

3 Myths About Utah Visitation Rights

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Going through the motions of a divorce can be a painful time for both former spouses, especially when it involves the issue of [visitation rights](#). Unfortunately, **there are plenty of myths surrounding the issue of visitation**, many often repeated by well-meaning friends and family. Here, we'll look at three of these myths and reveal the truth behind each one. If you find you're having difficulty when it comes to your visitation rights, [the law offices of David Pedrazas](#) can help.

Myth #1: Visitation Can Be Denied If the Other Parent Isn't Paying Child Support

Perhaps the biggest myth surrounding visitation rights in Utah is that visitation can be denied to the other parent if he or she isn't paying [child support](#). **This stems from the mistaken belief that child support and visitation are tied with one another.** Many people also believe that the amount of child support paid depends on the amount of time the child spends with the non-custodial parent. As a result, it's not out of the ordinary for a custodial parent to attempt to withhold visitation in an attempt to get the noncustodial parent to resume their financial responsibilities.

The truth is that child support and visitation rights are two separate issues with little to no relation to one another. It's up to the courts to decide how much child support is paid. In most cases, only a change in custody arrangements affects the amount of child support paid. **If you believe your ex-spouse is withholding visitation due to child support issues, you can always file a motion to have the court enforce the order under penalty of fines or jail time.**

Myth #2: Mothers Are Automatically Granted Custody/Visitation Rights With Infants or Children Under Three

In previous years, ***it was automatically assumed that mothers were better equipped to care for children, especially when those children were in their “tender years” (generally considered to be age 4 and under).*** The so-called “tender years doctrine” often came into play in many custody proceedings, often resulting in the mother gaining custody of the children regardless of whether the mother was actually fit to care for them.

These days, the Utah state ***courts have largely done away with the “tender years doctrine” in favor of focusing on the best interests of the child.*** In many cases, awarding custody to the father instead of the mother may be in the child’s best interests for a variety of reasons.

Myth #3: Court Ordered “Reasonable Visitation” Will Always Be Reasonable

When it comes to busting this myth, it’s important to understand exactly what “reasonable visitation” means. ***When a court orders reasonable visitation, it usually leaves it up to both parents to work out a suitable time and place for regular meetings.*** Under ideal circumstances, reasonable visitation gives both parents a flexible way to plan visits around their own work schedules as well as their children’s schedules and activities.

Unfortunately, this puts the visitation ball squarely in the custodial parent’s court. ***The parent who has physical custody of the child often has the upper hand when it comes to scheduling dates, times and visit duration.*** A reasonable visitation order can work when the custodial parent is reasonable, but an uncooperative custodial parent can easily throw a wrench in any visitation plans by skipping out on scheduled visits, being consistently late or failing to inform the noncustodial parent on where the scheduled visit will take place.

Judges do make a note of uncooperative and particularly vindictive parties, but there’s no guarantee that reasonable visitation will be anything but. The best way to deal with this issue is to petition for a fixed schedule, where it’s up to the judge to decide when you, your ex-spouse and your children will meet.

Legal Experts in Custody and Visitation in Utah

Dealing with custody and visitation issues can be a frustrating and emotionally draining experience, which is why the Law Office of David Pedrazas, PLLC, is here to help. ***For over 15 years, attorney David Pedrazas has used his legal expertise to help countless people get through difficult times.*** To schedule a free initial consultation, call 801-263-7078 or [contact us here](#).