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Utah Marriage and Divorce Laws

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UTAH MARRIAGE AND DIVORCE LAWS

2018 Edition
Introduction

This manual contains a brief explanation of Utah marriage and divorce laws, as well as sample Utah divorce forms. Some of these forms are patterned after forms used at Utah Legal Services, Inc. and at Utah’s Fourth District Court. Credit is given to both entities for their contributions.
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Chapter 1
Marriage, Divorce, and Annulment

Marriage

Marriage is a sacred and important relationship. Dissolution of a marriage can result in extreme difficulties for each member of a family.¹

Marriage is discussed in sections 30-1-1 to 30-1-39 of the Utah Code. Marriages are generally prohibited and void between close relatives (i.e., marriages between parents and children, ancestors and descendants, brothers and sisters, uncles and nieces, aunts and nephews, first cousins, and people related within but not including the fifth degree of consanguinity).² Marriage is also prohibited and void: (1) if one spouse is married to someone else, (2) if the person being married is under the age of 18 (unless they receive parental consent), (3) if the person being married is under the age of 16 (except that it is possible for 15 year olds to receive judicial consent to be married), or (4) if the people being married are of the same sex.³

Foreign marriages are valid even if they would be prohibited and void under Utah law, so long as they do not result in a same-sex marriage, a bigamous marriage, a marriage to a person under the age of 16 (except 15 year olds who received judicial consent), or a marriage between people related within and including the third degree of consanguinity.⁴

The parties must receive a marriage license prior to their marriage.⁵ The marriage license may only be used within the state of Utah and must be used within 30 days of the date it was issued.⁶

Marriages may be solemnized by ministers, the governor, mayors, judges, etc. (at their discretion).⁷ Within 30 days after a marriage is solemnized, the person who solemnized it is to return the license and marriage certificate to the county clerk, who is to file and record it. Failure to return the license and certificate as specified is a class B misdemeanor.⁸

Even if a marriage is not solemnized, it is valid if the court or administrative order finds that it results from “a contract between a man and a woman who: (a) are of legal age and capable

² Utah Code Ann. § 30-1-1 (LexisNexis 2013). Marriages between first cousins are allowed if both parties are at least 65 years old or if they are at least 55 years old and unable to reproduce. Utah Code Ann. § 30-1-1(2) (LexisNexis 2013)
³ Utah Code Ann. §§ 30-1-2, -9 (LexisNexis 2013). A divorce that has been appealed is not considered complete until it has been affirmed by the appellate court. Utah Code Ann. § 30-1-2(4) (LexisNexis 2013).
⁵ See Utah Code Ann. § 30-1-7 (LexisNexis 2013).
⁶ Utah Code Ann. § 30-1-7 (LexisNexis 2013).
of giving consent; (b) are legally capable of entering a solemnized marriage”; “(c) have cohabited; (d) mutually assume marital rights, duties, and obligations; and (e) who hold themselves out as and have acquired a uniform and general reputation as husband and wife.”

Annulment

If a marriage fails, it can be dissolved by annulment or divorce. A marriage may be annulled if it is prohibited or void or if common law grounds exist (e.g., fraud in the inducement of marriage). A party that sues for annulment can request a divorce as alternative relief.

Divorce

The grounds for divorce are impotency, adultery, willful desertion for more than a year, willful failure to provide support, habitual drunkenness, felony conviction, cruel treatment, irreconcilable differences, incurable insanity, or separation of three years under a decree of separate maintenance. Either the husband or the wife must be a county resident for 3 months before filing the divorce action.

At the beginning of a divorce case the petitioner needs to file a cover sheet, certificate of divorce, and complaint. An affidavit of impecuniosity may be filed if the petitioner is low income. Otherwise the cost of the divorce is $310.

The complaint must be served on the respondent within 120 days after the filing of the complaint or the case is to be dismissed without prejudice. A party may also accept service without being served and an attorney may accept service on behalf of a client. If the action is started by serving the summons and complaint, these documents and the proof of service must be filed within ten days of service or the action is to be “deemed dismissed” and the court has “no further jurisdiction.”

