

Chapter 1 : Homeless father fighting to regain custody of son after photo of child goes viral | TheBlaze

In any situation where child custody rights are at issue, a number of key questions are raised. If you are going through a divorce, you will want to know whether your child will live primarily with you, and if not, whether you will be able to make important decisions as to how your child will be raised.

Mothers also experiencing these types of issues contact us every day. About the Children ATC does not take sides. We help both mothers and fathers. We focus on advocating for parents by supporting them to help themselves, in entering into family court, without having to come up with a retainer fee, or paying an attorney by the hour. You will have access to the most updated information on family court, custody related matters, and techniques to successfully approach single parenting and co-parenting as you continue to raise your child or children. Many of our staff members have been through similar situations as you with their own children and families. They are excited to support you through this process and can provide excellent insight from a parenting perspective going through the family court system. Finding access to any family court begins with the filing of court documents. The documents filed, explains to the court what you want and why the court should give it to you. Preparing them the way the court requires is very complex. The most effective way to start, change, or enforce any child custody, visitation, or child support issue, is to get a court order signed by a judge. In family court, having accurate and properly prepared court documents can greatly assist in a fast resolution to your situation. Most family court cases today involve mandatory mediation which generally excludes the involvement of an attorney, and coordinates parents to talk through their issues together with a mediator or other court official. With properly prepared court documents, resolution usually is accomplished without ever having to stand in front of a judge. ATC is not a law firm, we work in conjunction with Attorneys, and Legal Document Assistants who type court documents for parents like you, based on information you select and provide us. The information on this website should not be regarded as or serve as a substitute for legal advice Some of the issues parents have problems with: While this may be true in some cases, it may not be true to all. In most disagreements, having a well-defined court order in place often clears up any misunderstandings and keeps both parents in check throughout the longevity of parenting their children into adulthood. If you are required to go to court, we will support and prepare you to help yourself to obtain an order for the first time or get your existing order changed. Generally, there will not be a custody order without a support order and vice versa unless the parties previously agreed to visitation issues. Furthermore, generally, parents will agree to both. Problems typically arise later when one parent is being unfair, or if parents simply disagree over minor issues and a lawyer gets involved with the recognition that there are no orders in place, and encourages them to seek such orders to take the guess-work out. Most court orders outlining custody, visitation, and support often take the guess work out of arrangements involving children of broken or separated families so that everyone understands what is expected of each parent. Such orders are generally subject to change if the parents circumstances change i. What is Child Support? Child Support is the obligation paid to the custodial parent of child by the non custodial parent for rearing the child. It is in the best interest of a child for both parents to be obligated to pay for the support of their child. A Child Support order includes when and how much a parent has to pay for child support. A Child Support Order is generally part of a divorce decree or paternity judgment. Most states now follow a guideline or formula devised for estimating child support amount. This ensures uniformity in child support payment from court to court. If you do not have a child visitation or child custody order in place, and are paying high child support, obtaining such an order may lower the amount of child support you pay. Nothing is as precious to a parent as their own child. Regardless of any bad situations, or choices you may have made in the past, you still have rights. Types of Custody Joint custody: The other parent may often have visitation. This is also commonly known as Full Custody. Legal custody is different from "physical custody," which involves issues such as where the child will live. Joint Custody In Child Custody situations, "joint custody" usually refers to one of two possible scenarios: In true "Joint Custody" arrangements, parents share equal "legal custody" and "physical custody" rights. In some cases, you can remain a non custodial parent, but visit your child on a regular visitation

schedule. The best way to make your scheduled time with your child or children enforceable is to have an agreement approved by the court. Visitation schedules are determined, like all other domestic issues involving children, in accordance with the best interests of the child. In most situations, it is important that visits with a child be frequent and continuing. Contact us today - Getting a court order will help protect you, so that the other party is not in control of the situation. Contact us today to review what others have done in similar situations as you are having. Be sure to review the Child Custody section on this site, and then call us to discuss how we can assist you. If you have been served divorce papers, you need to respond within the indicated timeframe, or you can lose by default. However, if there is no chance of reconciliation, we still want to assist you. Contact us today so we can see how we can best assist you in your family situation. The first step is for you to fill out the form below, or call us directly to confirm that you qualify for our program. Once again, ATC is not a law firm and cannot provide legal advice. ATC helps you by drafting your court documents based on information you select and information you provide us. About The Children, LLC is not a law firm or an attorney, and is not permitted to provide legal advice, opinions or recommendations about your legal rights, remedies, defenses, options, selection of forms, or strategies. You are representing yourself in your legal matter. If you believe you need legal advice, you should seek such advice from an attorney in your area. Nothing you read on this site or that you are told by any of our customer service representatives should be construed as legal advice, a substitute for legal advice, or the services of an attorney. Communications between you and About The Children are protected by our Privacy Policy, but are not protected by the attorney-client privilege or Attorney Work Product privilege insofar as no attorney-client relationship is intended. Please note that your access to, and use of, AboutTheChildren.

