

PROTECTING CUSTODY: A GUIDE  
FOR KINKY AND POLYAMOROUS  
PARENTS



national coalition for sexual freedom inc.

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**CRITICAL LEGAL DISCLAIMER - READ FIRST****THIS IS NOT LEGAL ADVICE**

**This document is not legal advice. It is an educational resource that outlines categories and considerations for legal protections based on what NCSF has learned by helping our communities for nearly 30 years. This document should NOT replace professional legal counsel.**

**WHY YOU MUST HIRE A LICENSED ATTORNEY**

**You absolutely need an attorney for custody issues because:**

- ☒ State laws are complex and constantly changing
- ☒ Family court has specific procedures you must follow
- ☒ Your state has specific custody guidelines
- ☒ Alternative families need specialized legal knowledge
- ☒ The consequences of getting it wrong are severe
- ☒ An experienced attorney can save you money in the long run

**For more information, please see [Supplement 4: WHY You Must Have Legal Representation](#).**

**FINDING A QUALIFIED ATTORNEY**

Use the Kink and Polyamory Aware PROFESSIONALS Directory <https://www.KAPprofessionals.org/>. KAP maintains a directory of lawyers, therapists, and other professionals who are knowledgeable about and affirming of polyamorous and kink communities. If you cannot find someone, please reach out to [NCSFreedom@NCSFreedom.org](mailto:NCSFreedom@NCSFreedom.org) for more options.

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## IMPORTANT LEGAL CONTEXT

**Modern custody law has evolved significantly.** Thanks to advocacy work by organizations like the National Coalition for Sexual Freedom (NCSF), judges no longer automatically remove children from kinky or non-monogamous parents simply based on lifestyle choices.

Key developments include:

- **The National Coalition for Sexual Freedom (NCSF) successfully worked with the American Psychiatric Association to help change their diagnostic manual, the DSM-5, in 2013, which now distinguishes between paraphilias (unusual sexual interests between consenting adults) and Paraphilic Disorders, which involve nonconsensual or harmful acts or those involving minors.** This was a crucial development for protecting kinky parents in custody cases.
- **NCSF's collaboration with the APA's Division 44 Task Force on Nonmonogamy**, which has helped establish that consensual non-monogamy is not inherently pathological.
- **Modern judicial understanding** is that alternative lifestyles alone do not constitute grounds for custody removal.

**However**, custody is still at risk when there are **risky behaviors** and **actual risks to the child's safety, well-being, or development**, not the lifestyle itself. This distinction is crucial.

HOW WE KNOW THIS: In 2008, NCSF received reports from 125 parents whose BDSM, fetishism, cross-dressing, and/or non-monogamous behavior was a determining factor in their child custody hearing. However, since 2019, we have seen fewer than 16 reports a year, and all these parents have intersectional identities or other issues involved.

## RISKY BEHAVIORS TO AVOID

### LEGAL & DOCUMENTATION RISKS

- **Don't document explicit activities:** Avoid written records, photos, or videos of BDSM/kink activities that could be discovered.
- **Don't use real names online:** Maintain separate identities on adult platforms and forums. Refrain from posting face photos on adult platforms.
- **Avoid discussing details with children:** Never mention specific kink or non-monogamy practices, even in age-appropriate ways.
- **Don't involve children in any way:** Keep all adult activities completely separate from parenting spaces.
- **Don't allow other adults access to your children:** Don't let unrelated adults sleep in your home when children are present.
- **Avoid substance use during activities:** Never engage in kink/polyamory while under the influence.

### SOCIAL & RELATIONSHIP RISKS

- **Don't flaunt relationships:** Avoid public displays that draw unnecessary attention.
- **Don't discuss with ex-partners negatively:** Keep communication civil; hostile exes may weaponize this information.
- **Avoid unstable partners:** Choose partners carefully; relationship instability can lead to custody disputes.
- **Don't involve multiple partners in childcare initially:** Build stability first before introducing children to partners.

### DIGITAL FOOTPRINT RISKS

- **Avoid social media oversharing:** Don't post about lifestyle on personal accounts.
- **Don't use the same email/username:** Keep adult activities completely separate online.
- **Avoid dating app profiles with identifying info:** Use generic photos and descriptions.

## WHAT "RISK TO THE CHILD" LOOKS LIKE TO A COURT

Most courts distinguish between a parent's private lifestyle choices and actual risks to a child's safety, wellbeing, and development. Direct exposure to sexual content is deemed harmful to child development and constitutes neglect or endangerment.

"Risk" is jurisdiction-specific, and each municipality has its own standards. While a Family Law attorney will know these kinds of things, to educate yourself about your jurisdiction's information:

- **Consult your state's specific child welfare statutes** - Each state has detailed definitions of neglect and endangerment
- **Review case law** - Look for appellate decisions in your jurisdiction that distinguish lifestyle from actual harm
- **Contact child welfare agencies** - Organizations like the National Child Traumatic Stress Network provide evidence-based standards
- **Legal databases** - Use Google Scholar ([scholar.google.com](https://scholar.google.com)) to search case law with terms like "parental lifestyle" AND "child endangerment"

Here is a summary of what courts commonly consider "risk":

- **Physical Safety Risks**
- **Exposure to Adult Sexual Content or Activities**
- **Child witnesses sexual activity** - Seeing parents engaged in sexual acts, BDSM scenes, or intimate moments
- **Child has access to adult materials** - Finding pornography, sex toys, BDSM equipment, explicit photos in accessible locations
- **Child exposed to nudity** - Exposure to adult bodies or sexual situations
- **Lack of locks or barriers** - Bedrooms, playrooms without locks allowing child access to adult materials or activities

## SUBSTANCE ABUSE DURING PARENTING

Substance abuse directly impairs parenting ability and endangers the child, including:

- **Parent impaired while caring for child** - Using drugs or alcohol while responsible for child's supervision, including driving under the influence
- **Child witnessing substance use** - Child seeing parent use drugs or excessive alcohol
- **Substance paraphernalia accessible to child** - Drugs, alcohol, or equipment left where child can access
- **Overdose risk** - Untreated addiction creating risk of incapacity or death

## UNSAFE BDSM PRACTICES

Accusations of unsafe or nonconsensual BDSM practices have been introduced in family court. Often these are in the form of screenshots of FetLife, Discord or private Facebook groups. Unsafe practices demonstrate poor judgment and risk of serious harm. If parent engages in unsafe BDSM, court questions judgment in all parenting decisions, including:

- **Unsafe bondage causing injury** - Restraints causing cuts, bruising, nerve damage, circulation problems
- **Lack of safety protocols** - No safewords, no safety shears, no emergency procedures
- **Unsafe impact play** - Striking that causes serious injury, internal damage, or permanent harm
- **Choking/asphyxiation play** - Practices that could result in accidental death
- **Unsafe drug use in BDSM** - Using substances that impair judgment during scenes
- **Unsanitary practices** - Infection risks from unsafe practices
- **Injury requiring medical attention** - Injuries that must be explained to healthcare providers
- **Violating fluid barriers** – Accusations of stealthing or exposure to blood
- **Coercion** – Forcing someone to do BDSM by threats or withdrawal of financial support
- **Incapacity** – Taking advantage of someone while they are intoxicated, under the influence of drugs or medication, or having a mental health crisis

### EMOTIONAL & PSYCHOLOGICAL RISKS

Relationship instability harms children's emotional development and sense of security. Children need stable, predictable environments.

