

How to Win at Child Custody Battle



**The Ultimate Guide
to Win Custody Battles
For Your Kids**

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Custody of Children After Divorce

The process of Divorce is indeed painful. And if the misery of a prolonged battle for custody and monetary settlements are added to it then it is almost excruciating. Children from such a marriage are usually seen to be laboring under considerable emotional stress already and a custody battle is agonizing for them as well.

In some cases though, it is imperative to discuss the question of child custody before the couple legally separate. The question of custody being an almost predominant issue in divorce suits you would be wise to update yourself about the nitty-gritty's of the issue so that you can make a well-informed decision.

Let us start from the basics. 'Child custody' is also referred to as 'guardianship', both of which are part legal terminology. The terms convey the sense of a lawful and realistic bond between parents and their children whereby the parents are required to look after the children and can decide on important questions on the children's behalf.

The United Nations Convention on the Rights of the Child having been approved in many different countries all over the world, more emphasis is now placed on the concepts of 'contact' and of 'residence', which constitutes the concept of 'visitation' in the United States of America.

This is a divergence from a former tradition of dwelling on the concepts of 'access' and 'custody'. In legal jargon and otherwise, a child may 'reside' or be in 'contact' with one of its parents rather than a parent having its 'custody' or 'access' to it. Such newly developed international categorizations all fall under the focus of 'parental responsibility'.

In a divorce case where the couple fights over rights to custody, such terms as the abovementioned are used liberally. But which parent is to be granted custody of the child finally is decided upon only after consulting a parameter which considers the child's well-being and best interest.

It is usually the lawyers who help the couple to determine the custody rights amongst themselves. If the couple is unable to conclude this discussion satisfactorily and no agreement is reached then the case is presented before a court of law which makes the decision on their behalf. Child custody and visitation rights are decided upon by the following methods:

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- **Settlement between the parents themselves:** In this case an unofficial meeting is held between the couple, and their respective lawyers are allowed to guide them properly. If a conclusion is reached then an out-of-court settlement is called for. This in turn calls for an intercession of sorts or the use of laws related to collaboration.
- **Verdict announced by the court:** If the separation is especially unsavory, then the couple is usually unable to reach a conclusion about custody on their own. Even then an acrimonious divorce often involves violent disagreements about child custody and visitation. In such situations the court is the ideal body which can make the final decision for the benefit of the child.

In court battles exclusive custody rights is generally awarded to the mother of the child. This is quite strictly adhered to when child in question is very young or a minor. In custody battles involving unmarried couples also guardianship is awarded to the mother. If the father of the child wants to contest this he can appeal the decision but the ruling is often not in his favor, especially if the woman can prove that she has good parenting capabilities.

Upon certain occasions, people who are not the child's actual parents may wish to obtain guardianship. Such people are generally related to the child or have been intimate friends with the family. Although the court is unusually strict in dealing with such procedures and weighs the situation with care, if the parents' incapacity as good guardians is proved then guardianship may be given to the other claimants of guardianship.

Child Custody Cases

The question of Child Custody arises when parents decide to put an end to their relationship with each other through divorce or annulment. Child custody refers to the legal and practical right over the child. Most countries follow the legalities put forward by the United Nations Convention on the Rights of a Child.

The most appropriate analogy that can be drawn in this case is Robert Benton's 1979 film *Kramer vs. Kramer*, based on the book by the same name by Avery Corman. In this film, Joanna Kramer (Meryl Streep), frustrated with her role of a housewife taking care of her son Justin Henry, abandons her husband Ted (Dustin Hoffman) in order to explore her "self".

Hence, Ted is forced to raise his son by himself. Although initially his workaholic attitude was one of the driving forces behind his wife's flee, he eventually involves himself in childcare so deeply, that he even loses his job out of negligence!

Once Joanna comes back from New York after two years, she launches into a legal battle over Justin Henry's custody. However, in the end, Joanna realizes that Justin's ideal life is with his father, and she relents.

While trying to win child custody parents make various claims regarding themselves and allegations against their spouses/partners. False accusations of child sexual abuse, financial and educational incompetency made by parents against each other are common.

In 1994, the judge ruled against a woman named Jennifer Ireland in the battle for her child's custody, sighting her action of placing her four year-old daughter in day care because of her work as one of the deciding factors. Julie Kunce Field, an attorney from Michigan, fought her case, attracting to it national attention in 1994. In 1995, the ruling changed in the favor of Jennifer when judgment based on a working parent's child care methods was dropped.

