# CHAPTER TWELVE

## Custody and Visitation

CHILD CUSTODY IS THE RIGHT AND DUTY to care for a child on a day-to-day basis and to make major decisions about the child.

In **sole custody** arrangements, one parent takes care of the child most of the time and makes major decisions about the child. That parent usually is called the **custodial parent**. The other parent generally is referred to as the **noncustodial parent**. The noncustodial parent almost always has a right of **visitation**--a right to be with the child, including for overnight visits and vacation periods.

In **joint custody** arrangements, both parents share in making major decisions, and both parents also might spend substantial amounts of time with the child.

As with financial issues in a divorce, most husbands and wives have reached a agreement on custody before they go to court. Fewer than 5 percent of parents have custody of their child decided by a judge.

When parents cannot agree on custody of their child, the court decides custody according to "**the best interest of the child."** Determining the best interest of the child involves

consideration of many factors. Those factors, along with more information about visitation and joint custody, will be discussed in later sections of this chapter.

**Evolution of Custody Standards**

The law of child custody has swung like a pendulum. From the early history of our country until the mid-1800s, fathers were favored for custody in the event of a divorce. Children were viewed as similar to property. If a husband and wife divorced, the man usually received the property--such as the farm or the family business. He also received custody of the children. Some courts viewed custody to the father as a natural extension of the father's duty to support and educate his children.

By the mid-1800s, most states switched to a strong preference for the mother. This preference often was referred to as the **Tender Years Doctrine** or **Maternal Presumption**. Under the Tender Years Doctrine, the mother received custody as long as she was minimally fit. In other words, in a contested custody case, a mother would receive custody unless there was something very wrong with her, such as mental illness, alcoholism, or an abusive relationship with her child. The parenting skills of the father were not relevant.

The automatic preference for mothers continued until the 1960s or 1980s, depending on the state. Then principles of equality took over, at least in the law books.

**Preferences for Mothers or Fathers**

Under the current law of almost all states, mothers and fathers have an equal right to custody. Courts are not supposed to assume that a child is automatically better off with the mother or the father. In a contested custody case, both the father and mother have an equal burden of proving to the court that it is in the best interest of the child that the child be in his or her custody.

There are a few states (mostly in the South) that have laws providing that if everything else is equal, the mother may be preferred; but in those states, many fathers have been successful in obtaining custody, even if the mother is a fit parent.

In some states, courts say that mothers and fathers are to be considered equally, but the courts then go on to hold that it is permissible to consider the age or sex of the child when deciding custody. That usually translates to a preference for mothers if the child is young or female. But, again, it is possible for fathers in those states to gain custody, even when the mother it fit.

Although judges are supposed to be neutral in custody disputes between mothers and fathers, some judges appear to be biased. An advantage of having an attorney experienced in family law cases is that the attorney may know which judges may be biased and which are not. The attorney may know what types of evidence will appeal to the judge and which types will not.

In many jurisdictions, it is possible to obtain a change of judge by asking for it. Such a change often is called a **change of venue**. Generally, a litigant is entitled to one change of venue without having to present a reason. The request, however, must be made before the judge has ruled on substantive issues in the case. If one is faced with a judge one suspects of bias, a change of venue can be useful (although a litigant would want to consider the other judges to whom the case might be transferred and be reasonably sure than the change will not make the situation worse).

If a case is transferred to a judge who the litigant or the attorney does not like, it will be difficult to obtain a second change of venue. Courts to not wish to allow parties to keep bouncing cases between judges. Courts usually are unwilling to order a second change of venue unless there is a clear, specific showing of prejudice by the judge to whom the case has been transferred. If a parent is before a judge who is believed to be biased (and a change of venue cannot be obtained), the parent just puts on the strongest case possible and hopes for the best.

As a group, judges are less biased in deciding custody cases today than in times past, although many observers believe bias still exists.

**Possible prejudice in favor of mothers.** Judges, based on their background or personal experience, may have a deep-seated belief that mothers can take care of children better than

fathers and that fathers have little experience in parenting. Such judges may carry those views on to the bench, in which case a father may have a very difficult time gaining custody.

A Louisiana case illustrates the point. The trial judge gave custody to the mother saying, "It is just a physiological fact that girl children should be with their mother if there are no serious differences." Since the trial judge's bias was clear on the record, the appellate court reversed the decision and ordered that there be further proceedings--without applying improper presumptions based on sex of the parents.