#### Exposure to Relationship Instability includes:

- **Frequent partner changes** - Introducing multiple new partners to a child in short time frames
- **Chaotic household dynamics** - Constant conflict, breakups, new people moving in and out
- **Child forming attachments then losing them** - Partners becoming parental figures then disappearing
- **Lack of stability for child** - Child unable to form secure attachments due to constant change
- **Conflicting rules/discipline** - Different partners having different expectations and consequences
- **Emotional manipulation** - Using child as pawn in relationship conflicts

### INVOLVING CHILD IN ADULT RELATIONSHIP DYNAMICS

Involving child in adult dynamics is considered to be emotional abuse and a boundary violation. This can include:

- **Child aware of sexual details** - Discussing sexual practices, BDSM scenes, or polyamorous relationships with child
- **Child pressured to accept partners** - Forcing child to bond with or accept new partners
- **Child used as mediator** - Child caught between conflicting partners or relationship decisions
- **Inappropriate boundaries** - Partners treating child as confidant about adult relationship issues
- **Child's needs deprioritized** - Adult relationship needs taking priority over child's emotional needs
- **Grooming concerns** - Partners having inappropriate relationships with child

## MENTAL HEALTH & PARENTING CAPACITY

Mental health issues that affect parenting capacity are legitimate concerns. However, *seeking treatment* demonstrates responsibility. The Court is concerned with:

- **Untreated mental illness** - Parent with untreated depression, bipolar disorder, personality disorders affecting parenting
- **Untreated trauma** - Unprocessed trauma causing parent to be emotionally unavailable or reactive
- **Anger management issues** - Parent unable to control anger, yelling, verbal abuse toward child
- **Emotional unavailability** - Parent too focused on adult relationships/activities to meet child's emotional needs
- **Inability to handle stress** - Parent unable to cope with normal parenting challenges

## NEGLECT & INADEQUATE CARE

Neglect of basic needs is clear grounds for custody removal, including:

- **Inadequate nutrition** - Child not fed properly, malnutrition, food insecurity
- **Lack of medical care** - Child's medical needs ignored, no preventive care, untreated illness/injury
- **Poor hygiene** - Child not bathed, dressed appropriately, or kept clean
- **Inadequate supervision** - Child left unsupervised for extended periods, no childcare arrangements
- **Unsafe living conditions** - Home is unsanitary, dangerous, or unsuitable for child
- **Educational neglect** - Child not enrolled in school or chronically absent

## PRIORITIZING ADULT NEEDS OVER CHILD'S

Children's needs must come first. If a parent consistently prioritizes adult lifestyle over a child's wellbeing, that's neglect, including:

- **Frequent absences** - Parent regularly unavailable for child's needs
- **Financial resources going to adult activities** - Money spent on BDSM equipment, club memberships, dating instead of child's needs
- **Child's activities sacrificed** - Child missing school, sports, activities because parent is focused on adult relationships
- **Childcare inadequate** - Using unreliable or inappropriate childcare to pursue adult activities
- **Child's schedule disrupted** - Frequent schedule changes to accommodate adult relationships

## DOMESTIC VIOLENCE & CONFLICT

Any violence in the home is traumatic for a child and is grounds for custody removal, including:

- **Domestic violence in the home** - Violence between partners, even if not directed at child
- **Child witnessing violence** - Seeing parents or partners fight, hit, or abuse each other
- **Violence toward child** - Any physical abuse, hitting, excessive punishment
- **Verbal abuse** - Yelling, name-calling, degrading language toward child or partners

- **Controlling behavior** - One partner controlling the other through intimidation, isolation, or threats
- **Substance abuse combined with violence** - Intoxication increasing likelihood of violence

### CONFLICT AFFECTING CHILDREN

- High-conflict environments harm child's emotional development and wellbeing, including: **High-conflict co-parenting** - Constant fighting with another parent, using child as messenger rather than communicating directly with co-parent
- **Parental alienation** - Deliberately turning children against the other parent
- **Child caught in the middle** - Forced to choose sides or report to the other parent
- **Exposure to adult conflict** - Witnessing screaming matches, threats, or aggressive behavior
- **Instability from conflict** - Child anxious, depressed, or behaviorally affected by parental conflict

### SEXUAL ABUSE & GROOMING CONCERNS

Sexual abuse is the most serious concern and results in immediate custody removal and criminal prosecution, including:

- **Child sexually abused by parent** - Any contact with the breasts, buttocks, or genitals that is deemed harmful or inappropriate
- **Child sexually abused by partner** - Any contact with the breasts, buttocks, or genitals by an unrelated adult
- **Failure to protect** - Parent allowing unsupervised access to children or aware of abuse but not intervening

### GROOMING & BOUNDARY VIOLATIONS

Any grooming or boundary violation is serious and can result in custody removal, including:

- **Inappropriate sexual comments** - Parent or unrelated adults making sexual jokes or comments to/around child. Parent or unrelated adults wearing clothing with sexually explicit language or images
- **Boundary violations** - Inappropriate touching, lack of privacy, sexual discussions
- **Partner grooming child** - Partner building inappropriate relationship with child
- **Sexualization of child** - Dressing child inappropriately, encouraging sexual behavior
- **Access to predators** - Bringing people with sexual interest in children into home, as well as those who have committed criminal acts or sexual assault

### CRIMINAL ACTIVITY & LEGAL ISSUES

Criminal activity demonstrates poor judgment and values, raising questions about parenting. The presence of drugs in the home demonstrates poor judgment and creates an unsafe environment:

- **Drug manufacturing or distribution** - Illegal drug activity in home
- **Child exposed to drug activity** - Child witnessing drug use, sales, or manufacturing
- **Drug paraphernalia accessible** - Child can access needles, pipes, or other drug equipment

- **Conviction for drug crimes** - Criminal record affecting parenting judgment
- **Violent crimes** - Conviction for assault, battery, or violent felonies
- **Sex crimes** - Any conviction related to sexual offenses
- **Child abuse convictions** - Prior convictions for child abuse or neglect
- **Fraud or theft** - Pattern of dishonesty and poor judgment
- **Ongoing criminal activity** - Current involvement in illegal activities

#### OTHER ACTIVITIES

The Court may be concerned about:

- **Sex work** – Both legal sex work, like OnlyFans and erotic dancing, as well as prostitution or professional domination
- **Age Play** – Adult consensual age play that is misunderstood by Courts as indicating an interest in pedophilia

