

IN THE DISTRICT COURT OF BOYD COUNTY, NEBRASKA

LOUIS J. EILERS,

Petitioner,

VS.

BARBARA EILEEN EILERS,

Respondent.

Case No. 4656

**DECREE OF DISSOLUTION
OF MARRIAGE**

On May 28, 1999, this matter came on for final hearing. The petitioner appeared personally without counsel, and the respondent appeared personally and was represented by Thomas P. Herzog. A trial was had to the Court. The matter was taken under advisement.

NOW, on **July 2, 1999** (the date of entry of decree), the Court, being fully advised in the premises, hereby finds, orders, adjudges and decrees as follows:

1. **JURISDICTION:** At filing, the petitioner resided in this county and now resides in this county. The petitioner resided in Nebraska for more than one year prior to filing. More than 60 days have passed since personal service was perfected or a voluntary appearance was entered. Neither party is now a party to any other pending action in any court for divorce, legal separation, or dissolution of marriage. Neither party is a member of the Armed Forces of the United States or any of its allies. The Court has jurisdiction of both parties and the subject matter of this action.

2. **MARRIAGE:** The petitioner and the respondent were married on May 20, 1989, in the City of Bristow, Boyd County, Nebraska.

3. **DISSOLUTION:** All reasonable efforts to reconcile have been made and there is no reasonable possibility of reconciliation. The marriage is irretrievably broken and should be, and hereby is, dissolved. This decree becomes final and operative after 30 days from date of entry, except for purposes of appeal and except that neither party may remarry (other than to each other) for six months from date of entry and the parties are

deemed as married for health insurance purposes during such six month period. If either party dies prior to expiration of such time periods, the decree becomes final as of the date of entry.

4. **ISSUES TRIED:** The parties were unable to agree as to any issues and a trial was had, and the Court determines the matters upon the evidence presented.

5. **PAYMENTS:** All payments of child support, attorneys fees, and/or costs ordered in this decree shall be paid to the Clerk of the District Court of Boyd County, Nebraska, for disbursement to the person entitled to receive the same. NO CREDIT MAY BE ALLOWED FOR ANY PAYMENT NOT PAID THROUGH THE CLERK OF THIS COURT.

6. **PETITIONER'S PROPERTY:** The petitioner's sole and separate property, subject to encumbrances unless otherwise provided herein, shall consist of:

a. All of the property now in the petitioner's possession except as specifically awarded to the respondent herein.

b. The real estate described as: Lots 6 and 7, Block 25, Original Village of Butte, Boyd County, Nebraska.

7. **RESPONDENT'S PROPERTY:** The respondent's sole and separate property, subject to encumbrances unless otherwise provided herein, shall consist of:

a. All of the property now in the respondent's possession except as specifically awarded to the petitioner herein.

b. The following items of tangible personal property: (1) the children's books and encyclopedias, (2) embroidered 16" by 20" picture with frame, (3) white porcelain bell, (4) flowered cup and saucer (respondent's grandmother's), (5) plate with gold trim and cardinal, (6) string-art owl picture (made by respondent's grandmother), (7) round scenery picture on tree stump, (8) old picture of flowers with frame, (9) heart necklace hangar, (10) coffee mug that looks like fruit, (11) brown desk, (12) children's clothing, shoes, boots, and coats, (13) two 8" x 10" cross-stitch of children's birth records, (14) children's Disney blankets, (15) microwave oven, and, (16) pink bowling ball. The petitioner shall marshal such items and deliver the same to the respondent at Chadron, Nebraska, within 60 days from the date of entry of this decree.

c. The court has considered and given effect to the prior damage to the respondent's property while in the petitioner's possession through the allocation of debts as set forth below.

