

# Teen|LA

Los Angeles Center for Law and Justice

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## C U S T O D Y

### What is **CUSTODY**?

There are two types of custody – **legal custody** and **physical custody**. Legal custody is who makes decisions for the baby, like what school to go to or what doctor to see. Physical custody is who the baby lives with most of the time.

### **WHO** has custody?

If you are on your baby's birth certificate, you don't need a court to give you custody – **you already have it** (and all other rights and responsibilities that go along with being a parent)!

#### **\*\*\*What if I'm not on the birth certificate?**

If you're not on the birth certificate, you are **NOT LEGALLY THE PARENT** (even if you know you are biologically the parent).

### Can I get custody of my baby even though **I'm under 18**?

Yes! You have the right to make **all the same decisions** about your baby as a parent who is over 18.

### **My parents say** they have custody of my baby. Is this true?

Probably not. Unless your parents have a court order giving them custody, they do not have custody of your baby or the right to make decisions about your baby.

### **Moms** have more rights to custody, right?

**Wrong.** If both parents are on the birth certificate, they have equal rights and responsibilities. The Court should not give custody to the mom just because she's the mom.

## **If I get custody, that means [I can keep my baby's dad from seeing my baby, right?](#)**

**No!** Getting a court order that says you have custody does not mean you get to decide if the other parent can visit with the baby. Even when one parent gets sole custody, the Court will usually give the other parent visits with the baby.

## **My baby's mom and I wrote an [agreement](#) about custody, but now she isn't following it. What can I do?**

You should go to Family Court. Either parent can decide at any time to stop following a written agreement.

## **What if [my baby's dad won't give the baby back](#) after a visit. Will the police help me?**

If your baby's dad is NOT on the birth certificate, you can call the police, tell them that he is not the LEGAL dad and that he will not return the child.

If your baby's dad IS on the birth certificate, the police probably will not help you. You probably should start a Family Court case as soon as possible.

## **If I go to court, will the judge tell my baby's mom that she's wrong?**

Maybe – the judge will make a decision about what is in your baby's best interests. This [probably won't be exactly what you want](#) or what the other parent wants either.

Although going to court is important in some cases, it is not the right thing to do in all cases. It is **smart to talk to a lawyer before starting a court case.**

## **Want to speak with a lawyer?**

**Contact Teen/LA at (323) 980-3500**

### **Who we serve:**

People ages 13-24 living in Los Angeles County

### **What we do:**

Answer your legal questions, help you with paperwork, even represent you in Court.

All of our services are **free** for those who qualify.

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