#### “RISKS TO THE CHILD” SPECIFIC TO POLYAMOROUS FAMILIES

Polyamorous families must demonstrate clear structure, stability, and legal protection for the child. Chaos or instability between partners or metamours is problematic. This includes:

- **Presence of unrelated adults in the home** – Living with unrelated partners/metamours
- **Relationship changes** – Any time a partner is added or leaves, child confused about family structure
- **Unclear custody/guardianship** - No clear legal arrangements for child's care if primary parent incapacitated
- **Financial instability** - Unclear financial responsibility, child's needs not consistently met
- **Partner involvement without legal protection** – Partners/metamours involved in childcare with no legal standing or background checks
- **Conflict between partners affecting child** – Conflicts between partners/metamours or polyamorous relationship dissolution creating chaos for child

#### “RISKS TO THE CHILD” SPECIFIC TO BDSM/KINK FAMILIES

**Important:** Modern courts recognize that consensual BDSM between adults is not inherently risky to children.

#### What Courts DON'T Consider Risk (Post-DSM-5):

- **BDSM practices between consenting adults** – Acts that are not inherently harmful or pathological (Wright, 2018)
- **Kink identity or sexual interests** - As long as they don't involve the children.
- **Adult sexual practices** - As long as the acts don't involve minors under eighteen years old.
- **Participation in kink community** - Attending events, clubs, or online communities.

## WHAT COURTS DO CONSIDER RISK

The issue is safety and judgment, not the BDSM itself, including:

- **Unsafe practices causing injury** - As discussed above.
- **Child exposure to activities** - Child witnessing scenes or accessing materials.
- **Poor judgment in BDSM** - Unsafe practices or accusations of consent violations suggesting poor judgment in all parenting.
- **Substance abuse in BDSM** - Using drugs/alcohol during scenes affecting judgment or resulting in incapacity of partner.
- **BDSM equipment accessible to child** - Child can access restraints, impact toys, etc.
- **Partners with concerning backgrounds** - BDSM partners with criminal histories or concerning behavior.

## HOW COURTS EVALUATE RISK

Courts care about child safety, stability, and wellbeing, not adult lifestyle choices. If you compartmentalize your adult life, maintain stability, meet your child's needs, and keep them safe, your kinky or polyamorous identity is not a risk factor in modern custody law.

Courts use a risk evaluation framework based on:

- **Actual harm or danger** - Is the child actually at risk of harm?
- **Parenting capacity** - Can the parent meet the child's needs?
- **Child's best interests** - What arrangement is best for this specific child?
- **Stability and predictability** - Does the child have a stable, predictable environment?
- **Emotional bonds** - What is the child's relationship with each parent?
- **The lifestyle itself is not part of this analysis.** The question is: "Does this parent's behavior create actual risks to this child?"

## PROACTIVE STEPS TO TAKE

### LEGAL PREPARATION

- **Consult a family law attorney** who understands alternative lifestyles.
- **Document your parenting:** Keep records of school involvement, medical appointments, extracurriculars.
- **Establish custody agreements carefully:** Get clear, written agreements with all partners.
- **Create a will and guardianship plan:** Specify who cares for children if something happens to you.
- **Know your state's laws:** Custody laws vary significantly by jurisdiction.

## RELATIONSHIP STRUCTURE

- **Establish clear relationship agreements:** Written agreements between all partners about roles and responsibilities.
- **Ensure financial stability:** Demonstrate ability to provide for children independently.
- **Maintain stable housing:** Avoid moving or unstable living situations.
- **Create clear parenting hierarchies:** Define who has legal custody and decision-making authority.
- **Document co-parenting agreements:** If polyamorous, formalize arrangements between partners.

## PARENTING &amp; HOME LIFE

- **Maintain consistent routines:** Regular bedtimes, school schedules, family activities.
- **Keep adult spaces separate:** Dedicated rooms/times for adult activities away from children.
- **Prioritize children's needs:** Demonstrate that parenting comes first, always.
- **Maintain strong relationships with children:** Regular one-on-one time, emotional support.
- **Keep home child-appropriate:** Age-appropriate decorations, toys, books, and entertainment.

## COMMUNITY &amp; SUPPORT

- **Build positive community connections:** Teachers, coaches, pediatricians should know you as a good parent.
- **Document positive relationships:** Maintain connections with family and friends who can vouch for your parenting.
- **Join parenting groups:** Participate in mainstream parenting communities (PTA, sports, etc.).
- **Maintain employment:** Stable, respectable employment demonstrates responsibility.
- **Avoid isolation:** Don't withdraw from mainstream society.

## FINANCIAL &amp; PRACTICAL

- **Maintain financial independence:** Don't become financially dependent on partners.
- **Have adequate insurance:** Health, life, and disability insurance.
- **Keep financial records organized:** Demonstrate financial responsibility and stability.
- **Maintain separate bank accounts:** Especially if not legally married to all partners.
- **Document financial support:** If partners contribute to childcare costs, have clear agreements.

## MENTAL HEALTH & WELLNESS

- **Maintain therapy/counseling:** Demonstrates commitment to mental health and stability.
- **Avoid substance abuse:** Zero tolerance for any substance issues.
- **Manage mental health conditions:** Stay on medication, attend appointments.
- **Avoid criminal activity:** Any legal issues can be weaponized in custody disputes.

## DOCUMENTATION STRATEGIES

- **Keep a parenting journal:** Document daily activities, milestones, quality time with children.
- **Photograph positive moments:** Family activities, school events, holidays.
- **Maintain school records:** Report cards, teacher feedback, school communications.
- **Document medical care:** Keep all pediatric records organized and current.
- **Save positive communications:** Emails from teachers, coaches praising your parenting.

## KEY PRINCIPLE: COMPARTMENTALIZATION

The overarching strategy is **complete separation** between:

- Your adult lifestyle and your parenting life.
- Your online/community presence and your family identity.
- Your private relationships and your legal custody arrangements.

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**BEYOND THE PAPERWORK: REAL-WORLD CUSTODY CHALLENGES**

**Custody disputes are adversarial:** Assume worst-case scenarios and prepare accordingly. Your current custody arrangement can always be challenged. Hire a family law attorney and be honest with them.

- **Bias can still exist:** Even with legal progress, individual judges may hold outdated views; excellent documentation helps counter this, and an attorney is the best person to help you decide what that is.
- **Children's best interests' matter:** Courts prioritize this above all else. Many states allow family courts to evaluate a parent's "moral fitness" as a factor when deciding child custody.
- **State-specific laws:** Consult local attorneys about specific protections and risks in your jurisdiction. If possible, consult with a family law attorney experienced in LGBTQ+ and alternative lifestyle cases. They can provide jurisdiction-specific advice and help you establish legally protective structures for your family. Organizations like the NCSF also offer resources specifically for kinky and non-monogamous families navigating custody issues.

