

Frequently Asked Questions

about **Child Custody**

When parents separate or divorce, one of the most important—and often most emotional—issues is determining custody of their children. The law prioritizes the best interests of the child, but the legal process can still feel overwhelming. This FAQ is designed to help parents, guardians, and caregivers understand how Child Custody works.

What types of Child Custody exist?

Custody is primarily categorized into two types: legal and physical. Both can be further divided into sole (one parent) or joint (shared by both parents) arrangements.

What is the difference between legal custody and physical custody?

Legal custody: Which parent has the ability to make major decisions about the child's welfare (such as education decisions, healthcare, etc.).
Physical custody: Which parent will physically have the child in a scheduled manner.

How does the court decide who gets custody?

The court considers the best interests of the child - including factors such as each parent's ability to care for the child, stability of each home, relationship between the child and each parent, history of domestic violence or substance abuse, and more.

Can grandparents or other relatives get visitation?

Yes, in certain unique cases, a grandparent, relative, or other third party with a close relationship to the child can ask for visitation.

Is mediation required in child custody cases?

Yes. Most custody cases require court-ordered mediation before going to trial. Mediation helps parents reach an agreement without a Judge's determinations, as generally, parents are in a better position to know what is best for the child.

Can custody orders be changed?

Yes. Either parent can request a modification if there is a significant change in circumstances, such as relocation or changes in the child's needs.

What if the other parent violates the child custody order?

There are a few options for enforcement, such as pursuing contempt or modification. The judge may enforce the order through fines, changes to custody, or other penalties.

