

Do I Need a Parenting Plan if My Ex and I Agree on Custody and Support?

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There's an old saying that a verbal agreement is worth the paper it's written on; and agreements about custody or financial support for children are the same- an oral agreement for where the kids will live and how much you will pay in support is not enforceable in court. Additionally, not reducing an agreement to a court order can lead to a he said/she said argument, where you each spend a lot of money in attorneys' fees trying to determine whether you had an agreement and what that agreement is.

In fact, even if you reduce an agreement about custody or support in writing, like text or email, it may not be enforceable by the court. The best way to ensure that you are able to exercise any agreed-upon custody, and that you are getting credit for any money you pay toward support, is to have a parenting plan signed by both parents and the judge. Going to court to have a parenting plan entered by the court does not mean it's an adversarial or contentious process; it just means that both parents are agreeing to an enforceable document in writing.

For questions about custody, support, or other family law issues, please reach out to one of the family law attorneys at Sandberg Phoenix.