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9 Utah Code Ann. § 30-1-4.5 (LexisNexis 2013). In the case of Hansen v. Hansen, 958 P.2d 931 (Utah Ct. App. 1998), the court found that the elements necessary to establish a common law marriage must be proven by preponderance of the evidence. In that case no common law marriage was established, although the parties had been previously married, divorced, and then began cohabiting, again. The court found that the wife had not consented to the marriage and that the couple had not consistently held themselves out as husband and wife and had not acquired a uniform and general reputation as husband and wife. In Kelley v. Kelley, 9 P.3d 171 (Utah Ct. App. 2000) a common law marriage was found to exist, based upon these factors.


12 Utah Code Ann. § 30-3-1(3) (LexisNexis 2013).

13 Utah Code Ann. § 30-3-1(2) (LexisNexis 2013).


17 Utah R. Civ. P. 3(a).
Service may be by personal service, by someone 18 or older but not a party or a party’s attorney. Service may also be done through other service (e.g., by publication) if the identity or whereabouts of the person to be served are unknown or cannot be ascertained through reasonable diligence. Proof of service must be filed with the court in accordance with Rule 4(e) of the Utah Rules of Civil Procedure (e.g., a document that says the date, place, and manner of service).

The respondent, who is served in Utah, has 21 days to answer the complaint. Claims that the respondent has against the petitioner are to be included as counterclaims. The respondent can also seek dismissal of the complaint (e.g., for lack of jurisdiction) or try to quash service.

Unless extraordinary circumstances exist, parties to a divorce action must wait at least 30 days after filing a complaint before a hearing may be held. If there are children of the marriage, a divorce may not be granted until both parties have attended a divorce education class, unless this requirement is waived by the court. The court may also order the divorce education for unmarried parents who are involved in a custody or visitation case.

A divorce case can be resolved by default, stipulation, or trial. If the case is resolved by default, the petitioner may need to file a default certificate, to be signed by the court clerk. In default or stipulated cases the parties will need to file documents called: “Motion for Default” and “Affidavit of Grounds and Jurisdiction.” If the case is resolved by stipulation a copy of the stipulation needs to be filed with the court. In all divorce cases (whether resolved by default, stipulation, or trial), the following two documents must be filed: “Findings of Fact and Conclusions of Law” and “Decree of Divorce.”

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19 Utah R. Civ. P. 4(d)(5).
20 Utah R. Civ. P. 12(a).
21 Utah R. Civ. P. 13(a).
22 See Utah R. Civ. P. 12(b).
26 Utah Code Ann. § 30-3-11.3(4) (LexisNexis 2013).
27 See Utah R. Civ. P. 55.
Chapter 2
Jurisdiction and Service of Process

Jurisdiction In General

Utah courts have divorce jurisdiction over people who have resided in Utah in a marital relationship, even if they have moved away.28 Rule 3(b) of the Utah Rules of Civil Procedure says that the court has jurisdiction “from the time of the filing of the complaint or service of the summons and a copy of the complaint.”

District Court Jurisdiction Versus Juvenile Court Jurisdiction

Utah district courts generally have jurisdiction over civil matters.29 The juvenile court has exclusive jurisdiction in proceedings involving minors who have been abused or neglected.30 The juvenile court may acquire jurisdiction over a case involving a child who has been abused or neglected and may change prior district court orders related to custody, support, and parent-time.31

The Utah Uniform Child Custody Jurisdiction and Enforcement Act and the Parental Kidnapping Prevention Act of 1980

The Uniform Child Custody Jurisdiction and Enforcement Act (Uniform Act) and the Parental Kidnapping Prevention Act of 1980 (PKPA) determine whether or not Utah is the appropriate jurisdiction for custody determinations, largely considering where the children reside and where they have resided for the past six months.

