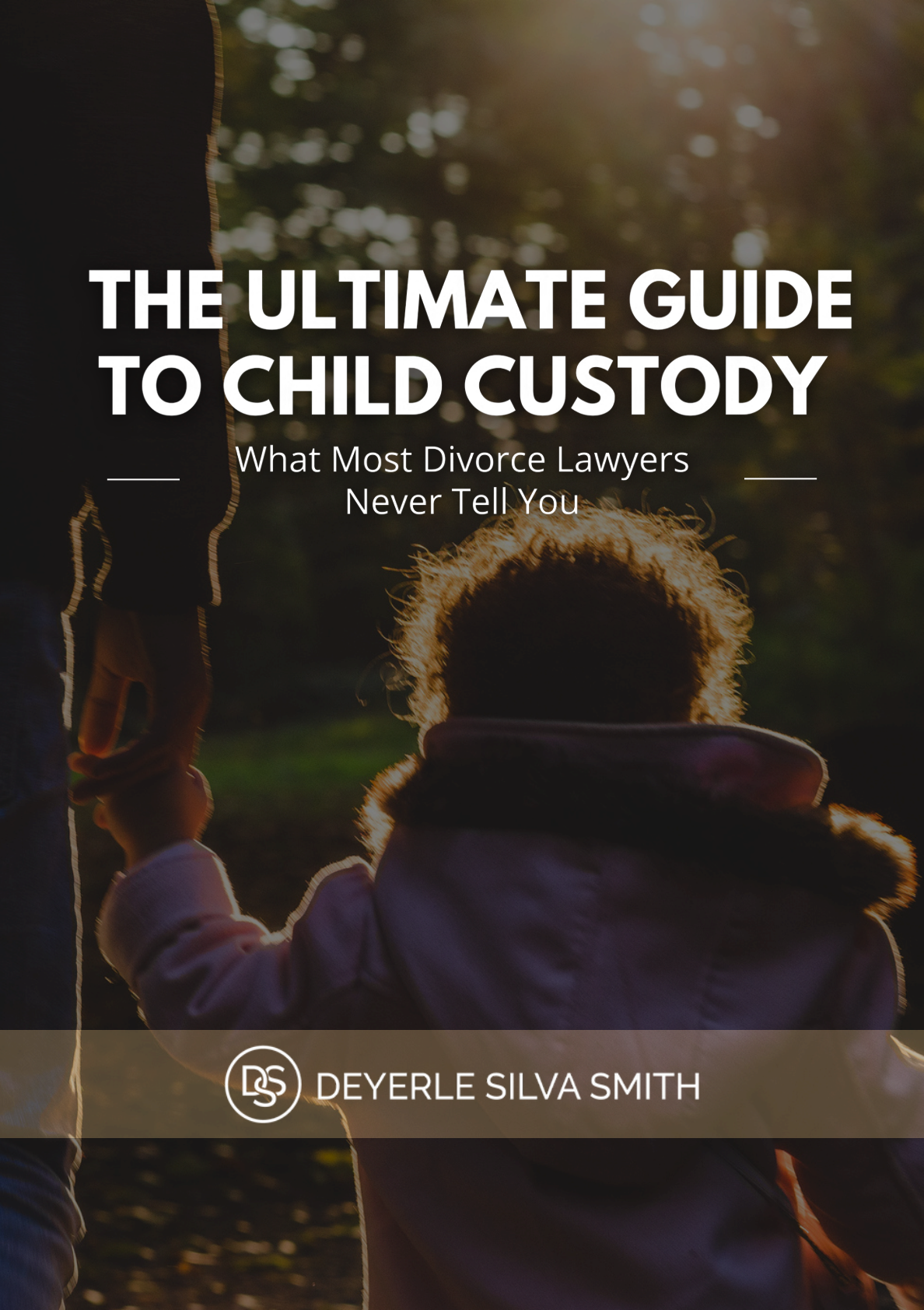


THE ULTIMATE GUIDE TO CHILD CUSTODY

What Most Divorce Lawyers Never Tell You

DEYERLE SILVA SMITH

Contents

PART I – THE DOWN AND DIRTY OF WHO GETS CUSTODY

GUIDING PRINCIPAL #1: WHAT ARE YOU ARGUING FOR? THE ELEMENTS OF CHILD CUSTODY

Physical Custody vs Legal Custody

In any custody case, you must be clear on what you are focusing on when it comes to the form of custody you are requesting. Physical custody has to do with your visitation and time-sharing with your child. Often, the court will speak in terms of a primary custodial parent, which means a parent who has a child the majority of the time. Physical custody can take a wide range of variations, from having one parent merely seeing the children every other weekend, to parents sharing physical custody of the child equally.

