Article published on January 17th 2012 | Kid

Although child custody laws vary depending on the state where the child resides, they all have the same goal. Such laws were created to protect the interests of the child after the marriage of his or her parents has been dissolved. The courts must decide which parent is best capable of providing a healthy, positive and nurturing environment in which the child can grow.

Instead of automatically favoring mothers or fathers, custody laws are designed to ensure that the child is placed with the parent who is considered by the local courts as the most suitable person to raise the child. In most cases, the parent who was the primary caregiver during the marriage is awarded custody of the child after the divorce. Laws regarding child custody address multiple considerations such as visitation rights, the child's financial support, and physical and legal custody.

Understanding Physical Versus Legal Custody

Physical custody simply refers to where the child resides, while the parent who has legal custody is the party responsible for making decisions concerning the child's life. In the case of joint custody, both parents are legal custodians of the child and typically both have equal authority when making decisions related to the child's education, religious practices, medical care or other pertinent issues.

Child Support Laws

Child support payments are based on a variety of factors such as the income of the non-custodial parent and the amount of money needed to properly care for the child. This amount is determined through the use of guidelines that were established by the Child Support Enforcement Act of 1984. These guidelines also depend on the state in which the child and his or her custodial parent reside, as the cost of living and wages vary significantly from state to state.

Visitation

The laws regarding child custody also cover visitation issues. The parent who has sole custody of the child is typically ordered to work out a visitation schedule with his or her former partner and if this cannot be agreed upon, the court will create a schedule in order to ensure the non-custodial parent is allowed to spend time with his or her child. However, if there is a history of abuse concerning the non-custodial parent, supervised visitation will be ordered and the non-custodial parent will not be allowed to see the child alone.

As previously mentioned, the laws regarding child custody vary considerably from state to state, and each case is dealt with on an individual basis through the parents' local court system. In order to gain a thorough understanding about the laws of a particular state, it is best to seek the advice of an attorney who specializes in child custody laws.

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Article Keywords:
child custody laws, child custody

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