resume their normal weekly attendance at mass and fully participate in the Sunday School schedule and curriculum, I feel they will benefit not only in the religious ceremonies, but will continue to develop in the important areas of moral, spiritual, and character development. I feel that, equally to their academic and physical health, appreciating the spiritual aspect will enrich their lives both in the near term, and into their adult lives. Both Ada and Mae seem to enjoy these activities, and I believe the frequent absences and underlying unresolved conflict is stressful and confusing for them.

I would ask that you work to help us define, in specific and unambiguous terms leaving little room for future disagreements, language and/or a schedule agreement that achieves the above for both of the children.

I have attached a request with much more extensive detail than the above. I apologize for the length of the attached request, but this is an issue which has lingered for many months, until most recently becoming more acute. This detail within this request provides the context from which, the much less significant issue of a single day's vacation request for MEA arose. MEA is but only the most recent manifestation of dozens of related conflicts before it, all stemming from our fundamental disagreement on the arrangements for religious services and instruction for the children.

I look forward to hearing from both you and Jenn on this important and unresolved matter for the children.

Ryan's proposed resolution:

I would request that time be protected in our schedule every week for all scheduled Catholic Sunday School or other regular religious instruction activities as customary for other families with children of the same age, and during the marriage. I would also request the same protection of time for the children to attend mass each Sunday as was routine from the time of the children's birth until Oct 9, 2023. I do not expect Jenn to participate or support getting them to or from these activities in my absence, although I would like that. I would like these activities to take precedence (similar to that of school days) over other social, leisure, or discretionary activities (Jenn often references conflicting "plans.") Occasionally missing these activities is reasonable, but should not be the norm. I don't think it's a good precedent to transfer parenting time from me to Jenn to compensate for this, but am willing to concede if that's the best and only solution.

[In the interest of brevity, Ryan's full submission is not included here.]

On October 7, 2024, the PC wrote to the parties as follows:

We had been in the process of pinning down a time to meet to discuss some of the issues that were raised in your initial meetings with me but I subsequently received requests for new issues from both of you. Here is the status of communication:

1. Pending issues: I sent suggested language to both of you on three issues: parent communication, vacations, holidays. You both replied. We need to schedule a meeting on this issue. My schedule sometimes changes rapidly and the earliest date that I currently have available to meet that both of you said you were available is October 25 at 2 pm. I've pasted a Zoom link below for that date.
2. MEA 2024: Jennifer sent a request on this issue yesterday. Before I could give a deadline for Ryan to respond, he did so. I do not have the capacity to pick up this issue before MEA. As I mentioned in our initial meeting, it is important for you to think ahead

when raising these issues in the PC process. Most of the time, I cannot turn issues like this around this quickly and right now is one of those times. I encourage you to work with each other and attempt to resolve this issue. If you cannot we will be able to address MEA along with other holidays as part of a global discussion (see issue #1, above).

In the future, please refrain from responding in the PC process until I have given you a deadline for a response. You are free to attempt to resolve things on your own, separately if you think you have a proposal that can get any traction, but it is difficult for me to manage issues coming in when responses are going back and forth without any direction from me.

3. Religious Instruction: Ryan sent a request today for me to address this issue. It is difficult to pick up new issues when others are still open. It is my preference for this issue to be put on hold until the issues in #1 are resolved. As stated in my earlier email, Jennifer's response will be due on this issue by November 1. I will then pick it up for discussion. We can talk about setting a date for a meeting in our October 25 meeting if there is time.

We will talk a bit more about the PC process in the October 25 meeting as well.

Jenn replied:

Thanks Jennifer,
Sorry if I missed this. But how long should a request go out for enough turn around time?

Ryan responded:

Tx Jennifer for detailed and very helpful response. Anticipated and understood on response discipline.
No prob putting religious instruction on hold until we process existing matters Oct 25.
What's a best range/estimate for time to final decision on a matter like this? What's your calendar look like early Nov?

The PC replied on October 8, 2024:

Here are answers to your questions:

Timeframe for raising issues: the sooner, the better. My schedule is unpredictable and your request came in the middle of a very busy week with lots of other issues/decisions pending. It is typically unlikely that I will be able to make a decision in one week. I must give you time to present and respond to proposals, have time to review them, and get the additional information that I need (often, especially when I am just getting to know a family that will require some sort of conversation or meeting). It is difficult to coordinate all of that and all of our schedules in a week. Sometimes, with very discrete issues if I know a family well and everyone happens to have time available, I can try to help, often that's not enough time.

