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The Best Interests of the Child is the Goal of New Mexico Courts in Child Custody Matters

The primary goal of the New Mexico Courts in any child custody and time-sharing decision, whether it is part of a divorce or paternity case, is to find a solution that is in the "best interests of the child." Parents and their attorneys can often spend a lot of time and money trying to convince the court that their proposed custody arrangement is in the child's best interest, but the parties often fail to consider the same factors in this determination as the Court.

The court, or sometimes a child custody evaluator or guardian ad litem appointed by the court, will look at factors like: the wishes of each parent regarding custody; the child's relationship with each parent and their siblings and any other people living in the parents' home; the physical and mental health of the child, the parents and anyone else directly involved in the child's life; how well-adjusted the child is to his or her community, school and each parent's home; and, if the child is fourteen or older, the wishes of the child.

Obviously, these factors are broad and require the courts to examine everything from the child's grades to concerns about drug abuse by the parents to the child's ability to get along with their step-siblings. Given how many facts must be considered by the court in making custody decisions, it becomes clear why such decisions are rarely made very quickly. In fact, it may take several hearings for the court to rule on a parenting plan and may involve outside experts charged with interviewing everyone involved. The complexity of the determination also explains to some degree why even with the most well intentioned parties, the determination of child custody can be highly contentious.

The complicated nature of custody decisions suggests that a parent faced with a custody dispute should speak to an experienced divorce and family law attorney immediately if at all possible. An attorney experienced in child custody may be able to minimize the conflict in child custody process. Of course, much the attorney's success in keeping conflict down will depend on the parties and the other attorney.

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