

Child Custody Attorney in Utah

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No matter where you are located or what the circumstances may be, child custody cases are some of the most delicate cases in existence. This is largely due to the fact that children are innocent parties and yet, are ultimately the ones who are most affected by the ruling or judgment being decreed by the court. Fortunately, ***if you live in the SLC area and looking for Top-Rated Child Custody Attorneys in Utah, Award-winning Utah Attorney David Pedrazas*** is a seasoned professional who can help get your concerns heard and lead the way to an amicable resolution to the situation.

If you are facing a difficult divorce, and/or child custody or child support issues, you need the Best Child Support Attorney in Utah.

[Call Attorney David Pedrazas!](#)

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What is Child Custody and Visitation?

Many people come to our office asking the question; “what is the difference between child custody and visitation?” Below we have explained the difference between custody and visitation in Utah.

Child Custody in Utah

Simply put, child custody refers to the fact that every child needs a ***suitable parental figure to be responsible for helping them learn, grow, and make decisions on a daily basis.*** Ideally, when a family is together and thriving, custody essentially

belongs to neither parent as both are active members of the child's life. On the flip side, when the parents split up or were never living in the same house, to begin with, they typically need to go to family court to let the judge decide which one of them is more suited to take on the role of the custodial parent, most of the time.

Child Visitation in Utah

On the flip side, ***visitation is a term to describe time spent with non-custodial parents***. Ideally, the time will be divided fairly equally between the parents. However, in the case in which one parent is considered to be irresponsible, does not have the time or resources, or even if they live too far away, they may have to spend considerably less time with the non-custodial parent. Furthermore, circumstances and family dynamics tend to change over time. So, especially ***in cases in which the child or children are very young when the custody case is originally heard, the family may need to return for child custody modifications***.

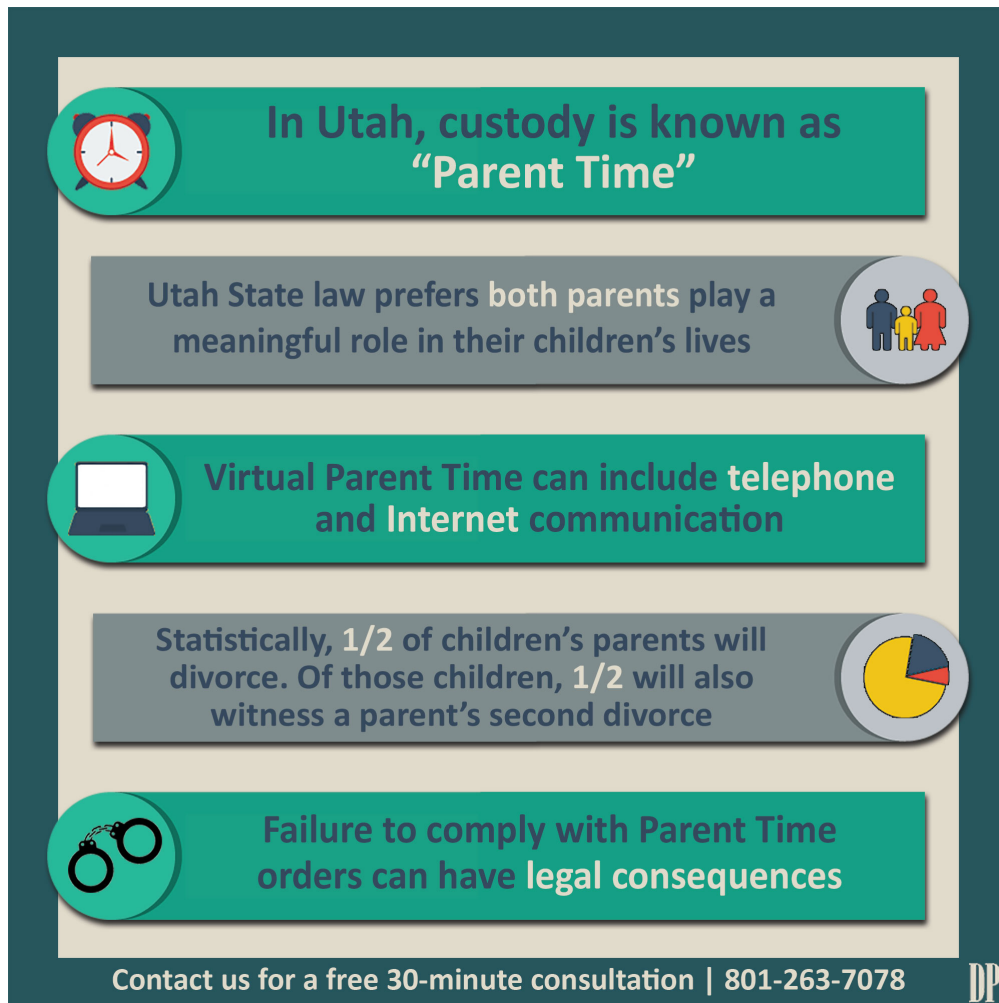
Either way, ***going to court for child custody is not always ideal but it is typically helpful in avoiding a future filled with arguments and spats over who is supposed to do what with regards to raising the children***. For instance, holidays are typically a time of special concern as each parent most likely wants to spend time with the kids. With emotions and tensions running high, odds are, by the time the resolution is reached, it will have done more harm than good to all parties involved.

