Leonard Sawyerr, attorney, has assisted many of his clients in renegotiating and arranging for more beneficial visitation rights with their children. In American family court, visitation between separated or divorced spouses and their children can generally be determined in one of two ways: by mutual agreement or by court order.

Visitation rights, as Leonard Sawyer advises his clients, are reserved for those families where the marriage has been officially dissolved and one parent is awarded primary custody. The other parent then seeks visitation rights to see their child or children.

In families where the court sees the parents as able to work together for the best interests of the child, it often allows them to determine a mutually favorable visitation arrangement independently. However, in cases where the parties’ relations have broken down, the court itself or a court representative sometimes sets the visitation schedule, including dates, times, holidays, and vacations.

The court retains the right to terminate visitation rights for circumstances not in the best interest of the child. Most often, this is reserved for abusive scenarios, such as a verbally or physically abusive parent or one who misuses drugs and alcohol.

Family law varies from state to state. Be sure to consult an attorney if you have questions about visitation.