

Joint Physical Custody in Utah

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In a Utah child custody case, the two forms of custody a parent can be awarded by the court are physical and legal custody. Typically, the child will live with the parent who is awarded physical custody (the custodial parent), and the noncustodial parent receives allocated parent-time. If the two divorcing parents are awarded joint physical custody, that means the child will normally reside for at least the Utah standard minimum amount of time designated under joint custody arrangements each year until the child reaches age 18.

What Does Joint Physical Custody Involve?

In a joint custody arrangement, the child usually lives with each of the two divorced parents for some part or parts of each year. The minimum parent-time provided under the law in joint custody orders is 111 nights per year with each parent. Parent-time schedules can be adapted for parents who live long distances from each other. However, joint physical custody tends to work best when the two parents live closer to each other.

Each parent is responsible for day-to-day decision-making regarding the child's best interests during the parent-time periods while the child is residing in his or her home. In this way, the two divorced or legally separated parents split responsibility for the common matters of day-to-day parental decision-making over the course of each year.

However, the more significant decision-making regarding the child's best interests is deferred to the adult(s) awarded *legal* custody by the court.

Joint physical custody can work most effectively when each parent communicates well and the two parents can cooperate well enough to make joint decisions that best benefit their child.

The Child's Best Interest

Joint custody rights are not automatically awarded. The court must decide what custody arrangement is most appropriate based on what appears to the judge to be in the child's best interest. This principle applies even if the parties to the custody matter agree on what the custody arrangements should be.

Joint *legal* custody is always assumed to be in a child's best interest unless there is sufficient evidence to support a decision that it is not actually in the child's best interest. But, there is no such standard assumption that joint *physical* custody is in the child's best interest.

One parent may show that joint physical custody is not in the best interest of the child by submitting sufficient evidence that *sole* physical custody is actually in his or her best interest.

How to Get Joint Physical Custody?

Decisions on physical custody are assumed to require a case-by-case granular review of individual circumstances to determine which option for physical custody is best for any child. You will need to work with an experienced Salt Lake City child custody lawyer to ensure all your rights are protected and the best possible case is presented for joint physical custody.

Joint Physical Custody and Relocation

Neither parent sharing joint physical custody has a legal right to relocate more than 150 miles from the other parent's home without first obtaining permission from the court to do so. A judge will likely issue a temporary court order to maintain the existing living arrangements for the child while the case is being reviewed so that the child is not negatively affected.

For Help with Child Custody Issues in Utah

For over 20 years, Attorney David Pedrazas has been helping parents in the Salt Lake City, UT, area obtain favorable outcomes in child custody cases. He has been recognized by multiple national legal institutes and associations as one of the best divorce attorneys Salt Lake City, UT, has to offer. If you need a child custody lawyer, call the Law Office of David Pedrazas, PLLC, Salt Lake City, UT, at (801) 263-7078, or contact us online to schedule a consultation.

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