

How to Win Your Child Custody Case

20 Strategies to Win Custody and Protect Your Kids in the Process
A Special Report on Building a New Life for Your Children and You
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McAdams Law

Child custody easily qualifies as the most difficult and emotionally trying aspect of any divorce case. In no other discussions are tensions higher than with issues involving children, nor is there any other area as prone to bad decisions and mistakes. Unfortunately, these errors can have lifetime consequences. It's in your children's and your best interests to tread the custody landscape with caution and care. You'll find a series of time-tested, proven strategies in this report for achieving the best possible outcome.

At times court battles are unavoidable, and there's a detailed discussion here of what it takes to prevail during litigation. However, the idea of "winning" a custody case has to be understood in context. Truly winning ultimately means obtaining an outcome that is beneficial to all parties, including your children, you *and* your spouse. If you alienate your spouse in the course of handling the child custody aspect of your divorce, you set off a whole string of undesirable consequences.

The most critical of these is the undue stress your kids are exposed to. In order for your children to adjust well to the new living circumstances divorce imposes, they need to have parents who cooperate with one another. This is fundamental to their emotional stability, both now and in the future. Nothing is so damaging to a child as continual backbiting, venom and hostility between parents.

Secondly, if you are unable to work out a custody arrangement that your spouse considers fair, you can forget about getting any financial assistance other than what your divorce decree specifically requires. In contrast, by maintaining an amicable relationship, your spouse might be amenable to chipping in for financial needs beyond the stipulated minimum. Unexpected financial needs will always arise with children, which you may not be able to handle alone. It's better to have a former spouse who will help out, even though he or she doesn't have to as a legal requirement.

Finally and worst of all, your spouse may decide to forgo being a part of your children's lives. While you may think this a relief, the reality is that the harmonious involvement of both parents builds the strongest foundation for children to grow into healthy, well-functioning adults.

Considering these elements, if you are able to negotiate a workable custody arrangement out of Court, then you really have come out ahead. What you've gained is a balanced, life-affirming structure that provides stable support for your children, and affords you the

opportunity to build a new and happier future. *In every meaningful and worthwhile sense, this is winning.*

If you have to fight, be clear that only the strong survive in the custody litigation arena. Aside from the emotional overtones that complicate all lawsuits involving children, many divorce lawyers turn resolvable disagreements into full-blown warfare. The cost of litigation then escalates, depleting clients financially. This is the reason why McAdams Law approaches each case strategically: negotiate if you can, fight if you have to. In this way, client resources are protected and preserved, and desired results can be obtained as quickly as possible.

The principles that follow are not legal advice. Child custody issues by their very nature are exceedingly complex. The legal dimension is just one of many aspects to be evaluated, and balanced against others for the most beneficial result. You will do your children and yourself a great service by assembling the best team of advisors you can. That being said, the following suggestions will help guide you through the maze of issues you're likely to deal with in the months and years ahead.

1 – Be clear on what you need. It may not be what you initially think. A terrible scenario is to fight for an outcome and win, only later to discover that it really doesn't suit you, and your new lifestyle. Clarifying your needs starts with understanding the different types of custody. There are three main custody arrangements: sole, joint and split.

In sole custody, children live with one parent. That parent makes all major and day-to-day decisions for them. Major decisions are those involving educational, medical, religious and extracurricular activity choices. The non-custodial parent usually has the children on alternating weekends, with perhaps one or more overnight visits on the intervening weekdays. Holidays alternate between parents.

With joint custody, there are two aspects. Joint *physical* custody means children live in two residences. Typically, they will spend at least one third of the time living with one parent, and the remainder with the other. There is a variety of formulas commonly used to divide the time. Joint *legal* custody means that parents share responsibility and decision-making authority for the kids equally.

Split custody is less common. It's an arrangement in which children spend extended periods of time with one parent, and then the other. If there's history of significant conflict between a child and one parent or between siblings, or an older child wants to live with a particular parent, split custody may be a possibility. However, the Courts tend to frown on it, and view it as being disruptive to the children.