**Progress is ongoing:** NCSF and other organizations continue advocacy work to further protect alternative lifestyle families. Reach out to the NCSF. We can refer you to attorneys on the KAP list and prepare for that consultation.

## SUPPLEMENT 1: STATE-SPECIFIC LAWS: EXAMPLES OF VARIATIONS

Here are concrete examples of how custody and family law varies significantly by state:

### CUSTODY & GUARDIANSHIP RECOGNITION

#### LEGAL RECOGNITION OF MULTIPLE PARTNERS:

- **California:** Recognizes "de facto parents" who can petition for custody/visitation rights even without legal marriage, which can provide some protection for polyamorous family structures.
- **New York:** More restrictive; generally, only recognizes legal marriage or biological/adoptive relationships, making polyamorous custody arrangements more legally vulnerable.
- **Colorado:** Has specific statutes allowing courts to recognize "psychological parents," which can help protect children in non-traditional family structures.

**Implications:** In states like New York, a polyamorous parent's partners have no legal standing to care for children if something happens to the primary parent, whereas California offers more flexibility.

#### MORAL FITNESS & LIFESTYLE CONSIDERATIONS

##### How "Moral Fitness" is Defined:

- **Texas:** Has historically applied stricter "moral fitness" standards in custody decisions; judges retain more discretion to consider lifestyle choices.
- **Massachusetts:** Courts have moved away from lifestyle-based judgments; focus is primarily on parenting ability and the child's best interests.
- **Florida:** Statutes explicitly state that sexual orientation/alternative lifestyles cannot be the sole basis for custody denial, but judges still have discretion in how they interpret "best interests".

**Implications:** A parent in Texas might face more scrutiny for non-monogamy than the same parent in Massachusetts, even with identical parenting practices.

#### COHABITATION & RELATIONSHIP LAWS

##### Cohabitation with Unmarried Partners:

- **Some Southern states** (Mississippi, North Carolina, Alabama): Historically had "cohabitation clauses" that could affect custody if unmarried partners lived together; while these are increasingly challenged as unconstitutional, they may still influence some judges.

- **California, New York, Illinois:** No restrictions on cohabitation; courts cannot penalize parents for living with unmarried partners.
- **Virginia:** Still has an antiquated "fornication" statute that *technically* could be cited, though it's rarely enforced.

**Implications:** A polyamorous parent with multiple partners in the home might face legal challenges in some states but not others.

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## DOMESTIC PARTNERSHIP & MARRIAGE EQUALITY

### Legal Marriage Options:

- **All 50 states:** Recognize same-sex marriage (post-Obergefell), but some states have more hostile judicial climates.
- **Some states** (Colorado, Delaware, Illinois, Maine, etc.): Recognize domestic partnerships or civil unions with specific legal protections.
- **Other states:** Offer no alternative legal recognition structures.

**Implications:** In states with domestic partnership options, a polyamorous parent might be able to legally marry one partner, providing some custody protection, while the other partners remain legally unrecognized.

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## SUBSTANCE USE & DRUG TESTING

### Drug Testing Standards:

- **California:** Courts can order drug testing but must have specific cause; cannot be used as a blanket custody tool.
- **Texas:** Broader discretion for courts to order drug testing in custody disputes.
- **New York:** Requires clear evidence of substance abuse before ordering testing.

**Implications:** A parent in Texas accused of substance use (even falsely) might face mandatory testing more easily than in California.

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## RELIGIOUS CONSIDERATIONS

### How Religion Affects Custody:

- **Utah:** Courts have historically considered religious practices (including polygamy concerns) in custody decisions, though this has evolved.

- **New York:** Courts are more secular in approach; religious lifestyle choices have minimal impact unless they directly harm the child.
- **Bible Belt states** (Alabama, Mississippi, etc.): May have judges more influenced by religious considerations.

**Implications:** A kinky or non-monogamous parent might face more bias in religiously conservative states.

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## PARENTAL RIGHTS & VISITATION

### Third-Party Custody/Visitation:

- **All states** recognize biological/adoptive parents' rights, but how they handle non-traditional families varies.
- **California:** Allows courts to grant visitation to "de facto parents" even over biological parents' objections.
- **Most other states:** Require clear legal relationships (marriage, adoption) to grant custody/visitation to non-biological adults.

## SUPPLEMENT 2: RESOURCES

### DSM-5 REVISIONS AND BDSM:

- **American Psychiatric Association DSM-5 Resource:** <https://ncsfreedom.org/dsm-5/>
- **Journal Article on De-Pathologization :** <https://ncsfreedom.org/wp-content/uploads/2019/09/Journal-of-Sex-Medicine-De-pathologization-of-Consensual-BDSM.pdf>
- **The Leather Journal Coverage:** <https://www.theleatherjournal.com/news-2/the-dsm-5-says-kink-is-ok>
- **Wikipedia Overview of NCSF:** [https://en.wikipedia.org/wiki/National\\_Coalition\\_for\\_Sexual\\_Freedom](https://en.wikipedia.org/wiki/National_Coalition_for_Sexual_Freedom)

### APA DIVISION 44 CONSENSUAL NON-MONOGAMY TASK FORCE

**Official Resources on Polyamory and Mental Health:** The APA Division 44 has established a permanent committee on Consensual Non-Monogamy (CNM) that generates research and empirically informed guidelines. This work has helped establish that consensual non-monogamy is not inherently pathological.

- **APA Division 44 CNM Task Force Official Site:** <https://www.div44cnm.org/>
- **APA Divisions Newsletter on CNM:** <https://www.apadivisions.org/division-44/publications/newsletters/division/2020/04/non-monogamy>
- **Dr. Schechinger's Reflections (First National Scientific Working Group on CNM):** <https://medium.com/@dr.schechinger/reflections-on-five-years-as-the-first-national-scientific-working-group-addressing-consensual-91d109a05770>
- **Facebook Committee Updates:** <https://www.facebook.com/Div44CNM/>

### ADDITIONAL RESOURCES TO EXPLORE

“Ex-Polyamorous Trio Granted ‘Tri-Custody’ of Their Child by a New York Judge”

March 15, 2017, [Edit “Ex-Polyamorous Trio Granted ‘Tri-Custody’ of Their Child by a New York Judge”](#) The Cut by Lisa Ryan

NCSF Resource on Consensual Nonmonogamous Families Legal Protections Checklist

## SUPPLEMENT 3: PREPARING FOR COURT: POTENTIAL DOCUMENTATION NEEDS

**Key Principle:** The goal is to present a complete picture of you as a responsible, stable, loving parent whose lifestyle choices do not impact your parenting ability or your child's safety and well-being. Every document should support that narrative.

If you're a kinky or polyamorous parent facing a custody dispute, thorough preparation is essential.

