



Family First

*A guide to navigating the familial
changes that come with divorce*

— WITH A COMPLETE CHILD CUSTODY CHECKLIST —

LAZOR RANTAS, PC
DIVORCE & FAMILY LAW ATTORNEYS



Divorce Changes Everything

The truth about divorce is that it *will* change your life. Many of the changes will be positive: you will establish more independence and confidence, have the chance to explore healthier new relationships, and reconnect with your true self. However, along with these positive changes, most divorcees also experience an array of complicated emotions—especially when children are involved.

When children are involved in a divorce settlement, things become inherently complex because of the nature of the issue. The major concern during this process is in arriving at parenting time or custody arrangements that best serve your children. If you and your spouse or co-parent are unable to reach an agreement regarding the custody of your children, a Judge will decide those arrangements generally after a trial. There are many factors that contribute to a custody arrangement that we will explore, but every decision is made with the child's best interests at the forefront.

This guide will answer the following questions and provide a comprehensive child custody checklist to help you through this tricky part of the divorce process:

- ? What are my child custody arrangement options in New Jersey?
- ? How does the court make custody decisions?
- ? What happens if your ex refuses to follow your child custody agreement?
- ? What if you want or need to relocate?
- ? Can you change your child custody agreement in the future? How would that work?

About Lazor Rantas, PC

Helping you move on to a better future



If you are going through a divorce or family law matter, you may feel overwhelmed, or even a bit angry and lost. You need a legal team dedicated to helping you look beyond these emotions toward an equitable resolution of your issues. With approximately four decades of combined experience, the divorce attorneys of Lazor Rantas, PC have helped their clients move on to the next chapter. Bringing big law firm talent to their own private practice, Jennifer Lazor and Erin Rantas are ready to zealously represent you in a range of family law matters, whether through negotiation, litigation, or mediation.

What are my child custody arrangement options in New Jersey?

Due to the fact that there is not one absolute approach to parenting, different custody agreement options are available in an attempt to best fit the family's unique circumstances. Above all else, the goal is to create an arrangement that benefits the child. The two types of agreements are physical and legal custody.

- R Physical custody** determines where the child will reside and spend the majority of their time. Because of this, it is important that the environment is safe and stable among other considerations including the age of children, your current relationship with your child and spouse, geographical location, and any underlying physical and/or mental health considerations of the parents or child.
- R Legal custody** refers to the extent each parent has the right to make decisions about the main issues impacting a child's life. A parent with legal custody will be involved in important decision-making regarding their child's upbringing, for example, education, religion, healthcare, and more.

It is important to note that a parent does not need to have physical custody to be granted legal custody, and both forms of custody can be shared.

How does the court make custody decisions?

The court generally prefers custody agreements that allow children to have a relationship with both parents. Those arrangements can differ from family-to-family based on each family's unique circumstances. Some families split physical custody with each parent having the child 50% of the time. Other families have a situation where one parent has the child for the majority of time, but the other parent still has regular parenting time with the child. Holidays, special occasions, and school breaks and vacation are often allocated between the parties as well. There is no set custody formula in New Jersey. Instead, these issues are determined by weighing various factors to determine which arrangements serve the best interests of the child. Throughout this process, it is advisable to have an experienced attorney who can effectively represent you.

Tips for sharing child custody with your former spouse

Co-parenting is no easy feat even in the most ideal situations. For many parents, the idea of losing control when it comes to their child is the worst thing imaginable. Therefore, both parents are encouraged to come into the experience with an open mind. By going through court, clear boundaries and guidelines are established for both parents, eliminating any confusion in terms of responsibilities. Even if the court splits the child custody agreement 50/50, there will be issues that need to be ironed out with your ex-partner so that your child is able to grow up in a healthy environment—both mentally and physically.

To create the best experience possible for your child, we recommend keeping in mind that both you and your ex-partner have the same priority—your child. Therefore, it is important to exhibit open and honest communication in a positive environment. It is important that your child witness an amicable relationship between you and your former partner. Child custody is not another battle to win, but rather an opportunity to provide a supportive and nurturing environment for your child.



What happens if your ex refuses to follow your child custody agreement?

As a parent, your child's well-being should be your number one priority. Custody agreement violations can be incredibly taxing and full of frustration. After all, you and your former partner went through the process of reaching the agreement with your child's best interests in mind. When someone violates that agreement, the implication is they are now acting adverse to the interests they initially intended to protect in the agreement.

