

EXCLUSIVE
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Kristin Cavallari, Jay Cutler’s joint custody agreement ‘a good sign’ of a cordial split, legal expert says

By [Julius Young | Fox News](#)

Kristin Cavallari and Jay Cutler reportedly reached two agreements in their recent divorce filings after the reality star submitted an emergency response to Cutler’s request to block her attempt to purchase a home for herself and their three children.

On Monday, People magazine, citing court documents, reported that a judge ordered that the former “Laguna Beach” star “shall be permitted to use marital funds” to purchase a new property.

In addition, the documents also state that both parties "have entered into a Permanent Parenting Plan that they attest is in the best interest of their minor children and ask the Court to approve and adopt the same as its Order."

Per the terms of the agreed-upon plan, the former married couple’s kids -- Camden, 7, Jaxon, 5, and daughter Saylor, 4 -- will remain at the former couple's current Nashville residence while Cavallari and Cutler will switch off every other week to stay with their children – a practice many family attorneys call “nesting.”



Kristin Cavallari and Jay Cutler recently took a trip to the Bahamas with their kids, but the couple reportedly knew they planned on splitting before the trip even began. (Jake Giles Netter/E! Entertainment)

After the close of sale on Cavallari’s new residence, only then will the kids “spend time with each parent in their respective residence during said parent's respective parenting time,” the outlet reported.

However, given the unique circumstance surrounding the split, legal experts believe the arrangement to be the easiest course of action for the former pair to take given the three dependent lives for which the decision is made in the best interest.

“Depending on the situation, nesting is sometimes used while a divorce is going on to provide stability to the children and give them time to process that their parents are splitting up,” [Peter Stambleck](#), who is a partner of the New York City-based family law firm Aronson Mayefsky & Sloan and is not involved with the case, told Fox News on Monday.

“The fact that they do not have to worry about which parent’s home they are going to on a particular night is one less thing for the kids to think and worry about,” Stambleck added.

Stambleck explained nesting be used only in outlying scenarios that allow the family the opportunity to ingratiate themselves into new sets of circumstances surrounding divorce and added that the practice is easier said than done.

“By no means is nesting a common occurrence,” he said. “First, in most situations, it requires three separate residences – one for each parent and a third shared residence, which is likely to be the former marital home. This can get very expensive.”

Regarding child support, People magazine reports both individuals “have sufficient assets to provide for the support of the minor children while the minor children are in their respective care,” adding that both agreed to “equally pay the cost of any and all agreed-upon extracurricular activities in which the minor children participate.”

The former NFL quarterback, meanwhile, will maintain health, dental and optical insurance on the children and Stambleck maintained that such an arrangement requires disciplined participation from both sides.

“In order for this to work, it requires that both parents cooperate and agree to a schedule where one parent is automatically excluded from occupying the home when it’s the other parent’s turn to live there and take care of the kids,” he said. “Nesting is only a temporary measure and is not sustainable over an extended period of time.”

Furthermore, attorney [Christina Djordjevich](#), partner of the Los Angeles-based family law firm Walzer Melcher and also not related to the case, echoed Stambleck’s sentiment that Cutler likely bit the bullet and decided that his stalemate with the “Uncommon James” jewelry-store owner on her house purchase was best handled as soon as possible.

“The parties likely decided it would be best for the family if they agreed on a custody schedule sooner rather than later,” she explained. “It was inevitable that the parties would eventually live

separately, and having a stable and consistent parenting plan in place helps children and adults for that matter, adjust to the 'new normal' in a divorce.”

Djordjevich added that the pair overcame a big hurdle in reaching their reported agreement and sees it as a potential silver lining that proceedings could be more civil than the public might be led to believe.

“Custody can be one of the most difficult and hotly contested issues in a divorce,” she said. “The fact that the parties agreed on a parenting plan early in the case is certainly a good sign and narrows the scope of potentially disputed issues.”

In their agreement, Cavallari and Cutler agreed to be named "joint primary residential parents," with each spending 182.5 days with the kids a year, according to People. Cutler is permitted to have the kids every other Friday after school until the following Friday after school, at which point Cavallari's parenting time will begin.