

What if My Ex Isn't Following the Court Order?

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When a couple with minor children splits up, there may be disagreements about custody and visitation. For example, the agreement will list days the parents must exchange the children if they have joint custody or stipulate the days and hours of visitation if one parent has primary custody and the other has visitation rights. Family courts in Utah act in the best interest of the children by providing them with as much access to each parent as possible so long as neither is abusive.

Problems That Can Arise with Parenting Orders and Agreements

Sometimes one parent refuses to honor a custody agreement for a wide range of reasons. While this can be a devastating experience for the parent denied the ability to spend time with his or her children, the best thing to do is remain calm and attempt to work through the issue with the parent withholding access. Sometimes it is due to a simple misunderstanding because the parenting order or agreement is not clear or the schedule of one of the parents has changed and made it difficult to follow the order.

Another possible reason for one parent to not follow the court-ordered parenting order is that he or she legitimately feels concern for the child's safety. For example, if there are unexplained bruises or injuries that are not consistent with the explanation. Or if the child has expressed witnessing something questionable such as drug use, then it is a good idea to consult a legal professional to learn your options to help protect the child.

Possible Solutions to Help Resume Regular Visitation or Change the Schedule

If trying to communicate with the other parent to resolve potential misunderstandings does not work, the next best thing to do is reach out to an attorney who can help you and even connect you with a mediator. They will help ensure each parent has the opportunity to discuss his or her primary concerns. If both parents agree on a schedule change, they may want to update their divorce decree to have it in writing. If they cannot agree, an experienced attorney like David Pedrazas can help coordinate the necessary legal steps to resolve the issue or take any needed legal action to end the dispute and move on with proper visitations.

Understanding the Difference Between Parenting Agreements and Court Orders

An agreement is when former spouses or partners come to an understanding about child custody and visitation issues on their own. This can save considerable money in legal expenses and it may or may not be in writing. However, the agreement will not be legally binding until approved by a judge and filed in the local county's family court. If one parent wishes to charge the other with contempt of court for not following the order, this step last step is necessary.

Recommended Actions for the Parent Prevented from Seeing His or Her Children

If a parenting order has been filed with the family court, the parent denied visitation or shared custody has the right to contact the police. A police officer will then go to the home of the other parent and request that he or she release the children for visitation. If the other parent refuses, your attorney can help you file the necessary order to involve the police to help carry out a Visitation Order.

It's not up to the police to force visitation as this is a civil and not a criminal matter. When the parent denied visitation does not have a court order, it is important to take detailed notes of the other parent's interference with visitation and present them to your attorney to help in the matter later.

Contact a Family Law Attorney

Although the family court can impose a number of sanctions against the non-complying parent, it cannot force him or her to follow them. That can be disheartening when you're the one who cannot see your children.

David Pedrazas is an experienced Utah family law attorney who can help you explore and evaluate your options. If necessary he'll assist you with care and professionalism to take the steps needed to resolve your legal issues. Your

initial consultation is free of charge.
