

Divorced Parents Rights and the Religious Upbringing of their Children.

Written by Alex

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Parents have constitutional protected rights regarding custody, care, and control of their children. In addition, it allows the parents right and freedom to expose their own particular religious beliefs. There can be a lot of different issues if the interfaith spouse divorce and have disagreements over the religious upbringing of the children.

In Massachusetts the courts can balance the competing interest of the parents and the children in order to determine what is in the best interest of the children. It is not a clear cut decision and a lot of what is looked at is the custodial parent, who is the parent that has physical custody vs. the non-custodial parent.

There can be times where the parent can be awarded joint physical custody.

There are also issues where there is legal custody, which is the one who is making the major decisions.

There can be different issues in terms of the custodial parent wanting to keep the non-custodial parent religious values away from the children.

Whether the non-custodial parent objects to the custodial parent's religious beliefs as something that is not good or too extreme for the children and whether the non-custodial parent who objects to the lack of religious value of the custodial parent.

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These are all different types and all can be looked at differently by the court.

In general, the custodial parent is granted kind of day to day decision making when the child is in their care. However, there are a lot of different issues in terms of major decisions and religion is a major decision.

If there is joint legal custody, this one may or may not have to be litigated at court.