In terms of legal custody, this is the decision making authority relating to the child. Parties most often share joint custody, which means that they must both agree on major life issues for the child, such as medical care, education, religion, and other major issues. If the parties cannot agree, the court will make a decision relating to joint custody issues.

When a parent has sole legal custody, that means that that parent gets to make all decisions relating to major life issues for the child. This means choosing a school, choosing a primary care physician, and making other major decisions on behalf of the child. Legal custody has nothing to do with physical custody. One parent may have sole legal custody while still sharing joint and equal physical custody of the child.

GUIDING PRINCIPAL #2: HOW IS CUSTODY DETERMINED? WHAT YOU NEED TO KNOW TO ARGUE YOUR CASE SUCCESSFULLY

Best interests of the child – What does it mean? What will the judge look at?

The legal standard, best interests of the child, is plain on its face. The court will disregard arguments that do not address this standard directly, and will simply focus on what is most beneficial to your child. This is also true when you are taking part in negotiations, and in evaluations that have to do with your child. The focus of attorneys and all other professionals will be on the same legal standard. So, you must always frame your arguments relative to the best interests of your child.

What is a primary caregiver? And why is it important?

One thing that judges and divorce attorneys focus on in custody cases is who was the primary caregiver leading up to the filing of the case. Sometimes this is an obvious answer, and sometimes it isn't. But it is important to know that the system is going to start by favoring the primary caregiver as continuing to be the person to have primary custody of the child.

The "Best Interests of the Child" Standard

The first thing that is crucial for you to understand, is that the court will apply a legal standard in determining child custody in your case, and that standard is: what is in the best interests of the child? The sooner you understand that, and the sooner you apply that question to the entire case, the more quickly you will get to a successful resolution of your case.

Your role before the case was filed

Judges and attorneys also focus on the roles each parent played in the child's life before the case was filed and what the parents have been doing while the case has been pending. In order to get the result you want, it is important for you to continue to be involved and cooperate with the other parent in your case to demonstrate that you are a fit and capable parent. It is also important for you to assist your attorney in establishing your involvement in the child's life prior to the legal proceeding. These things can include your involvement in activities, how much time you spent with the child, how involved you were in school activities, and other things. Evidence can include things like emails, school records, personal journals and your own testimony.

> *A lawyer who encourages you to argue for primary custody or 50-50 custody under these circumstances is doing you a great disservice.*

In the end, you will need to decide what your priorities are before taking a position on custody in your case.

How will you fit into your child's life?

When you are deciding what position you are taking in terms of custody, it is important to have a realistic understanding of how you will fit into your child's life. If you work 80 hours a week, and plan to continue to do that, it is unlikely that you're going to be the primary custodian of the child, or share 50-50 custody with the child.

How well do you communicate with the other parent?

Parents who communicate well are more likely to share more equal custody of their children. What does this mean in your case? It means you should make every effort to communicate effectively with your spouse, both before you file your custody case, and while the case is pending. It is far too easy for a court to limit your time with your child based on the idea that you do not communicate effectively with your spouse, and that you therefore cannot co-parent your child effective.

Does your child have special needs?

The court will also look at whether your child has any special physical or mental needs in determining what is in your child's best interests. If your child is challenged in one of these areas, is it is important to have a plan as to how you will cope with that during your periods of responsibility, especially if you are asking to become the primary custodian of the child.

Where do you live?