To decide among these alternatives, you'll especially need to consider your respective work and travel schedules, and your children's school-related and other activities. A successful arrangement has flexibility, and can accommodate future changes.

Think carefully about what you want. As a single person, you may now need more time and space for yourself. The reality is that at some point you might want to start dating. Consequently, an arrangement that permits you sufficient time to pursue a new relationship is to your benefit. It's healthier for you. The positive outlook you gain from feeling there's opportunity for a better life will have a correspondingly beneficial effect on your children.

Additionally, if you meet another potential partner, that person may have a different feeling about children from yours, either generally or about your kids in particular. It may require a custody arrangement that gives you more freedom to make a new relationship work.

Consider a custody plan that gives you enough latitude for growth, and then explore ways to negotiate that outcome successfully with the help of your attorney or a mediator. Don't dig in your heels and insist on something you haven't fully thought through. You may be breaking ground on what later turns out to be your own emotional grave.

2 – Level the playing field. The Court may appoint its own team of advisors and experts to assist in reaching a decision. Additionally, your spouse may have superior knowledge of topics such as finances, business, etc., or perhaps will retain a high-powered divorce team. You'll therefore have to maximize your advantages to get the result you want. Hire the best professional help you can afford, so you too have access to quality advice. To do well in negotiation or litigation, you need good information.

Custody issues bring in a whole set of complicated variables that are not present in a childless divorce. In addition to an attorney who has successfully handled many custody cases, you may need a financial expert, a therapist and an independent custody adviser to assist you in working out all the issues related to your children and the divorce.

Many factors go into the Court's decision in determining who gets custody, and on what terms. An experienced team can help you address each element strategically, and devise a plan that has the greatest chance of success. For example, the age and gender of the children are always taken into consideration. Some judges prefer leaving young children, under six years old, with the mother, or may feel that girls are better off with the mother and boys with the father. Income can also be a significant factor, since the judge may believe that children are better off with the parent who can best afford their care.

And these are just a few considerations. There's a wide range of other critical factors that can come into play, which are situation-specific. Courts have a lot of discretion. If you end up in front of a judge with predispositions like these, and have to counter his or her inclination to rule in a particular way, you'll need an attorney and expert witnesses who can make powerful arguments on your behalf.

You should also be aware of what Court-appointed experts will be looking for. Here's the short list. First, a parent who wants his or her spouse to be a part of the children's lives.

Second, someone who is nurturing, competent and composed, and wants what is best for the kids. And third, interaction which seems genuine, and not contrived by a parent's coaching of the children to respond in a particular way during interviews.

Your own professional advisors can assist you in preparing for these interviews, and in counteracting any recommendations by Court-appointed experts that undermine your position. You need to give the Court a basis for a decision in your favor. To do that, you must have knowledgeable, competent counsel.

3 – Make every effort to reach an agreement with your spouse. It's to your advantage to resolve custody issues outside of a courtroom environment. If you don't, a judge will have to decide what's best. That means major decisions about your children's future and well-being is in the hands of a third party, and you might not like the outcome. If you are able to reach a decision together with your spouse, the Court will approve it as long as it's reasonable. This approach actually gives you more control over the final custody arrangement you'll both be living with.

If you litigate, the Court may appoint an attorney to represent your children, whom you will have to pay in addition to your own lawyer. The cost can be significant, even if you're splitting it with your spouse. This attorney will interview your spouse and you, and may recommend that the Court obtain various expert opinions. The Court will probably order these, and you will have to pay for them too. The judge will rely heavily on the reports and conclusions of these experts in reaching a decision.

You'll find fighting about custody in Court to be just about the nastiest and most upsetting experience you've ever had. Your spouse's attorney will attempt to make you look bad, and your spouse appear as the more fit parent. All your bad points will be brought up for scrutiny, presented in the worst possible context. On top of this, you'll be paying expensive legal fees for the whole experience.

In dealing with your spouse, the attitude you begin with establishes the tone of your discussions and future events. Keep in mind that when there is a custody fight, *everything else in the divorce tends to be contested.*

4 – Respect your spouse's right to be a parent. Even if your spouse wasn't a good marital partner, that doesn't necessarily mean he or she isn't a good parent. Not recognizing a partner's parenting contribution to a family, or capacity to be a nurturing caretaker, is one of the biggest roadblocks in resolving custody issues.

