

Custody: Definitions and Court Overview

Definitions of Custody and Visitation

When entering into a custody case in court, it's important to understand the difference between legal custody, physical custody, joint custody, and sole custody:

- **Legal custody** refers to the right to make important decisions for your child, such as where the child goes to school or what medical treatment your child should get.
- **Physical custody** refers to the right to have your child live with you most of the time.
- **Joint legal or joint physical custody** means that these rights are shared between the parents.
- **Sole legal or sole physical custody** means that just one of the parents has these rights and responsibilities.

When one parent has visitation, they have the child in their custody for that specified period of time. During the visitation, the parent can make day-to-day decisions for that child. What the actual visitation schedule looks like is going to depend on the circumstances, like how far apart parents live, what their relationship is like, what the judge believes is better for the child, etc.

In some situations, when the child is not safe with the non-custodial parent, the judge could order supervised visits or the supervised exchange of the child. Rarely, a judge will deny visitation entirely.

Custody Orders from Court

When there is a custody case going on in court, often the parents will come to a settlement and agree on how to divide custody. If they can't agree, it goes to a trial and a judge decide what's in the best interests of the child. The judge may consider:

- which parent could provide emotional, economic, and physical stability;
- which parent will promote a healthy relationship with the other parent, when appropriate;
- where the child has more social and family ties;
- who will provide better educational opportunities and stability to the child; and
- a history of child abuse or domestic violence.

Once a custody order is issued, it is supposed to be followed by both parties or else a parent can file a violation petition asking that the other parent be held in contempt. Usually, if circumstances change considerably, one of the parents can also ask the court to review/amend the custody order.

You can find more information about [custody](#) on WomensLaw.org.

You can also find state-specific legal information on restraining orders, domestic violence, sexual assault, and stalking, as well as resources for getting help on [WomensLaw.org](#). You can send us your specific questions by writing to our Email Hotline at [Hotline.WomensLaw.org](#).