

Sole Legal and Sole Physical Child Custody

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The two forms of child custody are *physical* custody and *legal* custody. Physical custody determines where a child will live, and legal custody determines which parent will make the important decisions about the child's education, health care, religion, and matters of the child's general well-being. For one parent to get sole custody and child support involves a number of considerations by the court. Let's look at those considerations.

First, it's important to be clear that Utah courts view *joint* legal custody as the arrangement that is normally in a child's best interest. But, the state of Utah also orders other child custody arrangements, including sole physical and sole legal; joint physical and joint legal; sole physical and joint legal; and split custody (in which *each* of the two parents has sole custody of one or more of the couple's multiple children.)

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Deciding child custody is one of the issues you deal with during the divorce process. Contact attorney David Pedrazas and we will help you defend your & your children's rights.

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How are Sole Physical Custody and Sole Legal Custody Different?

In a divorce, the court may grant one of a child's parents sole legal custody and/or sole physical custody. But, what does sole custody mean? These are the basic parental rights awarded to both the custodial and non-custodial parent under one of the types of sole custody orders from the court.

Sole Legal Custody— The parent with sole legal custody is granted the legal right to make all decisions about the child’s safety, health, education, religion, childcare, and other matters. Child support to be paid to the custodial parent is addressed along *with* sole physical custody decisions by the court. The court grants the non-custodial parent the right to be informed by the custodial parent about those major decisions.

Sole Physical Custody — One parent has full authority to determine where the child will live. The court often grants the non-custodial parent time to spend with their child(ren).

FULL CUSTODY — When one parent is awarded *full custody*, that parent has both sole legal and sole physical custody, with all the attendant rights of each of those forms of sole custody.

Sole Custody and Relocation

A parent who is awarded sole legal and sole physical custody of a minor child still does not have the legal right to relocate without approval from the court. The court reviews relocation plans, to ensure that relocating does not adversely impact parent-time for the noncustodial parent. The judge typically issues a temporary order to maintain current arrangements while the case is being decided so that children are not negatively affected.

When the custodial parent relocates, the parties can work together to develop custody and/or parent time arrangement. The court may issue an order for the arrangement if it is judged to be in the best interest of the child. Utah custody law provides detailed guidelines for these arrangements, including parent-time schedules.

The state law further provides guidelines for child custody arrangements when one parent is an active military member and is deployed to a remote location.

How Do Courts Decide Sole Physical and Sole Legal Custody?

Utah courts order custody arrangements that judges believe to serve the best interests of children. As mentioned, under normal circumstances, state law prefers joint custody. But, in some cases, the court finds that there is reasonable cause to order *sole* custody — sole physical and/or sole legal custody, or *full custody* to include both.

The Utah Courts website contains a published list of general considerations that the court weighs in deciding how a child’s best interest is served in cases of disputed custody:

- Which of the two parents is more likely to:
 - Facilitate opportunities for the other parent to continue having frequent interaction with the child
 - Encourage a positive relationship between the other parent and the child
 - Be willing and able to protect the child from exposure to conflicts with the other parent
 - Prioritize the child’s interests by maintaining a willingness to share parental decision-making

- How do the parents' relationship with the child compare in quality, depth, and nature
- What are the moral standards and conduct of the parties like
- Which parent is likely to provide better for the physical, psychological, and emotional wellbeing and growth of the child

- History of violence against the child or the ex-spouse
- History of unstable mental health
- History of drug or alcohol abuse
- Any other considerations the court finds relevant

When the court determines the sole physical custody arrangement that is in the best interest of the child, child support is calculated based on a range of financial factors.

You will need an experienced child custody and child support attorney to ensure that the best interest of your child and all of your rights are protected.

Attorney David Pedrazas, Salt Lake City Utah

Of course, your child(ren)'s best interest is your top priority as you are going through your divorce. If you are concerned about how to get sole custody in your child's best interest, we're here to help you through this difficult process. You can have peace of mind knowing that your custody case is being handled by the best custody lawyer Utah can offer you.

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 the National Academy of Family Law Association, the American Institute of Family Law, and the American Academy of Trial Attorneys.

If you are facing a child custody and child support dispute, call the Law Office of David Pedrazas, PLLC, Salt Lake City UT at (801) 263-7078, or use our online form to schedule a case review.