Your spouse's style of parenting and values may be different from yours. However, that doesn't mean they're necessarily wrong or bad. If you want the best possible outcome from negotiations with your spouse you will have to extend some tolerance. Divorce is not a perfect situation, and options and resources are limited. What's best for your kids is two parents who can get along agreeably in raising them, while leading separate lives. To accomplish that you'll need to be flexible.

McAdams Law represented a husband in a custody case who began to exhibit sexual preferences and a lifestyle his wife found repulsive. She attempted to force him out of his children's lives through Court proceedings. The matter was successfully resolved for this client by negotiating an agreement with his wife wherein he kept his sexual practices away from his children. This calmed her down, and allowed her to see that his involvement as a father was important to the well-being of their children.

The moral of the story is: differences in opinions, values or lifestyle aren't sufficient justification to end or severely limit a parent's participation in the lives of children. Unless there is reason to believe that your kids are genuinely in danger, look to build bridges of cooperation, rather than to burn them.

5 – Negotiate. Willingness to negotiate can set the stage for productive discussions with your spouse, and is more likely to get the result you want. In many instances, you can get an outcome that is closer to your objective than you'd be awarded in Court.

Don't hire a combative attorney, but do retain a lawyer who knows how to deal with one, in case your spouse has retained a would-be gladiator. The last thing you need is a lawyer who will escalate conflict, and charge the expensive legal fees that go along with those battles. Hire a lawyer who will fight if necessary, yet whose philosophy is to achieve a favorable outcome for you as quickly and economically as possible. The firm's approach should be oriented towards obtaining an acceptable result, while preserving a working relationship with the other side.

The main keys to effective custody negotiation are: a) sensitivity to your children's emotional needs; b) clearly understanding your spouse's position and concerns; c) having a working knowledge of what the law permits; d) focusing on common interests. Admittedly, this orientation is often difficult to maintain in the intensely charged atmosphere of a divorce. Yet continually drawing discussions back to common ground will in and of itself bring a certain level of calm to your interactions. If you want what's best for your kids, *make the effort to view things from perspectives other than your own*. Then you'll do a better job of negotiating a workable arrangement for everyone.

Anger often hides fear and bruised pride. Your spouse and you are both afraid of major, life-damaging losses. And hurt feelings can make people respond unreasonably at times. Before you say anything to your spouse, consider this: if you were in your spouse's place, what would you be thinking and want? This will help you anticipate reactions. With the help of your attorney, you can then plan the most effective approach to reach an acceptable agreement.

Also, be willing to yield on points that in the larger scheme of things are just not that important. What is vital is having an arrangement that is workable for all parties. The cost of conflict can exceed the relative importance of a disputed issue. It's easy to lose sight of that when emotion overrides reason. Don't.

6 – Don't start a fight you can't win. Your spouse may genuinely be the "primary"

parent, and have a stronger emotional connection with your children than you do. If so, it's unwise to pursue a custody arrangement that will require you to make major adjustments in your own behavior immediately, to maintain a similar level of support for your children.

First, within the stressful context of divorce you are unlikely to be able to do it.

Second, your spouse will probably resist, objecting on the basis that it's unreasonable to expect you to make major changes quickly, after years of acting one way.

And third, a judge will rule in favor of what seems to be working adequately and is in the best interests of the children. If your spouse appears to provide a more nurturing relationship for the children, the Court will not want to disrupt it. Custody is generally awarded to the parent who has the most direct involvement in the children's day-to-day routine activities, such as meals, hygiene, health concerns, and monitoring school, extracurricular and other daily activities.

7 – Beware of sole custody unless you're emotionally and financially prepared for it.

While sole custody gives you the advantage of making all major life decisions for your children and minimizes interaction with your spouse, these benefits do not necessarily outweigh the disadvantages.

To begin with, if your spouse feels left out it will provoke resentment. That will have a corrosive effect on future interactions between you, and on your children.

