



CHILD CUSTODY



OVERVIEW

Divorce and family law issues involving children are usually contentious and emotionally challenging. When facing a child custody dispute, make sure you work with an attorney who can help you remain levelheaded and obtain the results you need. The stakes are too high to risk going into child custody negotiations or litigation without legal representation from an attorney you can trust.

Every divorce with children will involve some component of child custody. In most cases, the courts prefer a parenting time arrangement that a divorcing couple determines on their own through negotiations and mediation procedures outside of the courtroom. In these cases, couples create the parenting plan, which the court will then have to approve before the agreement becomes valid and active. In cases where it is impossible to reach agreements of this kind, we represent the interests of our clients and their children in litigation.

Nondivorce-Related Custody Disputes

Custody disputes often arise outside of the context of divorce, as well. This can happen when an unmarried couple with children separates, in third-party custody cases for the safety and well-being of the children, and in other circumstances. These cases may involve paternity issues, as the proper parentage must be established before a custody order can be made.

And though Minnesota legalized same-sex marriage in 2013, same-sex couples still face challenges in family and legal matters. Whether they are staying together or considering divorce, child custody issues for same-sex couples can be complex. It is important to get a knowledgeable attorney on your side to protect your family's short- and long-term interests.

Protecting You and Your Children

Some custody disputes involve the child being in a dangerous situation. In these cases, the court will act quickly, and speedy settlements are common. Whether your custody dispute is divorce-related, a modification, or a grandparent or another emergency custody petition, the court's focus will always be on trying to make the decision that is in the best interests of the child.

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Parents will often do anything for their children. However, it is important to put your emotions aside and focus on the road ahead. Determining a sustainable child custody arrangement that works for your family is important.

Multistate Families

When parents live in two different states, family law matters, such as child custody arrangements and child support, can become even more complicated. Divorce issues can also become complicated if one or both parents move out of state.

Regardless of your situation, if you are a multistate family or are divorcing and are about to become a multistate family, it is important that you educate yourself on your rights. You need to know which state's laws govern your situation, where a divorce should be filed, where child custody and support orders are filed, and more.

Who Has Jurisdiction In Family Law Matters?

If your family is spread across the state lines of Minnesota and Wisconsin, it is essential to determine which state will have jurisdiction over divorce proceedings, including custody and support orders. Regardless of which state has jurisdiction, it is beneficial to have an attorney who can handle all of your legal matters in either or both states.

The state that has jurisdiction over your divorce may not necessarily be the same as the state that has jurisdiction over your child custody agreement. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) of 1997 established that the child's home state — or where they reside primarily — will have continuing jurisdiction over the custody agreements, unless circumstances change. This act also comes into play if one parent moves and relocates the child as well.

Protecting Same-Sex Families with Support and Guidance

Same-sex couples run into the same family conflict as everyone. Unfortunately, many laws regarding same-sex families are still behind the times. This can lead to complicated challenges on top of already emotional issues.

Determining Custody and Paternity Issues

Same-sex couples can also run into significant challenges when determining custody. These issues generally revolve around legal parent-child relationships. If the nonbiological parent never established a legal relationship, the biological parent often has a considerable advantage in custody proceedings. One way to create a legal relationship is to establish paternity or legal parentage. This protects your legal relationship with the child in the event of a divorce or any other challenge. It is important to note that challenges revolving around divorce or custody are more common if your divorce ends up in family court. If you and your spouse or partner pursue mediation, you may be able to reduce the challenges you face. Our attorneys can guide you through any challenges, inside or outside of court.

Adopting A Child

Before 2013, many same-sex couples engaged in second-parent adoptions. This allowed both same-sex partners to establish a legal relationship with their child. Now, it is legal in Minnesota for same-sex couples to adopt children together. At Hellmuth & Johnson, we can help same-sex couples obtain the proper licenses

to expand their families. It is our goal to protect your best interests for your present and future needs.