Expectations for decisions on pending issues, future scheduling: My typical turnaround time once I have received all information is 1-2 weeks. Right now, my availability in early

November is fairly good but I would prefer not to put a meeting on the calendar for a new issue until I know that either the pending issues are resolved or I have taken them on for a decision. That way, I can keep the issues separate and have a clear path forward to resolution on one before picking up a new item.

If you have other questions about process, we can talk about them on October 25.

Ryan replied:

Hi Jennifer, not sure from your response if you're mixing up our requests – were you thinking I expected anything urgent or action this week?
Picking up in Oct/Nov and the timing and 1-2 week turnaround as below is right in line with what I requested on the form. Thank you.

Also appreciate addressing one issue at a time as we work through these.

On October 9, 2024, the PC replied: I don't think I was mixing up requests. I think Jennifer asked me question about MEA and there wasn't time to address that this week.

On October 24, 2024, Jenn wrote:

I am just wondering if we could put another topic on the agenda tomorrow. I know that we have a lot to cover. And holiday stuff is probably the most urgent but I want us to be on the same page on what "Right of first refusal" means. I attached the blip of it from our agreement.

The parties and PC met on October 25, 2024 to discuss pending issues. The PC explained that issues that were already negotiated and included in the mediated agreement will not be revisited without agreement of the parties. As such, there will be no modification of the amount of vacation time allotted. Given that instruction, the parties agreed to provisions adjusting some language around parent communication and vacations. After the meeting, the PC wrote to the parties as follows:

I have attached a copy of your agreements on parent communication and vacations as well as tentative agreements on holidays.

Here is a summary of your upcoming deadlines:

- | | |
|------------|---|
| October 27 | - Jenn will provide her proposed language to modify the Right of First Opportunity (Ryan agrees that work travel meets the definition of "unavailable" and will offer the right of first opportunity to Jenn) |
| November 1 | - both parents will provide their agreement or comments on the holiday schedule |
| | - Jenn will provide her response on Ryan's proposal for religious instruction |
| | - Ryan will provide his response on Jenn's proposal regarding Right of First Opportunity |

Once I hear from you, I'll determine next steps on any items that remain in dispute and issue a decision on all agreements.

On October 26, 2024, Jenn wrote:

Ryan has stated many times that a change in schedule must go both ways. It needs to be an even amount of time for both of us.

So for me to agree to the girls having 2 hours on Sunday it would need to be agreed that I get to "bank" that time. I get to use that "banked" time when I want to use it. So for example if I "banked" 4 hours in a month, I could pick the girls up early on a Friday without refusal. If continued refusals happen then the agreement goes away.

Sunday school is also not a guarantee. The girls and I can still go out of town and make other plans within reason.

Ryan has it in the calendar that he will pick up the girls at 8:50 to 10:20. If he is late or early than that time gets added to the bank.

Sunday school is not ideal for me. I have about 2 days per month where the girls and I can have "lazy" mornings due to Saturdays usually having games. And also having less flexibility to leave town. It is a big deal for me to give it up.

I would like this from you Ryan- for me to agree. I want Wednesday, July 2nd from 5pm to Thursday July 3rd to 5pm. As it stands now I will have till Wednesday July 2nd till 5. Because that is our regular schedule. So the only time I am asking for is July 2nd from 5:00 to July 3rd till 5:00.

Hope that makes sense.

The same day, Jenn also wrote:

I am not sure if this captures everything about right of first refusal due to the nuances of the issue.

1. Right of First Refusal: In the event that either parent CANNOT be with the children for any overnight period, that on duty parent shall provide the other parent with the opportunity to care for the children before arranging for alternative childcare.

-Examples of *CANNOT* include but are not limited to work travel, trips without kids, illness where you are unable to care for the kids.

2. Notice Requirement: The parent seeking to exercise the right of first refusal must notify the other parent as soon as possible in advance of the planned absence, providing details of the dates and times the child will be in need of care.

3. Response Time: The other parent shall have 12 hours to respond to the notice. If the other parent is available and willing to care for the child during that time, they shall do so.

4. Alternative Care Arrangements: If the other parent does not respond within the specified time, or if they are unavailable to care for the child, the on duty parent may then arrange for alternative childcare.

5. Emergency Situations: In the case of emergencies where the notice requirement cannot be met, the parent shall notify the other parent as soon as reasonably possible.

6. Enforcement: Both parents agree to act in the best interest of the child when invoking the right of first refusal and to prioritize the child's stability and well-being.