Next, the entire responsibility for the care and raising of your children is on you, which can be overwhelming and exhausting. If your kids are in the demanding young years, you'll have little or no time for yourself. It makes it harder to move on with your life, and to develop new personal and professional opportunities.

The effect of all this can be psychologically debilitating, resulting in disorders like depression, and aggravating emotional illness that may already exist. If you get sick, or start becoming increasingly short-tempered with your kids, it can open your custody arrangement to challenge. In that scenario, you may end up worse off than if had you pursued joint custody in the first place.

For these and other reasons, sole custody arrangements have a higher incidence of ending up back in Court.

A warning, set forth best by an old proverb: Be careful what you ask for. You may get it.

8 – If you fight a lot with your spouse, be cautious about joint custody. If the nature of your relationship is such that you can't speak calmly to one another for more than five minutes, joint custody will be a problem. In joint custody, each parent has a legal right to participate in making major decisions for the children. That means you'll be required to have a lot of interaction with your spouse, which can set the stage for long-term bitterness

and conflict. The resulting hostility can have a damaging emotional impact on your kids, and lead to a host of problems and adjustment issues later on.

One solution is to divide the responsibility on major decisions. You make the call on some issues, and your spouse has final say on others. For example, one parent makes decisions about medical care, therapy sessions and religion, while the other decides about tutoring, private school and sports activities.

Here's the most important thing to remember about joint custody: *it only works when parents can agree with one another*. If your spouse and you don't see eye-to-eye on raising your kids, or continually fight, you'll probably be making many trips to the courthouse. Think carefully before agreeing to joint custody in these circumstances. If you can't get along, you may have to pursue sole custody.

9 – Don't blame, bash or rehash. Never instill resentment or hate in your children against your spouse. The Court will hold it against you, and it can backfire in a tragic way. That's because if you lose custody, you'll want your spouse to be the most effective and loving parent possible, for the sake of your children. Putting negative ideas in their heads about your partner only makes the job of raising them to be healthy, successful adults harder.

The goal in custody negotiations is to reach an agreement that benefits the children and is livable for all concerned. Unfortunately, issues about children tend to evoke more emotion than other aspects of the divorce process. Finger-pointing and dredging up past wrongs and hurts does not help the process of reaching consensus. So put your anger aside for your children's sake. To punish your spouse by being hardnosed on custody issues may ultimately leave lifelong scars on your children.

Anger is for your therapist, negotiation is for your spouse. Certainly if something upsets you, address it. But be calm, *and stick to the issue at hand*. Assertive yet courteous is the rule.

To be respectful of your spouse is to be mindful of your children's needs, and their opportunity for a good future.

10 – What works is more important than equality. Insisting on what is "equal" is not always in your best interests. Ultimately, the most important criterion by which to evaluate a custody arrangement is what works for your children, you and your spouse. Always think in terms of what meets the needs of the *entire* family.

11 – Match the schedule to the kid. Your number one concern is to make sure each child has a parenting plan that nurtures growth into a happy, healthy, and productive adult. Consider individual temperament and flexibility, and how well each of your children deals with change. Divorce subjects children to trauma, no matter how well managed and peaceful it may be. Your kids will be afraid, and may feel that they are losing one parent.

Different schedules suit children of varying ages best. For example, shorter stays may be more appropriate for young children, while teenagers might prefer longer visits. Include these considerations in discussions with your attorney and in negotiations with your spouse. Advance planning that adjusts for personality traits in children can diminish or erase many difficulties down the road, after the divorce is finalized.

The idea is to create a plan that eliminates as many reasons as possible to have to go back to Court and ask for modifications. Court visits always mean more cost and conflict, and potentially adverse outcomes.

12 – Propose an experiment. If you are deadlocked over an issue with your spouse, propose an “experiment” for a month to see how it works. This can ease tensions, and lay a foundation for productive discussions and better decisions, depending on how things work out.

For example, let’s say your goal is to have your kids spend an equal amount of time with each of you. The roadblock is a concern about midweek overnight stays. Your spouse is objecting to the number of times the children would have to be shuttled between two homes, and feels it would be disruptive to them. You might propose an arrangement that provides an equal number of evenings to each parent, over every two-week period.

