

**Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court Department**

**Worcester Division**

**Docket No. WO 16W1849-WD**

**Kevin Sanavage, Plaintiff**

**Vs.**

**Staisha Chavis, Defendant**

**Judgment**

**(On Complaint for Custody-Support-Parenting Time - 209C, filed: 10-12-16)**

The Plaintiff's Complaint for Custody-Support-Parenting Time was tried before the Court (Sushchik, J.) over the course of two days: January 8, 2019 and January 9, 2019.

The Plaintiff, Kevin J. Sanavage (hereinafter "Father") is [REDACTED]

The Defendant, Staisha Chavis (hereinafter "Mother") is 33 years old [REDACTED]

The parties have one minor child, namely: [REDACTED]

The parties were never married and last lived together in September 2016.

The Father was represented by Attorney Adam D. Schmaelzle. The Mother was represented by Attorney Maria Rivera-Cotto.

At trial, the Parties submitted a Joint Stipulation of Uncontested Issues and Facts, consisting of 16 separate paragraphs. Twenty-six (26) Exhibits were admitted as evidence.

After hearing, in consideration of the evidence and the testimony of the parties, it is hereby ORDERED, that following shall enter as a Judgment on the Complaint for Custody-Support-Parenting Time-209C, as set forth below:

**1. Custody:**

The Court finds that the Mother has been the child's primary caretaker all of the child's life.

Mother was primarily a stay-at-home mother to the child for the first six years of the child's life.

At the time of the filing of the instant action, Mother was the primary caretaker of the child.

During the pendency of the proceedings, via temporary orders and through the date of the trial in this matter, Mother remained the child's primary caretaker.

The Court finds it to be in the best interest of the minor child that the parties have joint legal custody of the minor child, [REDACTED].

The Court finds it to be in the best interest of the minor child that Mother have primary physical custody of the minor child, [REDACTED].

The parties' joint legal and Mother's physical custody shall be subject to the co-parenting and communication terms, as recited herein.

## **2. Co-Parenting Terms:**

The Court finds in the best interest of the minor child that co-parenting terms are enacted.

The following shall apply as co-parenting terms for the Parties' minor child:

- Each parent shall encourage the minor child to have an attitude of respect for the other.
- Each parent shall identify for all public and private purposes the minor child by their legal names and shall not use any other name for the minor child.
- Each parent shall allow the transfer to the other such sufficient clothing, wardrobe and other personal items for the use of the minor child during his/her parenting time, as necessary or desirable in the circumstances and in the light of the season and special needs of the child.
- Any transferred clothing or other personal items of the minor child shall be returned to the party at the conclusion of his/her parenting time.
- Each parent shall have the right to receive any and all information with regards to the child's teachers, doctors and any other professionals, relative to the minor child's education, health and well-being.
- Each parent shall provide to the other the identity and contact information of the minor child's health care providers.
- Each parent shall provide to the other an itemized list of all the minor child's doctor and therapy appointments when so established.

- Each parent shall keep the other timely apprised of any and all medical and dental appointments made for the minor child and any changes to any appointment.
- No third-party shall be invited to accompany any parent to any of the minor child's medical appointments.
- If a medical appointment must be made during the other parent's parenting time, that parent will be notified and have the option to accompany the child to the medical appointment.
- If the child requires routine medical treatment, such as the use of over-the-counter medication, the parent shall provide a detailed update and the medication to the other parent immediately prior to any transition in the parenting plan.
- Each parent shall have the right to receive any and all information, documents and other items as same may relate to the minor child's medical care, school or education.
- Each parent shall notify the other at the beginning of the school year as to the location where the minor child will be attending school and the names of all of the minor child's assigned teachers.
- Each parent shall furnish or transmit to the other all information regarding school, conferences, trips, functions involving the minor child as soon as such is practicable after the receipt of such information
- Each parent shall notify the other at least seven days in advance, of any parent – teacher conference, so the both parents may attend any parent – teacher conference.

- In the event that either parent makes arrangements to meet in person when any of the child's teachers, to discuss the child's educational progress, the other parent shall be notified as to the time and date of the meeting and shall be allowed to attend.
- Each parent shall provide to the other any information received by such parent regarding the medical, dental and health problems of the minor child as it is received.
- Either parent may make decisions for emergency medical or dental treatment for the minor child.
- Each parent shall notify the other of the minor child's daycare providers.
- In the event that daycare is required for the minor child, the other parent shall be given the option to have the minor child during the time period necessary for daycare.
- Each parent shall notify any of the minor child's daycare providers relative to the Parenting Time Order in effect.
- Each parent shall be listed as a primary "emergency contact" for the child by the other.
- In the event of a medical or dental emergency involving a child, including any emergency room hospital visit, each parent shall notify the other as soon as possible by telephone with regards to the nature of the emergency, the child's current condition and where the minor child is being currently treated.
- Any elective major medical procedure, cosmetic surgery or extraordinary dental treatment for the minor child shall be by the consent of both parents; if such consent cannot be obtained either parent may petition the Court to determine whether such treatment should be administered.