Here's what you should gather and organize for your attorney:

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### DOCUMENTATION OF PARENTING QUALITY

#### School & Education Records

- **Report cards and academic progress reports** - Shows commitment to the child's education.
- **Teacher communications** - Emails, notes praising your involvement and parenting.
- **School attendance records** - Demonstrates consistency and reliability.
- **Extracurricular activity records** - Sports, music, clubs, tutoring you've arranged.
- **Parent-teacher conference notes** - Your own notes documenting discussions about children's progress.
- **Enrollment in advanced programs** - Gifted programs or special education services you've advocated or provided.

#### Medical & Healthcare Documentation

- **Complete medical records** - All pediatric visits, vaccinations, and dental care.
- **Mental health records** (if applicable) - Your own therapy/counseling showing commitment to wellness.
- **Medication management** - If the child takes medication, documentation of consistent administration.
- **Insurance information** - Proof you maintain health insurance for the child.
- **Emergency contact information** - Shows you're prepared and organized.

#### Daily Parenting Documentation

- **Parenting journal** - Daily entries (at least 6-12 months) documenting:
  - Time spent with children

- Activities and conversations
- Milestones and achievements
- How you handled discipline or challenges
- Quality one-on-one time
- **Photo/video evidence** - Organized by date showing:
  - Family activities and outings
  - Holidays and celebrations
  - Child's room and home environment
  - School events you attended
  - Everyday moments of bonding
- **Calendar records** - Showing consistent presence in child's life

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## FINANCIAL DOCUMENTATION

### Income & Stability

- **Tax returns** (last 3-5 years) - Demonstrates financial stability
- **Pay stubs** (recent) - Current income verification
- **Employment verification letter** - From your employer confirming job stability
- **Promotion history** - Shows career stability and growth
- **Bank statements** (3-6 months) - Demonstrates financial responsibility

### Child Support & Expenses

- **Receipts for child expenses** - Clothing, school supplies, activities, medical care
- **Childcare costs** - Invoices showing you pay for quality childcare
- **Insurance premiums** - Health, dental, vision insurance for child
- **Educational expenses** - Tutoring, classes, special programs
- **Activity fees** - Sports, music lessons, camps you've enrolled in

- **Household budget** - Showing how you allocate resources for child's needs

### Property & Stability

- **Mortgage/lease documentation** - Proof of stable housing
- **Homeowner's or renter's insurance** - Shows responsible property management
- **Utility bills** - Demonstrating stable residence
- **Property maintenance** - Photos of clean, safe, child-appropriate home

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## CHARACTER & RELATIONSHIP EVIDENCE

### References & Character Witnesses

- **List of character references** with contact information:
  - Teachers and school administrators
  - Pediatrician and healthcare providers
  - Coaches and activity leaders
  - Family members
  - Close friends who can speak to your parenting
  - Employers or colleagues
  - Therapist/counselor
- **Written statements** from these people (if possible) describing:
  - Your parenting abilities
  - Your relationship with your child
  - Your stability and reliability
  - Your character and integrity

### Relationship with Child

- **Letters or cards from child** - Expressing love and attachment
- **Child's artwork or school projects** - Showing what they create at home

- **Custody/visitation compliance records** - Showing you've followed all orders
- **Communication records** - Texts/emails showing regular contact with child
- **Photos of child's room** - Showing its age-appropriate and well-maintained

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## HOUSEHOLD & SAFETY DOCUMENTATION

### Home Environment

- **Photos of the home** - Clean, organized, child-safe spaces
- **Photos of children's room** - Age-appropriate toys, books, decorations
- **Safety equipment** - Photos of smoke detectors, carbon monoxide detectors, first aid kit
- **Childproofing measures** - Baby gates, outlet covers, locked cabinets (if applicable)
- **Neighborhood information** - Safe area, proximity to schools, parks, amenities

### Lifestyle Compartmentalization Evidence

- **Separate living spaces** - Documentation that adult activities are completely separate from child's areas
- **Locked storage** - Photos showing adult materials are secure and inaccessible to child
- **Schedule documentation** - Showing when adult activities occur (away from child or when child is asleep/at school)
- **Babysitter/childcare arrangements** - Proof that during adult time, child is with qualified caregivers

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## RELATIONSHIP & CO-PARENTING DOCUMENTATION

### If Polyamorous

- **Written co-parenting agreements** - Clear documents outlining:
  - Who has legal custody
  - Decision-making authority
  - Financial responsibilities
  - How partners relate to children
  - What happens if the relationship dissolves

- **Partner background checks** - Criminal history clearance for any partners involved in childcare
- **Partner references** - Character references for partners
- **Stability documentation** - How long relationships have been stable
- **Child's relationship with partners** - Photos, notes showing healthy, appropriate relationships

#### If Previously Married/Divorced

- **Divorce decree** - Original custody and support orders
- **Child support payment records** - Proof of consistent, on-time payments
- **Custody compliance** - Documentation you've followed visitation/custody orders
- **Communication with co-parent** - Emails showing civil, cooperative co-parenting (if possible)
- **Modification history** - Any previous custody modifications and why

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## MENTAL HEALTH & WELLNESS DOCUMENTATION

### Your Mental Health

- **Therapy/counseling records** - Showing commitment to mental health
- **Medication management** - If on medication, proof of consistent treatment
- **Psychological evaluation** - Consider getting a professional evaluation showing you're mentally fit
- **Substance abuse screening** - If relevant, proof of negative tests or completion of treatment
- **Support group attendance** - If applicable, showing commitment to wellness

### Child's Mental Health

- **Therapist/counselor records** - If child is in therapy, showing you're supporting their mental health
- **School counselor notes** - Any positive interactions
- **Behavioral records** - Showing child is well-adjusted and thriving

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## LEGAL & COMPLIANCE DOCUMENTATION

### Custody Order Compliance

- **Current custody orders** - All relevant court documents

- **Compliance records** - Documentation showing you've followed all orders
- **Communication logs** - Showing respectful communication with the other parent
- **No violations** - Documentation of zero missed payments, visits, or violations

#### **Criminal & Legal History**

- **Background check** - Get your own background check to verify it's clean
- **Driving record** - Showing safe driving history
- **No protective orders** - Documentation that you have no restraining orders against you
- **No criminal history** - Proof of a clean record

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#### **DIGITAL & SOCIAL MEDIA DOCUMENTATION**

##### **What to Prepare**

- **Social media audit** - Printouts of your public posts showing:
  - Positive parenting content
  - Family activities
  - Appropriate language and behavior
  - No concerning content
- **Email/text communication** - Organized records showing:
  - Respectful co-parenting communication
  - Responsible behavior
  - Concern about child's well-being
- **Online presence** - Documentation of professional social media (LinkedIn, etc.) showing stability

##### **What to Remove/Clean Up**

- **Delete problematic content** - Before litigation begins (with attorney guidance)
- **Privacy settings** - Ensure personal accounts are private
- **Old posts** - Consider removing anything that could be misconstrued

