

# Joint Legal Sole Physical Custody in Utah

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The two components of child custody are physical custody and legal custody. Under Utah custody laws, there are several forms of custody that the court can arrange for the care of minor children after divorce or the legal separation of the parents. In the range of options for possible custody arrangements, the judge can order combinations of options under the two types of custody. For example, sole legal and physical custody or joint legal and physical custody. Here, we'll look at joint legal *and* sole physical custody.

## What are Legal and Physical Custody?

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Under a child custody arrangement:

**Physical Custody:** determines where the child will live.

**Legal Custody:** determines who will make important decisions regarding the child.

Important decisions to be made by parents with legal custody include, for example:

- Where the child will attend school.
- Which religion the child will be raised in.
- Whether the child should receive a major medical treatment.
- How the child's moral development will be guided.

## Best Interest Factors

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The court is required to order the custody arrangements and Parent Time Schedule that are in the child's best interest. Even if the two divorcing parties agree on a particular arrangement, the judge will override the agreement if, in the opinion of the court, it appears to present a conflict with the child's best interest in some way.

The court does not grant preferential treatment to either parent based on the parent's gender when deciding child custody matters.

## **When is Joint Legal and Sole Physical Custody Awarded?**

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In Utah, the court only awards joint legal custody if both parents in a divorce or legal separation agree to it. Additionally, the judge must determine that the two parents are both capable of cooperating and working together to make important decisions regarding the child. The judge must further determine that both parents appear to prioritize the child's interests and will strive to help develop the child's relationship with his/her other parent.

## **Joint Legal and Sole Physical Custody**

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When one parent has sole physical custody, that means the child will live with that parent for over 255 nights per year. But, the two parents may have joint legal custody, which means that both parents will share the authority to make major decisions about the child. The minor child will normally live with the noncustodial parent for fewer than 111 nights per year. That parent has court-ordered parent time specifying which days and nights the noncustodial parent is entitled to have the child living with him or her throughout the year.

## **Parenting Plans**

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With joint legal and sole physical custody arrangements, the court-ordered parenting plan provides that the divorced or separated parents will continue making important decisions about the child together. They may do this in person or by phone, email, or other forms of communication.

A court-ordered parent-time schedule includes school week schedules, weekends, holidays, family events, summer and winter vacations, and other considerations. (Typically, holiday arrangements alternate every other year.) Longer periods of uninterrupted parent time are also provided in the Parent Time Schedule.

## **Child Support for Sole Physical Custody**

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The amount of child support is determined by the gross income of each parent and the result of the calculation in Utah's Sole Custody Worksheet. The worksheet is used to calculate how much child support the noncustodial parent will pay. So, even if the

custodial parent earns a much higher income than the noncustodial parent, the noncustodial parent may be required to pay a modest amount of child support to the parent who has sole custody of the child.

## **Relocation of a Parent**

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A court order for child custody and parent-time can include provisions for the contingency of one parent relocating. It can take effect if/when a parent relocates more than 150 miles from the other parent's home. If the divorce decree or original court order for child custody and the Parent Time Schedule does not account for parental relocation, there is a process provided under the Utah divorce statutes that address the legal protocol for managing this eventuality.

## **Mediation to Resolve Custody-Related Issues**

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The divorced or separated parents agree to have a mediator to help resolve any issues that they find they cannot settle in their efforts to work together. For example, in cases of scheduling conflicts on holidays or one parent making a major decision about the child's welfare without consulting with the other parent. Or, when one parent decides to relocate, a mediator may be necessary to help figure out new issues that arise due to issues due to the distance between the two parents' homes.

## **For Custody Issues Call Attorney David Pedrazas**

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If you and your spouse are facing a divorce and are in conflict regarding child custody, child support, or parent-time, we can help. Through over 20 years in family law, Attorney David Pedrazas has been helping people resolve difficult problems in the divorce process and move forward with the best outcomes.

**If you need a child custody lawyer, call the Law Office of David Pedrazas, PLLC, or contact us here on our website for an appointment to discuss your situation.**

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