In cases in which the trial judge is less explicit about his or her prejudice, it may be more difficult to obtain a reversal if the trial judge was prejudiced.

**Possible prejudice in favor of fathers.** As noted in the section on evolution of custody standards, prejudice based on sex of the parent is not a one-way street. Sometimes prejudice runs in favor of fathers.

Some judges tend to automatically favor fathers, particularly if the children are boys. In an Iowa case, for example, a trial judge gave custody of two boys, ages nine and eleven, to the father, saying that the father "will be able to engage in various activities with boys, such as athletic events, fishing, hunting, mechanical training and other activities boys are interested in."

The trouble was that the testimony before the before court did not support the judge's presumption. The record in the case did not show that the boys were interested in hunting or

mechanical training or that the father's skills in those areas were superior to the mother's. In fact, the mother went fishing with the boys more often than the father.

The Iowa Supreme Court reversed and gave custody to the mother who had been primarily responsible for raising the children. The court said, "The real issue is not the sex of the parent but which parent will do better in raising the children. It logically follows that neither parent has an edge based on the sex of the children either."

Another possible prejudice in favor of fathers may be regarded as a prejudice against working mothers. In some cases, it appears that judges have looked askance at working mothers, perhaps holding mothers to a higher standard than fathers and viewing a working mother as not serving the best interest of her child. Such judges also may view a father who shows slightly-above-average involvement in parenting as "exceptional" and reward him with custody.

It is difficult to assess how widespread this view may be among judges. Some commentators assert that bias against working mothers, especially professional women, may be a significant factor. Others suggest that a review of appellate court cases does not disclose widespread prejudice against working mothers, although it exists to some degree. If anything, most judges seem to admire a mother (or father) who can simultaneously manage work and raising children.

A parent's work schedule normally is not a decisive factor in custody, unless there is a major difference in the amount of time each parent can spend with the child. If after a divorce, one parent will be able to spend much more time with the child than the other parent, that is a factor in favor of the parent with the more flexible schedule.

## CUSTODY FACTORS

### Primary Caretaker of the Child

There is no one factor that is invariably the most important factor in a custody case. The importance of a particular factor will vary with the facts of each case. If one parent in a custody dispute has a major problem with alcoholism or mental illness or has abused the child, that, of course, could be the deciding factor.

If neither parent has engaged in unusually bad conduct, the most important factor often is which parent has been primarily responsible for taking care of the child on a day-to-day basis. Some states refer to this as "**the primary caretaker factor**." If one parent can show that he or she took care of the child most of the time, that parent usually will be favored for custody, particularly if the child is young (under approximately eight years old).

Use of this factor promotes continuity in the child's life and gives custody of the child to the more experienced parent who has taken care of the child's day-to-day needs. If both parents have actively cared for the child or if the child is older, the factor is less crucial, although it is still considered.

**Child's Preferences**

The wishes of a child can be an important factor in deciding custody. The weight a court gives the child's wishes will depend on the child's age, maturity, and quality of reasons. Some judges do not even listen to the preferences of a child under the age of seven and instead assume the child is too young to express an informed preference.

A court is more likely to follow the preferences of an older child, although the court will want to assess the quality of the child's reasons. If a child wants to be with the parent who offers more freedom and less discipline, a judge is not likely to honor the preference. A child whose reasons are vague or whose answers seem coached also may not have his or her preferences followed.

On the other hand, if a child expresses a good reason related to the child's best interest--such as genuinely feeling closer one parent than the other--the court probably will follow the preference. Although most states treat a child's wishes as only one factor to be considered, two

states (Georgia and West Virginia) declare that a child of fourteen has an "absolute right" to choose the parent with whom the child will live, as long as the parent is fit.

If a judge decides to talk with the child, the judge usually will do so in private--in the judge's chambers rather than in open court. Generally, the parents are not in the room when the judge talks to the child, although the parents' attorneys might be. In some cases, the judge may appoint a mental health professional, such as a psychiatrist, psychologist, or social worker, to talk to the child and report to the court.

**Nonmarital Sexual Relationships**

The impact of a parent's nonmarital sexual relationships on a custody determination depends on the law of the state and the facts of the case. In most states, affairs or nonmarital sexual relations are not supposed to be a factor in deciding custody unless it can be shown that the relationship has harmed the child or is likely to harm the child in the future.

