## ALBUQUERQUE DIVORCE LAWYER BLOG

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## Contested Child Custody & Time-Sharing in New Mexico

When the parents cannot agree on a child custody time-sharing arrangement between themselves, there are court resources available to help assist them. For contested child custody cases in Albuquerque, the parties will generally be referred to Second Judicial District Court Family Court Clinic. The courts in Santa Fe, Rio Rancho, and many other judicial districts across New Mexico have similar court-sponsored family court programs that are the first step in determination of a parenting plan.

Upon referral to Court Clinic or other family court services, the parties still have control over their case. The first step in the process is non-binding mediation. Child custody and time-sharing mediation brings the parties together with a professional mediator with the goal of reaching an agreement acceptable to both parties. It is a non-binding process meaning that the parties do not have to reach an agreement. They can choose to move forward with the Court Clinic process.

When mediation doesn't lead to an agreement, the Court may then order a full child custody evaluation through Court Clinic. A custody evaluation through Court Clinic involves trained mental health and custody professionals who meet with the parents, the child and any other important people in the child's life including teachers, doctors, counselors, coaches and others to assist with the custody evaluation.

The information gathered from interviews, psychological testing and any other available sources will be used to produce a list of Court Clinic recommendations for custody. The objective is to provide for the best interests of the child/children. The great majority of the time, the Court will adopt the recommendations of Court Clinic. However, either party may dispute the recommendations, which then requires that party to hire a private custody expert, referred to as a 706 Expert. This then raises a whole new set of issues.

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