

## DIVORCE

### THESE ARE YOUR CUSTOMIZED COURT DOCUMENTS. READ THEM CAREFULLY!

These documents have been generated according to the responses you gave to the Online Court Assistance Program. Review these documents carefully. If you need to change something on your documents, you can log back into your session with the following password: **PEQ47863**. Your information will be retained for 180 days after your most recent login.

#### Disclaimer

These documents were generated based on the responses you gave to the Online Court Assistance Program. The Online Court Assistance Program accepts no responsibility for errors or omissions in these documents. Representing yourself in court is an important responsibility. You are responsible for the information in these documents and any other documents you file with the courts.

#### OCAP fees are regulated by state law

The fees for using an OCAP program are regulated by statute at Utah Code § 78A-2-501. No other fees are authorized by law. A separate fee may only be charged for services above and beyond what someone could receive if they were to use an OCAP program on their own.

NOTE: The OCAP fee will be charged at the time of filing even if the OCAP documents have been altered, such as by the removal of headers and footers.

### 1. READ AND FINISH COMPLETING THESE DOCUMENTS

In some places, you must provide information that was not available when you generated the documents. The blanks you must complete have been shaded in gray for your convenience. Either type or print with black ink in these blanks.

Spaces that must be completed by the court clerk or the judge must be left blank. Many of your documents need notarized signatures. Don't sign the documents until the notary can watch you sign.

Representing yourself in court is an important responsibility. Read these documents and be sure you understand them. Check that the documents are fully completed before you file them or your case will be delayed.

Making Changes. If you wish to make changes in these documents, you may use the Online Court Assistance Program as often as you need at no charge to you. You will be charged for using this service only when you file your petition with the court.

### 2. SIGN, COPY AND STAPLE YOUR DOCUMENTS

You are required to date and sign many, but not all of the documents in this packet. Those documents requiring your signature will have a line with the words "Petitioner's Signature" underneath it. Review each document carefully prior to signing. Some of the documents require that you date and sign them twice. Any documents that your spouse must date and sign will have a line with the word "Respondent's Signature" underneath it. For those documents that must be signed in front of a Notary Public, you are strongly urged to sign them in front of a notary prior to going to court. That way necessary copies may be made prior to filing the documents in the court. By doing this, your copies will contain your signature. In addition, making copies at the court will cost \$.25 a page and takes the court clerks away from their other court duties.

As a general rule you will make two extra copies of every document which you use in your case. This means you will have three copies in all, the two extra copies plus your original. In most cases the original is filed with the court. One of the copies is for your personal file at home. The other copy must be either served, delivered by hand, or mailed to your spouse. You must read the instructions carefully to understand how to deliver each different document to your spouse. Not all documents can be hand delivered or mailed by you.

The court requires that each separate document be stapled prior to submitting them to the court. To identify all of the pages in a document, look at the footer at the bottom of that document. The footer will contain the name of the document. All pages with that name must be stapled together in the order of the page numbers.

### 3. FILE YOUR DIVORCE PETITION WITH THE COURT

\_\_\_\_ Sign the Verified Petition in front of a notary. Sign the Affidavit and Application for Waiver of Court Fees in front of a notary (you will only have this document if you stated you couldn't afford to pay the filing fee).

\_\_\_\_ Make two extra copies of each of the following documents. The name of each document is printed at the bottom of the page:

1. *CIVIL CASE COVER SHEET*
2. *CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE...*
3. *MILITARY SERVICE DECLARATION and CERTIFICATE OF MILITARY SERVICE*  
(Obtain the Certificate of Military Service at: <https://www.dmdc.osd.mil/owa/scra/home>)
4. *MILITARY SERVICE ORDER*
5. *VERIFIED PETITION (signed and notarized)*
6. *MOTION AND AFFIDAVIT FOR WAIVER OF COURT FEES (signed and notarized)* This document is included only if you are requesting that the filing fees be waived.
7. *COURT ORDER ON MOTION FOR WAIVER OF COURT FEES (This document is included only if you are requesting that the filing fees be waived.)*

\_\_\_\_ Take your two copies plus the originals to the courthouse in the county in which you are filing. The address of the county courthouse is Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713. The court clerk will stamp each document, assign a case number and file the originals. One set of copies is for your spouse (the respondent) and the other set is for you (the petitioner). A list all Utah court locations can be found at: <http://www.utcourts.gov/directory>. Write the case number assigned to your case on your attached checklist.

**IMPORTANT:** You must file your case in the court before you serve your spouse. If you serve your spouse before filing, your papers will not have the case number and names of commissioner and judge. In addition, your case could be dismissed. To serve before you file requires a different summons than the one in your packet.

\_\_\_\_ A filing must be paid at this time. Check the CIVIL CASE COVER SHEET for the current amounts. There is a filing fee for the divorce, a Vital Statistics fee, and the Online Court Assistance Program fee for preparing these documents (as of May 12, 2009, the total is \$338). If you are paying by check, the check should be payable to the court where you file.

\_\_\_\_ There will be an additional fee of \$20 for a "Divorce Orientation Course" and \$35 for a "Shared Parenting for Divorcing Parents." These courses must be attended by divorcing couples with biological or adoptive children in common. Attendance is not required for couples without children. You will pay these fees at the time you attend the course.

\_\_\_\_ If you use a sheriff or constable for service, they will charge you a fee for that also. The amount of the service fee varies and can be different for each case.

\_\_\_\_ If, when you prepared your documents, you answered that you were not able to pay the filing fees, a

document called MOTION AND AFFIDAVIT FOR WAIVER OF COURT FEES was printed with your documents. You must file this at the court to ask that the fees be waived. The judge will determine if you qualify to not pay the fees. If the judge decides that you are able to pay the fees and denies your motion, you will need to pay them before your case is final. Your judge will sign the COURT ORDER ON MOTION FOR WAIVER OF COURT FEES once your judge has made a decision. If you want to waive other court related fees, such as service or the divorce education courses, you must have the signed order with you when you talk to the sheriff or constable, or you attend the course.

**ADDITIONAL INSTRUCTIONS ARE INCLUDED THROUGHOUT THE DOCUMENTS FOR:**

8. *SERVING YOUR SPOUSE*
9. *DIVORCE EDUCATION FOR PARENTS CLASS*
10. *FILING THE FINAL DOCUMENTS*
11. *FOLLOWING UP*
12. *RETIREMENT PLANS AND QDROS*
13. *MANDATORY DIVORCE MEDIATION REQUIREMENT*
14. *QUESTIONS AND ANSWERS*

Administrative Office of the Courts  
450 South State St. Salt Lake City, UT 84111-0241  
[ocap@email.utcourts.gov](mailto:ocap@email.utcourts.gov)

Online Court Assistance Program  
**CHECKLIST FOR DIVORCE (WITH CHILDREN)**

Judge: \_\_\_\_\_ Case Number: \_\_\_\_\_

Commissioner: \_\_\_\_\_

### **INITIAL FILING**

- Utah Courts Cover Sheet for Civil Actions
- Certificate of Divorce, Dissolution, or Annulment
- Non-Public Information – Personal
- Non-Public Information – Safeguarded Address (if selected)
- Non-Public Information – Parent Identification and Location
- Non-Public Information – Minors
- Military Service Declaration and Certificate of Military Service: (<https://www.dmdc.osd.mil/owa/scra/home>)
- Military Service Order
- Verified Petition for Divorce
- Affidavit and Application for Waiver of Court Fees (required only if you seek a waiver of the filing fees)

### **SERVICE**

*(Serve example only after filing the initial documents above with the court)*

**Check only one of the service options.**

- Acceptance of Service, Appearance, Consent and Waiver

**OR**

- Summons and Return of Service (Summons in Spanish if selected)

**OR**

- Summons and Proof of Service by Mail

**OR**

- Motion for Alternative Service, Affidavit for Alternative Service, Order for Service by Alternative Service, Affidavit of Mailing, Summons

**OR**

- Motion for Service by Commercial Courier to a Foreign Country, Affidavit in Support of Motion for Service by Commercial Courier to a Foreign Country, Order for Service by Commercial Courier to a Foreign Country, Clerk's Affidavit of Service by Commercial Courier to a Foreign Country, Summons

### **DIVORCE EDUCATION CLASSES**

- Notice of Divorce Education Requirement, Shared Parenting for Divorcing Parents and Divorce Orientation
- example's Divorce Education Certificates (received after classes or videos)
- example's Divorce Education Certificates (received after classes or videos)

*NOTE: If you or example live out of state, are hospitalized or are incarcerated and can't attend the two required divorce classes, you may either attend similar classes in the state where you are residing or view a video of the classes. Videos are available for Spanish speakers. To obtain a video call 801-238-7180 or 801-238-7181.*

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*The following optional documents may be filed in rare circumstances if you or your spouse are unable to attend the class:*

- [ ] *Motion to Waive Divorce Education,*
- [ ] *Affidavit in Support of Motion to Waive Divorce Education,*
- [ ] *Notice of Hearing to Waive Divorce Education,*
- [ ] *Order to Waive Divorce Education.*

## **CHILD SUPPORT**

- [ ] Child support worksheet for type of custody selected
- [ ] Affidavit of Income Verification and Compliance with the Child Support Guidelines
- [ ] Verification of example's Income
  - [ ] Most recent pay stub with year to date earnings – **Be sure to black out Social Security Numbers.**
  - [ ] Latest Income Tax Return – **Be sure to black out Social Security Numbers.**
- [ ] Verification of example's Income
  - [ ] Most recent pay stub with year to date earnings – **Be sure to black out Social Security Numbers.**
  - [ ] Latest Income Tax Return – **Be sure to black out Social Security Numbers.**
  - [ ] Petitioner's Affidavit of Respondent's Earnings (to be used only if respondent refuses to provide income verification documents)
- [ ] Required Location Information Form
- [ ] Child Identification Information Form

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*The following optional documents may be used if child support is paid for minor children outside this marriage.*

- [ ] *Father's Obligation to Children in Present Home,*
- [ ] *Mother's Obligation to Children in Present Home.*

## **STATE ASSISTANCE**

**Use only if example or example receives cash assistance from Utah.**

- [ ] Notice to Department of Human Services

## **FINAL FILING**

- [ ] Motion for Entry of Default Certificate
- [ ] Default Certificate
- [ ] Affidavit of Jurisdiction and Grounds for Divorce
- [ ] Request to Submit for Entry of Decree of Divorce
- [ ] Findings of Fact and Conclusions of Law – **Two Copies**
- [ ] Decree of Divorce – **Two Copies**
- [ ] Self addressed, postage prepaid envelope (for the court to mail the Findings and Decree back to you after they have been signed)

## **RETIREMENT MONEY DOCUMENT (QDRO)**

**(Use this document only if your divorce decree divides a pension.)**

- [ ] Qualified Domestic Relations Order **(Read the instructions for Retirement Plans and QDROs carefully!)**  
The QDRO prepared using the Divorce computer program may only be used if the pension plan administrator does not have a QDRO packet or form of their own.

# COVER SHEET FOR CIVIL FILING ACTIONS

Page 1 of 2

## Party Identification (Attach additional sheets as necessary)

### PETITIONER

Name **example**

Address

Day Time Telephone:

### RESPONDENT

Name **example**

Address

Day Time Telephone:

### TOTAL CLAIM FOR DAMAGES

\$ \_\_\_\_\_

### JURY DEMAND

Yes  No

## SCHEDULE OF FEES: §78A-2-301. CHECK ANY THAT APPLY.

(See case types on reverse for filing fees for complaints other than claims for damages.)

### ----- COMPLAINT FOR DAMAGES -----

- \$75  Civil or Interpleader: \$2000 or less
- \$185  Civil or Interpleader: \$2001 - \$9999
- \$360  Civil or Interpleader: \$10,000 & over
- \$360  Civil Unspecified

### ----- MISCELLANEOUS -----

- \$250  Jury Demand
- \$8  Vital Statistics §26-2-25 per form
- \$20  Online Court Assistance Program

### ----- SMALL CLAIMS -----

- \$60  Small Claims: \$2000 or less
- \$100  Small Claims: \$2001-\$7,499
- \$185  Small Claims: \$7,500-\$10,000
- \$50  Counterclaim: \$2000 or less
- \$70  Counterclaim: \$2001-\$7,499
- \$120  Counterclaim: \$7,500-\$10,000

Effective: May 12, 2009

# COVER SHEET FOR CIVIL FILING ACTIONS Page 2 of 2

Please Check Only One Category

Fee	Case Type
<b>----- APPEALS -----</b>	
\$360 <input type="checkbox"/>	Administrative Agency Review
\$225 <input type="checkbox"/>	Civil (78A-2-301(1)(h))
\$225 <input type="checkbox"/>	Small Claims Trial de Novo

Fee	Case Type
\$360 <input type="checkbox"/>	Grandparent Visitation
\$360 <input type="checkbox"/>	Paternity/Parentage
\$100 <input type="checkbox"/>	Domestic Modification
\$310 <input type="checkbox"/>	Separate Maintenance
\$35 <input type="checkbox"/>	Temporary Separation
\$35 <input type="checkbox"/>	Uniform Child Custody Jurisdiction & Enforcement Act (UCCJEA)
\$35 <input type="checkbox"/>	Uniform Interstate Family Support Act (UIFSA)

Fee	Case Type
<b>----- GENERAL CIVIL -----</b>	
\$360 <input type="checkbox"/>	Attorney Discipline
Sch <input type="checkbox"/>	Civil Rights
\$ 0 <input type="checkbox"/>	Civil Stalking
\$360 <input type="checkbox"/>	Condemnation/Eminent Domain
Sch <input type="checkbox"/>	Contract
Sch <input type="checkbox"/>	Debt Collection
Sch <input type="checkbox"/>	Eviction/Forcible Entry and Detainer
\$135 <input type="checkbox"/>	Expungement (Fee is \$0 under circumstances of §77-18-10(2))
\$360 <input type="checkbox"/>	Extraordinary Relief/Writs
\$360 <input type="checkbox"/>	Forfeiture of Property
Sch <input type="checkbox"/>	Interpleader
Sch <input type="checkbox"/>	Lien/Mortgage Foreclosure
Sch <input type="checkbox"/>	Malpractice
Sch <input type="checkbox"/>	Miscellaneous Civil
Sch <input type="checkbox"/>	Personal Injury
\$360 <input type="checkbox"/>	Post Conviction Relief: Capital
\$360 <input type="checkbox"/>	Post Conviction Relief: Non-capital
Sch <input type="checkbox"/>	Property Damage
Sch <input type="checkbox"/>	Property/Quiet Title
Sch <input type="checkbox"/>	Sexual Harassment
Sch <input type="checkbox"/>	Tax
Sch <input type="checkbox"/>	Water Rights
Sch <input type="checkbox"/>	Wrongful Death
\$360 <input type="checkbox"/>	Wrongful Lien
Sch <input type="checkbox"/>	Wrongful Termination

Fee	Case Type
<b>----- JUDGMENTS -----</b>	
\$35 <input type="checkbox"/>	Abstract of Foreign Judgment
\$50 <input type="checkbox"/>	Abstract of Judgment or Order of Utah Court/Agency
\$30 <input type="checkbox"/>	Abstract of Judgment/Order of Utah State Tax Commission
\$35 <input type="checkbox"/>	Judgment by Confession

Fee	Case Type
<b>----- PROBATE -----</b>	
\$360 <input type="checkbox"/>	Adoption/Foreign Adoption
\$360 <input type="checkbox"/>	Conservatorship
\$360 <input type="checkbox"/>	Estate Personal Rep - Formal
\$360 <input type="checkbox"/>	Estate Personal Rep - Informal
\$35 <input type="checkbox"/>	Foreign Probate/Child Custody Doc.
\$360 <input type="checkbox"/>	Gestational Agreement
\$360 <input type="checkbox"/>	Guardianship
\$ 0 <input type="checkbox"/>	Involuntary Commitment
\$360 <input type="checkbox"/>	Minor's Settlement
\$360 <input type="checkbox"/>	Name Change
\$360 <input type="checkbox"/>	Supervised Administration
\$360 <input type="checkbox"/>	Trusts
\$360 <input type="checkbox"/>	Unspecified Probate

Fee	Case Type
<b>----- DOMESTIC -----</b>	
\$0 <input type="checkbox"/>	Cohabitant Abuse
\$310 <input type="checkbox"/>	Common Law Marriage
\$310 <input type="checkbox"/>	Custody/Visitation/Support
\$310 <input checked="" type="checkbox"/>	Divorce/Annulment
	<input checked="" type="checkbox"/> Check if child support, custody or parent-time will be part of decree
	<input type="checkbox"/> Check if Temporary Separation filed
\$35 <input type="checkbox"/>	Foreign Domestic Decree

Fee	Case Type
<b>----- SPECIAL MATTERS -----</b>	
\$35 <input type="checkbox"/>	Arbitration Award
\$0 <input type="checkbox"/>	Determination Competency-Criminal
\$0 <input type="checkbox"/>	Hospital Lien
\$35 <input type="checkbox"/>	Judicial Approval of Document Not Part of Pending Case
\$35 <input type="checkbox"/>	Notice of Deposition in Out-of-State Case/Foreign Subpoena
\$35 <input type="checkbox"/>	Open Sealed Record



## STATE OF UTAH – DEPARTMENT OF HEALTH CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE, OR ANNULMENT

COURT FILE NUMBER

STATE FILE NUMBER

		HUSBAND'S NAME (First, Middle, Last) <p style="text-align: center;">example</p>			
		2a. RESIDENCE (City, Town or Location)		2b. COUNTY <p style="text-align: center;">example</p>	
<b>HUSBAND</b>	2c. STATE		3. BIRTHPLACE (STATE OR FOREIGN COUNTRY) <p style="text-align: center;">UTAH</p>		4. DATE OF BIRTH (Month, Day, Year) <p style="text-align: center;">11/11/1999</p>
	5. NUMBER OF THIS MARRIAGE <p style="text-align: center;">First</p>	6. IF NOT FIRST MARRIAGE, LAST MARRIAGE ENDED: By Death, Divorce, Dissolution, or Annulment DATE (Month, Day, Year)		7. RACE: <p style="text-align: center;">Other</p>	
		9a. WIFE'S NAME (First, Middle, Last) <p style="text-align: center;">example</p>			9b. MAIDEN LAST NAME <p style="text-align: center;">example</p>
		10a. RESIDENCE (City, Town or Location)		10b. COUNTY	
<b>WIFE</b>	10c. STATE		11. BIRTHPLACE (STATE OR FOREIGN COUNTRY) <p style="text-align: center;">UTAH</p>		12. DATE OF BIRTH (Month, Day, Year) <p style="text-align: center;">02/02/1999</p>
	13. NUMBER OF THIS MARRIAGE <p style="text-align: center;">First</p>	14. IF NOT FIRST MARRIAGE, LAST MARRIAGE ENDED: By Death, Divorce, Dissolution, or Annulment DATE (Month, Day, Year)		15. RACE: <p style="text-align: center;">Other</p>	
		17a. PLACE OF THIS MARRIAGE – CITY, TOWN OR LOCATION <p style="text-align: center;">example</p>	17b. COUNTY <p style="text-align: center;">Beaver</p>		17c. STATE OR FOREIGN COUNTRY <p style="text-align: center;">Utah</p>
		18. DATE OF THIS MARRIAGE (Mon, Day, Year) <p style="text-align: center;">02/02/2000</p>			
<b>MARRIAGE</b>	19. DATE COUPLE LAST RESIDED IN SAME HOUSEHOLD		20. NUMBER OF CHILDREN UNDER 18 IN THIS HOUSEHOLD AS OF THE DATE in ITEM 19. <p style="text-align: center;">Number <u>  2  </u>    <input type="checkbox"/> none</p>		21. PETITIONER <input checked="" type="checkbox"/> husband <input type="checkbox"/> wife <input type="checkbox"/> both <input type="checkbox"/> other (specify) _____
			22a. NAME OF PETITIONER'S ATTORNEY <p style="text-align: center;">none</p>		
		22b. ADDRESS <p style="text-align: center;">not applicable</p>			
		23. I CERTIFY THAT THE MARRIAGE OF THE ABOVE NAMED PERSONS WAS DISSOLVED ON (Month, Day, Year)		24. TYPE OF DECREE (Divorce, Dissolution, or Annulment) <p style="text-align: center;">Divorce</p>	
		25. DATE RECORDED (Month, Day, Year)			
<b>DECREE</b>	26. NUMBER OF CHILDREN UNDER 18 WHOSE PHYSICAL CUSTODY WAS AWARDED TO: Husband _____    Wife _____ Joint _____    Other _____ <input type="checkbox"/> no children		27. COUNTY OF DECREE <p style="text-align: center;">BEAVER County</p>		28. TITLE OF COURT <p style="text-align: center;">BEAVER County District Court</p>
	29. SIGNATURE OF CERTIFYING OFFICIAL		30. TITLE OF CERTIFYING OFFICIAL		31. DATE SIGNED

**Non-public Information – Safeguarded Address**

Case Number \_\_\_\_\_

Instructions: A party’s residential address (or that of a party’s child) can be safeguarded from the other party in the 5 types of cases that are listed below. Safeguarding an address is your choice. If your case is one of these 5 casetypes and if you want to safeguard your residential address (or that of your child) from the other party, write the address here, and omit it from the public document. Omit it also from the Non-public Information about Minors form and from the Parent Identification and Location form. File this form with the judicial service assistant, but **do not** serve this form on the other party.

Name*	Residential Address	City, State, Zip**
<b>example</b>	<b>example</b>	<b>example, example 123</b>

\*Name of an adult may be included on public records.

\*\*City, state and zip code may be included on public records.

Keep this residential address private and do not provide it to the other party because:

I have a court order or agency order authorizing me to keep my address private;

**OR** because this proceeding is about:

- a protective order (Utah Code Section 78B-7-109)
- a stalking injunction (Utah Code Section 77-3a-101)
- a parentage order (Utah Code Section 62A-11-304.4)
- a custody order (Utah Code 78B-13-209)
- a support order (Utah Code 78B-14-312)

I declare that under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true and correct.

