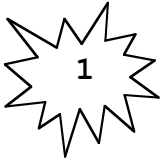


CHILD CUSTODY:

Understanding The Laws



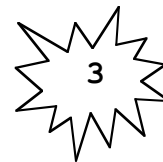
What is custody?

- **Legal custody** is the right and responsibility to make decisions about a child's upbringing (like religion, education, and health decisions).
- **Physical custody** is the right of a parent to have a child live with him/her.
- **Sole custody** is when a parent has legal and physical custody of a child. The other parent has visitation rights.
- **Joint custody** is when parents who don't live together share custody.



What factors do courts look at when deciding who gets custody?

- The standard for any custody decision is the best interest of the child, but the court will consider the following when deciding what is best:
- The child's age, gender, mental, and physical health.
- The mental and physical health of the parents.
- The social factors and lifestyle of the parents.
- The emotional ties between the parent and the child.
- The parent's ability to provide the child with food, shelter, clothing, and medical care.
- The child's established living pattern (school, home, etc.).
- The child's wishes (if they are more than 12 years old).



Is it true that the "moms" usually get custody of the child?

- No state requires that a child be awarded to the mother without regard to the fitness of both parents.
- Most states determine the custody on the basis of the child's best interests.

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For questions about this topic, please contact DCPLSP at (202) 775-0323.



Custody and the Ex-Offender

- Your parental rights are your rights to be the parent of your child, make decisions, and have custody of him/her. They can be terminated by the District of Columbia in certain circumstances.
- If your child has been in foster care with a non-relative for 15 out of the most recent 22 months, the District will make a motion to terminate your parental rights. The District will not do this if you can show a good reason for why your parental rights should not be terminated.
- If you committed a crime against your child, your rights may be terminated.
- If someone is attempting to adopt your child, your rights may be terminated.

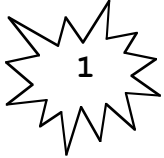


Last Bits of Advice

- Remember, it is important to be involved in your child's life as much as possible. Write to your child and call them while in prison and make efforts to reunify with your family once you are out of prison.
- If you are in a halfway house, you are allowed to have visitors, and you may be able to get privileges to stay overnight out of the halfway house.
- If custody arrangements have changed since you were in prison, you can begin a custody petition in an existing case to establish joint, physical, or legal custody.

SUPPORTING YOUR CHILD:

Caring for and making ends meet for your child



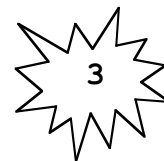
What is child support?

- Child support is the non-custodial parents' duty to provide financial and other support to their children. A non-custodial parent does not live with his or her child.
- If your child does not live with you, the caretaker of your child may seek child support from both of the child's parents.
- If you have been ordered to pay child support and fail to do so, you may have to serve more time in jail.



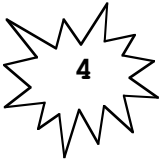
Do I owe child support?

- You can call (202) 442-9900 to find out information about your child support case. You will need your social security number in order to do this.
- You can write to: Director's Office at DC Office of Corporation Counsel, Child Support Enforcement Division, 441 4th St. N.W. Suite 150, Washington, D.C. 20001. In your letter, include your name, social security number, your relationship to the child, the name of the child's other parent, the whereabouts of the child, and ask if you owe any child support.



I owe child support! What should I do?

- If you are incarcerated, you should file a motion to suspend child support. If you fail to do this, you could have to pay all of the child support payments for the time you were incarcerated, in addition to possibly having to serve more time in jail for not paying.
- After filing a motion, you need to wait patiently, because the filing process may take a long time.



What happens if I don't pay child support?

- A judge can issue an arrest warrant. NOTE: Getting picked up on a bench warrant for child support could be a parole violation!
- You could be prevented from getting a D.C. driver's license.
- Child support follows you! Child support you owe to a child in D.C. can be enforced in all the other states.
- Back child support (also called "an arrearage") will be taken from your wages when you begin working.
- The child support can be attached to any property you own.
- Your tax return could be intercepted.



What if I have a warrant?

- If you want to explain why you did not show up for a court date or why you have back support owing, you must turn yourself in. In most cases, turning yourself in for a child support warrant will give you a chance to come to court without being locked up. You can turn yourself in at D.C. Superior Court by first finding out if you have a warrant and then approaching the family court clerk about quashing the warrant.
- If you are incarcerated and have a warrant, you need to contact a lawyer, who will enter an appearance in your case.



Can I modify the child support if something in my life or my child's life changes drastically?

- Yes! If you were working and paying regularly, but you were laid off or incarcerated, you can make a motion to modify your payment.
- If you continue to owe child support as well as back support, you can make a motion to reduce your current order for a change in circumstances.