

Types of Child Custody in Utah

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Child Custody in Utah

[Child custody](#) cases can be one of the most complicated processes during a [divorce proceeding](#). With an **average of 3.1 out of 1,000 marriages ending in divorce in the state of Utah**, child custody is a prevalent issue in many family courts. To help understand the ins and outs of child custody and arm yourself with the tools to achieve the best possible outcome, **contact SLC attorney [David Pedrazas](#) to help handle your child custody case.**



Physical Custody vs. Legal Custody

Part of the process the courts will address during the child custody proceedings is determining both physical and legal custody of the children.

- **Physical Custody** – When a parent is awarded physical custody of a child, it has been ruled that the child will **physically live with that parent**. This type of custody may also be legally defined as primary physical custody. If one parent is awarded physical custody, the **other parent's time with the child is often referred to as [visitation or parent-time](#).**
- **Legal Custody** – Legal custody determines which parent will have the **right to make legal decisions** that will impact or affect the child's life including such decisions as **medical, educational, and religious**.

What Factors Can Affect Custody?

While there is no set formula for what factors count and how much weight each has, there are some fundamental questions that the court will take into consideration when determining which parent should be awarded primary physical custody. **Some of the factors the court may use for a custody determination include:**

- Who transports the child to and from school, daycare, or activities?
- Who takes care of the child's primary needs such as feeding, bathing, dressing?
- Who stays at home when the child is ill or away from school?
- Who schedules and takes the child to appointments?
- Who helps the child with school and extracurricular activities?
- Who disciplines the child and monitors their behavior?

4 Types of Child Custody in Utah:

While [custody cases](#) are rarely cut and dried, there **four primary categories that a child custody ruling could fall**

into. When making the decisions, the court is tasked with choosing a custody agreement that will **serve the best interests of the children involved**.

1. Joint Legal Joint Physical Custody

This type of custody is **most common** in child custody cases where **both parents live in the same general area** and are more common in **cases of amicable divorce** where both the parents want the children to reside with them. This type of custody involves parents **sharing physical custody** which means that **each parent will have the children for at least 111 days each year**. They will also **share in the decision making** process in regards to the children such as *medical treatment, educational goals, and additional activities* the children will participate in.

2. Joint Legal Sole Physical Custody

In this type of custody arrangement, **both parents will be involved in making decisions** in regards to any legal issue associated with the children such as educational and medical decisions. Unlike joint physical and legal custody, the **children will reside with one primary parent** on a full-time basis. The **other parent will often receive a set visitation, or parent-time schedule to spend time with the children**. This type of custody is more **common when one or both parents work**, when the **parents live farther apart**, or when the **children would benefit from a more set daily schedule**.

3. Sole Legal Sole Physical Custody

In sole custody arrangements, **one parent will have the children living with them full-time or at least 255 overnights a year**, and the **other parent will be entitled to visitation**. Visitation is usually set to at least a **minimum of 86 overnights per year**. This usually includes a mix of weekends, holidays, and school breaks. With sole legal custody, the **parent who was awarded sole physical custody will have the right to make all necessary decisions for the child on their own**. While the primary parent does not have to seek consent for their decision from the non-custodial parent, they **must share the information as the other parent has the right to know**. This type of custody arrangement is not very often used and is **primarily reserved for cases where one of the parents is perceived by the court as unfit or unable to care for the children**.

4. Split Custody

Split custody is an infrequent occurrence in the judicial system and **occurs when two or more children in the household are split up between parents**. In this situation, **each parent would receive sole and physical custody of one of the children**. This type of custody is used when the court deems that it is in the best interest of the children to live separately each with a different parent. These cases can occur in such instances as **siblings that do not get along**, a child who has a lot of **anger against one parent**, or a child who have **mental health issues** that make separation a better option.

Contact Child Custody Attorney David Pedrazas in SLC

Divorce and **child custody** proceedings can be both legally and emotionally complicated. If you need help navigating through the Utah child custody legal process, **contact the Law Offices of David Pedrazas**. With **more than 15 years experience** practicing family law, Attorney David Pedrazas has the **skills and experience** to guide you through any child custody case. Call **801-263-7078** today to schedule your **free consultation**.