



# FAMILY LAW

*Written by John Stocks  
Attorney at Law*

**Client:** Can I get custody of my nephew? If not, can I help my sibling get custody of this boy (my nephew)?

**Lawyer:** Yes, you can attempt to get custody of your nephew. Many close relatives or family friends of children may be wondering if getting custody is even a possibility. The answer, again, is yes. You would have to file what is called a third party custody action. Any interested person (whether or not family) can seek to get custody. Some courts require that you show both parents are unfit or incapable of caring for the child(ren). Other courts require that you show it would be a detriment to the child if you do not have custody of the child(ren). Your sibling, if going through a divorce, will want to know whether his or her child will live primarily with mom or dad. You can assist your sibling in obtaining custody by providing testimony about his or her parenting skills and how it is in the child(ren)'s best interests to reside primarily with your sibling. People I advise every day about these issues are relatively unfamiliar with how the courts decides these custody issues and need an experienced lawyer to guide them through the process.

*This is a new column written by John S. Stocks of Van Siclén, Stocks & Firkins, which answers questions posed to him by clients and/or by e-mails on the subject of FAMILY LAW. Feel free to submit your family law question to John via e-mail. There is no charge for this and your question may appear in a future column. E-mail your question to:  
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