

# Divorce and DCFS in Utah

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In divorce matters involving the Utah Division of Child and Family Services (DCFS), **many parents feel like they are facing impossible odds**. Represented by the Utah attorney general's office, the DCFS is authorized to bring every petition of child neglect or abuse to the court to conclude the charges and determine custody. **A DCFS investigation is conducted ensure a child is being properly cared for**, is not homeless and is not the victim of abuse or neglect. Should the investigation prove evidence to the contrary, the court will order protective services for the child.

If you are involved with a DCFS investigation as a result of abuse or neglect charges during your divorce proceedings, it is important that you **seek legal representation by an expert divorce and DCFS defense attorney** with the experience and resources to safeguard your legal rights. Before speaking with DCFS caseworkers or law enforcement, seek an attorney who will do the talking for you to ensure you understand the full scope of the accusations against you. **Always be polite and courteous to social workers and police officers** but restrain the urge to respond angrily or in a defensive or hostile manner and instead **use your constitutional right to speak with an attorney before answering any questions**.

**Contact Wasatch Defense Attorneys today at 801-845-3509 For your free, no-obligation consultation.** With several decades of divorce and family law in the state of Utah, **our experienced legal team has successful helped parents in numerous matters involving DCFS** neglect, abuse or dependency proceedings. Here is a generalization to help you understand the Beehive State's DCFS legal proceedings:

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## Pretrial Conference

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Within 15 days of the petition for child neglect or abuse accusations, you will be summoned to attend at a pretrial conference when the DCFS files a petition with the court. During this appearance the presiding judge will explain the petition against you and will allow you the opportunity to present a response to the claims. ***It is vital to have your legal representative at your side to guide you through this important meeting.*** An experienced attorney will protect you and your children by presenting your legal argument against removal orders or an order to award temporary custody to the other parent.

## Legal Proceedings from a Child Welfare Petition

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Within 60 days the court will schedule trial or adjudication proceedings to make a final determination of the merits for the child welfare petition. During these proceedings ***the petitioner has the burden of proof to present any evidence of abuse or neglect*** as defined by the Juvenile Court Act, Utah code 78A-6-102. The exception is for child welfare cases involving Native American children, because they are protected by a federal law called the Indian Child Welfare Act. ***Your legal team will present evidence to the court on your behalf that may include calling witnesses to testify for you.*** Based upon the judge's ruling, one of the following proceedings will follow:

- **Dispositional Hearing** – When a petition of neglect or abuse is not proven by DCFS, a disposition hearing will be scheduled no later than 30 days after the adjudication proceedings. ***This hearing will focus on appropriate services to address the issues that led to the child abuse allegations.***
- **Review Hearing** – A review hearing may be held upon the petition of the court or any party involved to ***review the status of a parent's compliance and progress*** of the court's dispositional orders.
- **Permanency Hearing** – Held within 12 months after the removal of a child from their parent. The purpose of this hearing is to ***determine if custody will be returned to the parent or a petition for the termination of parental rights*** if evidence shows that the parent has not complied with the court's dispositional orders.

Based on each individual case, other proceeding may include **Termination of Parental Rights Petition** or a **Grounds of Mandatory Parental Rights Petition** *in cases of severe child abuse or neglect.*

## Divorce During DCFS Proceedings in Utah

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While under investigation for abuse allegation through DCFS, you may think your divorce proceedings must be put on the back burner until these proceedings are concluded. In fact, ***only the custody portion of your divorce will be delayed until a final ruling is made for your child's welfare case, your divorce can simultaneously move forward.*** To reduce expenses and court time, ***contact Wasatch Defense Lawyers to combine both your DCFS defense and for experienced divorce counsel.*** We will work to help you and your spouse come to an agreement on other important issues through mediation to minimize conflict and minimize your stress.

Choose an Experienced Divorce and DCFS Defense Team in Utah

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By choosing an ***experienced divorce and DCFS attorney in Utah*** immediately after you learn of a DCFS investigation involving your family, you will ***increase your odds of avoiding the overwhelming nightmare of losing custody of your children***. During this incredibly difficult time, the experienced and caring legal counsel at **Wasatch Defense Lawyers** will ***help you fight back*** to formally end your divorce and ***safeguard your legal rights and the rights of your children, so you can move forward with your life***. We offer **payment plan options** and proudly support our troops with **military discounts** with an exclusive veteran discount for all of our legal services.