**Child Custody Overview in Tennessee**

**Any discussion of child custody should begin by defining some basic terms that are used in any custody proceeding in any state in the country.**

* **Physical Custody** means exactly what it sounds like it means; this deals with the place where the children will physically live and as a result, with which parent.
* **Legal Custody** is each parent’s ability to have input into and make decisions regarding the major aspects of the children’s lives. These are usually determined to include medical, educational, religious, and extracurricular decisions.
* **Visitation** refers to the time periods when the children are physically with the non-custodial parent.
* **Shared Custody means that both parents literally share custody of the children, in some fashion.**
* **Sole Custody is very uncommon, as it results in one parent having the sole custody and control of the children.**

In Tennessee, shared custody, in one form or another, is the preferred arrangement. Shared legal custody is the norm in most states, and in fact, if one parent is not allowed legal input into the child’s life, there must be specific reasons as to why he or she should not be allowed decision-making power. Shared physical custody **does not mean that both parents have equal periods of time with the children. In fact, shared physical custody rarely results in “fifty-fifty” custodial periods. There are many factors that help the parents shape the physical custody and visitation schedule, including but not limited to: parents’ work schedules, school calendars, medical providers, family, and support networks. As stated above, i**f a sole custody arrangement is to be considered, then there must be a reason stated as to why the one parent is not appropriate to have legal or physical custody of the children.

The parents are free to enter an agreement regarding custody of the children. In doing so, they should be sure to address both legal and physical custody and to include a schedule for custodial and visitation times. It should be noted that a parents’ financial status alone is not a sufficient reason for awarding legal or physical custody, although a parent’s ability to provide for the child’s needs is certainly important and considered among other factors. Also, the gender of each parent cannot be considered as a determining factor. Shared or sole, legal or physical, custody must be awarded to serve the best interests of the child.

If the parties cannot reach a satisfactory custody arrangement, the trial court will make a custody determination. The next obvious question becomes: how does the court determine child custody? When determining custody, the court must consider any relevant factors including, but not limited to: each parent’s ability to co-parent, the current relationship of the child with each parent, each parent’s caregiving practices, the ability of each parent to meet the child’s physical, mental, and emotional needs, the need for structure and stability in the child’s life, any prior abuse by either parent, each parent’s emotional ties with the child, and any other factors that the court deems relevant. Even with all of these factors combined, the guiding standard in all custody decisions is “the best interests of the child.”