Troubled pop star Britney Spears finally lost her long drawn child custody battle to her ex husband Kevin Federline who won custody of their two children, while she received visitation rights. Spears has been accused of alcohol abuse, negligence while driving with children and reckless behavior in public.

The most important thought to be kept in mind by parents, attorneys, psychologists analyzing the case, and the jury is the child's interest. Although sole custody is a viable possibility, in most cases the legal system grants joint custody of the child.

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Child Custody Evaluation

The legal process of Child Custody can be quite harrowing. Parents often lose their logic regarding this issue while coping with separation from their spouse/partner. In order to bring back a level of objectivity in the process, child custody cases are often counseled by psychologists. There are mainly two types of child custody:

- **Sole custody** - One parent inherits complete guardianship of the child.
- **Joint custody** - Both parents share the guardianship of the child as per the verdict of the legal proceeding.

Psychologists in this case judge the situation based primarily on what is known as “the child’s best interest”. It is up to them to decide the competency of both parents. Some of the common guidelines that they follow during such evaluation are:

1. **Interest of the child:** All things unconsidered, the psychologist should assess the situation from the child’s point of view. Although we tend to overlook a children’s emotion towards adults around them, their perception powers can prove to be surprisingly accurate. Hence, the decision should be made keeping in mind the satisfaction of the child.
2. **Financial capability of the parent:** Although it seems unfair to measure a parent’s love for his or her own child in terms of money, one should think practically. After all, loving the child isn’t going to be the only issue. To be able to support another life apart from one’s own can be a challenge. Hence, the psychologist should make sure that whichever parent wins the custody is capable of living up to this criterion.
3. **Child Sexual Abuse:** One of the most important things to keep in mind is the question of sexual abuse. Although it is human tendency to deny anything unpleasant, turning a blind eye to this issue can prove to be very expensive in the long run. Child sexual abuse is a more common phenomenon in society than we would like to believe. Hence, it should be given its due importance when making as crucial a decision as child custody.
4. **Education:** Probably the most important criterion that is mandatory in the case of raising children is education. Any parent who doesn’t regard this as his primary focus for his child should be automatically deemed incompetent.

5. **Social recommendations:** This is probably the most effective way to judge both parents. What others say about them can help a psychologist greatly in order to come to a decision.

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Getting Ready for Child Custody Trials

This is perhaps the most unpleasant part of divorce proceedings. Both you and your spouse fight tooth and nail to get child custody, each believing that he/she will provide for a secure future for the child, and take care of the child's needs. What follows is a rigorous trial which you must get prepared for if you have the best interests of your child at heart.

In these times, it is no longer taken for granted that the mother shall be provided with the custody as has been the norm for quite some time. Instead, the judges lay weight on which parent can provide for both emotional and physiological development of the child. It depends on the environment you will be able to offer the child.

And hence, to get the custody of your child you need to prove your mettle. The judge will thoroughly scrutinize every aspect of your skills as a parent and your level of communication with the child. This requires a lot of documented proof and evidence or authentication from witnesses to prove your case.

The above mentioned point is the crucial one that must be remembered. Keep detailed and reliable account during the child custody trials. It requires a considerable amount of preparation to demonstrate to the judge in your case that you have been able to provide a proper nurturing environment for your children. This includes keeping a record of your spouse's failings.

Here are a few points that could illustrate your parenting skills:

1. **Be present at all school activities, especially those parent-teacher meetings, special assemblies, annual school plays and sports day.** Keep a track of the child's development by interacting with the class teachers.
2. **Go for regular visits to the doctor and the dentist.** Medical records are essential in such a trial, and it proves that you are conscious of your child's overall health.
3. **Make sure your child is brought up amidst a social environment and maintains a healthy relationship with his/her friends and relatives.**
4. **Spend time with your children.** Plan surprise parties, picnics or go out for trips that will help you understand the interests of your child.

5. **Talk to your children;** find out their point of view.

Witnesses who have seen your proficiency as a parent will aid you in your case to a large extent.

Some details that you could provide against your spouse might include- busy work schedules that prevent his/her interaction with the child, failure to provide monetary support to the children, domestic violence, mental instability, adultery and more.

Make sure you have a record of all your statements or else the trial will turn against you.

Documented proof is a must.