One problem that is created during divorce, is where to live after you separate. Many people make the mistake of trying to minimize their housing expenses by moving to a part of town that is more affordable. This is often not in close proximity to where they were living when they were still married. If it is not obvious to you already, it should be obvious by now that the farther you live from the other parent, the more difficult it is going to be for you to share time with your child, and to effectively co-parent the child. Be very mindful of where you decide to live when you separate.

Who helps with extracurriculars and homework?

The court will also look at who has been involved with the child in the child's extracurricular activities, like sports and music, and especially homework.

GUIDING PRINCIPLE #3:
WILL YOUR LAWYER HELP OR HURT YOUR CASE?

While a divorce attorney cannot change the facts of your case, he or she can have an enormous impact with regard to how your case is presented, and how you negotiate with regard to custody as your case proceeds. The following factors are incredibly important for you to analyze when trying to pick the right attorney and ensuring that your attorney helps your case rather than hurt it.

Hiring a bulldog

Some people believe that hiring a bulldog attorney is the best strategy for ensuring they will get what they want in terms of custody, and in fact, you will find dozens of attorneys advertising for just this quality, insisting that they will "fight to win your custody case." Hiring a "bulldog" just for the sake of that quality, in my experience, is always a huge mistake. You need an attorney who can be effective, who can stand up and state your case adamantly, and who can be aggressive when necessary. However, attorneys who are known as being bulldogs, have historically increased animosity, driven up legal fees, and delayed cases without adding value to the ultimate custody determination. Find a good lawyer, but stay away from anyone who is advertising as an aggressive lawyer who is going to win your custody case.

Training and experience

It can often be difficult to evaluate an attorney's training and experience. A few things that are obvious, are that you should be looking for an attorney who practices exclusively in the area of divorce and family law, not an attorney who splits his or her time between multiple practice areas. As a rule of thumb, you should be looking at someone with at least five years of experience. You should also confirm that the attorney you are considering hiring practices in the court and in front of the judges that your case is most likely to come in front of. It is incredibly important that your attorney know how each particular judge may rule as it relates to custody, because that will give you a distinct advantage in understanding whether you should negotiate regarding a position or ultimately have the court decide.

Communication style

One thing that I always advise people to do, is to close their eyes and imagine a scenario in which they had to go to court and were unable to say a word; that only their attorney could communicate their position and the facts of their case to the judge. Would they be 100% comfortable with their attorney in that situation? If the answer is not a resounding yes, you need to keep looking for the right attorney.

The ability to think strategically

Any attorney you are considering hiring, should be able to give you a number of strategic alternatives in your custody case. This might include starting the case with mediation, filing early motions to set custody or limit access to the child, and ideas about what discovery might be needed in the case. An attorney who cannot map an executable strategy for your case from the very beginning is not the right attorney for you.

Can they be tough?

While I have said earlier that you should not hire an attorney who is a bulldog, it is important that you feel that your attorney can stand up for you and say no when that is necessary. Sometimes, difficult discussions need to be made, and hard choices need to be put forth in these cases. Also, your spouse may decide to hire an aggressive attorney, and you will need someone to be able to stand up to that person. So always examine whether you believe your attorney can be tough if necessary.

PART II – THE NUTS AND BOLTS OF THE LEGAL PROCESS

GUIDING PRINCIPLE #4:
YOU MUST UNDERSTAND THE LEGAL PROCESS THAT WILL APPLY TO YOUR CASE TO DETERMINE IF YOU CAN MODIFY IT OR GET OUT OF IT COMPLETELY

Understanding how your case will proceed and how the judge will look at your particular issues

Before you can ever create an effective strategy for your custody case, you must understand how it will proceed through the system and how the judge might rule on your facts.

Custody cases typically start as part of divorce or paternity proceedings. A Complaint is filed by the Plaintiff (or Petitioner) and an Answer is then by the Defendant (or Respondent). The parties then go through discovery (addressed below), engage in some form of mediation, sometimes participate in a custody evaluation, and then either settle their issues or go to trial.

How and where does mediation fit into your case?

I am a huge fan of mediation, and it can be one of the most powerful tools available to resolve your custody case. In fact, mediation, in one form or another, will undoubtedly be part of your case. How, when, and what impact mediation has will be entirely up to you and your spouse.

