



Petition for Custody of Minor Children

In California, a petition for custody of minor children is a legal document that is filed with the court by a parent or legal guardian who is seeking custody of a child or children. The petition is typically filed in the family law court in the county where the child or children reside.

This petition is distinctly different from pursuing a dissolution of a domestic partnership or a marriage. It is designed only to deal with custody and support of minor children and no other issues, including property division, personal protective orders, or spousal support.

This custody petition is a remedy to allow parties to seek custody orders if there is no desire to pursue other remedies in the family law court. However, assuming there is a marriage or domestic partnership associated with the parents of the children, either parent could initiate a separate action in the family law courts for a divorce or termination of domestic partnership if they so desired, and this custody petition would most likely be joined as part of the other family law case.

The purpose of the custody petition is to request that the court grant legal and physical custody of the child or children to the petitioner. Legal custody refers to the right to make important decisions regarding the child's upbringing, such as education and healthcare. Physical custody refers to where the child primarily resides.

The petition must include information about the petitioner, the child or children, the child's current living situation, and the reasons why the petitioner is seeking custody. The court will review the petition and may hold a hearing to determine the best interests of the child or children involved. This particular position also allows you to seek support for the children, attorney fees, and the costs of litigation.

It is important to note that filing a petition for custody can be a complex and emotionally challenging process. It is recommended that individuals seeking custody of minor children consult with an experienced family law attorney to ensure that their rights and interests are fully protected.

About Arlene:

Engaged for decades in the Northern California legal community, Arlene D. Kock is a past member of the Alameda County Bar Association (ACBA) Board of Directors. She served on their Attorney Referral Panel for many years and was the past chair of their Ethics and Civility Committee. In her capacity on that committee, Arlene was instrumental in assisting the team in preparing and creating the ACBA statement of professionalism and civility, a policy that is expected to be adhered to today by the court and litigants. She is currently a member of the ACBA and the Contra Costa County Bar Association.



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