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Factors in New Mexico Joint Child Custody Decisions

There are many time arrangements to consider when developing a joint child custody schedule in New Mexico. If the parents can agree, the parenting plan, and custody and time-sharing arrangements therein, are left up to them.

One of the most predictable and straightforward is an alternating week schedule. This involves the child remaining with one parent for 7 days, then switching to the care of the other parent for 7 days. Each parent spends an entire week at a time with the child, creating more consistency and less frequency in transition. This arrangement is generally more appropriate for older children.

Such an arrangement may not be best when younger children are involved, as it leaves large gaps of time between visits. To fill these gaps, the noncustodial parent may request extra visitation. But this arrangement also lacks flexibility, as it is difficult to attend regularly scheduled activities during the week of the other parent. Lastly, this schedule may exclude a parent from spending certain holidays with their child.

A more flexible time arrangement could involve a 3-4-4-3 schedule, which would allow each parent opportunity for regularly scheduled events each week. In addition, the child would not go longer than 4 days between visits. The child is in the care of one parent 3 days one week, then 4 days the next. The other parent would have the child 4 days one week, then 3 days the next.

This schedule also has some downsides, as it includes more transitions than other arrangements. Children may have difficulty remembering where they will be staying from day to day. Frequent exchanges may also increase the possibility of conflict between parents, particularly if there are delays in picking up or dropping off the child.

Frequent transitions of the child from home to home can be very stressful on the child and the parents. There are many possible time-sharing arrangements. There is even the possibility of alternating school semesters and though this would be a rare arrangement.

Assuming the parents can agree, it is entirely up to the parents. If the parents cannot agree, then the courts will decide based upon the best interests of the child. Judges are very sensitive to constant disruption of the child's

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routines. Judges will be protective of the children so that exchanges of the child will be minimized when there is significant conflict between the parents.

There are many factors to consider when apportioning time between parents and their children in a joint child custody situation. The most successful schedules will take into account transition frequency, visitation gaps and flexibility as it relates to their situation. Parents would do well to decide these issues on their own. Leaving these decisions to the court rarely ends in an outcome to the liking of either parent.

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