8. **DEBTS:** The indebtedness of the parties shall be paid as follows:

a. Each party shall pay the debts incurred by them personally on or after January 13, 1999.

b. The petitioner shall pay the following:

(1) all indebtedness secured by the real estate, including, but not limited to, debt to the Spencer State Bank, delinquent real estate taxes, and utility bills to the Village of Butte; and,

(2) all other debts incurred before January 13, 1999, except those specifically required to be paid by the respondent, including, but not limited to, the debts to MBNA Card, Northeast Imaging, P.C., Arthur's Adventure Club Books, Yankton Medical Clinic, North Shore Agency, Elwanger's Greenhouse, Scholastic Book Service, Avera Sacred Heart of Yankton, Sears, Lake Andes Farmers Co-op, Bill's Market, Citibank, LCM Pathologists, Yankton Anesthesiologists, Lynch Medical Clinic, and Niobrara Valley Hospital, or any assignee of any such creditor.

c. The respondent shall pay the following:

(1) Capital One credit card debt of approx. \$4,017.01; and,

(2) Discover Card credit card debt of approx. \$4,389.39.

d. Each party shall indemnify and hold the other party harmless of all liabilities such party is required to pay and of all debts encumbering property such party receives.

9. **ALIMONY:** Neither party shall pay any alimony to the other party. However, the indemnities as to debts and encumbrances are provided in substitution for alimony payments, and any such indemnity obligation shall be considered to be "in the nature of support," for the benefit of the party to whom the particular indemnity obligation runs. Despite the characterization of indemnities as support, this decree shall not be modified to include or "increase" any alimony or spousal support.

10. **COSTS AND ATTORNEYS FEES:** Each party shall pay such party's own final costs, including attorneys' fees.

11. **CHILDREN:**

a. There is no entry concerning any minor child affected by this action in the Nebraska Child Custody Jurisdiction Act Registry of the Court, and this Court has jurisdiction of the minor children of the parties to this action, as follows:

Jacob Andrew Eilers, born on November 21, 1989;
Jasmine Lynn Eilers, born on December 20, 1990; and,
Rodney August Eilers, born on September 8, 1998.

b. The respondent is awarded the care, custody and control of the minor children of the parties, subject to specific rights of visitation and correspondence in the petitioner as set forth in Appendix "C" attached and incorporated by reference. Notwithstanding the provisions of Appendix "C," the parties shall meet at Valentine, Nebraska, to exchange the children at the beginning and end of the first regular every-other-weekend visitation during each month. The petitioner shall otherwise bear the burden of transportation visitation as provided in Appendix "C."

c. Appendix "A," Supplemental Order for Custody, etc., attached is incorporated into this Decree, and the parties are directed to comply therewith.

12. **CUSTODY FINDINGS:**

a. Section 42-364(1) specifies that "[c]ustody and time spent with each parent shall be determined on the basis of the best interests of the minor child with the objective of maintaining the ongoing involvement of both parents in the minor child's life." NEB. REV. STAT. § 42-364(1) (Reissue 1998). Subsection 2 specifies the following factors to be considered:

(a) The relationship of the minor child to each parent prior to the commencement of the action or any subsequent hearing;

(b) The desires and wishes of the minor child if of an age of comprehension regardless of chronological age, when such desires and wishes are based on sound reasoning;

(c) The general health, welfare, and social behavior of the minor child; and

(d) Credible evidence of abuse inflicted on any family or household member. For purposes of this subdivision, abuse and family or household member shall have the meanings prescribed in section 42-903.

NEB. REV. STAT. § 42-364(2) (Reissue 1998). Subsection 3 directs that the court “shall not give preference to either parent based on the sex of the parent and no presumption shall exist that either parent is more fit or suitable than the other.” NEB. REV. STAT. § 42-364(3) (Reissue 1998).

b. In addition to the statutory factors, the Nebraska Supreme Court has identified additional factors to be considered, including:

the moral fitness of the parents, including their sexual conduct; the respective environments each offers; the emotional relationship between the child and the parents; the age, sex, and health of the child and parents; the effect on the child as the result of continuing or disrupting an existing relationship; the attitude and stability of each parent’s character; and the capacity of each parent to provide physical care and to satisfy the needs of the child.

