

Minnesota Divorce, Child Custody, and Family Law Attorneys and Lawyers Discuss Child Custody in Minnesota

www.cundyandmartin.com

When filing for divorce in Minnesota, there are two types of custody determinations that must be made in all divorce and paternity proceedings. Child custody in Minnesota also involves issues of child support. This area of law generally falls under the heading of Family law and is handled through the Family Court.

The first type is legal custody, which consists of decision making with respect to extraordinary health, education, and religious issues involving the children. Therefore, if the parents are granted joint legal custody, they generally share the decision making responsibilities with respect to these issues.

The second type of custody is physical custody, which refers to the location where the children will reside. The parent with primary physical custody will have the children primarily residing with him or her and will make the daily parenting decisions as to when the children eat, do their homework, take a bath, and go to bed.

In making decisions regarding legal and physical custody, the Courts in Minnesota will consider the best interests of the children. It is presumed that joint legal custody is in the best interests of the children. However, judges are more reluctant to award joint physical custody absent an agreement between the parents that such an arrangement is in the best interest of their children.

Once custody is decided by agreement of the parties or Order of the Court, it is difficult to change. To modify an existing custody order, the parent requesting the modification must identify and prove a change in circumstances that endangers the child's physical or emotional health. Alternatively, the person requesting a modification must prove that the custody schedule has been modified by agreement of the parties and that the children are now living with the noncustodial parent and have been integrated into the home of that parent. In that instance, the noncustodial parent may apply for a formal change in the previously ordered custodial arrangement.

Custody disputes and change of custody requests are very emotional and can become very costly for both parents. The possible ill effects on the children must always be considered any time custody becomes an issue. It is therefore very important to consult with an experienced family law attorney who can protect your interests and represent you zealously during this very trying time in your life and the lives of your children.

Call a family law lawyer in Minnesota today at 952-746-4111 or visit us at www.cundyandmartin.com .