



# Future Trends in State Courts



1999 - 2000

## "Parenting Time"

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- **Who Uses the Term**
  - **CO :: GA :: MD :: MI :: MO :: NH :: NY :: OR :: RI :: TN**
  - **Conclusion**
- 

What's in a name? "Visitation," also known as "access" or "contact," is now referred to as "parenting time" by a growing number of states. This shift in terminology reflects a shift in attitudes towards (and by) non-custodial parents. The time all parents spend with their children has come under more scrutiny than in the past. Remember "quality time?" It has been replaced by "parenting," and there is no time limit involved. Such shifts are also part of the change in the way society defines "parents" generally. <sup>[1]</sup>

Fathers' rights and other noncustodial parent groups have been vocal in pressuring legislatures and courts to change a variety of practices, including custody and support awards. "Gender bias," which once connoted unfair treatment of women (usually the custodial parent) by courts, has been expanded to include unfair treatment of men (usually the noncustodial parent) as well. <sup>[2]</sup> This call for change has also been applied to "visitation"—the term that has been used to describe the time that noncustodial parents spent with their children.

According to SPIG, a group promoting shared parenting in the United Kingdom, "[i]n recognition of the importance of the time which parents spend with their children after divorce, a number of jurisdictions have introduced the term 'parenting time' to replace 'access / contact / visitation'." <sup>[3]</sup>

"Visitation" connotes a more sporadic schedule, limited to weekends and holidays. Noncustodial parents want to be taken more seriously by custodial parents, children, courts, and society in general. Thus, the new term "parenting time" is being used more often.

[Top](#)

**Who Uses the Term?**

Which states use the term “parenting time,” and how do they use it? The word “parenting” is already used frequently (e.g., “parenting plans”). Many states have incorporated “parenting time” into house and senate bills, and into statutes if and when such bills pass. Some use the term on their court forms. Many use “parenting time” and “visitation” in the same document (e.g., “visitation” is used in the title and “parenting time” used in the text to describe the time a child spends with a parent). Examples of the phrase can be found in the following places:[\[4\]](#)

[Top](#)

## Colorado

has been using the term since 1993: <http://www.spig.clara.net/law/co-103.htm> see also <http://www.legalmath.com/customer/sb139b.htm>.

## Georgia

legislation using the term (**SB 188**) was introduced as early as the 1997-98 session.

## Maryland

**HB 1285** used the term.

[Top](#)

## Massachusetts

is contemplating legislation to modify their domestic relations statutes to change the term "visitation" to "parenting time."

## Michigan

references can be found at various sites, including: the "**Model Friend of the Court Handbook**," a **private attorney's** Web site, and in statute, **MCL ACT.1982.295**.

## Missouri

In 1998, **SB 0651** used the term in the text but used "visitation" in the title.

[Top](#)

## New Hampshire

**HB 1376** (1998) includes the term among its definitions.

## New York

S4519 B (1999) proposed the term as a replacement for references to “**visitation.**”

## Oregon

court forms use the term, (see Domestic Relations—**Packet 5**--and Parental Access sections).

## Rhode Island

**Family Court** Web pages.

## Tennessee

SB 3065 (1998) uses the term in text but uses "visitation" in the title.

[Top](#)

## Conclusion

The concept of the “Disneyland Dad”—in which noncustodial parents use their time with children going to theme parks or on vacations while the custodial parent spends time on seemingly more mundane adventures, such as grocery shopping, helping with homework, picking children up from band practice, etc.--hurt both custodial and noncustodial parents, as well as their children. The concept fed tensions between parents as one could develop a reputation of being more “fun” or less strict, with associated changes in perceptions of their children as to which parent deserves more respect, which should be confided in, etc. In the context of custody and supervision time, changes in official terminology and associated attitudes (actual or perceived) may help diffuse such tensions.

Do semantics count for anything? Over the years terms such as “deadbeat dads” and “working mothers” changed in response to public outcry. “Visitation” may appear to be a less derogative term for use by courts and legislatures, but parents involved in such issues are vocal and organized. What may appear to be a simple (and possibly unnecessary) change in wording may be quite meaningful to those to whom the words apply.

[Top](#)

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[1] The language, too, has changed—we now have several new participles that we toss about in everyday conversation: “calendarizing,” “videoconferencing,” and “parenting,” to name a few.

[2] Gender-neutral language has also been called for; it, too, applies equally to men and women.

[3] <http://www.spig.clara.net/reform/parentin.htm>

[4] Search performed via Alta Vista, March 24, 2000. All sites visited March 24, 2000

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