Utah has adopted the Uniform Act, which is found in sections 78B-12-101 to 78B-12-302 of the Utah Code. It says that Utah courts have child custody jurisdiction if one of the following situations exists: (1) Utah was the child's home state32 at the beginning of the case (or was the child's home state within six months of the beginning of the case, even though the child has moved away, so long as a parent still lives in the state); (2) a court of another state does not have jurisdiction or has declined to exercise jurisdiction and the child and a parent have a significant connection with Utah (where substantial evidence exists); (3) all courts having jurisdiction have declined to exercise it because Utah is the more appropriate forum; or (4) no state would have jurisdiction.33

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32 "Home State" is defined as “the state in which a child lived with a parent or person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding.” Utah Code Ann. § 78B-13-102(7) (LexisNexis 2012).
Utah continues to have “exclusive, continuing jurisdiction” until either: (1) a Utah court determines that the child (or the child and a parent (or person acting as a parent)) no longer have a significant connection to Utah and substantial evidence is no longer available, here, or (2) a court finds that the child and parents (or persons acting as a parents) have moved away from Utah.\(^34\) A Utah court that has exclusive continuing jurisdiction may decline to exercise jurisdiction if it is an “inconvenient forum.”\(^35\) A Utah court that has made a ruling about child custody, but “does not have exclusive, continuing jurisdiction” is permitted to modify the ruling “only if it has jurisdiction to make an initial custody determination”\(^36\) Likewise, a Utah court may not modify a child custody determination of another state unless: (1) the Utah court “has jurisdiction to make an initial determination” and the other court either “determines that it no longer has exclusive, continuing jurisdiction” or determines that Utah “would be a more convenient forum,” or (2) either court determines that neither the child or a parent (or person acting as a parent) presently resides in the other state.\(^37\)

A Utah court has temporary emergency jurisdiction if a child is in the state and has been abandoned or needs protection from mistreatment or abuse.\(^38\) Courts may consult with each other if there is a dispute about which is the most appropriate forum.\(^39\)

Under the Uniform Act, each party must include (“if reasonably ascertainable”), under oath, as part of his or her first pleading or in a separate affidavit: (a) the child’s present address, (b) each residence of the child for the previous five years, (c) names and current addresses of persons with whom the child lived during that time, (d) whether the party has participated in other proceedings concerning custody or parent-time of the child and, if so, the court, case number, and date of the child custody determination, (e) whether the party knows of any proceeding that could affect the current proceeding (such as domestic violence, protective orders, termination of parental rights, and adoptions) and, if so, the court, case number, and nature of the proceeding, and (e) whether the party knows the names and addresses of any other people the who have or claim physical custody of the child and, if so, the names and addresses of those people.\(^40\)

Under the PKPA federal courts are given jurisdiction to combat interference with child custody.\(^41\) The PKPA is similar to the Uniform Act in determining which state should have jurisdiction over a child custody action.\(^42\) A court in a state, other than the one which originally


entered the divorce decree, is allowed to modify a decree if it has jurisdiction and the original court no longer has jurisdiction or has declined to exercise jurisdiction.43

The PKPA,44 the Uniform Act,45 and the United States Constitution46 require that full faith and credit be given to any custody decree of a court which had jurisdiction. Utah district courts can register other states’ child custody determinations.47 In addition, child custody interference may be combated through the use of criminal laws, contempt proceedings, tort actions, and preventive measures.

The Hague Convention on the Civil Aspects of International Child Abduction

The Hague Convention on the Civil Aspects of International Child Abduction (in effect between the U.S. and about 30 other countries) helps with the return of abducted children and the exercise of parent-time rights across international boundaries. The Uniform Act allows enforcement of the Hague Convention on the Civil Aspects of International Child Abduction.48

Venue

Divorce actions “must be tried in the county in which the cause of action arises” or where the “defendant resides at the commencement of the action”,49 unless a change of venue is sought50.

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46 U.S. Const. art. IV, § 1.
50 See Utah Code Ann. § 78B-3-309 (LexisNexis 2012).
Child custody issues arise in divorce, legal separation, protective orders, child abuse cases, and paternity cases. Two types of child custody must be considered: legal custody and physical custody. Legal custody has to do with a parent’s rights, privileges, duties, and powers, regarding a child, including authority to make decisions. Physical custody has to do with where the child will live.

