

To Be Or Not To Be ? Joint Legal Custody - That is the Question

“UGH!!! - How did I ever agree to have joint custody with my ex-spouse? They were impossible for me to deal with while we were married. Now that we are divorced, it is inconceivable !”

Facing a divorce is extremely difficult. That pressure can force a person to agree to things that are not realistic or even fair. And as time passes, the errors of their judgment become clear and regrets set in.

Different Types of Custody

Legal custody is not related to which parent lives with the children on a day-to-day basis or the visitation schedule of the other parent. That is residential or physical custody. Legal custody defines which parent has authority to make the large decisions for the children. These decisions are not the routine ones, such as what is for dinner and what color shirt to wear. Rather, these are the real big issues - the one's as parents we hope don't ever come up. For instance, should the child have a non-emergency operation or is the child in needs of special education services. So if a parent is lucky, they will never even have to face a 'legal' custody moment in a child's life.



When Is Joint Custody Appropriate ?

Joint legal custody is encouraged primarily as a voluntary alternative for relatively stable, amicable parents behaving in mature civilized fashion.

Yes - the keys are 'stable, amicable and mature'. In other words, there must be good communication, cooperation and compromise. Wait a second - good communication ? cooperation ? compromise ? Those sound like the keys to having a good marriage. And if those attributes were present, then you probably would have stayed married.

Joint custody is not appropriate where the parties are antagonistic towards each other and have demonstrated an inability to cooperate on matters concerning the child. If the relationship between parents, over time, has proven to be contentious and suffers from an inability to effectively communicate, then there is a basis that an existing order of joint custody is no longer appropriate.

What Can I Do ?

So if in your case, you made a laudable attempt at joint custody that is now proving to be completely unmanageable, then you can file a court case to try to change it. If it is clear that there is enormous acrimony between you and the other parent, then hopefully the Judge will agree that joint custody is completely impractical and should be changed from joint to sole in your favor.

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