

# What We Know

## ARTICLES & INSIGHTS

### ABOUT THE AUTHOR

## Nesting: A Custody Arrangement That Truly Puts the Child First

September 17, 2015 | by

### What is nesting?

Nesting is a child-centered custody arrangement that has recently become more common among divorced parents. Rather than the child staying at Mom's house for one week and Dad's house the next, the child stays in the family home while the parents rotate between residences. When a parent is not staying with the child in the family home, he or she resides in his or her own residence or rotates in and out of a single home with the other parent. This arrangement allows the child to continue life as it was before the divorce.

### Is nesting suitable for you?

Although everyone wants to make divorce as easy as possible on their children, nesting is not the best solution for every family. The following are topics to address when considering nesting as a custody arrangement:

- **Money:** When discussing the cost of nesting as a custody arrangement, there are two options. The first is for each parent to rent or purchase a residence, as well as continue to contribute to the cost of the family home. The second option is for the parents to rent or purchase a single residence to share while alternatively rotating in and out of the family home. The first option may be the most expensive, but it also may come with the least conflict. Although it would require the parents to maintain the cost of three homes, it gives each parent complete independence from his or her former spouse. Option two, although less expensive, would require both parents to jointly maintain two residences. Although the parents would not stay at the second residence at the same time, their belongings would co-exist in the residence, both would share the responsibilities of maintaining a home, and privacy would likely be an issue. One thing to consider, however, is how the cost of nesting compares to the costs associated with maintaining two family homes. It is likely that if the children remained in the family home, each parent would rent or purchase a smaller and more modest resident such as a one bedroom house or apartment that would minimize the cost, resulting in a less expensive option for many families with more

than one child.

- Location: Are both parents planning to remain in the same city or location? Nesting will only work for parents that remain close to the family home and will be in town when it is their turn to have custody of the children.
- Equal Custody: Nesting is a valuable arrangement if both parents plan to have equal physical custody. However, if one parent will have the children more than sixty percent (60%) of the time, nesting is a less sensible arrangement.
- Relationship With Co-Parent: Although co-parents need to communicate with each other regardless of the custody arrangement, a nesting arrangement presents more opportunity for conflict. Parents will need to agree on shared rules and how to run the family home. Such rules include payment of bills, limits on spending, and chores. It may be beneficial to have an attorney draw up such financial obligations in a contract for clarity.

Nesting is a custody arrangement that prioritizes children's needs during and after divorce. Nesting can be beneficial during the adjustment period post-divorce, but a successful nesting arrangement requires organization and communication by co-parents. Your attorney can assist you in determining whether a nesting arrangement could be right for you and creating an organized plan to secure the best outcome for you and your children.

---

#### CONTACT US

919.250.2000  
mail@smithdebnamlaw.com

#### RALEIGH OFFICE

The Landmark Center  
4601 Six Forks Road, Suite 400  
Raleigh, NC 27609

Phone: 919.250.2000  
Fax: 919.250.2100

#### CHARLESTON OFFICE

171 Church Street  
Suite 120C  
Charleston, SC 29401

Phone: 843.714.2530  
Fax: 843.714.2541