

Joint Legal Custody in Utah

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The two forms of child custody possible in Utah are legal custody and physical custody. Which parent is awarded physical custody determines where a child will live after a divorce. Legal custody determines who will have the right to make the important decisions affecting the child. The court makes these decisions about who will have which type of child custody based on what is in the best interest of the child. The judge will apply this principle even when the parties to the divorce agree on custody arrangements.

What Is Joint Legal Custody?

Sharing joint custody means the two divorced (or legally separated) parents are legally required to work together in making decisions on the important issues affecting their child. It also means you and your ex-spouse have the opportunity to share the benefits of joint legal custody. This means you both have the legal right to be a part of making decisions that affect your child's current and future well-being.

The kinds of decisions legal custody enables a parent to share may include, for example:

- Where the child will attend school
- Which religion (if any) the child will be raised in
- Whether the child should receive medical treatment
- Permission to join the military before age 18
- Permission to get a tattoo
- Permission to get married before age 18

Sharing joint legal custody does not necessarily determine the court's decision on where the child will live.

The Child's Best Interest Requirement

Joint legal custody is assumed by the State of Utah to be in a child's best interest in case of divorce. (The state does not make such an assumption regarding joint *physical* custody.) However, the court evaluates the parents' co-parenting skills and numerous other factors in determining that joint legal custody is, in fact, in the child's best interest. Some key factors the court considers include:

- Each parent's ability to prioritize the child's welfare
- Each parent's ability to share decisions in the child's best interest
- The travel distance between the two parents' homes
- Each parent's ability to communicate appropriately with the other
- Each parent's capacity to encourage sharing of love and affection
- The parents' capability of cooperating and making joint decisions
- Each parent's demonstrated level of maturity
- Each parent's will and ability to protect the child from conflicts between the parents

For a more comprehensive list of factors, see [Utah Code 30-3-10.2](#).

One parent can overcome the court's standard assumption that *joint* custody is best in their case by showing sufficient evidence that *sole* legal custody is actually in the child's best interest.

Joint Legal Custody and Relocation

Neither parent sharing joint legal custody has a legal right to relocate to a distance more than 150 miles from the other parent's home without formal approval from the court. A judge usually issues a temporary order for both parents to maintain the existing arrangements until the relocation case is decided. This is to ensure that the child will not be negatively affected by the move and the noncustodial parent's parent time arrangement will not be unduly jeopardized by it.

For Legal Custody Issues in Utah, Contact Attorney David Pedrazas.

In a Utah custody case, you need an experienced [child custody lawyer](#) to ensure that your child's best interest and all your joint custody rights are fully protected. David Pedrazas has helped many people in the Salt Lake area through child custody cases over the past 20 years. He has been recognized as one of Salt Lake City's best divorce attorneys by multiple national legal institutes and associations.

If you are involved in a child custody case, call the [Law Office of David Pedrazas, PLLC, Salt Lake City, UT](#), at [\(801\) 263-7078](#), or fill in our [online form to discuss your situation](#).

CALL US (801) 263-7078 for an Attorney Consultation in Salt Lake City, UT

No one should have to face a difficult family law situation such as divorce without experienced guidance and an effective advocate to stand up for his or her rights and best interests. Our law firm provides family law and criminal DUI legal services to anyone through the Salt Lake valley.

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