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Thoughts on Father's Rights in Child Custody Battles

Why do the courts seem to always favor the mother in a divorce when considering child custody? Is it that this is a throwback view from the days when the mother was a stay-at-home mother and therefore had nothing to do but watch and nurture the children? Will the court system ever join the twenty-first century in regards to child custody?

The rights of fathers has increased and changed for the better over time, but there is still a long way to go before there is real parity between mother's and father's rights. Women still tend to win in the custody battleground. Of course, the winners should be the children. Not everyone will be happy in these situations nor will they feel they have been treated fairly as to visitation, custody, or support payments.

Father's rights in custody fights were practically non-existent in the past. However, child psychologists and social workers finally began speaking up. They stated that children of divorce needed their father's guidance, influence, and presence to provide some semblance of stability in the children's lives other than just shoveling out money to provide for expenses.

Today, custody laws give fathers some say in their children's lives after the divorce. They may not have primary custodial rights (where the children live with the father), but the courts are conceding "joint custody" now.

This means that the father has some input on major decisions that may effect the rearing of the children. It means that the mother shouldn't find the most expensive private school for the children without consulting the father, who is expected to pay for the expenses.

A father should have equal rights to be considered the primary custodial parent just as much as the mother. Of course, we don't hear about this much as judges tend to believe that all children are better off with the mother. However, it should come down to who will be the better parent rather than strictly gender, especially in this age of non-traditional living conditions.

As so often happens, if a father is not awarded primary custody, he will be given a more generous visitation schedule than has been granted in past years. This is due to the unceasing efforts of father's rights organizations and in part to studies that have proven that a lack of a father's relationship with his children has produced more juvenile problems, drug use and clinical depression.

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Mother's Rights and Child Custody

The separation of the parents, upon divorce, has led to serious contestations regarding the custody of the child. In the beginning of the 20th century the father was invariably given the custody of the child. This practice has changed as the courts recognized the role of the mother as the primary caregiver of the family.

Leaving the child entirely to the mother or the father not only affects the child in a serious way but also burdens the parent who has to take provide for the child. In the recent years the courts have tried to lay more emphasis on the needs and interests of the child rather than the rights of the father or the mother.

The child is free to go to his/her father or mother, while they are in the custody of either of them. The responsibilities are also not given entirely to one parent but are shared by both the parents.

Earlier mothers used to be at a disadvantage as most of them were economically weak and educationally backward. Things have changed considerably with the women's rights movement gaining momentum in various parts of the world and a growing awareness among women regarding their right to vote, right to education, right to work, and in effect right over the child.

The courts are frequently encouraging the parents to share responsibilities in looking after the child and supporting the child economically even after the divorce. This creates a healthy atmosphere for the child as he/she would not be forced to leave one parent and live the rest of his/her life with the other parent.

Economic factors should not be criteria in deciding the fate of the child as he/she is in a much more emotionally vulnerable position than the parent. The separation of the parents would inevitably lead to the separation of the child from one parent or the other.

The child is in no position to decide where to live and what to do with his/her life. The parents, how much ever difficult it is for them to deal with their mutual problems, should give a serious thought to the emotional and mental health of their child. In a lot of the divorce cases the child is seriously neglected and becomes a mere pawn in the ego clash between the husband and the wife.

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How to Win at Child Custody Battle

The fight over the custody of the child usually takes the direction of trying to prove who is better and who is not. The courts should have control over these matters and work in a way that is best suited for the emotional growth of the child as well as the mental peace of the parents.

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Divorce Mediation for Child Custody

A good way to tackle the problems of divorce, which is increasing rapidly, is mediation. Mediation encourages parental cooperation over matters regarding child custody and visitation rights. A mediator is appointed by the court who tries to find a middle ground between the two parents, keeping in mind the interest of the children.

The major part of the mediation takes place between the two parents with the mediator as a neutral member. His job is to make sure that the children are represented in the decisions regarding visitation among many others. Sometimes matters of school, doctor's appointments, and events can be settled during these sessions.

For mediation, the judge need not be present physically. Both the parents get to voice their opinions regarding the custody issue and this helps in reducing hostility since both parties get to have their say. Having a neutral person helps in reducing stress and preventing arguments from escalating. If the parents focus on the issue, a parental plan can be formulated.

Many people find the process of mediation less stressful than the courtroom proceedings. Also, the judge is not interested to hear petty arguments that consist of accusing each other of saying certain things and criticizing each others actions.

