

Got Children? What are your choices if you have one or more children living with you and you are not the married parents of the children, but have no court orders concerning them?

<b>Option</b>	<b>When to Use It</b>	<b>Who Can Be Given This Authority</b>	<b>How long it lasts</b>	<b>How it ends</b>	<b>Some Limitations</b>	<b>Some Benefits</b>	<b>Legal Standard to Establish</b>	<b>Legal Standard to Change or Terminate</b>	<b>Statute</b>
<b>Guardianship Power of Attorney</b>	When the parents or guardian temporarily leave the child with someone	Anyone over 18 years old	One Year (renew annually if desired)	A year passes or it is revoked by the parents	Cannot consent to marriage or adoption; may not always get child on your health insurance	Easily revoked if it does not work out	Both parents, or the sole custodian simply sign a Power of Attorney form	None – can be revoked for any reason at any time	Uniform Probate Code - § 15-14-105
<b>Guardianship by Court order</b>	When the parents place the child with someone for an extended or permanent period of time	Anyone over 18 years old, including a parent of the child	Permanently	Lasts until the child turns 18, the court terminates it, or guardian(s) resign	Guardian is not entitled to receive child support; parents are not entitled to receive parenting time (visitation)	Guardian can resign in the event it does not work out; court can remove and replace guardian if inappropriate	Best Interests of the Child	Best Interests of the Child	Uniform Probate Code - § 15-14-204
<b>Child Support Only Case</b>	When you cannot afford an attorney - the local Child Support Enforcement Unit ("CSEF") handles these cases for a \$20 up front fee	Any parent	Until the child emancipates	Get a court order when the child emancipates, marries, turns 19 (unless in high school still), joins the military, or the court orders a change	The CSEF will not pursue APR (Custody) and will not pursue interest due for past child support	The cost is only \$20; the CSEF has access to government computer databases and can do certain things a private attorney cannot (suspend driver's license, access Dept. of Labor employment records)	Child is born to or has been adopted by the responsible party	Substantial or continuing change in circumstances (i.e., the child support amount calculated by formula in statute is computed to be 10% up or down from the existing child support order)	Uniform Dissolution Of Marriage Act – §14-10-115

<p><b>Allocation of Parental Responsibility ("APR") formerly called custody</b></p>	<p>When the child lives with someone permanently</p>	<p>Any parent or anyone else over 18 years old, including someone who is unrelated to the child (the child may need to live there for six months or more)</p>	<p>Permanently</p>	<p>Lasts until the child emancipates, marries, turns 19 (unless in high school still), joins the military, or the court orders a change (get a court order upon emancipation to end the child support)</p>	<p>Cannot move with child if it changes the parents' ability to exercise parenting time unless custodian gets a court order; child will not automatically inherit from custodian unless he/she is the biological parent</p>	<p>Custodian will receive court ordered child support; very high standard to ever change; parents are entitled to parenting time (visitation)</p>	<p>Best Interests of the child</p>	<p>Endangerment to the child's physical or emotional health</p>	<p>Uniform Dissolution Of Marriage Act – §14-10-123</p>
<p><b>Paternity</b></p>	<p>When the mother wants to establish who is the father, APR (custody) and child support</p>	<p>A child, the natural mother, a man presumed to be father, or Dept of Social Services</p>	<p>Permanently</p>	<p>Until the child emancipates, marries, turns 19 (unless in high school still), joins the military, or the court orders a change (get a court order upon emancipation to end the child support)</p>	<p>Cannot move with child if it changes the parents' ability to exercise parenting time unless custodian gets a court order</p>	<p>Custodian will receive court ordered child support; very high standard to ever change; parents are entitled to parenting time (visitation)</p>	<p>Best Interests of Child</p>	<p>Endangerment to the child's physical or emotional health</p>	<p>Children's Code - §19-4-105</p>

<p><b>Adoption</b></p>	<p>When the child lives permanently with someone or a couple who want to terminate parental rights and become parents to the child</p>	<p>21 years old and a relative ("kinship adoption") or a step-parent ("step-parent adoption"); unless the adoption is through an adoption agency, then it can also be a non-relative</p>	<p>Permanently</p>	<p>Adoption never ends – the child is treated as though he/she is born to you and emancipates the same as children born to you</p>	<p>Parents and grandparents may never petition for parenting time (visitation rights); adoptive parents will not receive child support</p>	<p>This is permanent</p>	<p>Best Interests of the child</p>	<p>Government removal from the home or another adoption</p>	<p>Children's Code-- §19-5-201</p>
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