

Custody

Grandparents can only seek primary physical or legal custody of a grandchild if:

- The grandchild has been living with them for twelve months in a row or more, OR
- is “dependent” or at risk because the parent abuses or neglects the child, or is on drugs / alcohol.

If these things aren’t true, the grandparent can only seek partial custody (“visitation”).

For more on custody for teen parents, try philalegal.org/teenparentbook

Physical Custody is the right to have a child in your care all (sole), most (primary), half (shared), or part (partial) of the time.

Legal Custody is the right to make educational, medical, and religious decisions for a child, either alone (sole) or with someone else (shared).

If the court has not entered a custody order for a child, the mother and father both have the right to have a child in their care, and to make decisions for that child.

- This is true even if they are minors.

So, if the parents aren’t cooperating (for example, one parent refuses to let the other see the child), a **custody order will define who has the child at certain times, and who is responsible for making decisions.**

- As of 09/01/15, minors can file for custody on their own, without adult help.
 - Filing for custody when you are cooperating can be a good way to prevent problems—you can always get a custody order “by agreement.”
 - If you aren’t able to agree, the judge will make a decision based on the child’s best interests, which includes considering things like:
 - which parent is more cooperative;
 - whether there has been child abuse or domestic violence;
 - which parent has been caring for the child; and
 - if a parent uses drugs or has a record.

Get Help

If you need help with custody, Philadelphia Legal Assistance may be able to help. Call us at:

Philadelphia Legal Assistance

Monday and Wednesday
10:00 am - 12:00 pm
(215) 981-3838