The task of the mediator is to offer suggestions that the parents may not have thought of on their own. They should also help in working out compromises and alternatives between the two parents. Mediators should have experience in case of child custody cases and bring some amount of understanding to the process.

The needs of a teenager and the needs of a child in his pre-teens are very different. The older child may think that he shouldn't have to see only one parent at one point of time because a judge in a courtroom has ordered him to do so. This kind of behavior should be explained to the parents by the mediator to avoid further complications and misunderstandings between the parent and the child.

Do look into the possibility of mediation in your area. Find out who are being used as court moderators. Be clear on the fact that what you want is to ensure the happiness of your child and you have their best interest at heart.

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Do your homework and be ready with a viable plan. As a parent, you have the right to be a part of the life of your child. Mediation is one of the best methods to ensure that your children will grow up in a healthy and well-adjusted environment after your separation.

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Types of Child Custody Arrangements

The rate of divorce has been increasing rapidly in the last couple of years. Parents going through a divorce are aware of the fact that custody arrangements need to be made for the children. The judge normally determines the custody arrangements on the basis of factors like the age of the child, his emotional bond with the parents, and the capability of the parent to provide for the child and so on.

Based on these factors and many more, the judge makes the arrangements for child custody. The following is a discussion on types of child custody arrangements and how they work.

Two types of child custody are the physical custody and the legal custody. Physical custody simply means that the child will live with the parent. Legal custody means that the parent has the right to make the decisions regarding the child, for example, medical and educational decisions. This custody can be shared, with the child living with one parent for one half of the year and with the other parent for the rest of the year.

Sometimes, one parent is given the sole legal or sole physical custody of the child, which means he or she alone can make decisions regarding some of the aspects of the child's life. This happens when one parent is declared unfit or is deceased. If the parent is deemed unfit, he or she can fight for visitation and future parental rights.

Usually, it is the parent who does not have physical custody of the child who has visitation rights. There are many kinds of visitations. One is the reasonable visitation where the other parent is allowed to spend quite a lot of time with the child. The child may go over for the weekend, maybe every alternate weekend, over the summer or during the holidays. Supervised visitation takes place when the parent is thought of to be a risk to the child.

This kind of visitation takes place in a restricted environment, in the presence of a third party who could be a policeman or a member of the court to ensure that the situation remains safe and calm. Supervised visitation can take place for a couple of hours a day or two days in a week. It depends on the judge as to what timings he will set for the supervised visitations.

Although child custody battles can be a heart breaking experience, it is necessary when you are going through a divorce. If you are given a child custody arrangement that seems unfair to you, make an appeal to the judge, consult your lawyers and try and get a new arrangement. If you

know about the various types of child custody arrangements, it will help you to get the best arrangement for your child.

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Child Custody Papers

While filing child custody papers, you should take care of many factors. There are two ways of filing the child custody papers, either you can file it in proper by yourself or you can choose to retain a family law attorney to represent you and file the child custody papers on your behalf.

There will be a number of local rules and procedures for filing you're your documents and should stick to these rules and procedures. If you choose to represent yourself, you will have to take the responsibility to know the procedures and timelines related to your paperwork and court appearances.

You can get hold of the child custody papers and forms from your local family court. Another option is that you can download them from the local family court website. Some courthouses even provide you with assistance to retrieve and complete the paperwork and forms. You can file in your child custody papers either in person or via mail.

Also, if you are unable to file it in person and wish to send it by fax, there are authorized faxes' filing agencies too by the court in some areas. Generally, the court will not fix hearings over the phone. Once you submit your child custody documents, the court will decide a hearing date according to the statute requirements.

To file a child custody form or any such other document, you need to pay a certain cost in the family court. For family law filing fees and other court related fees you will have to check with your local family court. Even if you are unable to pay the filing fees and costs, your local court sometimes will provide a fee waiver mechanism. Through this, you can get permission from the court to proceed with filing your custody papers without paying the court fees and costs.

Whether you decide to file custody papers on your own or hire an attorney to do it for you, it will be wise on your part to consult a family lawyer. With the help of the family lawyer, you can find out where you stand legally on your child custody case and what your legal options are.

Also, a family law attorney can help you understand the local requirements and procedures, local forms, timelines, and right approach for filing your legal paperwork. It is always advisable to go for expert advice, especially in legal matters.

