

SUPREME COURT OF UTAH

Rogers v. Andrews

24 Utah 2d 27 (1970) · Decided February 17, 1970

SUMMARY

The Utah Supreme Court reviewed cross-appeals from a modified divorce decree concerning custody and support of two minor children. The court affirmed the trial court's custody arrangement and found the father's cross-appeal meritless.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Henriod
JURISDICTION	Utah
DECIDED	February 17, 1970
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal and cross-appeal from a judgment modifying a divorce decree to alter custody, visitation, and support obligations.
STANDARD OF REVIEW	The court reviewed whether the trial court's custody modification was justified and supported by the evidence.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Andrews (defendant) v. Rogers (plaintiff)

TOPICS

- child custody
- visitation
- family law procedure
- appellate procedure
- dissolution of marriage

PRACTICE AREAS

- Family law
- Child custody
- Appellate procedure

QUESTIONS PRESENTED

- Whether the trial court's modification of the divorce decree changing primary custody from the mother to the father was supported by the evidence.
- Whether the trial court erred in limiting the mother's visitation and terminating the father's support obligation.

HOLDINGS

1. The trial court's modification awarding primary custody to the father was justified and supported by the believable evidence before it.
2. The modified decree's limited visitation arrangement for the mother and termination of support payments were affirmed.

FACTUAL BACKGROUND

The parties' two sons were approximately 10 and 12 years old when the latest custody dispute arose. After years of mutual accusations and conflict, the father retained the children beyond the time allowed by the decree and had them communicate that they no longer wished to live with their mother; the mother responded by having the children taken into police custody pending resolution of the dispute. The trial court found both parents fit and proper custodians but changed custody to the father, granted the mother limited weekly visitation, and stopped support payments.

PROCEDURAL HISTORY

The parties were divorced in 1960, with custody of their two sons awarded to the mother subject to the father's visitation rights. Following renewed disputes and competing petitions, the trial court modified the decree by awarding the father primary custody, allowing the mother approximately 27 hours of visitation each week, and discontinuing support payments. Both parties appealed, and the Utah Supreme Court affirmed the judgment and found the father's cross-appeal without merit.

DISPOSITION

affirmed