

**“The Morelli Family Heritage Foundation”
Presents the Divorce Information Package**

**Divorce—Child Custody—Parenting
Child Care---Financing & Social Security**

Divorce and You

Divorce and Child Custody

Divorce and Parenting

Divorce and Child Care

Divorce, Finances and Social Security

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**Divorce—Child Custody—Parenting
Child Care---Financing & Social Security**

**Divorce
&
Child Custody**

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Divorce & Child Custody

How Courts Determine Child Custody

Prepare for Your Child Custody Hearing

What to Expect During a Child Custody Hearing

Bring the Right Documents to Your Hearing

Get Child Custody with These Helpful Tips

How to Win Full Custody of Your Child

Nine Rules to Make Joint Child Custody Work

How Courts Determine Child Custody

&

Predicting How the Judge Will Rule .

Question: In situations where only one parent gets child custody, how do the courts decide who that will be? **Answer:** The first thing to know is that there are 2 types of child custody –

Legal and Physical -- and both can be sole or joint.

Legal custody refers to the authority to make important decisions about your children's upbringing. This includes where the children will attend school, what activities they will be involved in, and what religion they will be exposed to.

Physical custody refers to where the children live. Parents granted physical custody are often referred to as "custodial parents."

In cases without allegations of child abuse or neglect, many judges choose to grant both parents legal custody and give only one parent primary physical custody. This allows the children to have one "home base" where they live while still spending time with both parents. In such cases, the non-custodial parent is granted regular visitation, which is sometimes referred to as "parenting time." This arrangement allows both parents to share in important decisions while recognizing the children's need for consistent living arrangements. In many cases, the children will spend extended visits with the non-custodial parent during the summer.

To determine custody, courts in nearly every state use a standard referred to as "the best interests of the child." This means that the judge will rule in favor of the child

custody arrangement that, in his or her opinion, best suits the children's needs, based on a variety of factors.

The individual factors each judge considers are determined by state statutes, which typically include:

- Each parent's ability to care for the children and provide a safe, stable environment
- Each parent's ability to provide basic necessities, including: food, shelter, clothing, education, and medical care

- Each child's age, gender, and overall health
- Each parent's mental and physical health
- Each parent's lifestyle choices (Are there allegations of abuse or domestic violence? Is one parent a heavy drinker or smoker?)
- The emotional bond between each parent and the children
- The children's current routine and living arrangements
- The potential impact of changing the children's routine/living arrangements
 - The potential impact of changing the children's routine/living arrangements
 - The quality of the children's current school system
 - The children's expressed preferences, which may be considered depending on their age

Anticipating the Judge's Ruling in Your Case

It's impossible to accurately predict how individual judges will rule in child custody hearings. In cases where the children are young, it's fair to say that judges are generally reluctant to alter the children's routine without just cause. For this reason, some judges may favor the parent who has been the primary caregiver thus far, but that should never be considered a hard-and-fast rule.

Other times, judges will weigh the factors outlined above and find the parents equally fit. In such cases, the judge may grant physical custody to the parent who is deemed more likely to provide a stable environment while fostering a loving relationship with the other parent.

Prepare for Your Child Custody Hearing

thespruce.com/important-child-custody-hearing-tips-2997846

Going to your first child custody hearing can be scary, especially for parents who are unfamiliar with the child custody process. However, with just a little planning in advance, you can present a convincing case and win child custody. In addition to working closely with your [child custody lawyer](#), use the following resources to prepare for your custody hearing.

Six Important Tips for Your Child Custody Hearing

1. Understand the Child Custody Laws in Your State

[Child custody laws](#) vary from state to state. Therefore, one of the first things you need to do is become familiar with the child custody laws in the state that are handling your custody hearing. Reading the fine print can be tedious, but it will help you to find out for yourself what you're up against before attending your child custody hearing. Reading up on the latest laws can also help you prepare a list of questions to ask your lawyer as your court date

2

2. Understand the Better Parent Standard

The [better parent standard](#) comes into play when a parent requests sole custody. Essentially, the judge has to be convinced that one parent is better than the other, which can be difficult to prove. To best prepare for your child custody hearing, be sure to find out what courts in your state are looking for and consult with your lawyer about how to show yourself to be the best caregiver for your children.