Court ordered mediation

At some point in your case, the court is likely to order you into mediation if you have not done it on your own. While court appointed mediation can be effective, in my experience, it can be the least effective, depending on who is appointed as a mediator. When a court has a mediation section, often those mediators are not the most skilled and not the most experienced mediators possible. It is always best to hand pick your own mediator.

Hand picking your mediator and keeping your attorneys out of mediation

One option that is underutilized by attorneys and their clients is the simple process of agreeing on a third-party mediator to handle the custody issues only, and do it outside of the presence of the attorneys. The most effective way of doing this is to hire a strong mediator who is also a counselor or child psychologist. The reason this can be such an advantage is that a child psychologist can assist the parties in understanding what their child needs based upon their developmental stage, and can help guide the parties into an effective custody arrangement.

Mediating Your Entire Case

The holy grail of dispute resolution and escaping the normal custody process

One way to get out of the normal custody process is to mediate your entire case from the very beginning using only one attorney. In this instance, you would hire a qualified mediator, preferably an experienced divorce and family law attorney, who would serve not as legal counsel, but as an impartial mediator to help you work through all legal issues including custody of your children. Under this scenario, you never go to court, you control the pace of resolution of your case, and when you have reached an agreement, your mediator can prepare your final documents, assuming he or she is an attorney.

You must have a reasonable level of communication and cooperation to make this a viable option for you, and it's certainly not for everyone. If, however, you think it may be an option for you and your spouse, it is definitely worth exploring.

You would begin the process by contacting a mediator and having a joint initial consultation to see if you are a match with the mediator, and whether the mediator thinks your case can actually be mediated.

Hand picking your mediator and keeping your attorneys out of mediation (cont.)

One thing you can always do, and again many lawyers do not like this, is to leave your lawyers at home. Often lawyers simply get in the way of parties reaching custody agreements because they insert themselves into the process in a way that is not helpful. If you are concerned about not having your lawyer present, you can set ground rules that allow you to take a break and telephone your attorney anytime you feel you need some guidance.

Going through a custody evaluation

When custody cases cannot be resolved through mediation, it is sometimes necessary for the parties to go through a custody evaluation. This is most often handled by a licensed child psychologist, who interviews the parties, observes the parent child interactions, conducts psychological testing of the parties, and otherwise investigates the case as it relates to the best interests of the child. Ultimately, the psychologist will make recommendations to the court, and those recommendations will carry great weight when it comes to how the judge will ultimately rule. You should have a long talk with your attorney about the evaluator you should choose, how the evaluation will proceed, and how much it will cost. Custody evaluations can be lengthy (think a minimum of six months) and very costly. They are, however, often necessary when the case is contentious and the parties are unable to reach an agreement.

GUIDING PRINCIPLE #5:
UNDERSTANDING WHAT IT'S REALLY LIKE TO LITIGATE

> *Litigating custody issues really sucks. The reason is that in custody litigation, you are applying the tactics of litigation, which most often result in either building yourself up, or tearing your spouse down as part of the process. It is therefore important to go into litigation with your eyes wide open*

The dreaded D word: Discovery

Discovery is the formal process that attorneys use to gather information in divorce and custody cases. The formal process is to use interrogatories and requests for production of documents, along with depositions of the parties and other witnesses. You must be careful in the discovery process to be clear about the information that you need to obtain. Otherwise, your attorney may end up spending a lot of time and money requesting information that you don't really need. In other words, make sure that your attorney is not taking a shotgun approach to discovery in your custody case.

Interrogatories

Interrogatories are formal questions that can be served on the opposing party, and which require them to answer honestly and under oath. Other than basic information that you cannot obtain on your own, interrogatories are a poor way of gathering information, as people often find ways to skirt the questions that are being asked.

Requests for production of documents

Your attorney also has the right to request documents from the other side in your case. Again, this should only be done for information you cannot obtain on your own. Such requests might include things like salary statements, retirement statements, a list of other assets, bank statements, and lists of personal property.

