

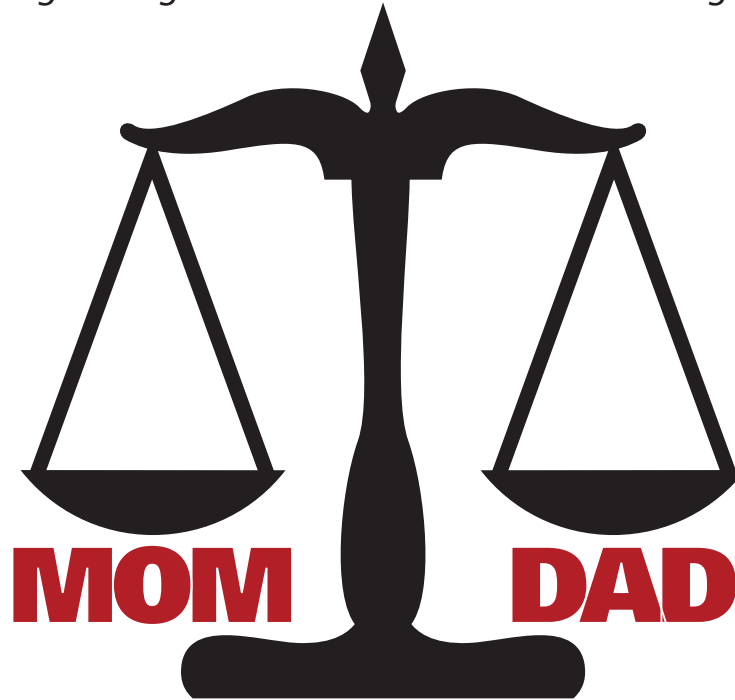
# **Divorce Worksheet**

## **IN A DIVORCE**

### **WHO GETS THE CHILDREN?**

Unlike that of real property or personal property, parents are not given “title” of their children. Instead, the courts assess which parent can serve the best interest of the child.

*Judges weigh the evidence and rule accordingly!*



#### **ABILITY TO MEET THE CHILD’S NEEDS**

As the hallmark principle relating to children is “the best interest” standard, judges need assurance that the child will receive adequate food, clothing, medical care, along with other material and developmental needs, all in a safe environment.

#### **CHILD’S HISTORY**

Judges will likely evaluate the child’s history in school and at home as they try to keep them in their homes and maintain some continuity. Especially when the parents separate early in a case, judges tend to keep children where they are and the parent who stays in the marital residence will be viewed as maintaining the status quo.

#### **CHILD PREFERENCE**

Based on a child’s age, maturity level, and motive, his or her wishes may be an influential factor in deciding custody. A court is more likely to follow the preferences of an older child, but reasoning and motive can affect a judge’s ultimate decision.

#### **ABUSE**

The question of whether a potential custodial parent has been guilty of or threatened any physical violence towards the child or the other parent is a big issue when assessing custody and parenting arrangements.

#### **PARENTAL COOPERATION**

A parent’s willingness and ability to facilitate and encourage a close and continuing relationship between the other parent and the child is a big factor in a judge’s eyes.