3. Bring the Right Documents to Court

Work with your lawyer to determine [what documents to bring](#) to your [child custody hearing](#) and whether your own personal records will be admissible. He or she may suggest that you bring a detailed phone log, annotated visitation schedule, proof of child support payments, and other notes.

4. Learn Proper Courtroom Etiquette

Parents who hope to win **child custody** must behave appropriately in court or risk losing the child custody hearing. Discuss **proper courtroom etiquette** with your lawyer to get a better understanding of what is expected, as well as any pitfalls you need to be on the lookout for. In addition, do some role playing with your lawyer in advance, if possible, and make sure that you understand the expectations outlined prior to your appearance in court.

5. Know What to Expect During Your Child Custody Hearing

Child custody hearings tend to be less adversarial or combative than other types of court cases. Parents seeking to win child custody should know what to expect in advance so that they can best be prepared and anticipate each step of the process. One detail that many people don't know is that child custody cases are not heard before a jury; that is reserved for criminal cases. Your case will be presented in front of the judge, and he or she will make decisions and issue a child custody order. You will have the right to appeal the order, but it will not be decided by a jury.

6. How to Dress for Your Child Custody Hearing

Finally, parents who hope to win child custody should prepare to make a positive first impression. **Proper courtroom attire** should never be overlooked. You only get one chance to make a good first impression on the judge. Before he hears your case or even knows your child's name, he will form an opinion of you based appearance. So talk to your lawyer about what to wear and make sure that you present yourself in the very best light at your child custody hearing.

What to Expect During Child Custody Proceedings

Tips to Help You Win.

[Thespruce.com/what-to-expect-during-a-child-custody-proceedings-2997838](http://thespruce.com/what-to-expect-during-a-child-custody-proceedings-2997838)

Court appearances can be quite frightening, especially when the custody of your child is being determined. Parents should walk into all [child custody proceedings](#) as prepared as possible. Here's some information about what to expect during family court proceedings and how to prepare for the best possible outcomes.

Tips for Preparation When you enter a court to argue for child custody, it's important to be as prepared as possible. Preparation means having your arguments lined up, but it also means bringing along the right people and dressing appropriately.

- **Prepare your arguments.** If you have a lawyer, they will help you with this; if not, you yourself can think through such important questions as "do I have a suitable living arrangement for my child?" and "can I provide the emotional support my child needs?"
- **Prepare answers to possible questions.** If you have a full-time job and a young child, for example, it's likely the judge will ask "where will your child go after school?" If you're living in a one-bedroom apartment, the judge will want to know where your child will sleep. Have answers to such questions ready to go.
- **Bring along people such as babysitters or teachers** who can accurately and effectively support your claims of being a top-notch parent.
- **Wear formal, conservative clothing,** hairstyle, and makeup that sends the message "I'm a responsible adult."

Expect a Small Setting Unlike a criminal matter, a family matter is less adversarial. The matter is generally presented in a much smaller setting than one might imagine. The typical courtroom used for child custody proceedings is much smaller and more intimate than courtrooms shown on television, and very few people will be in the room.

Expect a Limited Time Frame Judges, mediators, and custody adjudicators hear a number of cases on a daily basis. Therefore, there's a strong chance that a [child custody case](#) won't last very long because there might be a number of sessions being conducted. Parents participating in child custody proceedings should work with their attorneys to synthesize all information and be prepared to put their best foot forward in a short amount of time.

Plan for Multiple Testimonies During a child custody proceeding, the following parties will speak:

- Parents
- Child (if the child is of an age to make an informed decision)
- Witnesses (including workers, school officials, etc.)

The parties will testify about their experiences with the child and the parents. The parties may also form an opinion on which parent may be better suited to serve as the primary parent to the child.

