

# 4 Common False Assumptions About Family Law

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In any area of public information, including the law, there are a lot of mistaken interpretations and communications of concepts, language expressions, applications, etc. Family Law is no exception. So, if you are involved in a family law case, you should not depend on legal information or advice from family members, friends, or co-workers. Use only valid sources of legal help. For example, below are just four of the many erroneous assumptions people often have about matters of family law and learn the correct information about those.

For consistently accurate information, you need the best family law attorney Utah has available to you. David Pedrazas has been selected as one of the ten best divorce lawyers in Salt Lake City. Feel free to contact our office for the best legal guidance through your divorce.

## 4 Common False Beliefs About Family Law Matters

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Here are just a few of the serious misunderstandings of family law that often cause people to hesitate to take legal action when they should or plunge into a court case hastily:

### **Utah is a Community Property State. FALSE!**

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Utah is an *equitable distribution state*, not a community property state. In a *community property* state, marital property is split between the spouses 50-50 in divorce. In an equitable distribution state, in divorce, each spouse is awarded a fair and reasonable amount of property in the asset division.

Under the law in Utah, it is recognized that an equal division of property is not necessarily always the fairest ratio of the couple's property to grant each party. So *equitable* does not mean an *even* distribution between the parties in this context. For example, if one spouse earns much more than the other because one left the workforce to raise children, the lower earner may receive more of the marital assets. Some considerations for equitable distribution in Utah include:

- Individual wealth of the spouses
- Length of the marriage
- Each spouse's earning ability
- Each spouse's age and health

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### **This is NOT a No-Fault Divorce State; Divorces are Fault-Based. FALSE!**

Going into divorce proceedings, sometimes one spouse is under the misimpression that he or she will have a vast advantage because the other spouse committed adultery. But, in Utah, even if a spouse has violated a foundational commitment to the marriage oath (contract), that does not legally entitle the spouse who is victimized by the injustice to all of the marital financial assets.

That is because Utah is effectively a “no-fault” divorce state. That means judges consider the reasons for the divorce petition irrelevant to their decision to grant the decree and to the award of assets during the property division. An experienced Salt Lake City family lawyer who is familiar with the Utah statutes and the court system is your best help for protecting your interests in this situation.

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### **Mothers are Always Granted Custody of the Children. FALSE!**

Of all the common false assumptions about Utah Family Law, perhaps the most widely believed of all is the belief that the court automatically awards child custody to the mother unless there is a very serious reason not to do so. Actually, the State of Utah focuses all child custody decisions by the court singularly on what is in the child's best interest. In fact, the majority of court decisions on child custody in a divorce are for joint custody whenever possible.

The State finds that, whenever practical, the child's best interests are served by having both parents free to spend abundant time with their child and sharing in making important decisions involved in raising the child. The important preparation you need to make for your divorce case is to obtain one of the best family law attorneys Utah has to offer you.

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### **Teens Can Choose Which Parent They Want to Live With. FALSE!**

Children cannot choose for themselves which parent they will live with or decide how the court will rule on which parent will have legal custody. During the custody hearing, a judge may appoint a social services worker to interview the child and submit a report to

the court reporting which parent he or she wants to live with. However, the judge may disregard the child's preference. Until the child reaches age 18, the court is responsible for determining which parent will have custody.

## **David Pedrazas – Protecting Families in Divorce**

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For over 20 years, Attorney David Pedrazas and his team have been helping people in Utah through the stressful period of divorce. Having misunderstandings about applicable laws naturally can make going through divorce and child custody issues very confusing, which can add much more stress. Your best option is having an excellent family law attorney.

We're here to protect your rights and guide you through the process. That can give you more peace of mind, knowing that everything is being handled appropriately in your legal case and that you're receiving complete and accurate information from your own authority on Utah divorce law. To find our office in Salt Lake City, you can just search "family law near me." OR:

**For questions about state divorce laws, call the Law Office of David Pedrazas, PLLC at (801) 263-7078, or contact us here online for an appointment.**

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