McDougall v. McDougall, 236 Neb. 873, 877, 464 N.W.2d 189 (1991).

c. In addition, the Nebraska Supreme Court has also considered:

(1) The definiteness of a proposed child care plan. *Christensen v. Christensen*, 191 Neb. 355, 215 N.W.2d 111 (1974).

(2) Which parent is the primary caretaker. *Applegate v. Applegate*, 236 Neb. 418, 461 N.W.2d 419 (1990).

(3) The amount of time spent with baby-sitters. *Ritter v. Ritter*, 234 Neb. 203, 450 N.W.2d 204 (1990).

(4) Which parent can devote the most time to the child. *Ritter v. Ritter, supra*.

(5) Which parent shows the most concern for the child’s education. *Trimble v. Trimble*, 218 Neb. 188, 352 N.W.2d 599 (1984).

(6) The closeness of the relationship between the parent and child. *Brooke v. Brooke*, 234 Neb. 968, 453 N.W.2d 438 (1990).

(7) The emotional impact on the child. *Sikes v. Sikes*, 205 Neb. 441, 288 N.W.2d 43 (1980).

(8) Frustration of the non-custodial parent's visitation. *Clark v. Clark*, 228 Neb. 440, 422 N.W.2d 793 (1988).

d. The court has considered each of the factors identified by the Nebraska Supreme Court. The interviews of the children in chambers persuade the court that the views expressed by the children regarding any custodial preference are not based upon sound reasoning, and may well be the product of parental encouragement. Particular children showed no preference until midway through the interview, at which point a sudden change in demeanor and content occurred, as if the particular child suddenly remembered what he or she was "supposed" to say. Moreover, the reasons expressed for any preference were not rationally related to any difference in perception, even from a child's intellectual level and perspective. Both parents are fit and proper persons to have custody. The emotional relationships of the children and parents, the relative stabilities of the parties, the differences in child-care abilities and performance, and the respective environments offered by the parents convince the court that custody should be granted to the respondent. While the petitioner has demonstrated significant past and present care-taking performance, the respondent has provided a greater share of the child care responsibilities.

13. CHILD SUPPORT:

a. The petitioner is ordered to pay child support to the court clerk for distribution to the respondent at the rate of \$348.00 per month when there are three children subject to the order, \$273.00 per month when there are two children subject to the order, and \$159.00 per month when there is one child subject to the order.

(1) Such payments shall commence on August 1, 1999, and continue in a like amount on the first day of each month thereafter until each child reaches majority under Nebraska law (age 19), becomes emancipated, becomes self-supporting, marries, or dies, or until the further order of the Court.

(2) However, pursuant to guidelines, the August 1 installment for support in each year shall be reduced by 75% of the current obligation, such that the petitioner shall pay 25% of the regular monthly amount then in effect, in recognition of the

six weeks of summer visitation. Failure to exercise summer visitation shall constitute a material change in circumstances sufficient to justify elimination of such reduction.

b. The amount of any delinquent temporary support outstanding as of date of entry of decree is preserved herein, and ordered paid by the petitioner forthwith.

c. Delinquent child support installments shall bear simple interest from thirty (30) days after date of delinquency until paid at the rate of 5.879% per annum.

d. Sufficient evidence has been produced to rebut the presumption that the Nebraska Child Support Guidelines should be applied because of the significant amount of direct support during frequent visitations of the petitioner with the children and the greater share of transportation burden imposed on the petitioner for visitations, in conjunction with the effect that the guidelines would otherwise have in reducing the petitioner's income completely to the poverty level. The findings of the parties' incomes and calculations under the guidelines, and the deviation therefrom, used in determining the amount of support are set forth on Appendix "B" attached hereto, including Worksheets 1 and 5.

