



Judy Johnson

Understanding Child Custody

The Basics

Many couples who separate have minor children together. As part of the split, the parents will likely need to decide where the children will spend their time, how decisions about the children will be made, and how information on the children will be shared. Some of the legal terminology surrounding child custody can be confusing at first glance. In general, custody refers both to where a child actually lives and to important decision making about the child. Iowa law specifically addresses two types of custody: legal custody and physical custody.

Legal Custody

Legal custody refers to the legal rights and responsibilities that a parent has toward their child. This can include things like decision making on the child's health, safety, and education, as well as access to information in all of these areas. It is common for separated parents to have what is called joint legal custody. Joint legal custody means that both parents have a right to help make decisions and both parents have equal access to information on the child. Legal custody is not connected to where a child actually physically spends his or her time.

Physical Custody

Physical custody refers to how much time a child spends with each parent. There are two types of physical custody: primary physical custody and joint physical custody. Joint physical custody is not the same as joint legal custody that was discussed above. Joint physical custody refers to a schedule of time where the child spends equal time with both parents. Primary physical custody refers to a schedule of time wherein the child is with one parent a majority of the time. Generally speaking, the primary physical custody parent is the parent that will maintain the home where the child will live on a regular basis.



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Best Interests of the Child

In determining legal and physical custody, an important consideration is always the best interests of the child. It is important that the parents think about a schedule of time that will put the child's physical and mental needs first. Every family is different. Your circumstances may not be the same as your co-worker or neighbor that went through a separation. It is important to consult with an attorney who is knowledgeable in this area. *

This article is for informational purposes only and not for the purpose of providing legal advice.

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