Depositions

Personally, it is rare for me to take depositions in divorce and custody cases. This is because I can usually access the information I need through the use of interrogatories and requests for production of documents, or by simply speaking with my client. In some cases, however, when I know that I'm going to be cross-examining the opposing party in court, I sometimes do like to take that person's deposition, so I know exactly how that person is going to answer my questions during trial. Always have a conversation with your lawyer about the need for depositions, as they can be very costly and time consuming.

Social media and other evidence

Social media is a rich source of evidence in custody cases. My one rule of thumb is that I ask clients to ask themselves whether they would be okay with the judge in their case reading or seeing whatever it is they're about to post on social media. You should never discuss the facts of your case or your children or any other aspects of your case on social media. It will definitely come back to haunt you.

Using a private investigator

In some rare cases, it may be necessary to use a private investigator. I'm not a fan of doing this, because it drastically ramps up the animosity in the case when the other party finds out that a private investigator has been used in the case. It can, however, be extremely effective if your spouse is being deceitful about certain aspects of the case. This means you should also be cognizant of the fact that in a highly contentious custody case, your spouse may have also hired a private investigator, so you should be very aware of where you go and what you do while your divorce case is pending.

GUIDING PRINCIPLE #6:
DO NOT LET YOUR BOYFRIEND OR GIRLFRIEND SINK YOUR CUSTODY CASE

Dating during your custody case

Believe it or not, it is very common for one or both parents to already have a new boyfriend or girlfriend while their custody case is still pending. Generally speaking, this is not a problem, and if you try to make it a problem in court you will likely end up doing more harm than good to your case.

However, if you are dating someone of questionable character, especially if that person has a criminal record, you could be putting your custody case in jeopardy.

If there is any question about a boyfriend or girlfriend impacting your custody case, you should make sure there is proper distance between your child and your boyfriend or girlfriend.

I also think it is a terrible idea to have a boyfriend or girlfriend spending time with your children or introducing them to your children while your case is still pending.

Time spent with a boyfriend or girlfriend should be done when you do not have your children. It is simply too early to be introducing that person to your child while your case is pending.

GUIDING PRINCIPAL #7:
CRUCIAL PROVISIONS YOU SHOULD CONSIDER INCLUDING IN YOUR FINAL CUSTODY DOCUMENTS

There is a lot of information that goes into final custody documents. However, over the years, I have seen a number of provisions that are crucial to include or at least consider including in any custody agreement. Not all of these are right for your situation, but you should take a look at this list when settling your case:

Very specific visitation schedules, especially for the holidays

It is always best when the parties can be flexible and work together when it comes to visitation schedules, especially during the holidays. However, you should still be very specific when drafting your parenting plan with regard to visitation schedules. This is because if you do get into a situation where you are not cooperating or cannot agree, the terms of your visitation schedule as described in your custody documents will dictate what you end up doing as it relates to visitation.

Rights of first refusal

A right of first refusal means that when the other party has time with the child, if that party is going to be unavailable (like being out of town), then the noncustodial parent has the right to have that time with the child if he or she chooses. This is often done instead of having someone's parents or boyfriend or girlfriend watch the child while the parent is out of town. While this may sound like a good idea, most courts think of periods of responsibility as being that parent's time with the child whether they are available or not, and that means it is perfectly acceptable to have grandparents, or someone else care for the child during that time. Rights of first refusal can also feel very burdensome and controlling. But they can also be helpful, especially when one of the parents travels a lot.

Attorney's fees clauses for non-performance

It is always a good idea to include an attorney's fees clause in your final documents that indicate that if one of the parties does not abide by the agreement and it is necessary for you to return to court, that you will be awarded your costs and attorney's fees in doing so. This can often prevent other parties from violating the agreement.

Appointment of a wise person of third-party arbitrator

If possible, you may want to consider a wise person or a third-party who can make limited decisions about your case without you having to return to court. This could be for minor things like trips, holiday visitation, and some other issues that arise that require a quick decision. This person is almost always an experienced divorce and family law attorney and has extremely limited authority.