14. **WITHHOLDING & ENFORCEMENT (MANDATORY):**

a. The petitioner's income shall be subject to income withholding, which shall be implemented pursuant to the Income Withholding for Child Support Act. Within thirty (30) days after the date of entry of decree, such party shall accurately prepare and sign a Notice to Withhold Income (Form DC-005), and deliver the notice to such party's current employer and provide a copy of such notice to the court clerk. Within thirty (30) days after any change of employment, a new Notice to Withhold Income shall be prepared, signed, and delivered, and a copy provided to the court clerk in the same manner.

b. In the event that such party fails to pay any child, medical, or spousal support payments, as such failure is certified each month by the District Court Clerk in cases where court-ordered support is delinquent in an amount equal to the support due and payable for a one-month period of time, such party may be required to appear before this Court on a date to be determined by the Court and show cause why such payment was not made. In the event such party fails to pay and appear as so ordered, a warrant shall be issued for such party's arrest.

15. **INCOME TAX EXEMPTION:** The petitioner, if such party pays child support as ordered herein, shall be entitled to claim the two youngest remaining minor children for dependency exemption purposes, including the federal child tax credit, for federal and state income taxes. The respondent shall retain the exemption for the oldest child, so long as there are three children subject to such exemption. The respondent is ordered to sign a written relinquishment of the respondent's claim to the dependency exemption separately for the two youngest remaining children for each year including and following the date of the decree until the obligation of support for such child terminates. The respondent is ordered to deliver such relinquishment to the petitioner for the next preceding calendar year on or before January 31 of each year, but only if all child support payments due are paid as of such date. The petitioner is ordered not to claim any dependency exemption at any time when such party has not paid all child support payments which have become due. The Court retains jurisdiction to enter such orders as may be necessary, including contempt proceedings or modification of support, in the event such party claims a dependency exemption at a time when such party has not paid all child support payments which have become due.

16. **HEALTH INSURANCE:**

a. There is no health insurance for the minor children provided or available through the employment of either party; however, the respondent anticipates that health insurance will be provided through employment upon promotion in her existing employment. If such health insurance coverage becomes available through the respondent's employment, the respondent shall obtain and provide health insurance coverage on each minor child until the obligation of support terminates as above set forth. Such duty shall remain effective so long as such coverage is provided through such party's employment.

b. Any reasonable and necessary medical expenses incurred for a minor child for whom the obligation of support has not terminated and which are not reimbursed by insurance shall be paid 50% by the petitioner and 50% by the respondent.

c. The health insurance policy information necessary to comply with the reporting requirement hereinafter set forth shall include, at a minimum, the following: (1)

insurance company name and address; (2) policy number (for group policy, both group number and individual identifying number); (3) policy holder name (for group policy, both group name and individual name); (4) policy holder's social security number; and, (5) name, address, and telephone number of any person or entity (such as an employer) with which claims are to be filed or reported.

d. The party required to provide insurance shall fully cooperate with any health care provider to facilitate availability of prompt medical care, attention, and treatment to any minor child of the parties.

17. **REPORTS:** Each party shall be required to furnish the Clerk of the District Court of Boyd County, Nebraska, in writing, with such party's address (including specific street address or other physical location, in addition to mailing address), telephone number, and social security number, the name and address of such party's employer, whether or not such person has access to employer-related health insurance coverage and, if so, the health insurance policy information, and any other information that the Court shall deem relevant until any judgment for alimony, child support, property settlement, attorneys fees, and/or costs, herein made are paid in full. Each party shall also be required to advise the Clerk of any changes in such information between the time of entry of this Decree and payment of the judgment in full, within ten (10) days after the effective date of such change. Failure to comply with the provisions of this section shall be punishable by contempt.

