

Child Custody Battles in Dubai: How Divorce Lawyers Protect Your Parental Rights

As divorce is seldom mutually agreed upon, the terms for divorce and the implications thereto generally involve disputes and negotiations. These disputes may be with regard to alimony or child custody. Dubai Family Lawyers can not only help you in your divorce, but can also be of great assistance in custody battles, ensuring that you receive favourable terms at the conclusion of the case.

What are the Parental rights after a divorce?

Under Federal Decree Law No. 41 of 2024 regarding personal status laws for Muslims, after a divorce, parents have specific roles and responsibilities with regard to their children. Muslim law encompasses the principles of custody and guardianship. Custody refers to the day-to-day care and responsibility of a child and thus requires the child to be in the physical care of the custodian. Custody is generally given to the mother of the child. On the other hand, guardianship refers to the overall care of the child and includes looking after the child's affairs, discipline and education. The father is generally appointed as the guardian of the child, after a divorce.

What are the expenses covered under child support?

The father is solely responsible for the financial maintenance of his children. Thus, he is required by law to provide for the child's basic necessities and needs. This includes food, clothing, shelter, medical care, and education, in accordance with customary practice.

Child Support and Maintenance

Family lawyers can ensure that expenses are adequately covered in the child support provided by the father. Court ordered child support generally includes expenses like food, clothing and other day to day requirements. Housing is generally granted under a separate head of custodial residence and may include an allowance for utility bills like water and electricity as well as a furniture allowance. The father is also required to cover health insurance, tuition fee and the transportation expenses of the children. If the lawyer can successfully establish the requirement of a domestic help, the court may grant allowances towards the salary and recruitment of domestic employees.

Custodial Charges

The [sharia UAE law](#) also states that the custodian is entitled to remuneration for her role. Consequently, the court may order the father of the child to pay custodial charges to the mother.

Educational Guardianship

Although affairs regarding education are under the responsibilities of the father, the educational guardianship is given to the custodian mother to ensure continuity and uniformity, in the best interests of the child. A mother's right to educational guardianship can be revoked for the benefit of the child. Application of revocation may be carried out through the Urgent matters Court for a speedy trial.

Disqualification of custodianship

Although the law states that the mother is to be appointed as the custodian of her children, there are several factors that disqualifies a mother's right to custodianship. The law specifies that a custodian must be at least 18 years old, of sane mind, free from contagious diseases and must be able to act for the best interest of the children. The law prescribes a set of criteria that are required to appoint a custodian. In case the mother fails to meet these criteria, or if the mother acts in a way that could result in the forfeiture of her right to custody, a Dubai divorce lawyer can gather evidence and information required to substantiate these claims before the court. Moreover, if a father becomes aware of any situation that disqualifies a mother's custodianship rights, he must claim custody of the child within one year from the date of such knowledge. These legal requirements can be best managed with the help of the best divorce lawyer Dubai.

Preventive Measures to Ensure the Rights of a Parent

As the physical custody of a child is held by the custodian, guardians may have concerns regarding the potential unlawful relocation of the child beyond the UAE or to any location inaccessible to the guardian. A qualified [divorce lawyer in Dubai](#) can help you safeguard your rights as a guardian. Thus, if you fear that a parent may forcefully remove your child from the country without your consent, you may apply for a travel ban as a preventive measure. If a custodian abducts the child out of the country, you may apply for forfeiture of custody rights once it is proven that the custodian has acted against the best interests of the child. Travelling with a child without the consent of the other parent can lead to imprisonment and/or penalties between AED 5,000 and AED 50,000.

Visitation rights

A family lawyer can ensure that you receive a fair visitation schedule so that you are able to develop your relationship with the child when the child is in the custody of the other parent. A court ordered visitation schedule specifies the day and time of visit, as well as the location for the visit.

Conclusion

It is extremely important that one hires a qualified lawyer to represent their interests in a divorce and child custody case. Failure to do so can have long term implications for the parent as well as the child.