

**By Matthew Crider, JD
Family Protection Attorney**

As a Sacramento divorce lawyer, people frequently ask me how they can best survive their custody case in their divorce. This post discusses the top 10 ways to do this.

Before embarking on a California custody dispute, remember that it should not be about you or the other parent, but what is in the best interests of your children.

Talk to an attorney and review the laws of your state. Many states, including in California where I practice, look at what are in the best interests of the children. Try to understand this thoroughly, and be as objective as possible. Go through the legal factors, and analyze them. Try to determine whether or not you have a legitimate case for custody, or perhaps some type of joint /shared custody.

Talk to your spouse, former spouse, or the other parent, and attempt to resolve custody and parenting time without the need for filing a legal action.

It is important to bear in mind that a custody arrangement which makes sense for an infant or two year old is going to be very different than one for a seven or eight year old. A teenager has different needs. Custody and parenting time for a teenager is often a battle between each parent, and the fact that the teenager wants to spend as much time as possible with friends and school or extra-curricular activities, rather than being with either parent. I have said over the years that a teenage custody battle is one where each parent says, "you take them." The age and needs of your children are extremely important. They should be considered carefully.

As a Sacramento divorce lawyer, I am a big believer in journal writing. If you decide to file a custody case, keep a journal. Have as much information and documentation as possible for your attorney. In most states, custody is based upon what is in the best interests of your children, and the journal should focus on these issues.

In this journal, keep records of any incidents involving the other parent and the children. Write down when you see the children and how much time you spend with your children. Journal what you are doing with your children. In the event of an upcoming hearing or trial, keeping a journal will provide you with a record, often going back for several months. This can be extremely helpful not only to yourself, but also to your divorce attorney for preparation for any custody hearing. It is hard to remember what happened yesterday, much less six or seven months ago when you are going through a heated custody dispute.

If your case involves an independent psychological evaluation, this should be discussed in advance. Talk about this in detail with your divorce attorney. I find psychological evaluations helpful where there are issues involving some type of mental illness or perhaps addiction, and a psychological evaluation can be very helpful. The use of psychological evaluations by attorneys and judges differs from state to state.

In the event that you actually go to trial or have a hearing regarding custody and parenting time/visitation, be prepared. Have witnesses ready. Discuss all scenarios in advance with your attorney. Communicate fully with your attorney and make sure you and your attorney are on the same wave length.

Try to settle the case without going to trial or having a hearing. Mediation is often an option and should be looked at. In many cases, attorneys will agree to, or judges will appoint a parenting coordinator to help resolve issues. A trial should be a last resort, because once you start the trial or hearing, you will say things about the other parent in court and on the record which cannot be taken back. Scars left by a hearing or trial can have an impact for many years, not only on the other parent, but also the children. In most states, the judge will talk to the children. I strongly urge you never to have your children testify in court, and never have them in court to witness any portion of a hearing. Their exposure to the legal system must be minimized. Do not forget that they are the incident victims in most situations of whatever acrimony is going on between you and the other parent.

Having a good attorney is critical. your attorney must be experienced in custody and parenting time matters. He or she should be knowledgeable about the legal system. The attorney should know the judges, referees or other key players in your case. Make sure that your attorney understands your needs and goals. You must be comfortable with your attorney, and be able to communicate. Set goals that are realistic and discuss them with your attorney. The key is what is in the best interests of your children, not what you may want. Too often, I have had clients who just think of themselves, and forget about what is best for the children.

About Matthew Crider, J.D.

Matthew Crider formed [Crider Law PC](#) in 1999 so he could help individuals through the California divorce process by providing creative solutions as their trusted advisor and legal counselor. His divorce and family law practice focuses on assisting people in dissolution matters, including divorce, child custody and visitation, child and spousal support, spousal support and alimony, and parental rights.