18. **DOCUMENTATION:** Each party is ordered to execute and deliver to the other party such documents as will be necessary to transfer all of the interest of the party not receiving the property to the party who shall receive the particular property under this Decree. In the event that any party fails to execute and deliver such documents within thirty (30) days of this Decree, this Decree shall have the effect of a conveyance and/or release under NEB. REV. STAT. § 25-1304, as amended, with the same effect as though the appropriate documents of conveyance or release had been executed and delivered in conformity with this Decree.

19. **JUDGMENT:** Judgment is hereby entered against petitioner and in favor of respondent for child support as above set forth.

IT IS THEREFORE ORDERED that the parties to this action shall fully comply with the above findings and orders.

Dated and entered on July 2, 1999.

If checked, the Court Clerk shall:

- : Mail copy of decree to all counsel of record and to any pro se parties.
Done on _____, 19__ by _____.
- : Enter judgment on the judgment record.
Done on _____, 19__ by _____.
- : Mail postcard/notice required by § 25-1301.01 within 3 days.
Done on _____, 19__ by _____.
- : Note the decision on the trial docket as: 7/2/99 Signed "Decree of Dissolution of Marriage" entered; judgment entered accordingly.
Done on _____, 19__ by _____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge

SUPPLEMENTAL ORDER FOR CUSTODY, ETC.

Except as otherwise provided by any approved Parenting Plan, the provisions relating to custody, alimony, support, visitation and conduct of the parties, are subject to the following terms and conditions:

1. **Care and Supervision:** The party who has custody of the children, hereinafter referred to as the Custodian, shall:

- a. provide the children with: (1) regular and nutritious food; (2) clean and appropriate clothing; (3) sanitary and reasonably private living and sleeping quarters; (4) appropriate medical examinations and treatments; and, (5) guidance and counsel in worldly and spiritual matters;
- b. train the children to obey and respect their teachers and the law;
- c. require the children to attend all regular sessions of school until graduation unless excused for medical reasons or by the school or by the Court;
- d. personally supervise and control the conduct and activities of the children except when they are at school, or in known and usual recreational activities, or in the immediate care of another competent person;
- e. not engage in, or permit in the presence of the children, any excessive drinking, immoral conduct, obscenities, violence, or disrespect for law and order;
- f. advise persons entitled to visitation of: (1) all school or police disciplinary contacts; (2) all medical contacts or reports; and, (3) all other important developments in the children's lives and activities;
- g. make emergency decisions affecting the health or safety of the child except during periods of visitation with the other parent, and shall communicate any such decisions to the person entitled to visitation as soon as reasonably practicable under the circumstances.

Each parent shall continue to have full and equal access to the education and medical records of the children unless the court orders to the contrary.

2. **Control of Visitation:** Unless otherwise provided, the person entitled to visitation may:

- a. take the children to such reasonable places for such reasonable activities as such person may determine;
- b. correspond with the children and the Custodian shall not censor such correspondence;
- c. telephone each child for not to exceed 15 minutes between 7:00 P.M. and 9:00 P.M. on Wednesdays and Sundays, and at such other times as the parties may agree and the Custodian shall not participate in such calls;
- d. while the child is visiting with such person, make emergency decisions affecting the health or safety of the child, and shall communicate any decisions to the Custodian as soon as reasonably practicable under the circumstances.

In connection with visitation, the Custodian shall:

- e. have the children ready and available promptly for all visits;
- f. if advised in advance, provide the children with such special and additional clothing as may be appropriate for the planned activities;
- g. in the event a child is invited or desires to participate in other activities which may interfere with a visit, not encourage, permit, or consent thereto without previous approval of the person whose visitation will be interfered with, and will not deprecate the denial of such approval;
- h. not reduce or deny visitation for failure of support.

3. **Interference:** Neither parent will intrude upon the privacy of the other; nor falsely make or imply mean or nasty or derogatory or deprecatory statements about the other to anyone; nor prevent or restrict or in any way interfere with the other's rights granted by this Order.

