

Addictions and Child Custody

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Many of us see the family-law battles of the rich and famous play out daily in newspapers and tabloids. This week we see Charlie Sheen's soon-to-be ex-wife, Brooke Mueller, entering a rehab facility to deal with an addiction that according to sources close to her, she has dealt with for many years. According to sources, she is also concerned with seeing her children, who are currently staying with their grandparents. This drama plays out nearly every day in my family law practice. The broad issue is, "how does a drug, alcohol, or other addiction affect child custody and visitation issues?" A related question I am often asked is "how will the courts view me if I enter a rehab facility?"

Before answering this question, I will tell you about a conversation I had with a father. He asked me about his chances of winning full custody of his daughter, in light of the multiple CPS investigations that have been directed at the child's mother. Initially, I felt positive about his case. Unbeknownst to me, and apparently everyone else, the father was dealing with a raging drug addiction. Soon after the case started, the father's addiction came to light, as addictions do. The father was faced with a dilemma, clearly mother had fitness issues, but so did he. In this instance, the father put his legal battle on hold and entered a rehab facility. His goal was to become a good father for the benefit of his child.

Now, to the answer the question above. As a general rule, if the addiction is known, or if there is evidence of an untreated addiction, courts will have great reservations about granting that parent custody and/or unsupervised parenting time. If the addiction is hidden, and custody and/or parenting time are awarded to the addicted parent, it should be remembered, it will come to light and be cause for a modification of custody and parenting time later. The safer course is, if a parent has a drug or alcohol problem, to address it straight up, early, and get the help needed. Court's will always respect a parent who has addressed their problems in a mature and responsible way. And yes, a parent who has successfully battled an addiction can and should have parenting time and shared custody.



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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