Chapter 2 : About Your Privacy on this Site

Legal custody of a child means having the right and the obligation to make decisions about a child's upbringing. A parent with legal custody can make decisions about the child's schooling, religious upbringing and medical care, for example.

New York[edit] Where there are children of the marriage residing in New York State and under the age of 18, a demand for custody is mandatory in divorce actions. Whether the parents are divorced or just separated one parent cannot demand the child stays between the parents. Where the children reside outside New York State custody may not be determined, except in some instances by stipulation. Custody may not be awarded to a person other than the father or mother, except under unusual circumstances that require a hearing. In unusual circumstances, children may be placed with a third party such as a grandparent or a sibling. However, courts will not refer a party to the program if a restraining order has been issued pursuant to the Prevention of Domestic Violence Act or if either party is restrained from contact under the criminal or civil laws of New Jersey or any other state. Texas[edit] In the State of Texas, rather than using the term custody, a parent who is granted custody of a child by a court is deemed a " conservator ". Conservatorship is divided into two categories, a "managing conservator" and a "possessory conservator. When joint managing conservatorship is awarded, the parties or the judge must decide on how to divide the rights and duties, which is written into the decree. In doing so, the Judge can weigh a history of domestic violence, or whether the parent has had little prior contact or relationship with the child when considering restrictions on rights and possession. The possessory conservator may be virtually eliminated from the process of making decisions concerning health, education and welfare. The sole managing conservator takes sole responsibility for a child, making all the important decisions regarding health both mental and physical , education, and moral or religious upbringing alone. The following statutes define possessory and managing conservators: In a suit, the court may appoint a sole managing conservator or may appoint joint managing conservators. If the parents are or will be separated, the court shall appoint at least one managing conservator. A managing conservator must be a parent, a competent adult, an authorized agency, or a licensed child-placing agency. If a managing conservator is appointed, the court may appoint one or more possessory conservators. The court shall specify the rights and duties of a person appointed possessory conservator. The court shall specify and expressly state in the order the times and conditions for possession of or access to the child, unless a party shows good cause why specific orders would not be in the best interest of the child. Federal law[edit] In *Troxel v. Granville* , the U. Military parents and child custody[edit] In the 21st century, a new body of case law for custody of children in military families is developing due to more frequent deployments of both mothers and fathers in active duty , as well as dual-career military couples.

The legal terms used for child custody can be confusing. While most people have a general idea of what child custody means, not everyone knows the difference between joint and physical custody.

