

# Who Gets Custody in Utah

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When a couple with children parts ways, the responsibility of taking care of the children rests on the shoulders of [both parents](#). An important part of [child custody](#) is whom the children will live with and what [visitation](#) of the other parent will be like. If both parents [cannot mutually agree](#) on whom the child will live with, the court steps in place as a neutral arbiter.

While there are no defined or set rules of which parent will automatically have the privilege of becoming the custodian, there are statutory factors that the court considers before awarding any decision regarding the minors.

## What is in the “Best Interests” of Your Child?

When deciding on which parent should take the primary custodial mantle, or whether custody should be shared, and how much visitation is allowed by either parent, family courts factor in several considerations.

While the factors may vary from one state to another, the overall question in nearly all custodial cases is pretty much the same, “What are the best interests of the child?” Below are just some of the factors that are considered.

- **The emotional ties:** The court would want to know which of the either parent has deepest emotional bonds with the kid. Some of the actions that reveal emotion ties include the tendency of caring for your child’s needs and knowledge in the child’s hobbies, or interests.
- **Financial strength:** Either parent seeking child custodial should prove that they are financially stable, and can cater for all the benefits of the child. The parent should have a regular, reliable, and stable stream of

income.

- **Past record:** An aspiring parent should not have a tainted record, with regards to handling children. HE should not be convicted of engaging in vices such as kidnapping, child abuse, spouse abuse, child molestation, or rape.
- **Family unit:** Another critical factor in the child development is the support, stability, and love of the family unit. In such instances, the judge will consider whether the custodial parent can cooperate with the other better half in raising the kid. Also, does he/she have the ability and maturity of avoiding conflict of interest for the sake of the child.
- **Other factors:** Depending on the type of case, and the couple involved, the judge may also consider other factors such as the health of the parent, the child's age, and gender, impact on the child's education, and the distance between the parents.



## Factors that Determine the Best Interests of a Child in Case of Custody Dispute





Just like most of the courts in other states, the Utah family courts always put the best interests of the child before making any custodial decision. Some of the typical factors that may influence who is going to the primary caregiver include;

- Past conduct
- Financial position/strength of the parent
- Bond between the child and parent
- The physical, physiological and emotional needs of the child
- The child's preferences and the ability of the parent to protect the child against conflict
- Parenting skill

**UNDERSTANDING DIFFERENT TYPES OF CHILD CUSTODY**

More than one-quarter (26.2 percent) of all children under 21 years of age in families live with only one of their parents.

Physical Custody	Legal Custody
 <p>Where the child lives most of the time.</p>	 <p>Legal authority to make important decisions.</p>

<h3>Joint Legal Joint Physical</h3>  <p>Both parents share legal responsibility to make important decisions for the child. Child spends at least 111 nights a year at each parent's house.</p>	<h3>Sole Legal Sole Physical</h3>  <p>One parent has full legal responsibility to make important decisions as well as being the primary home for the child. Other parent usually gets visitation.</p>
<h3>Joint Legal Sole Physical</h3>  <p>Both parents share legal responsibility making important decisions for the child. One parent is the primary home where the child spends over 225 nights a year. Other parent usually gets visitation.</p>	<h3>What Are Considered Important Decisions?</h3>  <p>Religion the child will be raised in, medical treatment the child may receive, extracurricular activities, school, or child care they will attend.</p>

## Things to Consider

 <p>Your parenting time schedule should meet the physical, emotional, and social needs of your child.</p>	 <p>When parents live in different states, one state has jurisdiction over your custody proceedings, and you will follow the laws of that state.</p>	 <p>Utah Law requires custody issues be resolved through mediation before going to court.</p>
<p><b>DP</b> LAW OFFICE OF DAVID PEDRAZAS PLLC</p> <p>For a free consultation, contact family law attorney David Pedrazas in SLC Utahdivorce.biz 801-207-9774</p>		

### Getting the Right Help

Child custody dispute is not only complicated but also among the most contentious legal situation that you could face. However, with the assistance and support of a professional attorney, the whole process can be simplified and made easier.

Attorney [David Pedrazas](#), of [Law Office of David Pedrazas PLLC](#), is a distinguished figure in the corridors of justice and has helped hundreds of people in Utah during their difficult time in settling custodial cases. Call to schedule a [free case evaluation](#) at **801-263-7078**.