

Will I lose custody for drugs

In Pennsylvania, the Courts use sixteen unique factors to make a determination in a custody case. I will examine these factors over the course of multiple articles. The first factor we will be taking a look at is the history of drug or alcohol abuse of a party or member of a party's household.

Generally, if one parent has an issue with drugs or alcohol, the issue is brought up right at the beginning of the case. In Allegheny County, parents may begin to address these issues during their first mediation. At this stage in the process, a drug test can be agreed to by the parties.

If you fail a drug test, there may be consequences in a child custody case. The court could change the custody schedule that is in place. Visitation may be changed to include supervised visitation. Judges may ask if there is a family member who could do the supervision of the visits with the child. If there are no family members available to supervise a court representative such as a probation officer could be the appointed supervisor. In extreme cases, parties and the child may have to go to a court-approved facility for the supervised visits.

Also, if there is a history of abuse of a controlled substance, the court could order you to participate in a rehabilitation program before having access to the child. In Allegheny County, this program is known as Impact. Impact can provide drug testing and evaluations along with recommendations for long term treatment facilities. In fact, there could be several steps that the court puts in place for the failing party to complete before they have unsupervised visitation with the child. If rehabilitation is required and the court orders supervised visitation with the child it is typically limited in the number of hours the visitations can occur per month.

While each case is unique, if you have a history of drug or alcohol use and you believe it may become a point of contention in your custody case, you could document your rehabilitation efforts and be prepared to present them to the court. Documentation may come in many forms and the Court may require you to provide any number of documents to show rehabilitation. If a parties' drug history is brought up and documentation of rehabilitation is provided there may be no loss of custody at all. With this information in mind, the parties should be up front throughout the custody process regarding any past or current drug use.

*(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.](#))*