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Navigating the Complexities: A Guide to Child Custody Matters.

Introduction:

Child custody is a very sensitive issue and also consider as most challenging point of the divorce. The process of child custody is mentioned in **section 12 of “Guardian and wards act,1890”**. This can directly affect the physical and mental health of the children. This is also including the point like which parent are capable enough to taking care and responsibility of the child. In Indian family law, we have any proper definition of the term “**custody**”. There are many laws in India, which deals with the child custody. We have “**Hindu Minority and Guardianship Act**”, “**Hindu Marriage Act,1955**”, “**special Marriage Act,1954**”, In Christian law, “**The Divorce Act,1869**” it applied on all over the country except “Jammu & Kashmir”. For Parsi they have “**Guardians and Ward Act,1890**” and in Islamic law, the mother is considered a natural guardian for the children up to the age of 7 years after it the father is counted or consider as a natural guardian of the children.

WHAT IS CHILD CUSTODY?

Child custody is acknowledging the legal relation between the parents and children. It says that both the parents have equal and legal rights on the child. But in India, women are counted in incapacitated gender. The court is always supervising the age of the child, if the child is found as a minor (under 18). Then the custody should be given to the parent who is having the secure job and have proper financial security to take care the child, and have an ability to making right decisions for the children’s future. It ensures the best outcomes of the child is the aim of child custody is taking like the safety, development and general well-being of the child.

The child custody is claimed by mother or father after the divorce. Sometimes the parent who have the better financial stability does not win the case of child custody, because the growth

of child is also depended on moral and ethics. If the child is given to one of the parents it does not means that another parent not able to contact with the child. This can ensure that the child is getting the presence of both the parents. Ultimately it does not affect the child upbringing.

We know, if the child is less than 5 years then the custody is automatically is goes to the mother side because the child is needing mother.

Parenting time and child custody had a basic difference , that is in the child custody the parents gets the full or sole custody but in parenting time the parents are only allotted some time by the court to visit the child. Also they can give the suggestion for child's health.

There are several types of child custody arrangements that can be determined by courts. Factors to consider in child custody arrangements:

Sole custody: In this custody only, one parents has full legal and physical custody of the child, and the other parent may have limited or supervised right for the visitation purpose. In this court can given the custody to the guardians who are not the biological parents of the child.

Joint custody or shared custody: Both the parents share legal and physical custody and they have equal right for decision- making authority. The arrangement of joint custody is sometimes found best for the child's growth.

Split custody: when the parents have more than one child and they want to take both the legal and physical custody then they can go for sole custody procedure and take each child with them.

There is also a concept of **parallel custody**, where both the parents have the child custody for the specific period of time.

Conclusion:

Child custody can be sensitive and complex issue in many implications for families, caregivers and children. While carrying out a child custody evaluation, clinicians as well as other professionals must take into consideration there are multiple factors, such as but not restricted to attachment, tastes, parental alienation, the special needs of the child, education,

issues related gender, siblings, the mental and physical health of the parents, schedule for work, money, parenting styles, and the methods of discipline. The custody evaluation can also present unique difficulties such as situations involving the young children, gay parents, privileges for grandparents, and improvement in technology for reproduction. Recognizing the ways parental incarceration effects children's health and social lives is crucial.