Date \_\_\_\_\_

Sign here ► \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Judicial Services Representative: This is a private document.

<b>Non-public Information – Personal Information</b>	<b>Case Number</b> _____
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Use this document to provide non-public information to the court. Write the information here, and omit it from the public document. Complete as many forms as needed. Serve this form on the other party.

**Non-public information about a party**

Plaintiff/Petitioner	Information	Defendant/Respondent
<b>example</b>	Name (Public)	<b>example</b>
<b>111111111</b>	Social Security Number	<b>111111111</b>
<b>UTAH 1111</b>	Driver License State / Number	<b>UTAH 11</b>
	Account Name / Number	
	Account Name / Number	

**Non-public information about a non-party** (Business information should be provided on public documents. Complete this section only if personal information is the only means to contact this person.)

Name (Public)	Residential Address	Personal Phone	Personal E-mail	This Person is
				(i) Plaintiff/Petitioner's Employer (ii) Defendant/Respondent's Employer (iii) Holder of Property (iv) Other Non-party
				(v) Plaintiff/Petitioner's Employer (vi) Defendant/Respondent's Employer (vii) Holder of Property (viii) Other Non-party
				(ix) Plaintiff/Petitioner's Employer (x) Defendant/Respondent's Employer (xi) Holder of Property (xii) Other Non-party

**Other non-public information**

Public Document Title	Paragraph Number	Non-public Information

I declare that under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true and correct.

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Judicial Services Representative: This is a private document.

CERTIFICATE OF MAILING/DELIVERY

On \_\_\_\_\_ (**date**) I mailed a copy of this document to:

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_

Typed or printed name **example** \_\_\_\_\_

<b>Non-public Information – Parent Identification and Location</b>		<b>Case Number</b> _____	
<b>Notice:</b> This information is required by the U.S. Secretary of Health and Human Services. If the information changes, you must complete and file another form. (Utah Code Section 62A-11-304.4.)			
Name		Telephone Numbers (Include area code.)	
<b>example</b>		Day	Evening
Residential Address			
<input type="checkbox"/> Keep this residential address private and do not provide it to the other party because there is reason to believe that the release of the information to that person may result in physical or emotional harm to me or to my child. (If this box is checked, omit your residential address from this document and include it on the Safeguarded Address form.)			
Mailing Address (if different from residential address)			
Date of Birth	Social Security Number	Driver's License	
<b>11/11/1999</b>	<b>111111111</b>	State <b>UTAH</b>	Number <b>1111</b>
Employer Name, Address and Telephone Number <b>example example 111-111-1111</b>			
Employer Name, Address and Telephone Number			
I am the: (check all that apply)			
<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input checked="" type="checkbox"/> Custodial Parent <input type="checkbox"/> Non-custodial Parent			
<input checked="" type="checkbox"/> Filing this information about myself <input type="checkbox"/> Filing this information about the other party			

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true and correct.

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ **example**

Judicial Services Representative: This is a private document.

<b>Non-public Information – Parent Identification and Location</b>		<b>Case Number</b> _____	
<b>Notice:</b> This information is required by the U.S. Secretary of Health and Human Services. If the information changes, you must complete and file another form. (Utah Code Section 62A-11-304.4.)			
Name		Telephone Numbers (Include area code.)	
<b>example</b>		Day	Evening
Residential Address		<b>Address Unknown</b>	
<input type="checkbox"/> Keep this residential address private and do not provide it to the other party because there is reason to believe that the release of the information to that person may result in physical or emotional harm to me or to my child. (If this box is checked, omit your residential address from this document and include it on the Safeguarded Address form.)			
Mailing Address (if different from residential address)			
Date of Birth	Social Security Number	Driver's License	
<b>02/02/1999</b>	<b>111111111</b>	State <b>UTAH</b>	Number <b>11</b>
Employer Name, Address and Telephone Number			
Employer Name, Address and Telephone Number			
I am the: (check all that apply)			
<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <input checked="" type="checkbox"/> Custodial Parent <input type="checkbox"/> Non-custodial Parent			
<input type="checkbox"/> Filing this information about myself <input checked="" type="checkbox"/> Filing this information about the other party			

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true and correct.

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
 Typed or printed name **example**

Judicial Services Representative: This is a private document.

**Non-public Information – Minors Case Number \_\_\_\_\_**

Use this document to provide non-public information to the court. Write the information here, and omit it from the public document. Complete as many forms as needed. Serve this form on the other party.

I swear or affirm that the following information is true.

<input type="checkbox"/> * Keep this residential address private and do not provide it to the other party because there is reason to believe that releasing the information may result in physical or emotional harm to me or to my child. (If you check this box, omit the child's residential address from this document and from all other papers filed with the court. Include it on the Safeguarded Address form.)				
(1) Name of Minor <b>example</b>	Address* <b>example</b>	Date of Birth <b>02/02/2002</b>	Sex <b>Unknown</b>	Social Security Number <b>111-11-1111</b>
The following information is required <u>only</u> if custody or parent time is part of the case.				
<b>Address</b>	<b>Date Child Began Living There</b>	<b>Date Child Stopped Living There</b>	<b>Name &amp; Current Address Of Person(s) Child Lived With</b>	<b>Relation</b>
example	11/11/2001	11/11/2001	example example	Other

<input type="checkbox"/> * Keep this residential address private and do not provide it to the other party because there is reason to believe that releasing the information may result in physical or emotional harm to me or to my child. (If you check this box, omit the child's residential address from this document and from all other papers filed with the court. Include it on the Safeguarded Address form.)				
(2) Name of Minor <b>Unborn Child</b>	Address*	Date of Birth <b>03/03/2003 (Due Date)</b>	Sex	Social Security Number
The following information is required <u>only</u> if custody or parent time is part of the case.				
Places the minor has lived in the last 5 years	Date child began living there	Date child stopped living there	Name & current address of the person or persons the minor lived with	Relation of this person or persons to child

<input type="checkbox"/> * Keep this residential address private and do not provide it to the other party because there is reason to believe that releasing the information may result in physical or emotional harm to me or to my child. (If you check this box, omit the child's residential address from this document and from all other papers filed with the court. Include it on the Safeguarded Address form.)				
(3) Name of Minor	Address*	Date of Birth	Sex	Social Security Number
The following information is required <u>only</u> if custody or parent time is part of the case.				

Places the minor has lived in the last 5 years	Date child began living there	Date child stopped living there	Name & current address of the person or persons the minor lived with	Relation of this person or persons to child

\* Keep this residential address private and do not provide it to the other party because there is reason to believe that releasing the information may result in physical or emotional harm to me or to my child. (If you check this box, omit the child's residential address from this document and from all other papers filed with the court. Include it on the Safeguarded Address form.)

(4) Name of Minor	Address*	Date of Birth	Sex	Social Security Number
The following information is required <u>only if</u> custody or parent time is part of the case.				
Places the minor has lived in the last 5 years	Date child began living there	Date child stopped living there	Name & current address of the person or persons the minor lived with	Relation of this person or persons to child

\* Keep this residential address private and do not provide it to the other party because there is reason to believe that releasing the information may result in physical or emotional harm to me or to my child. (If you check this box, omit the child's residential address from this document and from all other papers filed with the court. Include it on the Safeguarded Address form.)

(5) Name of Minor	Address*	Date of Birth	Sex	Social Security Number
The following information is required <u>only if</u> custody or parent time is part of the case.				
Places the minor has lived in the last 5 years	Date child began living there	Date child stopped living there	Name & current address of the person or persons the minor lived with	Relation of this person or persons to child

\* Keep this residential address private and do not provide it to the other party because there is reason to believe that releasing the information may result in physical or emotional harm to me or to my child. (If you check this box, omit the child's residential address from this document and from all other papers filed with the court. Include it on the Safeguarded Address form.)



(6) Name of Minor	Address*	Date of Birth	Sex	Social Security Number
The following information is required <u>only</u> if custody or parent time is part of the case.				
Places the minor has lived in the last 5 years	Date child began living there	Date child stopped living there	Name & current address of the person or persons the minor lived with	Relation of this person or persons to child

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
 Typed or printed name example

I certify that **example**, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date: \_\_\_\_\_ Sign here ► \_\_\_\_\_  
 Typed or printed name (Court Clerk or Notary Public) \_\_\_\_\_  
 Notary Seal

Judicial Services Representative: This is a private document.

CERTIFICATE OF MAILING/DELIVERY

On \_\_\_\_\_ (date) I mailed a copy of this document to:

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
 Typed or printed name example

Name: example

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\* **RESPONDENT'S AFFIDAVIT OF**  
\* **MILITARY SERVICE**  
\*  
\* Case No. \_\_\_\_\_  
\*  
\* Commissioner: \_\_\_\_\_  
\*  
\* Judge: \_\_\_\_\_  
\*

Respondent, **example**, being first duly sworn and under oath, affirms and states as follows:  
**(Check the appropriate box)**

I am not in the military service.

I am in the military service. I waive my rights under the Servicemember's Civil Relief Act that would prevent this court from entering a default divorce against me. I fully consent to a default divorce decree being entered in this case so long as the decree is in accordance with the terms of the petition served on me.

In support of my statement above, I went to the Defense Manpower Data Center website and entered my correct name, date of birth and Social Security Number. I have attached the certificate which I printed from my computer search on the Defense Manpower Data Center website.

**(This document must be dated and signed in front of Notary Public or Deputy Court Clerk)**

Date \_\_\_\_\_

\_\_\_\_\_  
Signature: **example**

Respondent, **example**, appeared before me on \_\_\_\_\_ (date) with satisfactory evidence to prove to me **example** identity. **example** then signed this document in my presence and affirmed that **example** had read this document and understood its contents and that the contents were true of **example's** personal knowledge.

\_\_\_\_\_  
Notary Public/ Deputy Clerk Signature

Name: example

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\* **MILITARY SERVICE**  
\* **DECLARATION**  
\* **(Status Unknown)**

\* Case No. \_\_\_\_\_

\* Commissioner: \_\_\_\_\_

\* Judge: \_\_\_\_\_

1. To support my Motion for Default Judgment and to comply with the Servicemembers Civil Relief Act, I swear that the following is true:

**I am unable to determine whether Respondent, example, is in military service.**

2.  I have done the following research to support the above conclusion:

**example**

3.  (A certificate from the Department of Defense Manpower Data Center is the preferred evidence of example's military service status. Check this box only if you have attached that certificate.) I visited the Department of Defense Manpower Data Center website (<https://www.dmdc.osd.mil/owa/scra/home>) to inquire about military service, and I entered the following identifying information for Respondent **example**, which I know to be correct:

**Name: example**

**Date of Birth: 11/11/2010**

**I entered what I believe to be example's Social Security Number.**

4.  I know the identifying information to be correct because:

**Name: example**

**Date of Birth: example**

**Social Security Number: example**

5.  I do not know and am unable to discover the following identity information for Respondent **example**:

**Date of Birth**

**Social Security Number**

I declare under criminal penalty of Utah Code Section 78B-5-705 that the information in this document is true and correct. I understand that for knowingly making a false statement, I can be fined as provided in Title 19, United States Code, or imprisoned for not more than one year, or both.

DATE \_\_\_\_\_

\_\_\_\_\_  
Petitioner: **example**

#### CERTIFICATE OF MAILING/DELIVERY

On \_\_\_\_\_ (date) I [ ] mailed or [ ] hand delivered a copy of the foregoing  
MILITARY SERVICE DECLARATION (Status Unknown), to:

\_\_\_\_\_  
Petitioner: **example**

Name: example

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\*  
\*  
\*  
\*  
\*  
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\*  
\*  
\*

**ORDER REGARDING  
RESPONDENT'S  
MILITARY SERVICE**

Case No. \_\_\_\_\_

Commissioner: \_\_\_\_\_

Judge: \_\_\_\_\_

The Court has reviewed **example**'s ACCEPTANCE OF SERVICE, CONSENT AND WAIVER and AFFIDAVIT OF MILITARY SERVICE. The Court finds:

(the judge will check the appropriate box or boxes)

[ ] **example** has voluntarily entered an appearance in this case by signing the ACCEPTANCE OF SERVICE, CONSENT AND WAIVER. The Court concludes that the Servicemembers Civil Relief Act, 50 USC App § 521 does not apply. The Court may enter a decree of divorce.

[ ] **example** is in the military service but has waived any rights under the Servicemembers Civil Relief Act that would prevent this court from entering a decree of divorce. In the signed and notarized waiver **example** has fully consented to a default divorce decree being entered so long as the decree is in accordance with the terms of the petition served on **example**. The Court therefore concludes that under the federal Servicemembers Civil Relief Act, 50 USC App § 521 the Court may enter a decree of divorce.

[ ] **example** is not in the military service. The Court concludes that the Servicemembers Civil Relief Act, 50 USC App § 521 does not apply. The Court may enter a decree of divorce.

DATED \_\_\_\_\_  
\_\_\_\_\_ District Court Judge

Name: example

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

\*  
\*  
\*  
\*  
\*  
\*  
\*

**VERIFIED PETITION**

vs.

Case No. \_\_\_\_\_

example,  
Respondent.

Commissioner: \_\_\_\_\_

Judge: \_\_\_\_\_

Petitioner complains and alleges as follows:

1. The Petitioner and/or the Respondent are bona fide residents of BEAVER County, State of Utah and have been for at least three months immediately prior to the filing of this action.
2. The Petitioner and the Respondent were married on 02/02/2000 in example, Utah, County of Beaver and are presently married.
3. During the course of the marriage the parties have experienced difficulties that cannot be reconciled that have prevented the parties from pursuing a viable marriage relationship.
4. The health, safety, or liberty of me or my child will be put at risk if my address and phone are revealed to **example** or the public. I ask that my and my children's identifying information, including address and phone number, be safeguarded and not revealed to **example** or the public. The statutory authority for safeguarding my address and phone is found at Utah Code



62A-11-304.4, 78B-13-209, 78B-14-312. I am providing my address and phone number to the court on the NON-PUBLIC INFORMATION – SAFEGUARDED ADDRESS form pursuant to Rule 4-202.02 of the Utah Rules of Civil Procedure.

5. During the course of the marriage relationship, the parties have acquired certain items of personal property. The personal property of the parties is to be distributed as follows:

<b>Description of Item</b>	<b>Item Becomes Sole Property of</b>
example	Petitioner
example	Petitioner
example	Petitioner
example	Petitioner
example	Respondent
example	Respondent
example	Respondent
example	Respondent
example	Respondent
example	Respondent

a. All other personal property shall be divided as the parties have already divided it.

6. During the course of the marriage, the parties have acquired certain debts and obligations. Each party should be ordered to assume and pay the debts and hold the other harmless from liability as follows:

<b>To Whom Debt is Owed</b>	<b>Description of Debt</b>	<b>Petitioner Will Pay</b>	<b>Respondent Will Pay</b>
example	example	1%	1%
example	example	2%	2%
example	example	3%	3%
example	example	4%	4%

All other debts are the responsibility of the person incurring the debt. Pursuant to Utah Code § 15-4-6.5 Petitioner shall provide a copy of the parties' Decree of Divorce to all joint creditors of the parties existing at the time of the entry of the divorce.

7. During the course of the marriage, the parties acquired the following real property:

a. *example*

Address:

*example*  
*example, UTAH 123*

Legal description:

*example*

b. Petitioner shall receive sole and exclusive ownership of this real property. Respondent shall receive one half of the equity existing in the property as of the date of the entry of the Decree of Divorce. The equity at the time of the divorce is \$123.00. Respondent's share of the equity is \$61.50. Respondent shall sign a Quit-Claim deed to the Petitioner at the time the divorce is entered, but shall retain an equitable lien against the property in the amount of \$61.50. Upon Petitioner paying the equitable lien amount Respondent shall sign a second Quit-Claim deed removing the lien from the property.

8. It is reasonable that the Petitioner be awarded a sum of not less than \$1234 per month as alimony from the Respondent. Alimony payments shall begin the month immediately following the entry of the order for alimony. The monthly alimony support shall be paid one half on or before the 5<sup>th</sup> day of each month, and the other half on or before the 20<sup>th</sup> day of each month, unless custodial parent uses the Office of Recovery Services to collect support. Alimony due and not paid on or before the 5<sup>th</sup> day of the month is delinquent on the 6<sup>th</sup> day of the month. Alimony due and not paid on or before the 20<sup>th</sup> day of the month is delinquent on the 21<sup>st</sup> day of the month. Should the custodial parent use the Office of Recovery Services to collect support, alimony shall be due on the first day of each month and delinquent on the first day of the following month. Respondent's

alimony obligation shall terminate upon Petitioner's remarriage, cohabitation, or on 11/11/2001, whichever occurs first.

9. The parties have one or more pension and/or profit sharing plans or other retirement benefits. The owner (Participant) of the pension plan or retirement account shall cooperate fully in whatever is necessary for both parties to have full access to all of the information concerning the pension plan or retirement account, including signing any necessary forms for release of the information to the other party (Alternate Payee). In the event that the owner (Participant) receives any of the benefits awarded to the Alternate Payee from this pension plan or retirement account, the owner (Participant) shall receive that benefit in the form of a constructive trust for the Alternate Payee and the owner (Participant) is ordered to pay the benefit directly to Alternate Payee within five days of its receipt. Information on the plan(s) and how they are to be divided is listed below:

a. Plan Name: *example*. Plan Administrator: *example*. Last four digits of Account Number: *exam*. This plan is in the name of the Petitioner. The plan shall be awarded to both parties by dividing it as follows:

The plan shall be divided by percentage. The Petitioner shall be awarded 1% and the Respondent shall be awarded 99% of the plan. Petitioner shall prepare the Qualified Domestic Relations Order (QDRO) for this plan within 60 days of the entry of the Decree of Divorce.

b. Plan Name: *example*. Plan Administrator: *example*. Last four digits of Account Number: *exam*. This plan is in the name of the Petitioner. The plan shall be awarded to both parties by dividing it as follows:

The plan shall be divided by percentage. The Petitioner shall be awarded 2% and the Respondent shall be awarded 98% of the plan. Petitioner shall prepare the Qualified Domestic Relations Order (QDRO) for this plan within 60 days of the entry of the Decree of Divorce.

10. There has/have been **2** child(ren) born or adopted of this marriage. Pursuant to Rule 4-202.02 of the Utah Code of Judicial Administration the names and birthdates of the children are being submitted to the court on the NON-PUBLIC INFORMATION – MINORS form. The initials, birth month, and birth year of each child are listed below:

Child's Initials	Month and Year of Birth
<b>example</b>	<b>January 2003</b>

10.1 Utah has jurisdiction over the custody and parent-time issues in this case. The statute for jurisdiction in Utah is: The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Utah Code § 78B-13-101 et seq. The sections under which Utah has custody are Utah Code § 78B-13-102(7) and/or this case meets the criteria under Utah Code §§ 78B-13-201(1), 207, and 208. The states and names of the persons whom each child has resided with in the last five years are as follows:

**example (born January 2003)**

b. **example** has not lived in another state for a period of six months, or since birth if younger than six months. No other state is the home state of **example**. No other state meets the alternative requirements under Utah Code 78B-13-201(1)(a),(b), or (c) (for significant connections or more convenient forum pursuant to Utah Code 78B-13-207 and 208). Utah has jurisdiction under Utah Code § 78B-13-201(1)(d).

Name Of Person(s) Child Lived With	Relation	State	Date Child Began Living There	Date Child Stopped Living There
example	Other	example	11/11/2001	11/11/2001

10.2 Pursuant to Rule 100 of the Utah Rules of Civil Procedure, The Uniform Child Custody Jurisdiction and Enforcement Act, Utah Code § 78B-13-101 et Seq. and The Uniform Interstate Family Support Act, Utah Code § 78B-14-101 et Seq., the Petitioner states upon information and belief, that:

a. The Petitioner has not been a party or witness to, or participated in any other litigation concerning the custody, child support or parent-time of the parties' minor child(ren) nor does the Petitioner have information about any custody, child support or parent-time proceeding concerning the minor child(ren) in this State or any other state or country.

b. There are no criminal or delinquency cases in any court in this State or any other state or country in which a party or a party's child is a defendant or respondent.

c. There are no protective order cases in any court in this State or any other state or country involving a party regardless whether a child of the party is involved.

d. There are no protective order cases in any court in this State or any other state or country involving the parties' child(ren).

e. There are no cases involving the parties' child(ren) filed or pending in any Juvenile Court in this State or any other state or country.

f. The Petitioner does not know of any person, not a party to these proceedings who has physical custody of the parties' minor child(ren) and who claims to have custody, child support, or parent-time or visitation rights with respect to the child(ren).

10.3 It is fair and reasonable that the legal custody and primary physical custody of the minor children be given to each parent as specified below, subject to the non-custodial parent's right to parent-time with the minor children at reasonable times and places.

CHILD'S INITIALS AND

BIRTH MONTH BIRTH YEAR	CUSTODIAL PARENT
example January 2003	Petitioner
	Petitioner

11. If the parties reside in the same state and within 150 miles of each other, reasonable parent-time should be as the parties agree. If the parties do not agree, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the minor child(ren) shall be entitled:

**FOR CHILDREN UNDER 5 MONTHS OF AGE:**

- Weekly:** Six hours of parent-time per week, specified by the court or the noncustodial parent preferably, divided into three parent-time periods and to take place in the custodial home, established child care setting or other environment familiar to the child.
- Holidays:** Two hours on the holidays indicated below in the HOLIDAY SCHEDULE, to take place preferably in the custodial home, established child care setting or other environment familiar to the child.

**FOR CHILDREN 5 MONTHS TO UNDER 9 MONTHS OF AGE:**

- Weekly:** Nine hours of parent-time per week, specified by the court or the noncustodial parent preferably, divided into three parent-time periods and to take place in the custodial home, established child care setting or other environment familiar to the child.
- Holidays:** Two hours on the holidays indicated below in the HOLIDAY SCHEDULE, to take place preferably in the custodial home, established child care setting or other environment familiar to the child.