The kids are still able to have sleepovers and other activities without parents present if the on duty parent exercises agreed upon rules in good faith.

On October 28, 2024, the PC wrote: Thanks. I'll be in touch about both issues (religious instruction and right of first opportunity) after I've received the additional submissions (including on holidays).

On October 31, 2024, Jenn wrote:

A couple of things that I have been thinking about in regards to the holiday schedule.

The Thanksgiving schedule is not ideal for me. One issue is that it doesn't really add anything for me other than possibly the weekend. Because I always have Tuesday and Wednesdays till 5.

I understand that Ryan wants this so he doesn't need to ask me when he wants to go to his brothers. I have had to negotiate many times since we have separated for changes in time.

I would prefer Wednesday morning if possible. So I least have that Tuesday night.

To agree to this I want to be able to always have the girls for my family reunion in the summer even if it falls on his weekend. Its typically the 2nd weekend of July. I will give you the dates as soon as possible. I want to be able to pick up the girls on that Thursday night prior to the weekend.

And for the Christmas Schedule-I just want to make sure I am not confused. When I have the girls till 9pm on Christmas-I wouldn't have to bring them back if its my usually scheduled day right? For example Christmas is on a Friday and its my weekend-so I wouldn't have to bring them back at 9pm, right?

I think everything else seems fine!

On November 1, 2024, the PC wrote:

I understand your position on Thanksgiving and your family reunion. If the two of you disagree on those issues, I will make a decision.

On Christmas, no. The Christmas Eve/Day holiday supersedes the regular parenting time schedule.

In even years, Ryan has the children from noon on December 23 until noon on December 25. You have them from noon on December 25 to 9 pm on December 26 no matter whose parenting time days those would normally be.

Likewise, in odd years, Ryan has the children from noon on December 23 to 9 pm on December 24. Jennifer has them from 9 pm on December 24 until 9 pm on December 26 no matter whose parenting time days those would normally be.

Let me know if that is still unclear. Because I was not able to respond until now, I will extend your time to respond/provide the information required by today (see my October 25 email) to Monday, November 4 for both of you.

On November 1, 2024, Ryan wrote: Thanks Jennifer for the additional time. I will respond on below matter as well as the separate ROFO matter today. My schedule got disrupted this week so apologies this will be coming in after hours.

Later that day, Ryan submitted a response to Jenn's request to modify the Right of First Opportunity and objected to her request on a number of grounds, including:

- The language in the agreement was not arbitrary and was discussed at length in mediation
- Having a requirement that a parent being "physically present" was the emphasis
- Jenn did not propose changes to Ryan directly outside of the PC process
- The language proposed by Jenn introduces unnecessary subjectivity
- There is important context behind the language in the agreement
- He cannot agree to changes in the agreed-upon language without consultation with the children's therapist

On November 2, 2024, Ryan wrote:

I can't agree right now to adding the reunion to our holiday calendar, but I appreciate that is important to you and the girls, and hope to make it work. I've laid out another option for you to consider (below).

The following is my understanding. We covered Thanksgiving with Jennifer already, and verbally agreed. I conceded Thanksgiving was a modification for my family. You conceded Christmas was a modification for yours. I noted the majority of time on legal Christmas holiday (Dec 25) goes to your family every year. I noted I may have to work on both Dec 23 and Dec 24, since that's up to my employer (not me). I didn't say it explicitly, but assumed everyone understands the children spend less quality time with me on days I have to work.

This is just my feeling and not fact, but I perceive your request to revisit this again now as unfair. It's possible I missed something or was confused myself. Jennifer can confirm if my understanding above is accurate.

Separately, I am confused about the request for a family-specific event through this PC topic? Jennifer requires us to address one topic at a time, and I thought it was our *official holiday* schedule? But as you raised the topic, I can cover it briefly.

I do not expect to travel every year for Thanksgiving (I have only done so once in 5 years - you know this), and can "trade" that Tuesday for the reunion time most years, assuming I won't travel and the reunion is positive for the girls (which is what I currently believe).

For me to approve any trade request, including above, you will need to follow the two-way OFW exchange process I laid out in OFW earlier. As I explained then, there was significant confusion and conflict on these in the past, and I needed to set time limits on how much time I can spend negotiating time swaps.

I'd be happy to have PC comment on those. I understand you feel what I asked for is not for me, but the PC, to decide. I will not be upset if you ignore what I asked you to do. I can only commit that if you follow exactly what I've requested you to do, I can approve the reunion with no PC involvement. You can of course choose any other route you wish to get the reunion weekend including the PC. I'm just describing my process and what I will do. I am not planning to change that.

