

Which Parent Is More Likely to Gain Child Custody During a Michigan Divorce?

Custody and parenting time are major legal matters in a divorce involving minor children. Divorcing parents often worry about protecting their parental rights in custody arrangements, with fathers worrying more about losing custody battles to mothers.

Statistics across the United States show that in 2018, [79.9% of custodial parents were mothers](#). Such reports might justify fathers' worries in custody cases. However, Michigan is gender-neutral when determining custody.

Understanding Custody in Michigan

The [Child Custody Act of 1970](#) guides custody decisions in Michigan. Before the enactment of this act, judges relied on the Tender Years Doctrine to decide custody cases. The Tender Years Doctrine favored mothers because it asserted that young children need a mother's nurturing and love.

Prevalent societal and cultural ideologies on gender roles at the time influenced the Tender Years Doctrine. With evolving societal attitudes on parenting and women taking up roles in the workforce, the law in Michigan embraced the idea of 'best interests' to guide custody decisions.

The Child Custody Act of 1970 asserts children's rights, defines parental responsibilities, and uses various factors to gauge which custodial agreement is in the child's best interest.

Types of Custody

Michigan law focuses on two types of custody:

- Legal custody: It gives a parent the right to make important decisions such as schooling, healthcare, and religion.
- Physical custody: It involves a child's living arrangement.

A court can order sole or joint legal and/or physical custody. In joint legal custody, each parent has a say in important decisions about the child. When parents have joint physical custody, the children spend equitable time with each parent. Parents agree on reasonable parenting time schedules.

Although Michigan family law courts grant sole custody in some cases, joint custody is the most preferable outcome. The law acknowledges the importance of both parents in the child's upbringing. However, judges use the best interest factors to decide each custody case.

The Best Interest of The Child Factors Guiding Michigan Custody Arrangements

A judge considers 12 factors to assess what is best for the child. The factors don't carry equal weight, so the judge makes a decision based on the sum total of the factors. These factors include the following:

- Existing emotional ties between the child and each parent
- Each parent's capacity and ability to provide love and guidance
- Each parent's capacity to provide for the child's material needs
- Duration of time the child has lived in a satisfactory environment and the desire for continuity
- The permanence of the family unit in either the existing or proposed home
- Each parent's moral fitness
- Child's home, school, and community record
- The child's reasonable preference, if the child is old enough to make a reasonable judgment
- Each parent's willingness to foster a relationship between the child and the co-parent
- The existence of domestic violence towards the child or witnessed by the child
- Other relevant factors in the custody case

Parents battling for custody can present evidence related to these factors to strengthen their case. When there are allegations of domestic violence, the court investigates to ensure the child's safety. Domestic violence can influence child custody cases by limiting contact with the child. The details of the case inform the restriction orders.

Get Legal Help for Your Child Custody Case

Whether you're a mother or father, your best child custody outcome lies in knowledge of custody laws and a strong case strategy. Michigan custody laws don't favor either gender. Your parental capabilities, behavior, and relationship with the child affect your case.

Seeking legal counsel from experienced custody attorneys helps you safeguard your interests. Divorce can make you act in a way that jeopardizes your custody case. Give yourself the best fighting chance by working with a legal professional.