**FOR CHILDREN 9 MONTHS TO UNDER 12 MONTHS OF AGE:**

- Weekly:** One 8 hour visit per week to be specified by the noncustodial parent or the court; and one 3 hour visit per week to be specified by the noncustodial parent or the court.
- Holidays:** Eight hours on the holidays indicated below in the HOLIDAY SCHEDULE, and
- Electronic Communication:** Brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent’s ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

**FOR CHILDREN 12 MONTHS TO UNDER 18 MONTHS OF AGE:**

- Alternate Weekends:** One 8 hour visit on alternating weekends to be specified by the noncustodial parent or the court; and from 6 p.m. on Friday until noon on Saturday the opposite alternating weekends.
- Weekly:** One 3 hour visit per week to be specified by the noncustodial parent or the court.
- Holidays:** Eight hours on the holidays indicated below in the HOLIDAY SCHEDULE, and
- Electronic Communication:** Brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

**FOR CHILDREN 18 MONTHS TO UNDER 3 YEARS OF AGE:**

- Midweek:** One weekday evening for two hours between 5:30 - 8:30 p.m. to be specified by the noncustodial parent or the court. However, if the child is being cared for during the day outside the child's regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return the child to the custodial parent by 8:30 p.m.
- Alternate Weekends:** Alternative weekends beginning on the first weekend after the entry of the decree from 6:00 p.m. Friday until 7:00 p.m. Sunday continuing each year.
- Holiday Parent-time:** Holidays as specified below in the HOLIDAY SCHEDULE.
- Extended Parent-time:** Two one-week periods, separated by at least four weeks, at the option of the noncustodial parent;
- a. one week shall be uninterrupted time for the noncustodial parent;
  - b. the remaining week shall be subject to parent-time for the custodial parent consistent with these guidelines; and
  - c. the custodial parent shall have an identical one-week period of uninterrupted time for vacation.
- Notification of extended parent-time or vacation weeks with the child shall be provided at least 30 days in advance to the other parent.
- Electronic Communication:** Brief telephone contact and virtual parent-time, if the equipment is reasonably available, with noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

**FOR CHILDREN 3 YEARS TO UNDER 5 YEARS OF AGE:**

- Midweek:** One weekday evening from 5:30 - 8:30 p.m. to be specified by the noncustodial parent or court. However, if the child is being cared for during the day outside the child's regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return the child to the custodial parent by 8:30 p.m.

**Alternate Weekends:** Alternative weekends beginning on the first weekend after the entry of the decree from 6:00 p.m. on Friday until 7:00 p.m. on Sunday continuing each year.

**Holiday Parent-time:** Holidays as specified below in the HOLIDAY SCHEDULE.

**Extended Parent-time:** Two two-week periods, separated by at least four weeks, at the option of the noncustodial parent;

- a. one two-week period shall be uninterrupted time for the noncustodial parent;
- b. the remaining two-week period shall be subject to parent-time for the custodial parent consistent to these guidelines; and
- c. the custodial parent shall have an identical two-week period of uninterrupted time for vacation.

A parent shall notify the other parent at least 30 days in advance of extended parent-time or vacation weeks.

**Electronic Communication:** Brief telephone contact and virtual parent-time at reasonable hours and for reasonable duration, if the equipment is reasonably available, with the noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

#### **FOR CHILDREN 5 YEARS TO 18 YEARS OF AGE:**

**Midweek:** 1. During the time a child's school is in session, one weekday evening to be specified by the noncustodial parent or the court, or Wednesday evening if not specified, from 5:30 - 8:30 p.m.; or, at the election of the noncustodial parent, one weekday from the time the child's school is regularly dismissed until 8:30 p.m.

2. During the time a child's school is not in session, one weekday from approximately 9:00 a.m., accommodating the custodial parent's work schedule, until 8:30 p.m., if the noncustodial parent is available to be with the child.

Once the weekday is designated, it may not be changed except by mutual written agreement of the parents, or court order.

**Alternate Weekends:** Alternating weekend parent-time shall begin the first weekend after the entry of the decree. Weekends include any "snow" days, teacher development days, or other days when school is not scheduled and which are contiguous to the weekend period.

1. During the time a child's school is in session alternating weekend parent-time shall be from 6:00 p.m. on Friday until 7:00 p.m. on Sunday, or, at the election of the non-custodial parent, from the time a child's school is regularly dismissed on Friday until 7:00 p.m. on Sunday, continuing each year.



2. During the time a child's school is not in session a noncustodial parent may elect alternating weekend parent-time to begin on Friday from approximately 9:00 a.m., accommodating the custodial parent's work schedule, until 7:00 p.m. on Sunday, if the noncustodial parent is available to be with the child.

A step-parent, grandparent, or other responsible adult designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.

Weekend parent-time elections should be made by the noncustodial parent at the time of entry of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.

**Holiday Parent-time:** Holidays as specified below in the HOLIDAY SCHEDULE.

**Extended Parent-time:** Extended parent-time with the noncustodial parent may be up to four weeks consecutive at the option of the noncustodial parent including weekends normally exercised by the noncustodial parent, but not holidays;

- a. two weeks shall be uninterrupted time for the noncustodial parent;
- b. the remaining two weeks shall be subject to parent-time for the custodial parent for weekday parent-time but not weekends, except for a holiday to be exercised by the other parent; and
- c. the custodial parent shall have an identical two-week period of uninterrupted time during the children's summer vacation from school for purposes of vacation.

Both parents shall provide notification of extended parent-time or vacation weeks with the child at least 30 days in advance to the other parent and if notification is not provided timely the complying parent may determine the schedule for extended parent-time for the noncomplying parent.

**Electronic communication:** Telephone contact shall be at reasonable hours and for a reasonable duration. Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

### **HOLIDAY SCHEDULE**

- **Other Included Days:** Holidays include any "snow" days, teacher development days, or other days when school is not scheduled, contiguous to the holiday period.

- **Alternating Weekends:** Holidays take precedence over the weekend parent-time, and changes may not be made in the regular rotation of the alternating weekend parent-time schedule.
- **Birthdays:** Birthdays take precedence over holidays and extended parent-time, except Mother's Day and Father's Day. However, birthdays do not take precedence over uninterrupted parent-time if the parent exercising uninterrupted time takes the child away from that parent's residence for the uninterrupted extended parent-time.
- **School Attendance:** If a holiday falls on a regular scheduled school day, the noncustodial parent shall be responsible for the child's attendance at school for that school day.
- **Lengthier Holiday Period – School in Session:** During the time a child's school is in session, at the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin from the time the child's school is regularly dismissed at the beginning of the holiday weekend until 7 p.m. on the last day of the holiday weekend.
- **Lengthier Holiday Period – School not in Session:** During the time a child's school is not in session, at the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last day of the holiday weekend, if the noncustodial parent is available to be with the child.
- **Pick up Person:** A step-parent, grandparent, or other responsible individual designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.
- **Changes:** Elections should be made by the noncustodial parent at the time of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.
- **Custodial Parent:** The custodial parent is entitled to the “odd numbered years” holidays designated in the schedule below when the noncustodial parent has the “even numbered years” holidays and the “even numbered years” holidays when the noncustodial parent has the “odd numbered years” holidays so that each parent has an equal amount of holiday time with the child.

**Odd Numbered Years**

**Child's Birthday** - on the day before or after the actual birthdate from 3 p.m. to 9 p.m.

**Even Numbered Years**

**Child's Birthday** - on the actual birthdate from 3 p.m. to 9 p.m.

**Note:** At the discretion of the noncustodial parent, that parent may take other siblings along for the birthday.

**Martin Luther King, Jr.** - 6 p.m. the day before until 7 p.m. on the holiday unless the holiday extends

**President's Day** – from 6 p.m. day before until 7 p.m. on the holiday unless the holiday extends for a

for a lengthier period of time to which the parent is completely entitled

**Spring Break** - from 6 p.m. Fri. until Sun. 7 p.m. unless holiday extends for lengthier period of time to which parent is completely entitled

**July 4** - beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday

**Labor Day** - beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

**Fall School Break** - if applicable, commonly known as U.E.A. weekend beginning at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

**Veterans Day Holiday** - beginning 6 p.m. the day before the holiday until 7 p.m. on the holiday

**Christmas School Vacation:** means the time period beginning on the evening the child gets out of school for the Christmas or winter school break until the evening before the child returns to school.

**Christmas School Vacation – odd years** - the first portion of the Christmas school vacation including Christmas Eve and Christmas Day until 1 p.m. on the day halfway through the holiday, if there are an odd number of days for the holiday period, or until 7 p.m. if there are an even number of days for the holiday period, so long as the entire holiday is equally divided

**Father's Day:** with natural or adoptive father every year from 9 a.m. to 7 p.m. on holiday

**Mother's Day:** with natural or adoptive mother every year from 9 a.m. to 7 p.m. on holiday

#### **PARENT-TIME AND VISITATION GUIDELINES FOR ALL CHILDREN:**

- Parent-time schedules mutually agreed upon by both parents are preferable to a court-imposed solution.

lengthier period of time to which the parent is completely entitled

**Memorial Day** - beginning at 6 p.m. on Friday until Monday at 7 p.m., unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

**July 24** - beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday

**Columbus Day**- beginning at 6 p.m. the day before the holiday until 7 p.m. on the holiday

**Halloween** - on October 31 or the day Halloween is traditionally celebrated in the local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.

**Thanksgiving** - from Wed. 7 p.m. to Sun. 7 p.m.

**Christmas School Vacation – even years** - the second portion of the Christmas school vacation beginning 1 p.m. on the day halfway through the holiday, if there are an odd number of days for the holiday period, or at 7 p.m. if there are an even number of days for the holiday period, so long as the entire Christmas holiday is equally divided

- The parent-time schedule shall be utilized to maximize the continuity and stability of the child's life.
- If a child is on a different parent-time schedule than a sibling, based on Utah's guidelines (Utah Code Sections 30-3-35 and 30-3-35.5), the parents should consider using the parent-time schedule for an older child with all the minor children so that parent-time is uniform between school aged and non-school aged children.
- Special consideration shall be given by each parent to make the child(ren) available to attend family functions including funerals, weddings, family reunions, religious holidays, important ceremonies, and other significant events in the life of the child(ren) or in the life of either parent which may inadvertently conflict with the parent-time schedule.
- The responsibility for the pick up, delivery, and return of the child(ren) shall be determined by the court when the parent-time order is entered, and may be changed at any time a subsequent modification is made to the parent-time order.
- If the noncustodial parent will be providing transportation the custodial parent shall have the child(ren) ready for parent-time at the time the child(ren) are to be picked up and shall be present at the custodial home or shall make reasonable alternate arrangements to receive the child(ren) at the time they are returned.
- If the custodial parent will be transporting the child(ren), the noncustodial parent shall be at the appointed place at the time the noncustodial parent is to receive the child(ren), and have the child(ren) ready to be picked up at the appointed time and place, or have made reasonable alternate arrangements for the custodial parent to pick up the child.
- Regular school hours may not be interrupted for a school-age child for the exercise of parent-time by either parent.
- Neither parent-time nor child support is to be withheld due to either parent's failure to comply with a court-ordered parent-time schedule.
- The custodial parent shall notify the noncustodial parent within 24 hours of receiving notice of all significant school, social, sports, and community functions in which the child is participating or being honored, and the noncustodial parent shall be entitled to attend and participate fully.
- The noncustodial parent shall have access directly to all school reports including preschool and daycare reports and medical records and shall be notified immediately by the custodial parent in the event of a medical emergency.
- Each parent shall provide the other with his or her current address and telephone number email address, and other virtual parent-time access information within 24 hours of any change.
- During reasonable hours, each parent shall permit and encourage reasonable and uncensored communications with the child in the form of mail privileges and virtual parent-time if the equipment is reasonably available. If the parties cannot agree on whether the equipment is reasonably available, the

court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

- Virtual parent-time means parent-time facilitated by tools such as telephone, email, instant messaging, video conferencing, and other wired or wireless technologies over the Internet or other communication media to supplement in-person visits between a noncustodial parent and a child or between a child and the custodial parent when the child is staying with the noncustodial parent. Virtual parent time is designed to supplement, not replace, in-person parent-time.
- Each parent shall be entitled to an equal division of major religious holidays celebrated by the parents, and the parent who celebrates a religious holiday that the other parent does not celebrate shall have the right to be together with the child on the religious holiday.
- When parent-time has not taken place for an extended period of time and the child(ren) lack an appropriate bond with the noncustodial parent, both parents shall consider the possible adverse effects on the child(ren) and gradually reintroduce an appropriate parent-time plan for the noncustodial parent.
- For emergency purposes, whenever the child(ren) travel with either parent, all of the following will be provided to the other parent:
  - a. an itinerary of travel dates;
  - b. destinations;
  - c. places where the child or traveling parent can be reached; and
  - d. the name and telephone number of an available third person who would be knowledgeable of the child(ren)'s location.
- A child under the age of five shall not travel unchaperoned.

#### **FOR DAY CARE:**

- Parental care shall be presumed to be better care for the child than surrogate care and the court shall encourage the parties to cooperate in allowing the noncustodial parent, if willing and able to transport the children, to provide the child care.
- Child care arrangements existing during the marriage are preferred as are child care arrangements with nominal or no charge.
- Each parent shall provide all surrogate care providers with the name, current address, and telephone number of the other parent and shall provide the noncustodial parent with the name, current address, and telephone number of all surrogate care providers.

11.1. Due to the parties' circumstances it is not possible to make specific arrangements for pickup, delivery and return of the children for parent time.

11.2 If either party moves from the state of Utah or 150 miles or more from their residence specified in the Court's Decree, that parent shall provide if possible 60 days advance written notice of the intended relocation to the other parent. The written notice of relocation shall contain statements affirming that:

- a. the parent-time provisions in Utah Code § 30-3-37(5) or a schedule approved by both parties will be followed; and
- b. neither parent will interfere with the other's parental rights pursuant to court ordered parent-time arrangements, or the schedule approved by both parties.

A parent who fails to comply with the notice of relocation shall be in contempt of the Court's order.

11.3 If either parent lives more than 150 miles away from the other parent or if both parents live in separate states or countries, parent time shall be as the parties agree. If they are unable to agree, the following shall be the minimum parent-time allowed to the non-custodial parent:

- a. in years ending in odd number, the minor child(ren) shall spend the following holidays with the noncustodial parent:
  - i. Thanksgiving holiday beginning Wednesday until Sunday; and
  - ii. spring break, if applicable, beginning the last day of school before the holiday until the day before school resumes;
- b. in years ending in an even number, the minor child(ren) shall spend the following holidays with the noncustodial parent:
  - i. the entire winter school break period; and

ii. the fall school break beginning the last day of school before the holiday until the day before school resumes; and

c. extended parent-time equal to  $\frac{1}{2}$  of the summer or off-track time for consecutive weeks. The children shall be returned to the custodial home no later than seven days before school begins. This week shall be counted when determining the amount of parent-time to be divided between the parents for the summer or off-track period. The parties shall mutually agree on this extended time each year. If they are unable to agree, the noncustodial parent shall select the dates for the extended time period.

d. at the option and expense of the noncustodial parent, one weekend per month.

11.4 If either parent lives more than 150 miles away from the other parent or if both parents live in separate states, costs for their child(ren)'s travel expenses for parent-time shall be shared equally by the parents.

a. If the noncustodial parent has been found in contempt for not being current on all support obligations, that parent shall be responsible for all of the child's travel expenses relating to the parent time schedule in this order.

b. Reimbursement by either responsible party to the other for the child's travel expenses shall be made within 30 days of receipt of documents detailing those expenses.

12. Pursuant to Utah Code § 78B-12-203 Petitioner's total countable gross monthly income for child support purposes is \$2,407.17. The Petitioner receives the following gross monthly income from all sources:

a. The Petitioner is employed and grosses **\$2,407.17** per month working the equivalent of one full-time 40-hour a week job or less. Pursuant to Rule 4-202.02 of the Utah Code of Judicial Administration, Petitioner's place of employment has been filed with

the court on the NON-PUBLIC INFORMATION – PARENT IDENTIFICATION AND LOCATION form.

12.1 Pursuant to Utah Code § 78B-12-203 Respondent's total countable gross monthly income for child support purposes is \$481.00. The Respondent receives the following gross monthly income from all sources:

a. The Respondent's workplace is unknown. However, Petitioner estimates that Respondent grosses \$481.00 per month. The Petitioner estimates that the Respondent earns this amount because: *example*

12.2 Pursuant to Utah Code § 78B-12-202 et seq. it is reasonable and proper that the Respondent be ordered to pay to the Petitioner as and for child support:

a. A sum of not less than \$127.00 per month as base support for the child(ren) of the parties, pursuant to the Uniform Child Support Guidelines. Unless the Court orders otherwise, support for each child terminates at the time (1) a child becomes 18 years of age, or has graduated from high school during the child's normal and expected year of graduation, whichever occurs later, or (2) a child dies, marries, becomes a member of the armed forces of the United States, or is emancipated in accordance with Utah Code § 78A-6-801 et seq.

b. The following children are 18 years or older and incapacitated from earning a living and therefore not capable of supporting themselves by their own means, even if they are able to provide some financial resources to the family. Child support for these children will continue throughout the life of each child.

*example*

c. Child support payments shall begin the month immediately following the entry of the order for child support. The monthly child support shall be paid one half on or before the



5<sup>th</sup> day of each month, and the other half on or before the 20<sup>th</sup> day of each month, unless the custodial parent uses the Office of Recovery Services to collect support. Child support due and not paid on or before the 5<sup>th</sup> day of the month is delinquent on the 6<sup>th</sup> day of the month. Child support due and not paid on or before the 20<sup>th</sup> day of the month is delinquent on the 21<sup>st</sup> day of the month.

d. The person entitled to receive child support shall be entitled to mandatory income withholding relief pursuant to U.C.A. § 62A-11 parts 4 and 5 (1953 as amended), and any Federal and State tax refunds or rebates due the non-custodial parent may be intercepted by the State of Utah and applied to existing child support arrearages. This income withholding procedure shall apply to existing and future payors. All withheld income shall be submitted to the Office of Recovery Services until such time as the non-custodial parent no longer owes child support to the person entitled to receive child support. All child support payments shall be made to the Office of Recovery Services, P.O. Box 45011, Salt Lake City, UT 84145-011, unless the Office of Recovery Services gives notice that payments should be sent elsewhere. Should mandatory income withholding be implemented by the Office of Recovery Services, child support shall be due on the first day of each month and delinquent on the first day of the following month. All administrative fees and costs of income withholding assessed by the Office of Recovery Services shall be paid by Petitioner.

e. The issue of child support arrearages may be determined by further judicial or administrative process.

f. Each of the parties is under mutual obligation to notify the other within ten (10) days of any change in monthly income.

g. Under Utah Code §§ 78B-12-210(8), the parties have a right to adjust this child support order by motion after three years from the date of its entry if (1) upon review there is a difference of 10% or more between the amount previously ordered and the new amount of child support under the Utah child support guidelines, calculated using the appropriate

child support worksheet, (2) the difference is not of a temporary nature, and (3) the amount previously ordered does not deviate from the child support guidelines. Under Utah Code § 62A-11-306.2, if the children receive TANF funds at the time an adjustment is sought, the Office of Recovery Services shall review the order, and if appropriate, move the court to adjust the amount.

h. Under Utah Code §§ 78B-12-210(7) and (9), the parties have a right to modify this child support order at any time by petition if there has been a substantial change in circumstances because of: (i) material changes in custody; (ii) material changes in the relative wealth or assets of the parties; (iii) material changes of 30% or more in the income of a parent; (iv) material changes in the employment potential and ability of a parent to earn; (v) material changes in the medical needs of the child; or (vi) material changes in the legal responsibilities of either parent for the support of others, and, the change in (i) through (vi) results in a 15% or more difference between the amount previously ordered and the new amount of child support, calculated using the appropriate child support worksheet, and the difference is not of a temporary nature. In a proceeding to modify an existing award, consideration of natural or adoptive children other than those in common to both parties may be applied to mitigate an increase in the child support award, but may not be applied to justify a decrease in the award.

12.3 The Petitioner should be entitled to claim the parties' minor child(ren) as dependent(s) for tax purposes.

12.4 Pursuant to Utah Code § 78B-12-212, it is reasonable and proper that:

a. Petitioner should be required to maintain medical, hospital and dental care insurance for the dependent children where available at reasonable cost and the insurance coverage is accessible to the children.

b. Both parties shall share equally the out-of-pocket costs of the premium actually

paid by a parent for the children's portion of the insurance.

c. Both parties should share equally all reasonable and necessary uninsured and unreimbursed medical and dental expenses, including deductibles and co-payments, incurred for the dependent children and actually paid by a party.

d. The parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.

e. A parent incurring medical expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with the Subparagraph "d" above.

12.5 Pursuant to Utah Code § 78B-12-214, both parties should share equally all reasonable work, career, or occupational training-related child care expenses.

a. The parent who incurs child care expenses shall provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent. The parent shall notify the other parent of any change of a child care provider or the monthly expense of child care within 30 calendar days of the date of the change.

b. The parent not directly paying for child care shall begin paying his or her share of child care expenses on a monthly basis immediately upon presentation of proof of the child care expense.

c. A parent incurring child care expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with these provisions.

13. Neither the Petitioner nor the Respondent has received or is receiving public assistance

from the State of Utah.

14. Both parties should be ordered to sign and fully execute whatever documents are necessary for the implementation of the provisions of this divorce decree. Should a party fail to execute a document within 60 days of the entry of this divorce decree, the other party may bring an Order to Show Cause at the expense of the disobedient party and seek that the Court appoint some other person to execute the document pursuant to Rule 70 of the Utah Rules of Civil Procedure. Any document executed pursuant to Rule 70 has the same effect as if executed by the disobedient party.

15. Prior to any Petition being filed to change any provision of the final Decree of Divorce, the parties must attempt to resolve the issue through mediation.