FYI I am updating the OFW calendar with the holiday schedule we agreed to already. This is taking a little time. Assuming there are no surprises or things we missed specifically related to the girl's school calendar, I will be able to confirm and agree to what's in Jennifer's PDF later today.

Jenn replied:

Sorry I am still totally confused about Christmas. I am probably overthinking it. . So lets say Dec 26th lands on a Tuesday which is my parenting day until Wednesday at 5. I would return them at 9 on Tuesday still? That doesn't make any sense to me.
Sorry! Thanks for your help

On November 3, 2024, Ryan wrote:

I am confused why your response ignored the topic of your family reunion. I spent time laying out an option for us to consider at some time and effort. Because you raised the topic, I assumed the girls experiencing that event was important to you and spent time laying out a process that I thought could meet both our expectations as a solution. Right or wrong feel one-sentence acknowledgement of that would be appropriate.

I do not feel comfortable spending further time on this topic. The reunion is a gray area and outside Jennifer's instructions to address one issue at a time. I need to await her decision and direction before I'm able to correspond on anything further.

And then added:

I have added the calendar Jennifer sent out Oct 25 to OFW (attached). Everything looks good with Wayzata school holidays, and I confirm my approval.

I suggest one minor clarification to language on Mother's/Father's day to avoid confusion: "Sunday 8am to Monday drop off at end of school or 5pm if no school."

"Drop off" potentially ambiguous – could be read as either at school in the AM or from the bus in the PM. Doesn't change time either way, just who has responsibility for girls during the school day.

The parties' mediated agreement includes the following language:

Paragraph 8: Holidays going forward:

- a. The parties will alternate major holidays and will create a holiday schedule outside the mediation process with the assistance of their attorneys.
 - i. If the parents are unable to agree on a Holiday Schedule, they will submit it to the Parenting Consultant.

Paragraph 11: Right of First Opportunity:

- a. If the on-duty parent is unavailable overnight, the off-duty parent will have the first opportunity to provide care for the children until the on-duty parent is available again. If the off-duty parent is also unavailable, the on-duty parent is responsible for finding alternate care.
 - i. Unavailable is defined as not being able to be physically present to care for the children overnight.

PC Rationale

At the meeting on October 25, 2024, parents reached agreements on revised language for Parent Communication and Holidays and those agreements are included in the Decision below.

Parents did not agree on a Holiday Schedule, Right of First Opportunity amendments or Religious Instruction.

Holiday Schedule. The parties could not agree on a comprehensive holiday schedule. They did agree to alternate holidays and agreed on how to define and rotate a number of holidays. There were sticking points on some holidays including: Jenn's family reunion and Thanksgiving.

Jenn asserts that her family has a reunion in July each year (typically on the second weekend of the month) and wants the ability to have the children attend the reunion with her regardless of whose weekend it is. Ryan does not agree to add the reunion to the holiday schedule. The parties had been negotiating a holiday schedule prior to involvement of the PC. They hadn't included the reunion as a holiday in the schedule. Jenn suggests that this is a fair trade for Ryan's request to have a longer period for Thanksgiving to accommodate travel to see his family. Thanksgiving, however, is a holiday that the parties will alternate so this is not an equal trade. Jenn has options to attend the reunion in the future by asking Ryan to trade weekends with her, suggesting the addition of another comparable weekend for Ryan as a holiday or trade, or seeking PC assistance if the parties cannot agree.

Because Tuesday is Jenn's parenting time, the Thanksgiving holiday will begin Wednesday morning to balance regular parenting time with an accommodation for Ryan's travel on his years.

The schedule below aims to create parity for holidays and a rotation that allows some travel for holidays where travel is anticipated. The schedule strives for a compromise between the parties' positions but assumes that new traditions will need to be established for the children given that the divorce necessitates such a change.

Right of First Opportunity. Ryan argues that Jenn hasn't been following the ROFO negotiated between the parties in mediation and with attorneys. He argues that modifications to that agreed-upon language is premature and unnecessary. He believes that parents should offer the opportunity to each other before offering time to someone else and he does not agree to exclude grandparents having time with the children from the ROFO, even if a parent is available but allowing grandparent time on their time. While in some instances, it may make sense to include such an exception, in this case, where the mediated agreement is so new and may not yet been utilized as intended, the PC is not going to modify that agreement over the objection of a parent. If a parent can demonstrate an example of how the ROFO has interfered in some way in the future (e.g. Jenn attempts to offer the ROFO or ask for a grandparent visit on her parenting time without triggering the ROFO and her requests are rejected or otherwise demonstrably problematic), then this issue can be reviewed in the future. Essentially, Jenn's request to modify this provision is premature.

