



Child Custody Battles

6 Things Dads Should Know

Prepare Yourself



Get familiar with child custody laws. Seek advice from a family lawyer experienced in high conflict cases to evaluate your case.

Listen to their valuable advice, and do not take for granted that the judge will see only your point of view.

Child custody is not the same as Care and Control

It is vital that you understand the difference between child custody and care and control. The Court is most likely to grant joint custody.

The parent with care and control of the children is the one who lives with them. He or she will make all the day-to-day decisions for the children.



Spouses are encouraged to co-parent and discuss significant decisions before implementing them for the children.

Fighting for full care and control of your children is an uphill battle



Unfortunately, for Dads, the general position at law is for the mother to be granted care and control of the children. However, all is not lost.

If you have been involved in the children's care arrangements before the divorce, you may wish to highlight this pertinent fact to the court especially if you intend to ask for sole or shared care and control of the children.

Shared care and control effectively mean that the children will spend approximately equal time with both parents.

Access to your children is your legal right

In the event that you do not get care and control, you will be given access to your children on a periodic basis.

You have a legal right to have access to your children as stipulated in the court order.

If your ex-spouse denies your rights to exercise access, you should consider speaking to her in view of resolving the matter amicably.



Adultery does not necessarily mean you get full custody as well as care & control of the children



Do not be mistaken that you automatically gain sole- custody as well as care and control of your children if your ex-wife has been adulterous.

The reason for the breakdown of the marriage pertains to the first stage of the divorce matter, and the mere fact of adultery will not affect one's merit in relation to custody, care, and control of the children.

You may consider applying to Court for a Custody Evaluation Report to be made.

Your children get a choice in some cases

The Court will listen to your children's desires if they can express themselves in an independent and mature manner.

The Court will then take the children's desires to stay with either parent into consideration when deciding on care and control.



A family court specialist can be appointed to evaluate the child's care arrangements.