How Child Custody in Utah is Determined?

When parents divorce, Utah state law prefers to make it possible for the mother and the father to continue to play a meaningful role in the lives of the children. Neither parent receives any preference under state law, and the family law courts in Salt Lake City will rule in favor of a parenting plan that provides the parent with joint legal and physical child custody Utah, provided that this is in the best interests of the children. In other cases, one parent receives sole custody while the other receives rights of parent time. The provisions of Utah Code §30-3-10 contain several different factors that will influence the decision of how to award child custody Utah in a divorce between parents, including:

- How well each parent is prepared to make the child's welfare a top priority and to work for solutions that serve the child's best interests
- The degree to which each parent is willing to support a relationship between the child and the other parent
- How much each parent took part in raising the child prior to the divorce
- Where each parent will live after the divorce
- The child's preference provided that the child is sufficiently mature to express a reasoned decision

- Any history of domestic violence or child abuse



[Download this Parent Time Utah Infographic as a PDF](#)

Whenever possible, it is preferable to resolve a divorce where children are involved with an out-of-court settlement. This approach — which is referred to as an uncontested divorce — has the advantage of preventing a heated custody battle and the expense and stress of litigation. It also allows the parents to maintain greater control over the final outcome, as they work together to decide on a parenting plan rather than subject to the arbitrary court orders issued by the judge in a contested divorce. Even if this is not possible, a Salt Lake City divorce lawyer from the Law Office of David Pedrazas can help you pursue a favorable resolution to your case with a minimum of expense and emotional trauma for your children.

Paternity Actions To Obtain Child Custody Utah

If you are the father of a child who was born out of wedlock, you do not have any legal rights and responsibilities in respect to the child, unless you and the mother signed a form to acknowledge your paternity at the time of birth. In such a case, you will have to take legal action to obtain rights of child custody Utah or parent time. A paternity action may be as simple as going to court with the mother to affirm that you are the child’s father, or

it may be necessary to use DNA testing to establish your biological relationship with your child. Contact a top-rated Utah Child Custody lawyer for a [Utah child custody case evaluation](#) now to discuss the situation and learn about how we can help.



Watch Video At: <https://youtu.be/6Sr6W6SafcU>

U.S. National and Utah Child Custody Statistics

Data from the [U.S. Census Bureau](#) reveals that over 25% of all children in the country under age 21 live with one parent, while the other parent lives elsewhere. Below is an overview of U.S. child custody statistics that can be helpful in understanding the national picture of [child custody](#). It reflects common support arrangements, lifestyles for children and parents after divorce, and financial obligations for noncustodial parents, among other conditions.