The trial court has broad discretion to determine custody.\(^{51}\)

Custody in General

The court is to make a child custody order in cases where the parties are separated or where a marriage is declared void or dissolved.\(^{52}\) The court is to consider the best interests of the child, the “past conduct and demonstrated moral standards of each of the parties”, likeliness to “act in the best interest of the child”, willingness to share the child with the other parent, bonding, and whether a “parent has intentionally exposed the child to pornography or material harmful to a minor”.\(^{53}\) Desires of the children may be considered, but are not controlling.\(^{54}\) The desires of a child 14 years old or older is to be given additional weight, but is not the controlling factor.\(^{55}\) The court is to consider whether or not a parent truly desires custody.\(^{56}\) A court may not discriminate against a parent, due to a disability, in awarding custody.\(^{57}\)

There can be joint, split, or sole physical custody. Joint physical custody means that both parents have periods of time during which the children reside with them.\(^{58}\) Split physical custody “means that each parent has physical custody of at least one of the children.”\(^{59}\) Sole physical custody is where one parent has all of the children residing with them and the other parent has some type of parent-time rights.

A presumption favors natural parents and adoptive parents over nonparents.\(^{60}\) That presumption may be rebutted by evidence that: (1) no strong mutual bond exists, (2) the parent

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\(^{52}\) Utah Code Ann. § 30-3-10(1) (LexisNexis Supp. 2018).


\(^{58}\) See Utah Code Ann. § 30-3-10.1(2) (LexisNexis Supp. 2018) (staying with each parent overnight at least 30% of the time); Utah Code Ann. § 78B-12-102(15) (LexisNexis Supp. 2018) (staying with each parent overnight at least 30% of the time “and both parents contribute to the expenses of the child in addition to paying child support”).


\(^{60}\) Hutchison v. Hutchison, 649 P.2d 38, 39-42 (Utah 1982) (vacating trial court decision which had awarded custody of three children to father, including one who was not his biological child); In re H.R.V., 906 P.2d 913, 917 (Utah. Ct. App. 1995) (parental
has not demonstrated a willingness to sacrifice their own “interest and welfare” for the child, and (3) the parent lacks sympathy and understanding of the child.\textsuperscript{61} Once that presumption is rebutted the custody decision is made based on “the best interests of the child.”\textsuperscript{62}

**Joint Custody and Parenting Plans**

The court may order joint legal and/or joint physical custody if it determines that it is in the best interest of the child and if the parents have filed a parenting plan.\textsuperscript{63} A parenting plan is a “plan for parenting a child, including allocation of parenting functions” such as maintaining a loving relationship, attending to daily needs, education, assisting with interpersonal relationships, exercising appropriate judgment, and financial support.\textsuperscript{64} Any party seeking a “shared parenting arrangement,” such as joint custody, is to “file and serve a proposed parenting plan” when they file their petition, answer, or counterclaim.\textsuperscript{65} A party that files a proposed parenting plan, as required, may “move the court for an order of default to adopt the plan if the other party fails to file a proposed parenting plan.”\textsuperscript{66} The parenting plan must include provisions concerning future dispute resolution, “allocation of decision-making authority,” residential arrangements, and “provisions addressing notice and parent-time responsibilities in the event of the relocation of either party.”\textsuperscript{67} “[E]ither parent may make emergency decisions affecting the health or safety of the child.”\textsuperscript{68} Each parent is allowed to “make decisions regarding the day-to-day care and control of the child” during times that “the child is residing with that parent.”\textsuperscript{69} Other provisions may be included “regarding the welfare of the child.”\textsuperscript{70}

In deciding whether or not to make an order of joint legal custody and/or joint physical custody, the court is to determine whether the best interest of the child will be served by such an order, considering the following factors: (1) whether or not the “physical, psychological, and emotional needs and development of the child will benefit from joint legal or physical custody;” (2) “the ability of the parents to give first priority to the welfare of the child and reach shared decisions”; (3) whether the parents are “capable of encouraging and accepting a positive relationship between the child and the other parent”; (4) “whether both parents participated in raising the child before the divorce”; (5) the geographical proximity of the parents’ homes; (6) the preference of a mature child; (7) the maturity of the parents; (8) “the past and present ability of the parents to cooperate with each other and make decisions jointly;” (9) “history of, or potential for, child abuse, spouse abuse, or kidnaping”; and (10) other relevant factors.\textsuperscript{71} An

