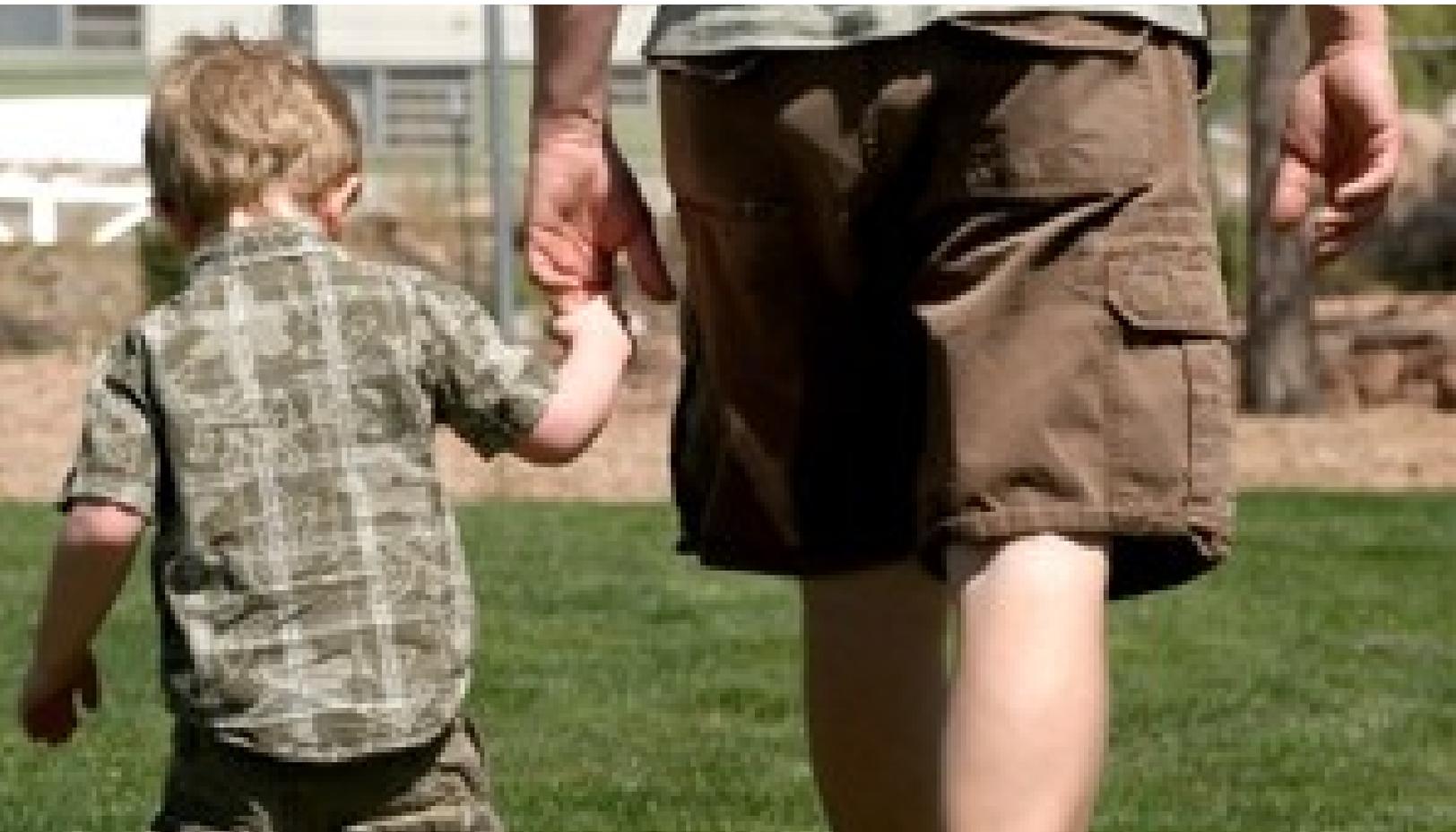


WHAT IS PHYSICAL CUSTODY?