- Neither parent shall commit the minor child to any extraordinary or extra-curricular activity relative to a financial commitment for the cost of said extraordinary or extra-curricular activity or for a significant time commitment during the other parent's parenting time with the minor child without obtaining the express written consent (as communicated by letter, email or text) of the other parent to said extracurricular activity.
- The requesting parent shall provide in writing to the other a detailed and concise recitation of both the financial commitment and time commitment as may be related to the proposed extraordinary and/or extra-curricular activity.
- All inquiries made by a parent relative to a proposed extraordinary or extra-curricular activity shall be responded by the other party to in writing, by text or email within 48 hours of receipt, as provided above.
- The minor child may not be permanently removed from Commonwealth of Massachusetts by either parent, or by any other person, without the prior written approval of the other parent or the prior court approval per M.G.L.A. c. 208, § 30.
- The foregoing shall not affect the right of either parent to take the child on vacation, not to exceed 7 days, provided that the other party is given 30 days' notice.
- Each parent shall inform the other of any vacation plans with the minor child, to include an itinerary with all pertinent travel information including but not limited to contact information for the parent traveling with the child and for any and all lodging, airline names and flight numbers and times of flights. The traveling parent shall provide the

non-traveling parent with opportunity to have reasonable telephone contact with the child during the vacation.

- Each parent is responsible for transportation of the minor child during their parenting time.
- Each parent shall instruct and provide written guidance to the other parent with regards to any special health / personal hygiene needs of the minor child, so that parent may address any special health / personal hygiene needs of the minor child while the child is her/his custody.
- Neither parent shall consume alcohol nor other drug or medicinal substances with the exception of over-the-counter commonly utilized analgesic medication or medically prescribed drugs while the minor child is in his or her care or within twenty-four hours of the scheduled parenting time with the minor child.

### **3. Communication:**

The Court finds in the best interest of the minor child that communication terms are enacted.

The following shall apply as communication terms for the Parties' minor child:

- The parents shall provide each other at all times with their current residential address, cell phone numbers and email addresses.
- Each parent shall notify each other promptly (24hr) with regards to any change of address or above referenced information.
- Each parent shall communicate with each other regarding any matter affecting the welfare of the minor child.

- The parents shall communicate with one another by text or email.
- All communication between the parents shall be limited only to issues related to the care, maintenance, well-being and the welfare of the minor child.
- Each parents shall promptly respond to one another's text or email.
- The child shall have full and complete right to communicate with either parent or receive communications from parent, keeping in mind the age and development needs of the child.
- No parent shall intercept, censor or monitor a communication between a parent and the child.
- The parents shall not use the child as the sole means of giving such communication but shall communicate with each other directly as provided above.
- The parents are restrained from making any disparaging or negative comments of any type of nature whatsoever to one another by telephone, text or email or to any other third person, to include the child and / or from posting any disparaging comments relative to one another on any form of electronic social media.
- The parents shall treat each other with mutual respect and shall foster in the child respect for the other parent.
- The parents shall not discuss with the child the nature of any past, present or future legal proceedings.
- The parents shall not question the child about the other parent nor allow a third party to do so.



- The parents shall at all times insure that any and postings by the minor child on any social media platform shall be age-appropriate, not contain any demeaning or inflammatory depictions or language and shall not contain any language or depictions of a provocative nature.

#### **4. Child Support:**

The Father shall pay weekly child support to the Mother in the amount of \$209 per week, payable by wage assignment through the Massachusetts Department of Revenue Child Support Enforcement Unit (Mass DOR, CSEU). This Order is based upon the application of the current Child Support Guidelines.

The Father's obligation to pay child support shall continue until the child is emancipated, according to law.

#### **5. Child Support Arrears:**

Child support arrears are established at \$835, being determined and assessed for the non-payment from the date of service of the instant Complaint and the entry of the Temporary Order.

Arrears shall be paid at a rate of \$50 per week in addition to the \$209 weekly support order recited above, until arrears are extinguished.

All arrears shall be payable by wage assignment through the Massachusetts Department of Revenue Child Support Enforcement Unit (Mass DOR, CSEU).

#### **6. Medical Insurance:**

The Mother shall provide a policy of medical insurance, as provided through her employer, for the benefit of the minor child. The Mother shall provide to the Father

information relative to the child's medical insurance coverage, to include an insurance card for the child if one is available.

All uninsured medical/dental/vision expenses of the minor child shall be equally divided between the Parties.

Each parent shall provide to the other within 30 days of occurrence an itemized statement or bill for an incurred uninsured expense of the minor child for which reimbursement is requested. The other parent shall have 30 days to make his/her reimbursement to the other party.

