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Divorce is a challenging, and many times painful, process for any family to endure, especially for a family with children. However, this process becomes more complex between parents who have children with Attention Deficit Hyperactivity Disorder (“ADHD”) or other learning disabilities (“LD”), because oftentimes, these children require certain accommodations to ensure that they are secure and best able to succeed. Issues such as child custody and visitation become more complicated to negotiate as these parents must take careful consideration that the agreement reflects the unique caregiving needs that the child requires.

When drafting an access schedule for a child with ADHD/LD, it is crucial that parents recognize and understand the challenges faced by that child, now that he/she will be toggling between two homes. For these kids, it is especially important to maintain a precise, consistent agreement, as disruptions to their routines can cause discomfort and can upset their day-to-day lives.

Some factors to consider when drafting an access and custody agreement for a child with ADHD/LD include:

Residence. Will the child have a primary residence? With which parent? Who will maintain primary care for the child? Who has been the primary caregiver for the child since her diagnosis? Is the child old enough to weigh in on where he/she primarily resides and how often he goes to the other parent’s

home? It is important to solidify a plan to best benefit the child in order to avoid potential stress and upsetting situations.

Access. Visitation or access schedules can take many forms, from alternating weekends to alternating weeks, with many variations in between. However, it is important to consider the unique needs of an ADHD/LD child when drafting the agreement. Will that child be able to remember his books? His assignments? Will he have what he needs in his backpack for after-school activities? Does she need multiple sets of textbooks, for school, for both parent's homes? Schedules that call for frequent transitions between homes can often be a recipe for disaster when it comes to kids with ADHD/LD.

Inclusion. During and after a divorce, it is crucial for both parents to collaborate in choosing inclusive social and educational programs for their child with ADHD/LD. Divorce lawyers can help parents resolve issues surrounding these and other items, such as academics, activities, healthcare and therapy needs as well as the constellation of issues surrounding those issues. Which parent is vested with decision-making authority and/or the methodology for making those decisions is important to consider before finalizing an agreement. The last thing the parents should do is to thrust any child, much less one with ADHD/LD, into a complicated decision or difference of opinion between parents.

Crafting an access schedule and custody agreement for a child with ADHD/LD can be a complex task. However, it is a task that requires the cooperation and commitment of both parents in order to best assess and meet the unique needs of their child. A precisely-drafted visitation agreement can help to iron out some of these complexities, so that parents can focus on ensuring healthy growth for their children.

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