

## How child custody cases are handled in Virginia divorces

Written by Australian Business

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All divorces involve a number of discrete stages. For example, every divorcing couple will need to go through the property division process, where they decide who will take possession of personal property, financial assets and debts. If there is a significant difference in the spouses' income and earning potential, they might go through the process of awarding alimony payments.

But, if the couple has had children, the most important -- and likely the most contentious -- stage of the divorce will be the one in which child custody arrangements are decided. If you are about to go through a divorce, it can be helpful to have an understanding of how Virginia child custody law works so that you are prepared to help your divorce lawyer advocate on your behalf.

### Types of child custody

Virginia law recognizes two distinct types of child custody: legal custody and physical custody. Legal custody addresses a parent's ability to make major decisions about a child's upbringing, such as where the child will go to school, what medical care the child will receive and whether the child will be raised in a religion. Physical custody, on the other hand, addresses which parent the child will live with.

Legal and physical custody are generally considered separately. Either can be awarded solely to one parent or jointly to both parents. For example, it is possible to have a situation where the parents share legal custody, but only one parent has physical custody.

### How Virginia custody cases are decided

In many cases, parents will agree to a child custody arrangement on their own. If they cannot

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reach an agreement, a judge will hear evidence and create a child custody arrangement that is in the best interest of the child at issue. In doing so, the judge will likely consider the following factors:-The child's age and maturity.-Each parent's relationship with the child.-The child's needs, including his or her relationships with siblings and other family members.-Each parent's previous involvement in the child's life, and the likelihood of their involvement in the future.-Each parent's willingness to encourage contact between the child and the other parent.-Each parent's ability to co-parent and cooperate with the other in raising the child.-The child's preferences, if the child is sufficiently mature to voice those wishes.

### Special custody considerations for military members

Generally speaking, child custody cases involving a military parent are decided using the same framework as those involving civilian parents. However, when a military parent is deployed, special procedural conditions come into play.

The Servicemembers Civil Relief Act gives deployed military personnel the ability to delay court proceedings until they return to the United States. Still, this doesn't prevent some ex-spouses from trying to change custody orders while a servicemember is away. In some cases, those ex-spouses are able to secure temporary changes in custody.

In addition, the fact that many military members move frequently can add complications to existing child custody arrangements. It may be necessary to seek modifications to an existing agreement of one parent has to move overseas or out of state.

Because of these considerations, it is important for servicemembers to enlist the help of a divorce attorney who is experienced in handling military cases.