



We offer the following services relating to Custody:

- *Pendente Lite* Relief (asking the court for an order of custody, visitation or child support before the custody case is resolved)
- [Custody](#)
- [Custody Arrangement and Parenting Plan](#)
- [Child Support](#)
- [Attorney for Your Child](#)
- Modification of Existing Orders

Every parent wants to protect their children from the negative consequences of divorce. In order to do so, it is imperative that parents understand the law as it relates to custody before heading to court. We bring sensitivity and experience to the table as we assist our clients in resolving custody conflicts with their partners. We can help you achieve a resolution to your custody matter that meets your parenting goals and serves the best interests of your children.

Custody

In the District of Columbia there is a rebuttable presumption that joint custody is in the best interests of a child. Additionally, a custody order may grant sole legal custody to one parent, sole physical custody to one parent, joint legal custody to both parents or joint physical custody to both parents. The court may also make any other type of arrangement – such as sole physical custody to one parent and joint legal custody to both – as it deems appropriate. Legal custody means the right of a parent to make decisions about his or her child regarding issues about the child’s health or education. Physical custody refers to where the child actually lives. The court’s primary consideration in making a custody determination is the best interests of the child, and in coming to that conclusion, the court will consider several factors.

By contrast, in Maryland, there is no rebuttable presumption that joint custody is in the best interests of the child. The paramount consideration for Maryland courts in a custody case is the best interests of the child. Thus, Maryland courts may award joint custody only when it is in the best interest of the child, even in situations where neither party requests joint custody. Maryland also recognizes the concepts of legal and physical custody.

An award of custody may be modified or terminated. A modification or termination may occur based on a determination that there has been a substantial and material change in circumstances and that it is in the child's best interests to modify or terminate the award.

Attorneys at Zamani & Associates can help explain the factors the court will consider when determining the custody of your child, help you determine the best way to restructure your family and advocate for you so that your concerns are addressed. When and if you experience a change in circumstances, we can also assist you in requesting the court to modify existing orders. Additionally, if you decide to pursue a Collaborative divorce, we will put particular emphasis on helping you achieve a comprehensive custody arrangement that will foster a cordial relationship with your spouse and allow you to make good decisions about parenting after your divorce.

Custody Arrangement and Parenting Plans

In the District of Columbia, when parents create a custody arrangement, also known as a parenting plan, the court must enter an order for that agreement unless clear and convincing evidence indicates that the proposed arrangement would not be in the best interests of a child. The law outlines issues parents should consider when creating their plan. For example, parenting plans should include provisions for: where the child will live; a visitation schedule; an education plan; and financial necessities.

In Maryland, as part of a settlement agreement in a divorce, a husband and wife may enter into an enforceable agreement regarding custody of the children. The court, however, can modify a settlement agreement if it determines that a modification would be in the child's best interests. When a custody issues come up outside of the divorce context, the parents can create a parenting plan to present to the court to resolve the matter.

Each custody arrangement and parenting plan is unique. We can help you craft a custody arrangement and parenting plan that addresses your particular motivations, goals and values.

Child Support

In both the District of Columbia and Maryland there is a presumption that courts will follow statutory guidelines when determining child support. There are some provisions that allow deviation from the guidelines depending on the facts of a particular case.

In the District of Columbia, a minor child is entitled to receive child support until he or she reaches the age twenty-one. In Maryland, a minor child is entitled to child support until he or she reaches the age of eighteen, unless the child is in high school which will result in an extension to age nineteen. Child support orders may be modified by showing that there has been a substantial and material change in circumstance.

An Attorney for Your Child

As part of a custody proceeding in the District of Columbia, the court may appoint a guardian *ad litem*

for your child. A guardian

ad litem

is an attorney who will represent the best interests of a child. The court may also appoint a stated interest attorney for a child. This attorney would represent the express stated interests of the child, which may differ from a guardian

ad litem's

representation. Practice standards in the District of Columbia do not yet exist for these roles, therefore, it is important that you select an attorney with experience acting as a guardian

ad litem

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In Maryland, a court may appoint a best interest attorney, child advocate, or child privilege attorney in a custody proceeding. The best interest attorney serves to protect a child's best interest. A child advocate is an attorney who represents the stated interests of a child, and represents the child same way the attorney would represent an adult. A child privilege attorney is appointed to determine whether to assert or waive any statutory privilege on behalf of the child. The court may combine a child privilege attorney's role with the other two roles.