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How to Find a Good Child Custody Lawyer?

Child custody procedure is not a very pleasant experience either for the parent or for the child. But then, this is the truth each parent has to face if they are planning for a divorce. You can make the best out of the present situation by coming to an amicable settlement with your ex-spouse and make arrangements for something which is favorable for the child. If you decide to take custody of your child, be very careful and determined. Remember, it is not going to be easy.

Judges are very strict before they issue a Child Support Order as it has been often found that it creates problem for an individual in a particular community. They make various enquiries before passing the final judgment in a divorce case.

Law has invested in the Judge the power to decide or enforce the amount that would be needed to bring up the child or any other modifications that are to be made for the child's welfare. The parties involved in the case must give due respect to the Judge and abide by his decision before taking any further step about child support.

If they are not satisfied by the order or a particular clause in the order, they can raise their doubts only through a lawyer or a special Lake County child support attorney. But first and foremost you need to find a local child custody lawyer. The following tips might prove to be of help to you:

- **Make the best use of the Internet.** You can search online for the lawyer according to your requirements. Your locality might be housing lawyers who specialize in family law. A detailed and specific search can give you their contact number and address. You will have a list of names from which you can pick and choose. You can also search online for their public records. This will help you know whether they hold a good reputation or not.
- **Friends in need are friends indeed.** You might not face it all alone. This is a very crucial phase in one's life. So, seek the help of your friends or your near kin. They might have contacts and can help you find a child custody lawyer in your area. If they know the lawyer on a personal level, it will better help you. Then the lawyer would be attending to your child custody case with special care.

- **Seek advice from the local bar association.** You can also approach the bar association of your state. They would surely provide you with a list of lawyers who excel in the field of family law. Then you can contact them and choose according to your needs.

It's advisable that you get in touch with local groups and associations dealing with such problems. These organizations can advise you based on their experience and also provide you with other case studies that they have handled. This would prove to be of great help to you. You can draw inputs from them. It would be a learning experience for you as they find you a child custody lawyer.

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The Right Steps to Take to Win the Custody of Your Child

Child custody cases are nowadays subject to much greater scrutiny at courts than before. What used to be a straightforward victory for the mother or the principal bread winner has developed into a grueling affair of deliberation without any sure result. Due to this, it is necessary for parents to concentrate on preparing themselves before their custody hearing.

These are some basic steps that can guide you towards the right direction.

Choose the Right Lawyer

The most important venture you will take with you child custody case is to appoint a practiced lawyer. Don't simply open the yellow pages and call the one with the largest advertisement. Find a counselor who has several records of winning cases that were similar to yours. You should also target someone who has worked with your judge on past cases. Another yardstick is to search for a lawyer who is a Certified Family Law Specialist.

Organize Your Finances

Financial constancy will have a primary part to play in your case, and therefore you should ensure you have all your financial records in order and ready to be produced. Payment slips, bank statements and investment reports would be the likely documents that the court would demand to peruse. If you manage to have all the information ready to produce, you would appear as a systematic individual and subsequently qualified to be considered for custody.

Track Child Care Costs

The more you know about your child's daily requirements, the better you will fare in the court proceedings. Start maintaining a log early in the case and keep track of all the applicable expenses related to raising your child properly.

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Food, apparel, health care are just a few of the costs you should keep records of. Not only will this information show your concern for your child's well-being, but it will also be used to calculate how much your spouse would contribute for your child's support payments.

Clean Up Your History

If you have any shady past records, it would ideal for you take care of them at this point. Drug abuse, infidelity, and unemployment are all negative factors and could, in an adverse manner, affect your chances for custody greatly. Though you can never change the past, you could always try to alter yourself.

The court always encourages honest attempts and your efforts for bettering yourself will not go unnoticed. Cleaning up the dirt from your past should be your primary concern. You will have to prove to the judge that you are honestly working very hard to rectify the wrongs you had done in your life.

Dig Up Some Dirt

Just as your own past can prove harmful, your spouse's past too can be used to serve your own purpose. It may seem vengeful and aggressive to openly declare your spouse's flaws, but it is your child's best interest for the judge to be informed about all the causes that triggered your separation. Documents are vital to the substantiation of your claims. Therefore, ascertain that you have the necessary proof at hand before you point your finger.

