

Child Custody



Prepared by

MERIWETHER & THARP^{LLC}
— THE ATLANTA DIVORCE TEAM —

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Each case has unique facts and circumstances. The information provided in this guide is general information and is not a substitute for legal advice from an attorney. The information contained in this Guide does not constitute legal advice nor is it intended to be legal advice.

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Types of Custody

Broadly speaking, child custody is broken up into two major categories:

PHYSICAL CUSTODY

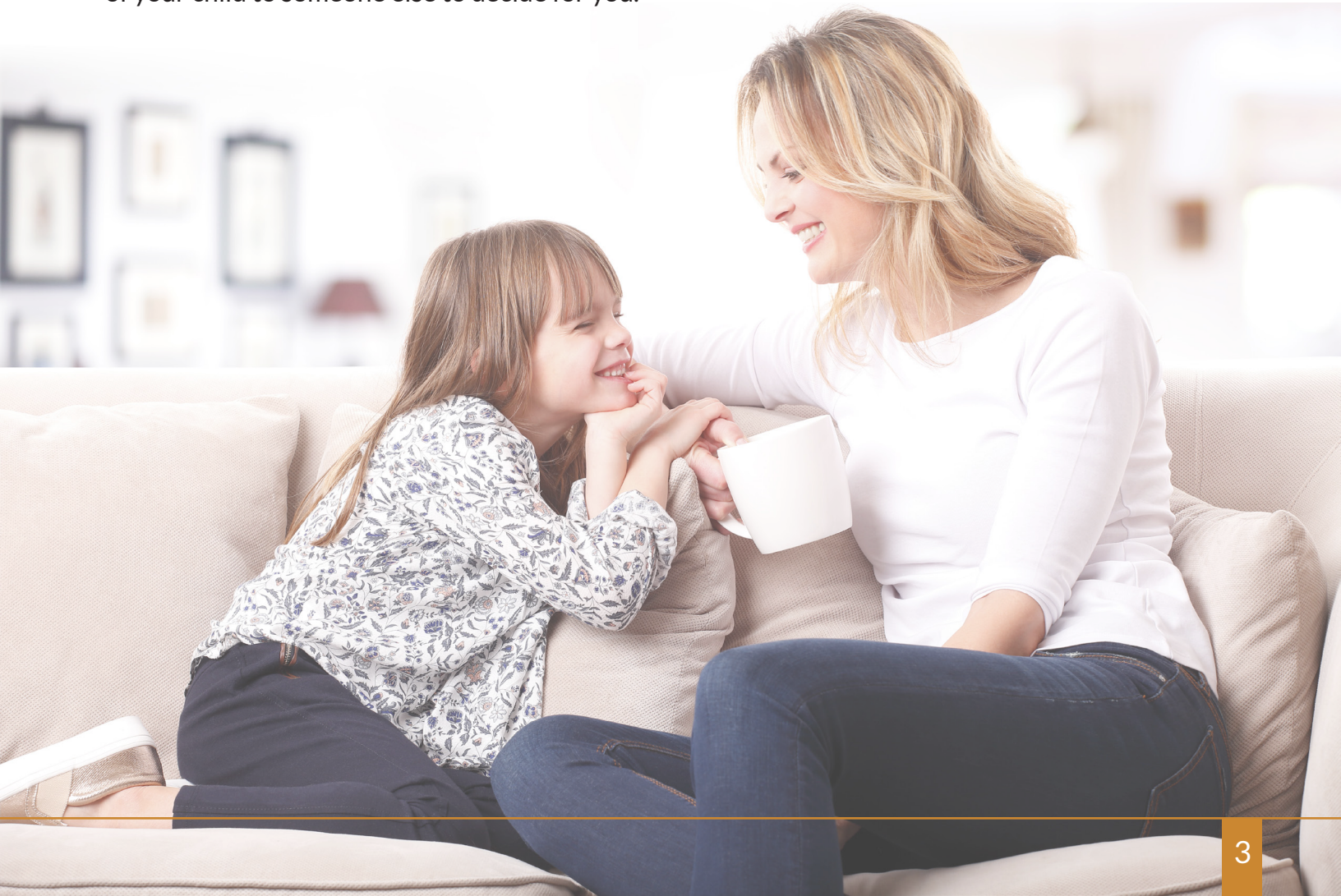
How time with the child will be shared between parents.

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LEGAL CUSTODY

Final decision making (say so) for a child's upbringing.

