

Indiana Legal Services, Inc

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What is Joint Custody?

Joint custody is when the parents share custody and both make the important decisions in the child's life. It does not necessarily mean each parent has the child one half of the time.

[Note: You can click on the question to go directly to the answer to that question, or you can scroll down the page to see all the questions and answers].

When will a court order joint custody?

How will the court decide if it is in the child's best interests to order joint custody?

If the court orders joint custody, does that mean each person has the child one half of the time?

The father and I don't get along very well, but we usually agree on things about the children. Can we have joint custody?

When will a court order joint custody?

The court will award joint custody if it is in the child's "best interests." If the parties agree, the court will order joint custody. Even if only one parent wants joint custody, the court may order it if the court thinks it would be in the child's best interests.

Top

How will the court decide if it is in the child's best interests to order joint custody?

The court can consider many factors, including:

- whether the persons have agreed to joint custody;
- the fitness and suitability of each of the persons;
- whether the persons are willing and able to communicate and cooperate in advancing the child's welfare;
- the wishes of the child (with more weight given to the child's wishes if the child is at least 14 years old);
- whether the persons live close to each other and plan to continue to do so; and
- the physical and emotional environment in each home.

Top

If the court orders joint custody, does that mean each person has the child one half of the time?

No. Joint custody does NOT mean each parent will have the child one half of the time. The court can order joint legal custody, and then decide how much time each parent will have the child.

Top

The father and I don't get along very well, but we usually agree on things about the children. Can we have joint custody?

Yes. As long as the persons can communicate about and agree on issues relating to the children, the court could issue a joint custody order.

Top

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