

# Defining Differences Between Guardianship and Child Custody

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Divorce can be a complicated issue especially in cases where children are involved. Some of the issues that need to be addressed regarding custody of the children include; who gets the children custody and for how long? Who will be responsible for making all the major decisions affecting the children as they grow up? What kind of arrangements should be put in place to safeguard the children in case of untimely death of the guardian or custodian?

These are just some of the questions that you will face when dealing with divorce. Custody and guardianship are distinct concepts that are always used interchangeably to describe the legal relationship between a grownup individual and a child. ***Although most people tend to think that these two terms mean the same thing, several differences exist between them.*** Here are some of the critical differences between guardianship and child custody that you should know.

## Custody Is More about Parents While Guardianship Mostly Involves Non-Parents

Typically, child custody involves the parents of the child. This is a court-ordered plan providing for the care of a child by the parents. ***However, a third-party custodian who is not the parent of the minor may be appointed by the court under certain conditions to fulfill the obligations that could otherwise be fulfilled by the parents.***

The court usually decides custody on what is the best interest of the minor. The court will prefer to put the custody of the child under one of the parents. Shared custody is common where both parents provide for and spend quality time with the child. The minor has the right to visit and make meaningful contact with both parents unless otherwise stated.

Guardianship, on the other hand, is a court-ordered agreement between an adult usually

appointed by the court to take care of a minor in case the parents are deceased or can no longer take care of the interests of the child. ***The guardian is granted the right to make decisions relating to the child's support, education, and overall welfare.*** Typically, parents are the natural guardians of their children. Sometimes, ***the court may still appoint a third-party guardian to take care of the interests of the child even if one of the parents is granted custody of the minor.*** The person appointed as a guardian is always a close relative willing to take care of the child.

## Powers

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Custody usually allows an individual far-reaching decision-making ability regarding the welfare of the minor. However, the powers of a guardian of the child can be limited in scope but always include the right to make critical decisions about the child's everyday life. Whenever a family court considers questions of guardianship and custody, it will make its decision based on best interests of the child.

## Who Appoints a Child Custodian and a Guardian?

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It's only a family court that is allowed to award custody over a minor. Although parents may make suggestions, the final decision of awarding child custody lies with the jury. However, both family courts and parents may choose a guardian for a minor. For instance, ***a parent is allowed to appoint anyone he/she sees fit to be a guardian to a child if the parent is no longer able to take care of the minor.***

## Free Consultation with Salt Lake City, Utah Divorce Attorney David Pedrazas

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Are struggling with divorce and the question of child custody in Salt Lake City? Contact the Law Office of David Pedrazas in Salt Lake City, Utah for legal assistance. We offer ***free case evaluations***, and we are committed to providing our clients with the real help that they need. Contact us today online.