4. **Injunction:** The Petitioner and Respondent and their agents and servants, and each of them, are enjoined and restrained from doing, attempting to do, or threatening to do, any act of injuring, maltreating, vilifying or molesting the adverse party, or any of the children or violating any of the terms of this decree or of Appendix "A."

5. **Contempt:** Willful violation of any of the orders or directives set forth above will be considered contempt of court. Punishment for contempt of court may be from one dollar to five hundred dollars or from one hour to six months in jail.

CHILD SUPPORT GUIDELINES WORKSHEETS 1 (Basic), 4 (Number of Children), & 5 (Deviations) (1999)

<u>3</u> = # of Children		# in custody >	<u>1</u>	MOTHER	COMBINED	FATHER	<u>2</u>
INCOME:							
1a/b	Last Two Years Schedule C/F income		<u>0.00</u>	<u>0.00</u>		<u>0.00</u>	<u>0.00</u>
2a/b	Last Two Years Depreciation claimed		<u>0.00</u>	<u>0.00</u>		<u>0.00</u>	<u>0.00</u>
3	MONTHLY S. E. INCOME ((1a+1b+2a+2b)/24)			0.00		0.00	
4	MONTHLY SALARY INCOME			<u>1,115.83</u>		<u>1,183.80</u>	
5	MONTHLY VALUE of Fringe Benefits			<u>0.00</u>		<u>0.00</u>	
6	MONTHLY INCOME ALL SOURCES (sum L3..L5)			1,115.83		1,183.80	
DEDUCTIONS:							
7	Filing Status (1=Single;2=HH)		<u>2</u>				<u>1</u>
8	No. of Exemptions		<u>2</u>				<u>3</u>
9	Annual Gross Inc (((L1a+1b)/2)+(L4x12))	13,390.00					14,205.60
10	Standard Ded. (S:\$4300;HH:\$6350)	6,350.00					4,300.00
11	Exemptions (\$2750 each)	5,500.00					8,250.00
12	Fed Taxable Inc. (L9-L10-L11)	1,540.00					1,655.60
13	Annual Fed Income Tax (from table)	231.00					248.34
14	Child Credit (\$500/ch in parent's custody)	231.00					248.34
15	Federal Income Taxes ((L13-L14) / 12)			0.00		0.00	
16	St Taxable Inc (L9-L10)	7,040.00					9,905.60
17	State Tax Before Credits (from table)	208.46					322.19
18	State Exemption Credit (L8 x \$89)	178.00					267.00
19	Annual State Income Tax (L17 - L18)	30.46					55.19
20	State Income Taxes (L19 / 12)			2.54		4.60	
21	FICA/Medicare: 7.65% Sal; 15.3% SE			85.36		90.56	
22	Child(ren)'s Health Insurance Premiums			<u>0.00</u>		<u>0.00</u>	
23	Mandatory Retirement			<u>0.00</u>		<u>0.00</u>	
24	Child Support Previously Ordered for Other Children			<u>0.00</u>		<u>0.00</u>	
25	TOTAL DEDUCTIONS (sum L15 + L20 to L24)			87.90		95.16	
26	MONTHLY NET INC Bef Othr Chldrn Dedtn (L6 - L25)			1,027.93		1,088.64	
27	Deduction for Children Not Subject of Order			<u>0.00</u>		<u>0.00</u>	
28	MONTHLY NET INCOME (L26-L27)			1,027.93	2,116.57	1,088.64	
29	Percentage of Combined Income			49%		51%	
MONTHLY SUPPORT, from table				(rounded)	(unrounded)	(rounded)	
30	One Child			245.00	503.98	259.00	
31	Two Children			352.00	725.30	373.00	
32	Three Children			423.00	870.63	448.00	
33	Four Children			NA	NA	NA	
34	Five Children			NA	NA	NA	
35	Six Children			NA	NA	NA	
36	GUIDELINE R LIMITATION (rounded down):			340.00		401.00	
DEVIATION (Specify):							
37	visitation transportation & support		+/-	<u>0.00</u>		+/-	<u>(100.00)</u>
MONTHLY SUPPORT NET OF DEVIATIONS:							
38	One Child			245.00		159.00	
39	Two Children			340.00		273.00	
40	Three Children			340.00		348.00	
41	Four Children			NA		NA	
42	Five Children			NA		NA	
43	Six Children			NA		NA	
	FED:	Single:	Head H:		STATE:	Single:	Head H:
	15.0%	25,750	34,550		2.51%	2,400	3,800
	28.0%	62,450	89,150		3.49%	17,000	24,000
	31.0%	130,250	144,400		5.01%	26,500	35,000
	36.0%	283,150	283,150		6.68%	excess	excess
	39.6%	excess	excess				

