

## **5 Child Custody Facts You Need To Know When Divorcing in San Diego**

If you're divorcing in San Diego, and you and your spouse share minor children, here are five facts you'll want to bear in mind as you proceed through the dissolution of your marriage.

### **1. There Are Two Types Of Child Custody In San Diego**

Legal custody refers to the party or parties who have the right to make important decisions about a child's health, education and welfare. Physical custody refers to the child sharing arrangements between the parents. Physical custody determines which parent is responsible for the child on a day to day basis. Legal and physical custody may be granted to one person (sole custody) or to both parents (joint custody).

### **2. If You Cannot Agree Upon Custody, The Court Will Determine Custody For You**

Wherever possible, it is in the best interest of the divorcing parties to work together to come to agreement on custody of minor children. If you and your soon-to-be ex-spouse cannot agree upon custody arrangements, the San Diego Family Court will make the decision for you.

### **3. The Court Will Consider Multiple Facts To Determine Custody**

If the Court is charged with sorting out custody of minor children they will consider items such as: age of children involved; overall health, wellbeing and safety of the children; each parent's personal history and lifestyle; current amount of contact that the children have with each parent; and the child's preference (if they are mature enough to have a preference).

### **4. The Court Favors Joint Custody**

Operating under the presumption that children benefit more from time and influence from both parents, rather than from one parent only; the San Diego Court will attempt to help divorcing spouses understand the benefit of both parties remaining active, healthy participants in the lives of their children. In fact, judges who do not grant joint physical and legal custody to either party who requests it, must provide an explanation in writing explaining why they do not believe joint custody to be in the best interest of the child or children.

### **5. Changes To Custody Must Be Submitted To The Court**

If the San Diego Court has issued custody orders for your children, and circumstances have changed that require a change in those orders, you will need to either file a written stipulation between you and the other parent changing the orders, if you both can agree, or file a motion with the court to request the orders be changed, if you both can not agree.

If you're divorcing, and minor children are involved, you need the experience of a family law specialist working on your behalf to help you secure custody that is both right and reasonable for the minor children involved.