

Minnesota Association of Custody Resolution Specialists (MACRS)
PO Box 127
Chanhasen, MN 55317-0127

November 13, 2008

Re: Judicial Branch Request for written comments regarding Joint Physical Custody

Dear Joint Physical Custody Study Group,

MACRS would like to briefly respond to the questions being considered by the study group on the possibility of joint physical custody being the presumptive statute in Minnesota.

The MACRS board is composed of private and public professionals working with the children and parents involved in custody and parenting time disputes. We are family law attorneys, custody evaluators, mediators, guardian ad litem, and parenting consultants.

Two questions were posed, and we have responded with one statement addressing both parts:

- 1. Should there be a change in Minnesota's custody laws to favor a presumption of joint physical custody?**
- 2. What are the pros and cons of the state adopting a presumption of joint physical custody in law?**

It is our belief that Minnesota should NOT adopt a presumption in favor of joint physical custody.

While the active involvement of both parents in a child's life is critical, and should be given significant weight in any parenting time decision, many other factors are also critical to children's well-being. Families struggling with chemical addiction, mental health issues, power imbalances, and domestic abuse all warrant caution, as do families with distance between their households, poor conflict resolution skills, very young children, and children having physical, emotional, or education struggles themselves. An equal or near equal sharing of time between households requires consideration of all these factors to ensure a positive environment for children. The issue is complex and a sweeping assumption that equal or near equal time with parents trumps all other factors does a disservice to our children.

In many respects labeling physical custody in any form is problematic and inhibits peaceful resolution of these issues for families. We encourage the study group to consider eliminating physical labels entirely, and instead focus on applying best interests factors to parenting time schedules that allow consideration of each family's unique needs and circumstances.

Respectfully,

Minnesota Association of Custody Resolution Specialists
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