

Joint Legal and Joint Physical Custody in Utah

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Understanding Joint Physical and Joint Legal Custody

Also referred to as shared custody, joint custody is a court order arrangement in which both parents are awarded custody of their minor children. ***A joint custody arrangement places both parents in the role of the custodial parent such that there is no non-custodial parent.*** Legal arrangements for joint custody can become necessary following separation, divorce or any other cessation of cohabitation on the parents' part, but joint custody is also possible if the parents never lived together in the first place. ***Our experienced attorneys at Wall & Wall Legal Solutions in Salt Lake City, Utah can help guide you through the decision making of sharing joint physical and joint legal custody.***

Joint Legal Custody

Joint legal custody gives both parents shared power to make decisions that affect their minor child. When there is a significant dispute between the parents, the court may intervene to resolve the issue.

Joint Physical Custody

Children of parents who have joint physical custody split their living arrangements between both parents as according to an agreed-upon custody schedule.

What is a Joint Legal Custody Arrangement?

Under a typical joint custody arrangement, both parents have an equal right to legal and physical custody over their minor children. True joint custody requires that ***both parents have an equal part of the decision making a process for issues concerning their child's welfare and upbringing as well as sharing the time devoted to the daily physical responsibility and care for their child.***

No one-size-fits-all arrangement exists to dictate how the children will split their time between parents. Parents who share joint custody typically work out their own schedule between themselves, taking into consideration each parent's work demands, housing situation and the children's schooling and other needs. When parents are unable to agree to a schedule themselves, the court will step in to make arrangements to protect the children's best interests. Many joint custody arrangements have the children alternate weeks with each parent, but a variety of other ***physical custody arrangements exist including:***

- Alternating every two days between parents;
- Splitting the week equally between parents;
- Staying with one parent on weekdays and the other parent on weekends and holidays; or
- Alternating between parents' homes over longer periods of time, from months to years.

Joint Legal Custody Takes Many Possible Forms

Joint custody arrangements can take many different forms depending on the schedules and abilities of each parent as well as the needs and interests of their children. As with many parenting arrangements within a marriage, often one parent will emerge as the primary caregiver, even if both parents share joint legal custody.

When one parent acts as the primary caregiver, they may make certain decisions on their child's behalf that are covered by a joint legal custody agreement with the other parent's implicit consent. For example, the primary caregiver parent could select a tutor for their child or take their child to the doctor for a routine physical. In such situations, the non-primary caregiver does have a legal right to take part in the decisions, but the parents have decided between themselves that this arrangement works better as a practical matter. ***Courts may sometimes give one parent the legal ability to make a final decision when both parents cannot agree in a joint legal custody arrangement.***

Similarly, joint physical custody doesn't need to include an exactly equal division of time, although it usually is close to 50-50. Joint physical custody typically works best when parents live close to each other so that their children can transition between houses without disruption of their regular activities. When parents have a contentious relationship, shared physical custody may not be best as the frequent transitions can give rise to conflict.



CHILD CUSTODY IN UTAH

PHYSICAL CUSTODY



Determines where the child will physically lives.

LEGAL CUSTODY



Determines legal decisions for the child. (i.e. medical religious, educational, etc.)

Primary/ Sole Custody

Child lives with custodial parent.

Typically grants the "Non-custodial" parent visitation (Parent Time)

Joint Legal Custody

Each parent has the right to make the legal decisions for the child.

Each parent is also entitled to access info about their child such as from school or medical providers.

Shared Physical Custody

Partial Shared Custody:

The child has 2 residences; one parent gets less parent time than the other parent.

Full Shared Custody:

The child has 2 residences; parent time is equally split between each parent.

Split Custody:

When there are more than two children & each parent retains full physical custody of at least one child.

Sole Legal Custody

Only one parent has the right/responsibility to make legal decisions or receive info.



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Joint Custody in Utah FAQ

Is Joint Custody Easy to Get?

Your likelihood to get joint custody in Utah depends on a few factors. The terms of parental visitations depend on the best interest of your child. Before granting joint custody, the court will consider the ability of the parents to make decisions together and work together in favor of their children's interests. Joint custody is granted if both parents have played a role in raising their children before the divorce. They will consider the physical, emotional, and psychological needs of the children.

Do I Need a Lawyer for Joint Custody?

Do I Have to Agree to Joint Custody?

How Can a Father Get Joint Custody?

Is Joint Custody in the Best of the Child?

Will Joint Custody Lower Child Support?

Will Joint Custody Affect My Benefits?

Have Your Proposed Custody Arrangements Reviewed By Our Experienced Family Law Attorneys at Wall & Wall Legal Solutions

At Wall & Wall Legal Solutions, our team of skilled attorneys can help you secure the best child custody arrangement. ***Contact Wall & Wall Legal Solutions today to schedule a free legal review of your proposed custody arrangement or call us at 801-758-8204***