

Child Custody and Religion

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I recently represented a Father in a contested child custody case where the primary issue in dispute was the religion of the parents. The Mother argued that because Father's religion was so doctrinally different from hers, the child would be "harmed" by being exposed to the two conflicting religions. Therefore, the Mother also argued that she should have sole custody, and that Father should have no parenting time on Sundays, because this was the only way, as she supposed, to assure that the child would not be exposed to Father's religion.

I argued on behalf of Father that the court not only should not do as she was requesting, but that it could not enter custody orders which would have the effect of favoring or discriminating against a particular form of religion, for to do so would violate the First Amendment of our U.S. Constitution. I also argued that there was no showing that Father's religion was contrary to the best interests of the child. The court agreed with Father's position, and entered a joint custody order, allowing both parents to take the children to the church of their choice.



Timothy Durkin joined JacksonWhite in 2010, and quickly established himself as a highly effective family law attorney with the perfect balance of assertiveness and compassion. Tim is often complimented for his dedication to professional service, as he works closely with his clients to keep them informed, listen to their needs and involve them in the decision making process.

Tim handles all types of family law, including divorces, paternity actions, child custody, child support, relocation and jurisdiction issues, adoptions, termination of parental rights and parental severance actions, title 8 guardianships, spousal maintenance cases, division of marital property and debts, pre-nuptial agreements, post decree modifications and enforcement of custody and divorce orders, mediation services, grandparent visitation cases, and domestic violence issues. He is licensed to practice law in all Arizona State Courts, as well as the United States District Court, District of Arizona, and serves clients throughout the Phoenix metro area. To read more about what former clients are saying about hiring Tim, or to set up a free consultation, please visit www.jacksonwhitelaw.com/arizona-family-law.

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