- **Tagged photos** - Untag yourself from problematic photos

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## WITNESS PREPARATION

### Who to Prepare as Witnesses

- **Teachers** - Can testify about the child's academic performance and your involvement
- **Healthcare providers** - Can testify about child's health and your medical decision-making
- **Coaches/activity leaders** - Can testify about your commitment to the child's activities
- **Family members** - Can testify to your parenting and relationship with children
- **Friends** - Can testify about your character and parenting abilities
- **Therapist/counselor** - Can testify about your mental health and stability

### Preparation Materials

- **List of potential questions** - What your attorney might ask them
- **Key points to emphasize** - Specific examples of your good parenting
- **Availability** - Confirm they can attend court or provide written statements
- **Contact information** - Ensure attorney has all contact details

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## SENSITIVE DOCUMENTATION (HANDLE WITH ATTORNEY GUIDANCE)

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### FOR KINKY/BDSM PARENTS

#### Consult with your attorney before gathering these:

- **DSM-5 information** - Printed materials showing BDSM is not pathologized
- **Educational materials** - Academic articles on BDSM safety and consent
- **Professional references** - Therapists or educators who can speak to your responsible practices
- **Compartmentalization evidence** - Documentation of complete separation between adult activities and parenting
- **Safety practices** - Documentation of safe, sane, consensual practices (if relevant)

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### FOR POLYAMOROUS/NONMONOGAMOUS PARENTS

**Consult with your attorney before gathering these:**

- **APA Division 44 resources** - Information on consensual non-monogamy research
- **Relationship agreements** - Clear, written agreements between all partners
- **Stability documentation** - How long relationships have been stable
- **Child's adjustment** - Evidence the child is thriving in the family structure
- **Partner background checks** - Criminal history clearance for partners

## SUPPLEMENT 4: WHY YOU MUST HAVE LEGAL REPRESENTATION

You absolutely need an attorney for custody issues. This is not an area where you can DIY, use online templates, or rely on general advice. Here's why:

### 1. STATE LAWS ARE EXTREMELY COMPLEX AND CONSTANTLY CHANGING

#### Every State Has Different Rules

##### Custody laws vary dramatically by state:

- Some states recognize multiple parents; most don't
- Some states allow unmarried partners to adopt; most don't
- Some states have "best interests of the child" standards; others have different criteria
- Some states allow grandparents custody rights; others don't
- Some states consider a parent's "moral fitness"; others don't
- Some states recognize de facto parents; others don't

##### Example:

- In California, you can have three legal parents
- In Texas, you can only have two legal parents
- If your family moves from California to Texas, your legal protections change completely

**What this means:** What's legal and protective in one state may be illegal or unprotective in another. You need an attorney who knows YOUR state's specific laws.

Sources: [National Conference of State Legislatures - Family Law](#), [FindLaw - State Family Law](#), [American Bar Association - Family Law by State](#)

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### LAWS CHANGE REGULARLY

#### Family law is evolving:

- New court decisions create new precedents
- States update statutes regularly
- Federal law changes affect state law

- What was true 5 years ago may not be true today

**Example:**

- Marriage equality was legalized federally in 2015
- Many states updated custody laws after this
- Some states are still updating laws to reflect this change
- New cases are being decided every year that affect custody law

**What this means:** An attorney stays current on these changes. You can't rely on information from online sources or old documents.

Sources: [IRS - Legal Updates](#), [National Conference of State Legislatures - Recent Legislation](#), [American Bar Association - Legal Updates](#)

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**NUANCES MATTER****Small legal details can have huge consequences:**

- The difference between "legal custody" and "physical custody"
- The difference between "joint custody" and "sole custody"
- The difference between "guardianship" and "parental rights"
- The difference between "adoption" and "de facto parent" status
- The difference between "domestic partnership" and "marriage"

**Example:**

- You might think you have "custody" but actually only have "guardianship"
- These are different legally and have different consequences
- An attorney can explain the difference and help you get the right status

**What this means:** You need someone who understands these nuances and can explain them to you.

Sources: [National Council of Nonprofits - Legal Terminology](#), [FindLaw - Custody Definitions](#), [American Bar Association - Family Law Terminology](#)

## 2. FAMILY COURT IS PARTICULAR AND HAS SPECIFIC PROCEDURES

### Court Procedures Are Strict

#### Family court has specific rules:

- Specific forms that must be used (not generic forms)
- Specific procedures for filing documents
- Specific deadlines that must be met
- Specific evidence that's admissible
- Specific ways to present arguments
- Specific standards judges use to make decisions

#### Example:

- You file a custody petition using the wrong form
- The court rejects it
- You have to start over
- You miss a deadline
- Your case is dismissed
- You lose custody

**What this means:** One procedural mistake can destroy your case. You need an attorney who knows the procedures.

Sources: [American Bar Association - Court Procedures](#), [FindLaw - Court Procedures](#), [National Council of Nonprofits - Legal Procedures](#)

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## JUDGES HAVE DISCRETION

### Family court judges have a lot of discretion:

- Judges decide what evidence is relevant
- Judges decide what weight to give evidence

- Judges decide how to interpret laws
- Judges decide what's in the "best interests of the child"
- Judges can consider factors not explicitly in the law

**Example:**

- One judge might consider your polyamorous relationship irrelevant to custody
- Another judge might consider it highly relevant
- An attorney knows your local judges and how they typically rule
- An attorney can present your case in a way that appeals to your specific judge

**What this means:** You need an attorney who knows your local judges and how to present your case effectively.

Sources: [American Bar Association - Judicial Discretion](#), [FindLaw - Judge Discretion](#), [National Center for State Courts - Judicial Discretion](#)

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**OPPOSING COUNSEL WILL BE PREPARED****If the other parent has an attorney:**

- They know the procedures
- They know the judges
- They know how to present evidence
- They know how to cross-examine witnesses
- They know how to argue the law
- They know how to counter your arguments

**Example:**

- You represent yourself
- The other parent has an attorney
- The attorney knows exactly how to beat you
- You don't know what you're doing

- You lose custody

**What this means:** If you're up against an attorney, you need your own attorney. You can't compete without one.

Sources: [American Bar Association - Self-Representation in Court](#), [FindLaw - Self-Representation](#), [National Council of Nonprofits - Legal Representation](#)

### 3. YOUR STATE GUIDELINES ARE SPECIFIC AND COMPLEX

#### Child Support Guidelines

**Every state has specific child support guidelines:**

- Income calculations
- Deduction allowances
- Custody adjustments
- Health insurance considerations
- Daycare cost considerations
- Special needs considerations

**Example:**

- You might think child support is calculated one way
- Your state calculates it differently
- You end up paying more or less than you should
- An attorney knows your state's guidelines

**What this means:** You need an attorney who knows your state's child support guidelines.

Sources: [American Bar Association - Child Support Guidelines](#), [FindLaw - Child Support Guidelines](#), [National Child Support Enforcement Association](#)

