

Divorce Lawyer in Utah

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Family law disputes, especially divorce, are among the most stressful and challenging legal issues someone can encounter. When certain issues arise as part of a divorce – for example, child support, custody, asset division, and alimony – the divorce may take several months or longer. When these factors arise Eric works with his clients to **ensure they receive aggressive and candid representation** regardless of the divorce’s complexity.

[Download Divorce Document Checklist](#)

Physical Custody

When divorcing parties have children, **custody-related matters are often the most important** topics to resolve. “Physical custody” refers to the allocation of time a child spends with his or her parents. “Joint physical custody” refers to the common situation in which both parents are entitled to spend at least 111 nights with the child. Joint physical custody does not necessarily mean an equal division of parent time with the child. A parent holds “sole physical custody” when he or she is awarded more than 254 nights with the child. Courts consider many factors of varying significance when assessing custody scenarios. It is important to assess the applicability of these factors and evaluate which ones will lead to a favorable outcome for the parent. Examples of these factors include keeping siblings together, the stability of the child’s environment, and considering which parent was primarily responsible for taking care of the child.

Legal Custody

Unlike physical custody, “legal custody” **refers to a parent’s decision-making authority** and access to information regarding the child. Joint legal custody is presumed in most cases. Legal custody empowers parents to participate in decisions regarding religious worship, medical treatment, education, and extracurricular activities. On the other hand,

day-to-day decisions (for example, what the child eats or wears) are usually determined by the parent taking care of the child at the time. A dispute resolution process should always be included in parenting plans to ensure parents can reach a final decision in the event of disagreement.

Whether you've decided to divorce or are still considering your options, call Eric for a no-obligation 30-minute consultation at: (801) 850-9740

Alimony

“Alimony” refers to payments made from one party to his or her former spouse. **Alimony is not automatic.** It is awarded only after considering the recipient spouse's financial need and both parties' ability to produce income. The primary goal of an alimony award is to ensure the parties continue to enjoy, as much as possible, the standard of living experienced during the marriage. Whether alimony is awarded is highly dependent on the individual factors of a case. Alimony is most likely awarded in cases in which one party is capable of earning a higher income than the other. Considering these awards can exceed hundreds of thousands of dollars, neither party can ignore the importance of alimony.

Child Support

Utah courts routinely order parents to make regular “child support” payments to the other parent. Child support is not a fixed amount; instead, child support is determined by applying specific guidelines to the **parties' unique situation**. Specifically, child support is calculated by considering the number of children involved, the number nights spent with each parent, and the parties' respective incomes. The child support amount can be adjusted as any of these factors change. For instance, if the noncustodial parent's income decreases then his or her child support obligation will likely decrease as a result. In addition, child support payments decrease or discontinue entirely when a child turns 18 or graduates from high school, whichever occurs later.

Property and Debt Division

Divorcing parties must regularly examine their situation in order to determine the best way to divide ownership of property and responsibility for debt after the marriage. If the property is deemed non-marital property, then it is easier for the owner to retain the property after the divorce. The same principle applies to whether a debt is the responsibility of one or both of the parties. Assets and debts included the marital estate must be divided among the parties “equitably.” This **often requires a combination of mediation or litigation** to determine the exact method that assets and debts will be allocated. Marital assets often have both economic and sentimental value, which means that disputes over these assets can be frustrating for parties without an attorney.

Contact Eric M. Swinyard

Call: [\(801\) 850-9740](tel:8018509740) or Submit this form:

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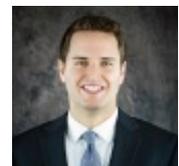
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Eric Swinyard is a divorce and family law attorney in Utah. He began practicing law after obtaining a law degree and MBA from the University of Arizona. While in law school Eric took advantage of several opportunities to gain real world legal experience, 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.



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