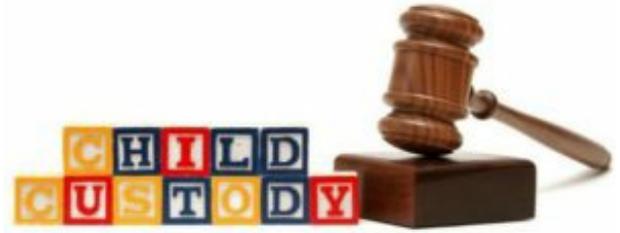


Sole Legal and Sole Physical Custody

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In the state of Utah, there are two different facets of child custody. *Physical custody dictates where a child lives*, while *legal custody refers to which parent can make important decisions regarding their child's health, education, religion and overall wellbeing*.

In most cases, the court presumes joint legal custody is in the [child's best interest](#). However, the state recognizes a few different custody arrangements for minors, including sole legal and sole physical; joint legal and joint physical; joint legal and sole physical; and split custody.



Differences between Sole Legal and Sole Physical Custody

Either parent may be granted sole legal and sole physical custody of the child(ren), becoming the custodial parent. Here is a look at what's encompassed by each type of custody.

Sole Legal Custody

Sole legal custody grants one parent full legal right and responsibility to be the sole decision-maker in regards to the minor child and his or her education, health, safety, daycare provisions, and religion, but the non-custodial parent is granted the right to be provided information by the custodial parent on those decisions.

Sole Physical Custody

Physical custody refers to who has the authority to determine the child's physical place of residence. However, even when sole physical custody is granted to one parent, the non-custodial parent often receives the [right to visitation](#)/parent time in order to spend time with their minor child(ren).

Sole Custody and Relocating

Even if a parent is awarded sole physical and sole legal custody of a minor, it does not grant them the right to relocate without permission from the court. This issue must be addressed by the court because relocation potentially jeopardizes the non-custodial parent's visitation rights. In Utah, the court generally issues a temporary order maintaining the status quo until the case is decided so neither parent is negatively affected.

Upon relocation of the custodial parent, the parties may jointly develop a custody or parent time arrangement, and the court may order the arrangement if it is determined to be in the child's best interests. Utah law [provides](#) a few guidelines for making an arrangement, as well as a minimum parent-time schedule. The law also [includes](#) guidelines for when one parent is a service member and is deployed for active military service.

How the Courts Determine Sole Legal/Sole Physical Custody

The Utah courts are committed to ordering custody arrangements that serve a child's best interests. In general, *state law is preferable toward joint legal custody arrangements*. However, there may be **reasonable cause for the courts to order sole legal and/or physical custody**.

According to the official Utah Courts website, here are a few of the general factors considered when determining how to serve a child's best interests when custody is disputed:

- Which parent is likelier to act in the child's best interest
- Which parent is likelier to allow the other parent to have continuing and frequent contact with the child
- The nature, depth, and quality of each parent's relationship to the child
- The conduct and/or moral standards of each parent

More specifically, the court may examine the following factors to determine if there is reasonable cause to order sole legal or physical custody:

- A history or the potential for [domestic violence](#) toward the child or spouse
- A history of alcohol or drug abuse
- A history of inappropriate contact with minors, which includes exposing the child to an unsafe situation
- A history of mental instability
- Each parent's ability to prioritize the child's welfare and willingness to make shared decisions in the child's best interest
- Each parent's capacity to encourage a positive relationship between the child and other parent and their willingness and ability to protect the child from potential conflict between the parents
- Which custody arrangement is likelier to benefit the child's physical, emotional and psychological wellbeing and development
- Other factors found by the court to be relevant

Consider Your Child's Best Interests with Wall Legal Solutions

We know as a parent, you are invested in prioritizing the best interests of your child(ren) as you work through your divorce. While this may be an emotional and confusing time, you don't have to face difficult legal and personal challenges alone. ***At [Wall & Wall, P.C.](#), our team is committed to assisting you through the process and providing you the peace of mind that comes with knowing custody arrangements are in good hands.*** We diligently attend to these matters and pursue arrangements that work for all the parties involved. In the past, the Wall & Wall team has helped thousands of clients navigate the system and their individual situations regarding child custody. Partner with our staff and benefit from having experience on your side. **For more information or a free 30-minute initial consultation, [contact Wall & Wall Attorneys at Law](#) today or call (801) 803-6988.**