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#### CUSTODY STANDARDS

**Every state has specific custody standards:**

- "Best interests of the child" factors

- Parental fitness factors
- Child's preferences (age-dependent)
- Sibling relationships
- Stability considerations
- Special needs considerations

**Example:**

- Your state might consider 10 specific factors
- Another state considers 15 factors
- You need to know which factors apply in your state
- You need to know how to present evidence on those factors

**What this means:** You need an attorney who knows your state's custody standards.

Sources: [National Conference of State Legislatures - Custody Standards](#), [FindLaw - Custody Standards](#), [American Bar Association - Custody Standards](#)

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## MODIFICATION STANDARDS

**Every state has specific standards for modifying custody:**

- What constitutes a "substantial change in circumstances"
- How much time must pass before you can modify
- What evidence you need to present
- How courts weigh stability vs. changed circumstances

**Example:**

- You want to modify custody because your ex is a bad parent
- Your state requires a "substantial change in circumstances"
- You need to prove this change
- An attorney knows what counts as substantial in your state

**What this means:** You need an attorney who knows your state's modification standards.

Sources: [American Bar Association - Custody Modification](#), [FindLaw - Custody Modification](#), [National Conference of State Legislatures - Custody Modification](#)

#### 4. ALTERNATIVE FAMILY STRUCTURES REQUIRE SPECIALIZED KNOWLEDGE

##### **Attorneys Need Experience with Non-Traditional Families**

##### **Not all family law attorneys understand:**

- Polyamorous family structures
- Chosen family relationships
- Multi-parent households
- Non-monogamous relationships
- LGBTQ+ family structures
- Kinky or BDSM relationships

##### **Example:**

- You hire a family law attorney
- They've never worked with a polyamorous family
- They don't understand your family structure
- They give you bad advice
- You lose custody

**What this means:** You need an attorney who has experience with alternative families.

Sources: [KAP Professionals - Attorney Directory](#), [Lambda Legal - Find Legal Help](#), [NCLR - Find Legal Help](#)

#### BIAS AND PREJUDICE ARE REAL

##### **Some attorneys (and judges) have biases:**

- Against polyamorous relationships
- Against LGBTQ+ families

- Against kinky or BDSM relationships
- Against non-traditional family structures
- Against unmarried partners

**Example:**

- You hire an attorney who disapproves of your lifestyle
- They don't present your case effectively
- They suggest you hide your relationship
- They don't fight hard for your rights
- You lose custody

**What this means:** You need an attorney who affirms alternative families, not just tolerates them.

Sources: [KAP Professionals - Finding Affirming Professionals](#), [Lambda Legal - LGBTQ+ Legal Resources](#), [NCLR - LGBTQ+ Legal Resources](#)

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**DOCUMENTATION STRATEGY IS CRITICAL****An experienced attorney knows:**

- What documentation strengthens your case
- What documentation weakens your case
- How to present documentation effectively
- What evidence judges care about
- How to counter opposing counsel's evidence

**Example:**

- You have photos of your poly family together
- An inexperienced attorney might not know how to use these effectively
- An experienced attorney knows exactly how to present them
- An experienced attorney knows what other documentation to gather

**What this means:** You need an attorney who knows how to build a strong case for alternative families.

Sources: [KAP Professionals - Legal Strategy](#), [Lambda Legal - Legal Strategy](#), [NCLR - Legal Strategy](#)

## 5. THE CONSEQUENCES OF GETTING IT WRONG ARE SEVERE

### You Could Lose Custody

#### If you don't have proper legal representation:

- You could lose custody of your children
- You could be limited to supervised visitation
- You could lose all parental rights
- You could be unable to make medical decisions
- You could be unable to access school records
- You could be unable to inherit from your children

#### Example:

- You represent yourself in custody court
- You make procedural mistakes
- You present ineffective evidence, or present evidence ineffectively
- You lose custody
- Your children go to the other parent
- You can only see them on weekends

**What this means:** The stakes are too high to represent yourself.

Sources: [American Bar Association - Custody Consequences](#), [FindLaw - Custody Consequences](#), [National Council of Nonprofits - Legal Consequences](#)

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## YOU COULD FACE FINANCIAL CONSEQUENCES

#### If you don't have proper legal representation:

- You could pay more child support than required

- You could be ordered to pay the other parent's attorney fees
- You could be ordered to pay court costs
- You could face contempt of court charges
- You could face fines

**Example:**

- You don't understand your state's child support guidelines
- You agree to pay more than required
- You could have paid less with an attorney
- You're stuck paying the higher amount

**What this means:** An attorney can save you money in the long run.

Sources: [American Bar Association - Financial Consequences](#), [FindLaw - Child Support](#), [National Child Support Enforcement Association](#)

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## YOU COULD FACE CRIMINAL CONSEQUENCES

**In some situations, custody disputes can lead to criminal charges:**

- Parental kidnapping
- Interference with custody
- Contempt of court
- Perjury (if you lie in court)
- Fraud (if you misrepresent facts)

**Example:**

- You take your child and don't return them as ordered
- The other parent files a parental kidnapping charge
- You face criminal charges
- You could go to jail

**What this means:** You need an attorney to help you understand your legal obligations and avoid criminal liability.

Sources: [American Bar Association - Criminal Consequences](#), [FindLaw - Parental Kidnapping](#), [National Center for Missing & Exploited Children](#)

## 6. HOW TO FIND THE RIGHT ATTORNEY

### Look for Specific Qualifications

#### YOUR ATTORNEY SHOULD HAVE:

- ☐ Experience with family law (at least 5+ years)
- ☐ Experience with custody cases specifically
- ☐ Experience with alternative families (poly, LGBTQ+, kinky, etc.)
- ☐ Knowledge of your specific state's laws
- ☐ Knowledge of your specific county's courts and judges
- ☐ Willingness to specialize in your type of case
- ☐ Affirming attitude toward alternative families (not just tolerant)

#### RED FLAGS

- ✗ Attorney has never worked with alternative families
- ✗ Attorney seems uncomfortable with your lifestyle
- ✗ Attorney suggests you hide your relationship
- ✗ Attorney doesn't know your state's laws
- ✗ Attorney doesn't know your county's judges
- ✗ Attorney seems disorganized or unprepared

Sources: [KAP Professionals - Finding an Attorney](#), [Lambda Legal - Find Legal Help](#), [NCLR - Find Legal Help](#)

