

A Family Law Attorney Explains Child-Custody and its Effect on Parenting

By Scott David Stewart

For any couple, going through the ins and outs of a divorce is absolutely daunting and will likely stir up charged emotions - some anticipated and others unexpected. When children are involved the process is exponentially difficult. There are some things that you should know about child support, alimony and how to get through it together. Marriages that end amicably are the healthiest for both the parents and the children involved.

Child custody is the court-determined legal guardianship of a child under the age of 18. Child custody laws are created and enforced by individual states and are based on what is in the best interest of the child. In most cases, both parents continue to share legal child custody but one parent gains physical custody. There are numerous things that courts look into when determining who receives custody and whether one person will get sole custody, the two parents will split joint custody, or if the custody will go to a third party. These factors include drug use, physical and mental conditions of each parent, history of domestic abuse and child abandonment.

Courts always consider the relationships that the parents have, not only with the child but with each other. Agreement on parenting styles and each parent's ability to communicate willingly with each other will ease the process and likely make the presiding judge more inclined to allow parents more freedom in deciding voluntary payment of child custody as well as visitation rights.

Alimony is money that is paid by one ex-spouse to the other as ordered by a court in a divorce case, and exists to cover any potentially unjust division of assets. It is based on the notion that both partners in a marriage have a duty to support each other equally, both financially or domestically. Alimony payments are calculated based on the level of domestic responsibility the recipient has taken, any financial burden they may have suffered in order to benefit their spouse and the duration of the marriage, as well as any number of other factors. By exercising honesty and directly abiding by the court's decisions, unwanted, unnecessary communication will become less frequent and nasty arguments will be less likely to break out.

Betrayal, guilt, anger and shame will rear their ugly heads and it is not to say that anyone going through a divorce should ignore these emotions or take them lightly. However, children involved should not bear the weight of problems that you and your spouse encounter. Encouraging a malicious relationship with the other parent, speaking poorly of your ex in the presence of your child and constantly battling them does the child no good. It is not your responsibility to gain the vote of your own child, but to encourage a healthy relationship for all parties involved.

Maintaining civility after a divorce can not only elevate the emotional level of the family, but prevent future lawsuits, modifications, unnecessary time in court and costly court/attorney fees. Encouraging trust in a relationship with your ex-spouse will prevent uncertainties when one parent may need extra time with a child or extra money when financial burdens arise.

While biting your tongue, sidestepping the revisiting of lost battles and avoiding the blame game can require an extraordinary amount of effort, it will be beneficial to all members of your family. Stand up for your rights and what you are entitled to, but do your best to make the process as amicable as possible.

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