

CHILD CUSTODY

Who Can Ask for Custody?

The mother, legal father or a legal guardian perhaps a grandparent, can ask for custody. A legal father is a man who has signed an Acknowledgement of Paternity or received an Order of Filiation from the court or is listed as father on the child's birth certificate.



CHILD CUSTODY

Custody is the authority to make decisions on a child/children's care, which can include where the child lives, education and medical care.

- **"Physical" Custody** – refers to the one parent or legal guardian who physically has the child/children. Physical custody is the term used by the court to determine who has the child/children if there is no court order in place.
- **Sole Legal Custody** - one parent or legal guardian is legally entitled to make decisions about the child/children as a result of a court order. The non-custodial parent may have the right to receive important information about the child, but he/she does not make the final decisions.
- **Residential Custody** – the child/children live in the household of one parent or legal guardian as a result of a court order.
- **Joint Custody** - Two parents or legal guardians, share the authority to make decisions about the child/children as a result of a court order. With joint custody, the parents/legal guardians must communicate well to keep each other informed of the child/children's needs and to make decisions together. Sometimes the parents/legal guardians may alternate the days the child/children stay with them.

VISITATION

Parent-child visitation allows parents/legal guardians who do not have full, legal custody to see their child/children on a regular basis.

A parent/legal guardian is entitled to frequent and meaningful visitation, unless it is shown that it would be harmful to the child.

How do I file a custody/visitation petition?

You can file a custody or visitation petition at your local Family Court. The parent/legal guardian must name the other parent on the petition and explain the reasons why he/she should have custody.

Either parent or legal guardian can ask for visitation. The court will determine whether visitation is in the child's best interest. The court can set a visitation schedule that suits the child and the parents'/legal guardians' schedules or the court can keep visitation as agreed between the parents/legal guardians.

Either parent/legal guardian in a custody or visitation petition has the right to an attorney. If they cannot afford an attorney, Family Court will assign one.