

Child Custody - Part 1 (Important Terms)

Child custody is the legal process used to decide how much time a child will spend with each parent, and who will be responsible for major decisions about a child in the future. This video covers important terms.

Child Custody

Courts usually make two determinations in custody cases:

1. Legal custody or decision-making authority: Parents with legal custody make long-term decisions about education, health, religious upbringing, care and welfare, and other important areas.
 - Joint legal custody: Parents make decisions together. Courts sometimes award joint legal custody, and select a parent to make a final decision if they cannot agree. This is sometimes called tie-breaker authority.
 - Sole legal custody: One parent makes long-term decisions without having to come to an agreement with the other parent.
2. Physical custody or parenting time: Where children live and how much time they spend with each parent.
 - Shared physical custody: Children spend significant time with each parent. That doesn't always mean a 50/50 arrangement.
 - Primary physical custody: Children live primarily with one parent and spend scheduled time with the other parent. That scheduled time is called visitation.

Watch the Video



Best Interest of the Child Standard

- If a court makes the final decision about custody, it must consider the child's best interest.
- The term refers to the analysis a court makes when deciding what actions or orders will best serve a child.

Judges and Magistrates

- Magistrates are court officers who hear family cases and make recommendations. If a magistrate hears your case, a judge must approve the recommendations before the recommendations become the custody order.
- If your case is before a judge, the judge's decision becomes the custody order.

Custody Order

- A custody order is the court's written decision. The court has the power to make sure the order is followed.
- The order remains in effect unless it is replaced by a new or modified order.



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