

CUSTODY AND VISITATION RIGHTS

CUSTODY OF THE CHILD

- Spouses at litigating terms seek the sole custody of their child. The Family Court has jurisdiction to decide the custody of the child.

GUIDING PRINCIPLE

- **The principle on which custody is decided is the 'welfare of the child'. Best interests of the child includes child's emotional, educational, social and medical needs .**

THE RELEVANT FACTORS FOR DECIDING CUSTODY

- the age, health and sex of a child
- which parent had continuing care of the child prior to separation
- which parent has the best parenting skills
- which has the willingness and capacity to provide primary child care
- the employment responsibilities of both parents
- the physical and mental health and age of parents
- emotional ties of the parent and child
- the parents' moral fitness
- the child's home, school and community record
- the preference of a child at the age of twelve
- stability of the home environment and employment of each parent
- and other relevant factors

VISITATION RIGHT

- Child needs his/her mother and father both. Non-custodial parent and/or grand parent has right to meet the child. This is called visitation right.
- Family Court decides frequency, place and duration of such visit.

BEST INTEREST OF CHILD ?

- Although the best interests standard can be hard to define in some situations, some factors are common in this analysis in most custody situations:
- Wishes of the child (if old enough to capably express a reasonable preference);
- financial status of parent
- Mental and physical health of the parents;
- If a child has special needs, how does each parent take care of those needs;
- Religion and/or cultural considerations;
- Need for continuation of stable home environment;
- Other children whose custody is relevant to this child's custody arrangement;

- **Support and opportunity for interaction with members of extended family of either parent such as grandparents;**
- **Interaction and interrelationship with other members of household;**
- **Adjustment to school and community;**
- **Age and sex of child;**
- **Is there a pattern of domestic violence in the home;**
- **Parental use of excessive discipline or emotional abuse; and**
- **Evidence of parental drug, alcohol or child/sex abuse.**
- **Remember, best interests determinations are generally made by considering a number of factors related to the child's circumstances and the parent or caregiver's circumstances and capacity to parent, with the child's ultimate safety and happiness being the paramount concern.**