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Writing your own child custody agreement

Cultura RM Exclusive / Stefano Gilera / Getty Images Parents who are able to reach a child custody agreement on their own may be able to avoid adversarial child custody proceedings. You can create an atmosphere of cooperation while potentially saving time and money. Each state has its own laws on child support and custody, and you must understand your jurisdiction's guidelines before preparing any agreements. In a child custody agreement, the parents draft an agreement that works to their satisfaction and present it to the court. The court will then either accept the child custody agreement, alter its terms, or reject certain provisions. Let's explore the best ways to draft an agreement to avoid contention. A child custody agreement is very similar to a parenting plan. Make sure to classify what kind of custody each parent agrees to. Custody can be classified as joint or sole. Joint custody is shared by both parents, while sole custody means one parent is the custodian. It should include which parent or parents will have legal or physical custody. Legal custody refers to the right of a parent to make decisions for his child while physical custody involves the daily care of the child. The agreement should outline parenting time schedules, including visitation schedules, weekends, holidays, and any other information regarding the parenting schedule. The child custody agreement should detail what the pick-up and drop-offs to and from the parental home will be like. Important decisions, like issues related to religion, education, and extra-curricular activities should be ironed out in advance in the document. Lastly, there should be a clause that outlines how parents can make changes to the child custody agreement should the need arise. The best thing parents can do to protect each other, and the child, is to be specific with all of the terms in the child custody agreement. If the terms of the child custody agreement are not specific, it may leave the door open for a new child custody suit. For example, be specific about the exact days when each parent will have the child. Keep in mind that children have time off for school vacations, factor those dates into your visitation calculations. Determine how schedule changes will occur. If one parent needs to switch days with the other, set an appropriate notice period such as 24 hours in advance. Parents should try to avoid the adversarial process, especially if there are only a few decisions that cannot be agreed upon. If you have come close to ironing out the details, then seek assistance in the form of arbitration or mediation to conclude the last details. Arbitration or mediation will involve a neutral third-party party who will work to assist parents in coming to an agreement that is beneficial to all parties. If you would like to formalize your agreement and bypass the use of a law firm, you can use specific software programs or online services that are designed to assist with drafting the custody agreement. If you need more specific information or wish to have legal advice on drafting a child custody agreement, speak with a qualified attorney and look up the specific child custody guidelines for your state. Thanks for your feedback! What are your concerns? A Child Custody Agreement is used by parents to lay out the details of how they will co-parent their child or children together even though they are no longer romantically involved. The Agreement addresses issues such as physical and legal custody, visitation schedules, health insurance, college, and, if desired, child support. Parents can use this document to come to a mutually satisfactory plan about how they will raise their children together without needing to give up control of decision making to a judge. If both parents can be civil and work in the best interests of their children, they can save time, money, and energy by creating a Custody Agreement by themselves. If the parents would like to create a document that covers just child support, they should use a Child Support Agreement. How to use this document This Agreement covers all of the essential details of how parents will raise their children together. Firstly, the document addresses the issue of custody in the following manner: Physical custody -- This encompasses where the children will live and how the visitation schedule will work. The parents can elect to have one parent assume sole physical custody with the children spending most of their time living with that parent and then making visits to the other parent. The parents can also elect to have joint physical custody, with children spending an equal amount of time living with each parent. Legal custody -- This type of custody involves which parents have the right and responsibility to make decisions on behalf of their children regarding issues such as healthcare, religion, and education. Generally, parents elect to have joint legal custody of their children, with both parents sharing this decision-making responsibility. However, this document gives the parents the option to assign one parent sole legal custody, for example, if the children will spend the overwhelming majority of time living with that parent. The document then goes on to cover additional important details of child-rearing, including transportation to and from scheduled visitation, health insurance coverage. Finally, the document gives the parents the option to incorporate an existing child support agreement or to create a new child support agreement. Child support is generally based on a calculation that weighs the amount of time each parent will spend with the child and the parents' respective incomes and assets. A number of child support calculators can be found online. However, parents can elect to come up with their own agreement regarding child support without using the calculation. The caveat is that a judge has the final say regarding child support. However, judges generally approve any reasonable support agreement and are willing to give the benefit of the doubt to two parents who have worked together to create a child support agreement. Once the parents finish creating the Child Custody Agreement, they can elect to have their own attorneys review the document and then sign, either in front of their attorneys or witnesses and a notary. The Agreement can remain an informal agreement between the parents or the parents can choose to file the document with the court if this is desired or required by a pre-existing court order. The parents should keep copies of this document for themselves to refer to in case of dispute, misunderstanding, or a desire to create a written alteration of the agreement. Applicable Law Child custody and support are matters of both state and federal law. Every state except Massachusetts has adopted the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA"). The UCCJEA dictates that child custody litigation pertaining to a particular child will occur in that child's home state, defined as the place where they have lived for six consecutive months prior to the litigation. If a child has not lived in any state for six consecutive months, their home state is defined as the state with significant connections to the child and at least one of the parents as well as substantial evidence regarding the child's care. Once a state takes the case, called jurisdiction, they then retain control over the case until a court decides that the child no longer has a connection to that state. In determining matters related to children, such as child custody, visitation, and support, a Court must approve any arrangement using a "best interests of the child" standard. Generally, if both parents come to an agreement regarding these matters, a Court will be willing include the agreement in the official legal documents. However, the possibility remains that a Court will require an adjustment of the agreement if they determine that the arrangement is not in the best interests of the children involved. How to modify the template You fill out a form. The document is created before your eyes as you respond to the questions. At the end, you receive it in Word and PDF formats for free. You can modify it and reuse it. can i write my own child custody agreement. can i write my own custody agreement

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