



custody...

understanding child placement

When parents split up after a divorce, traditionally the minor children continued to live with the mother and the father became the weekend dad. However, theories of discipline and custody have evolved changing the family dynamics. Courts are now focusing on the children's best interest and placing the children with the parent that will best meet the physical, emotional and educational needs the children and foster a close relationship with the other parent. This is not always in the home with the mother.

To better understand child placement following a divorce, the following terms need to be defined:

Shared Parental Responsibility - Both parents retain full parental rights and responsibilities in which both parents confer on major decisions affecting the welfare of the children. Historically, this would be most similar to shared legal custody.

Sole Parental Responsibility - One parent retains decisions regarding the minor children. This is most similar to sole custody, where one parent makes the major decisions affecting the children. If it is in the best interest of the children, the court may decide not to include timesharing as to the non-custodial parent.

Parenting Plan - A court document that governs the relationship between the parents regarding the children's education, health care, physical, social and emotional well-being. If par-

ents cannot agree on a parenting plan, the court will establish and impose a parenting plan.

Timesharing - Included in the parenting plan which outlines the time the children spend with each parent including overnights, weekends and/or holidays.

In determining the best interest of the children, the court will look to which parent will best meet the needs of the children as opposed to the needs and desires of the parents. Many other factors including, but not limited to, the moral fitness of the parents, the physical and mental fitness of the parents, the home, school and record of the children, prior domestic and substance abuse, and the children's preference (depending on the age of the child) are considered by the court.

The court will decide, particularly if the parties cannot agree, whether the parents will have shared or sole custody, and which parent, if not both, will make the major decisions affecting the children's physical, educational and medical needs. The court will next determine or affirm the parenting plan and the timesharing schedule for each parent.

On matters involving the future placement and meeting the needs that could potentially have life-changing effects in the lives of children, it is wise to consult an attorney to discuss potential custody issues.



Meet the Lawyer

Amanda Salcido is an attorney practicing in family, juvenile, dependency and criminal law. She takes a personal, hands-on approach in the representation of her clients. Call for a free consultation or for more information on any legal matter

Law Office of Amanda Salcido
480-299-9969
salcidolawoffice.com