As a parent you know what is best for your child, so it is important that you work together for what is in the best interest of your child. In the event that you cannot agree, then you turn over the future of your child to someone else to decide for you.



Physical Custody

Physical custody addresses the parenting time allocation between parents. Georgia law does not mandate that any particular amount of parenting time be given to any parent. In practice, we see variances from none to one hundred percent, with the vast majority of the cases being (broadly speaking) somewhere in the middle.



Types of Physical Custody Arrangements

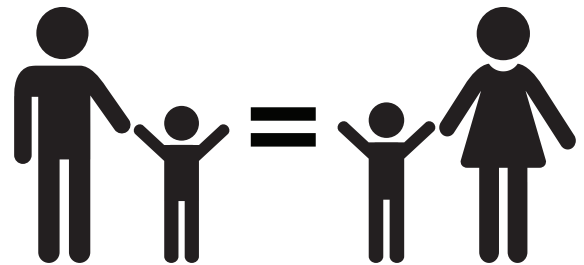
PRIMARY CUSTODY:

The most common arrangement is where one parent has the majority of custody time. Time may range from 51% to 99%.



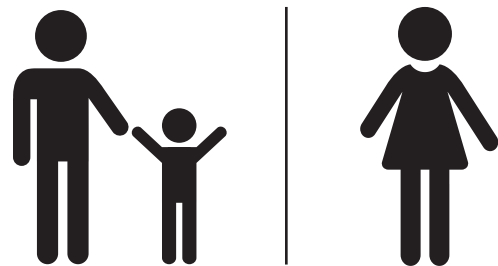
JOINT CUSTODY:

Another common arrangement where the parties split parenting time roughly equally.



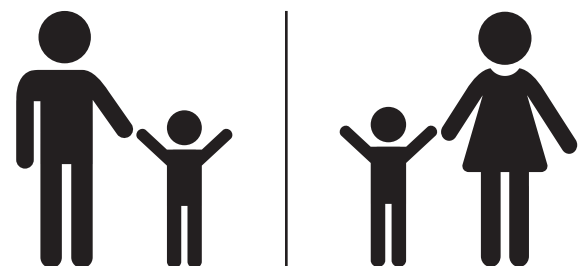
SOLE or "FULL" CUSTODY:

Where one parent has nearly all of the time with the child.



SPLIT CUSTODY:

When one child spends the majority of time with one parent and the other child spends the majority of time with the other parent.



Legal Custody

In nearly all cases, the parties are awarded joint legal custody. This means the parties are required to discuss and attempt to agree to all major decisions relating to a child's upbringing. Final Decision Making Authority consists of four categories:

Medical

Making decisions regarding a child's non-emergency medical and health care. Example decisions: braces, ADHD treatment, elective surgery and treatment options.



Education

Education decisions are also important for parents to consider. Example decisions: home schooling, private school, course of study and enroll in advanced classes.



Activities

One often contentious issue regarding child custody involves the child's extracurricular activities. Example decisions: activities of the child, limits of involvement in activities, scheduling of activities and how many activities at a time.




Religion

If the parents have religious differences, final decision making authority for religion or religious training may be a very contentious issue. Example decisions: religious upbringing and training.



Four Areas of Decision Making

Georgia law requires there to be a major decision maker for each of the four categories. Notably, the court can split final decision making for each category between the parents. For example:

	MOM	DAD
Education	X	
Health & Non Emergency Medical		X
Extracurricular Activities	X	
Religion		X

Common Visitation Schedule

Parenting time is viewed in two week increments that create a repeating pattern for the weeks, months, and years going forward. When looking at the common visitation schedules below, one parent will be “A” and another will be “B.”

Traditional/ Standard Visitation

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
A	A	A	A	A	B	B
B	A	A	B	A	A	A

Extended Traditional

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
A	A	A	A	B	B	B
B	A	A	A	B	A	A

Weekly Exchange (Joint Custody)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
A	A	A	A	A	A	A
B	B	B	B	B	B	B

2/2/5 (Also Referred to as 2/2/3)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
B	A	A	B	B	A	A
A	A	A	B	B	B	B

Visitation/Parenting Time

Considerations for Visitation

Holidays & Summers

- Do we alternate holidays or split them?
- How many weeks during the summer should each parent have for vacations?



