



## Child Custody Laws

### Child Custody Lawyer Medway, Massachusetts Area

For parents facing divorce, issues relating **child custody** may be the easiest issue to agree upon or a source of much conflict. Nobody knows your kids better than you and your spouse, so if you can reach an agreement on custody it is definitely preferred.

From a legal perspective, there are two main issues involved in custody; decision-making and where are the kids physically located at any point in time. Hopefully at least one parent can answer that last question! As lawyers, we use some ominous sounding terms to describe the elements of custody:

- Sole legal custody – one parent has the right and responsibility to make the major parenting decisions regarding the children’s welfare, including medical, educational, religious, and other decisions.
- Shared legal custody - both parents are mutually involved and responsible for major decision making related to the child. This tends to be the default in most cases.

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- Sole physical custody - when a child lives with and is under the supervision of one parent subject to reasonable visitation by the other parent, unless the court determines that such visitation is not in the best interests of the child.
- Shared physical custody - when a child lives with each parent at different times so the fact each parent has frequent and continued contact with the child or children.

Fortunately, many parents do not dwell on the above legal terms, but instead craft an agreement with the assistance of their mediator or child custody lawyer that reflects a workable parenting schedule that provides nurturing and supportive time for the children with each parent. Many couples, especially in families with two working spouses, find a flexible parenting plan that provides each parent with significant parenting time works out quite well. More and more couples are opting for these shared or (50/50 as they are sometimes referred to) arrangements.

Of course, a parent that must travel frequently for employment purposes or otherwise worked long hours may not be able to enjoy a true shared parenting schedule. Still, many couples will effectively co-parent and provide to loving households for their children and maintain respectful and helpful communications with the other parent.

Even with parents such as these, there can be bumps in the road as each parent adjusts to the redefined family unit. Thus, it is a good idea to have the separation agreement contain some default scheduling information and language concerning vacations and important holidays.

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In some cases, however, co-parenting is just not an option. For parents embroiled in custody disputes, such cases can take their toll on both parents and children. In families where there is a history of domestic violence or substance abuse by one or both parents, making the custody determination can become much more involved.

Overall, the standard to remember and the court follows is to consider what is in the best interests of the children.

Custody disputes should not be used as a tool for vindication against the other parent or as a bargaining chip to force other concessions. Finally, there are other ways to show your support for your children than to feel the need to pursue sole custody.

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