

In every Minnesota [divorce](#) case involving a child, the Court, or the parties if they are able to reach an agreement, must make a determination regarding "physical" and "legal" custody. Generally speaking, the parent with **physical custody** has control over the routine daily care, and the primary residence, of the minor child.

Joint physical custody

means that the routine daily care and residence of the minor child is equally structured between the parties. The courts in Minnesota do not favor "joint" physical custody because of the belief that a child should have one primary home and not be bounced back-and-forth between the parents. However, this is greatly influenced by the age and maturity of the child.

On the other hand, **legal custody** deals with the right to be involved in major life decisions affecting the minor child. If the parties have joint legal custody, which is preferred in Minnesota, they have equal rights and responsibilities over medical decisions, school decisions and religious upbringing. Legal custody also allows the parent access to school and medical records.

When making the decision regarding which parent should have physical custody, the Court must determine what is in the "best interest of the child." In order to do so, the Court will analyze several factors. These factors include the following:

- The wishes of the child's parents as to custody;
- The reasonable preference of the child, if of sufficient age to express a preference;
- Who is the child's primary caretaker;
- The relationship among each parent and child;
- The interaction of the child with parents and siblings;
- The child's adjustment to home and school;
- Length of time a child has resided in a stable environment;
- Permanence of the family unit;
- The mental and physical health of everyone involved;
- Capacity and disposition to offer the child love, affection, and guidance;
- The child's cultural background;
- Effect that domestic abuse has had on the child; and
- Disposition of the parent to encourage continuing communication with the other.

Divorce affects all children differently, but without question it can be a traumatic experience. Often parents view the divorce as a win or lose battle, which puts children in the middle. It is important to understand that even though your marriage is ending, you are still both parents to

your children.

At SeilerSchindel, PLLC, we strive for creative solutions to provide custody options that create an environment where parents and children can be successful. Taking time to carefully negotiate child custody is not only cost effective, but it allows parents, not the Courts, to be the decision makers. Call us at **763-746-4045** to schedule a consultation with a [Minneapolis divorce attorney](#).