In your case, you will need to decide on custody. In California, either parent can have custody of the children, or the parents can share custody. The judge makes the final decision about custody and visitation but usually will approve the arrangement the parenting plan that both parents agree on. If the parents cannot agree, the judge will make a decision at a court hearing. The judge will usually not make a decision about custody and visitation until after the parents have met with a mediator from Family Court Services. Types of custody orders There are two kinds of child custody: Legal custody, which means who makes important decisions for your children like health care, education, and welfare , and Physical custody, which means who your children live with. Legal custody can be: Joint, where both parents share the right and responsibility to make the important decisions about the health, education, and welfare of the children. OR Sole, where only 1 parent has the right and responsibility to make the important decisions about the health, education, and welfare of the children. Either parent can make a decision alone. But to avoid having problems and ending up back in court, both parents should communicate with each other and cooperate in making decisions together. Physical custody can be: Joint, which means that the children live with both parents. Sole or primary, which means the children live with 1 parent most of the time and usually visit the other parent. Joint physical custody does not mean that the children must spend exactly half the time with each parent. Usually the children spend a little more time with 1 parent than the other because it is too hard to split the time exactly in half. The parent who does not have physical custody usually has visitation with the children. A parent who has the children less than half of the time has visitation with the children. Visitation orders are varied, depending on the best interests of the children, the situation of the parents, and other factors. In general, visitation can be: Visitation according to a schedule: A reasonable visitation order does not necessarily have details as to when the children will be with each parent. Usually, these orders are open-ended and allow the parents to work it out between them. This type of visitation plan can work if parents get along very well and can be flexible and communicate well with one another. But if there are ever disagreements or misunderstandings, this kind of an open schedule can cause issues between the parents, and the children may suffer as a result. Click for more information on supervised visitation. Supervised visitation is sometimes also used in cases where a child and a parent need time to become more familiar with each other, like if a parent has not seen the child in a long time and they need to slowly get to know each other again. This option is used when visiting with the parent, even with supervision, would be physically or emotionally harmful to the children. In these cases, it is not in the best interest of the children for the parent to have any contact with the children. Courts do not automatically give custody to the mother or the father, no matter what the age or sex of your children. Courts cannot deny your right to custody or visitation just because you were never married to the other parent, or because you or the other parent has a physical disability or a different lifestyle, religious belief, or sexual orientation. In addition to custody orders, the judge will probably also make child support orders. Keep in mind that a child support order is separate from child custody and visitation, so you cannot refuse to let the other parent see the children just because he or she is not making the child support payments that the court ordered. And you cannot refuse to pay child support just because the other parent is not letting you see your children. But child support and custody are related because the amount of time each parent spends with the children will affect the amount of child support. Click to read more about child support. Sometimes, if giving custody to either parent would harm the children, courts give custody to someone other than the parents because it is in the best interest of the children. Ways to get a custody and visitation court order In most cases, parents can make their own agreements for custody and visitation, without a court order. If you make an agreement between the 2 of you, the agreement becomes binding and enforceable. But if 1 of you does not follow the agreement, a court cannot enforce it until it becomes a court order. So if you and the other parent agree on custody and want a court order that either of you can enforce if 1 of you violates the agreement, you can turn in your agreement to a

judge. The judge will probably approve the agreement, sign it, and it will become a court order. After the judge signs your agreement, file it with the court clerk. Click for more information on writing up a custody and visitation agreement or parenting plan. If you cannot agree, the judge will send you to mediation and a mediator from Family Court Services or another court-related program will help you. If you still cannot agree, you and the other parent will meet with the judge. Generally, the judge will then decide your custody and visitation schedule. Learn more about mediation of custody cases. In some cases, the judge may appoint a child custody evaluator to do a custody evaluation and recommend a parenting plan. A parent can also ask for an evaluation, but the request may not be granted. Parents may have to pay for an evaluation. The judge also may appoint lawyers for children in custody cases. After a judge makes a custody or visitation order, 1 or both parents may want to change the order. Usually, the judge will approve a new custody and visitation order that both parents agree to. If the parents cannot agree on a change, 1 parent can ask the court for a change. That parent will probably have to complete certain forms to ask for a court hearing and prove to the judge that there is a significant change in circumstances for example, the children would be harmed unless the order is changed or other good reason to change the order. Both parents will most likely have to meet with a mediator to talk about why the court order needs to be changed. This information sheet is also available in Spanish , Chinese , Korean , and Vietnamese. Contested custody or visitation cases, where the parents cannot agree, are complicated. Talk with a lawyer to understand how the law affects you and your rights. Click for help finding a lawyer.

Chapter 4 : Child Support, Child Visitation, Child Custody

A child-custody determination means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order.

Share on Facebook In a divorce, custody of children is broken down into two elements: For example, parents might have joint legal custody, but not joint physical custody, especially if the parents live some distance apart. Legal Custody Having legal custody of your children means that you are responsible for making decisions about the important things in their lives, like where they go to school, what religious instruction they receive, whether they need academic tutoring or psychological counseling, and when they go to the doctor. During your marriage, you and your spouse probably made these decisions together, and when you divorce, judges want to keep it that way if at all possible. The default preference in the majority of states is for parents to share legal custody and continue to make decisions together for their children. This is called joint legal custody. It can take many forms. For example, a parent who is the primary caregiver might make many decisions that are part of legal custody, like authorizing routine or emergency medical treatment, or choosing a tutor for a child who needs academic help. It only takes one parent to create ongoing conflict over this type of question, and it can make life miserable for everyone if every decision becomes a fight. Judges find that type of decision making miserable, too. If parents fight over every question related to their kids, the most common solution is for the judge to give one parent sole legal custody. A judge might also grant sole legal custody if one parent: Physical Custody Physical custody refers to where the children live on a regular basis. It can be shared by both parents or granted to just one. How custody is ordered at the time of your divorce can affect you later. For example, in some states, a parent with sole physical custody has a presumed right to move away with the kids. To prevent a move, the noncustodial parent must go to court and show that the move would be harmful to the kids. Check with a lawyer about whether the decision could come back to haunt you later. Shared physical custody means that the kids get to have two engaged and involved parents and two real homesâ€”not one home and one place they go to visit their other parent. The children spend most of their time there and see the other parent at regularly set times. In legal terms, the parent with sole physical custody is the custodial parent and the other is the noncustodial parent who has visitation rights. Commonly, the mother had sole physical custody, and the father had visitation rights for one dinner a week and every other weekend. That schedule is still used regularly, but so are a lot of other schedules.

