

How are custody cases decided - factors

We are going to examine another factor the Pennsylvania Courts use to make a custody determination. The factor I am going to address today is the availability of parties and the ability of the parties to make appropriate child care arrangements.

When a custody case begins the two parties involved may have some idea as to what amount of custody of the child they would like to have. Many parents hope to obtain at least 50/50 custody with the party or potentially become the sole care giver for the child. While all other factors may be in your favor, the availability of a parent and the ability to locate suitable child care may impact your custody time.

The work schedule of a party is one of the biggest limitations on a parties' availability for custody time. Some individuals have the ability to work hours that coincide with the child's school hours. If this is the case, the party may have no restrictions on their custody time due to their work schedule. The problem arises when one of the parties has an unconventional schedule. One party may work an afternoon shift or an overnight shift. One party may work sixty hours or more in a given week. Both of these scenarios could result in limitations to the parties' availability to exercise his or her custody time. This is also where the crossroad of childcare comes into play.

Many parents require some form of childcare to allow them to maintain their employment. This varies from a few hours afterschool to all evening or all day on the weekend. Ideally, the child would not spend the majority of their time with the parent in the care of another individual. Ideally, the child would see the parent the majority of the time the child is with the parent and not in school. However, that is not always the case.

Appropriate child care providers can range from a family member including older siblings, stepparents, grandparents or aunts and uncles to a certified after school or day care provider. The determination for who is appropriate may be based on amount of hours needed, the age of your child or cost. Based on an individual's personal circumstances, they will select the best child care provider. However, if the party is consistently unavailable during their custody time, the Court may decide to limit their time or provide the other parent the right of first refusal.

The right of first refusal provides the non-custodial parent with the opportunity to be with the child if the custodial parent is unavailable for an extended period of time. This is generally not used for errands or other limited times away from the child. It is more likely to be used when one party has a varying work schedule and spends time away from the child on a regular basis. In that event, the custodial parent would call the non-custodial parent and offer the time they were going to be away from the child. The non-custodial parent has the option to accept or the opportunity to say no. There is no requirement that the non-custodial parent accepts the additional time. This is a good way to limit the cost of childcare and to provide the other parent with additional time. Ideally, this works best if the parties live in close proximity to each other.

Both availability to the child and the ability to provide appropriate child care can have an effect on the amount of time an individual has custody for. How much of an effect is determined

by you, your work schedule, and your ability to co-parent with the other party. If both parents can agree on child care providers and schedules, the Court is less likely to get involved and this factor is less likely to affect your custody schedule.

*(For more information on this topic or any topic in divorce, custody, mediation, child support, collaborative law, PFA matters, alimony, or other family law matters, visit www.Pittsburgh-Divorce-Lawyer.com or contact **Notaro & Associates, PC** at **412-281-1988** for a free phone consultation with an attorney. You can also schedule online by clicking [here](#).)*