**7. Tax Dependency Deductions:**

The Mother shall claim the minor child, [REDACTED], for the tax dependency deduction for federal and state income tax purposes for 2018 and for all future even-numbered years, together with any other tax credits or benefits, for so long as she remains eligible.

The Father shall claim both the minor child, [REDACTED], for the tax dependency deduction for federal and state income tax purposes for 2019 and for all future odd-numbered years, together with any other tax credits or benefits, for so long as she remains eligible.

The Parties shall execute all state and local income tax forms (IRS Form 8332) annually, upon request and in a timely manner.

## **8. Parenting Time:**

The Father shall have liberal and open parenting time with the minor child, as the parties agree. In the event that the parties are unable to agree as to his parenting time, the Father shall have parenting time as follows:

The Father shall have parenting time with the minor child, on alternating weekends, from Friday evenings at 6:45 PM, after school through Monday morning with drop off to the child's school, to include overnight. If the Father's weekend parenting time is followed by a Monday holiday, his parenting time shall be extended through the holiday to Monday at 6:30 PM.

The Father shall have weekly parenting time, from Tuesday evening at 6:45 PM to Thursday mornings, with drop off to the child's school, to include overnight. If there is no school, his parenting time shall conclude at 8 AM.

For the Christmas holiday, on odd years, beginning 2019, the Father shall have the minor child from December 24 at 12 PM to December 25 at 12 PM. On odd years, the Mother shall have the minor child from December 25 at 12 PM to December 26 at 6:30 PM, to include overnight. The Christmas schedule shall be reversed on all even years.

For the Thanksgiving holiday, on odd years, beginning 2019, the Father shall have the minor child from 10 AM to 8 PM. The Mother shall have the minor child on all on all even years from 10 AM to 8 PM.

For the Easter holiday, on all odd years, beginning 2019, the Father shall have the minor child from 10 AM to 8 PM. The Mother shall have the minor child on all even years from 10 AM to 8 PM.

The Father shall have the minor child on Father's Day.

The Mother shall have the minor child on Mother's Day.

The Father shall have the child for an approximate equal portion during the Christmas, winter and spring school vacations, as the parties agree.

Each parent shall have the minor child for two non-consecutive weeks (total 14 days) of the child's summer vacation. The summer vacation weeks shall include their regular parenting time weekends with the minor child.

The Father have the right to choose his weeks on all odd years, beginning 2019 and shall inform the Mother of his intended weeks, by email or text, on or before May 1 of each year.

The Mother have the right to choose her weeks on all even years, beginning 2020 and shall inform the Father of her intended weeks, by email or text, on or before May 1 of each year.

The holiday and vacation schedule shall supersede the regular parenting schedule.

When the Father has parenting time with the child, the Mother shall have telephone and/or Face time contact with the minor child every evening between the hours of 7:00 PM to 7:30 PM. The Father shall make the child available at those times. Her contact with the child shall not exceed 15 minutes in length.

No parent shall not inhibit or restrain the minor child's communication with the other parent any time. No parent shall monitor or require the use of speakerphone relative to the minor child's communication with the other parent at any time.

The Father shall provide suitable sleeping accommodations for the child for any overnight visitation. Suitable sleeping accommodations shall mean that the child has her own bed and that the child is not required to sleep in the same room or share a bed with any other person when the Father has parenting time with the child.

**9. Education:**

Each parent, during the time that he or she has custody of the child, shall ensure that the child timely completes all school homework assignments or projects and shall review with the child all completed school homework assignments or projects.

The parties shall share the cost and expense (to include but not limited to tuition, college fees and expenses, books, meals, residential and transportation expenses), for any post high school, undergraduate secondary education for the child, after all available scholarships, financial aid grants have been applied for and received by the child.

No party shall obligate the other party to any cost and expense as for any post high school, undergraduate secondary education for the child without the express written consent of the other party, which consent shall not be unreasonably withheld, given the then current circumstances.

Each party's financial responsibility shall be limited to one-third of the current undergraduate, in-state resident costs of the University of Massachusetts-Amherst.

**10. Exchange Location:**

All exchanges of the minor child shall take place at that the parties' respective residences or at any other location the parties may agree to, as a result of the minor child's activities.

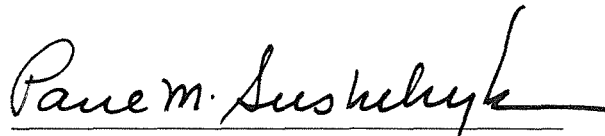
The Father shall be responsible to pick up and transport the child at the beginning of his parenting time.

The Mother shall be responsible to pick up and transport the child at the conclusion of the Father's parenting time. The parties shall be present for all exchanges.

All exchanges of the child shall be orderly, with no breach of the peace being committed by either party.

**So Ordered.**

February 27, 2019

  
Justice of Probate and Family Court  
Paul M. Sushchuk