

How Will Missouri's Legalized Recreational Marijuana Affect Custody Issues?

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Missouri has joined other states in decriminalizing recreational marijuana use; so how could that affect custody decisions in contested matters? While there is no certainty as to how courts will treat recreational marijuana use, and how the subject is handled may vary depending on each judge and county, we can look to the use of alcohol as a starting point.

Many parents believe the other parent is an alcoholic and, because of that, their time with children should be limited. However, without some evidence of a parent drinking to excess and being unable to care for a child while in their custody, drinking while intoxicated with a child in the car, or otherwise being so impaired by alcohol use that a child would be in danger with that parent unsupervised, courts do not restrict a parent's time with a child just based on allegations. Proof of possible harm to the child must accompany those allegations.

With marijuana use, it will likely be the same: there must be some proof that a child would be in danger by being with the other parent unsupervised. Simply alleging that a parent uses marijuana recreationally will be a difficult argument to sustain restriction of a parent's time with their child.

Questions of a parent's inability to care for a child are some of the most serious and emotional issues in family law matters; talking to an experienced family law attorney can help.

For these or other family law questions, please contact one of the family law attorneys at Sandberg Phoenix.