If, for example, one parent has had a discreet affair during the marriage, that normally would not be a significant factor in deciding custody. Similarly, if after the marriage is over, a parent lives with a person to whom he or she is not married, the live-in relationship by itself normally is not a major factor in deciding custody. In the case of live-in relationships, the quality

of the relationship between the child and the live-in partner can be an important factor in a custody dispute.

If the parent's non-marital sexual relationship or relationships have placed the child in embarrassing situations or caused significant stress to the child, then the relationship would be a negative factor against the parent involved in the relationship. In one case, for example, a mother conducted an affair during her marriage with a man who lived in the neighborhood. She and the neighbor periodically were involved in the woman's bedroom while the husband was out, but the child was home.

This placed the child in a stressful situation--a situation that grew worse when the wife of the neighbor appeared at the door and demanded that the child tell her what the child's mother and neighbor were dong in the bedroom. The mother lost custody primarily because of her nonmarital relationship and its impact on the child.

Although most states require a specific showing of harm to the child before nonmarital sexual conduct is considered, courts in a few states are more inclined to automatically assume that a parent's nonmarital sexual relationship is harmful to the child or will be harmful to the child. As with the issue of a preference for mothers or fathers in custody cases, the issue of a parent's sexual conduct can be one in which individual judges may have personal biases that influence their decisions.

**Homosexual Relationships**

The impact of a parent's homosexual relationships on custody decisions varies dramatically from state to state. Courts in many states are more willing to assume harmful impact to a child from a parent's homosexual relationship than from a heterosexual relationship. On the other hand, some states treat homosexual and heterosexual relationships equally and will not consider the relationship to be a significant factor unless specific harm to the child is shown.

A homosexual parent (or a heterosexual parent) seeking custody will have a stronger case if he or she presents evidence that the child does not witness sexual contact between the partners and that the child likes the parent's partner.

**Undermining Child's Relationship with Other Parent**

Most states declare a specific policy favoring an ongoing, healthy relationship between the child and both parents. If one parent is trying to undermine the child's relationship with the other parent, that is a negative factor against the parent who is trying to hurt the relationship. If other factors are close to equal, a court may grant custody to the parent who is more likely to encourage an open and good relationship with the other parent.

Similarly, if a custodial parent regularly interferes with visitation, that is a negative factor against the custodial parent and can lead to modification of custody to the noncustodial parent (assuming the noncustodial parent is able to properly care for the child).

**Religious Beliefs and Practices**

Under the First Amendment to the United States Constitution, both parents have a right to practice religion or not practice religion as they see fit. A judge is not supposed to make value judgments about whether a child is better off with or without religious training or about which religion is better. If a child has been brought up with particular religious beliefs and religious activities are important to the child, a court might favor promoting continuity in the child's life, but the court should not favor religion *per se*.

In some cases, a parent's unusual or non-mainstream religious activities may become an issue. Normally, a court should not consider a parent's unusual religious practices in deciding custody or visitation unless specific harm to the child is shown. If, because of a parent's religious beliefs, a parent has not given the child needed medical care or has tried to convince the child that the other parent is evil and should not be associated with, that could be a basis for placing custody with the parent whose religious conduct does not harm the child.

## MODIFICATION OF CUSTODY

Courts have the power to modify child custody arrangements to meet the needs of the child and to respond to changes in the parents' lives.

A parent seeking to change custody through the court usually must show that the conditions have changed substantially since the last custody order. The change of circumstance usually involves something negative in the child's current environment--such as improper supervision, or harmful conflicts with the custodial parent or stepparent.

A child's preference to live with the noncustodial parent can be a basis for modifying custody, but the child's reasons must be well-based and not appear to be the result of coaching or bribery.

In one case, a father was trying to gain custody of his thirteen-year-old son. In the days before the custody hearing, the father presented his son with a series of gifts reminiscent of the song "The Twelve Days of Christmas". Among the acquisitions of the boy: a horse, two television sets, a minibike, a shotgun, a motorcycle, and a private telephone. The father did not gain custody.

In addition to showing a change in circumstances, the parent seeking a change of custody must show that he or she can provide a better environment for the child than the child's current environment.

In order to discourage parents from constantly litigating custody, some states apply a special standard for custody modifications sought within the first year or two after a prior custody order. In those states, the parent must show not only a change of circumstances, but also that the child is endangered by the child's current environment. After expiration of the one- or two-year period, the courts apply normal standards for modification (without having to show endangerment).

