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# How Do You Mediate Parenting Time For Out-Of-State Parents?

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*Divorce mediator Kimberley Keyes reviews the challenges of mediating custody and parenting plans for out-of-state parents.*



***Divorce and family mediation can provide a level of flexibility that is advantageous for parents who are living in different states. When parents are given the opportunity to create a realistic and workable **child custody and visitation schedule** that fits the needs of both the children and each parent, everyone benefits far more than when a court dictates the arrangement and forces the parties to fit into it.***

***The Importance of a Workable Child Custody Agreement***

***Whether parents are married or not, if they separate, one of the most important aspects of their separation will be how they handle child custody. A workable child custody arrangement that involves both parents is essential. Resolving child custody in a calm, productive, and collaborative way is something mediation is uniquely suited to accomplish, while reducing the stress on the children who may miss the presence of one of their parents, or be profoundly affected by their absence.***

### ***Difficulties Rise When a Parent Moves Out-of-State***

***As we've discussed at length on our [sister blog at lynchowens.com](https://lynchowens.com), interstate relocation cases involving children – also known as “removal” cases – are among some of the most difficult **child custody** cases that are encountered by family law attorneys. Removal cases have a well-earned reputation for being contentious, expensive and prone to requiring a trial. It can easily take three years from the date of filing for a Probate and Family Court judge to render a final decision in a removal case. Removal cases can be challenging to mediate when a parent seeks to move the children's primary home out of state. For example, if a parent wants to relocate with the children from Massachusetts to California, there is often little “middle ground” for compromise. However, if just one parent is moving out of state – i.e. the child will remain in Massachusetts – mediation is well suited for reorganizing the parenting plan following the parent's move. To be clear, when one parent is moving away – far enough that weekend visits become overly expensive and time-consuming – the distance is likely to strain or render impossible any child custody arrangement that does not specifically account for the distance. In these scenarios, parents often struggle to reach agreement on a new parenting plan because **balancing the interests** of each parent is so challenging. The moving parent and child must cope with prolonged separations. Meanwhile, the non-moving parent must assume 100% of the parenting duties most of the time, while coping***

*with periods of extended separation when the child visits the other parent.*

### ***Relocating Parents Struggle to Reach Compromises on Parenting Schedule***

*Compromise is essential when one parent lives out of state. Indeed, it is important to recognize that “nothing comes free” when crafting an interstate parenting plan. For example, if the child travels to the other state during the summer, then both the residential parent and the child must cope and accept that many summertime activities that are available to the child’s classmates and peers will be unavailable to the child. Instead, the child must spend his or her summer in a relatively unfamiliar place, with long time gaps complicating his or her efforts to make friends. And yet, as difficult as this sounds, children have been spending summers at camp, traveling or visiting with family since time immemorial. Meanwhile, if the child doesn’t spend most of the summer with the out-of-state parent, he or she risks losing a parental bond, where there is ultimately no substitute for in-person time between a parent and child. Even relatively straight-forward issues, like **planning the children’s holiday schedule**, become more complex when the child must travel long distances. Unfortunately, when parents litigate their differences to reach a resolution in cases of this nature, the resulting parenting plan is often blunt, clumsy and poorly tailored to the specific needs of the children or parents. Court-ordered travel is often too long or too short. Abbreviated visits from a tired and road-weary child are rarely satisfying for anyone. Nor does anyone benefit from a sullen, home-sick child who is unhappy with extended absences from their familiar home environment. Making the best of these difficult situations requires flexibility and compromise. This is rarely achieved through litigation.*

### ***Divorce Mediation Lets Parents Craft the Best Solution for Their Circumstances***

*By mediating the terms of your divorce or separation, you can take more control over the outcome of the child custody arrangements, including the challenges associated with one parent's out-of-state move. When one parent will reside out of state, mediation allows parents to craft relatively unconventional parenting plans that are tailored to the unique needs of the family. Such parenting plans can be structured in a way that serves the best interests of the child by allowing the child to develop meaningful relationships with both parents, while minimizing travel expenses as well as the strain and road-weariness of the travelling parent or child. A relatively common parenting plan that mediation can assist the parties to develop is for school-aged children to spend the school year with a primary "residential" parent and spend substantial portions of the summers and extended breaks with the out-of-state parent. This approximates a custody plan that provides the custodial parent two-thirds of the parenting time, and the other parent one-third of the parenting time, while minimizing the "in-between" time and the expense of travel. It also allows children to stay with each one of their parents for extended periods of time, rather than just seeing their non-custodial parent for a few rushed hours at a time. This type of parenting plan avoids interfering with the school year and its attendant extracurricular activities, and allows the child to partake in summer-long activities at their non-custodial parent's locale. As noted above, parenting plans of this type are not without challenges, however. Flexibility is often critical, particularly as children age and become more focused on their independent activities than one-on-one parenting time.*

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## **Recognizing Children's Evolving Needs is Key When Parents Live in Different States**

**Imagine the difference between a typical 7-year old and a typical 15-year old. The 7-year old is probably highly dependent on the parents, much of the time. He or she rarely, if ever, sleeps over friends' homes. His or her extracurricular activities are likely to be less fixed, and his or interests less defined than those of a teenager. Meanwhile, the teenager may roll his or her eyes when forced to spend extended time with a parent. Teenagers often play sports or participate in activities that require significant time commitments that may extend into school vacations and summers. If one parent lives out of state, the right parenting plan might differ significantly for the 7-year old versus the 15-year old. [Divorce litigation is inherently confrontational](#). Court-involved parents often struggle to revise their parent plan with the flexibility necessary for fast-growing children whose needs often evolve on a year-to-year basis. Mediation provides a framework for divorced and separated parents to discuss challenging subjects without [descending into conflict](#). Parents who litigate their parenting plan often question the fairness of the process and are reluctant to cede parenting "territory" even when adjustments would benefit their children. In contrast, parents who mediate can bake flexibility right into the process – if necessary, scheduling sessions with the mediator every few years to adjust the schedule as needs arise.**

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**Kim is a divorce mediator for South Shore Divorce Mediation, located in Hingham, Massachusetts and East Sandwich, Massachusetts. She is also a Senior Associate Attorney for Lynch & Owens, P.C., where she specializes in divorce and family law issues. Kim is a statutory mediator under [M.G.L. Ch. 233, s. 23C](#) and a proud member of the Massachusetts Council on Family Mediation. To read more from Kim Keyes, check out [her author page on the Lynch & Owens Blog](#). Disclaimer: The information you obtain at this site is**

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