

Child Custody, Access & Guardianship

Determining child custody is a way of designating who has the care, control and responsibility for the well-being of a child. It is also a consideration in determining the rate of child support to be paid by one or each of the parents. In a situation where parents are unable to agree on child custody arrangements, a decision as to what is best for the child(ren) will be made by the court. Rob MacLeod has the resources, skill and experience to guide you through the process, protecting your parental rights and ensuring the best interest of your child(ren) is in the forefront of negotiations.

The best interest of the child is always of utmost importance in determining child custody. The court will consider the needs and circumstances of the child based on the following criteria:

- The love, affection and emotional ties between the child and,

The persons entitled to or claiming custody of or access to the child

Other members of the child's family who reside with the child, and

Persons involved in the care and upbringing of the child

- The views & preferences of the child where such views and preferences can reasonably be ascertained.
- The length of time the child has lived in a stable home environment;
- The ability & willingness of each person applying for custody of the child to provide the child with guidance and education, the necessities of life and any special needs of the child.
- Any plans proposed for the care and upbringing of the child
- The permanence and stability of the family unit with which it is proposed that the child will live; and
- The relationship by blood or through an adoption order between the child and each person who is a party to the application.

In the interest of determining where the children will live and who will have the right to make decisions regarding the care & responsibility including medical treatment, schooling, religious decisions etc. on behalf of the children of that marriage, the following definitions apply:

Sole Custody - Means that only one parent has the right to make all decisions pertaining to the care & responsibility of the child(ren).

Joint Custody - Is generally awarded when both parents can demonstrate their ability to cooperate with each other in decision making regarding the care and responsibility of the child(ren). Although both parents have equal rights in decision making, care and responsibility, in this situation it is usual that one parent provides and resides in a primary residence with the child(ren) and the other parent has visitation and access with the child(ren).

Shared Custody - Is similar to that of joint custody whereby both parents share in the decision making, care & responsibility of the child(ren) but rather than having one primary residence, the child(ren) reside an equal amount of time with each parent or at least 60/40 percent of the time.

Split Custody - Defines an arrangement by which each parent has custody and provides and resides in the primary residence with a child(ren) of the marriage. i.e.: Older child lives with father, younger child lives with mother.

Answers to frequently asked questions with regard to child support legislation are provided at this link [to the Department of Justice](#).