

Family Law in Utah

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Eric M. Swinyard regularly represents clients in family law disputes ranging from divorce and paternity to adoption and protective orders. The ultimate goal in any family law matter is to **discover and implement the best interests of the parties and, if applicable, their children**. Oftentimes the best course of action is to negotiate a settlement outside of court. In fact, most divorces in Utah are settled with minimal court involvement. When possible, settlement allows the parties to avoid excessive delay and expense and move on with their life.

Unfortunately, it isn't always easy or possible for parties to reach agreement. Candid legal representation provides assurance that an individual knows his or her rights and how to protect those in a formal settlement. However, when the parties are too far apart on the issues it becomes necessary to take the matter before a judge or court commissioner.

Please contact Eric for a free 30-minute confidential consultation at: (801) 850-9740

Experienced Litigator

Individuals going through these challenges need an experienced and candid attorney to provide assistance. Eric M. Swinyard is a **seasoned litigator** and has personally handled hundreds of different cases. In addition, Eric has a **Master's in Business Administration**, which enhances his ability to assist clients with complex property and business divisions. Don't take your chances by representing yourself. You deserve an attorney who will aggressively protect your family and your rights.

Divorce

Divorce refers to the dissolution of the marital relationship between married parties. The party requesting divorce (the “Petitioner”) must file a petition for divorce in the county in which one of the parties has resided for at least 90 days immediately prior to initiating the action. Divorces can involve a diverse group of issues, but often include matters regarding property and debt allocation, child support, alimony, and custody. Divorces often include matters of great value to individuals – both sentimental and material value. Because of the high stakes involved, **parties should at least speak with an attorney** before undergoing this process.

Mediation

Divorce and other family law disputes are often resolved with minimal court involvement because the parties, preferably with the assistance of attorneys, negotiate an out-of-court settlement through a process called “mediation.” **Mediation** can be less costly and more efficient than litigation. However, mediation carries certain risks that parties must prepare for and be aware of before proceeding. It is vital to understand your legal rights and the strengths and weaknesses of your case before participating in mediation. Although mediation is usually less stressful than heading to court, mediation can potentially result in a final settlement so it’s important to prepare carefully and negotiate effectively.

Adoption

Adoption formalizes the legal relationship between adoptive parent and child. An adoption results in a legal relationship between parent and child equivalent to the relationship between parents and their biological children. The Utah Adoption Act details the steps that must be taken in order to ensure a successful adoption. The steps required of adoptive parents vary depending on the parties involved and which court has jurisdiction. Adoptive parents must comply with the Utah Rules of Civil Procedure and the Adoption Act’s requirements for notifying potentially interested third parties. **Failure to do so may delay the adoption.**

Modifications

Court orders are sometimes revisited based on circumstances that have arisen since the original order was signed. The party seeking to modify the original order (sometimes referred to as the “decree”) must demonstrate that a **substantial or material change in circumstances** has occurred since the order was signed. The party must also show that the proposed modification is in the best interests of the children, if applicable. A modified order, once finalized, becomes as binding as the original order.

Paternity

“Paternity” refers to the process of establishing fatherhood. The legal effects of paternity can include child support, custody, parent time, and inheritance rights for the child. Paternity is established a number of ways. The parents can sign and file a voluntary declaration of paternity. Also, one of the parents (usually the mother) can request an

administrative order from the Utah Office of Recovery Services (“ORS”) in order to establish child support payments. The final option – filing a petition for paternity – involves requesting a court order that establishes paternity. Involving a court by **filing a petition for paternity is the best way to ensure other parental rights** such as custody and parent time are addressed as part of the process.

Protective Orders

Utah offers threatened individuals multiple tools to protect themselves from aggressors. Protective orders and stalking injunctions are two common options. Protective orders, when granted, can include broad restrictions on a party’s behavior. For example, protective orders commonly deal with temporary custody or parent time issues or restrict the aggressor from owning or possessing a firearm. Stalking injunctions, on the other hand, are intended to prevent harassing or annoying behavior that results in emotional distress or fear of safety. The best tool depends on the type of offensive behavior so obtaining experienced legal advice is important.

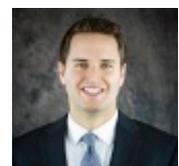
Contact Eric M. Swinyard

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

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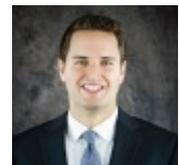
Attorney at Law at The Law Offices of Eric Swinyard

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.



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