

# The Zacher Firm

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## 5 Do's and Dont's Regarding Child Custody

Thousands of parents fight for custody of a child every year. While there are certainly some amicable parents out there, the majority of the time the public is bombarded with stories about two parents desperately fighting to keep custody of their children against the other. While most of these situations tend to focus on marring the character of a parent and painting him or her as unfit, the truth is that, in many situations, a parent seeking custody is better off focusing on how he or she should behave rather than worrying about the other parent.

In custody situations, more and more courts now favor equal consideration of both mother and father as the custodial parent. This was not always the case. In decades past, it was a rebuttable presumption that mothers were the preferable custodial parent as they tended to be the primary caregivers. Even now, most times the physical custody is given to the mother even where legal custody is given equally to both parents. Legal custody simply means that both parents have input into the major issues surrounding their child(ren) including issues of school, medical care and religious upbringing.

All states adhere to a standard of the best interest of the child. If a court determines that a mother's custody impedes with this standard, custody may be taken away. The following are just some of the reasons a parent may lose custody:

- Drug or alcohol abuse
- Obstructing visitation between the non-custodial parent and the children of the marriage
- Engaging in parental alienation behavior by disparaging the other parent in front of the children
- Leaving the marital home and abandoning the children
- Moral inturpitude and engaging in lewd behavior in front of the kids
- Engaged in an abusive relationship that threatens the children

Consider doing the following, and, these are in no particular order:

### **No. 1 - Don't Commit Crimes**

When you're in jail, you have little or no rights to see your children. In fact, if you're not in jail but are constantly breaking the law, it's unlikely that a judge will consider you fit enough to keep custody of your children. This one should kind of be obvious, wouldn't you think.

### **No. 2. - Don't Violate a Court Order**

This is another big one, as violating a court order is a surefire way to enrage a judge. Doing so primarily shows that you have no respect for the law and are irresponsible, specially if the orders you violated have to do with custody or visitation. In California, the court has the authority to modify, or even terminate, custody if the other parent

repeatedly is found to have violated orders, prevents the other parent from exercising his or her visitation or is a danger to the minor.

**No. 3. - *Pay Your Child Support***

While paying child support has little to do with the amount of time you see your children, it's very possible that *not* paying your child support could result in other rights being revoked. Also keep in mind that child support is a court order, and violating it may get you thrown in jail for contempt.

**No. 4. - *Be Nice to Your Co-Parent***

The old saying about "attracting more flies with honey than vinegar" means something. By respecting the other parent and acting in a polite manner, it will be a lot easier to keep custody matters pleasant. It may also keep your ex from using your kids to get to you.

**No. 5. - *Take Care of Your Health***

When assessing child custody, judges take into consideration whether a parent is fit to provide proper supervision and care. If you're rarely sober, or constantly sick without proper treatment, it's an indication that you may not have the ability to properly care for your children.

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