## USE SPECIALIZED RESOURCES

## Find attorneys through:

- **KAP Professionals Directory** - Poly-aware attorneys in your state Sources: [KAP Professionals - Attorney Directory](#)
- **Lambda Legal** - LGBTQ+-friendly attorneys Sources: [Lambda Legal - Find Legal Help](#)
- **National Center for Lesbian Rights (NCLR)** - LGBTQ+ and alternative family attorneys Sources: [NCLR - Find Legal Help](#)
- **American Civil Liberties Union (ACLU)** - LGBTQ+ and civil rights attorneys Sources: [ACLU - Find Legal Help](#)
- **Your State Bar Association** - Search for family law attorneys in your state Sources: [American Bar Association - Find Your State Bar](#)
- **National Coalition for Sexual Freedom (NCSF)** - Attorneys experienced with kinky and alternative families Sources: [NCSF - Legal Resources](#)

## INTERVIEW MULTIPLE ATTORNEYS

## Before hiring, interview at least 2-3 attorneys:

## QUESTIONS TO ASK:

- ☐ "How many custody cases have you handled?"
- ☐ "How many cases have you handled with alternative families?"
- ☐ "Are you familiar with [your state]'s custody laws?"
- ☐ "Are you familiar with [your county]'s judges?"
- ☐ "Have you worked with polyamorous families?"
- ☐ "Have you worked with LGBTQ+ families?"
- ☐ "What is your approach to alternative family cases?"
- ☐ "What are your fees?"
- ☐ "Do you offer free initial consultations?"
- ☐ "What would you do in my situation?"

## 7. WHAT YOUR ATTORNEY WILL DO

### LEGAL STRATEGY AND PLANNING

Your attorney will:

- ☐ Explain your state's custody laws
- ☐ Assess your custody situation
- ☐ Identify strengths and weaknesses in your case
- ☐ Develop a legal strategy
- ☐ Explain your options
- ☐ Advise on risks and benefits of each option

### DOCUMENTATION AND EVIDENCE

Your attorney will:

- ☐ Advise on what documentation to gather
- ☐ Help you organize evidence
- ☐ Advise on what evidence is admissible
- ☐ Help you prepare witnesses
- ☐ Counter opposing counsel's evidence

### COURT PROCEDURES

Your attorney will:

- ☐ Prepare all necessary court documents
- ☐ File documents correctly and on time
- ☐ Respond to opposing counsel's motions
- ☐ Prepare you for court appearances
- ☐ Represent you in court
- ☐ Handle appeals if necessary

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## NEGOTIATION

Your attorney will:

- ☐ Negotiate with opposing counsel
- ☐ Work toward a settlement if possible
- ☐ Protect your interests in negotiations
- ☐ Advise on settlement offers
- ☐ Prepare for trial if settlement isn't possible

## 8. COST CONSIDERATIONS

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### ATTORNEY FEES

#### Typical costs:

- Initial consultation: \$0 - \$300
- Hourly rate: \$150 - \$400+ per hour
- Flat fee for specific services: \$1,000 - \$5,000+
- Retainer: \$2,000 - \$10,000+

What affects cost:

- Attorney's experience level
- Your case's complexity
- Your location (urban areas are more expensive)
- Whether case goes to trial
- How much negotiation is needed

Ways to Reduce Costs

#### Options:

- ☐ Ask for free initial consultation

- ☐ Ask about flat fees for specific services
- ☐ Ask about payment plans
- ☐ Ask about sliding scale fees
- ☐ Look for legal aid organizations
- ☐ Ask about limited scope representation (attorney helps with specific parts only)

**Legal aid resources:**

- [Legal Aid - Find Legal Help](#)
- [American Bar Association - Legal Aid](#)
- [National Legal Aid & Defender Association](#)

Sources: [American Bar Association - Attorney Fees](#), [FindLaw - Attorney Fees](#), [Legal Aid - Finding Help](#)

**SUMMARY OF WHY YOU NEED AN ATTORNEY****You absolutely need an attorney for custody issues because:**

- ✓ State laws are complex and constantly changing
- ✓ Family court has specific procedures you must follow
- ✓ Your state has specific custody guidelines
- ✓ Alternative families need specialized legal knowledge
- ✓ The consequences of getting it wrong are severe
- ✓ An experienced attorney can save you money in the long run
- ✓ An attorney protects your rights and your children's best interests

**Do not attempt to handle custody issues without an attorney. The stakes are too high.**

Sources: [American Bar Association - Family Law](#), [National Council of Nonprofits - Legal Representation](#), [KAP Professionals - Legal Resources](#)

**ORGANIZATION SYSTEM FOR YOUR ATTORNEY****Create a Master Binder with Sections:**

1. **Custody Orders & Legal Documents**
2. **Financial Documentation**
3. **Medical & Healthcare Records**
4. **School & Education Records**
5. **Parenting Journal & Daily Documentation**
6. **Photos & Videos** (organized by date/category)
7. **Character References & Witness Information**
8. **Home & Safety Documentation**
9. **Co-Parenting & Relationship Documentation**
10. **Mental Health & Wellness Records**
11. **Social Media & Digital Audit**
12. **Sensitive Materials** (if applicable, with attorney guidance)

**Create a Digital Backup:**

- Scan all documents
- Organize in clearly labeled folders
- Create a spreadsheet index of all materials
- Back up to cloud storage
- Provide copies to attorney

**Timeline for Preparation****Immediate (If litigation is imminent):**

- Gather all custody orders and legal documents
- Compile financial records (last 3-6 months)

- Organize school and medical records
- Prepare list of character references
- Audit social media and remove problematic content

**Short-term (1-2 months before trial):**

- Complete parenting journal entries
- Gather photos and organize by date
- Collect all receipts and expense documentation
- Prepare witness list and contact information
- Get character reference letters written

**Ongoing:**

- Continue parenting journal
- Take photos of positive moments
- Keep all receipts and documentation
- Maintain communication records
- Document any concerning behavior from other parent

**RED FLAGS TO AVOID****Don't:**

- ✗ **Destroy or hide documents** - This can be considered obstruction
- ✗ **Create false documentation** - Fabricated records will be discovered and hurt your case
- ✗ **Discuss case on social media** - Anything you post can be used against you
- ✗ **Violate custody orders** - Even minor violations weaken your position
- ✗ **Involve child in litigation** - Never ask child to choose sides or testify
- ✗ **Make disparaging comments** - About the other parent to the child or in writing

✗ **Change your behavior dramatically** - Courts see through sudden "perfect parenting" right before trial

✗ **Hide your lifestyle** - Your attorney needs full honesty to prepare proper defense

## WORKING WITH YOUR ATTORNEY

### Be Completely Honest

- Tell your attorney everything about your lifestyle, relationships, and any vulnerabilities
- Discuss any past incidents or concerns proactively
- Be honest about your parenting weaknesses as well as strengths
- Share any information the other side might have

### Ask Questions

- How will your lifestyle be presented to the court?
- What witnesses should you prepare?
- What documentation is most important?
- How should you respond to specific allegations?
- What are the risks and realistic outcomes?

### Follow Guidance

- Your attorney understands your jurisdiction's judges and legal climate
- Follow their advice on what to gather and what to avoid
- Ask before posting anything online or communicating with other parent
- Prepare witnesses according to their recommendations