\textsuperscript{61} Hutchison v. Hutchison, 649 P.2d 38, 41 (Utah 1982).
\textsuperscript{62} Hutchison v. Hutchison, 649 P.2d 38, 41 (Utah 1982).
\textsuperscript{63} Utah Code Ann. § 30-3-10.2 (LexisNexis 2013).
\textsuperscript{64} Utah Code Ann. § 30-3-10.7 (LexisNexis 2013).
\textsuperscript{65} Utah Code Ann. § 30-3-10.8(1) (LexisNexis Supp. 2018).
\textsuperscript{66} Utah Code Ann. § 30-3-10.8(3) (LexisNexis Supp. 2018).
\textsuperscript{67} Utah Code Ann. § 30-3-10.9(2) (LexisNexis Supp. 2018).
\textsuperscript{68} Utah Code Ann. § 30-3-10.9(5) (LexisNexis Supp. 2018).
\textsuperscript{69} Utah Code Ann. § 30-3-10.9(6) (LexisNexis Supp. 2018).
\textsuperscript{70} Utah Code Ann. § 30-3-10.9(2) (LexisNexis Supp. 2018).
\textsuperscript{71} Utah Code Ann. § 30-3-10.2 (LexisNexis 2013).
order for joint legal custody or joint physical custody is to provide the terms the court believes are appropriate. Any parental rights not specified in the order “may be exercised by the parent having physical custody” most of the time. The order may be modified or terminated, following a hearing, based on the petition of either party.

Custody Evaluations

A custody evaluation may be used to determine which parent should have custody. Custody evaluations must be done by a state licensed clinical social worker, psychologist (doctoral level), state licensed physician who is board certified in psychiatry, or licensed marriage and family therapist (master level minimum). Custody evaluators must consider the following factors: child preference, benefits of keeping children together, bonding, benefits of keeping previously determined custody arrangements, each parent’s character and ability to function as a parent (i.e., parenting co-parenting skills, moral character, emotional stability, duration and depth of desire, ability to provide personal care, significant impairment of ability due to drug or alcohol abuse, reasons for past relinquishments, religious compatibility, kinship, finances, evidence of spouse or child abuse), and other factors including joint custody factors. The court orders performance of a custody evaluation, based on stipulation or motion.

Although one factor in deciding custody is who can give personal rather than surrogate care, it would be an abuse of discretion to change custody because the mom now has to work full time and the dad has a new wife who can stay at home with the children.

Another factor to consider is the identity of the children’s primary caretaker. If the court looks at who has been the primary caretaker, in determining who should get custody, they would look at such things as: preparation and planning of meals; bathing, grooming, and dressing; purchase, cleaning, and care of clothes; medical care; arranging social interactions; arranging alternative care, putting children to bed and attending to them at night; disciplining children; educating children; and teaching elementary skills.

The district court is required to provide specific findings in custody cases.

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72 Utah Code Ann. § 30-3-10.3(2) (LexisNexis 2013).
73 Utah Code Ann. § 30-3-10.3(4) (LexisNexis 2013).
75 Utah Code Jud. Admin. 4-903(1).
77 See Utah Code Jud. Admin. 4-903(2)-(3).
80 Garska v. McCoy, 278 S.E.2d 357, 363 (W. Va. 1981); cf. Utah Code Ann. § 30-3-10.7(3) (LexisNexis 2013) (“parenting functions” include nurturing, attending to a child’s daily needs, education, assisting with social needs, and providing financial support).
81 Hutchison v. Hutchison, 649 P.2d 38, 42 (Utah 1982).
Gender-based preferences are no longer allowed in child custody cases” because of article IV, section 1 of the Utah Constitution and the 14th amendment of the U.S. Constitution.\textsuperscript{82}

Under appropriate circumstances, Utah Code Annotated section 30-3-40 allows noncustodial parents to provide care for their minor children during times when the custodial parent is away for military service.

\textsuperscript{82} Pusey v. Pusey, 728 P.2d 117, 119 (Utah 1986).
“Parent-time” (or “visitation”) is the term used to describe a noncustodial parent’s right to spend time with his or her child. Parent-time rights are outlined in sections 30-3-32 to -37 of the Utah Code Annotated.