Mandatory mediation before returning to court

It is also a good idea to put a mandatory mediation clause in your final documents, which requires you to mediate issue before returning to court. In most situations following a divorce, a party may simply file a motion for a hearing in the case when a dispute arises. A mediation clause requires the parties to attempt to work out the differences before spending a lot of time and money on legal fees.

PART III – THE DAY YOU WALK INTO THE COURTROOM

The following is an excerpt from my book: Confessions of a Divorce Assassin: What You Really Need to Know About Your Case, Your Kids, and Your Lawyer (available at www.Amazon.com)

The Television Trap

Television and movies have made us all feel well-acquainted with the courtroom setting. And, truly, it does look the same as it does on TV. But when it's your day in court, it won't feel the same. It can be scary; you'll be nervous. In an effort to dispel some of the uncertainty, let's run through what to expect and how you should comport yourself on the day you go to court.

Before you even leave the house, your choices matter. Though it may sound cliché, dressing nicely can make all the difference when you appear before a judge. Think about it: this person has very little information or time in order to make an accurate assessment of your character. Your choice of dress is a key part of this process; you want to show the court respect.

For men, wear a suit if you have one. If not, don't go out and acquire something cheap and ill-fitting – if you're a guy who doesn't normally wear a suit and looks uncomfortable, it can come off as contrived. Instead, choose a nice shirt and slacks. That look is perfectly acceptable and I often recommend it over something more formal to a lot of my clients.

For women, conservative is normally the way to go: a well-tailored dress or suit, or a nice blouse and dress pants.

The Television Trap (cont.)

For all clients, male or female, if you are unsure how a judge might view something, cover it up or don't wear it. This includes tattoos, jewelry, piercings, tight-fitting clothing, unusual hairstyles, and every other personal style piece you can imagine. This is not your moment for personal expression – it's about fitting into societal "norms." Any lawyer who's not telling you the same thing isn't doing his or her job.

Now you're on your way. Keep in mind that it takes time to get to court, especially considering the courthouse may be an unfamiliar destination for you. Give yourself plenty of leeway here – you do not want the added stress of rushing and you do NOT want to be late. Between finding parking, the line into court, and especially going through security, locating your appointed courtroom may take you twice as long as you think. Plan on it. Calm down. Get there on time.

As you enter the courtroom, your team and your spouse's team may be the only people in attendance, but probably not. Often judges will take multiple hearings, one after the next. If this is the case, you will be required to wait in the seating area until your case is called. Typically, there will be gates separating this area from where the court proper starts, which includes one of two counsel tables where you will sit with your lawyer, facing the judge. The table will have a microphone on it. Note: the mic picks up every whisper, sneeze, and cough. If you want to say something to your lawyer privately, be sure to cover it or hit the mute button.

Who else will be there? The judge, obviously. If he or she isn't already on the bench when you settle in, be sure to stand when the judge enters the room (and also when he or she exits). Besides the parties relevant to your case, there will be other various court personnel in attendance: a court reporter who will take down everything that is said, a clerk who handles administration for the judge, and a bailiff who handles security and may hand evidence back and forth to the bench.

At the risk of stating the obvious, as your trial or hearing commences, stay in control of yourself. No matter what happens – your ex lies, his lawyer is not a nice guy, you don't like the judge – maintain a respectful comportment. I say this because time and again I've seen people completely derail their cases by rolling their eyes, loudly sighing, chewing gum, or being otherwise obnoxious. In my own cases, I have had the most normal of clients do something that simply takes my breath away. I once had a male client laugh when opposing counsel talked about required medical treatment for the client's daughter. I once had a female client yell to opposing counsel that she hoped the lawyer could never conceive children (and the court reporter got that on the record). Even the best clients lose their cool.

In a way, this is understandable: the combination of anxiety and fear of authority is a muddy mix that can bring out the surly teen in all of us. You must be aware of this in advance and resolve to keep it in check.

Once the judge begins to hear your case, it's time for your lawyer to take center stage and hopefully shine. Now, before you ever get to this point you hopefully have already evaluated how your attorney performs in court. If your case is going to trial it is very likely that you have already been to court on one or more pre-trial issues. In every instance in which your lawyer appears in court, carefully analyze her performance. Watch closely: Is she making your voice heard? Is she organized? Prepared? Is she an effective communicator? Does she handle objections well? Does the judge know her? Does she seem credible? Does the judge listen to her arguments with respect and due consideration?

