

Question:

My wife and I are now seperated about three weeks and will soon file for a divorce. We have two children (3 year old daughter and 1 year old son). I would like to get joint custody of my kids soon. I was told that I would have to reside in the town (or close by) that my estranged wife and children live in so that it's easier to care for them. How difficult is it to me to get joint custody where my kids split half the week with my wife and half the week with me? Also, is this something that is determined in Family Court or in the Divorce? I haven't a past history (arrested, etc.) that would in any way affect my request for joint custody. **Answer:**

First, I must inform you that I am not licensed to practice law in New Jersey. You should contact a lawyer in New Jersey to determine the specific requirements for custody in your state. No matter what state your in there are going to be many factors the court use to determine joint custody. I think that it is fair to say that it is importatnt to live in close proximity to your estranged wife in order for joint custody to be practical. Right now your children are young and school is not a factor but in the near future it will be. You will both need to live in or near to the same school district. More important than your physcial location will be what is in the best interest of the children. If you can show the court that it is best for your children to spend equal time with both parents then you have a good chance of receiving joint custody. The court will also look at how the parents have shared care responsibilities in the past. If you and your wife have both been equally involved in the day to day care of the children then your odds of receiving joint custody increase. Obviously, there is no way for me to predict the outcome of your case. There are so many factors to consider. I can almost guarantee you will not receive joint custody unless you ask for it. Since I am not familiar with the court system in New Jersey, I do not know whether custody is determined by the Family or Divorce Court. Again, I strongly recommend that you contact an attorney in New Jersey.