For instance, you have them Friday evening through Wednesday morning, giving five evenings one week. The following week the children stay with you Monday evening through Wednesday morning. That’s a total of seven evenings over a 14-day period, which minimizes the amount of travel between two homes.

Because you suggest this schedule only as an experiment, it is less threatening to your spouse. If he or she can see that the kids adjust well to it over the next few weeks, you may easily reach an agreement that would have been impossible, and pitched you both into Court.

13 – Sometimes Court is the only option. You may have made every effort to be cooperative with your spouse, and attempted to negotiate in good faith and be flexible. Yet your spouse keeps flinging mud in your face, and is difficult, demanding, sneaky and unyielding, to the detriment of both sides and your children. Then you have to fight it out in Court.

In some instances, a Court battle can work to your greater advantage. For example, McAdams Law represented a mother whose husband attempted to conceal an income well into six figures through a variety of ruses. The firm brought in a team of expert witnesses to penetrate the veil of secrecy, resulting in a substantial increase in support payment for their child.

14 – Hire a psychologist respected by the Court. Psychologists who work on divorce cases are sometimes referred to as independent custody evaluators or advisors. Consider hiring one to assist you with making a convincing case as to why you should be awarded

custody. Although the service can be costly, it can make the difference between the outcome you want, and a less attractive one that may be very hard to live with.

Choose a psychologist who testifies for both fathers and mothers. Otherwise, you run the risk of the Court viewing your expert as biased, and lacking credibility. You want someone with substantial experience in handling custody cases, who has a history of having been on the winning side of the battle at least 75% of the time. Also, the judge is likely to regard an expert who is board certified in pediatric psychiatry as having more authority.

Equally important is making sure that your expert has not received substantial income from the law firm representing your spouse. He or she may then be conflicted by a feeling of loyalty, or an interest in future employment by that firm, and not make as vigorous a case as otherwise. Have your lawyer investigate the person's background thoroughly.

The decision as to whom to hire is vital. If at any point you have doubts about the psychologist wholeheartedly recommending that you get the custody arrangement you're seeking, express them to your attorney and discuss hiring someone else. If you choose the wrong expert and have to switch, your spouse's attorney may subpoena the original one to testify *against* you. Nevertheless, it's better to take that risk than to continue with an expert who won't fully support you.

The earlier you finalize the choice of an expert the better.

15 – Depose your spouse first. If you litigate, you and others will probably be deposed. A deposition is a legal proceeding in which witnesses are sworn in and lawyers for all parties can ask questions. They're usually conducted at one of the lawyer's offices. No judge is present, though attorneys may call the Court if they have a dispute. The answers given can be used later at trial if there's conflicting testimony, doubts about honesty or accuracy, and for other purposes.

Knowing what your spouse and witnesses for the other side have said before you answer questions yourself can help you formulate better responses. So it's to your benefit for your lawyer to depose them in advance. You can help your lawyer achieve this objective and develop the most effective strategy by anticipating areas of questioning, and indicating any issues that may need exploration. In litigation, fast, decisive action generally gains an advantage.

It's critical for you to identify anyone whom your spouse's attorney may want to call for a deposition, especially people having information that can be used against you. Your attorney also needs these facts to prepare you for any depositions you may participate in.

Search your memory carefully. For example, was your home frequently disorganized and filthy when a babysitter arrived? Did the babysitter witness an argument between you and your spouse, in the presence of the children? What was said? Did you say anything to

your mutual friends, or even neighbors, about your marriage or children that your spouse's attorney could potentially use against you?

If so, say so. Your lawyer may want to depose these people immediately to control the damage they can do, and prepare rebuttal. Gathering facts and other data in advance is essential to preparing effective cross-examination questions for trial. It's also vital to developing responses that refute negative information. Handling these preliminary steps effectively may become the lifeblood of your case.

Do not keep secrets from your lawyer. Aside from courtroom skill, your case is only as good as what you give him or her to work with.