Anticipate an Immediate Decision

After both parties have presented their side in defense of a particular custody arrangement, a judge will render his/her decision. When **reaching a determination for child custody**, a judge will make a decision based on the **child's best interests**.

A judge's decision will include:

- Which parent will be considered the **custodial parent**
- A **visitation schedule**, including holidays and weekends, when the **non-custodial parent** is entitled to visitation

A parent who would like more information about what to expect during a **child custody hearing** should speak to his/her attorney or visit a public child custody hearing to prepare themselves for the **child custody case**. The best thing for parents to do is to prepare in advance. By preparing, a parent will be in the best position to **win their child custody case**.

Bring the Right Documents to Your Child Custody Hearing

[Thespruce.com/Vital-child-custody-court-documents-2997837](https://thespruce.com/Vital-child-custody-court-documents-2997837)

Why phone call logs and visitation logs matter

It's difficult to determine which documents are important and relevant enough to bring to a child custody hearing, but knowing how to separate irrelevant paperwork from the paperwork that can swing the hearing in your favor makes all the difference. Although a consultation with an attorney should give you some solid ideas, this list might help as well. If you're confused about what to take with you, too much documentation is always better than too little.

It's better to have it and not need it than to need it and not have it.

Documentation in Written Form

You won't want to just show up in court with your documents. All custody proceedings begin with written submissions to the court outlining your position and clearly stating what you're asking the court to order. If you're beginning a custody suit and acting without an attorney, it's usually a good idea to include copies of any documentation you gather as supporting proof of your arguments when you make your written submission. You'll want the judge to see the paperwork before you get to court. He won't be considering your case for the very first time when you appear before him – he's already reviewed all written submissions so he's familiar with the matter. If your child's other parent initiates custody proceedings, you can assume that they included their own proof when they made their own written submission.

You must receive a copy of the paperwork they gave the court – that's the law. Read it over carefully. You have a right to respond to their submissions in writing. This will provide a good guide toward what additional documentation you'll need beyond this list, and what to gather to refute their comments.

Make copies and submit them with your written answer.

Take additional copies to court with you as well, just to be safe. Even court staff lose or misplace paperwork, so you'll have it with you in the case of emergency.

Now, what exactly should you include?

Phone Call Logs Both parents should **keep a diary of all phone calls** made between the child and the parent who does not currently have custody. The log should include when the calls occur, how long they last and their frequency. Do they take place every night or afternoon? Every week? Maybe twice a week? Include their nature. Are they just talking on the phone or are they Skyping? These records are evidence of continuous contact between you and your child if you don't have custody, or perhaps the lack of regular contact between your child and his other parent if your child is currently living with you. Be careful with this, however, because it's possible that the non-custodial parent might take the position that he didn't call more frequently because of some action you took, like not letting him speak to his child or getting into an argument with him before turning the phone over. Courts tend to take a very dim view of a parent who tries to curtail or impede her child's relationship with the other. Otherwise, a lack of regular phone contact can reveal to a judge that your ex only calls the child a few times a year, maybe on birthdays or holidays. This may indicate that he doesn't have a close relationship with her.

Your Visitation Schedule

Parents should also keep a log of **visitation** between the child and the child's other parent. A **visitation schedule** log should include when visits occur, where they occur, how long they last and their frequency. A non-custodial parent who's trying to get custody can utilize this information in court to prove a continuous and meaningful relationship with the child. A **custodial parent** might use a log of visitation schedules to prove the lack of a continuous relationship between the child and the child's other parent. For example, if that parent only sees the child for short periods of time once every few months, it may be indicative that the parent doesn't have a significant interest in maintaining close relationship with the child, but always subject to the caveat that if he's not seeing her, it's not due to something that you've done to prevent it.

Your Child's Records Consider including your child's report cards and other written documentation from others showing how well she does while in your care – or vice versa. If your child is repeatedly injured while in her other parent's care, including doctor reports and emergency treatment records. **Consider getting written statements from teachers, coaches, even your neighbors if they have first-hand knowledge of the relationship between you and your child, and the relationship between your child and your ex.**

Don't Overlook a Custody Evaluation A judge might order a custody evaluation in a truly contentious dispute to get to the bottom of things.