16. The Court should grant such other and further relief as it may deem just and appropriate in this matter.

WHEREFORE, **example** prays that a divorce be granted pursuant to the terms set forth in this Petition.

**example**, being first duly sworn and under oath, deposes and says that **example** is the Petitioner in the above-entitled action; that **example** has read the foregoing Petition and understands the contents thereof, and the same is true of **example's** own knowledge.

---

Signature: **example**

**example** appeared before me on \_\_\_\_\_ (date), with satisfactory evidence to prove to me **example**'s identity. **example** then signed this document in my presence and affirmed that **example** had read this document and understood its contents and that the contents were true to **example** personal knowledge.

---

Notary Public/Deputy Clerk

Petitioner's Address:

**example**

,

#### 4. Serve Your Spouse

Because you chose to ask your spouse to accept service, the following document is part of your printed materials:

1. *ACCEPTANCE OF SERVICE, APPEARANCE, CONSENT, AND WAIVER.*
2. *RESPONDENT'S MILITARY SERVICE AFFIDAVIT*

\_\_\_\_\_ You can only use an *ACCEPTANCE OF SERVICE, APPEARANCE, CONSENT AND WAIVER*, if your spouse agrees with everything in the *VERIFIED PETITION*. If your spouse does not agree with everything in the *VERIFIED PETITION* you will either need to change your petition so that your spouse does agree, or use a different method for service, most likely having a sheriff or constable deliver the *SUMMONS* and *VERIFIED PETITION* to your spouse.

\_\_\_\_\_ To use the *ACCEPTANCE OF SERVICE, APPEARANCE, CONSENT, AND WAIVER*, you must deliver it to your spouse by mail or in person, along with the copies of the *SUMMONS, VERIFIED PETITION* and *RESPONDENT'S MILITARY SERVICE AFFIDAVIT*.

\_\_\_\_\_ Your spouse should review the documents and, if satisfied with the terms of the *VERIFIED PETITION*, sign the *ACCEPTANCE OF SERVICE, APPEARANCE, CONSENT, AND WAIVER* and *RESPONDENT'S MILITARY SERVICE AFFIDAVIT* in front of a notary, and return them to you. You then must file both of these documents with the court.

If your spouse is not satisfied with the terms of the *VERIFIED PETITION*, two things can happen. First, your spouse may file what is called an Answer. At this point your divorce becomes contested and you should consider obtaining legal help. A second option would be for you and your spouse to agree upon the changes to be made to the petition and then redo your documents using the Online Court Assistance Program.

If neither one of those two options apply, and your spouse refuses to sign the *ACCEPTANCE OF SERVICE, APPEARANCE, CONSENT, AND WAIVER*, you will need to have a sheriff or constable complete service for you by delivering the *SUMMONS* and *VERIFIED PETITION* to your spouse.

Name: **example**

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\* **ACCEPTANCE OF SERVICE**  
\* **APPEARANCE, CONSENT, AND**  
\* **WAIVER**

\* Case No. \_\_\_\_\_

\* Commissioner: \_\_\_\_\_

\* Judge: \_\_\_\_\_

The Respondent, **example**, being first duly sworn and under oath, affirms and states as follows:

1. I have received and read a copy of the Petitioner's Verified Divorce Petition.
2. I understand that I have the right to have a summons and the Verified Divorce Petition served upon me if I were not to sign this Acceptance of Service, Appearance, Consent, and Waiver.
3. I understand that after service I would have the right to answer the Verified Divorce Petition within the time set out in the Summons (20 days if served in the state of Utah; 30 days if served outside the state of Utah) if I were not to sign this Acceptance of Service, Appearance, Consent and Waiver.
4. I understand that I have the right to retain an attorney to consult, with me about this divorce, to review and advise me on all of the documents relating to this divorce and to otherwise assist and represent me in this divorce.
5. I understand that I am required by state law to attend the courses entitled, "Shared

Parenting for Divorcing Parents” and “Divorce Orientation Course.” I understand that I must provide the certificate of class completion for both courses to the petitioner to file with the court.

6. I understand the allegation in Petitioner's Verified Divorce Petition.

7. Being familiar with the requirements of the summons and the allegations in the Verified Divorce Petition and of my rights to seek legal advice of my own choosing, I voluntarily do the following:

- a. I enter my appearance in this divorce action;
- b. I consent to the personal jurisdiction of this court;
- c. I waive the statutory time in which to answer or otherwise respond to the Verified Petition;
- d. I consent that Judgment by Default may be entered against me at any time and without further notice to me in accordance with the terms of the Verified Petition;

8. It is my intention in signing this Acceptance of Service, Appearance, Consent, and Waiver that a divorce be granted to Petitioner in accordance with the terms of the Verified Divorce Petition.

**(This document must be dated and signed in front of Notary Public or Deputy Court Clerk)**

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
**example**

I certify that **example**, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
Typed or printed name \_\_\_\_\_  
Clerk or Notary Public \_\_\_\_\_



## 9. Attend Divorce Education for Parents Classes.

Since there are biological or adopted minor children in common in this marriage, you and your spouse must attend two divorce education courses. The first is a “Mandatory Divorce Orientation Course.” This course is neutral, unbiased and includes the following topics:

- (a) options available as alternatives to divorce;
- (b) resources available from courts and administrative agencies for resolving custody and support issues without filing for divorce;
- (c) resources available to improve or strengthen the marriage;
- (d) a discussion of the positive and negative consequences of divorce;
- (e) a discussion of the process of divorce;
- (f) options available for proceeding with a divorce, including:
  - (i) mediation;
  - (ii) collaborative law; and
  - (iii) litigation; and
- (g) a discussion of post divorce resources.

The second course is the mandatory "Shared Parenting for Divorcing Parents Class." This class is designed to educate and sensitize divorcing parents about the impact of divorce on their children both during and after the divorce. This class includes the following:

- Information which will help parents support their children’s emotional well-being during the divorce process and later as a divorced family.
- A discussion about how and why conflict between parents creates stress for children whether children are exposed to that conflict in an intact family or in a divorced family.
- Methods for both parents to decrease the conflict their children are exposed to.
- Information and encouragement for parents to cooperate with each other in co-parenting their children, if possible. If that is not possible then the concept of “parallel parenting” is encouraged.
- A discussion to help parents understand the need by children to have meaningful relationships with both parents, so long as it is safe to do so.

Both of these classes are offered throughout the state on a regular basis and may be offered together. The cost per person for the first class is \$20 and the second is \$35. Petitioner must attend the first class within 60 days of filing the petition for divorce. Respondent must attend the first class within 30 days of receiving notice of the requirement. The second class must be attended within 45 days of receiving notice. You and your spouse may attend classes together or separately.

Bring a picture identification when you attend the classes. You will not be given credit without a picture identification.

Upon completion of the classes, a certificate of completion will be filed with the court.

The costs will be waived if you indicated that you couldn’t afford the filing fee. Use the AFFIDAVIT AND APPLICATION FOR WAIVER OF COURT FEES in this packet to request the filing fee be waived. You must file your case first and have the district court judge approve the AFFIDAVIT AND APPLICATION FOR WAIVER OF COURT FEES prior to the class. Be sure

to take the stamped AFFIDAVIT AND APPLICATION FOR WAIVER OF COURT FEES with you when you attend the class.

Contact 801-238-7180 to schedule a time to attend the classes and to find out more about the courses. Information about dates, times and locations is also available at the court's website.

<http://www.utcourts.gov/specproj/dived.htm>.

If you or your spouse live out of state, are hospitalized or are incarcerated and are unable to attend a class, the requirement may be met by either attending a similar class in the state where you or your spouse are residing, and providing proof of attendance, or by viewing a DVD of the class. A Certificate of Completion will be provided after showing proof that the DVD has been watched. DVDs of the classes are also available for Spanish speakers. To obtain a DVD call 801-238-7180 or 801-238-7181.

The classes may be waived only in those rare circumstances where it is impossible for someone to attend or view the video. If you chose to ask the court to waive your attendance at this class, you have printed the following documents:

1. *NOTICE OF DIVORCE EDUCATION REQUIREMENT*
2. *MOTION TO WAIVE DIVORCE EDUCATION*
3. *AFFIDAVIT IN SUPPORT OF MOTION TO WAIVE DIVORCE EDUCATION*
4. *REQUEST TO SUBMIT FOR DECISION*
5. *NOTICE OF HEARING TO WAIVE DIVORCE EDUCATION*
6. *ORDER TO WAIVE DIVORCE EDUCATION REQUIREMENT.*

You must mail the NOTICE OF DIVORCE EDUCATION REQUIREMENT and give your spouse the appropriate time, 30 days and 45 days after mailing, to attend the courses, unless you have served the SUMMONS on your spouse by publication. If your spouse has not attended within 30 days or 45 days or if you have served your spouse with the SUMMONS by publication, you may file the other four documents at your courthouse and wait for the court to make a decision on your request. If the court does not waive the classes, you and your spouse will either need to complete the classes before the divorce can be finalized or you will need to file an ORDER TO SHOW CAUSE to have your spouse appear before your commissioner or judge to explain why your spouse is unwilling to attend. To file an ORDER TO SHOW CAUSE, you will need to hire an attorney or visit one of the free services found at [http://www.utcourts.gov/ocap/faq\\_page.htm](http://www.utcourts.gov/ocap/faq_page.htm).

Name: **example**

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\* **NOTICE OF DIVORCE EDUCATION  
REQUIREMENTS**

\*  
\*  
\*  
\*  
\* Case No. \_\_\_\_\_

\* Commissioner: \_\_\_\_\_

\* Judge: \_\_\_\_\_

NOTICE IS GIVEN that pursuant to Utah Code § 30-3-11.3 & 11.4 and Rule 4-907 of the Utah Rules and Judicial Administration, you are required to attend (1) a divorce orientation course, and (2) a divorce education course for parents with minor children. For more information about these courses, call (801) 238-7180, contact the court clerk of the District Court nearest you or visit <http://www.utcourts.gov/specproj/dived.htm>. You must attend the divorce orientation course within 30 days of the receipt of this notice. You must attend the divorce education course for parents with minor children within 45 days of the receipt of this notice. These courses may be combined and both attended at the same time. If you fail to timely attend either course, the Court may hold you in contempt and fine you up to \$1000 or sentence you up to 30 days in jail.

Dated \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

**CERTIFICATE OF MAILING**

On \_\_\_\_\_ (date) I mailed a copy of the foregoing Petitioner's Notice of Divorce Education Requirements, postage prepaid, to:

\_\_\_\_\_  
Petitioner

Name: example

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\* **MOTION TO WAIVE DIVORCE**  
\* **EDUCATION REQUIREMENTS**  
\*  
\* Case No. \_\_\_\_\_  
\*  
\* Commissioner: \_\_\_\_\_  
\*  
\* Judge: \_\_\_\_\_  
\*

Pursuant to UCA 30-3-4, the Petitioner moves the court to enter an order waiving the following divorce education requirements.

- Mandatory Divorce Orientation Course
- Mandatory Education Course for Divorcing Parents.

Dated \_\_\_\_\_.

\_\_\_\_\_  
Petitioner Signature

CERTIFICATE OF MAILING

On \_\_\_\_\_, (date) I mailed copy of the foregoing Motion to Waive Divorce Education Requirements prepaid, to:

example

---

Petitioner Signature

Name: example

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\* **AFFIDAVIT IN SUPPORT OF**  
\* **MOTION TO WAIVE DIVORCE**  
\* **EDUCATION REQUIREMENTS**

\*  
\*  
\* Case No. \_\_\_\_\_

\*  
\* Commissioner: \_\_\_\_\_

\*  
\* Judge: \_\_\_\_\_

Petitioner being first duly sworn and under oath requests that the court waive the divorce education requirements because there exists good cause as follows:

*example*

DATED \_\_\_\_\_

\_\_\_\_\_  
Petitioner Signature

Petitioner, example, appeared before me on \_\_\_\_\_ (date) with satisfactory evidence to prove to me Petitioner's identity. example then signed this document in my presence and affirmed that Petitioner had read this document and understood its contents and that the contents were true to Petitioner's personal knowledge.

DATED \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Deputy Clerk

**CERTIFICATE OF MAILING**

On \_\_\_\_\_ (date) I mailed a copy of the foregoing Affidavit in Support of Motion to Waive Divorce Education Requirements, postage prepaid, to the Respondent at:

\_\_\_\_\_  
Petitioner



Name: example

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\*  
\*  
\*  
\*  
\*  
\*  
\*

**REQUEST TO SUBMIT FOR  
DECISION**

Case No. \_\_\_\_\_

Commissioner: \_\_\_\_\_

Judge: \_\_\_\_\_

1. The Motion to Waive Divorce Education Requirements was delivered to Respondent on \_\_\_\_\_ (date).

2. Respondent had ten working days plus three extra days for mailing to file an opposing memorandum. Respondent:

[ ] did not file an opposing memorandum

[ ] filed an opposing memorandum on \_\_\_\_\_ (date).

3. Petitioner had five working days plus three extra days for mailing to file a reply.

Petitioner:

[ ] did not file a reply

[ ] filed a reply on \_\_\_\_\_ (date).

4. A hearing:

is requested  
 is not requested.

5. The motion is now ready for the Court to review and issue a decision.

DATED \_\_\_\_\_ .

\_\_\_\_\_  
Petitioner Signature

**CERTIFICATE OF MAILING**

On \_\_\_\_\_ (date) I mailed a copy of the foregoing REQUEST TO SUBMIT FOR  
DECISION, postage prepaid, to:

\_\_\_\_\_  
Petitioner

Name: example  
Address:

Phone:  
**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\* **NOTICE OF HEARING TO WAIVE**  
\* **DIVORCE EDUCATION**  
\* **REQUIREMENTS**

\* Case No. \_\_\_\_\_

\* Commissioner: \_\_\_\_\_

\* Judge: \_\_\_\_\_

NOTICE IS GIVEN that Petitioner's Motion to Waive Divorce Education Requirements will be heard before the court at \_\_\_\_\_ o'clock in the AM / PM. on \_\_\_\_\_ (date), in the courtroom of Judge/Commissioner \_\_\_\_\_.

DATED \_\_\_\_\_ .  
\_\_\_\_\_ Petitioner Signature

**CERTIFICATE OF MAILING**

On \_\_\_\_\_ (date) I mailed a copy of the foregoing Notice of Hearing to Waive Divorce Education Requirements, postage prepaid, to:

\_\_\_\_\_  
Petitioner

Name: example  
Address:

Phone:  
**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

\*  
\*  
\*

**ORDER TO WAIVE DIVORCE  
EDUCATION REQUIREMENTS**

vs.

\*  
\*

Case No. \_\_\_\_\_

example,  
Respondent.

\*  
\*  
\*

Commissioner: \_\_\_\_\_

Judge: \_\_\_\_\_

The court having heard the Petitioner's Motion to Waive the Divorce Education Requirements, and being fully advised in the premises, and for good cause appearing, IT IS ORDERED that:

1. The requirement that  Petitioner  Respondent attend the course known as Divorce Orientation Course is waived.

2. The requirement that  Petitioner  Respondent attend the course known as Divorce Education for Children of Divorcing Parents is waived.

3. The requirement that  Petitioner  Respondent attend the course known as  Divorce Orientation course,  Divorce Education for Children of Divorcing Parents is not waived for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
District Court Judge

**CERTIFICATE OF MAILING /DELIVERY**

On \_\_\_\_\_ (date) I mailed a copy of the foregoing Order Waiving Divorce Education Requirements, postage prepaid, to:

\_\_\_\_\_  
Petitioner Signature

IN THE FIFTH DISTRICT COURT, BEAVER COUNTY, STATE OF UTAH  
 Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example  vs.  example	<p><b>CHILD SUPPORT OBLIGATION WORKSHEET</b></p> <p><b>(SPLIT CUSTODY)</b></p> <p>Civil No. _____</p> <p>The Combined Child Support Obligation Table used for calculation is:                  ( ) 78B-12-301(1) and 78B-12-302(1)                  (X) 78B-12-301(2) and 78B-12-302(2)</p>
-----------------------------------	---

	MOTHER	FATHER	COMBINED
1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.	0	2	2
2. Divide the number of children with each parent by the combined number of children listed in Line 1.	0%	100%	
3a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.	\$ 481.00	\$ 2,407.17	
3b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case).	-\$ 0.00	-\$ 0.00	
3c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1).	-\$ 0.00	-\$ 111.00	
3d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	-\$ 0.00	-\$ 0.00	
4. Subtract Lines 3b, 3c, and 3d from 3a. This is the Adjusted Gross Income for child support purposes.	\$ 481.00	\$ 2,296.17	\$ 2,777.17
5. Take the COMBINED figure in Line 4 and the number of children in Line 1 to the Support Table. Find the Base Combined Support Obligation. Enter it here.			\$ 747.00
6. Divide each parent's adjusted monthly gross in Line 4 by the COMBINED adjusted monthly gross in Line 4.	17%	83%	
7. Multiply Line 5 by Line 6 for each parent to obtain each parent's share of the Base Support Obligation.	\$ 126.99	\$ 620.01	
8. Multiply the mother's Line 7 by the father's Line 2. This is the mother's obligation to the father.	\$ 126.99		
9. Multiply the father's Line 7 by the mother's Line 2. This is the father's obligation to the mother.		\$ 0.00	
10. BASE CHILD SUPPORT AWARD: Subtract the lesser amount (OBLIGEE'S) from the greater amount (OBLIGOR'S) of Lines 8 and 9. This is the amount the OBLIGOR pays to the obligee all 12 months of the year.			\$ 127.00

11. Which parent is the obligor?            ( X ) Mother            ( ) Father

12. Is the support award the same as the guideline amount in Line 10? **Yes**  
 If NO, enter the amount ordered: \$ \_\_\_\_\_ and answer number 13.

13. What were the reasons stated by the court for the deviation?  
 ( ) property settlement  
 ( ) excessive debts of the marriage  
 ( ) absence of need of the custodial parent  
 ( ) other: \_\_\_\_\_  
 \_\_\_\_\_

Attorney Bar No. \_\_\_\_\_

IN THE FIFTH DISTRICT COURT, BEAVER COUNTY, STATE OF UTAH  
 Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example  vs.  example	<p><b>CHILD SUPPORT OBLIGATION WORKSHEET</b></p> <p><b>(SPLIT CUSTODY)</b></p> <p>Civil No. _____</p> <p>The Combined Child Support Obligation Table used for calculation is:                  ( ) 78B-12-301(1) and 78B-12-302(1)                  (X) 78B-12-301(2) and 78B-12-302(2)</p>
-----------------------------------	---

	MOTHER	FATHER	COMBINED
1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.	0	2	2
2. Divide the number of children with each parent by the combined number of children listed in Line 1.	0%	100%	
3a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.	\$ 481.00	\$ 2,407.17	
3b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case).	-\$ 0.00	-\$ 0.00	
3c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1).	-\$ 0.00	-\$ 111.00	
3d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	-\$ 0.00	-\$ 0.00	
4. Subtract Lines 3b, 3c, and 3d from 3a. This is the Adjusted Gross Income for child support purposes.	\$ 481.00	\$ 2,296.17	\$ 2,777.17
5. Take the COMBINED figure in Line 4 and the number of children in Line 1 to the Support Table. Find the Base Combined Support Obligation. Enter it here.			\$ 747.00
6. Divide each parent's adjusted monthly gross in Line 4 by the COMBINED adjusted monthly gross in Line 4.	17%	83%	
7. Multiply Line 5 by Line 6 for each parent to obtain each parent's share of the Base Support Obligation.	\$ 126.99	\$ 620.01	
8. Multiply the mother's Line 7 by the father's Line 2. This is the mother's obligation to the father.	\$ 126.99		
9. Multiply the father's Line 7 by the mother's Line 2. This is the father's obligation to the mother.		\$ 0.00	
10. BASE CHILD SUPPORT AWARD: Subtract the lesser amount (OBLIGEE'S) from the greater amount (OBLIGOR'S) of Lines 8 and 9. This is the amount the OBLIGOR pays to the obligee all 12 months of the year.			\$ 127.00

11. Which parent is the obligor?            ( X ) Mother            ( ) Father

12. Is the support award the same as the guideline amount in Line 10? **Yes**  
 If NO, enter the amount ordered: \$ \_\_\_\_\_ and answer number 13.

13. What were the reasons stated by the court for the deviation?  
 ( ) property settlement  
 ( ) excessive debts of the marriage  
 ( ) absence of need of the custodial parent  
 ( ) other: \_\_\_\_\_  
 \_\_\_\_\_

Attorney Bar No. \_\_\_\_\_

Name: example

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\* **AFFIDAVIT OF INCOME**  
\* **VERIFICATION AND COMPLIANCE**  
\* **WITH THE UNIFORM CHILD**  
\* **SUPPORT GUIDELINES**

\* Case No. \_\_\_\_\_

\* Commissioner: \_\_\_\_\_

\* Judge: \_\_\_\_\_

Petitioner certifies that the income of the parties has been verified pursuant to Utah Code § 78B-12-201 in that:

1. The following Child Support Worksheet was used to determine the child support amount requested:

- a. sole custody worksheet
- b. joint custody worksheet
- c. split custody worksheet

2. A Child Support Worksheet:

- a. has been submitted
- b. is attached.

3. The year-to-date income for Petitioner:

- a. is attached.



**Petitioner's Social Security Number has been blacked out.**

b. has been submitted

c. is not applicable.

4. The year-to-date income for Respondent:

a. is attached.

**Respondent's Social Security Number has been blacked out.**

b. has been submitted

c. is not applicable.

5. Tax returns are attached for

i. Petitioner.

**Petitioner's Social Security Number has been blacked out.**

ii. Respondent.

**Respondent's Social Security Number has been blacked out.**

6.  A verified statement of defaulting party's income has been previously served upon that party.

7. Pursuant to Utah Code § 78B-12-203 Petitioner's total countable gross monthly income for child support purposes is \$2,407.17. The Petitioner receives the following gross monthly income from all sources:

a. The Petitioner is employed and grosses **\$2,407.17** per month working the equivalent of one full-time 40-hour a week job or less. Pursuant to Rule 4-202.02 of the Utah Code of Judicial Administration, Petitioner's place of employment has been filed with the court on the NON-PUBLIC INFORMATION – PARENT IDENTIFICATION AND LOCATION form.

