



Questions & Answers

Insight on commonly encountered legal matters

Family Law: Child Custody & Visitation 10 Commonly Asked Q&As



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Q 1: How is child custody decided in 2025?

Courts prioritize the best interests of the child, focusing on factors like the child's age, health, emotional ties, the parents' ability to care for the child, and any history of abuse or neglect.



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Q 2: Is mediation required in custody disputes?

Many courts encourage or require mediation before a custody trial to help parents reach an agreement without litigation, which is typically less stressful for the child.



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Q 3: What happens if we can't reach an agreement during mediation?

If mediation fails, the case may proceed to court where a judge will make custody decisions. However, interim agreements reached in mediation can still be helpful and may be submitted to the court.



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Q 4: What is the difference between legal and physical custody?

Legal custody allows a parent to make important decisions about the child's life (education, health care, religion). Physical custody determines where the child lives and who provides daily care. In some cases, one parent has legal custody and the other has physical custody.



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Q 5: How do virtual visitation rights work?

Courts may grant video call visitation, especially for long-distance parents or blended arrangements.



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Q 6: Do grandparents have custody or visitation rights?

Grandparents can petition for visitation or custody, especially if it's in the child's best interest and one of the following is met:

- Parents are divorced or separated.
- One or both of the parents is deceased.
- Child is born to an unmarried woman.



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Q 7: How should we handle custody during summer break and holidays?

Include specific schedules in your custody agreement that outline who gets the child and when. Some options may include alternating weeks, splitting the holidays, or rotating custody every year. If needed, most courts have holiday and summer schedules.



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Q 8: How can we keep communication smooth about schedules and plans?

Use written communication through email or co-parenting apps (like OurFamilyWizard), rather than standard texting or verbal communication. This reduces misunderstandings and creates a record of agreements and discussions.



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Q 9: Can a parent deny visitation if child support isn't paid?

No. Visitation and child support are separate legal issues. A parent cannot legally withhold visitation because the other parent is behind on support payments.



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Q 10: What happens if a parent violates the visitation schedule?

The other parent can file a motion with the court to enforce the order. Repeated violations may result in legal consequences, including changes to custody and visitation arrangements, and can even lead to contempt orders.



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