Chapter 5 : Basics of Custody & Visitation Orders - custody_famlaw_selfhelp

For a father, custody can be difficult to win, even though the courts do not discriminate against dads. Whether you are a father going for full custody or joint custody, you should be prepared for a difficult child custody battle, especially if the child's mother is also filing for custody.

One parent can make these decisions alone, which is known as sole legal custody, or both parents may retain the right to make these decisions, known as joint legal custody. Joint legal custody means both parents should cooperate on decision-making, but that either parent has the power to make decisions alone. Physical custody determines where the child or children will reside. Sole physical custody means the child or children live with one parent and may visit the other parent. Joint physical custody means the child or children reside with both parents. In the case of joint physical custody, if one parent will have the child more than half of the time, then that parent can be labeled the primary custodial parent for tax and other purposes. Visitation of Children Unsupervised Visitation: The parent who does not have the child or children more than half of the time is entitled to visitation with the child or children. Visitation plans should be specific in order to avoid potential conflicts and eliminate confusion. In developing a specific visitation plan, keep in mind that it can be helpful to be specific about which weeks of the month the visits will occur to make the plan more enforceable. For example, if a parent will have the child or children every other weekend, it would be helpful to define that specifically as the 1st, 3rd, and 5th or the 2nd and 4th weekend of the month. The pick-up and drop-off times may also be specific, such as Friday at 3: This option is used in extreme situations in which contact with the parent would be physically or emotionally harmful to the child. Residential Requirements If you do not have a case for custody and visitation filed in any court, you may file in Sacramento County only if the child has resided in California for the past six months and currently resides in Sacramento County. If a custody case has already been filed in another state or county, contact that court for information about modifying the orders or moving the case to Sacramento County. Before considering any of these actions, it is recommended that you seek legal advice regarding this very technical area of the law. Married parents who do not wish to file for divorce, may also obtain custody orders in a legal separation or nullity case. The family court cannot make custody and visitation orders until a family law case has been filed. You may only use this method of obtaining custody and support orders if there is no other case that has been filed anytime, anywhere regarding the children of this relationship. You may file this petition if you are married to the other parent and do not wish to file for a divorce, legal separation, or nullity, or you are not married to the other parent and you and the other parent have signed a Voluntary Declaration of Paternity regarding each child. Be aware that if you are married to the other parent and later decide that you would like a divorce, legal separation, or annulment, you will have to file a new case and pay another filing fee. The forms used to start a case are in the following packet: Starting a Custody and Support Case for Minor Children If you were served with a Custody and Support Petition, you must file a Response within 30 days or risk the other party taking your default. If the other party takes your default, you may not be allowed to file documents or attend hearings in your case. How to Serve and File a Response Parenting Plans By Agreement If both parents are in agreement on a parenting plan, you may be able to obtain a court order without attending a hearing. You must have an open case for custody in the Sacramento Superior Court. If you do not have a case yet, or are not sure if the case you do have can be used, review the information on this page about the types of cases that can be used to obtain child custody and visitation orders. If you have an open case, the Parenting Plans By Agreement packet contains the forms and instructions you will need to turn your agreement into a child custody order. Documenting Custody and Visitation Problems If you are experiencing child custody and visitation problems because the other parent is not following or cooperating with the current orders, you have options. We recommend that you review our instructions on Documenting Custody and Visitation Problems. To request a hearing to establish or modify child custody or visitation, you must file a Request for Order. Grandparent Visitation A Complaint for Grandparent Visitation is used by a grandparent who wants to visit his or her grandchild ren , but one or both parents are not permitting the visitation to occur.

But child support and custody are related because the amount of time each parent spends with the children will affect the amount of child support. Click to read more about child support. Sometimes, if giving custody to either parent would harm the children, courts give custody to someone other than the parents because it is in the best.

