

Day #6: Child Custody Laws in New Jersey, Part II: The Types of Custody

Hi,

Thanks again for Subscribing. Today we continue to learn more about child custody, specifically the different types of custody contemplated by New Jersey Family Law Courts.

Types of Custody

Under New Jersey Law, there are two basic types of child custody:

- 1) Legal Custody; and
- 2) Physical Custody.

New Jersey law favors joint “legal custody”, whereas joint “physical custody” is generally a more contested issue. In recent years joint physical custody has grown and some judges now start with the baseline of 50%-50% shared joint and legal

custody and entertain arguments regarding why same should not be utilized.

Legal custody includes the right to make important decisions regarding the child, such as important decisions involving health, religion and education.

As its name implies, physical custody assigns which parent will physically reside with the child the majority of the time. Physical custody addresses the day-to-day care of the children.

Often times even a non-custodial party will be granted a significant amount of parenting time. The amount of overnight parenting time also plays a role in determining child support awards. You should consider prior to the divorce filing what type of custody you believe would be in your children's best interests and take steps to document the *status quo* and your affective parenting (along with any of your spouse's issues) to give yourself the best chance at obtaining the custody outcome you seek.

Gender and Custody

New Jersey has largely become gender blind when determining custody (except perhaps when a child is

very young). That said, for a variety of reasons, women are still statistically more likely to be granted physical custody of the children. It should be noted, however, that the number of fathers being granted primary physical custody of their children is increasing.

Thanks for reading. Tomorrow we will finish up the section on custody by learning about a contested divorce litigation.

All the best,

Carl

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