

How to Document and Why do you Document

Documenting the situation and co-parenting roadblocks is the only way to show the courts facts and resolve 'he said / she said' arguments. The more documentation you can provide your attorney and the more organized that documentation is, the better chances you have of getting a favorable ruling with lower administrative costs.

Think of your documentation as a visual aid to help your lawyer and the judge to see through all the haze and noise to the facts. Just like a salesman uses colorful and accurate visual aids to make a sell, you need to use all available resources to sell yourself as the parent and co-parent you are and not what the other side may be trying to make you appear to be.

Golden Rules

1. Document facts – NEVER stretch the truth
2. Document every interaction, good or bad, immediately afterward.
3. When possible, get communication in writing. Courts do not generally like email or texts as much as co-parenting applications.
4. NEVER edit emails or texts messages that are used in documentation.
5. Know that anything you put in writing can be used, just as you are planning to use the communication. Write it as if your grandmother were going to be reading it.
6. Keep all documentation up to date. If you need the documentation, you want it ready to be sent to your lawyer immediately.

Emails –

Remember that you are planning to use emails in court as backup documentation. Your ex or soon to be ex, could also use all written communication. You need to keep all communication professional and limit emotional responses.

Some things to remember before sending emails, texts, or other communication:

1. Your ex is your co-parent. Treat them as you would a coworker – be professional, courteous, and the bigger person.
2. Do not allow them to control your responses or affect your mental and emotional health. By removing their ability to control you and your responses, you are showing that you are putting your children and the need to co-parent as the top priority.
3. Remember to keep the responses short and to the point. Watch out for fluff wording that can be taken out of context or can provide tone confusion to the reader.
4. It is always recommended to save a draft and re-read any emails before sending after taking a break from the conversation.
5. Never respond when upset or angry, if avoidable.

6. Do not use a passive tone in communication. Applications such as word can check for passive voice during spell check.
7. Do not use overly aggressive tones or words. Many co-parenting applications have added features that, for a fee, will prompt for possible aggressive tone.
8. If you have a spouse or someone trustworthy, have them review your response before sending. They should be instructed to look for emotional responses, tone, word choices, and provide any feedback or suggestions. (This may take some practice on their part as well. However, if done correctly, it should help improve your ability to craft responses.)

Proper responses to threats –

- If your ex is threatening to not allow your parenting time, do not respond emotionally or confrontational. Keep your response short and to the point. Do not allow your ex to engage you in an uncivil discussion. Example – Are you stating that you are refusing me my court ordered parenting time on XX/XX/XX?
- Do not respond to physical threats emotionally or in a confrontational manner. Simply respond verifying that the ex is making a threat to your physical person.

Tools for Documentation

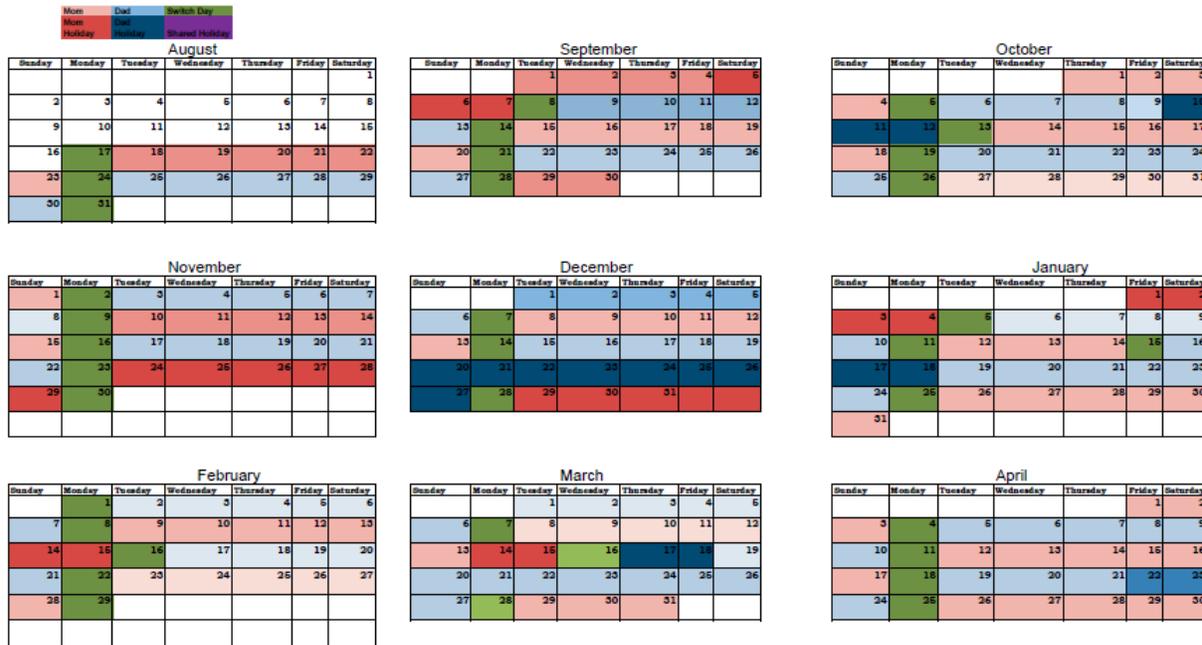
1. Keep a notebook and pen in the vehicle used for swaps. Note the date and what happened at each swap. When possible note interactions immediately and use quotes ONLY if you know exactly what was stated. Do not use quotes to summarize or guess at what was stated. If your ex is recording your interaction, one mistake on documentation can call into question the truthfulness of all documentation. Check your state laws to determine if you can record the interaction without the other party knowing. If yes, you can record the swap and use it to make your notes later. Do NOT delete files, if able to record. Transfer the files regularly to a home computer and file your documentation together. Examples: 7/1/2018 – Arrived at 2:55 pm. No issues 7/14/2018 – Arrived at 2:45. Ex did not show. Texted at 3:15. No response. Texted again at 3:30 No response. Left at 4 pm.
2. Calendar – You can use Excel to create a calendar, use a secured online calendar, or use a daily planner to track all swaps and situations. Use the open areas to note if there were issues and the file name for text messages or emails that should be saved in your folder on your personal computer.
3. Screen print all text messages that are concerning and save as a document file on your personal computer. Save all concerning emails as a document on your personal computer. Name the files in a manner that is easy for you to locate documentation, if needed. Example – Refused visitation 2_3.doc

