

Child Custody - Part 4 (Trial)

This four-part video series discusses the process used to decide how much time a child will spend with each parent, and who will be responsible for major decisions about a child in the future. This video discusses contested custody trials.

When is a Trial Necessary?

- A trial is necessary if parents are unable to reach an agreement. The court may determine that ADR is not appropriate in your case. Or, you and the other parent may be too far apart on issues to be able to reach an agreement.
- Contested trials are complicated. You may want to get a lawyer.

Professional Input

- Sometimes, the court needs input from professionals before it can make a custody decision.
- The court may order a custody evaluation, home study, mental health evaluation, or other evaluations.
- The court may order you or the other parent to pay for the evaluations.
- The Scheduling Order will list the deadlines for completing the court's orders.

Going to Trial

- Custody trials are in front of a magistrate or judge, never in front of a jury.
- Each side may give an opening statement, and then take turns to submit evidence and have witnesses testify. At the end, each side may give a closing argument, which is a chance to tell the court why it should rule in your favor.
- The court must review certain factors to determine the child's best interest. Those factors include the fitness of the parents, their character and reputation, the parents' desires, the child's preferences, the child's age, health, sex, and the potential for maintaining family relations.
- The court may announce its decision at the end of trial. Or, it may schedule another hearing to hand down a decision. Or, the court may mail the decision to each party.

Appeals and Exceptions

- If you disagree with the court's decision, you have the right to ask for a review.
- If your case was heard by a judge, you may file an appeal. If it was heard by a magistrate, you may file exceptions to the magistrates' recommendation.
- Appeals and exceptions have important deadlines. Don't wait.
- Consider talking to a lawyer if you want to challenge the decision.

Watch the Video



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