Get Child Custody with These Helpful Tips

[Thespruce.com/how-to-get-custody-of-child-2997868](https://thespruce.com/how-to-get-custody-of-child-2997868)

Noncustodial parents often ask, "How can I get custody?" It's never an easy question to answer, because there are so many factors that go into [winning child custody](#), and each case is different. However, it's not impossible to get custody of a child after the courts have already awarded physical custody to the other parent.

How to Get Custody of a Child Start with the following tips:

Know the law. Become familiar with the [child custody laws in your state](#).

1. Consider hiring a lawyer. Working with an experienced child custody attorney will help to ensure that all filing requirements are met and that your case is well-presented in court.
2. Be open to a home study. The court may request a formal [child custody evaluation](#), which involves sending an evaluator to your home to see your living arrangements first-hand and speak with you about providing for your child's needs. For many parents, this can be a scary prospect. Try to have an open mind and be yourself during the process.
3. Involvement with your child and provide anecdotal evidence of your skills as a parent. Depending on the situation, the judge may speak with each character witness directly or allow them to submit written affidavits.

Factors to Help a Parent Get Child Custody The court will consider a number of factors that impact each parent's ability to get custody of a child. **Some of the most common factors include:**

- **The Best Interests of the Child** - Courts will consider the [best interests of the child](#) when determining who should get child custody.
- **Courtroom Etiquette** - Parents who want to get custody of a child should dress appropriately to court and have a calm demeanor.
- **Communication Between Parents** - Parents who can discuss a child's upbringing with one another are favorably viewed by courts

- **Documentation** - Parents who want to get child custody should be prepared with all of the appropriate documentation, including information on [visitation](#) and [child support payments](#).
- **Parental Involvement** - Parents who want to get child custody should remain very involved in a child's life and document their level of involvement in court proceedings

Factors that May Prevent a Parent From Getting Child Custody

Likewise, there are a number of factors that may prevent a parent from getting custody of a child. Some of those factors include:

- **Courtroom Outbursts** - If parents express anger in court, directed towards the child's other parent or the judge, it could affect a parent's ability to get child custody. It's best to remain calm and be respectful to all parties during a courtroom hearing.
- **Improper Representation** - Parents should consider retaining the services of a qualified attorney in their state to help them get child custody. Some parents may be eligible for free or low-cost representation.
- **Poor Preparation** - Parents who want to get child custody should be prepared to respond to all questions and concerns during a courtroom hearing. An attorney of your choosing can help parents anticipate questions that might be asked during a child custody battle.

Consider Your Options

In general, it's best if parents can determine appropriate child custody on their own. However, for parents who are unable to communicate about custody, it might be necessary to start a custody case in order to [get child custody](#). Parents interested in getting custody of a child should speak to a qualified attorney in their state.

How to Win Full Custody of Your Child

[Thespruce.com/how-to-win-full-custody-of-your-child-2997293](https://thespruce.com/how-to-win-full-custody-of-your-child-2997293)

Parents seeking to win full custody of a child during a custody battle should be prepared for what may prove to be a challenging fight.

Full custody differs from joint custody in that a full custody arrangement grants legal and physical custody to one parent as opposed to both parents.

Before you decide to pursue full custody, however, you should understand your motives. Do you want full custody to punish your ex, or do you really think that your former mate is unfit to share custody of your child?

Family courts across the nation generally agree that joint custody is the best arrangement for the child. This arrangement enables the child to see both parents on a regular basis.

Unless your ex poses serious danger to your child and has a history that indicates a pattern of unsafe behavior, you should question your goal to win full custody. While your ex may have done you wrong, winning full custody to avoid interacting with your former mate again isn't a reason for full custody.