16 – Don't rush to settle. For some people, dealing with the difficult issues of divorce and custody is so painful and overwhelming that they accept substandard terms just to be done with it. Don't agree to less than you're entitled to get just to escape temporary discomfort. Remember that your children's future is at stake.

McAdams Law represented a woman whose husband was extremely abusive, and continually evaded the responsibility of paying adequate child support for their daughter. The case was more challenging than most because the man had various business arrangements in which income was received in cash, making his earnings hard to quantify.

The firm was able to step in aggressively, pin down the actual details of his business dealings, and force him to pay the child support his wife and daughter were due. Had the woman folded her hand early just to settle, this better outcome would not have been possible.

Divorce often draws out people's lowest tendencies. Nevertheless, you need to be as clear-headed as possible. Let your attorney address problems when things become unbearable, and buy you some time to think and regain your composure.

17 – Consider the relative tax implications of child support and maintenance payments. Child support income is not taxable. Maintenance is. What on the surface may seem like a good settlement package might actually be a disaster, once the tax obligations are figured in.

Consequently, you'll want to discuss a strategy with your lawyer and financial advisers to get the most favorable tax treatment you legitimately can. If more of your divorce settlement can genuinely fall into the category of child support, you may have a higher after-tax income.

18 – If you think your spouse may steal your kids, get a temporary custody order. Your attorney can obtain an enforceable decree from Court specifying temporary terms of custody. The decree can include an injunction that prohibits your spouse from removing your children from the state. An injunction is a Court order, which you can present to the

police if your spouse takes your children. It will secure their assistance in retrieving your kids. The police will not get involved in helping to locate and return your children without a Court order authorizing it.

People who divorce often make serious errors of judgment when their children are missing or in danger. McAdams Law represented a mother whose former husband kidnapped their children and held them for ransom. He was a drug dealer, and told her he would only return them if she transported a shipment of narcotics for him. In desperation she agreed, and moved the drugs out-of-state. She got caught, then jumped bail and was a fugitive for seven years.

At the time McAdams Law took the case, she had been re-arrested on a federal warrant, and was facing a potential sentence of over forty years in Federal Prison. The firm explained her family history and motivation to recover her children to the Court. Fortunately, the judge reduced her sentence to six months of house arrest and five years on probation. The lesson here is: if you're emotionally overwrought because your spouse has taken your children, hire an attorney immediately, contact law enforcement *and let them do their jobs*.

When you're not thinking clearly, it's easy to be coerced or influenced to do things you otherwise never would. If you take matters into your own hands, you may deeply regret the result. If you lack funds to hire a lawyer, representation may be available to you at no cost through Family Court. Never kidnap your children to gain an advantage. If you suspect child snatching is a real possibility, protect your children vigilantly and speak to your attorney about precautions.

The Parental Kidnapping Prevention Act and various state laws make parental kidnapping a crime. Taking a child out-of-state in violation of a Court order, or concealing a child from a parent is in most instances a felony. Additionally, the Uniform Child Custody Jurisdiction Act stops parents from moving children to different states to obtain legal advantages by "jurisdiction shopping." Jurisdiction refers to the authority a Court has to decide on a case.

An additional practical step against parental kidnapping is to have passports issued to your children and to retain these documents in your secure possession, as a defense against your spouse taking your kids to another country.

Aside from child snatching issues, if you think your spouse may relocate prior to finalizing outstanding divorce and custody issues, notify your attorney immediately. Once your spouse is outside the jurisdiction of the New York State Courts, it is more difficult and expensive to enforce your rights. But your lawyer can secure temporary arrangements and court enforcement *before* your husband or wife moves.

For example, in a case against an unmarried father of an eight-year-old child, McAdams Law obtained a temporary order of support just days before he left New York to move south. By vigilantly following the father and maintaining control over the case, the firm

was able to have the amount of support increased. The decree of support was finalized when he obtained steady work.

Give thorough consideration to any temporary arrangement before agreeing to it. Temporary orders can become binding, as the Courts are reluctant to disturb an arrangement that works. You may have a hard time explaining and justifying to a judge why it should be changed. Keep this in mind when determining what to ask for, since you may have to live with it long-term.