A summary look at the U.S. Census data along with divorce and custody impact data from the Utah Department of Health's Public Health Indicator-Based Information System ([IBIS](#)) together present some enlightening statistics, to help gain a deeper understanding of child custody in Idaho and the nation.

Custody and Related Data Tracked By the Census Bureau

The statistical overview below is of the most recent data available from the Census Bureau, which is the April 2018 Current Population Survey (CPS). More specifically, the survey's Child Support Supplement (CSS), known as the CPS-CSS segment of the report, features these data:

- A range of statistics on custody and related financial and lifestyle effects to children and custodial and noncustodial parents after a divorce is highlighted in the overview of the report.

- The 2018 report also features a wealth of historical data, to provide a view of the past 20 years of information on the general areas of useful information regarding child custody.

The data includes demographic information on custodial parents (who are at least 15 years old), child support, parental income data, and various other relevant data, and other program data collected throughout 2017.

Further, the report provides historical data amassed over 24 years and compares data collected from the CPS-CSS April 1994 report as well as from surveys taken every two years since that time.

Child Custody Arrangements

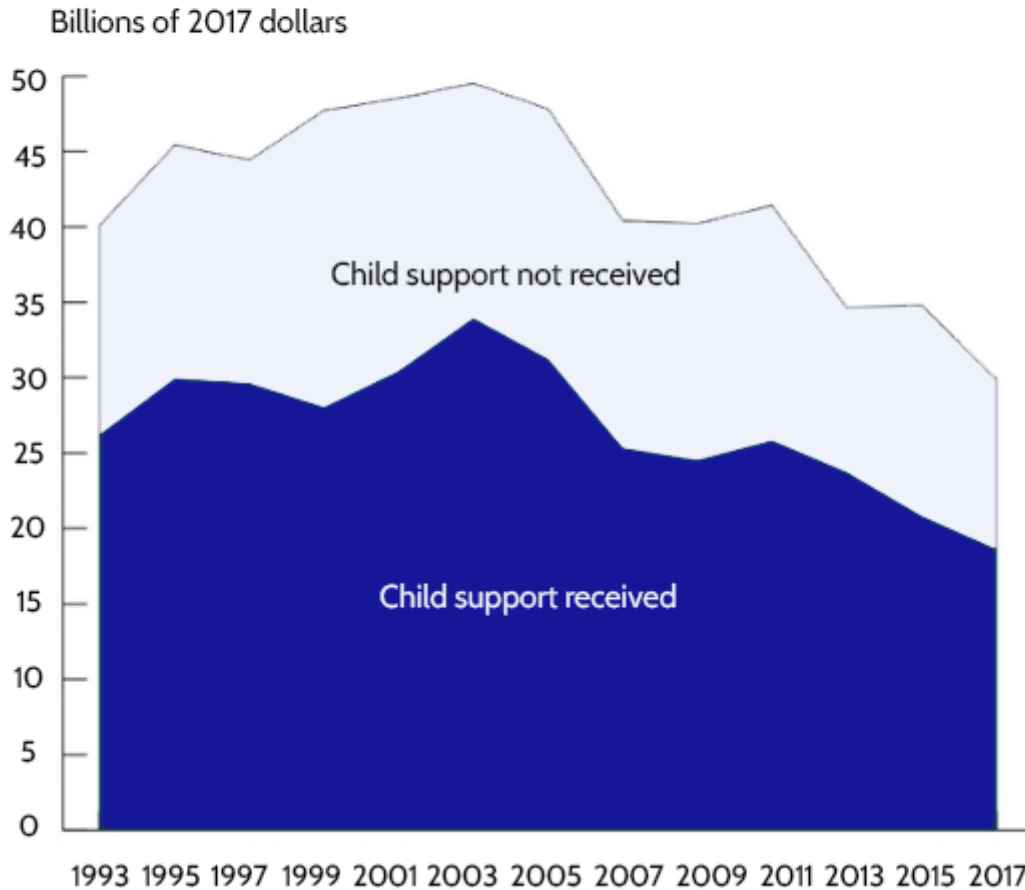
Under the Utah court system's definitions, there are two possible basic arrangements between parents for child custody:

