

A Maryland Judiciary Production

*My Laws, My Courts, My Maryland*

## **Child Custody: Important Terms You Need to Know (Part 1)**

Hello. Welcome to the Maryland Courts video series on child custody. Dealing with child custody issues can be stressful for you and your family. Our goal is to help you understand the process, and hopefully make it easier.

In this four-part series, you'll learn about the process used to decide how a child's time will be divided between parents in custody cases, and how decisions about a child are made. This video covers important terms you need to know. We'll define child custody. We'll also explain the standard the court uses to make decisions, and cover the difference between judges and magistrates. Finally, we'll define a custody order.

This series talks about child custody only. Child custody in divorce cases can be more complex. The legal concepts, however, are the same. You will be learning a lot of new terms, so consider using the tip sheet and taking notes. Let's get started defining terms.

### **CHAPTER HEADING FULL SCREEN TEXT: CHILD CUSTODY**

Child custody has several components. Generally, child custody refers to legal arrangements about where and with whom children live and how decisions about children are made. Courts usually make two major determinations in custody cases. One is legal custody. The other is physical custody.

Boyd Productions finalized

Last updated: 6.1.18

Parents with legal custody make long-term decisions. That's why legal custody is also called decision-making authority. These parents make decisions about education, health, religious upbringing, care and welfare, and other important areas of your child's life.

The court awards legal custody in two ways. One is joint legal custody, in which parents make decisions together. Courts sometimes award joint legal custody, and select a parent to make a final decision if they can't agree. This is called tie-breaker authority.

The second type of legal custody is sole legal custody, in which one parent makes long-term decisions without having to come to an agreement with the other parent. The other parent is entitled to information about the child's care and welfare, schooling, and other decisions being made about the child. That parent still makes every-day decisions when they are with the child.

The second determination about child custody is physical custody, also called parenting time.

This refers to where children live and how much time they spend with each parent. Shared physical custody means that children spend significant time with each parent. That doesn't always mean a 50/50 arrangement. Primary physical custody means that children live primarily with one parent and spend scheduled time with the other parent. That scheduled time is called visitation and is an aspect of parenting time.

## **CHAPTER HEADING FULL SCREEN TEXT – OTHER IMPORTANT TERMS**

During your custody case, you will hear people refer to the 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.

Next, you should know the difference between magistrates and judges. Magistrates are court officers who hear family cases and make recommendations. If a magistrate hears your case, a judge must approve the recommendations before they become the custody order. If your case is before a judge, the judge's decision becomes the custody order.

Finally, the 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's replaced by a new or modified order.

#### **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

Remember, the term child custody refers to where a child lives and who makes decisions about the child. The term has quite a few parts, including legal custody, physical custody and access or visitation. The court must consider the child's best interest when making decisions. And finally, a custody order is the court's written decision.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about important terms in child custody cases has been helpful.