8. Pursuant to Utah Code § 78B-12-203 Respondent's total countable gross monthly income for child support purposes is \$481.00. The Respondent receives the following gross monthly income from all sources:

a. The Respondent's workplace is unknown. However, Petitioner estimates that Respondent grosses \$481.00 per month. The Petitioner estimates that the Respondent earns this amount because: *example*

9. The child support amount requested meets the minimum level of support required under the Utah Child Support Guidelines.

(This document must be dated and signed in front of Notary Public or Deputy Court Clerk)

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
**example**

I certify that **example**, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date \_\_\_\_\_ Sign here ► \_\_\_\_\_  
Typed or printed name \_\_\_\_\_  
Clerk or Notary Public \_\_\_\_\_

**CHILD SUPPORT OBLIGATION WORKSHEET REQUIRED LOCATION INFORMATION**

**Court:** FIFTH District      **Case No:** \_\_\_\_\_

**Petitioner:** example      **Respondent:** example

As required by 62A-11-304.4, U.C.A., "Upon the entry of an order in a proceeding to establish paternity or to establish, modify, or enforce a support order, each party shall file identifying information and shall update that information as changes occur: (i) with the court or administrative agency that conducted the proceeding, and (ii) after October 1, 1998, with the state case registry."

THE FOLLOWING INFORMATION MUST BE SUBMITTED AT THE TIME THE CHILD SUPPORT OBLIGATION WORKSHEET IS SUBMITTED. Whether you are the Petitioner or the Respondent, please fill out the information for yourself and the other party to the best of your ability. If any information is unknown, please so indicate. Do not leave any space blank.

**PETITIONER:** I am the (check one) \_\_\_custodial parent \_\_\_ non-custodial parent  
*If filing a "split custody" worksheet, parent with custody of highest number of children of this marriage is considered the "custodial parent." If each parent has custody of the same number of children, Petitioner is considered the "custodial parent." If filing a "joint physical custody" worksheet, parent with the most overnights per year with the child(ren) is considered the "custodial parent."*

Social Security Number: 111111111  
 Driver License Number: 1111 State: UTAH  
 Residential Address: , , ,  
 Mailing Address (if different than residential address:) \_\_\_\_\_

Telephone Number:      Date of Birth: 11/11/1999

Employer: example  
 Employer's Address: example  
 Employer's Phone Number: 111-111-1111  
 THIS INFORMATION IS CURRENT AS OF \_\_\_\_\_ (date)

**RESPONDENT:**  
 Social Security Number: 111111111  
 Driver License Number: 11 State: UTAH  
 Residential Address: Address Unknown  
 Mailing Address (if different than residential address:) \_\_\_\_\_

Telephone Number:      Date of Birth: 02/02/1999  
 Employer:  
 Employer's Address:  
 Employer's Phone Number:  
 THIS INFORMATION IS CURRENT AS OF \_\_\_\_\_ (date)

Federal Law contains a prohibition against disclosing federal case registry information (name, social security number, date of birth, state) if the State has notified the registry there is reasonable evidence of domestic violence or child abuse or that disclosure of the information could be harmful to the parent or the child. If you wish to request the information be "safeguarded" (that is, not disclosed), check in the appropriate place below.

<u>example</u> (Petitioner or Attorney for Petitioner) I request that this information be safeguarded (not disclosed)		
--	--	--

<u>example</u> (Respondent or Attorney for Respondent) I request that this information be safeguarded (not disclosed)		
--	--	--

**CHILD IDENTIFICATION WORKSHEET**

AS REQUIRED BY TECHNICAL AMENDMENTS TO WELFARE REFORM SECTION 653(h)(2) (federal law) and U.C.A. 62A-11-103(14), THE FOLLOWING INFORMATION MUST BE SUBMITTED FOR EACH CHILD AT THE TIME THE CHILD SUPPORT OBLIGATION WORKSHEET IS SUBMITTED.

Name: example  
Date of Birth: 02/02/2002  
Social Security Number: 111-11-1111

Name: Unborn Child  
Date of Birth: 03/03/2003 (*Due Date*)  
Social Security Number:

Name:  
Date of Birth:  
Social Security Number:

Name:  
Date of Birth:  
Social Security Number:

Name:  
Date of Birth:  
Social Security Number:

Name:  
Date of Birth:  
Social Security Number:

**Name:** example

**Address:**

,

**Phone:**

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\* **PETITIONER'S AFFIDAVIT OF**  
\* **RESPONDENT'S EARNINGS**

\*

\*

\*

\*

\*

\*

\*

Case No. \_\_\_\_\_

Commissioner: \_\_\_\_\_

Judge: \_\_\_\_\_

Petitioner, being first duly sworn and under oath, states as follows:

1. This affidavit is made pursuant to Utah Code § 78B-12-201(2).
2. Based upon the best evidence available, Petitioner represents that Respondent's gross monthly income is \$481.00.
3. The evidence Petitioner relied on in making this representation is: *example*

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

example appeared before me on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ with satisfactory evidence to prove to me his/her identity. example then signed this document in my presence and affirmed that he/she had read this document and understood its contents and that the contents were true to his/her personal knowledge.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Deputy Clerk

### **CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the foregoing Petitioner's Affidavit of Respondent's Earnings was mailed, postage prepaid, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to the Respondent at:

\_\_\_\_\_  
Petitioner

## 10. File the final documents

After completion of or waiver of the divorce education class, you are ready to file the documents to complete your divorce. One of the following must be true before you go ahead.

\_\_\_\_ Your spouse must have signed the *ACCEPTANCE OF SERVICE, APPEARANCE, CONSENT & WAIVER*.

\_\_\_\_ Your spouse must have not answered your *PETITION FOR DIVORCE* within the time allowed (20 days if served in the state of Utah; 30 days if served outside the state.)

### To complete your filing,

\_\_\_\_ Review the following documents to be sure they are completed. Remember, sign documents that need your notarized signature only in the presence of a notary public. Include income verification items such as copies of paycheck stubs or tax returns but black out any Social Security numbers on the documents before filing them. Be sure to also sign the mailing certificates where appropriate. If your spouse signed an *ACCEPTANCE OF SERVICE, CONSENT AND WAIVER*, there will be additional lines on the *FINDINGS OF FACT AND CONCLUSIONS OF LAW* and *DECREE OF DIVORCE AND JUDGMENT* that your spouse can sign which let the court know that your spouse approves what is written in these documents. However, your spouse is not required to sign the approved as to form line.

1. *ALL CHILD SUPPORT WORKSHEETS*
2. *CHILD LOCATOR WORKSHEET*
3. *CHILD IDENTIFICATION WORKSHEET*
4. *MOTION FOR ENTRY OF DEFAULT CERTIFICATE*
5. *DEFAULT CERTIFICATE*
6. *PETITIONER'S AFFIDAVIT OF JURISDICTION AND GROUNDS FOR DIVORCE*
7. *AFFIDAVIT OF INCOME VERIFICATION AND CHILD SUPPORT GUIDELINES*
8. *NOTICE TO SUBMIT FOR ENTRY OF DEFAULT CERTIFICATE*
9. *FINDINGS OF FACT AND CONCLUSIONS OF LAW*
10. *DECREE OF DIVORCE AND JUDGMENT*

\_\_\_\_ Make two extra copies of each of these documents. One copy will be for your records and the other is for your spouse. The original will be filed with the court.

\_\_\_\_ Take the original documents to the courthouse where you filed your previous papers and ask the clerk to stamp and file them with the court.

\_\_\_\_ If all documents are completed properly and there are no questions about your divorce, the judge will sign your completed *DECREE OF DIVORCE*.

If your documents are incorrect or incomplete, you will be contacted to make the necessary changes, or if the judge has questions about your divorce, you and your spouse may be called for a hearing to explain.

The most common reasons default divorces are delayed include: unsigned documents, inconsistencies between the *VERIFIED PETITION, FINDINGS OF FACT AND CONCLUSIONS OF LAW* and the final *DECREE OF DIVORCE*, missing tax returns or paycheck stubs, or missing divorce education certificates.

## 11. Follow Up

Your divorce is complete when the judge signs your final *DECREE OF DIVORCE* and it is entered into the court record. This is usually at least 15 working days from the time you give the court your last set of documents. After 15 working days, call the court. Have your case number handy. Wait a week after your Divorce Decree is signed to come in and buy a certified copy of the Decree for your personal files.



Name: example  
Address:

Phone:  
**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\*  
\* **MOTION FOR ENTRY OF DEFAULT**  
\* **CERTIFICATE**  
\*  
\* Case No. \_\_\_\_\_  
\*  
\* Commissioner: \_\_\_\_\_  
\*  
\* Judge: \_\_\_\_\_  
\*

The file in this matter contains one of the following: (1) an Acceptance of Service, Appearance, Consent, and Waiver; (2) Stipulation agreeing to entry of default; or (3) a Return of Service or other proof of service, and a copy of the summons served on the Respondent. Pursuant to Rule 55 of the Utah Rules of Civil Procedure, Petitioner moves that the Respondent's default be entered by the Clerk of Court.

DATED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ .

\_\_\_\_\_  
Petitioner Signature

Name: example  
Address:

Phone:  
**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\*  
\*  
\*  
\*  
\*  
\*  
\*

**DEFAULT CERTIFICATE**

Case No. \_\_\_\_\_

Commissioner: \_\_\_\_\_

Judge: \_\_\_\_\_

The file in this matter contains one of the following: (1) an Acceptance of Service, Appearance, Consent, and Waiver; (2) Stipulation agreeing to entry of default; or (3) a Return of Service or other proof of service, and a copy of the summons served on the Respondent. Pursuant to Rule 55 of the Utah Rules of Civil Procedure, the Respondent's default is now entered by the court clerk.

DATED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ .

\_\_\_\_\_  
DISTRICT COURT CLERK

Name: example  
Address:

Phone:  
**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\* **PETITIONER'S AFFIDAVIT**  
\* **OF JURISDICTION AND GROUNDS**  
\* **FOR DIVORCE**

\* Case No. \_\_\_\_\_

\* Commissioner: \_\_\_\_\_

\* Judge: \_\_\_\_\_  
\*

Petitioner, being duly sworn, deposes and states as follows:

1. I am the Petitioner in the above entitled action.
2. I was a resident of BEAVER County for at least three months immediately preceding the filing of my divorce petition on \_\_\_\_\_ (date).
3. Respondent and I were married on 02/02/2000, in example, Utah, County of Beaver, and are presently married.
4. During my marriage to the Respondent, irreconcilable differences developed. The irreconcilable differences are: *example* All attempts to reconcile have failed. I do not feel this marriage can continue.
5. To the best of my knowledge the Findings of Fact and Conclusions of Law, and Decree of Divorce conform to my original Verified Petition for Divorce.

DATED \_\_\_\_\_  
\_\_\_\_\_  
Petitioner Signature

example appeared before me on \_\_\_\_\_ (date) with satisfactory evidence to prove to me his/her identity. example then signed this document in my presence and affirmed that he/she had read this document and understood its contents and that the contents were true to his/her personal knowledge.

DATED \_\_\_\_\_  
\_\_\_\_\_  
NOTARY PUBLIC/DEPUTY CLERK

CERTIFICATE OF MAILING/DELIVERY

On \_\_\_\_\_ (date) I mailed a copy of the foregoing Petitioner's Affidavit of Jurisdiction and Grounds for Divorce, postage prepaid, to Respondent at:

\_\_\_\_\_  
Petitioner Signature

Name: example

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\* **REQUEST TO SUBMIT FOR ENTRY  
OF DEFAULT DECREE OF  
DIVORCE**

\* Case No. \_\_\_\_\_

\* Commissioner: \_\_\_\_\_

\* Judge: \_\_\_\_\_

Petitioner requests that this divorce be submitted for entry of a Default Divorce Decree.

1. Both parties have attended the class entitled, "Shared Parenting for Divorcing Parents" and the class certificates of proof are attached or already on file with the court.
2. Petitioner filed a Verified Petition for Divorce on \_\_\_\_\_ (date).
3. The filing fee has been paid by Petitioner or waived based on Petitioner's inability to pay.
4. Respondent's Acceptance of Service, Appearance and Consent and Waiver or other proof of service is on file with the court and has been properly executed.
5. Motion for Entry of Default, Affidavit of Grounds and Jurisdiction, and the proposed Findings of Fact and Conclusions of Law and Decree of Divorce are being submitted with this document.
6. Application for a default decree is based upon Petitioner's Verified Petition. No

responsive pleadings have been filed since the Verified Petition was served or the Acceptance of Service was signed or the Respondent signed the Acceptance of Service, Appearance, Consent and Waiver.

7. Petitioner's Affidavit of Jurisdiction and Grounds for Divorce states that:

- a. Petitioner was a resident of the county where this court is located at the time of filing and for at least three months prior to filing.
- b. The parties are currently married.
- c. The grounds for divorce are irreconcilable differences and are stated fully in the affidavit in support.
- d. The Findings of Fact and Conclusions of Law, and Decree conform to the Verified Petition which forms the basis for entry of the decree by default.

DATED \_\_\_\_\_

\_\_\_\_\_  
Petitioner Signature

### **CERTIFICATE OF MAILING/DELIVERY**

On \_\_\_\_\_ (date) I mailed a copy of the foregoing Request to Submit for Entry of Default Divorce Decree, postage prepaid, to Respondent at:

\_\_\_\_\_  
Petitioner

Name: example

Address: ,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

\*  
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**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

Case No. \_\_\_\_\_

Commissioner: \_\_\_\_\_

Judge: \_\_\_\_\_

The above-entitled matter came on before the court on Petitioner's Affidavit of Jurisdiction and Grounds for Divorce in accordance with Rule 104, Utah Rules of Civil Procedure. The parties have completed the classes entitled, "Divorce Orientation Course" and "Shared Parenting for Divorcing Parents" or have a signed order waiving the classes on file with the Court. The Court has reviewed the file in this matter and has determined that based upon the documents provided, Respondent has been properly served with a copy of the Petition and the court has jurisdiction to enter a final Decree of Divorce. The Court having considered the affidavit of the Petitioner and being otherwise fully advised, enters its:

**FINDINGS OF FACT**

1. The Petitioner and/or the Respondent are bona fide residents of BEAVER County, State of Utah and have been for at least three months immediately prior to the filing of this action.

2. The Petitioner and the Respondent were married on 02/02/2000 in example, Utah, County of Beaver and are presently married.

3. During the course of the marriage the parties have experienced difficulties that cannot be reconciled that have prevented the parties from pursuing a viable marriage relationship.

4. During the course of the marriage relationship, the parties have acquired certain items of personal property. The personal property of the parties is to be distributed as follows:

<b>Description of Item</b>	<b>Item Becomes Sole Property of</b>
example	Petitioner
example	Petitioner
example	Petitioner
example	Petitioner
example	Respondent
example	Respondent
example	Respondent
example	Respondent
example	Respondent
example	Respondent

a. All other personal property shall be divided as the parties have already divided it.

5. During the course of the marriage, the parties have acquired certain debts and obligations. It is fair and equitable that each party be ordered to assume and pay the debts and hold the other harmless from liability as follows:

<b>To Whom Debt is Owed</b>	<b>Description of Debt</b>	<b>Petitioner Will Pay</b>	<b>Respondent Will Pay</b>
example	example	1%	1%
example	example	2%	2%
example	example	3%	3%
example	example	4%	4%



It is fair and equitable that all other debts be the responsibility of the person incurring the debt. Pursuant to Utah Code § 15-4-6.5 Petitioner shall provide a copy of the parties' Decree of Divorce to all joint creditors of the parties existing at the time of the entry of the divorce.

6. During the course of the marriage, the parties acquired the following real property:

a. *example*

Address:

*example*  
*example, UTAH 123*

Legal description:

*example*

b. Petitioner shall receive sole and exclusive ownership of this real property. Respondent shall receive one half of the equity existing in the property as of the date of the entry of the Decree of Divorce. The equity at the time of the divorce is \$123.00. Respondent's share of the equity is \$61.50. Respondent shall sign a Quit-Claim deed to the Petitioner at the time the divorce is entered, but shall retain an equitable lien against the property in the amount of \$61.50. Upon Petitioner paying the equitable lien amount Respondent shall sign a second Quit-Claim deed removing the lien from the property.

7. It is fair and equitable that Petitioner be awarded a sum of not less than \$1234 per month as alimony from the Respondent. Alimony payments shall begin the month immediately following the entry of the order for alimony. The monthly alimony support shall be paid one half on or before the 5<sup>th</sup> day of each month, and the other half on or before the 20<sup>th</sup> day of each month, unless custodial parent uses the Office of Recovery Services to collect support. Alimony due and not paid on or before the 5<sup>th</sup> day of the month is delinquent on the 6<sup>th</sup> day of the month. Alimony due and not paid on or before the 20<sup>th</sup> day of the month is delinquent on the 21<sup>st</sup> day of the month. Should the custodial parent use the Office of Recovery Services to collect support, alimony shall be due on the first day of each month and delinquent on the first day of the following month. Respondent's

alimony obligation shall terminate upon Petitioner's remarriage, cohabitation, or on 11/11/2001, whichever occurs first.

8. The parties have one or more pension and/or profit sharing plans or other retirement benefits. The owner (Participant) of the pension plan or retirement account shall cooperate fully in whatever is necessary for both parties to have full access to all of the information concerning the pension plan or retirement account, including signing any necessary forms for release of the information to the other party (Alternate Payee). In the event that the owner (Participant) receives any of the benefits awarded to the Alternate Payee from this pension plan or retirement account, the owner (Participant) shall receive that benefit in the form of a constructive trust for the Alternate Payee and the owner (Participant) is ordered to pay the benefit directly to Alternate Payee within five days of its receipt. Information on the plan(s) and how they are to be divided is listed below:

a. Plan Name: *example*. Plan Administrator: *example*. Last four digits of Account Number: *exam*. This plan is in the name of the Petitioner. The plan shall be awarded to both parties by dividing it as follows:

The plan shall be divided by percentage. The Petitioner shall be awarded 1% and the Respondent shall be awarded 99% of the plan. Petitioner shall prepare the Qualified Domestic Relations Order (QDRO) for this plan within 60 days of the entry of the Decree of Divorce.

b. Plan Name: *example*. Plan Administrator: *example*. Last four digits of Account Number: *exam*. This plan is in the name of the Petitioner. The plan shall be awarded to both parties by dividing it as follows:

The plan shall be divided by percentage. The Petitioner shall be awarded 2% and the Respondent shall be awarded 98% of the plan. Petitioner shall prepare the Qualified Domestic Relations Order (QDRO) for this plan within 60 days of the entry of the Decree of Divorce.

9. There has/have been **2** child(ren) born or adopted of this marriage. Pursuant to Rule 4-202.02 of the Utah Code of Judicial Administration the names and birthdates of the children are being submitted to the court on the NON-PUBLIC INFORMATION – MINORS form. The initials, birth month, and birth year of each child are listed below:

Child's Initials	Month and Year of Birth
<b>example</b>	<b>January 2003</b>

9.1 Utah has jurisdiction over the custody and parent-time issues in this case. The statute for jurisdiction in Utah is: The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Utah Code § 78B-13-101 et seq. The sections under which Utah has custody are Utah Code § 78B-13-102(7) and/or this case meets the criteria under Utah Code §§ 78B-13-201(1), 207, and 208. The states and names of the persons whom each child has resided with in the last five years are as follows:

**example (born January 2003)**

b. **example** has not lived in another state for a period of six months, or since birth if younger than six months. No other state is the home state of **example**. No other state meets the alternative requirements under Utah Code 78B-13-201(1)(a),(b), or (c) (for significant connections or more convenient forum pursuant to Utah Code 78B-13-207 and 208). Utah has jurisdiction under Utah Code § 78B-13-201(1)(d).

Name Of Person(s) Child Lived With	Relation	State	Date Child Began Living There	Date Child Stopped Living There
example	Other	example	11/11/2001	11/11/2001

9.2 Pursuant to Rule 100 of the Utah Rules of Civil Procedure, The Uniform Child Custody Jurisdiction and Enforcement Act, Utah Code § 78B-13-101 et Seq. and The Uniform Interstate Family Support Act, Utah Code § 78B-14-101 et Seq., the Petitioner states upon information and belief, that:

a. The Petitioner has not been a party or witness to, or participated in any other litigation concerning the custody, child support or parent-time of the parties' minor child(ren) nor does the Petitioner have information about any custody, child support or parent-time proceeding concerning the minor child(ren) in this State or any other state or country.

b. There are no criminal or delinquency cases in any court in this State or any other state or country in which a party or a party's child is a defendant or respondent.

c. There are no protective order cases in any court in this State or any other state or country involving a party regardless whether a child of the party is involved.

d. There are no protective order cases in any court in this State or any other state or country involving the parties' child(ren).

e. There are no cases involving the parties' child(ren) filed or pending in any Juvenile Court in this State or any other state or country.

f. The Petitioner does not know of any person, not a party to these proceedings who has physical custody of the parties' minor child(ren) and who claims to have custody, child support, or parent-time or visitation rights with respect to the child(ren).

9.3 It is in the minor child(ren)'s best interest that the legal custody and primary physical custody of the minor children be given to each parent as specified below, subject to the non-custodial parent's right to parent-time with the minor children at reasonable times and places.

CHILD NAME	CUSTODIAL PARENT
example	Petitioner
Unborn Child	Petitioner

10. If the parties reside in the same state and within 150 miles of each other, reasonable parent-time should be as the parties agree. If the parties do not agree, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the minor child(ren) shall be entitled:

**FOR CHILDREN UNDER 5 MONTHS OF AGE:**

- Weekly:** Six hours of parent-time per week, specified by the court or the noncustodial parent preferably, divided into three parent-time periods and to take place in the custodial home, established child care setting or other environment familiar to the child.
- Holidays:** Two hours on the holidays indicated below in the HOLIDAY SCHEDULE, to take place preferably in the custodial home, established child care setting or other environment familiar to the child.