Representation in the normal course of your case is one thing (and many lawyers are good at this), but representation in court and especially in trial is a completely different thing. If you feel that your lawyer is not effective in court, consider a change in legal counsel as soon as possible. This is different than simply not getting the result you want. Rather, it's discovering that your lawyer – who may be perfectly charming and professional in an office setting – simply can't get the job done in court. This is not uncommon among divorce attorneys, who rarely have to perform in a courtroom setting (only 5-10% of divorce cases actually go to trial).

How to Testify

As part of your preparation for going to trial, you and your lawyer should have discussed the possibility of you having to testify. In a full-on trial, you will surely be called on to testify before the judge, and in some jurisdictions, a jury. At hearings on motions, many times the judge will just hear from the lawyers, but sometimes the court will want to hear testimony from the parties as well. If testifying is at all possible, you must be fully prepared for what questions your attorney will ask you, what the judge might ask you, and what opposing counsel is likely to ask.

Testifying in court can be intimidating, to say the least. At the very least, I always role play the questions I intend to ask my client. The words you use, how you act when you respond to questions, and how you carry yourself can have a HUGE impact on how the judge receives your testimony.

In addition, I also grill my client with the most likely questions opposing counsel will ask. This is not complicated. Any decent attorney knows almost exactly what opposing counsel is going to ask, and where your case is vulnerable. If your attorney cannot quickly point out the problems with your case, you have hired the wrong attorney.

As you prepare, keep in mind the three most important points when testifying in court:

On cross-examination, answer only the question that is asked. Many clients offer more information than the question requires, and almost always this information hurts their cases.

If your attorney objects to a question, stop talking and wait for the judge to rule. I have seen many parties answer a question in the middle of the judge ruling that the question should not be answered.

Make at least some eye contact with the judge, or the jury if you happen to have one.

There is a trend in family courts toward informality and the possibility that the judge can get just a bit off track. You may be in front of the judge to address temporary spousal support when the opposing counsel ambushes you with last weekend's party pictures on Facebook. The judge may pounce on this opportunity to take a more comprehensive look at you and your family. And while you and your lawyer were well- prepared to answer financial questions, now you're on the spot about things that are completely unrelated to your hearing. My point here: when you go to court, you are opening your life up for scrutiny. There is no law preventing the judge from asking you all kinds of uncomfortable questions that you must answer truthfully.

How to Testify (cont.)

You may feel exposed and upset as the judge attempts to uncover the inner workings of your family life. But take a moment to put yourself in the position of the judge: here is a person whom you're asking to make HUGE decisions about your family. You may be asking the judge to decide who should have primary custody of your child. You may be asking the judge to decide how much alimony should be paid in your case. These are life-altering decisions.

The judge does not know you. She has no idea what kind of person you are, what kind of intentions you have, whether you are a good parent, or what might necessarily be fair in your case. She gets only the limited information you and your attorney provide to her. She may have literally thousands of cases on her docket.

She may have read your pleadings, or she may not have read them at all. She may be in a good mood or a bad mood on the day of your trial.

Ask yourself: how would I view my case if I knew nothing about me? Often, when I sit down with clients and ask them how they would rule on a case, knowing virtually nothing about either party, they get a sobering view of how their case might be resolved.

PART IV – REAL QUESTIONS FROM REAL PEOPLE

The following is a list of the most frequently asked questions we have received through our website and social media over the years.

How do I get sole custody of my child?

Sole custody of children most often refers to legal custody of the child, and not physical custody. In order to gain sole legal custody of your child, which means you make all of the decisions relating to the child's major life issues, you will need to show that it is the best interests of your child to do so, and that your spouse is incapable of making those decisions, or that your level of communication is such that joint decision-making is not tenable. It is rare for one parent to have sole physical custody of the child, which would mean that the other parent did not have visitation time with the child.

Do the courts often grant 50-50 custody in a custody case?