4. Table of contents – Keep a file that works as a table of contents for your entire documentation folder. Use overall headings that describe the co-parenting issues. Some emails or texts may overlap multiple issues, note it on each listing. Examples –
 - a. Visitation refusal – visitation refusal 2_3.doc, Visitation refusal 3_1.doc
 - b. Dismissal of father’s relationship – name calling 1_4.doc, visitation refusal 2_3.doc
5. Events log – keep a file with a running events log which summarizes all the situations. Different people have different learning styles. By doing visual aids and writing it down in a document allows you to reach both main styles depending on the judge.
6. Phone video or audio recordings, when legal.
7. Household Breakdown – Keep a breakdown of all parenting activities associated with school and medical. Appointments, parent / teacher conferences, haircuts, school fees, activity fees, school lunches, and all other parent responsibilities.

Examples

Calendar –

In the calendar below Mom’s days are pink, Mom’s holidays are dark pink, Dad’s days are light blue, Dad’s holidays are dark blue, and days that are swap days are green. This keeps swap days from being counted for either parent. This is an example of a local 50/50 calendar.



The example below is a representation of actual days compared to the original long distance 50/50 agreement. This calendar clearly shows the days the child is at each household and has a total of days at each house listed at the end. It shows the facts in a clear and concise manner.

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Sunda	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Sunda	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Sunda	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July

Sunda	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August

Sunda	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September

Sunda	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October

Sunda	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November

Sunda	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
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December

Sunda	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Nov Smith Dad
Total: 144 7 248

Events Log –

Events log

January

3rd – Text message conversation where last minute EX no longer felt the agreed plan from August was fair to her and demanded a change.

28th – Disagreement over specialist appointment time. Ex wanting times that the office is not open or does not schedule appointments for.

February

4th – Disagreement over us turning in a school class selection form that we thought they had seen.

5th – Skype discussion and no changes were made to the form.

9th – Per kid EX threatened no gym time because he was not stopping and drinking water during our short swims. He drinks before and after, but it is not necessary to drinking during a 15 – 20 minute swimming session.

16th – Doctor appointment and insurance disagreement. EX requested we cancel his appointment and cancel his Insurance company insurance and she would see about adding him to her insurance at open enrollment.

18th – Kid informed us of her threat from the 9th.

Household Breakdown

When possible note any backup, documentation using the file name. You can also use the breakdown as the table of contents depending on the situation.

Household Breakdown

Item / Situation	Dad	Mom
School Enrollment	100%	0
School Address for Enrollment	Enrolled with Dad's address	
Haircuts – 6 th grade	All Remaining through school year and summer	2, maybe 3
Haircuts – 7 th grade	10	1
School lunch – 6 th grade	All remaining after the initial \$25 payment in Aug 2015	\$25
School lunch – 7 th grade	100%	0
Dentists – life	Two times a year	0
School fees – 6 th grade	<ul style="list-style-type: none"> • 100% School Supplies • School Clothes • School Shoes (2 pair) • Gym uniform • Orchestra fees • Drama Spring Fest Fee • Drama Party Fee • Orchestra Party Fee • Orchestra Polo Shirt Purchase • Orchestra Pants Purchase • Drama T-shirt purchase • Drama Performance Clothing Purchase • Inhaler for Gym class - \$50 • Violin for class • Practice violin purchase for keeping at home • Orchestra group Photos • Yearbook 	<ul style="list-style-type: none"> • Gym uniform • Unknown school clothes purchases

Table of Contents

Table of Contents should cover every listed reason, within reason, that is listed on court paperwork requesting a custody change or 50/50 parent time. This is the organization part where you are providing the evidence to your lawyer and hopefully a judge on why the change is warranted or why the time should be given. It is also a great place to organize issues with non-co-parenting by more specific topics, if needed.

Table of contents



Topic	Type	File
Denied Visitation		
	email	Denied visitation 2_1.doc
	Text	Denied visitation text 2-1.doc
Disregard for father's relationship		
	Email	Email 1.doc
Refusal to co-parent		
	Email	Email 2.doc
	Email	Email 3.doc
	Email	Email 4.doc