Getting Full Custody

Full custody is also referred to as sole custody. In a full custody arrangement, one parent is the custodial parent, while the other parent is generally granted generous visitation rights as determined by the court. A court will generally agree to grant the non-custodial parent visitation rights unless visitation does not serve the best interests of the child.

Factors Considered in Winning Full Custody Parents who want to win full custody should consider the following factors that may be determinative in a court of law:

- **Courtroom demeanor** –

A judge may determine a parent's fitness for full custody, in part, on the basis of the parent's demeanor in court. For example, if a parent wants to win full custody, he/she should avoid interruptions and attempt to maintain his/her composure and avoid angry outbursts.

- **Courtroom dress** – **During a custody Battle**

a court may consider the parent's style of dress as a factor in determining whether the parent will win full custody. Parents should wear dark suits and avoid casual clothing.

Best interests of the child

This is probably the most important factor that a court will consider. A family court usually determines that it's best for parents to share custody of a child. A parent looking to win full custody should be prepared to state clear reasons why joint custody would not serve the child's best interests. An example of a reason you might be granted sole custody is if your ex has issues with substance abuse or a history of leaving the child home alone.

Preparation

A judge will consider the level of preparation of a parent looking to win full custody. Preparation includes factors such as whether the parent has an attorney or whether he/she parent has concrete documentation to support his/her position for full custody.

- **Wrapping Up**

It may not be fair for a court to decide full custody based on the criteria above. But since there's little you can do to change these guidelines, you should follow them accordingly to get your best shot of winning sole custody of your child. For more

9 Rules to Make Joint Child Custody Work

Getty

Coordinating schedules. Divvying up holidays. Shuffling kids between houses. Sharing child custody isn't always easy, especially when you're trying to agree with someone you couldn't stand being married to. The good news: "Studies show that shared-custody situations work best when both parents are cooperative, respectful, agree on shared custody, and manage their emotions," says JoAnne Pedro-Carroll, Ph.D., clinical psychologist and author of *Putting Children First: Proven Parenting Strategies to Help Children Thrive Through Divorce*. "These qualities make it more likely that parents will help their children adjust to family changes." We asked our experts for their best rules for making shared child custody work for you, your ex, and your kids.

Rule #1: Speak no evil.

Expert after expert (most of whom were divorced themselves) repeated this: Don't speak poorly about your ex. "Badmouthing the ex will be internalized by the child because they are made up of both you and your ex," says David Pisarra, fathers' rights attorney at MensFamilyLaw.com and author of *A Man's Guide To Child Custody*. "What you say about the ex is what the child will react to, and also think about themselves." Even though you may be pissed at your ex, your child still loves him or her as a parent. Regardless of your feelings about your ex - justified or not - keep them to yourself.

Rule #2: It's not about you.

The divorce was about you, but custody is about the kids. "Divorce causes emotional tunnel vision and people get so focused on their own hurts and needs that they lose sight of the goal of creating a good childhood," Pisarra says. Custody is not about getting exactly what you want, or even demanding equity at any cost. "The hardest part for co-parents is remembering that time with the child is not a prize to be won, but a gift to be cherished," Pisarra says. Shared custody works best when both parents set aside their ego and realize that what is best for the child is not always what feels good for you as a parent."

Rule #3: Be realistic about your own schedule and commitments.

"Often during a separation or divorce, parents make unrealistic custody grabs based on fear or insecurity," says Laura Wasser, a celebrity divorce attorney in Los Angeles and author of the new book *It Doesn't Have to Be That Way*. Instead, look at custody as a business arrangement. Remove your emotions from the situation and look at the facts.

Rule #4: Choose a custody arrangement that accommodates your children's ages, activities, and needs.

When deciding on a custody arrangement, you'll want to take the following into consideration.

1. Your children's ages and personalities
2. Your family schedule
3. The career and social commitments of each parent
4. The academic and extracurricular activities to which your children are committed
5. Your child-care arrangements and the distance between the parents' homes.