When a child is born to an unmarried mother, the father has no legal right to see his child without a court order. There is no legal presumption of paternity, as unwed fathers are not automatically presumed to be biologically-related to their children. If a father desires visitation or custody of his child, he must establish paternity. Sometimes, the easiest way to do so is to be at the hospital after the birth of the baby, and help the mother fill out the birth certificate forms. If this is not possible, he can fill out a Voluntary Acknowledgement of Paternity form. Should the mother dispute his paternity, he can petition the court to establish his paternity or he can contact an agency such as the Child Support Enforcement Division in his state. Once paternity is established, an unmarried father has the same rights as a married father. If possible, both parents should try to remain friendly and work out a reasonable and agreeable custody agreement that the court will likely approve. Other factors a court will consider may include the financial status of each parent, where the parents live, and of course, the moral character of both parents. Issues such as proving paternity, ensuring the child qualifies for government benefits and insurance, parental rights in places such as school and medical facilities, choosing a last name for the child, and claiming the child on tax forms are common issues that unmarried parents must address when living together. Legal parents have priority in these decisions, and the best way to be included is to formally adopt the child. The parent who has custody of the child is entitled to receive child support, as the purpose of child support is to address the needs of the child—regardless of whether the custodial parent is unmarried. If a stepparent adopts the child, the other biological parent is no longer financially obligated to provide for the child. In an unmarried parental couple, only one parent can claim the child on their tax return. If a parent receives child support, he or she cannot claim the support as income. Parents who pay child support cannot deduct the child support from their taxes. In situations where unmarried parents reside in different states, child custody decisions will still be based on the best interest of the child standard. If the child has been out of the home state for six months or more, then that state will no longer have jurisdiction. Contact an experienced family law attorney for guidance on interstate child custody issues. Parents who have chosen an alternative method to have children may also face child custody issues. This also holds true for same-sex parents using artificial conception and surrogacy. If you have any questions regarding child custody laws between unmarried parents, you should speak with a local family law attorney. Your lawyer will provide guidance and help you assert your rights as a parent. If necessary, your attorney will also be able to represent your best interests in court.

Chapter 7 : Child Custody / Visitation: Sacramento Superior Court

Joint custody refers to the shared physical and/or legal custody of a child after the parents separate or divorce. In such cases, parents share in the everyday responsibilities of raising the child, including financial obligations.

Issues[edit] Residence and contact issues typically arise in proceedings involving divorce dissolution of marriage , annulment , and other legal proceedings where children may be involved. In most jurisdictions the issue of which parent the child will reside with is determined in accordance with the best interests of the child standard. While most parents cooperate when it comes to sharing their children and resort to mediation to settle a dispute, not all do. For those that engage in litigation, there seem to be few limits. Court filings quickly fill with mutual accusations by one parent against the other, including sexual , physical , and emotional abuse , brain-washing , sabotage , and manipulation. In some places, courts and legal professionals are beginning to use the term parenting schedule instead of custody and visitation. The new terminology eliminates the distinction between custodial and noncustodial parents, and also attempts to build upon the best interests of the children by crafting schedules that meet the developmental needs of the children. For example, younger children need shorter, more frequent time with parents, whereas older children and teenagers may demand less frequent shifts yet longer blocks of time with each parent. Jurisdiction[edit] A child custody case must be filed in a court that has jurisdiction over the child custody disputes. Jurisdiction normally arises from the presence of the children as legal residents of the nation or state where a custody case is filed. If a plaintiff files a legal jurisdiction that the plaintiff believes to have more favorable laws than other possible jurisdictions, that plaintiff may be accused of forum shopping. Gender[edit] As the roles of children have changed over the past couple of centuries from economic assets to individuals, so has the role of mothers and fathers in who would provide the best care for the child. Many courts and judges lean more towards the maternal figure when there is a trial for custody of a child. In custody cases, the schedule for which parent provides lodging and care for the child is defined by a court-ordered custody schedule also known as a " parenting plan " or "parenting schedule". Forms[edit] Forms of physical custody include, Alternating custody , an arrangement whereby the child or children live for an extended period of time with one parent and an alternate amount of time with the other parent. This type of arrangement is also referred to as Divided custody. Opposite to alternating custody , both parents retain authority over the child or children. Joint custody , an arrangement whereby both parents share physical custody. Third-party custody , an arrangement whereby the children do not remain with either biological parent, and are placed under the custody of a third person. Joint[edit] Joint physical custody involves a court order that awards custody of a child to both parties. In joint custody, both parents are custodial parents and neither parent is a non-custodial parent; in other words, the child has two custodial parents. If a child has legal residence with both parents, the parents share "joint physical custody" and each parent is said to be a "custodial parent". Thus, in joint physical custody, neither parent is said to be a "non-custodial parent. In some jurisdictions, "joint physical custody" creates a presumption of "equal shared parenting". However, in most states, joint physical custody only creates an obligation to provide each of the parents with "significant periods" of physical custody so as to assure the child of "frequent and continuing contact" with both parents. Many jurisdictions recognize two forms of joint custody: In joint legal custody, both parents share the ability to have access to educational, health, and other records, and have equal decision-making status where the welfare of the child is concerned. In joint physical custody, which would include joint physical care , actual lodging and care of the child is shared according to a court-ordered custody schedule also known as a parenting plan or parenting schedule. Other terms may be used instead of visitation , such as "time share" or "parenting time". Also, where there is joint physical custody, terms of art such as "primary custodial parent" and "primary residence" have no legal meaning other than for determining tax status, and both parents are still custodial parents. Physical custody involves the day-to-day care of a child and establishes where a child will live. If a child lives with only one parent, that parent has sole physical custody and is said to be the custodial parent. A child-custody determination means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term