Work Commitments

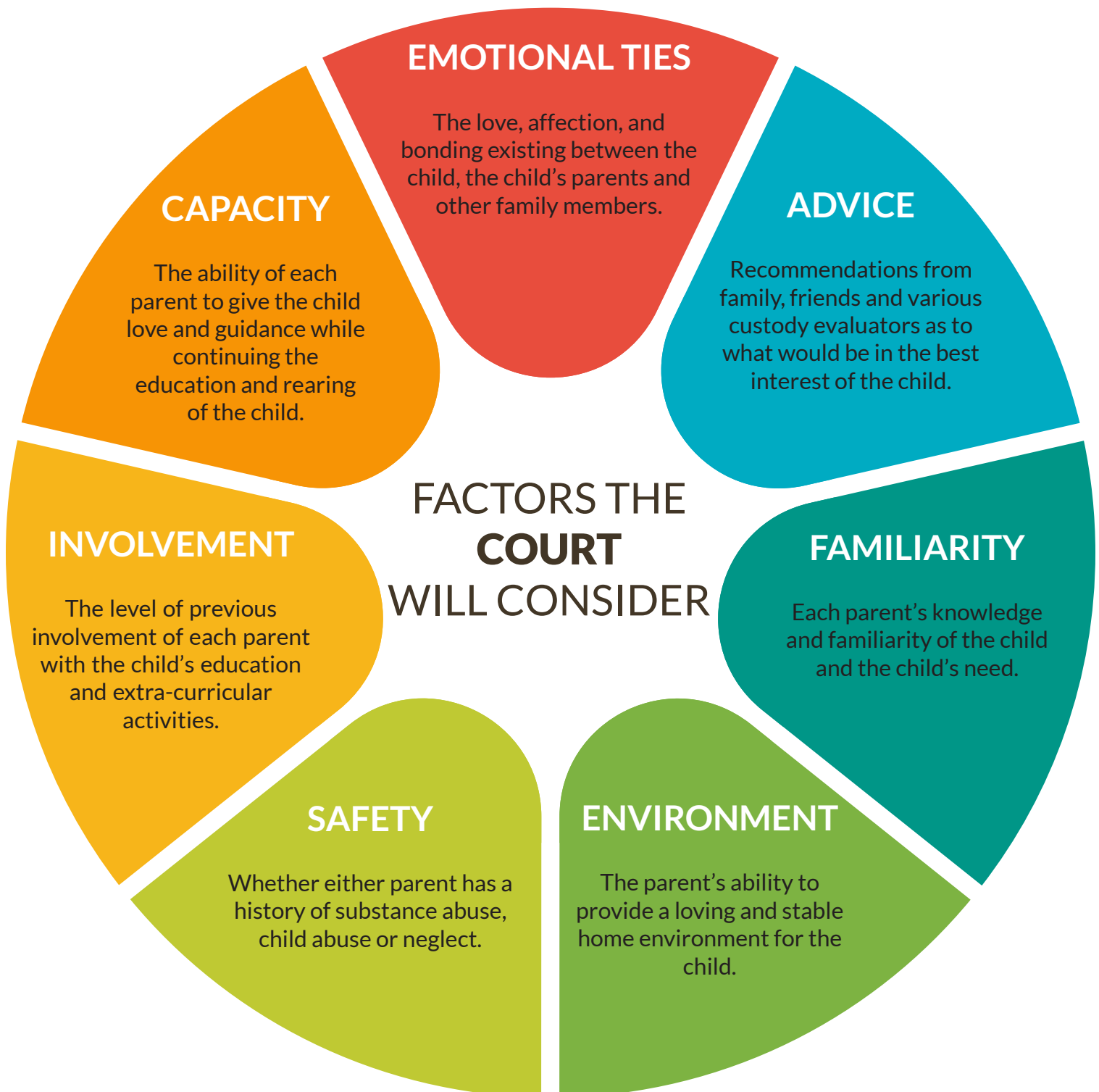
- Do you travel a lot? Is your schedule predictable?
- Do you work at unusual hours? Are your hours foreseeable?

Children's Extracurricular Activities

- Does your child participate in a lot of activities?
- How will your parenting plan impact the ability to maintain these various activities?



What Happens If Parents Can't Decide?



Why Meriwether & Tharp?



Meriwether & Tharp is one of the largest and most experienced divorce law firms in Georgia. Our firm has won numerous awards including Lawyer Monthly's Family Law firm of the Year Award for the entire USA.

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