

# **Father's Rights**

## **Can Fathers Win Primary Custody??**





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Probably the most commonly encountered stereotype that clients have when it comes to the family courts in Texas is that fathers stand no chance of winning primary custody of their child in a divorce or child custody case. Although this may have been the case in the past, this is simply no longer true.

Studies have shown that children who have continuous and long-lasting contact with their fathers do better in school, adjust more readily to changes in social situations and have fewer disciplinary issues both at home and at school. As a result, it is much more possible for a father to win primary custody in a contested family law case in Texas.

## WHAT DOES PRIMARY CUSTODY MEAN?

I used the phrase “primary custody” in the opening to this blog post when I was describing how a father may be able to be successful in a custody case. Custody as it’s generally used is not a big part of Texas family law. Conservatorship is, however.

Conservatorship covers the rights and duties a parent has in relation to their children. Custody is a more general term that is applied to cover concepts including rights and duties but also possession, access and visitation. The “primary” conservator is the parent who has the right to establish the primary residence of the child. In other words, the primary conservator gets to have the child live with him or her.



## FATHER'S RIGHTS IN A DIVORCE CASE

As society and our legal system more specifically has evolved in the way that we think about father's rights, if you are a dad reading this blog post you can feel much better about your ability to walk into a Texas family law courtroom and have a fair chance to convince a judge that you should be named the primary conservator of your child.

For starters, it is not assumed any longer that just because one party to a case is the mother, she is more effective or capable of raising a child than the father. Simply starting out on equal footing with the opposing party is a huge step up that fathers in Texas have seen in recent years.

Factors that a family law court may consider in determining which party is better suited to be the primary conservator of a child are the stability of each parent's home environment, the income of each parent, the plan that each parent has as far as raising the child when he or she is in their individual care as well as the frequency with which the parent seeking primary conservatorship will be home with the child.



## HOW A FATHER CAN BETTER HIS CHANCES AT WINNING PRIMARY CUSTODY IN A DIVORCE CASE



The divorce attorneys with the Law Office of Bryan Fagan have successfully represented fathers across southeast Texas who have been able to win primary custody of their child. While there is no sure fire way to win in this area there are ways to set yourself apart from many parents right from the beginning of your case.

For starters, you need to actually be a good dad. Quality time with your child is crucial as absentee fathers will simply feed into the old and untrue stereotype that fathers are not as involved in the lives of their children as mothers are. So, being able to show a judge that you are involved in your child's school, social and extracurricular activities is a good place to start.

Do you know the names of your child's doctors and do you take him or her to those appointments? If you do- that's great. If you don't, your odds of being named a primary conservator start to diminish.

Think about your child's life based on your own experiences growing up. Whether you had a father in your life who was active and involved, all the things that were important to you as a kid are most likely important to your child.

The odds are good that if you are interested in having your son or daughter come live with you then you are already involved in their day to day life. Not only will this have helped strengthen your relationship with your kids but it will help you when it comes time to talk to a judge in your divorce case.

## **KEEP THE FAITH AND YOU MAY BE ABLE TO KEEP YOUR CHILD**

Many fathers begin their divorce by assuming that they have no shot to win primary conservatorship. The result of that belief is that they forfeit even the opportunity to present their arguments to a judge.

In general, men suffer from a few things that women seem to confront on a much more infrequent basis. First and foremost, many men will simply fail to respond to a legal summons which results in them losing their right to assert whatever rights and arguments they have to a court. In addition, it happens more frequently that you may think that once a father responds to the lawsuit that they agree to the requests of their wife just to stop the litigation process.

In doing so they again forfeit their right to make an argument to the judge or make reasonable demands themselves. The bottom line is this: you as a father need to be accountable to both your child and the court.

By responding to a lawsuit for divorce in a timely fashion, learning the “rules” of family law court and understanding what your own goals are you stand a good chance to be awarded more time with your child than you might otherwise think.



# The Law Office of Bryan Fagan

## Experienced, Knowledgeable Representation

### **DIVORCE IS TOUGH, FINDING STRONG ADVOCATES DOES NOT HAVE TO BE**

If you find yourself in a position where your spouse has filed for divorce against you please consider the Law Office of Bryan Fagan in your search for legal representation. Our years of experience representing families across southeast Texas has shown us that communication and trust are the most important characteristics of a solid attorney-client relationship.

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