A Decision on Physical Custody Must Be Made After Considering the Unique Circumstances of the Family Dynamic and It Is Always Best If Parents Can Divide Physical Custody Themselves Rather than Leaving the Decision Up to a Judge



Pintar Albiston
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After a couple makes the choice to separate, it becomes necessary to determine how they will divide responsibility for raising their children. The parents may



decide together on how parenting time should be shared or a judge can decide if the parents are unable to agree.

No matter who determines the custody arrangement, it is necessary to consider both physical custody and legal custody. An experienced attorney can represent parents during discussions to reach a negotiated settlement or can represent parents in court to make a compelling argument to the judge about what is in the best interests of the child.

Physical Custody in a Separation or Divorce

A parent who has physical custody of the child has the child under his or her care. The child will live with the parent who has physical custody and that parent will be responsible for providing supervision and taking care of the child on a day-to-day basis.

Physical custody does not necessarily grant a parent the right to make decisions on the child's behalf. The parent or parents with legal custody get to make choices in how the child is raised. For example, a parent who has legal custody of a child could decide what medical care the child receives, what religion the child is raised in, and where the child will attend school.

It is common for a parent who has physical custody to also have legal custody, or at least to share legal custody. However, a mother or a father does *not* need to physically provide day-to-day care in order to have the right to make decisions on how the child is raised. For example, if a mother has primary physical custody and the father has only visitation rights on weekends, the mother and father could still share legal custody. They would need to make decisions together on important aspects of their child's life.



Determining Physical Custody in a Nevada Divorce

When a couple separates or dissolves their marriage, they may be negotiating a parenting plan or parenting time agreement that specifies how physical custody is to be divided among them. However, in situations where the two parents are unable to come to an agreement on this important issue, a family court judge will preside over a custody hearing. The judge will make a decision based on the best interests of the child, considering a number of factors to determine how physical custody should be split up among the parents.

There are different arrangements that can be reached regarding how physical custody or parenting time is shared. Some custody agreements that divide a child's time can include:

- Sole custody: One of the two parents has sole physical custody of the child. The other parent may not see the child at all, or may have very limited rights to visit with the child such as supervised visitation. Sole custody is rare, unless one parent has decided that he or she does not want to be involved with the child or unless one parent is abusive, neglectful or unfit.
- Shared/ joint custody: The parents share physical custody, spending similar amounts of time with the child. For example, a child could live for one month in his mother's house and then move to his father's home for the next month. Shared or joint custody arrangements can be beneficial by allowing a child to continue forging very strong relationships with both parents but it is important to ensure the child's home life provides the necessary stability.
- Primary custody: One parent has primary physical custody and the other has regular visitation. For example, a child could live with his father during the weeks and could spend weekends with his mother or a child could spend school years with his mother and summer vacations with his father.

The appropriate division of physical custody depends upon the relationship of the parent and child; the geographic location of the parents; the ability of each parent to provide a stable home life; the ability of the child to remain connected to extended families and community supports; and a variety of other different factors. A decision on physical custody must be made after considering the unique circumstances of the family dynamic and it is always best if parents can divide physical custody themselves rather than leaving the decision up to a judge.

An experienced Nevada divorce lawyer can represent parents throughout the process of negotiating a parenting time plan or physical custody arrangement. Your attorney can also assist you if your case goes to court so you can make a compelling argument for the physical custody arrangement you believe is best.

About Pintar Albiston, Attorneys at Law



Pintar Albiston is known for our ability to accommodate client requests. We are hands-on, and if we don't "pick up" the second you call, you may be certain we will get right back to you. We offer flat fee rates so that your fees are predictable.

Family Law Attorneys

Whether you live in Las Vegas, Henderson or North Las Vegas, our lawyers realize that every family situation is different. We will work with you to determine your objectives whether it relates to divorce, child custody or child support. We will take the time needed to explore your options and then work to obtain fair and workable solutions that allow you to move forward with your life.

Our firm confidently handles every aspect of family law disputes, including child support, child custody and parenting matters both during and after the divorce or other legal dispute.

We will keep your goals and best interests in mind when pursuing a fair and equitable divorce that divides assets properly. We will always keep your children's best interests in mind when resolving child custody and child support issues.

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