

When is it Right to Seek Full Custody of the Kids?

While New York Family Courts consider many factors when making a determination about child custody, the ultimate decision rests on what is in the best interests of the child.

Ideally, both parents are awarded joint or shared [child custody \[CK1\]](#) so they can play an active role in important activities, milestones, and decisions in the lives of their children. However, in certain circumstances, the court decides to award sole legal and physical custody, giving the legal authority to make major decisions for the children to one parent alone.

If a parent alleges that the other committed domestic violence or sexual abuse against any household member, and there is sufficient evidence to prove it, the court will deny child custody to the abusive spouse. But if the allegations are unfounded, the alleging parent could lose custody.

Parents can also seek and receive full custody of the children if any of the following grievances apply to their spouses:

- Unwillingness to honor their parenting time
- Unauthorized relocation or abduction of the child to a distant location
- Substance abuse or other conduct that jeopardizes the safety of the children
- Religious beliefs that threaten the health and welfare of the child

While New York child custody applies to children under 18, the courts often consider the preferences of minor children, provided they are old enough to have an opinion.

Family law cases can be tough. When you need a divorce or [custody lawyer](#), look for experience and a willingness to help you fight to protect your family. Contact Bryan L. Salamone & Associates, P.C.

[\[CK1\]](http://dictionary.law.com/Default.aspx?selected=186)<http://dictionary.law.com/Default.aspx?selected=186>

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