

# New York Child Custody Cases

When considering the best parenting plan, New York employs the best interests of the child standard to develop a parenting plan that supports a suitable environment to maintain the physical, emotional, and mental stability of children. There are many factors that the court will consider when developing a suitable parenting plan. Some of these factors including:

- Which parent is the primary caretaker
- Who is more fit as a parent
- Which parent makes better judgments
- Lifestyles and religion of each parent
- The most desirable environment
- Emotional ties of child with other family members
- Physical and psychological needs of the child

One factor that is vital in deciding a suitable parenting plan is the continuity of a stable environment. The most desirable environment is an environment that supports the physical, emotional, and mental stability of the child such that the child is shielded from harm or danger. Therefore, the court will also look closely at negative issues including child abuse, spousal abuse and substance abuse. Based on these factors, the court will decide on a parenting plan for legal and physical custody, which may be awarded as sole or joint.

The court will typically begin its analysis of these factors from the premise that joint custody is the best option with all things being equal. While joint custody may not always be suitable if contact with one parent may pose detriment to the child's best interests, the accomplishment of a suitable and stable atmosphere is most likely possible when the child has continuing contact with both parents. While there was once a clear preference that children should be placed primarily in the home of the mother. This preference is now given to both parents so joint custody will be the first option considered by a New York court. The courts in New York and in most states now recognize the advantages associated with the physical access and contact with both parents.

Generally, the presence of both the mother and father allows the child to appreciate the loving and nurturing atmosphere normally attributed by the mother but accompanied by an authoritative father figure. Studies suggest that levels of achievement in school tend to be higher when children have an authoritative father figure. Research also suggests that the presence of an authoritative father figure decreases the likelihood of teen pregnancy. The preference of the law has followed this type of research leading to a shift from a preference for custody with a mother to that of shared physical custody with both parents.

A timeshare agreement that provides the child with substantial time with both parents mitigates potential negative effects of a divorce. A home environment that provides both affection and discipline is best accomplished by liberal involvement of both parents. Mr. Buitron is a [Syracuse divorce attorney](#) who understands the value of helping our clients negotiate lasting and stable timeshare arrangements. If you are involved in a Syracuse divorce or child custody dispute our knowledgeable family law attorneys are here to help so call us today.