

What you need to know about achieving custody.

1. There is no legal preference for women as custodians. However, courts will usually side with the primary caretaker of the child. In most families, even today, women are the primary caretakers for the family children.
2. Once placement is ordered, it is extremely difficult to change placement from one parent to another.
3. Custody and placement are not the same. Placement is where the child lives. Custody is decision making authority.
4. There are only two types of custody: joint and sole. Joint custody refers to joint daily decision making. It is frowned upon in Illinois, but will usually be awarded if the parties agree. Sole custody is preferred, but even in sole custody arrangements, the nonresidential parent will still have input on matters of religion, health care and education. In either case, disputes can be brought to court when there is a disagreement, but the parties will have to go to mediation before being allowed a court hearing.
5. Parents will almost always prevail in a custody dispute with nonparents. The same is true for visitation. However, the statutes allow grandparents and other third parties to seek custody and visitation in some circumstances.
6. Under Illinois law, the court is required to hear and decide a custody case within 18 months of filing.
7. Custody cases are expensive. Custody case presentation requires expert and regular witnesses, depositions and interviews of witnesses, and custody trials usually last one to two weeks.

8. Client preparation is critical in custody cases. Clients can help their own case in many ways by collecting documents and identifying witnesses.