- The custodial parent, as defined for survey respondents, resides in a home with his or her biological and/or adopted child(ren). The noncustodial parent lives someplace other than the household where those children reside. In custody arrangements, typically the parent living outside the home, the noncustodial parent, is legally required to provide child support for the child and for costs of raising a child.
- Or, custody can be shared. This kind of arrangement is also called joint, equal, split, or joint custody, or co-parenting. In equal custody arrangements, parents may alternate between having the child live in each parent's home for determined intervals. In joint custody agreements, child support might or might not be paid by one parent to the other. (See details on how child support is handled in the Current Population Survey.)

Current Highlighted U.S. Statistics

The April 2018 CPS-CSS report features these two eye-opening bodies of national data. First, is the 2017 survey information gathered for the April 2018 report. Second, is the broader historical data ranging across 24 years.

Aggregate Child Support Received & Not Received: 1993 - 2017



April 2018 Data from 2017 U.S. Census Bureau Research:

- Approximately 21.9 million children in the U.S. had a parent living outside the home in 2017. That's over a fourth of all children (26.5%) nationwide younger than age 21.
 - About 30.1% of children with one parent outside the household, were living in poverty. That's around triple the poverty rate among children living with both parents in the home, which is only 11.1%.
 - Nearly half of all Black children in the country (48.8%) had one parent living outside their home.
- Around half of all custodial parents in the U.S. (49.4%) had formal legal child support requirements or informal agreements.

- Only approximately 69.8% (7 out of 10) custodial parents who were under agreement to receive child support during 2017 did receive at least some number of the payments.
 - Under half (45.9%) of all custodial parents in the country who were under agreements to receive payments for child support actually received the full amount of all payments.
 - Of the \$30.0-billion aggregated total amount of child support that was supposed to be received in 2017, only 62.2% (less than two-thirds) of the amount owed was actually received. The average received per custodial parent for 2017 was just \$3,431.
- More than half (58.0%) of all custodial parents in the country received some form of child support other than cash from noncustodial parents to benefit their children.

To view Utah cities data for the number of children living in single-parent households, see the IBIS child custody data chart. Comparing Utah to the Census Bureau’s national survey findings, in 2010, around 7.8% of Utah households were single-parent homes with children. In 2018, the state’s decadal American Community Survey (ACS) estimated the total had dropped to 7%.

20-Year Historical National Custody Statistics

- Fathers have become more likely to be in the role of custodial parents over the past two and a half decades, with the numbers rising from just 16.0% back in 1994 up to a 2018 total of 20.1%.
- The rate of custodial parents with child support agreements who did not actually receive *any* support escalated from 24.2% back in 1993 to a staggering 2017 rate of 30.2%.
- One promising statistic is that the total number of custodial parents with child support agreements in 2017 went down to 5.4 million from a 2003 total of 7.3 million.
- The number of female custodial parents with child support agreements rose over the decade from 1994 (59.8%) to 2004 (64.2%). By 2018, the total had dropped to 51.4%.
- The total amount of child support nationwide that was supposed to be received in 2017 was \$30.0 billion. That number dropped by \$19.5 billion from the 2003 total of \$49.5 billion.

For More Information About the CPS-CSS Report

For more information about the April 2018 U.S. Census Bureau’s CPS-CSS report on child custody and child support, click this link to the CPS ASEC legacy file. Detailed data tables and other information are also available on the Census Bureau website, accessible through this link to the Bureau’s Child Support page. (Also see links to an abundance of reports on related child support issues at the agency’s dedicated web page.)

Utah Department of Health Findings from IBIS Child Custody Data

As the Utah Department of Health assesses, whether or not both parents living in the household is a determinant of a child's levels of both economic resources and invaluable resources of parental availability.

