

PARAMETERS FOR PARENTS IN CUSTODY DISPUTES

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Any parent who finds himself or herself involved in custody proceedings must be aware of certain basic parameters: the practice of law has demonstrated that there are certain guidelines and principles which must underscore most custody disputes. If considered and applied, these parameters will illuminate the best course to take in pursuing a favorable outcome in court.

Maryland law clearly dictates that the primary standard in any custody matter is the "best interest of the child." During child custody proceedings, the child's interests are paramount; the parents' interests are secondary. Frankly, the parent's desires, needs, wants, circumstances, and/or feelings may be disregarded by a Circuit Court Judge or a Family Law Magistrate if same would be inconsistent with the "best interest of the child."

The Court will evaluate each case on an individual basis in order to render a custody determination that is solely in the "best interest of the child." Most importantly, the Court will determine which parent will become the "residential" custodian of the child. If the parents are able to effectively communicate, and are able to "co-parent," the Court will award joint legal custody.

If you are going to be a custody litigant, you must consider and apply the following parameters:

1. **RULE NUMBER 1:** You must obey all pending court orders. Unless there are exigent or special circumstances, you must maintain compliance with any prior Order issued by the Court.
2. Unless there are concerns with respect to neglect or abuse, you must not interfere with the other parent's access to your child.
3. If you have access to your child, you should be spending that time with the child. Unless you need to do so for work or to attend school, you should not use babysitters, child care facilities, family or friends, or anyone else to watch your child on your behalf. Spend as much time as possible with the child. Also, when spending time with the child, it should be "quality time;" time spent as a parent should always be dedicated to your child and his or her needs.
4. Unless special circumstances apply, both parents are generally entitled to equal access to all medical, educational, religious, and other such records. Therefore, in most cases, you must not withhold important information from the other parent.
5. You should not connect Child Support to Child Custody. Also, refrain from any discussions about finances and monetary needs related to the court proceedings when in the presence of your child.

6. You must not influence your child to harbor ill will against the other parent; you must not disparage the other parent in front of your child; and, you must not allow other persons to talk negatively about the other parent in front of your child.
7. You must not tell your child what to say to a Judge, to a custody evaluator, to anyone in the Office of Family Court Services, or to a health care provider or school official.
8. The Court will not allow parents to use their children as messengers; thus, you must not use your child to convey messages to the other parent.
9. If you have a significant other (boyfriend or girlfriend), you should not expose your child to him or her until the divorce is completed. Most Judges tend to be on the conservative side, and as such, the Court will apply particularly high standards of conduct in this area. No such third parties should be sleeping over in the same residence with any child who is subject to pending custody proceedings.
10. Appropriate disciplinary techniques must be used; certain forms of corporal punishment are not acceptable.
11. Avoid all circumstances attendant to drug and alcohol use. Alcohol should not be consumed for at least 24 hours prior to any scheduled custody or visitation period, and it should never be consumed alcohol in the presence of your child. Do not abuse prescription drugs; do not use illegal drugs.
12. Remember to become familiar with any individual who plays any significant role in your child's life. You must know their friends, teachers, coaches, the staff at any child care providers, and anyone else your child sees on a regular basis.
13. You must go to the child's school. The teachers must know who you are, and you must emphasize your interest in the child's academic performance. You must monitor and help with all homework and school assignments. You must obtain all report cards. You should go on school fieldtrips, and attend other school programs. If your child is a member of a sports team, you should attend all games, meets, or matches.
14. You must go to your child's health care providers. You must schedule and attend all medical and dental appointments. You must review and administer the child's medication as prescribed. If possible, stay home with your child when he or she becomes sick and cannot attend school.
15. Provide opportunities for your child to discuss his or her feelings, and provide a reminder that he or she is not the one who bears responsibility for the divorce or separation.

16. You are not responsible for “fixing” the other parent or their problems. You are not responsible for making the other parent appear to be a better parent. Custody is never about the “best interests of a parent;” rather, it is about the “best interests of the child.” You alone are responsible for being the best parent you can be as you strive to meet the “best interests of the child.”

17. **SOCIAL MEDIA**: You must avoid any posts, comments, or photos on Facebook, Instagram, Twitter, Snapchat, etc., that could be used against you by the other parent in the context of a custody dispute. If relevant, material, and authenticated, such social media material could be introduced into evidence by the other parent’s attorney.

18. **PERHAPS THE MOST IMPORTANT THING A CUSTODY LAWYER SHOULD ADVISE:**

- **You MUST keep and maintain a custody log, or a visitation calendar, or a similar journal of the key events related to custody. Your journal, calendar, outline, or Word document should include the details of any and all custody disputes, including incidents that transpire at any custody exchanges. Thus, you should record all details: who, what, what, where, why, etc., including the names of potential adult witnesses who could verify the facts.**
- Regarding custody exchanges, you must send all of the necessary items that the child will require when in the custody of the other parent: clothes, school materials, book-bags, medicine, inhalers, cell phones, etc.
- If the other parent can't make his or her visitation, don't turn it into soap opera; rather, simply record the fact that the other parent did not show as scheduled (and welcome the unexpected time that you get to spend with the child).
- If the other parent requests your assistance with respect to taking care of the child when you are not otherwise scheduled for custody, you should be available to assist the child. You must never refuse any opportunity to be with your child.
- The topic of “make-up time” should be discussed with an attorney in the context of any pending Court Orders.

These parameters may appear to be harsh or impossible, but they will play a pivotal role in your custody case. You must be a model parent at all times; you must put all your needs and desires aside if you are going to present a good case for custody before the Court. In addition, you must be able to document or prove your case with proof of facts, circumstances, dates, times, texts, emails, phone messages, social media posts, and other indicators that demonstrate your strengths and the other parent’s weaknesses.