**FOR CHILDREN 5 MONTHS TO UNDER 9 MONTHS OF AGE:**

- Weekly:** Nine hours of parent-time per week, specified by the court or the noncustodial parent preferably, divided into three parent-time periods and to take place in the custodial home, established child care setting or other environment familiar to the child.
- Holidays:** Two hours on the holidays indicated below in the HOLIDAY SCHEDULE, to take place preferably in the custodial home, established child care setting or other environment familiar to the child.

**FOR CHILDREN 9 MONTHS TO UNDER 12 MONTHS OF AGE:**

- Weekly:** One 8 hour visit per week to be specified by the noncustodial parent or the court; and one 3 hour visit per week to be specified by the noncustodial parent or the court.
- Holidays:** Eight hours on the holidays indicated below in the HOLIDAY SCHEDULE, and
- Electronic Communication:** Brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent’s ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

**FOR CHILDREN 12 MONTHS TO UNDER 18 MONTHS OF AGE:**

- Alternate Weekends:** One 8 hour visit on alternating weekends to be specified by the noncustodial parent or the court; and from 6 p.m. on Friday until noon on Saturday the opposite alternating weekends.
- Weekly:** One 3 hour visit per week to be specified by the noncustodial parent or the court.
- Holidays:** Eight hours on the holidays indicated below in the HOLIDAY SCHEDULE, and
- Electronic Communication:** Brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

**FOR CHILDREN 18 MONTHS TO UNDER 3 YEARS OF AGE:**

- Midweek:** One weekday evening for two hours between 5:30 - 8:30 p.m. to be specified by the noncustodial parent or the court. However, if the child is being cared for during the day outside the child's regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return the child to the custodial parent by 8:30 p.m.
- Alternate Weekends:** Alternative weekends beginning on the first weekend after the entry of the decree from 6:00 p.m. Friday until 7:00 p.m. Sunday continuing each year.
- Holiday Parent-time:** Holidays as specified below in the HOLIDAY SCHEDULE.
- Extended Parent-time:** Two one-week periods, separated by at least four weeks, at the option of the noncustodial parent;
- a. one week shall be uninterrupted time for the noncustodial parent;
  - b. the remaining week shall be subject to parent-time for the custodial parent consistent with these guidelines; and
  - c. the custodial parent shall have an identical one-week period of uninterrupted time for vacation.
- Notification of extended parent-time or vacation weeks with the child shall be provided at least 30 days in advance to the other parent.
- Electronic Communication:** Brief telephone contact and virtual parent-time, if the equipment is reasonably available, with noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

**FOR CHILDREN 3 YEARS TO UNDER 5 YEARS OF AGE:**

- Midweek:** One weekday evening from 5:30 - 8:30 p.m. to be specified by the noncustodial parent or court. However, if the child is being cared for during the day outside the child's regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return the child to the custodial parent by 8:30 p.m.

**Alternate Weekends:** Alternative weekends beginning on the first weekend after the entry of the decree from 6:00 p.m. on Friday until 7:00 p.m. on Sunday continuing each year.

**Holiday Parent-time:** Holidays as specified below in the HOLIDAY SCHEDULE.

**Extended Parent-time:** Two two-week periods, separated by at least four weeks, at the option of the noncustodial parent;

- a. one two-week period shall be uninterrupted time for the noncustodial parent;
- b. the remaining two-week period shall be subject to parent-time for the custodial parent consistent to these guidelines; and
- c. the custodial parent shall have an identical two-week period of uninterrupted time for vacation.

A parent shall notify the other parent at least 30 days in advance of extended parent-time or vacation weeks.

**Electronic Communication:** Brief telephone contact and virtual parent-time at reasonable hours and for reasonable duration, if the equipment is reasonably available, with the noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

#### **FOR CHILDREN 5 YEARS TO 18 YEARS OF AGE:**

**Midweek:** 1. During the time a child's school is in session, one weekday evening to be specified by the noncustodial parent or the court, or Wednesday evening if not specified, from 5:30 - 8:30 p.m.; or, at the election of the noncustodial parent, one weekday from the time the child's school is regularly dismissed until 8:30 p.m.

2. During the time a child's school is not in session, one weekday from approximately 9:00 a.m., accommodating the custodial parent's work schedule, until 8:30 p.m., if the noncustodial parent is available to be with the child.

Once the weekday is designated, it may not be changed except by mutual written agreement of the parents, or court order.

**Alternate Weekends:** Alternating weekend parent-time shall begin the first weekend after the entry of the decree. Weekends include any "snow" days, teacher development days, or other days when school is not scheduled and which are contiguous to the weekend period.

1. During the time a child's school is in session alternating weekend parent-time shall be from 6:00 p.m. on Friday until 7:00 p.m. on Sunday, or, at the election of the

non-custodial parent, from the time a child's school is regularly dismissed on Friday until 7:00 p.m. on Sunday, continuing each year.

2. During the time a child's school is not in session a noncustodial parent may elect alternating weekend parent-time to begin on Friday from approximately 9:00 a.m., accommodating the custodial parent's work schedule, until 7:00 p.m. on Sunday, if the noncustodial parent is available to be with the child.

A step-parent, grandparent, or other responsible adult designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.

Weekend parent-time elections should be made by the noncustodial parent at the time of entry of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.

**Holiday Parent-time:** Holidays as specified below in the HOLIDAY SCHEDULE.

**Extended Parent-time:** Extended parent-time with the noncustodial parent may be up to four weeks consecutive at the option of the noncustodial parent including weekends normally exercised by the noncustodial parent, but not holidays;

- a. two weeks shall be uninterrupted time for the noncustodial parent;
- b. the remaining two weeks shall be subject to parent-time for the custodial parent for weekday parent-time but not weekends, except for a holiday to be exercised by the other parent; and
- c. the custodial parent shall have an identical two-week period of uninterrupted time during the children's summer vacation from school for purposes of vacation.

Both parents shall provide notification of extended parent-time or vacation weeks with the child at least 30 days in advance to the other parent and if notification is not provided timely the complying parent may determine the schedule for extended parent-time for the noncomplying parent.

**Electronic communication:** Telephone contact shall be at reasonable hours and for a reasonable duration. Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

### **HOLIDAY SCHEDULE**



- **Other Included Days:** Holidays include any "snow" days, teacher development days, or other days when school is not scheduled, contiguous to the holiday period.
- **Alternating Weekends:** Holidays take precedence over the weekend parent-time, and changes may not be made in the regular rotation of the alternating weekend parent-time schedule.
- **Birthdays:** Birthdays take precedence over holidays and extended parent-time, except Mother's Day and Father's Day. However, birthdays do not take precedence over uninterrupted parent-time if the parent exercising uninterrupted time takes the child away from that parent's residence for the uninterrupted extended parent-time.
- **School Attendance:** If a holiday falls on a regular scheduled school day, the noncustodial parent shall be responsible for the child's attendance at school for that school day.
- **Lengthier Holiday Period – School in Session:** During the time a child's school is in session, at the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin from the time the child's school is regularly dismissed at the beginning of the holiday weekend until 7 p.m. on the last day of the holiday weekend.
- **Lengthier Holiday Period – School not in Session:** During the time a child's school is not in session, at the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last day of the holiday weekend, if the noncustodial parent is available to be with the child.
- **Pick up Person:** A step-parent, grandparent, or other responsible individual designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.
- **Changes:** Elections should be made by the noncustodial parent at the time of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.
- **Custodial Parent:** The custodial parent is entitled to the "odd numbered years" holidays designated in the schedule below when the noncustodial parent has the "even numbered years" holidays and the "even numbered years" holidays when the noncustodial parent has the "odd numbered years" holidays so that each parent has an equal amount of holiday time with the child.

**Odd Numbered Years**

**Child's Birthday** - on the day before or after the actual birthdate from 3 p.m. to 9 p.m.

**Even Numbered Years**

**Child's Birthday** - on the actual birthdate from 3 p.m. to 9 p.m.

**Note:** At the discretion of the noncustodial parent, that parent may take other siblings along for the birthday.

**Martin Luther King, Jr.** - 6 p.m. the day before until 7 p.m. on the holiday unless the holiday extends for a lengthier period of time to which the parent is completely entitled

**Spring Break** - from 6 p.m. Fri. until Sun. 7 p.m. unless holiday extends for lengthier period of time to which parent is completely entitled

**July 4** - beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday

**Labor Day** - beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

**Fall School Break** - if applicable, commonly known as U.E.A. weekend beginning at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

**Veterans Day Holiday** - beginning 6 p.m. the day before the holiday until 7 p.m. on the holiday

**Christmas School Vacation:** means the time period beginning on the evening the child gets out of school for the Christmas or winter school break until the evening before the child returns to school.

**Christmas School Vacation – odd years** - the first portion of the Christmas school vacation including Christmas Eve and Christmas Day until 1 p.m. on the day halfway through the holiday, if there are an odd number of days for the holiday period, or until 7 p.m. if there are an even number of days for the holiday period, so long as the entire holiday is equally divided

**Father's Day:** with natural or adoptive father every year from 9 a.m. to 7 p.m. on holiday

**Mother's Day:** with natural or adoptive mother every year from 9 a.m. to 7 p.m. on holiday

**President's Day** – from 6 p.m. day before until 7 p.m. on the holiday unless the holiday extends for a lengthier period of time to which the parent is completely entitled

**Memorial Day** - beginning at 6 p.m. on Friday until Monday at 7 p.m., unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

**July 24** - beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday

**Columbus Day**- beginning at 6 p.m. the day before the holiday until 7 p.m. on the holiday

**Halloween** - on October 31 or the day Halloween is traditionally celebrated in the local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.

**Thanksgiving** - from Wed. 7 p.m. to Sun. 7 p.m.

**Christmas School Vacation – even years** - the second portion of the Christmas school vacation beginning 1 p.m. on the day halfway through the holiday, if there are an odd number of days for the holiday period, or at 7 p.m. if there are an even number of days for the holiday period, so long as the entire Christmas holiday is equally divided

## **PARENT-TIME AND VISITATION GUIDELINES FOR ALL CHILDREN:**

- Parent-time schedules mutually agreed upon by both parents are preferable to a court-imposed solution.
- The parent-time schedule shall be utilized to maximize the continuity and stability of the child's life.
- If a child is on a different parent-time schedule than a sibling, based on Utah's guidelines (Utah Code Sections 30-3-35 and 30-3-35.5), the parents should consider using the parent-time schedule for an older child with all the minor children so that parent-time is uniform between school aged and non-school aged children.
- Special consideration shall be given by each parent to make the child(ren) available to attend family functions including funerals, weddings, family reunions, religious holidays, important ceremonies, and other significant events in the life of the child(ren) or in the life of either parent which may inadvertently conflict with the parent-time schedule.
- The responsibility for the pick up, delivery, and return of the child(ren) shall be determined by the court when the parent-time order is entered, and may be changed at any time a subsequent modification is made to the parent-time order.
- If the noncustodial parent will be providing transportation the custodial parent shall have the child(ren) ready for parent-time at the time the child(ren) are to be picked up and shall be present at the custodial home or shall make reasonable alternate arrangements to receive the child(ren) at the time they are returned.
- If the custodial parent will be transporting the child(ren), the noncustodial parent shall be at the appointed place at the time the noncustodial parent is to receive the child(ren), and have the child(ren) ready to be picked up at the appointed time and place, or have made reasonable alternate arrangements for the custodial parent to pick up the child.
- Regular school hours may not be interrupted for a school-age child for the exercise of parent-time by either parent.
- Neither parent-time nor child support is to be withheld due to either parent's failure to comply with a court-ordered parent-time schedule.
- The custodial parent shall notify the noncustodial parent within 24 hours of receiving notice of all significant school, social, sports, and community functions in which the child is participating or being honored, and the noncustodial parent shall be entitled to attend and participate fully.
- The noncustodial parent shall have access directly to all school reports including preschool and daycare reports and medical records and shall be notified immediately by the custodial parent in the event of a medical emergency.

- Each parent shall provide the other with his or her current address and telephone number email address, and other virtual parent-time access information within 24 hours of any change.
- During reasonable hours, each parent shall permit and encourage reasonable and uncensored communications with the child in the form of mail privileges and virtual parent-time if the equipment is reasonably available. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent’s ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.
- Virtual parent-time means parent-time facilitated by tools such as telephone, email, instant messaging, video conferencing, and other wired or wireless technologies over the Internet or other communication media to supplement in-person visits between a noncustodial parent and a child or between a child and the custodial parent when the child is staying with the noncustodial parent. Virtual parent time is designed to supplement, not replace, in-person parent-time.
- Each parent shall be entitled to an equal division of major religious holidays celebrated by the parents, and the parent who celebrates a religious holiday that the other parent does not celebrate shall have the right to be together with the child on the religious holiday.
- When parent-time has not taken place for an extended period of time and the child(ren) lack an appropriate bond with the noncustodial parent, both parents shall consider the possible adverse effects on the child(ren) and gradually reintroduce an appropriate parent-time plan for the noncustodial parent.
- For emergency purposes, whenever the child(ren) travel with either parent, all of the following will be provided to the other parent:
  - a. an itinerary of travel dates;
  - b. destinations;
  - c. places where the child or traveling parent can be reached; and
  - d. the name and telephone number of an available third person who would be knowledgeable of the child(ren)’s location.
- A child under the age of five shall not travel unchaperoned.

**FOR DAY CARE:**

- Parental care shall be presumed to be better care for the child than surrogate care and the court shall encourage the parties to cooperate in allowing the noncustodial parent, if willing and able to transport the children, to provide the child care.
- Child care arrangements existing during the marriage are preferred as are child care arrangements with nominal or no charge.
- Each parent shall provide all surrogate care providers with the name, current address, and telephone number of the other parent and shall provide the noncustodial parent with the name, current address, and

telephone number of all surrogate care providers.

10.1. Due to the parties' circumstances it is not possible to make specific arrangements for pickup, delivery and return of the children for parent time.

10.2 If either party moves from the state of Utah or 150 miles or more from their residence specified in the Court's Decree, that parent shall provide if possible 60 days advance written notice of the intended relocation to the other parent. The written notice of relocation shall contain statements affirming that:

a. the parent-time provisions in Utah Code § 30-3-37(5) or a schedule approved by both parties will be followed; and

b. neither parent will interfere with the other's parental rights pursuant to court ordered parent-time arrangements, or the schedule approved by both parties.

A parent who fails to comply with the notice of relocation shall be in contempt of the Court's order.

10.3 If either parent lives more than 150 miles away from the other parent or if both parents live in separate states or countries, parent time shall be as the parties agree. If they are unable to agree, the following shall be the minimum parent-time allowed to the non-custodial parent:

a. in years ending in odd number, the minor child(ren) shall spend the following holidays with the noncustodial parent:

i. Thanksgiving holiday beginning Wednesday until Sunday; and

ii. spring break, if applicable, beginning the last day of school before the holiday until the day before school resumes;

b. in years ending in an even number, the minor child(ren) shall spend the following holidays with the noncustodial parent:

- i. the entire winter school break period; and
- ii. the fall school break beginning the last day of school before the holiday until the day before school resumes; and

c. extended parent-time equal to  $\frac{1}{2}$  of the summer or off-track time for consecutive weeks. The children shall be returned to the custodial home no later than seven days before school begins. This week shall be counted when determining the amount of parent-time to be divided between the parents for the summer or off-track period. The parties shall mutually agree on this extended time each year. If they are unable to agree, the noncustodial parent shall select the dates for the extended time period.

d. at the option and expense of the noncustodial parent, one weekend per month.

10.4 If either parent lives more than 150 miles away from the other parent or if both parents live in separate states, costs for their child(ren)'s travel expenses for parent-time shall be shared equally by the parents.

a. If the noncustodial parent has been found in contempt for not being current on all support obligations, that parent shall be responsible for all of the child's travel expenses relating to the parent time schedule in this order.

b. Reimbursement by either responsible party to the other for the child's travel expenses shall be made within 30 days of receipt of documents detailing those expenses.

11. Pursuant to Utah Code § 78B-12-203 Petitioner's total countable gross monthly income for child support purposes is \$2,407.17. The Petitioner receives the following gross monthly income from all sources:

a. The Petitioner is employed and grosses **\$2,407.17** per month working the equivalent of one full-time 40-hour a week job or less. Pursuant to Rule 4-202.02 of the Utah Code of Judicial Administration, Petitioner's place of employment has been filed with the court on the NON-PUBLIC INFORMATION – PARENT IDENTIFICATION AND LOCATION form.

11.1 Pursuant to Utah Code § 78B-12-203 Respondent's total countable gross monthly income for child support purposes is \$481.00. The Respondent receives the following gross monthly income from all sources:

a. The Respondent's workplace is unknown. However, Petitioner estimates that Respondent grosses \$481.00 per month. The Petitioner estimates that the Respondent earns this amount because: *example*

11.2 Pursuant to Utah Code 78B-12-202 et seq., the Respondent is ordered to pay to the Petitioner as and for child support:

a. A sum of not less than \$127.00 per month as base support for the child(ren) of the parties, pursuant to the Uniform Child Support Guidelines. Unless the Court orders otherwise, support for each child terminates at the time (1) a child becomes 18 years of age, or has graduated from high school during the child's normal and expected year of graduation, whichever occurs later, or (2) a child dies, marries, becomes a member of the armed forces of the United States, or is emancipated in accordance with Utah Code § 78A-6-801.

b. The following children are 18 years or older and incapacitated from earning a living and therefore not capable of supporting themselves by their own means, even if they are able to provide some financial resources to the family. Child support for these children will continue throughout the life of each child.

example

c. Child support payments shall begin the month immediately following the entry of the order for child support. The monthly child support shall be paid one half on or before the 5<sup>th</sup> day of each month, and the other half on or before the 20<sup>th</sup> day of each month, unless the custodial parent uses the Office of Recovery Services to collect support. Child support due and not paid on or before the 5<sup>th</sup> day of the month is delinquent on the 6<sup>th</sup> day of the month. Child support due and not paid on or before the 20<sup>th</sup> day of the month is delinquent on the 21<sup>st</sup> day of the month.

d. The person entitled to receive child support shall be entitled to mandatory income withholding relief pursuant to U.C.A. § 62A-11 parts 4 and 5 (1953 as amended), and any Federal and State tax refunds or rebates due the non-custodial parent may be intercepted by the State of Utah and applied to existing child support arrearages. This income withholding procedure shall apply to existing and future payors. All withheld income shall be submitted to the Office of Recovery Services until such time as the non-custodial parent no longer owes child support to the person entitled to receive child support. All child support payments shall be made to the Office of Recovery Services, P.O. Box 45011, Salt Lake City, UT 84145-011, unless the Office of Recovery Services gives notice that payments should be sent elsewhere. Should mandatory income withholding be implemented by the Office of Recovery Services, child support shall be due on the first day of each month and delinquent on the first day of the following month. All administrative fees and costs of income withholding assessed by the Office of Recovery Services shall be paid by Petitioner.

e. The issue of child support arrearages may be determined by further judicial or administrative process.

f. Each of the parties is under mutual obligation to notify the other within ten (10)



days of any change in monthly income.

g. Under Utah Code §§ 78B-12-210(8), the parties have a right to adjust this child support order by motion after three years from the date of its entry if (1) upon review there is a difference of 10% or more between the amount previously ordered and the new amount of child support under the Utah child support guidelines, calculated using the appropriate child support worksheet, (2) the difference is not of a temporary nature, and (3) the amount previously ordered does not deviate from the child support guidelines. Under Utah Code § 62A-11-306.2, if the children receive TANF funds at the time an adjustment is sought, the Office of Recovery Services shall review the order, and if appropriate, move the court to adjust the amount.

h. Under Utah Code §§ 78B-12-210(7) and (9), the parties have a right to modify this child support order at any time by petition if there has been a substantial change in circumstances because of: (i) material changes in custody; (ii) material changes in the relative wealth or assets of the parties; (iii) material changes of 30% or more in the income of a parent; (iv) material changes in the employment potential and ability of a parent to earn; (v) material changes in the medical needs of the child; or (vi) material changes in the legal responsibilities of either parent for the support of others, and, the change in (i) through (vi) results in a 15% or more difference between the amount previously ordered and the new amount of child support, calculated using the appropriate child support worksheet, and the difference is not of a temporary nature. In a proceeding to modify an existing award, consideration of natural or adoptive children other than those in common to both parties may be applied to mitigate an increase in the child support award, but may not be applied to justify a decrease in the award.

11.3 It is fair and equitable that Petitioner claim the parties' minor child(ren) as dependent(s) for tax purposes.

11.4 Pursuant to Utah Code § 78B-12-212:

a. Petitioner is required to maintain medical, hospital and dental care insurance for the dependent children where available at reasonable cost and the insurance coverage is accessible to the children.

b. Both parties shall share equally the out-of-pocket costs of the premium actually paid by a parent for the children's portion of the insurance.

c. Both parties shall share equally all reasonable and necessary uninsured and unreimbursed medical and dental expenses, including deductibles and co-payments, incurred for the dependent children and actually paid by a party.

d. The parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.

e. A parent incurring medical expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with the Subparagraph "d" above.

11.5 Pursuant to Utah Code § 78B-12-214, both parties shall share equally all reasonable work, career, or occupational training-related child care expenses.

a. The parent who incurs child care expenses shall provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent. The parent shall notify the other parent of any change of a child care provider or the monthly expense of child care within 30 calendar days of the date of the change.

b. The parent not directly paying for child care shall begin paying his or her share of child care expenses on a monthly basis immediately upon presentation of proof of the child care expense.

c. A parent incurring child care expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with these provisions.