If parents voluntarily wish to change custody or the visitation schedule (see below), they may do so without having to prove special factors such as endangerment or a change in circumstances. Parents may change custody and visitation without obtaining a court order, but if the parent receiving custody or more visitation wants to make the modification "official"--thus making it more difficult for the other parent to go back to the old system--it is best to obtain a court order modifying custody and visitation.

In addition, an informal change of custody will not necessarily stop a parent's support obligation--only a court order can provide certainty of that.

**Visitation**

A parent who does not receive custody normally is entitled to visitation with the child. The amount of visitation will vary with the desires of the parents and the inclinations of the judge. A common amount of visitation, however, is: every other weekend (Friday evening through Sunday); a week night (for dinner); half of the child's winter and spring breaks, alternate major holidays; Fathers' Day or Mothers' Day, as applicable; and two to six weeks in the summer.

If parents live far apart and regular weekend visitation is not feasible, it is common to allocate more summer vacation and school holidays to the noncustodial parent.

For parents who do not like the term "visitation" or "custody," it is possible to draft a custody and visitation order that leaves out those terms and just describes the times at which the child will be with each parent.

A court can deny or restrict visitation if the court believes the child might be placed in danger by the visitation. For example, if the noncustodial parent has molested the child, is likely to kidnap the child, or is likely to use illegal drugs or excessive amounts of alcohol while caring for the child, a court probably will deny visitation or restrict visitation. If visitation is restricted, visitation might be allowed only under supervision, such as at a social service agency or in the company of a responsible relative.

**Sidebar:**

## VERY SPECIFIC CUSTODY AND VISITATION ORDERS

If parents are prone to conflict or if they like a high level of detail, it may be desirable to have a very specific custody and visitation order covering as multitude of issues, including:

- Specification of weekends of visitation (perhaps with reference to weekends that begin on the first, third, and fifth Fridays of the month)
- Lists of holidays, winter breaks, and spring breaks, perhaps using odd and even years to keep track of which parent has which holidays in a given year
- Allocation of special school holidays and institute days (that may not be the same as legal holidays)
- Specific pick-up and drop-off times
- Designation of which parent will hold the birthday parties to which the child invites friends--perhaps alternating years
- Periods of notice required for choosing summer vacation time with the children
- Notification of where the child will be when out of town

- Agreements for parents to try to accommodate each other if the parents must travel out of town on business or are otherwise not able to be with the children for a designated period
- Agreements to share or provide copies of school and medical records (federal law requires that both parents have access to school records unless a court orders otherwise)
- Agreements to notify the other parent of teacher conferences, athletic events, and other events involving the child
- Agreements for the parents to consult with each other about what extra-curricular activities the child will be involved in
- Agreements to make the child available for special events regardless of the custody or visitation schedule--for example, to make the child available for family weddings, reunions, and funerals
- Agreements to allow the child telephone contact with the other parent (times and frequency could be specified)
- Agreements to not interfere with (or to perhaps encourage) the child's relationship with the other parent
- Agreements to notify the other parent of change in address, telephone number, or employment

*[End of sidebar]*

## Joint Custody

**Joint custody**--sometimes referred to as "**shared custody"** or "**shared parenting"**--has two parts: joint legal custody and joint physical custody. A joint custody order can have one or both parts.

**Joint legal custody** refers to both parents sharing in major decisions affecting the child. The custody order may describe the issues on which the parents must share decisions. The most common issues are school, health care, and religious training (although both parents have a right to expose the child to their respective religious beliefs). Other issues on which the parents may make joint decisions include: extra-curricular activities, summer camp, age for dating or driving, and methods of discipline.

Many joint custody orders specify procedures parents should follow in the event they cannot agree on an issue. The most common procedure is for the parents to consult a mediator. Mediation will be discussed in chapter 15.

**Joint physical custody** refers to the time the child spends with each parent. The amount of time is flexible. The length of time could be relatively moderate, such as every other weekend with one parent; or the amount of time could be equally divided between the parents. Parents who opt for equal time-sharing have come up with many alternatives such as: alternate two-day

periods; equal division of the week; alternate weeks; alternate months; and alternate six month periods.

