



Types of Child Custody in Utah

Children are affected in many different ways by the divorce or separation of their parents and the breakup of their family. Kids often feel like their whole world has been turned upside down. It is important to **be patient and reassure them that they are loved as you navigate through your divorce** and put solid child custody arrangements in place. There are five basic types of child custody in Utah to help you develop an individualized custody arrangement to fit your situation. Because both legal and physical custody should be addressed, you need an experienced family law attorney to help you establish effective child custody and parent time agreement.

Contact a Skilled Child Custody Lawyer in Utah

If you are facing child custody issues, it is important to have a skilled attorney who understands the ins and outs of Utah's family laws on your side. **Eric M. Swinyard, Attorney at Law, understands Utah's child custody 'best interests' standards and how they can affect your case.** Get experienced legal advice in Salt Lake County and Utah County, Call today for your **free 30-minute consultation** 801-833-0948.

Child Custody Types in Utah

Child custody issues in the Beehive State will fall under the broad categories of physical custody and legal custody. The secondary category determines if one or both parents have custody designation. Listed below are **Utah's five child custody types**:

Sole Legal Custody gives one designated parent the authority to make important decisions, including:

- Religion
- School
- Health Care
- Child Care
- Travel
- Sports Participation
- Extracurricular Activities

While the other parent or non-custodial parent does not have decision making power, he or she has the right to be informed of these important decisions.

Sole Physical Custody or primary custody means the child lives with the designated parent and the other parent may be granted child visitation also known as parent time. The ***standard Utah child visitation schedule*** states that the non-custodial parent is allowed minimum visitation (approximately 86 overnight visits per year), including:

- Every Other Weekend
- One Weekday Evening Each Week
- Two Holidays Per Year
- Four Weeks During Summer Break

Joint Legal Custody allows both parents to make decisions about major issues for their child by working together. ***A joint or shared legal custody agreement must always include a parenting plan in the divorce decree.*** If the parents were not married, the parenting plan might be included in a judicial paternity order. The decree must also include a provision describing the process for dispute resolution.

Joint Physical Custody means ***the child lives with both parents for an equal number of days per year.*** While the number of days is not specified in Utah, child support begins to be calculated for anything over 111 overnights per year on the required joint custody worksheet.

Split Physical Custody arrangements can be outlined for parents with ***more than one child if the court determines it is in the best interest of children to live in separate households.*** Each parent is awarded sole custody or joint legal custody of each of the children.

Determining Child Custody

After separation or divorce, both parents are still legally responsible for the care of their children in the state of Utah. A parenting plan within the divorce decree will outline the role of each parent. ***Utah law considers a number of factors that help determine child custody*** by following guidelines for the best interest of the child, including:

- Parent/Child Bonding

- A Child's Emotional, Physical & Psychological Needs
- Parental Stability
- Each Parents Past & Present Ability to Agree on Shared Decisions
- The Willingness of Each Parent to Encourage Visitation
- The Level of Participation in Raising the Child Before the Divorce
- Each Parent's Geographic Location
- Parental Criminal History
- The Child's Preference (Based on Age and Maturity Level)
- Other Factors Relating to the Best Interest of the Child

Choose an Experienced Child Custody Attorney in Utah

Eric M. Swinyard is a compassionate family attorney who understands that while parents know that divorce is the best thing for everyone involved, the kids need a sense of securing during this difficult time. When a child custody agreement is in place, parents find that their kids are resilient and will quickly adjust to the new arrangements. **Contact us to schedule your free, confidential 30-minute consultation and learn about your legal options to protect your child's best interests and your rights as a parent.**

Practice Areas

Attorney at Law at The Law Offices of Eric Swinyard

Eric Swinyard is a divorce and family law attorney in Utah. He began practicing law after obtaining a law degree and MBA from the University of Arizona. While in law school Eric took advantage of several opportunities to gain real world legal experience, including clerkships with the United States Department of Justice and the Federal Judiciary. Since becoming an attorney, Eric has provided legal counsel to hundreds of individuals.