12. Neither the Petitioner nor the Respondent has received or is receiving public assistance from the State of Utah.

13. It is fair and equitable that both parties be ordered to sign and fully execute whatever documents are necessary for the implementation of the provisions of this divorce decree. Should a party fail to execute a document within 60 days of the entry of this divorce decree, the other party may bring an Order to Show Cause at the expense of the disobedient party and seek that the Court appoint some other person to execute the document pursuant to Rule 70 of the Utah Rules of Civil Procedure. Any document executed pursuant to Rule 70 has the same effect as if executed by the disobedient party.

14. Prior to any Petition being filed to change any provision of the final Decree of Divorce, the parties must attempt to resolve the issue through mediation.

From the foregoing Findings of Fact, the Court now makes and enters its:

### **CONCLUSIONS OF LAW**

The Court concludes that the parties are subject to the jurisdiction of the Court as set out above under the Court's Findings of Fact, and that the Petitioner is entitled to a Decree of Divorce, the same to become final upon entry herein.

The Court concludes that all other issues of dispute have been resolved by the Court pursuant to the above Findings of Fact.

DATED \_\_\_\_\_

\_\_\_\_\_  
DISTRICT COURT JUDGE

Approved as to form:

\_\_\_\_\_  
Respondent's Signature

CERTIFICATE OF MAILING/DELIVERY

On \_\_\_\_\_ (date) I [ ] mailed or [ ] hand delivered a copy of the FINDINGS OF FACTS AND CONCLUSIONS OF LAW, postage prepaid, to Respondent at:

\_\_\_\_\_  
Petitioner Signature

Name: example

Address:  
,

Phone:

**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example,  
Petitioner,

vs.

example,  
Respondent.

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**DECREE OF DIVORCE  
AND JUDGMENT**

Case No. \_\_\_\_\_

Commissioner: \_\_\_\_\_

Judge: \_\_\_\_\_

The above-entitled matter came on before the court on Petitioner's Affidavit for Entry of Divorce Decree in accordance with Rule 104, Utah Rules of Civil Procedure. The parties have completed the classes entitled, "Divorce Orientation Course" and "Shared Parenting for Divorcing Parents" or have a signed order waiving the classes on file with the court. The Court, having found and entered its Findings of Fact and Conclusions of Law and being otherwise fully advised, it is hereby,

**ORDERED, ADJUDGED AND DECREED:**

That the Petitioner is awarded a Decree of Divorce from the Respondent, to become final upon signature and entry.

1. During the course of the marriage relationship, the parties have acquired certain items of personal property. The personal property of the parties is to be distributed as follows:

<b>Description of Item</b>	<b>Item Becomes Sole Property of</b>
example	Petitioner
example	Petitioner
example	Petitioner
example	Petitioner
example	Respondent
example	Respondent
example	Respondent
example	Respondent
example	Respondent
example	Respondent

a. All other personal property shall be divided as the parties have already divided it.

2. Each party is ordered to assume and pay debts and hold the other harmless from liability as follows:

<b>To Whom Debt is Owed</b>	<b>Description of Debt</b>	<b>Petitioner Will Pay</b>	<b>Respondent Will Pay</b>
example	example	1%	1%
example	example	2%	2%
example	example	3%	3%
example	example	4%	4%

All other debts are the responsibility of the person incurring the debt. Pursuant to Utah Code § 15-4-6.5 Petitioner shall provide a copy of the parties' Decree of Divorce to all joint creditors of the parties existing at the time of the entry of the divorce.

3. During the course of the marriage, the parties acquired the following real property:

a. *example*

Address:

*example*  
*example, UTAH 123*

Legal description:

*example*

b. Petitioner shall receive sole and exclusive ownership of this real property. Respondent shall receive one half of the equity existing in the property as of the date of the entry of the Decree of Divorce. The equity at the time of the divorce is \$123.00. Respondent's share of the equity is \$61.50. Respondent shall sign a Quit-Claim deed to the Petitioner at the time the divorce is entered, but shall retain an equitable lien against the property in the amount of \$61.50. Upon Petitioner paying the equitable lien amount Respondent shall sign a second Quit-Claim deed removing the lien from the property.

4. The Petitioner is awarded a sum of not less than \$1234 per month as alimony from the Respondent. Alimony payments shall begin the month immediately following the entry of the order for alimony. The monthly alimony support shall be paid one half on or before the 5<sup>th</sup> day of each month, and the other half on or before the 20<sup>th</sup> day of each month, unless custodial parent uses the Office of Recovery Services to collect support. Alimony due and not paid on or before the 5<sup>th</sup> day of the month is delinquent on the 6<sup>th</sup> day of the month. Alimony due and not paid on or before the 20<sup>th</sup> day of the month is delinquent on the 21<sup>st</sup> day of the month. Should the custodial parent use the Office of Recovery Services to collect support, alimony shall be due on the first day of each month and delinquent on the first day of the following month. Respondent's alimony obligation shall terminate upon Petitioner's remarriage, cohabitation, or on 11/11/2001, whichever occurs first.

5. The parties have one or more pension and/or profit sharing plans or other retirement benefits. The owner (Participant) of the pension plan or retirement account shall cooperate fully in whatever is necessary for both parties to have full access to all of the information concerning the pension plan or retirement account, including signing any necessary forms for release of the information to the other party (Alternate Payee). In the event that the owner (Participant) receives any of the benefits awarded to the Alternate Payee from this pension plan or retirement account, the owner (Participant) shall receive that benefit in the form of a constructive trust for the Alternate

Payee and the owner (Participant) is ordered to pay the benefit directly to Alternate Payee within five days of its receipt. Information on the plan(s) and how they are to be divided is listed below:

a. Plan Name: *example*. Plan Administrator: *example*. Last four digits of Account Number: *exam*. This plan is in the name of the Petitioner. The plan shall be awarded to both parties by dividing it as follows:

The plan shall be divided by percentage. The Petitioner is awarded 1% and the Respondent is awarded 99% of the plan. Petitioner shall prepare the Qualified Domestic Relations Order (QDRO) for this plan within 60 days of the entry of the Decree of Divorce.

b. Plan Name: *example*. Plan Administrator: *example*. Last four digits of Account Number: *exam*. This plan is in the name of the Petitioner. The plan shall be awarded to both parties by dividing it as follows:

The plan shall be divided by percentage. The Petitioner is awarded 2% and the Respondent is awarded 98% of the plan. Petitioner shall prepare the Qualified Domestic Relations Order (QDRO) for this plan within 60 days of the entry of the Decree of Divorce.

6. There has/have been **2** child(ren) born or adopted of this marriage. Pursuant to Rule 4-202.02 of the Utah Code of Judicial Administration the names and birthdates of the children are being submitted to the court on the NON-PUBLIC INFORMATION – MINORS form. The initials, birth month, and birth year of each child are listed below:

Child's Initials	Month and Year of Birth
<b>example</b>	<b>January 2003</b>



1.1 The sole legal and sole physical custody of the minor child(ren) is awarded to each parent as specified below, subject to the non-custodial parent's right to parent-time with the minor child(ren) at reasonable times and places.

CHILD NAME	CUSTODIAL PARENT
example	Petitioner
Unborn Child	Petitioner

7. If the parties reside in the same state and within 150 miles of each other, reasonable parent-time should be as the parties agree. If the parties do not agree, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the minor child(ren) shall be entitled:

**FOR CHILDREN UNDER 5 MONTHS OF AGE:**

- Weekly:** Six hours of parent-time per week, specified by the court or the noncustodial parent preferably, divided into three parent-time periods and to take place in the custodial home, established child care setting or other environment familiar to the child.
- Holidays:** Two hours on the holidays indicated below in the HOLIDAY SCHEDULE, to take place preferably in the custodial home, established child care setting or other environment familiar to the child.

**FOR CHILDREN 5 MONTHS TO UNDER 9 MONTHS OF AGE:**

- Weekly:** Nine hours of parent-time per week, specified by the court or the noncustodial parent preferably, divided into three parent-time periods and to take place in the custodial home, established child care setting or other environment familiar to the child.
- Holidays:** Two hours on the holidays indicated below in the HOLIDAY SCHEDULE, to take place preferably in the custodial home, established child care setting or other environment familiar to the child.

**FOR CHILDREN 9 MONTHS TO UNDER 12 MONTHS OF AGE:**

- Weekly:** One 8 hour visit per week to be specified by the noncustodial parent or the court; and one 3 hour visit per week to be specified by the noncustodial parent or the court.
- Holidays:** Eight hours on the holidays indicated below in the HOLIDAY SCHEDULE, and
- Electronic Communication:** Brief telephone contact and other virtual parent-time, if the equipment

is reasonably available, with noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

**FOR CHILDREN 12 MONTHS TO UNDER 18 MONTHS OF AGE:**

- Alternate Weekends:** One 8 hour visit on alternating weekends to be specified by the noncustodial parent or the court; and from 6 p.m. on Friday until noon on Saturday the opposite alternating weekends.
- Weekly:** One 3 hour visit per week to be specified by the noncustodial parent or the court.
- Holidays:** Eight hours on the holidays indicated below in the HOLIDAY SCHEDULE, and
- Electronic Communication:** Brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

**FOR CHILDREN 18 MONTHS TO UNDER 3 YEARS OF AGE:**

- Midweek:** One weekday evening for two hours between 5:30 - 8:30 p.m. to be specified by the noncustodial parent or the court. However, if the child is being cared for during the day outside the child's regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return the child to the custodial parent by 8:30 p.m.
- Alternate Weekends:** Alternative weekends beginning on the first weekend after the entry of the decree from 6:00 p.m. Friday until 7:00 p.m. Sunday continuing each year.
- Holiday Parent-time:** Holidays as specified below in the HOLIDAY SCHEDULE.
- Extended Parent-time:** Two one-week periods, separated by at least four weeks, at the option of the noncustodial parent;
  - a. one week shall be uninterrupted time for the noncustodial parent;
  - b. the remaining week shall be subject to parent-time for the custodial parent consistent with these guidelines; and
  - c. the custodial parent shall have an identical one-week period of uninterrupted time for vacation.

Notification of extended parent-time or vacation weeks with the child shall be provided at least 30 days in advance to the other parent.

**Electronic Communication:** Brief telephone contact and virtual parent-time, if the equipment is reasonably available, with noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

**FOR CHILDREN 3 YEARS TO UNDER 5 YEARS OF AGE:**

**Midweek:** One weekday evening from 5:30 - 8:30 p.m. to be specified by the noncustodial parent or court. However, if the child is being cared for during the day outside the child's regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return the child to the custodial parent by 8:30 p.m.

**Alternate Weekends:** Alternative weekends beginning on the first weekend after the entry of the decree from 6:00 p.m. on Friday until 7:00 p.m. on Sunday continuing each year.

**Holiday Parent-time:** Holidays as specified below in the HOLIDAY SCHEDULE.

**Extended Parent-time:** Two two-week periods, separated by at least four weeks, at the option of the noncustodial parent;

- a. one two-week period shall be uninterrupted time for the noncustodial parent;
- b. the remaining two-week period shall be subject to parent-time for the custodial parent consistent to these guidelines; and
- c. the custodial parent shall have an identical two-week period of uninterrupted time for vacation.

A parent shall notify the other parent at least 30 days in advance of extended parent-time or vacation weeks.

**Electronic Communication:** Brief telephone contact and virtual parent-time at reasonable hours and for reasonable duration, if the equipment is reasonably available, with the noncustodial parent at least two times per week. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

**FOR CHILDREN 5 YEARS TO 18 YEARS OF AGE:**

**Midweek:** 1. During the time a child's school is in session, one weekday evening to be specified by the noncustodial parent or the court, or Wednesday evening if not specified, from 5:30 - 8:30 p.m.; or, at the election of the noncustodial parent, one weekday from the time the child's school is regularly dismissed until 8:30 p.m.

2. During the time a child's school is not in session, one weekday from approximately 9:00 a.m., accommodating the custodial parent's work schedule, until 8:30 p.m., if the noncustodial parent is available to be with the child.

Once the weekday is designated, it may not be changed except by mutual written agreement of the parents, or court order.

**Alternate Weekends:** Alternating weekend parent-time shall begin the first weekend after the entry of the decree. Weekends include any "snow" days, teacher development days, or other

days when school is not scheduled and which are contiguous to the weekend period.

1. During the time a child's school is in session alternating weekend parent-time shall be from 6:00 p.m. on Friday until 7:00 p.m. on Sunday, or, at the election of the non-custodial parent, from the time a child's school is regularly dismissed on Friday until 7:00 p.m. on Sunday, continuing each year.

2. During the time a child's school is not in session a noncustodial parent may elect alternating weekend parent-time to begin on Friday from approximately 9:00 a.m., accommodating the custodial parent's work schedule, until 7:00 p.m. on Sunday, if the noncustodial parent is available to be with the child.

A step-parent, grandparent, or other responsible adult designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.

Weekend parent-time elections should be made by the noncustodial parent at the time of entry of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.

**Holiday Parent-time:** Holidays as specified below in the HOLIDAY SCHEDULE.

**Extended Parent-time:** Extended parent-time with the noncustodial parent may be up to four weeks consecutive at the option of the noncustodial parent including weekends normally exercised by the noncustodial parent, but not holidays;

- a. two weeks shall be uninterrupted time for the noncustodial parent;
- b. the remaining two weeks shall be subject to parent-time for the custodial parent for weekday parent-time but not weekends, except for a holiday to be exercised by the other parent; and
- c. the custodial parent shall have an identical two-week period of uninterrupted time during the children's summer vacation from school for purposes of vacation.

Both parents shall provide notification of extended parent-time or vacation weeks with the child at least 30 days in advance to the other parent and if notification is not provided timely the complying parent may determine the schedule for extended parent-time for the noncomplying parent.

**Electronic communication:** Telephone contact shall be at reasonable hours and for a reasonable duration. Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

## **HOLIDAY SCHEDULE**

- **Other Included Days:** Holidays include any "snow" days, teacher development days, or other days when school is not scheduled, contiguous to the holiday period.
- **Alternating Weekends:** Holidays take precedence over the weekend parent-time, and changes may not be made in the regular rotation of the alternating weekend parent-time schedule.
- **Birthdays:** Birthdays take precedence over holidays and extended parent-time, except Mother's Day and Father's Day. However, birthdays do not take precedence over uninterrupted parent-time if the parent exercising uninterrupted time takes the child away from that parent's residence for the uninterrupted extended parent-time.
- **School Attendance:** If a holiday falls on a regular scheduled school day, the noncustodial parent shall be responsible for the child's attendance at school for that school day.
- **Lengthier Holiday Period – School in Session:** During the time a child's school is in session, at the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin from the time the child's school is regularly dismissed at the beginning of the holiday weekend until 7 p.m. on the last day of the holiday weekend.
- **Lengthier Holiday Period – School not in Session:** During the time a child's school is not in session, at the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last day of the holiday weekend, if the noncustodial parent is available to be with the child.
- **Pick up Person:** A step-parent, grandparent, or other responsible individual designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.
- **Changes:** Elections should be made by the noncustodial parent at the time of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.
- **Custodial Parent:** The custodial parent is entitled to the "odd numbered years" holidays designated in the schedule below when the noncustodial parent has the "even numbered years" holidays and the "even numbered years" holidays when the noncustodial parent has the "odd numbered years" holidays so that each parent has an equal amount of holiday time with the child.

### Odd Numbered Years

**Child's Birthday** - on the day before or after the

### Even Numbered Years

**Child's Birthday** - on the actual birthdate

actual birthdate from 3 p.m. to 9 p.m.

from 3 p.m. to 9 p.m.

**Note:** At the discretion of the noncustodial parent, that parent may take other siblings along for the birthday.

**Martin Luther King, Jr.** - 6 p.m. the day before until 7 p.m. on the holiday unless the holiday extends for a lengthier period of time to which the parent is completely entitled

**President's Day** – from 6 p.m. day before until 7 p.m. on the holiday unless the holiday extends for a lengthier period of time to which the parent is completely entitled

**Spring Break** - from 6 p.m. Fri. until Sun. 7 p.m. unless holiday extends for lengthier period of time to which parent is completely entitled

**Memorial Day** - beginning at 6 p.m. on Friday until Monday at 7 p.m., unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

**July 4** - beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday

**July 24** - beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday

**Labor Day** - beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

**Columbus Day**- beginning at 6 p.m. the day before the holiday until 7 p.m. on the holiday

**Fall School Break** - if applicable, commonly known as U.E.A. weekend beginning at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled

**Halloween** - on October 31 or the day Halloween is traditionally celebrated in the local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.

**Veterans Day Holiday** - beginning 6 p.m. the day before the holiday until 7 p.m. on the holiday

**Thanksgiving** - from Wed. 7 p.m. to Sun. 7 p.m.

**Christmas School Vacation:** means the time period beginning on the evening the child gets out of school for the Christmas or winter school break until the evening before the child returns to school.

**Christmas School Vacation – odd years** - the first portion of the Christmas school vacation including Christmas Eve and Christmas Day until 1 p.m. on the day halfway through the holiday, if there are an odd number of days for the holiday period, or until 7 p.m. if there are an even number of days for the holiday period, so long as the entire holiday is equally divided

**Christmas School Vacation – even years** - the second portion of the Christmas school vacation beginning 1 p.m. on the day halfway through the holiday, if there are an odd number of days for the holiday period, or at 7 p.m. if there are an even number of days for the holiday period, so long as the entire Christmas holiday is equally divided

**Father's Day:** with natural or adoptive father every year from 9 a.m. to 7 p.m. on holiday

**Mother's Day:** with natural or adoptive mother every year from 9 a.m. to 7 p.m. on holiday

**PARENT-TIME AND VISITATION GUIDELINES FOR ALL CHILDREN:**

- Parent-time schedules mutually agreed upon by both parents are preferable to a court-imposed solution.
- The parent-time schedule shall be utilized to maximize the continuity and stability of the child's life.
- If a child is on a different parent-time schedule than a sibling, based on Utah's guidelines (Utah Code Sections 30-3-35 and 30-3-35.5), the parents should consider using the parent-time schedule for an older child with all the minor children so that parent-time is uniform between school aged and non-school aged children.
- Special consideration shall be given by each parent to make the child(ren) available to attend family functions including funerals, weddings, family reunions, religious holidays, important ceremonies, and other significant events in the life of the child(ren) or in the life of either parent which may inadvertently conflict with the parent-time schedule.
- The responsibility for the pick up, delivery, and return of the child(ren) shall be determined by the court when the parent-time order is entered, and may be changed at any time a subsequent modification is made to the parent-time order.
- If the noncustodial parent will be providing transportation the custodial parent shall have the child(ren) ready for parent-time at the time the child(ren) are to be picked up and shall be present at the custodial home or shall make reasonable alternate arrangements to receive the child(ren) at the time they are returned.
- If the custodial parent will be transporting the child(ren), the noncustodial parent shall be at the appointed place at the time the noncustodial parent is to receive the child(ren), and have the child(ren) ready to be picked up at the appointed time and place, or have made reasonable alternate arrangements for the custodial parent to pick up the child.
- Regular school hours may not be interrupted for a school-age child for the exercise of parent-time by either parent.
- Neither parent-time nor child support is to be withheld due to either parent's failure to comply with a court-ordered parent-time schedule.
- The custodial parent shall notify the noncustodial parent within 24 hours of receiving notice of all significant school, social, sports, and community functions in which the child is participating or being honored, and the noncustodial parent shall be entitled to attend and participate fully.
- The noncustodial parent shall have access directly to all school reports including preschool and daycare reports and medical records and shall be notified immediately by the custodial parent in the event of a medical emergency.

- Each parent shall provide the other with his or her current address and telephone number email address, and other virtual parent-time access information within 24 hours of any change.
- During reasonable hours, each parent shall permit and encourage reasonable and uncensored communications with the child in the form of mail privileges and virtual parent-time if the equipment is reasonably available. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.
- Virtual parent-time means parent-time facilitated by tools such as telephone, email, instant messaging, video conferencing, and other wired or wireless technologies over the Internet or other communication media to supplement in-person visits between a noncustodial parent and a child or between a child and the custodial parent when the child is staying with the noncustodial parent. Virtual parent time is designed to supplement, not replace, in-person parent-time.
- Each parent shall be entitled to an equal division of major religious holidays celebrated by the parents, and the parent who celebrates a religious holiday that the other parent does not celebrate shall have the right to be together with the child on the religious holiday.
- When parent-time has not taken place for an extended period of time and the child(ren) lack an appropriate bond with the noncustodial parent, both parents shall consider the possible adverse effects on the child(ren) and gradually reintroduce an appropriate parent-time plan for the noncustodial parent.
- For emergency purposes, whenever the child(ren) travel with either parent, all of the following will be provided to the other parent:
  - a. an itinerary of travel dates;
  - b. destinations;
  - c. places where the child or traveling parent can be reached; and
  - d. the name and telephone number of an available third person who would be knowledgeable of the child(ren)'s location.
- A child under the age of five shall not travel unchaperoned.

**FOR DAY CARE:**

- Parental care shall be presumed to be better care for the child than surrogate care and the court shall encourage the parties to cooperate in allowing the noncustodial parent, if willing and able to transport the children, to provide the child care.
- Child care arrangements existing during the marriage are preferred as are child care arrangements with nominal or no charge.
- Each parent shall provide all surrogate care providers with the name, current address, and telephone number of the other parent and shall provide the noncustodial parent with the name, current address, and



telephone number of all surrogate care providers.

7.1. Due to the parties' circumstances it is not possible to make specific arrangements for pickup, delivery and return of the children for parent time.

7.2 If either party moves from the state of Utah or 150 miles or more from their residence specified in the Court's Decree, that parent shall provide if possible 60 days advance written notice of the intended relocation to the other parent. The written notice of relocation shall contain statements affirming that:

a. the parent-time provisions in Utah Code § 30-3-37(5) or a schedule approved by both parties will be followed; and

b. neither parent will interfere with the other's parental rights pursuant to court ordered parent-time arrangements, or the schedule approved by both parties.

A parent who fails to comply with the notice of relocation shall be in contempt of the Court's order.

