

Custody & Visitation Explained

Plain-Language Guidance for Parents and Families

Custody and visitation decisions are made by the court with one primary focus: the **best interests of the child**. Understanding the different types of custody and how parenting time is structured is vital for any parent navigating a separation or divorce.

1. Types of Custody

Custody is divided into two main categories: legal and physical. These can be awarded as “sole” (given to one parent) or “joint” (shared by both parents).

Type of Custody	Description	Implications
Sole Legal Custody	One parent has the exclusive right to make major decisions regarding the child’s health, education, and welfare.	The other parent must be informed but does not have a vote on major decisions.
Joint Legal Custody	Both parents share the right and responsibility to make major decisions about the child.	Parents must communicate and agree on issues like school choice, non-emergency medical treatment, and religious upbringing.
Sole Physical Custody	The child lives primarily with one parent (the custodial parent), and the other parent has visitation rights.	The custodial parent is responsible for the child’s day-to-day care.
Joint Physical Custody	The child spends significant time living with both parents. The time split does not have to be exactly 50/50, but it must be substantial.	Requires a high degree of cooperation and communication between parents.

2. Visitation (Parenting Time)

Visitation is the schedule that outlines the time a child spends with the non-custodial parent. Courts prefer to call this **Parenting Time** to emphasize the importance of the relationship.

- **Standard Schedules:** Many courts use a standard schedule (e.g., every other weekend, alternating holidays, and a portion of summer vacation) as a baseline.
- **Tailored Schedules:** Parents are strongly encouraged to create a schedule that is customized to the child's age, school schedule, and the parents' work schedules.
- **Supervised Visitation:** If there are concerns about a parent's ability to care for the child safely (e.g., history of substance abuse or domestic violence), the court may order **supervised visitation**. This means all visits must take place in the presence of a third party or at a designated facility.

3. Best Practices for Co-Parenting

The way parents interact with each other directly impacts the child's well-being.

- **Keep Communication Respectful:** All communication regarding the child should be business-like, respectful, and focused solely on the child's needs. Avoid using the child as a messenger.
- **Focus on the Child's Best Interests:** When making any decision, always ask yourself: "Is this decision truly for the benefit of my child, or is it to punish the other parent?" The court's focus is always on the child.
- **Follow the Court Order:** A custody and visitation order is a legal document. Failure to follow it can result in legal consequences, including a change in the custody arrangement.

Important Notice:

The information provided in this guide is for educational purposes only. We do not provide legal advice, legal interpretation, or attorney services, and we cannot

represent anyone in court. Our goal is to help you learn, understand, and feel confident when navigating legal topics.