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Getting a Favorable Child Custody Arrangement Done

The word custody refers to the judicial, legal and custodial rights of the parent to the child. It also pertains to certain particular duties and responsibilities on part of the parent for the child. There are various forms of child custody arrangement. The parents may amicably settle for a joint custody while in other cases it has been found that one of the parents demand sole custody. This choice of arrangement depends on the state from which you hail.

Also, the arrangement may vary from a certain locality to another. The jurisdiction of your locality may be different from that of your neighboring locality. The choice can also be made depending upon the preference of the spouse or the needs of the ward.

It is very important for you to know the intricacies of the judicial procedure as this would enable to make a better and favorable arrangement for your child. It might not be easy. Honestly speaking, it is not easy at all. But then, this is something within your means. Know where you stand and hold on to the ground that might give you the winning edge.

The tips provided below would surely help you make favorable custody arrangements for your child.

1. **All child custody arrangements emphasize on the welfare of the child.** There is no particular yardstick which can determine the well being of the child. It is judged generally based on the circumstances of the parent and what the child requires. If you want custody of your child, you ought to show everything that you can provide for your child which would give him/her a secured future.
2. **Give a logical justification beyond what your motivation is.** Be careful of the things that you tell the judge or mediator. Emphasize on what you think would be best for the child and how you can provide it for him. You must be careful not to criticize or paint your spouse in grey as this can be viewed as a measure of retaliation. This can be detrimental and you might land up losing the custody of the child. It is advised that you highlight the strong points of your case instead.
3. **There are people who fight their cause in the court without representation.** Never do this. You might worry about the expenses of hiring a lawyer. But a good lawyer may not be necessarily expensive. You should choose a person who specializes in family law.

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Someone, who can represent you well and arrange for favorable child custody. They person should be experienced and he must know the guardians and evaluators who can help in the case.

4. **It has been seen that most judges and mediators judge a parent by their expressions and their behavior during the procedure.** So, its very important for you to keep your calm while you are being evaluated. This would put you at a better and stronger disposal and help you win the case.

5. **Stay in contact with your kids.** Stand by them so that they can easily sail through this crucial phase. Be understanding and cooperative and do not lose your patience and temper with them. You would automatically know how to secure a favorable arrangement if deep down in your heart you are attached to the child and know how to care for him/her.

There are many ways to arrange for a favorable custody for your child. But the master key that can lead to success is being a good and responsible parent. Your child should be your first and foremost priority.

How Would You Preserve the Best Interest of Your Child? How About a Joint Custody?

The phrase “in the child’s best interest” is widely used in the family court in child custody proceedings. But it is used in many arbitrary senses by the family court or judges. Also, its meaning is slightly vague. The child custody law differs from state to state, thus, there is no uniform legal yardstick which determines what would be best for the child.

Some states make provision and insist on joint custody of the child while others do not. It is being found that some states are amending the existing laws and adopting a preference for joint custody while the others are amending the law to provide for joint custody only if the couple agrees to it.

Like most of the other states, child custody in California is decided depending on the health, safety, welfare, education of the child. He should also be brought up in a congenial atmosphere which would allow free play of creative impulse in him. The child must have frequent and continuing contact with both parents.

But the Constitution of California does not put forth a preference or presumption for or against joint custody or custody to one parent, therefore leaving the parenting plan decision up to the discretion of the family court or judge. In 1979, it adopted a presumption for joint custody but later amended the law in 1994 and made provisions for joint custody when both parents agree to it.

As per the American Bar Association website, other states like Connecticut, Maine, Michigan, Mississippi, Nevada, Vermont and Washington also allow joint custody only if the parents agree to it. States which put forth a presumption for joint custody are District of Columbia, Florida, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, New Hampshire, New Mexico and Texas. There are a handful of states which specifically do not authorize joint custody.

There is a rising trend in favor of joint custody. Many countries are amending their laws. New bills are being passed and new legislations being introduced which would allow for joint custody. It is believed that this is being done in the best interest of the ward.

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How to Win at Child Custody Battle

But in case either of the parents is unfit for taking responsibility or can not fulfill the requirements of the child then this idea is given a miss. But all states have not yet amended their present system and made place for joint custody.

In case you are involved in child custody dispute, be it initial custody or modification of the prevailing custody, it is advisable that you consult a family law attorney in your jurisdiction who would explain to you the intricacies of the law and how it would apply to your case in specific. He would also tell you the criteria for determining the best interest of your child. This would make you aware of your child custody responsibilities and rights.

