

Q

What is the difference between custody and access?

A

The Jaskot Team

Custody and access both refer to children in a separation or divorce, and the two are often confused.

Custody refers to who makes the decisions about a child's school, medical and dental needs, and general well-being. Parents may have joint custody following separation, which means they make decisions together about what is in the best interests of their children, or in other cases, one parent may have sole custody, permitting that parent to make decisions for the child without the consent of the other parent. Sole custody will likely be appropriate where the parties have fundamentally different views on parenting issues and where there is a history of an inability to communicate effectively. Even in cases involving sole custody, there can be restrictions put on that parent, such as a requirement that the custodial parent inform the other parent of doctors' appointments or school functions, or a requirement that he or she get the non-custodial parent's consent before moving outside of a prescribed area.

How often each parent sees the children is called



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access. A parent with sole custody will almost always be the "primary" parent, meaning the children live mainly with him/her, and share his/her address for school purposes. There are many possible arrangements for access, ranging from no access (which may occur in cases with a history of abuse, but even then is very rare) to supervised visits, to arrangements such as alternating weekends plus a regular weeknight, or even week-on, week-off equal time-sharing. Separating parents are free to negotiate whatever they feel is in the best interests of the children. Courts are mainly concerned with maintaining a stable pattern for the children and promoting relationships with both parents, where possible.

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