Here are three of the most common joint custody arrangements:

-2-2-3 *plan* Monday and Tuesday with Mom, Wednesday and Thursday with Dad, Friday through Sunday with Mom. Then the schedule flips: Monday and Tuesday with Dad, etc.

-2-2-5 *plan* Monday and Tuesday with Mom, Wednesday and Thursday with Dad, and then alternating Friday through Sunday between the parents (one week with Mom, the next with Dad). This schedule often works better when kids are older and have their own schedule of practices, playdates, and obligations.

-*Alternate week plan* week 1 with Mom, week 2 with Dad, and so on.

Infants usually remain in primary care of the mothers, but toddlers and preschool-age children actually benefit from switching back and forth between households. "Generally, mental health practitioners who specialize in development recommend that for younger children, more frequent transitions actually are beneficial," Wasser says. A 2-2-3 plan allows the child to see both parents regularly. As they get older, kids can graduate to a 2-2-5 arrangement. Then, if it's easier, parents can switch to an alternate week plan."

Rule #5: A bad spouse doesn't equal a bad parent.

Your ex may have dropped the ball and driven you crazy, but Wasser reminds her clients that "even though he or she may not have been a good spouse, it is still possible for him or her to be a good parent." In most cases, Wasser says, "it is unquestionably best for children to have frequent and continuous contact with both parents." Your marriage may not have worked, but your parenting can still succeed. "For good or bad, the child wants and needs to feel the love of both of parents," Pisarra says. How to do that? Put the needs and well-being of your children first. "Remember that when the children are with your ex, they are with the one person in the world who loves and cares about them as much as you," Wasser says.

Rule #6: Find an agreeable way to communicate

For joint child custody to work, communication is key. For the sake of your children (and your sanity), you need to find a method of communication that works for you and your ex. "These days we have so many tools with which to organize custody," Wasser says. "There are Google calendars, icalendars, cell phones, texting, and emailing - all which provide parents with the ability to communicate with each other quickly." Pizarra directs his clients to the website OurFamilyWizard.com, which offers joint calendars, expense logs, common document storage for things like a child's immunization record or school calendar, and a message board that keeps an accurate and non-modifiable record of your communications that can be admitted in court, if disagreements arise.

Rule #7: Pick your battles.

Let's be frank. Parenting is hard enough on its own, and co-parenting adds another layer of complexity. Prevent as many as conflicts as possible with your ex by open communication, but when disagreements do arise, consider if the conflict is truly worth fighting over. "Try to be as rational about your positions as possible and remember that if a judge has to decide it, no one will like the decision most likely" Pizarra advises. "Fight only for the things that are worth fighting for. School choices, vacations, and parenting time are worth the fight. Things like food choices, unless there's a known medical issue like diabetes or food allergies, are not worth the fight." Save your energy and good will with your ex and the courts for those things that do matter.

Rule #8: Let your child feel heard.

A child experiences lots of change during a [divorce](#). Allowing the child to express feelings and confusions about the divorce and custody arrangement can help him feel a sense of control in the midst of all that change. "Children need to have input in the process, and depending on how old they are," Pizarra says. "That can be a simple matter with preteens, or hard to discern with toddlers." Involving your 5-year-old might mean letting him choose which Lego sets he wants to bring to his dad's house. Involving preteens and teenagers in creating a custody schedule can help ensure the schedule meshes with the teen's extracurricular activities. Plus, a child who feels that his input was received is more likely to be agreeable to the schedule. But, says Wasser, "While it is important to listen to your children and hear their feelings, impressions and preferences, the child's opinion is only one factor that goes into making child-custody decisions." Let your children feel heard, but also make the best decision for their well being.

Rule #9: From time to time, review the arrangement and adjust as needed.

Just as your kids will grow and change over time, so should your custody arrangement. "Many parents find it helpful to review a custody agreement from time to time to assess how it is working for their children and to make adjustments, particularly as children grow and circumstances change," says Dr. Pedro-Carroll. You and your ex may change too. Says Wasser: "If you are hoping to eventually get to an equal time share arrangement but have not historically spent as much time parenting, gradual increases