If the child is attending school and spends a substantial amount of time with both parents, it usually is best for the child if the parents live relatively close to each other. Some parents, on an interim basis, have kept the child in a single home and the parents rotate staying in the home with the child.

In most states, joint custody is an option--just as sole custody is an option. Courts may order joint custody or sole custody according to what the judge thinks is in the best interest of the child. In some states (ten 1999), legislatures have declared a general preference for joint custody. That means the courts are supposed to order joint custody if one parent asks for it, unless there is a good reason for not ordering joint custody.

The most common reason for not ordering joint custody is the parents' inability to cooperate. Courts are concerned that a child will be caught in the middle of a tug-of-war if joint custody is ordered for parents who do not cooperate with each other. Parents who do not cooperate also will have trouble with sole custody and visitation, but the frequency of conflicts may be somewhat less since they will need to confer less often on major decisions and the logistics of a joint physical custody arrangement.

Supporters of joint physical custody stress that it is in the best interest of the child to protect and improve the child's relationship with both parents. They believe shared custody is the best way to make sure that the child does not "lose" a parent because of the divorce. Supporters of joint custody also argue that it is the natural right of parents to be joint custodians of their children, whether the parents are married or not.

Critics of joint custody fear that joint custody is often unworkable and worry about instability and potential conflict for the child. The success of joint physical custody may depend on the child. Some researchers have said that children who are relatively relaxed and laid back will do better with joint physical custody than children who are tense and become easily upset by changes in routine. Because joint physical custody usually requires keeping two homes for the child, joint physical custody often costs more than sole custody.

Children's needs for each parent change as they grow. Parents probably should avoid locking in any parenting plan forever. Rather, they should plan to review the custody and visitation arrangement as the children grow and the children's needs change.

**Out-of-State Moves with the Child**

The right of a parent to move out of state with the child is another area of law on which states are divided. In times past, most states automatically would allow the custodial parent to move wherever he or she wanted with the child.

In recent years, some states have placed restrictions on the right of the custodial parent to move with the child. These states have a strong policy in favor of preserving continuity in the relationship between the child and noncustodial parent, and courts in these states are reluctant to allow the custodial parent to move with the child over the objection of the noncustodial parent unless there is a very good reason for the move.

In these states, the law may say a child cannot be moved without permission of the other parent or permission of the court. A parent who seeks to move with the child may be required to give notice (such as sixty days) before a proposed moving date.

The law in this area is shifting. Several state legislatures are considering new standards for determining when a parent can move out of state with the child. Regardless of the law in a particular state, there are several factors that courts consider when deciding whether to allow a move with the child:

- **Custodial parent's reason for the move**. If the parent who seeks to move with the child has a good faith reason for the move, that is a positive factor in favor of the move. Good faith reasons include: obtaining a better job, joining a new spouse, and moving to be near extended family. If a job change is the basis for the move, the plan for a new job should be specific, not just a general hope of finding new employment. The main bad faith reason for moving is to deprive the noncustodial parent of contact with the child. If the court believes the main reason for the move is to diminish contact between the child and the noncustodial parent, the court is not likely to allow the move.

- **Noncustodial parent's reason for opposing the move**. If the noncustodial parent has a good reason for opposing the move, that is a factor in favor of denying permission for the move. The main good reason for opposing relocation is the child's close relationship with the noncustodial parent and the disruption of frequent contact between the child and noncustodial parent that would result from the move. If the noncustodial parent is not close to the

child or has not regularly exercised visitation, the court is more likely to allow the move.

- **Advantages to the child from the move**. If it can be shown the child will benefit from the move, that, of course, is a factor in favor of the move. If, for example, the child will go to a better school or be in a climate that is better for the child's health, those factors will support the request for move. The parent asserting that the child will benefit from relocation should be ready with specific evidence, such as witnesses knowledgeable about the difference in school systems or medical testimony regarding the child's health.

- **The degree to which visitation can be restructured to preserve the relationship between the child and the noncustodial parent**. If the court believes that reasonable restructuring of visitation can preserve and promote a good relationship between the child and the noncustodial parent, that is a factor in favor of allowing the move. Restructuring of visitation usually involves scheduling more visitation in the summer and over other holiday

breaks. In some cases, the noncustodial parent and child may actually spend more time together each year under the restructured schedule than under the original schedule, although the restructured schedule will have less frequent periods of visitation. If the court believes that frequency of contact is more important than large blocks of time, then the move is less likely. If the parents cannot afford visits over a long distance, the court also is less likely to allow relocation. If visitation is affordable, the court might reduce child support to facilitate visits, or the court might assess the cost of travel on the parent who seeks to move.