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Temporary Child Custody and Why You Need to Take It Very Seriously

Are you contemplating a divorce? Or are you already going through with it?

If that is the case and you have offspring then the reading of this article is vital for you. You must remember to maintain civility in your relationship with your ex in spite of the divorce for the sake of your children. But sadly custody battles are hardly without bitterness.

Parents often try to use the child as an instrument for tormenting their ex. As a result the children, who are innocent, suffer. The following write up makes it clear why temporary child custody is vital to the final triumph in getting the custody in your favor.

Firstly, it is absolutely vital that you settle a reasonable agreement with your ex regarding the temporary custody. This arrangement is very important in the long term and needs to be treated as the final one. There can be harmful effects if one does not take this primary stage seriously. It is necessary in the very first stages to have an agreement with your ex in writing with regard to the temporary custody.

This custody is decided by a judge in a family court or by the parents themselves in writing(a lawyer's presence is advisable though not compulsory).If you decide on an informal settlement it is essential to be firm in your demands and not give in to pressure exerted by your ex just to avoid a public divorce. This arrangement has an impact on the children and your relationship with them.

You must understand that if you give in to your ex in the temporary custody and it takes a long time to finally settle the divorce, then in the permanent custody your ex will get preference. Generally it takes at least six months if not more to settle a divorce and child custody. So, if during this time your child is with your ex then it is probable that the final custody will be granted to your ex and is in keeping with his/ her schedule instead of yours.

You have to keep in mind that the judge tries to keep the best interest of the child in mind while making his decision and this involves least disruption of the routine of the child.

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When your child is already residing with one parent for say the six months that it takes for the case to settle, a lawyer may argue that it is in the best interest of the child to not remove him / her from his/ her surrounding to a new one. In most cases the judges will concur with this argument and award custody to the parent who has been looking after the child.

It is the most important thing to establish in one's mind that custody once granted is very difficult to change. Therefore, you must treat the temporary custody as the final one. A family court does not take long to award a judgment, so one must prepare thoroughly for it beforehand.

It is also vital to know and remember that your rights as a parent are same as those of your ex and you should not feel intimidated or threatened into giving up your right over your own child.

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Dealing with Issues of Custody Where a Special Needs Child is Concerned

Always, the most controversial issue in a divorce is that of child custody. The issue gains even more momentum when the child concerned is a special needs child. There are some reasons which can be used to illustrate the specialty of such cases.

- **Care of the Child:** In most instances, both parents love all the children, regardless of the fact that they may be special needs children. However, in such delicate situations, great amounts of love can also become insufficient. Inordinate patience is needed with a special needs child, as well as the right amount of understanding, not only of their state, but also of their characteristic habits, tendencies and quirks which give them their distinctiveness. Some of these factors can be aggravated by their special condition. They may react to certain situations in a manner that would be far from how a regular child would respond. This could be something as simple as concentrating on a television event, or as perilous as exaggerated outbursts toward either themselves or others. This situation evidently requires intensive discussion at a parent custody hearing.
- **Cost and Time of Medical Care:** Both the time and money required to care for a special needs child are vastly greater than those needed for regular children. With a good insurance policy a great deal of the medical expenses for the child can be taken care of, but unfortunately no such arrangement can be made for compensation of time. A custodian would have to devote liberal amounts of time for all the child's activities, which would include taking them for medical checkups, home care and therapy. This is evidently an issue that would be needed to be discussed at the hearing.
- **Simple Ability for Dealing with the Situation:** Even a parent needs to have special abilities in order to handle a special needs child. You must always be aware of the harsh truth that despite age your child may never be able to overcome the need for constant care and attention due to his/her condition. In some cases, the child might be able to look after him/herself after a point of time, but this can be achieved only after many patient years of therapy and love. Even individuals who make great parents might fail in that task when it comes to special needs kids. This cannot be called failure on their part. It is just as plain as the simple truth that not all people are cut out for all kinds of work.

As these few factors may exemplify, this matter is not easy to deal with, much less form a concrete decision about. The solution could be as simple as the fact that of the two parents, one is obviously better suited and inclined to the child's needs and concerns.

Most parents are however unwilling to admit that they cannot manage their own children. This creates a huge problem in such situations. Parents of special needs children should scrutinize and contemplate the issue of custody extremely attentively and ensure that they are considering what is best for their child and not just satisfying their personal claims and desires.

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