Section 30-3-32 covers the intents and definitions of parent-time. The legislature intends “to promote parent-time at a level consistent with all parties’ interests.” In determining parent-time, the court will consider the “safety and well-being the child and the parent who experiences domestic or family violence.” Absent a showing by a preponderance of evidence of real harm or substantiated potential harm to the child it is the entitlement and responsibility of parents and in the best interests of the child to have “frequent, meaningful, and continuing access” to each other following separation or divorce and it is also in the best interests of the child for both parents to be “actively involved in parenting the child.”

Section 30-3-33 suggests the following “advisory guidelines” concerning parent-time. Agreements are preferred. Parent-time schedules are to be used to maximize “continuity and stability” in a child’s life. Family functions are to be given special consideration. Responsibility for pick up, delivery, and return of the child is to be determined by the court at the time the parent-time order is entered. If the noncustodial parent is providing transportation, the custodial parent must have the child ready for parent-time and make arrangements to receive the child following parent-time. If the custodial parent is providing transportation, the noncustodial parent is to be at the appointed place and at the appointed time to receive the child and “have the child ready to be picked up at the appointed time and place” or make “reasonable alternative arrangements for the custodial parent to pick up the child.” Regular school hours are not to be interrupted for parent-time. The court may accommodate the parents’ work schedules and may exceed but not diminish standard parent-time. The court may alter the parent-time schedule to “reasonably accommodate the distance between the parties and the expense of exercising parent-time.”

Neither parent-time nor child support is to be withheld” due to failure to comply with

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parent-time orders. The noncustodial parent is to be informed of significant functions in which the child is participating, within twenty-four hours of the time the custodial parent receives notice. The noncustodial parent is to have direct access to school and medical records and is to be notified immediately of medical emergencies. Each parent is to provide the other parent with their current address, phone number, email address, etc., within twenty-four hours of a change. Each parent is to “permit and encourage” reasonable uncensored communication with the child during reasonable hours, by mail or by “virtual parent-time if the equipment is reasonably available.” Parental care is considered to be better than surrogate care. Each parent is to provide surrogate care providers with the other parent’s name, address, and phone number. Unless excused by the court, each parent is to provide the other parent with the name, address, and phone number of surrogate care providers. Each parent is entitled to an equal division of major religious holidays that are celebrated by the parents. If a child is on a “different parent-time schedule than a sibling” the parents should consider making parent-time “uniform between school aged and nonschool children.” In the event of deployment, parents who are service members should resolve custody issues as soon as possible.

Section 30-3-34 talks about the best interests of the children and justifications for allowing less than a normal amount of parent-time. If parties are unable to agree about parent-time the court may establish a schedule that it considers to be in the best interests of the children. The advisory guidelines and parent-time schedule are presumed to be in the best interests of the children, “unless the court determines that Section 30-3-35.1 should apply”.

More or less parent-time is considered appropriate only if there is: physical or significant emotional danger; some distance between the parties’ residences; allegations of abuse; “lack of demonstrated parenting skills”; financial inability to “provide adequate food and shelter”; preference of mature children; “incarceration of the noncustodial parent”; shared interests of the child and the noncustodial parent; “involvement or lack of involvement of the noncustodial parent in the school, community, religious, or other related activities of the child”; “availability of the noncustodial parent to care for child when the custodial parent is unavailable”; “a substantial and chronic pattern” of canceled or denied parent-time; lack of bonding between the

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parents; parent-time schedules of siblings; “lack of reasonable alternatives to the needs of a nursing child”; etc.\textsuperscript{111} Supervised parent-time can also be ordered.\textsuperscript{112}

The schedule is only to be changed by mutual consent or court order.\textsuperscript{113}

**Standard Parent-time Schedule for Children Under the Age of Five**

Sections 30-3-35 and 30-3-35.5 are the standard parent-time schedules and are considered to be the minimum schedule if the parties cannot agree to something.\textsuperscript{114} Section 30-3-35.5 is the minimum schedule for parent-time for children under five years of age.\textsuperscript{115} The text of section 30-3-35.5 is as follows.