The Department's (IBIS) data collection and reporting system confirm that Utah reflects the national reports finding that children living with only one parent have a greater likelihood of living in poverty than children living in homes with two adults.

The Utah IBIS data further finds that single parents are confronted with special obstacles to successful parenting, such as strained financial resources, increased child care needs, and insufficient downtime for decompressing and recharging energy as needed for good parenting.

Custody Battle Tips

In the stressful divorce process and the struggle for child custody, the extreme strain it can put on relations, behavior, and daily life can affect judgment on important choices. Meanwhile, during this critical period, the judge considers *everything* you say and do as the custody question is being decided. Below is some important advice to help you avoid statements or actions that can damage your child custody case.

8 Things Not To Do Or Say During A Custody Battle

The way you speak and behave in and out of the courtroom has an enormous impact on the court's determination of the outcome of your custody case. Here's a list of the kinds of behavior and comments you should avoid because they can be used against you in your child custody case.

Making negative comments about your ex

Watch what you say even to family and friends during a custody battle. People close to you may accidentally repeat something you've said. Or, they may be subpoenaed and be required under oath to acknowledge your comments, forcing them to tell what you said in private.

Having heated verbal or physical conflicts

It is normal for emotions to be charged during a divorce process, but verbal or physical confrontations between the spouses will work against you in a custody battle. Speak calmly and objectively. Do not shout, and especially do not express anger physically.

Not paying court-ordered child support or meeting other parental responsibilities

If you fail to make your required child support payments (or alimony) or don't keep the court-ordered parent-time arrangement, the judge may see you as a parent who is not inclined to prioritize your child's best interest.

Interfering with contact between your child and the other parent

If your child's other parent has parent-time rights and you illegally deny reasonable contact with their child, the other party can ask the court to hold you in contempt. The court can change your current custody agreement and potentially elect to limit your contact with your child.

Taking your child out of daycare or school without telling the other parent

You should not remove your child from school or daycare at any time without the other parent's knowledge. Even if you are the custodial parent, you should only remove your child from school if there is a very good reason. Your ex could show records of many times you have taken your child to school late or not at all.

Not keeping your child in his or her regular activities

Living through the impact of a divorce on kids can be very difficult emotionally and mentally, especially for children at some ages. Maintaining healthy routines is essential for kids' well-being. So, your child needs to continue participating in routine activities as before the divorce.

Abusing drugs or alcohol

Abusing alcohol or drugs gives your ex-spouse real cause for deep concern as well as powerful ammunition to use against you in the custody case. Do not do anything that risks your child's safety or security, or presents poor parenting or judgment.

Bringing someone you're dating around your child

While your child custody matter is being decided in court, and even for a while *after* your divorce is finalized, avoid having a person you're dating around your child. This avoids the risk of confusing your child and causing unnecessary tension with your ex that may result in legal complications.

Being Careful During Your Divorce

You need to *show* the court how committed you are to working cooperatively with your ex-spouse and *demonstrate* how much it would benefit your child for you to have custody. Follow the advice of an experienced Utah child custody lawyer. Cooperate with the court's requests. If you are required to take a parenting class or counseling, you are well-advised to do so. Show the court your willingness to do what is necessary for your child.

Supervised Parent Time

State Code Title 30, Chapter 3, Section 34.5 is the set of Utah child custody laws governing a parent's right to unsupervised parent time and circumstances that can require supervised parent time. The Utah statutes prioritize protecting the liberty of parents and children to enjoy unsupervised and unrestricted access of parents to their children. But, the law also stipulates that *supervised* parent time can be required if a child needs to be protected from physical or emotional abuse or harm by the noncustodial parent.

The statute clarifies that supervised parent time can be required only if there is no less restrictive way to protect the child. Consult with a child custody lawyer if you have been accused of putting your child at risk of the kinds of physical and emotional harm described in Utah Code 76-5-109.

Who Will Supervise Parent Time?

