



Custody Disputes: Married and Unmarried Couples

Family child care providers sometimes find themselves being forced to act as a referee in disputes between parents. The mother doesn't want the father to pick up the child, or the father who is paying child support wants to see the records of when the child was in attendance, and the mother objects to this. These parent disputes can get intense and many providers wonder how they can avoid being caught in the middle.

Here are some general guidelines. If the parents are married, then both mother and father have equal rights to their children unless a court has limited their rights. This means a mother can't limit the rights of a father or vice versa. If a mother doesn't want the father to pick up the child, the provider should demand that the mother give the provider a copy of a court order that states that the father's rights are restricted. The provider needs to have a copy of any court order so she can follow what it says. If the mother can't produce a court order (custody degree, divorce settlement, restraining order, etc.) then the provider should give the father the same access to the child as the mother.

If the parents are not married, then the situation is different. In general, the mother has complete rights to the child until a court order grants the unmarried father some rights. This is true even if the father has signed a paper acknowledging that he is the father. So if an unmarried father says he wants to see the records of a child, the provider should ask to see some court order that grants the father custody rights before agreeing to this request. If the father can't produce this, then the provider should tell him she will not cooperate and he needs to speak with the mother about his request.

The rules on what rights an unmarried father has can vary from state to state. As a general rule it is best to assume that the unmarried mother, but not the unmarried father, has the rights to the child until you see a court order that says differently. If you are not certain about what a court order says, contact your local child care licenser or child care resource and referral agency for assistance.

If a mother or father tries to pick up a child and you are not convinced that this person has the legal right to do so, do your best to try to contact the absent parent and resolve the problem peacefully. If the parent insists on taking the child, do not hesitate to call 911 and report this situation to the police.

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