Another reason to think carefully about temporary custody is that if your spouse likes the arrangement and you don't, then he or she has an incentive to delay reaching an agreement on a final plan. It's leverage to use against you in negotiating concessions.

19 – Good papers make good neighbors. Just as a fence establishes property boundaries between homes, so does a well-drafted divorce and custody agreement set clear parameters around future interactions with your spouse.

Accordingly, adding certain clauses to your custody order gives you extra protection. Ask your attorney about inserting a tight relocation provision, which requires your spouse to get the Court's permission before moving with your children outside the city or the state.

In some instances, it's a good idea to require a spouse to post a bond that would pay a significant monetary sum if the children were not returned from visitation. The money is used to cover the expense of enforcing the custody order to retrieve your kids. This acts as a deterrent against child snatching.

Another important clause concerns living accommodations. If you lived in a rent-regulated apartment when you were married, and your spouse will continue living there with your children, have your lawyer add language to your settlement agreement that protects the rent-regulated status of the apartment.

These days a rent-regulated apartment is an extremely valuable asset in New York. If your spouse fails to pay the rent in a timely manner, or invites someone to live in the apartment, rent-regulated status may be lost. That means you may be liable to contribute towards paying a much higher rent. So it would be to your advantage to have your papers spell out the requirements your spouse must adhere to for protecting the lease.

This topic is dealt with in detail in the McAdams Law Special Report, *How to Get Divorced and Survive Financially*. You'll find rent-regulated lease issues addressed in Strategy # 25, "Amend your lease." Here's the link: <http://mcadamslaw.net>

20 – Avoid the change-of-custody risk factors. Even after you win custody, your spouse can challenge it. If there's good reason to shift custody back to the other parent, you can lose custody of your children, or have your arrangement substantially altered.

These are among the most common reasons Courts consider changing custody: a) when a

custodial parent attempts to alienate a child's affections for the other parent, or blocks access or visitation; b) when changes in employment entail a more demanding work schedule, and potentially compromise time and attention devoted to parenting.

With employment changes, there's a higher probability of a custody modification if the new position involves increased travel or commuting, or requires change of residence. Your vulnerability increases if your spouse has a more flexible work schedule than you.

If you intend to get involved in another relationship, having your new love interest stay overnight in the presence of your children is another choice to consider carefully. A conservative judge may view this as creating an unhealthy environment for your kids. It's wiser to have an overnight guest when your children are staying with your spouse.

Any action that can be interpreted as ignoring the needs of your children may be used as a legal weapon against you. Before you act, think about how a judge might look upon your choices.

What's good for all is good for one...

Remember this: blood is blood. The relationship your children have with your spouse will continue to be significant, no matter what. He is still their father. She is still their mother. The question is what kind of a relationship will it be?

That in part depends on you, and the decisions you make right now. And whether you realize it or not, these choices will continue to have effects far into the future. They will influence the kinds of people your children become, and the quality of lives they lead.

Each family has a complex web of connections among its members. Every relationship affects all others in some way, however subtly. Broken relationships with those who appear to be absent still have an impact. In divorce, the best choices are those that take the long-term satisfaction of *all* participants into account. If you apply these principles, you have a much better chance of a happier outcome for all concerned.

If you need assistance with your child custody case, or would like a second opinion, please call McAdams Law at (212) 406-5145. Matrimonial law is one of the firm's primary practice areas.

About Jeffrey C. McAdams, Esq.

Jeffrey C. McAdams, Esq. is a Matrimonial and Tenants' attorney practicing in New York City. He has practiced law for almost twenty years, focusing on defense and protection of individual rights. He also handles Appeals, Criminal Defense, Family Law and Real Estate matters. As a solo practitioner, he is a dedicated and zealous advocate for his clients.

Resources

<http://www.ocfs.state.ny.us/main> New York State Office of Children & Family Services

<https://newyorkchildsupport.com/home.html> NYS Div. of Child Support Enforcement

<http://www.trainingspace.org/cse> New York State Partners for Children Online Course

<http://www.acf.hhs.gov/programs/cse> The U.S. Office of Child Support Enforcement

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An Emergency Special Report

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