Violations of the agreement can range from neglecting to pick-up or drop-off children, to badmouthing a parent in front of the children, to exposing a child to abusive behaviors. If your ex violates the terms of your agreement, an initial avenue to resolution may be an attempt to discuss the violation directly with your ex to see if such conduct can be prevented in the future. However, this may not be an option depending on the severity of the situation. Therefore, it is best to consult a family law attorney who can assist you in taking appropriate next steps. In that case, modifications to the original agreement may be necessary to protect your child. Under certain circumstances, initial custody agreements can be modified. In extreme cases, serious and/or chronic violations of a custody agreement or order can result in the compliant parent gaining sole custody of their child.

What if you want or need to relocate?

Relocating refers to a desire to move out of the state of New Jersey with your minor children. Relocating requires a lot of careful planning in and of itself, but especially if you are a divorced parent. In the state of New Jersey, you generally cannot relocate with your child without going through the proper channels. This process starts with, you guessed it, having a conversation with your former partner. If your ex objects to your relocation plans, you may end up having to litigate the issue.

Regardless of your situation, the court will take your circumstances and original agreement into account before making a decision, given relocation may have a massive impact on both your child and your former partner. Generally, when assessing a proposed relocation, court will weigh various factors to determine whether the proposed relocation is in the best interests of the children.

In order for this change to be in the best interests of the child, the court will consider a variety of elements, including how the relocation will impact the child's current relationships, education, social network, religion, and so on. The court will also consider the individual relationships between the child and each of their parents, the reason for the move, and any reasons for opposition. In some cases, a mental health professional may be consulted to evaluate the family. Although this process can be overwhelming, a legal professional will be able to lend you the necessary guidance.

Can you change your child custody agreement in the future? How would that work?

As mentioned, custody agreements can be modified under certain circumstances. If an agreement cannot be reached regarding a proposed modification, the recourse is to involve the court. To do this, you generally must be able to demonstrate a significant and continuing change in circumstance affecting your child's best interests. Many times, changes to your custody agreement arise when a parent exhibits behavior that does not align with the behavior required to provide a safe, nurturing environment for your child. Reasons for modifications may include domestic violence, substance abuse, financial issues, custody agreement violations, relocation, or death. Less dramatically, they can also include the child getting older, changing preferences of the child of a reasonable age to express them, and scheduling issues created by a child's education and/or extracurricular obligations.

With any modification, the first step is usually having a conversation with your former partner to determine whether they agree to the proposed change. A voluntary agreement is the easiest and fastest way to change the agreement. If they do not agree, one parent must file a modification application and a Judge will decide the issue.



Child Custody & Parenting Time Checklist

Custody and parenting time agreements can address a variety of issues. Here is a general list of topics to follow when drafting custody and parenting time agreements or otherwise preparing to address them in litigation. This list is non-exhaustive, of course, and can be modified to address the circumstances specific to your case.

Legal Custody

1. Decision-making regarding non-emergent healthcare

- ☐ Attendance at medical appointments
- ☐ Physician selection
- ☐ Access to health records

2. Decision-making regarding education

- ☐ School selection (including college)
- ☐ Wrap-around programs and aftercare/childcare
- ☐ Extracurricular activities: selection, coaching, and participation
- ☐ Access to report cards and other educational records

3. Religious upbringing

4. Access to social media and electronics

5. Introduction of new romantic partners to children

6. Childcare arrangements and providers

7. Maintenance of children's Social Security Cards, Passports, Birth Certificates, and any other official documents

Residential Custody

1. Regular weekly schedule

2. Vacation parenting time

- ☐ How many weeks of vacation per party per year (consecutive or non-consecutive)
- ☐ Any restriction on international travel
- ☐ Method of selecting vacation time each year (e.g. alternate first choice)
- ☐ Notice of travel itinerary and accommodations

3. Holidays (general list below)

- ☐ Winter break
- ☐ Martin Luther King, Jr. weekend
- ☐ Presidents' day weekend
- ☐ Good Friday/Easter
- ☐ Passover
- ☐ Spring break
- ☐ Mother's Day
- ☐ Memorial Day weekend
- ☐ Father's Day
- ☐ Fourth of July

- ☐ Labor Day weekend

- ☐ Rosh Hashanah

- ☐ Yom Kippur

- ☐ Columbus Day weekend

- ☐ Halloween

- ☐ Thanksgiving

- ☐ Teacher convention days and other school recesses not addressed above (e.g., Veterans Day and Election Day)

- ☐ Holiday break

- ☐ Christmas/Hanukkah/Kwanza celebrations

- ☐ New Years

4. Special occasions

- ☐ Parents' birthdays

- ☐ Children's birthdays (including class parties)

- ☐ Extended family celebrations