The court will give preference to people suggested by the parties to the custody case. Prospective parent-time supervisors can include relatives of either of the parents. If the people suggested are willing to and capable of protecting the child from emotional and physical abuse or harm, the court will authorize them to supervise the noncustodial parent's parent-time.

Suppose the court finds it inappropriate to authorize anyone suggested as a supervisor. In that case, the judge can require the noncustodial parent to seek professional services from an agency or individual who can provide sufficient parent-time supervision.

Professional Supervision of Parent Time

As stated above, the court can authorize anyone to act as the parent-time supervisor. That includes requiring the noncustodial parent to seek professional services from an agency or individual qualified to supervise parent-time with the child.

In imposing supervised parent-time on the noncustodial parent, the court takes into consideration:

- The cost of having a professional agency or individual supervising parent time and whether that cost is likely to stop the noncustodial parent from having parent-time.
- Whether the requirement to have parent-time supervision should be permanent or temporary with a specified date to begin allowing unsupervised visitation.

Expectations and Goals for Supervised Parent Time

When a court order is handed down for supervised parent-time, the judge will issue clear expectations and goals for the noncustodial parent. These must be accomplished in order for unsupervised parent-time to be granted. At any time, the noncustodial parent may ask the court to modify the supervised parent-time order if he/she is ready to demonstrate the achievement of the expectations and goals set by the court.

Optional Increased Parent Time Schedule

Under Utah Code 30-3-35.1, the court can award 145 nights to the noncustodial parent an optional parent-time schedule. This alternative is possible only in cases in which a child is from 5 to 18 years old, not for custody of babies or toddlers. To have this option granted, either the parties must agree to it, or the noncustodial parent must show:

- The parent-time schedule change is in the child's best interest.
- The noncustodial parent is *actively involved* in the child's life.

- The parties either have effective communication about the child, or the noncustodial parent can show he/she has formed a plan in which communication will be effective.
- The parent can make the increased parent-time work as well as possible for everyone.
- The noncustodial parent can deliver any other evidence the court determines is relevant to determining that a parent-time modification is appropriate.

How Can You Show Active Involvement in Your Child's Life?

The court will determine whether the noncustodial parent has been involved in his/her child's life. In the determination process, the judge will consider the parent's bonding with the child and his/her role in caring for the child. For example, the parent should show that he/she has been helping with homework, meals, bath time, participating at the child's school, etc.

See more ways to show parental involvement and ways the parent must prove his/her ability to facilitate the modified parent-time schedule, as listed in Utah Code 30-3-35.1.

How Does Modifying Parent Time Affect Child Support?

Any change in child support due to the change in the parent-time schedule will be in keeping with the law set forth in Utah 78B-12-102.15. Speak to an experienced Utah child support lawyer to protect your rights as you petition for modified custody arrangements and revised child support.

Why Choose Attorney David Pedrazas in Salt Lake City, UT?

For over 20 years, David Pedrazas has been helping people in the Salt Lake City region who are going through child custody battles obtain the best possible solution for their families. He has been named one of Salt Lake City's best divorce attorneys by multiple professional associations, including the National Academy of Family Law Association and the American Academy of Trial Attorneys.

For answers to questions about child custody, or to schedule an appointment for a consultation, just call the Law Office of David Pedrazas, PLLC, or request information online anytime.

[Book an Appointment Today!](#)

Contact Our Experienced Child Custody Attorney in Utah

Although it may be tempting to go it alone, hiring a knowledgeable child custody lawyer can save you tons of time, turmoil, money, and more. Indeed, despite the fact that it may seem simple enough to meet up with the other parent and create your own agreement, over time, you will find that without a firm agreement in place, things will go haywire. However, by contacting your friends at the Law Office of David Pedrazas, PLLC, you will have an expert at your fingertips to help you navigate

through the confusing child custody laws in Salt Lake City and help you ***reach a resolution that is best for everyone involved.*** Give us a call at 801-263-7078 for a **Legal Case Review.**