

# Unfit Parent and Child Custody Cases in Utah

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If you are filing for a [divorce in Utah](#), it is normal for you to be concerned about the welfare of your child under your ex's custody. ***If you are sure that your ex is not fit to have custody of your child, there are legal options you can use to deny them this prerogative.*** Proving that a parent is unfit is one of the difficult areas in [child custody](#) cases in Utah. This begs the question, when is a parent deemed unfit, and how can you prove this in court? Another concern would be ***whether there are other options you can pursue if you are unable to prove that your ex is lacked parental fitness.***

## What Does It Mean To Be An Unfit Parent?

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According to [Utah child custody laws](#), an unfit parent is one who fails to provide proper care, support, and guidance for his or her child. A parent is also unfit if he/she neglects or abuses the child or has substance abuse disorder. A child custody fitness evaluation may be conducted at the request of the other parent or by the decision of a judge.

A parent is deemed to be incompetent or unfit if:

- They are suffering from a ***mental condition that renders them incapable*** of attending to a child's current and future physical and emotional needs.
- They are ***alcoholics*** or ***drug addicts***.
- They have a history of exhibiting ***violent behavior***.
- They are ***abusive towards the child*** either physically, sexually, or emotionally.
- They ***habitually deprive the child*** of proper food, housing, clothing, education.
- They are ***currently in prison for a felony*** and they are serving a long sentence that will deprive their child of a suitable home for over one year.

## Termination of Parental Rights

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In Utah, if you fear for your child's safety or if you do not feel safe with them watching your child at all, then you do have the option of terminating their parental rights. For this process, you must prove that the parent is unable to be a fit parent.

### How Do You Prove That A Parent is Unfit?

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The court does not assume that there is an adversarial relationship between a child and its parent without **sufficient proof**. When deciding to terminate a parent's right over their child or making other related child custody decisions, the court will usually rely on what is the **best interest of the child** before considering the parents' convenience and concerns regarding a child's safety and well-being.

#### You can show your ex is an unfit parent by:

- Providing evidence implicating them of **sexual exploitation or abuse** of the child
- Providing evidence that they were **convicted of a felony** and **how** this shows their **incapability** to look after a child
- Providing evidence of **child abuse** either by showing a **disfigurement or impairment** caused by the parent that put the child's life in danger
- Providing evidence of their **neglect** by showing **death or injury** of a child that the parent was **responsible for**: it could be a relative's or neighbor's child, or even the child's sibling
- Providing evidence of the parent's **intentions to murder** a child

### If There's Enough Evidence Will They Terminate the Unfit Parents' Rights?

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There are specific guidelines that are used in Utah to determine if a parent is unfit. The court decides whether or not to terminate rights and they look for evidence such as if they:

- have a mental illness or even an emotional illness, that would **prevent them from taking care of the child**. An example of evidence would be **medical records** outlining this.
- are **abusive** (including emotionally, physically, and sexually) or even cruel to the child. You will need hard evidence of this abuse, such as a **police report** or **medical evaluation record**.
- have a **substance addiction** of any kind. You can use **medical records** or a **history of drug charges** for evidence.
- **cannot provide basic needs such as food and clothing to the child**. Examples of evidence proving they cannot afford to take care of the child would be if they never bring the child back with shoes or proper clothing such as a jacket or coat during the winter. Another example would be if the child seems to always be starving when returned or the parent **doesn't have a car seat**.

- have a history of ***violent or negative behavior***. You can use ***police reports*** for instances as your evidence.
- are ***in prison because of a felony charge or have a long sentence***. You will need ***records*** of them currently being in jail as well as their ***sentencing documents***.
- have ***exposed the child to pornography*** of any type on purpose. You will need actual evidence of this. You may want to have character witnesses or even photographs or video of this happening, if possible.

## **11 Questions Courts Consider in Child Custody Cases**

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A formal child custody evaluation may be used to determine if one or both parents are unfit to be entrusted with the protection of the child’s health, safety, welfare, and overall best interest. An evaluator will weigh these 11 key factors, among others, in making a custody fitness determination:

### **What Is the Parent’s Track Record of Taking Care of the Child?**

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One objective of the assessment will be to determine whether the parent has historically left the other parent with all or most of the child care responsibilities.

### **How Well Does the Parent Understand and Respond to the Child’s Needs?**

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### **Does the Parent Act Reasonably to Resolve the Custody Conflict?**

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### **Has the Parent Ever Acted Abusively Toward the Child?**

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### **Does the Parent Set Limits Based on Age Appropriateness?**

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### **What Curfew Does the Parent Set for a Teen?**

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### **Does the Parent Have a History of Domestic Abuse?**

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### **Does the Parent Have a History of Substance Abuse?**

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### **Does the Parent Engage in Social Functioning With the Child?**

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### **Does the Parent Have a Psychiatric Illness That Is a Risk to the Child’s Welfare?**

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### **What Attitude Does the Parent Foster in the Child Toward the Other Parent?**

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## **What Happens After the Custody Fitness Evaluation is Complete?**

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The judge will take the parental fitness evaluation results into consideration along with all other evidence in the custody case. In high-conflict custody cases, the judge may appoint an attorney to represent a minor child to ensure that the child’s voice is heard by the court. If you are concerned that you may not be granted custody of your child, you need to

work with the best Utah child custody attorney available to you. Or, if you think your child is not safe left in the care of your ex-spouse or with someone in his or her home, you need the help of an experienced lawyer to protect your child's welfare.

## How Utah Child Custody Lawyer Can Help You Terminate Your Ex's Parental Rights?

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*Having a child custody lawyer by your side when disputing your ex's fitness to care for your child is a smart idea. Child custody attorney David Pedrazas will help you in the following ways:*

- He has the **resources** to investigate the conduct and background of your ex. He will also **gather sufficient evidence** to prove the unfitness of your ex.
- **David Pedrazas is skilled** enough to determine any loopholes in your evidence that will be used against your claim and will; therefore, **make sure that the proof will pass the court's test.**
- He will make a **strong case for you** by combining case law, legal provisions, and evidence (both circumstantial and concrete) **to ensure that the court is convinced about the unfitness of your ex.**

## Top Salt Lake City, Utah Custody Attorney

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Attorney David Pedrazas has helped many parents in challenging custody cases throughout Utah over the past two decades. He has been acknowledged as one of Salt Lake City's best divorce lawyers by multiple national legal institutes and associations.

**For help with your child custody case, call the Law Office of David Pedrazas, PLLC at (801) 263-7078, or contact us online to set an appointment to discuss your case.**

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