The courts will evaluate each case on its unique merits. 50-50 custody is most often granted when the parties can communicate, and effectively co-parent their children. When those factors are not present, it is less likely that a court will grant 50-50 custody.

How do I get emergency custody of my child?

If circumstances arise that would result in your child being in an unsafe situation with the other parent, you can petition the court for an emergency custody order by filing a motion. There is a wide range of results that can result from such a motion, which range from the court denying the motion, to putting a temporary order in place restricting the other party's access to the child.

Can a party file for a restraining order against the other parent at the beginning of a custody case?

A party can file for a restraining order at any time, whether a case is pending or not. If there is sufficient evidence that domestic violence has happened, a court can issue a restraining order. In many cases, the court will also make temporary rulings about custody in a case. If you are facing a restraining order in a custody case, you should absolutely hire legal counsel to at least represent you in the restraining order proceeding.

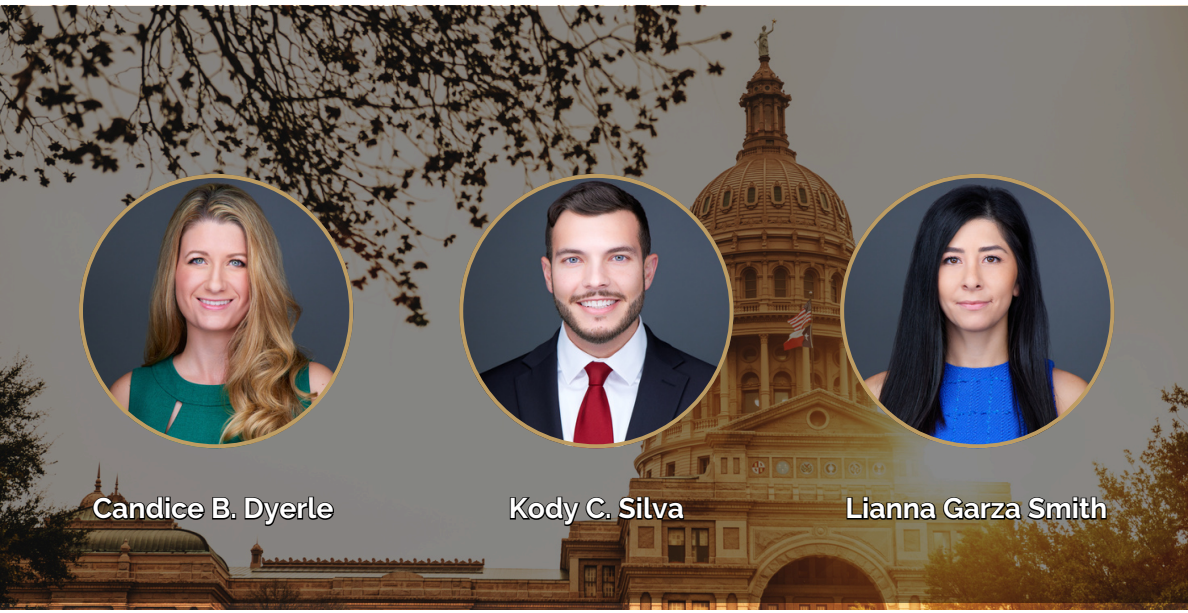
Can you lose custody of your child for cheating on your spouse?

Generally speaking, extramarital affairs will not influence custody in the case. It is only in situations when a party is exposing their child to a boyfriend or girlfriend of questionable character that may create a problem in terms of custody.

Can a grandparent be assigned joint custody of a child?

The simple answer to this question is no. The Supreme Court of the United States has determined that grandparents do not have rights that supersede the rights of parents. While you can stipulate to some sort of legal arrangement giving grandparents some rights, like guardianship or powers under a power of attorney, Courts cannot grant custody rights to grandparents.

PART V – CLOSING REMARKS



Every custody case is unique and requires thoughtful consideration of how you should proceed in reaching a custody agreement with your spouse. Please remember that all divorces are hard on children, but that you can minimize these negative effects by cooperating, being civil, and finding solutions that are best for your children and for your family.

Good luck and please let me know if our firm can do anything to assist you.

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