If the parents have joint physical custody with the child spending a substantial amount of time with both parents, a court may treat the request to move like an original custody determination. The court will try to decide which parent will best meet the child's needs. The court will consider the above factors, along with other factors usually considered in custody cases, including the child's attachment to the current home, school, and community.

**Rights of Grandparents**

In June 2000, the United States Supreme Court issued a ruling that will make it more difficult for grandparents to obtain court-ordered visits with their grandchildren. In the case of *Troxel v. Granville*, Justice Sandra Day O'Connor writing for a divided Court, held: "S]o long as a parent adequately cares for his or her child (*i.e.*, is fit), there will normally be no reason for the State to inject itself into the private realm of the family to further question the ability of that parent to make the best decisions concerning the rearing of that parent's children."

In *Troxel* the parents of the father sought visitation with their grandchildren following the death by suicide of the father. The mother was willing to let the grandparents have time with the grandchildren during daytime hours one day per month. The grandparents wanted weekend overnight visitation twice a month. When the grandparents did not receive the visitation they wanted, they filed suit under a Washington State law that allowed "any person" to seek visitation at "any time." The U.S. Supreme Court found that the law was "breathtakingly broad" and did not give sufficient weight to the parent's desires regarding how to raise her children. The Court also found that the trial judge did not give adequate reasons for granting visitation. Thus, the Supreme

Court held that granting visitation to the grandparents in this case "violated [the mother's] due process right to make decisions concerning the care, custody, and control of her daughters."

The scope of the Supreme Court's decision is uncertain. The Court certainly believed that parents should be given more deference on decisions with whom the child will associate than was provided by the Washington State law. The Court, however, left open the possibility that some grandparents would be entitled to obtain court-ordered visitation. Such visitation might be allowed, for example, if the grandparents can show that they had a particularly strong relationship with their grandchildren, such as perhaps when the grandparents had raised the grandchildren for a number of years before primary custody of the children returned to the parents.

At the time *Troxel* was decided, statutes in all states gave grandparents a right to visit with their grandchildren. The scope of that right varied from state to state. The typical statute allowed grandparents to seek an order of visitation following the separation or divorce of the parents or the death of the parent. After *Troxel*, state legislatures can be expected to modify their grandparent

visitation laws to still allow grandparent visitation, but to increase the burden of proof on grandparents who seek that visitation.

Generally, an order of visitation for the grandparents will not be necessary if the grandparents will be able to see their grandchildren at times when the grandchildren are with their parent to whom the grandparent is related. If, however, such contact is not feasible because the parent does not regularly exercise visitation, then specific visitation for the grandparents may be ordered.

It is possible for grandparents to obtain custody of grandchildren. If the parents consent to custody by the grandparents, the grandparents may have custody on an informal basis. Alternatively, grandparents may seek to formalize the arrangement by going to court to be named guardians of their grandchild. Some school districts may require that a grandparent be named guardian of the child before the grandparent may enroll the grandchild in school.

If grandparents seek custody of the grandchild over the parent's objection, the grandparents usually will have to show that the parents are unfit--a heavy burden of proof.

If, however, the grandparents have been raising their grandchild for a considerable length of time under an informal arrangement, the grandparents

may have become the "psychological parents" of the grandchildren by the time the parent or parents seek to regain custody. In this circumstance, courts in many states may allow the grandparents to retain custody, even if the parents are fit.

**Rights and Duties of Stepparents**

The responsibilities of a stepparent depend on state law. A stepparent usually is not liable for a spouse’s child from another marriage, unless the stepparent has adopted the child. Until then, the child’s biological parents are liable for the child’s support. Some states, however, make stepparents liable for the stepchild’s support as long as the stepparent and stepchild are living together.

A stepparent who does not adopt a spouse’s child normally may not claim custody of the child if the marriage ends in divorce, although some states allow a stepparent to seek visitation.

A stepchild usually does not share in the estate of a stepparent, unless the stepparent has provided for the stepchild in a will. However, an unmarried stepchild under eighteen may receive supplemental retirement benefits or survivor's benefits under Social Security.

Click here to go to Chapter 13