

# Joint Legal and Joint Physical Custody

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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 the 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 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 arrangement 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 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.

## **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**

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