Religious Instruction. The parties have joint legal custody. Their mediated agreement includes no provisions related to participation in religious instruction but does include a parenting time schedule with alternating weekends, including Sundays. Ryan is asking for a carve-out for him to have the children on Jenn's Sundays to allow him to take the children for religious instruction. This was not negotiated by the parties as an exception to the parenting time schedule. Jenn has shown some willingness to allow this to happen on some of her Sundays with make-up or traded time. Given the amount of contention over the Right of First Opportunity and other issues, having these types of trades and attempting to develop language that is clear enough to not create confusion or ambiguity will be difficult. In addition, even though it may be true that this type of instruction was provided during the marriage, it wasn't negotiated for in the divorce. As such, the PC will not add a provision to carve out time on Jenn's time for Ryan to bring the children to religious instruction. If there is a specific need that must be met for the children to receive sacraments and the parties cannot agree on that instruction, that specific issue may be brought to the PC in the future.

Authority:

Paragraph V.A.3. of the PC Order dated March 4, 2024, provides the following authority for the PC: Interpret ambiguities or unclear provisions in the parties' stipulations and/or court orders.

Paragraph V.A.7. of the PC Order dated March 4, 2024, provides the following authority for the PC: Decide revisions to previously decided parenting issues as needed to meet changing circumstances.

Paragraph V.A.16. of the PC Order dated June 24, 2024, provides the following authority for the PC: Make recommendations, memorialize agreements and make decisions, including the authority to impose consequences for non-compliance.

Decisions:

1. Parent communication

Effective immediately, the parent communication provision in the mediated agreement is modified as follows:

a. Parent Communication

- i. The parents will use Our Family Wizard (OFW) for all child related communication. They will each grant the PC access to OFW.
- ii. OFW will be the sole method for communication except for emergencies, sick child, or other immediate time sensitive matters.
- iii. OFW will be used for child related information only.
- iv. Parents will check OFW daily.
- v. The parents will use the. OFW Calendar for tracking the parenting time schedule, extracurricular activities, doctor/dentist/therapist appointments, vacations, etc.
- vi. The parents will use OFW to request reimbursement for child related expenses.
 - The parent will post the expense and upload a copy of the receipt within seven (7) days of making the payment.
 - Within thirty (30) days of the posted expense and receipt, the other parent will reimburse the parent for his/her share of the expense.
- vii. Messages on OFW will be written as follows:
 - List the Topic
 - One topic per message
 - State the information being provided, or, state the request being made.
 - Messages will be limited to three (3) short sentences.
 - The information in the message will be limited solely to the topic, whether it is child specific information being relayed, or a request by the other parent.
 - The messages will not contain any of the following:
 - "you" statements.
 - Commentary.
 - Judgment statements about the other parent.
 - Directives or suggestions about parenting or providing for the child. [what the other parent should be doing].
 - If a response is requested and/or necessary, the other parent shall respond within 24 hours.
 - The response will be limited solely to the topic, whether it is child specific information being relayed, or the request by the other parent.
 - Responses will be limited to three (3) concise sentences.
 - The response will not contain any of the following:
 - Neutral Appraisals:
 - "you" statements.
 - Commentary.
 - Judgment statements about the other parent,

- Directives or suggestions about parenting or providing for the child.
[what the other parent should be doing].

What constitutes a response:

- 1) The receiving parent has up to **3** days to respond (in writing via OFW) in one of the following ways:
 - (a) I agree
 - (b) I could agree to that if.....
 - (c) I need more information:
 - (i) If the information is being requested from the originating party, any and all information or directions to the location of the information must be provided by the originating parent within 3 days. The receiving parent must then respond with a final decision within 3 days of receiving that information.
 - (ii) The receiving parent may also take time to obtain information themselves. In that event, they must have obtained the information and communicated a decision within 3 days of stating the need for information. If a response is not received within those 3 days, paragraph 3) immediately below applies. If the receiving parent cannot obtain or is having difficulty obtaining the information, they must keep the other party apprised of the difficulty and discuss other solutions, including engaging the PC.
 - (d) No I don't agree and why
- 2) If there is no response within the initial 3 days, the originating parent may proceed with their proposal.
- 3) If a dialogue between parents is needed to reach agreement or resolve the concern, PC will not be involved unless one of the parents decides that there is an impasse, because they can't agree or communicate and that the parents require the PC's assistance in resolving the issue. Failure to communicate occurs once two or more individual messages, each containing prohibited content as listed in Section vii of the Provisions, are sent in a discussion around a given topic. Failure to agree occurs when communications don't lead to successful compromise for both parents.
- 4) PC will then speak with both parents and determine whether or not the issue is within the scope of her authority and if so, what the next step should be, either instructing the parents to continue their dialogue, scheduling a meeting to try to resolve the issue, or requesting submissions to her so that she may make a decision. She will consider what the parents believe is the best next step in making the determination on how to proceed.

