



Child Custody & Support

7 Things You Must Know About Minnesota Child Custody, Support, and Parenting Time

1. **50/50 Custody does not exist.** Custody is two-parts: *legal* (decision-making for medical, religious, and educational issues) and *physical* (daily care). Each part can be either *sole* or *joint* – not 50/50. For purposes of calculating child support, we look at how much time a child spends with a parent. There are three possible categories: less than 10%, 10-45%, or 45.1-50%.
2. **Children NEVER get to decide where to live.** While a child's reasonable preference is one of the best interest factors – it is only one of thirteen factors, not the only factor. The magic age is 18 – at which time the child is an adult.
3. **Both parents' income will be used in determining child support.** Both parents are expected to work full-time and the court will calculate child support based on “potential” income if you are not working full-time (or are voluntarily working at a decreased income).
4. **Most parents have joint legal custody.** Except in cases of domestic abuse, there is a legal presumption favoring joint legal custody.
5. **Joint physical custody is an unknown development.** Joint physical custody has increased in recent years, but it is too early to know the legal implications. Some judges favor joint physical, while others are very cautious with joint physical custody. There can be pros and cons to joint physical custody.
6. **Modification has a different standard.** Modifying parenting time only needs to be in the child's best interests. Modifying custody needs agreement, integration, or endangerment.
7. **There is no “one size fits all” parenting schedule.** While there are several common schedules, each family is unique and should develop a schedule that will be most beneficial for them.

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