

Child Custody, Parenting Plans and Modifications

For divorcing couples and unwed parents, making decisions regarding parenting time with their children can be some of the most difficult and contentious issues to navigate. The resolution of child custody disputes is often achieved with the help of attorneys or mediators, or by a court order. Child custody is considered as two separate components: "Physical" custody (also known as "residential" custody or "access") and "legal" custody. Physical custody defines where the minor children reside and when they spend time with each parent, while legal custody concerns major decisions regarding the children's education, religion, medical treatment and general health and welfare. Many courts now require parties to file formal Parenting Plans that address both the access schedule and decision-making. A parenting plan is a child custody plan that is negotiated or submitted to the court by each of the parents and may be included or referenced in an agreement or Court order.

There are often multi-jurisdictional issues affecting child custody when parents live in different states or countries. Our attorneys have significant experience in helping to navigate these issues and determining in which jurisdiction your child custody case should occur.

Many factors affect a client's custody plan, including psychological and behavioral considerations of the children and the parents. Clients appreciate that our attorneys have developed a wide range of contacts among the various professions that can help them develop a parenting outcome that is in the best interest of children.

Each child custody case is different and has a unique set of facts and circumstances, and there is considerable variation in the process and procedures within each jurisdiction. Where the parties are not able to agree to a custody arrangement for their children, custody can be a drawn-out and complex process. When the future of your child is at stake, you need to have an attorney with the knowledge and experience to direct the process and assist in finding the best result for you and your children.

Concerning already established custody arrangements (by agreement), the court may modify agreements made between parents concerning custody and visitation if doing so is in a child's best interests. However, after a court enters an order of custody or visitation (including an order approving and incorporating the parents' agreement into its order), the custody order may be modified only upon a showing of a material change in circumstances affecting the child's welfare since the date of the last custody order.
