

If you are in need of a skilled, experienced, and aggressive divorce lawyer or family law attorney for your child custody case, call or contact the **Law Offices of Jack L. Moser, Jr.** to find out how our knowledgeable and qualified divorce lawyers and family law attorneys can help you meet your goals.

Ohio law allows that either parent may be awarded custody of minor child(ren) when a marriage terminates. It is very common in a divorce or dissolution for custody of the child(ren) to become the major focus of the case. However, a skilled, experienced and aggressive divorce lawyer or family law attorney can help you make an informed decision about what custody arrangement would be best for your child(ren).

It is not uncommon for a court to allocate the parental rights and responsibilities for the care of the child(ren) to one of the parents and then designate that parent as the “residential parent” and “legal custodian” of the child(ren). When that happens, the court generally then divides the remaining rights and responsibilities for the care of the child(ren) between the parents, such as who has the responsibility to provide support for the children and what are the rights of the parent who is not the residential parent to have continuing contact.

In recent years, it has become more common for the court to grant a “shared parenting” plan that spells out the rights of parents and the custody of their child(ren). In fact, there is a presumption for shared parenting to take place – which means that shared parenting will be granted by the court unless there is a material factor that demonstrates shared parenting would not be in the best interests of the child(ren). A capable and knowledgeable divorce lawyer or family law attorney can assist you in drafting a shared parenting plan that will serve the best interests of your child(ren).

When a court allocates parental rights and responsibilities, the court takes into consideration many factors, such as:

- **The wishes of the child;**
- **The wishes of the child's parents regarding the child's care;**
- **The child's interaction and interrelationship with the child's parents, siblings, and any other person who may significantly affect the child's best interest;**
- **The child's adjustment to the child's home, school, and community;**
- **The mental and physical health of all persons involved in the situation;**
- **The parent more likely to facilitate court-approved parenting time rights or visitation and companionship rights;**
- **Whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child;**
- **Whether either parent has established a residence, or is planning to establish a residence, outside this state.**

When a court determines whether a shared parenting plan or arrangement would be in the best interests of the child, the court takes into consideration many other factors, such as:

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The ability of the parents to cooperate and make decisions jointly, with respect to the children

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The ability of each parent to encourage the sharing of love, affection, and contact between the

child and the other parent.

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Any history of, or potential for, child abuse, spousal abuse, other domestic violence, or parental kidnapping by either parent.

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The geographic proximity of the parents to each other, as the proximity relates to the practical considerations of shared parenting.

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The recommendation of the guardian ad litem of the child, if the child has a guardian ad litem.

[Based on Ohio Revised Code Section 3109.04]

Child Support:

In Ohio, a court may order either parent or both parents to support or help support the child(ren). Child support is ordered without regard to marital misconduct. It does not matter what the problems or issues were that existed or still exist between the spouses, child support obligations are a separate matter and are calculated based on the income of the parties. As of 2008, a court must now include in each support order the requirement that one or both of the parents provide for the health care needs of the child to the satisfaction of the court. Likewise, all support payments must be made through the office of child support in the department of job and family services. A qualified and skilled divorce lawyer or family law attorney will be able to help you gather the evidence necessary to calculate and draft the appropriate child support order. Our skilled, experienced, and aggressive divorce lawyers or family law attorneys are available to assist you with your child custody case, call or contact the Law

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Child(ren)'s Right's as Regards Custody and Visitation

Almost every parenting plan allocating parental rights and responsibilities contains a clause that sets forth, as a reminder to parents, that the child(ren) have rights as well. It has become customary for Ohio courts to adopt parenting plans that include many such rights. Generally, Ohio courts order that child(ren) have the following rights:

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a continuing relationship with both parents.

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be treated not as a piece of property, but as a human being recognized to have unique feelings, ideas, and desires consistent with that of an individual.

-

continuing care and proper guidance from each parent.

-

not to be unduly influenced by either parent to view the other parent differently.

-

express love, friendship, and respect for both parents: freedom from having to hide those stated emotions or made to be ashamed of such.

-

an explanation that the impending action of divorce was in no way caused by the child's actions.

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not to be the subject and/or source of any and all arguments.

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continuing, honest feedback with respect to the divorce process and its impact on the changing relationships of the family.

-

maintain regular contact with both parents and a clear explanation for any change in plans and/or cancellations.

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enjoy a pleasurable relationship with both parents, never to be employed as a manipulative bargaining tool.

The divorce lawyers and family law attorneys at the Law Offices of Jack L. Moser, Jr. represent parents in child custody matters in Columbus and Surrounding Counties in Central Ohio: Franklin County, Delaware County, Fairfield County, Licking County, Pickaway County, Madison County, Union County, and beyond.

Regardless of your county of residence, if you are in need of a skilled, experienced, and aggressive divorce lawyer or family law attorney for your child custody case, call or contact the Law Offices of Jack L. Moser, Jr. to find out how our knowledgeable and qualified divorce lawyers and family law attorneys can help you meet your goals.