To deal with out of the ordinary exigent occurrences, where decisions may have to be made quickly.

- 1) As soon as either parent is aware of an urgent or emergent situation that they believe requires immediate action, they must a) notify the other parent and b) provide their proposal for dealing with the situation, in writing by text message or email. The parent receiving the proposal must reply as soon as possible. Urgent or emergent communication should be designated as such, and the other parent should endeavor to respond immediately.
- 2) If no response is received, PC must be notified by email. She will make a determination whether or not the issue is urgent and will make sure that the proposal was received and discussed between the parties.
- 3) If either party believes there is an impasse, PC must be notified by email. She will then talk with each party and determine whether to require a meeting or conference call. If the situation is extremely urgent or simple, it is her prerogative to make a decision without further dialogue between the parties.
- 4) PC is not always available for emergencies so it may not always be possible to obtain her assistance to resolve last minute emergency issues.

2. Vacations

Effective immediately, the vacation provision of the mediated agreement is modified as follows:

Each parent will have two, non-consecutive weeks of vacation each year.

- i. A week is seven (7) consecutive days, and the children return to the other parent at the end of the 7 days.
- ii. Vacations will be taken over a parent's regular weekend parenting time if possible and if that is not possible, parents should "trade" weekends to ensure the children do not spend three consecutive weekends with one parent. If parents are unable to agree, the weekend before the scheduled vacation should be adjusted.
- iii. In the event that both parents request the same period of time for vacation, Jennifer will have priority in even numbered years and Ryan will have priority in odd numbered years.
- iv. Parents will strive to provide at least thirty days' notice of vacations.

3. Holidays

The parties holiday schedule will be:

HOLIDAY	Even Years	Odd Years
New Year's Eve. - Dec. 31st at 5 p.m. to Jan. 1 st at 5 p.m. Year determined on Dec. 31 st start date.	dad	mom

Easter Weekend – Friday after school, or 5 pm if no school, until work/school resumes Monday or if no school, exchange at 5 pm	dad	mom
Memorial Day Weekend - after school Friday until work/school resumes Tuesday or if no school, exchange at 5 pm	dad	mom
July 4th . July 3rd at 5pm to July 5 th at 5 p.m.	dad	mom
Labor Day Weekend - after school Friday until work/school resumes Tuesday or if no school, exchange at 5 pm	mom	dad
Thanksgiving – Wednesday at 8 am until work/school resumes Monday or if no school, exchange at 5 pm	mom	dad
Christmas Eve. - Dec. 23 rd at noon to Dec. 24 th at 9 p.m.	dad	dad
Christmas Eve - Dec 24th 9pm – Dec 25 th noon	dad	mom
Christmas Day. - Dec. 25 th at noon to Dec. 26 th at 9 p.m.	mom	mom
Mother's Day -Sunday at 8 a.m. until work/school resumes Monday or if no school, exchange at 5 p.m.	mom	mom
Father's Day - Sunday at 8 a.m. until work/school resumes Monday or if no school, exchange at 5 p.m.	dad	dad
MEA Weekend - after school or 5 pm on the last day school is in session until school resumes the following week)	dad	mom
Winter Break	keep with regular times. unless parent wants to take kids somewhere and they can agree.	
Spring Break - weekdays of spring break plus the parent's weekend who has spring break - total of seven overnights - start and end with school or 5 pm if there is no school	dad	mom
Other School Release Days -follow regular parenting time schedule		
Child(ren)'s birthdays - follow the regular schedule		
Parents' birthdays - follow regular schedule		

Halloween- after school or 5 p.m. to November 1 until school or 9 am if no school	dad	mom
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4. Right of First Opportunity

Jenn's request to modify the ROFO is denied at this time.

5. Religious Instruction

Ryan's request to add a religious instruction provision is denied.

This is a binding decision. If either party disagrees with the decision, they must object in the manner set forth in the March 4, 2024 order appointing the PC.