includes a permanent, temporary, initial, and modification order. The term does not include an order relating to child support or other monetary obligation of an individual. Where the child will only live with one of the parents, sole physical custody is ordered, and the parent with which the child lives is the custodial parent, the other parent is the non-custodial parent. Note, however, where the child will live with both parents, joint physical custody is ordered, and both parent are custodial parents. Legal[edit] Legal custody involves the division of rights between the parents to make important life decisions relating to their minor children. Although it has been so widely favored amongst legal systems, there are some deficiencies to the concept. Robert Mnookin, an American lawyer, author, and a Professor of Law at Harvard Law School, claimed that the best interest rule is indeterminate. It is considered to be a broad and vague set of guidelines that only leads to increased conflict amongst the parents instead of promoting cooperation that would actually lead to the best interest of the child being met. The current test for best interest generates high costs, which can impose on both the court and opposing parties. The privacy of family life makes assessing the evidence provided difficult. Children of divorce were found to want equal time with both of their parents. Studies conducted by Wallerstein, Lewis and Blakeslee show that children from all age ranges indicate that equal or shared parenting is of their best interest 93 percent of the time. However, the decision is highly situational, for joint custody can only be achieved in the absence of certain exceptions. For example, history of domestic violence found from either parent can most certainly trump the possibility of joint custody for a child. In the case of divorce or separation of parents many hurdles can fall in the way regarding the custody of their children, deciding who will be the custodial parent and so forth. Child custody laws in the United States Looking at the history of child custody demonstrates how the views of children and the relationship between husbands and wives have changed over time. The view of children has changed from economic assets to individuals with their own interests. Fathers were also once seen as the head of the household compared to today, when fathers and mothers have more equal standing in the care of their children. Children at the time were seen as economic assets with labor value. In addition to this, the only other important consideration in determining custody was the ability of the adults to supervise and raise the child. Widows would lose their children because they would not be able to support them. Otherwise, fathers were seen as the head of the household and had complete custody rights to children. Children were seen to have interests of their own that were often associated with the care of a nurturing mother. The double standard on sexual conduct of fathers and mothers was removed. Due to the nature of divorce, the rules governing child custody became increasingly difficult to determine. It was at this time that the idea of mothers being favored to gain custody of children in the event of a divorce was challenged. All children have the right to services that prevent them from physical or psychological harm. This means that when assessing the best interest of the child, it is not only important to assess the parents who are fighting for custody, but also the environments in which the child would be placed under the custody of either parent. In a situation where neither parent would be deemed an appropriate caretaker for a child, custody would be given to a foster care center.

Chapter 8 : Differences Between Legal and Physical Child Custody | DivorceNet

Hiring an expert child custody attorney that will fight for you on issues of sole custody, joint custody, or a child custody modification is essential to protecting your rights an ensuring that your family is cared for in the way that they deserve.

Chapter 9 : Child custody laws in the United States - Wikipedia

Each state has different child custody laws. Some states presume that parents have joint custody, while other states do not. In addition, some states presume that in the case of unmarried parents, the mother automatically has custody, while others expect single mothers to file for custody, even if the father is not involved.