7.3 If either parent lives more than 150 miles away from the other parent or if both parents live in separate states or countries, parent time shall be as the parties agree. If they are unable to agree, the following shall be the minimum parent-time allowed to the non-custodial parent:

a. in years ending in odd number, the minor child(ren) shall spend the following holidays with the noncustodial parent:

i. Thanksgiving holiday beginning Wednesday until Sunday; and

ii. spring break, if applicable, beginning the last day of school before the holiday until the day before school resumes;

b. in years ending in an even number, the minor child(ren) shall spend the following holidays with the noncustodial parent:

- i. the entire winter school break period; and
- ii. the fall school break beginning the last day of school before the holiday until the day before school resumes; and

c. extended parent-time equal to  $\frac{1}{2}$  of the summer or off-track time for consecutive weeks. The children shall be returned to the custodial home no later than seven days before school begins. This week shall be counted when determining the amount of parent-time to be divided between the parents for the summer or off-track period. The parties shall mutually agree on this extended time each year. If they are unable to agree, the noncustodial parent shall select the dates for the extended time period.

d. at the option and expense of the noncustodial parent, one weekend per month.

7.4 If either parent lives more than 150 miles away from the other parent or if both parents live in separate states, costs for their child(ren)'s travel expenses for parent-time shall be shared equally by the parents.

a. If the noncustodial parent has been found in contempt for not being current on all support obligations, that parent shall be responsible for all of the child's travel expenses relating to the parent time schedule in this order.

b. Reimbursement by either responsible party to the other for the child's travel expenses shall be made within 30 days of receipt of documents detailing those expenses.

8. Pursuant to Utah Code § 78B-12-203 Petitioner's total countable gross monthly income for child support purposes is \$2,407.17. The Petitioner receives the following gross monthly income from all sources:

a. The Petitioner is employed and grosses **\$2,407.17** per month working the equivalent of one full-time 40-hour a week job or less. Pursuant to Rule 4-202.02 of the Utah Code of Judicial Administration, Petitioner's place of employment has been filed with the court on the NON-PUBLIC INFORMATION – PARENT IDENTIFICATION AND LOCATION form.

8.1 Pursuant to Utah Code § 78B-12-203 Respondent's total countable gross monthly income for child support purposes is \$481.00. The Respondent receives the following gross monthly income from all sources:

a. The Respondent's workplace is unknown. However, Petitioner estimates that Respondent grosses \$481.00 per month. The Petitioner estimates that the Respondent earns this amount because: *example*

8.2 Pursuant to Utah Code § 78B-12-202 et seq., the Respondent is ordered to pay to the Petitioner as and for child support:

a. A sum of not less than \$127.00 per month as base support for the child(ren) of the parties, pursuant to the Uniform Child Support Guidelines. Unless the Court orders otherwise, support for each child terminates at the time (1) a child becomes 18 years of age, or has graduated from high school during the child's normal and expected year of graduation, whichever occurs later, or (2) a child dies, marries, becomes a member of the armed forces of the United States, or is emancipated in accordance with Utah Code § 78A-6-801.

b. The following children are 18 years or older and incapacitated from earning a

living and therefore not capable of supporting themselves by their own means, even if they are able to provide some financial resources to the family. Child support for these children will continue throughout the life of each child.

example

c. Child support payments shall begin the month immediately following the entry of the order for child support. The monthly child support shall be paid one half on or before the 5<sup>th</sup> day of each month, and the other half on or before the 20<sup>th</sup> day of each month, unless the custodial parent uses the Office of Recovery Services to collect support. Child support due and not paid on or before the 5<sup>th</sup> day of the month is delinquent on the 6<sup>th</sup> day of the month. Child support due and not paid on or before the 20<sup>th</sup> day of the month is delinquent on the 21<sup>st</sup> day of the month.

d. The person entitled to receive child support shall be entitled to mandatory income withholding relief pursuant to U.C.A. § 62A-11 parts 4 and 5 (1953 as amended), and any Federal and State tax refunds or rebates due the non-custodial parent may be intercepted by the State of Utah and applied to existing child support arrearages. This income withholding procedure shall apply to existing and future payors. All withheld income shall be submitted to the Office of Recovery Services until such time as the non-custodial parent no longer owes child support to the person entitled to receive child support. All child support payments shall be made to the Office of Recovery Services, P.O. Box 45011, Salt Lake City, UT 84145-011, unless the Office of Recovery Services gives notice that payments should be sent elsewhere. Should mandatory income withholding be implemented by the Office of Recovery Services, child support shall be due on the first day of each month and delinquent on the first day of the following month. All administrative fees and costs of income withholding assessed by the Office of Recovery Services shall be paid by Petitioner.

e. The issue of child support arrearages may be determined by further judicial or

administrative process.

f. Each of the parties is under mutual obligation to notify the other within ten (10) days of any change in monthly income.

g. Under Utah Code § 78B-12-210(8), the parties have a right to adjust this child support order by motion after three years from the date of its entry if (1) upon review there is a difference of 10% or more between the amount previously ordered and the new amount of child support under the Utah child support guidelines, calculated using the appropriate child support worksheet, (2) the difference is not of a temporary nature, and (3) the amount previously ordered does not deviate from the child support guidelines. Under Utah Code § 62A-11-306.2, if the children receive TANF funds at the time an adjustment is sought, the Office of Recovery Services shall review the order, and if appropriate, move the court to adjust the amount.

h. Under Utah Code §§ 78B-12-210(7) and (9), the parties have a right to modify this child support order at any time by petition if there has been a substantial change in circumstances because of: (i) material changes in custody; (ii) material changes in the relative wealth or assets of the parties; (iii) material changes of 30% or more in the income of a parent; (iv) material changes in the employment potential and ability of a parent to earn; (v) material changes in the medical needs of the child; or (vi) material changes in the legal responsibilities of either parent for the support of others, and, the change in (i) through (vi) results in a 15% or more difference between the amount previously ordered and the new amount of child support, calculated using the appropriate child support worksheet, and the difference is not of a temporary nature. In a proceeding to modify an existing award, consideration of natural or adoptive children other than those in common to both parties may be applied to mitigate an increase in the child support award, but may not be applied to justify a decrease in the award.

8.3 The Petitioner is entitled to claim the parties' minor child(ren) as dependent(s) for tax

purposes.

8.4 Pursuant to Utah Code § 78B-12-212:

a. Petitioner is required to maintain medical, hospital and dental care insurance for the dependent children where available at reasonable cost and the insurance coverage is accessible to the children.

b. Both parties shall share equally the out-of-pocket costs of the premium actually paid by a parent for the children's portion of the insurance.

c. Both parties shall share equally all reasonable and necessary uninsured and unreimbursed medical and dental expenses, including deductibles and co-payments, incurred for the dependent children and actually paid by a party.

d. The parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.

e. A parent incurring medical expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with the Subparagraph "d" above.

8.5 Pursuant to Utah Code § 78B-12-214, both parties shall share equally all reasonable work, career, or occupational training-related child care expenses.

a. The parent who incurs child care expenses shall provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent. The parent shall notify the other parent of any change of a child care provider or the monthly expense of child care within 30 calendar days of the date of the change.

b. The parent not directly paying for child care shall begin paying his or her share of

child care expenses on a monthly basis immediately upon presentation of proof of the child care expense.

c. A parent incurring child care expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with these provisions.

9. Both parties are ordered to sign and fully execute whatever documents are necessary for the implementation of the provisions of this divorce decree. Should a party fail to execute a document within 60 days of the entry of this divorce decree, the other party may bring an Order to Show Cause at the expense of the disobedient party and seek that the Court appoint some other person to execute the document pursuant to Rule 70 of the Utah Rules of Civil Procedure. Any document executed pursuant to Rule 70 has the same effect as if executed by the disobedient party.

10. Prior to any Petition being filed to change any provision of the final Decree of Divorce, the parties must attempt to resolve the issue through mediation.

DATED \_\_\_\_\_

\_\_\_\_\_  
DISTRICT COURT JUDGE

Approved as to form:

\_\_\_\_\_  
Respondent's Signature

CERTIFICATE OF MAILING/DELIVERY

On \_\_\_\_\_ (date) I [ ] mailed or [ ] hand delivered a copy of this DECREE  
OF DIVORCE AND JUDGMENT, postage prepaid, to:

\_\_\_\_\_  
Petitioner Signature



## 12. Retirement Plans and QDROs

Any money invested or saved for the retirement of either spouse during the marriage is marital property and should be included in the paperwork for your divorce. Investments and savings for retirement can occur in many different ways. Some common retirement investments are: Pension plan through an employer, IRA, Roth IRA, 401k, Military Retirement, Railroad Retirement, Federal Civil Service Retirement, and State Retirement. There are many others.

As a general rule, each spouse is entitled to half of the retirement investments and savings which were created during the marriage, regardless of who created them. However, Utah courts have recognized that it is best for the spouse who created the retirement account to receive all of the account and for the other spouse to receive something of equal value, such as equity from the home or cash or an automobile. If there is nothing of equal value to give to the other spouse, then the retirement account may have to be split.

To determine how much of a retirement account each spouse should receive, you may simply agree with each other as to a dollar amount or percentage. If a judge must decide how much each party is entitled to, the judge will multiply one-half of the value of the account by the number of years married and divide by the total number of years the employee worked. This formula is from the Utah Supreme Court case of Woodward v. Woodward, 656 P.2d 431, 433-34 (Utah 1982). As an example, if the parties were married 7 years, and the husband worked 12 years, and the account value was \$30,000, the wife's share would be \$8,750:

$$\begin{aligned} \text{One-half times } \$30,000 &= \$15,000 \\ \$15,000 \text{ times } 7 &= \$105,000 \\ \$105,000 \text{ divided by } 12 &= \$8,750 \end{aligned}$$

There can be factors which affect the application of this formula, sometimes the date of separation, or whether or not one of the spouses has done something unreasonable, such as spending, destroying, giving away or otherwise dissipating marital assets.

Once the final decree of divorce is entered, and if a retirement account is to be split or transferred to the other spouse, then a special order must be created called a Qualified Domestic Relations Order, or QDRO for short. You should ask the court to designate who should draft the order and that it be done as soon after the decree is entered as is possible. Persons who wait to complete the QDRO process may find that something has happened and the money in the account is no longer available.

Most pension plan administrators have a QDRO packet with instructions and sample documents or forms. The person whose name is on the account will have access to the account information and can request the packet. If the other spouse is the one making the request, the person whose name is on the account may have to sign a "release of information form" so that the plan administrator will be able to provide the information and packet to that spouse.

Determining how much of a pension account each spouse should receive can be very technical. Drafting a QDRO is a complicated task. There can be much more involved than we have explained here. We encourage you to obtain assistance through an attorney with regards to any investments or savings for retirement that have been created during your marriage.

Name: example  
Address:

Phone:  
**Pro Se**

IN THE FIFTH JUDICIAL DISTRICT COURT  
OF BEAVER COUNTY, STATE OF UTAH  
Beaver District Court, 2270 South 525 West, PO Box 1683, Beaver, UT 84713

example, Petitioner,	*	<b>QUALIFIED DOMESTICS RELATIONS ORDER (QDRO)</b>
	*	
	*	
vs.	*	
	*	Case No. _____
example, Respondent.	*	Commissioner: _____
	*	Judge: _____

The Court has entered its Decree of Divorce in this matter. The Decree provides for the issuance of a supplemental order in the form of this QDRO.

This QDRO is issued pursuant to Utah Code Ann. § 30-3-1 et Seq. and/or Utah Code § 78B-12-101 et Seq. and pertinent case law. This QDRO relates to the provision of child support, alimony payments and/or marital property rights of the Alternate Payee, who is the spouse of the Participant.

This QDRO is intended to meet the requirements of Section 414(p) of the Internal Revenue code and section 206(d) of the Employee Retirement Income Security Act of 1974 (ERISA).

The Court has examined the records, pleadings and evidence in this matter and finds that under Utah law the appropriate criteria has been met for the division of Participant’s Plan in accordance with Utah law and the Decree of Divorce in this matter, and therefore orders as follows:

1. \_\_\_\_\_ is a participant in the Plan.  
(Name of party owning the Plan)
2. \_\_\_\_\_ is the name of the plan and  
(Name of Plan)

shall be referred to throughout this document as “Plan.”

3. This Plan type is \_\_\_\_\_.

(Identify type of plan, i.e. Defined Contribution, Defined Benefit , IRA)

4. Participant's Social Security Number is \_\_\_\_\_.  
(Social Security Number).
5. Participant's last known address is \_\_\_\_\_.  
(Address)
6. Participant is the former spouse of the alternate payee.
7. \_\_\_\_\_ is the Alternate Payee.  
(Name of alternate payee)
8. Alternate Payee's Social Security Number is \_\_\_\_\_.  
(Social Security Number)
9. Alternate Payee's last known address is \_\_\_\_\_.  
(Address)
10. The Plan Administrator is \_\_\_\_\_.  
(Plan Administrator)
11. The address of the Plan Administrator is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Address of plan administrator)
12. Participant and Alternate Payee were married on \_\_\_\_\_.  
(date of marriage)
13. Participant and Alternate Payee were divorced on \_\_\_\_\_.  
(date divorce decree was entered)
14. The parties were divorced pursuant to a decree of divorce entered on that date in the above court under Utah Code Ann. § 30-3-1 et Seq.
15. Paragraph \_\_\_\_\_ of the parties' decree of divorce awards Alternate Payee an interest in the plan.  
(Paragraph number)
16. Alternate Payee's interest in the Plan shall be calculated as follows: (mark only one)
  - a. Alternate payee shall receive \$ \_\_\_\_\_ from the plan.
  - b. Alternate payee shall receive \_\_\_\_\_ % of the plan.
  - c. Alternate payee shall receive a portion of the plan calculated by multiplying ½

times the dollar amount of the plan, times the number of years of the marriage, dividing that total by the number of years of the Participant's employment.

The dollar amount of the plan at the time of the divorce is \$ \_\_\_\_\_.

The number of years of marriage are ..... \_\_\_\_\_.

The number of years of employment are ..... \_\_\_\_\_.

The Alternate Payee's portion of the Plan is ..... \$ \_\_\_\_\_.

17. Alternate Payee's interest in the Plan shall be payable to Alternate Payee, in a manner that Alternate Payee chooses, upon:

- (A) termination of Participant's employment
- (B) Participant's retirement and receipt of benefits
- (C) Participant's death

18. Alternate Payee shall have the right, upon written request, to withdraw Alternate Payee's interest in the Plan at the time that Participant becomes, or would have become, eligible to withdraw any funds from the Plan.

19. Alternate Payee shall have the right to designate the beneficiary of Alternate Payee's interest in the Plan in the event of Alternate Payee's death.

20. The Plan administrator shall not be required to provide Alternate Payee any benefit or option not available to Participant under the Plan.

21. The Plan administrator shall not be required to provide increased benefits, determined by actuarial value, not available to Participant.

22. The Plan administrator shall not be required to pay any benefits to Alternate Payee which are required to be paid to another Alternate Payee under a prior Qualified Domestic Relations Order.

23. For purposes of Sections 72 and 402(a) of the Internal Revenue Code, Alternate Payee shall be treated as distributee of any distribution or payment made to Alternate Payee by the Plan pursuant to this Order.

24. Alternate Payee shall mail copies of this Order to the Plan Administrator.

25. Pursuant to 29 U.S.C. 1056(d)(3)(D), the Plan Administrator shall promptly notify Participant and Alternate Payee and any other Alternate Payee of:

- (a) The receipt of a copy of this Order by the Plan Administrator.
- (b) The Plan's procedures for determining the qualified state of the Domestic Relations Order.
- (c) Determine whether or not this Order is a Qualified Domestic Relations Order and notify the Court, Participant, Alternate Payee and any other Alternate Payee.
- (d) Pending the determination of whether or not this Order is a Qualified Domestic Relations Order, segregate in a separate account in the Plan of whether or not this Order is a Qualified Domestic Relations Order, segregate in a separate account in the Plan or in an escrow account the amounts which would have been available to Alternate Payee during such period if this Order had been determined to be a Qualified Domestic Relations Order pursuant to 29 U.S.C. § 1056(d)(3)(H)(i).

26. This Order is intended to be a Qualified Domestic Relations Order made pursuant to the Retirement Equity Act of 1984 and its provisions shall be administered and interpreted in conformity with that act.

27. The Court retains jurisdiction to amend this Order as needed to establish or maintain the Order's qualification as a Qualified Domestic Relations Order under the Retirement Equity Act of 1984.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

BY THE COURT

\_\_\_\_\_  
DISTRICT COURT JUDGE

APPROVED AS TO FORM:

\_\_\_\_\_  
**(Signature of Attorney, or  
Party if not represented)**

MAILING CERTIFICATE

I certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I  hand delivered  
 mailed by first class mail postage prepaid, a copy of this Qualified Domestic Relations Order, to:

**Plan administrator:**

**Address of Plan administrator:**

**Attorney for Opposing Party:**

**Address of Attorney:**

**Opposing Party if not represented**

**Address of Opposing Party**

---

Signature

## **13. Mandatory Divorce Mediation Required for Contested Divorces**

### **What is the requirement?**

If either you or your spouse files an answer to (contests) a divorce petition after May 1, 2005 that designates that you do not agree with the terms listed in the divorce petition, the contested issues are required to be referred to mediation. Parties are required to participate in at least one session of mediation to attempt to resolve the issues in dispute. (If the divorce petition is not contested and you both agree to the terms of the divorce, you are not required to mediate since there is nothing in dispute.) Parties involved in a contested divorce must participate in mediation before the case can move forward in the court system, unless they are excused from the mediation requirement for good cause. This requirement does not preclude the entry of pretrial (temporary) orders.

Parties are responsible for identifying and paying a mediator to provide this service. Unless otherwise ordered by the court or agreed by the parties, the cost of mediation will be divided equally between the parties. The mediator who provides these services must be qualified on the ADR Court Roster to provide Divorce Mediation in accordance with Utah Code § 78B-6-205. A list of mediators in your area is available on the court website at [www.utcourts.gov/mediation/divmed/public.asp](http://www.utcourts.gov/mediation/divmed/public.asp) or you can request a written copy by calling the Divorce Mediation Help Line at 1-800-620-6318.

If the parties are unable to afford a mediator, they may submit a Divorce Mediation Program Income Survey to the ADR Office to be considered for financial assistance to qualify for up to four hours of free divorce mediation. For more information on this contact the Divorce Mediation Help Line at 1-800-620-6318 or the form is available on line at [www.utcourts.gov/mediation/divmed/forms.asp](http://www.utcourts.gov/mediation/divmed/forms.asp).

Parties who do not feel their case is appropriate for mediation may be excused for good cause by the Court, The ADR Office, or a Court Qualified Mediator. If excused by the ADR Office or a Court Qualified Mediator, a notice will be sent to the court to allow the case to move forward. Reasons parties may be excused from mediation will vary from case to case and may include: the level of conflict between the parties, one or both parties do not feel safe or able to fully express themselves in a mediation process, and others as determined by the Court, The ADR Office or a Court Qualified Mediator. An application can be submitted in order to have the specifics of the case considered to be excused for good cause and is available online at [www.utcourts.gov/mediation/divmed/forms.asp](http://www.utcourts.gov/mediation/divmed/forms.asp).

### **Why is mediation required?**

Mediation is appropriate in family related matters because it encourages collaborative problem solving by the parties. Mediation provides the greatest opportunity for direct communication and the sharing of information that can be critical to the successful resolution of disputes and when children are involved, the implementation of parenting agreements. Mediation offers an environment well-suited to identifying and addressing the strong emotional issues associated with divorce and parenting conflicts. Mediation is structured to focus parties on a common interest: the resolution of the disputed issues and when children are involved, the future of their children. The informality and flexibility of the mediation process allows issues to be discussed that might otherwise be raised in a more adversarial or narrowly-focused process.

The benefits of mediation include:

1. You directly participate in finding solutions to the issues in dispute
2. Mediation allows you to resolve your case more quickly
3. Mediation is less expensive
4. Mediation promotes relationships and you will end the process with a better relationship with your former spouse
5. Mediation is less stressful than court.

**For more information visit [www.utcourts.gov/mediation/divmed/](http://www.utcourts.gov/mediation/divmed/)**



## 14. Questions and Answers

### **Where do I file the petition?**

*You file in the District Court in the county where you or your spouse live. You or your spouse must have lived in the state and the county at least three months immediately prior to filing for divorce. The District Court's address where you file is in the heading of each of your documents. District Courts are also listed in the blue pages of the local phone book under State Government, Courts, District Courts or you can find the address of any District Court on the courts' web site at <http://www.utcourts.gov/dir>*

### **When will my divorce be final?**

*Your divorce becomes final when the FINDING OF FACT AND CONCLUSIONS OF LAW, and DECREE OF DIVORCE are signed by the judge and entered into the court's record. Allow 15 working days from the submission of your last set of documents before calling the court clerk to inquire as to the status of your divorce. Have your case number ready.*

### **Where can I read the statutes that govern divorce in Utah?**

*Divorce and related issues: Utah Code §§ 30-3-1 through 30-3-38  
Support collection by the Utah Office of Recovery Services: Utah Code Ann. §§ 62A-11-401 through 504  
Child Support, medical, day care and tax deductions for the children: Utah Code §§ 78B-12-101 through 78B-12-117. These statutes can be found online at <http://www.le.state.ut.us> .*

### **Where can I find an attorney to help me?**

*If you do not have an attorney, contact the Utah State Bar's Lawyer Referral Services: 801-531-9075 or 1-800-662-9054 for a list of attorneys or agencies that provide legal representation for pay. <http://www.utahbar.org>*

### **What if I can't afford an attorney?**

*There are a number of agencies which provide various levels of free legal advice. A list of these agencies and organizations is listed below.*

*Utah Legal Services Statewide Intake  
Outside of Salt Lake County 1-800-662-4245  
Salt Lake County 328-8891*

*Legal Aid Society of Salt Lake 1-801-328-8849*

*Tuesday Night Bar  
Law and Justice Center  
645 South 200 East  
Salt Lake City, Utah 84111  
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