

Deciphering Utah Custody Laws: Here's What's in the Best Interest of the Child

utahdivorce.com/deciphering-utah-custody-laws-heres-whats-best-interest-child/



Are you considering divorce, or already divorced, and a parent? According to Utah Public Health Records, 3.6 percent of all marriages in Utah failed in 2015. Both Men and women tend to marry earlier in Utah compared to some other states, and many start their families early in the marriage. **Numerous studies confirm that people who marry young are at a higher risk of getting a divorce than those who wait until they are at least 25 years old.** Statistics aside, navigating life as a single parent can be difficult, especially if you don't fully understand your legal obligations under the law. In Utah, parents often struggle with custody decisions handed down by the court labeled as "in the best interest of the child."

What is in Best Interest of the Child in Utah Custody Cases?

What does the court mean when they say "In the best interest of the child" when determining custody? Although the concept of always choosing what is in the best interest of a child legally is complex, the basic premise is that all decisions should cause no harm – physically, emotionally, financially, educationally or otherwise. Child custody determinations are perhaps one of the most emotional aspects of divorce. **A family court judge must decide whether sole custody, joint custody, guardianship or another solution is most likely to empower a child to thrive after the divorce.**

Many interconnected factors influence custody decisions. Judges must see evidence that parents who want custody understand the seriousness of child-rearing. The following are a few common custody challenges seen in Utah courts.

1. **Education.** When both parents cannot agree on whether private, public or homeschool education is the best choice for their child, a judge must decide. Some judges in Utah have a known bias against homeschooling. If you plan to teach your child at home, be prepared to demonstrate you have the resources and technology necessary to help your child excel academically. That means you can show you are organized, well-educated, have a strong socialization plan in place and have the time, energy and money to support this goal. You may also have to submit to State testing periodically.

2. **Familial Support Network.** Maintaining healthy relationships with extended family is vital for children. Unless there are extenuating circumstances that would exclude some family members, the judge will want to see you support relationships with grandparents, cousins, aunts, uncles and other family members from both sides of the family.

3. **Financial Stability.** Submitting proof of income, or other financial support, court ordered support shows the court you will be able to provide shelter, food and basic necessities.

4. **Health & Well-being.** The court wants your child to thrive, not just survive. A judge may consider past medical history as an indication of whether or not your child has access to adequate medical services. A statement from your family physician or mental health provider may help you make the case that you value your child's overall well being.

5. **Emotional bonding.** According to utcourts.gov, "The depth, quality, and nature of the relationship between a parent and child" is a determining factor in deciding both legal and physical custody guidelines in Utah.

Contact Utah Child Custody Attorney Eric M. Swinyard for a Free Consultation

Children shouldn't have to worry about grown-up issues and custody disputes.

Understanding your rights and obligations relieves stress and often puts your child at ease.

The best defense in a custody hearing is a well prepared offense. You know what is in the best interest of your child better than anyone. You value his or her opportunity to gain a good education, and live in a loving, secure environment. If you have concerns about potential custody challenges, be proactive. ***Contact Utah child custody attorney Eric Swinyard for a no-obligation, free 30-minute consultation to discuss your options.*** Give us a call at **(801) 872-4978.**