STANDARD VISITATION IN THE EIGHTH JUDICIAL DISTRICT

Except as otherwise provided by any approved Parenting Plan in this case, reasonable visitation rights of the non-custodial parent shall include but not be limited to the following:

A. **WEEKEND VISITATION:** Weekend visitation shall be every other weekend from Friday to Sunday, beginning on the second Friday following the date of this order, or if a schedule has been established, on the next date that would be provided by that schedule.

B. **HOLIDAY VISITATION:** In even numbered years, the non-custodial parent shall have the children on the following holidays that are numbered with an even number, and visitation shall be reversed for odd numbered years:

1. Easter: From the day school is dismissed for Easter vacation to the day before school resumes after that holiday.
2. Memorial Day: From the Friday before the nationally-recognized Memorial Day to Memorial Day.
3. Fourth of July: The day before the Fourth of July and the Fourth of July, but if the day falls on Friday through Monday, then it shall include the weekend and the day that the offices of the State of Nebraska are closed in honor of that day.
4. Labor Day: From the Friday before Labor Day through Labor Day.
5. Thanksgiving: From the day school is dismissed before Thanksgiving to the day before school resumes.
6. Christmas: From the day school is dismissed before Christmas to December 27.
7. New Year's: From December 27 to the day before school resumes after New Year's Day.

C. **SUMMER VISITATION:** The non-custodial parent shall have extended summer visitation consisting of a six-week continuous period that begins on the seventh Friday next preceding the date school is to commence, and ends on Friday six weeks later. During this period, the other parent shall have visitation every other weekend, commencing two weeks after the summer vacation begins.

D. **MOTHER'S AND FATHER'S DAY:** If the celebrating parent desires, the children shall spend Mother's Day with their mother, and Father's Day with their father. This visit shall start at 8 a.m. of the day and end at 8 p.m. of that day.

E. **GENERAL PROVISIONS:** Unless otherwise provided or agreed:

1. Time: All visitation shall begin and end at _____ p.m. (6:00 p.m. if left blank) on the day this order states as the start or end of a visitation period, as the case may be.
2. School's Commencement and End: School shall be deemed to start and end on the day the school attended by the children starts and ends; but if children do not attend school, the start and end of the public grade school in the community where the children live shall control.
3. Transportation: Except for weekend visitations during the extended summer visitation, the non-custodial parent shall be responsible for providing transportation for the children at the commencement and at the end of any visitation period. Driving may be done by any responsible adult who is related to the parties by blood or marriage.
4. Waiver: A parent entitled to visitation may waive the same by giving the other party three day's notice by telephone, or by agreement. Failure to exercise visitation without giving notice of waiver shall constitute a violation of this order.
5. Modification: As long as the parties agree, and continue to agree, they may modify this visitation schedule as they desire.

F. **APPEARANCE AND DAY-TO-DAY RULES:** The rules laid down by the custodial parent on matters concerning personal appearance (hair styles, etc.), and day-to-day rules, such as curfew and bedtime, shall also be enforced by the non-custodial parent as nearly as possible. The custodial parent shall supply clothing, including diapers, sufficient for each visitation.