

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?

The courts normally review the conduct of both parents while they were married and how their behavior has affected their child. The courts decide whether to terminate a parent's rights if he/she is deemed to be unfit. 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

Can You Terminate Parental Rights Due to Being an Unfit Parent?

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?

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?

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.

What Do the Courts Do?

The courts will always keep the **best interests of the child in the forefront of their decision** as well as the safety and well-being of the child. This is true for terminating parental rights, [custody](#), and more.

How Utah Child Custody Lawyer David Pedrazas Can Help You Terminate Your Ex's Parental Rights

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**.

Contact the Law Office of David Pedrazas in Salt Lake City to schedule a **free case evaluation** by either filling out our [online form](#) or giving us a call at **801-263-7078** today.