(1) The parent-time schedule in this section applies to children under five years old.
(2) All holidays in this section refer to the same holidays referenced in Section 30-3-35.
(3) If the parties do not agree to a parent-time schedule, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the child shall be entitled.
   (a) For children under five months of age:
      (i) six hours of parent-time per week to be specified by the court or the noncustodial preferably:
         (A) divided into three parent-time periods; and
         (B) in the custodial home, established child care setting, or other environment familiar to the child; and
      (ii) two hours on holidays and in the years specified in Subsections 30-3-35(2)(f) through [(i)] (k) preferably in the custodial home, the established child care
   (b) For children five months of age or older, but younger than nine months of age:
      (i) nine hours of parent-time per week to be specified by the court or the noncustodial preferably:
         (A) divided into three parent-time periods; and
         (B) in the custodial home, established child care setting, or other environment familiar to the child; and
      (ii) two hours on the holidays and in the years specified in Subsections 30-3-35(2)(f) through [(i)] (k) preferably in the custodial home, the established child care
   (c) For children nine months of age or older, but younger than 12 months of age
      (i) one eight hour visit per week to be specified by the noncustodial parent or court;
      (ii) one three hour visit per week to be specified by the noncustodial parent or court;
      (iii) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f)

\textsuperscript{111} Utah Code Ann. § 30-3-34(2) (LexisNexis Supp. 2018).
\textsuperscript{112} Utah Code Ann. § 30-3-34.5 (LexisNexis Supp. 2018); Peterson v. Peterson, 818 P.2d 1305 (Utah Ct. App. 1991) (supervised parent-time ordered because father had persuaded the child to falsely accuse the mother and her new boyfriend of sexual abuse of the child).
\textsuperscript{113} Utah Code Ann. § 30-3-34(4) (LexisNexis Supp. 2018).
\textsuperscript{114} See Utah Code Ann. §§ 30-3-35 to 30-3-35.5 (LexisNexis 2013).
\textsuperscript{115} See Utah Code Ann. § 30-3-35.5 (LexisNexis 2013).
through [(j)] (k); and
(iv) brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with the noncustodial parent at least two times per week, 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:
(A) the best interests of the child;
(B) each parent's ability to handle any additional expenses for virtual parent-time; and
(C) any other factors the court considers material.
(d) For children 12 months of age or older, but younger than 18 months of age:
(i) one eight-hour visit per alternating weekend to be specified by the noncustodial parent or court;
(ii) on opposite weekends from Subsection (3)(d)(i), from 6 p.m. on Friday until noon on Saturday;
(iii) one three-hour visit per week to be specified by the noncustodial parent or court;
(iv) eight hours on the holidays and in the years specified in Subsections 30-3-35(2)(f) through [(j)] (k); and
(v) brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with the noncustodial parent at least two times per week, 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:
(A) the best interests of the child;
(B) each parent's ability to handle any additional expenses for virtual parent-time; and
(C) any other factors the court considers material.
(e) For children 18 months of age or older, but younger than three years of age:
(i) one weekday evening between 5:30 p.m. and 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 his 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 him to the custodial parent by 8:30 p.m.;
(ii) alternative weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;
(iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through [(j)] (k);
(iv) extended parent-time may be:
(A) two one-week periods, separated by at least four weeks, at the option of the noncustodial parent;
(B) one week shall be uninterrupted time for the noncustodial parent;
(C) the remaining week shall be subject to parent-time for the custodial parent consistent with these guidelines; and
(D) the custodial parent shall have an identical one-week period of uninterrupted for vacation; and
(v) brief telephone contact and virtual parent-time, if the equipment is reasonably available, with the noncustodial parent at least two times per week, 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:
(A) the best interests of the child;
(B) each parent's ability to handle any additional expenses for virtual parent-time; and
(C) any other factors the court considers material.

(f) For children three years of age or older, but younger than five years of age:
(i) one weekday evening between 5:30 p.m. and 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 his 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 him to the custodial parent by 8:30 p.m.;
(ii) alternative weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year; (iii) parent-time on holidays as specified in Subsections 30-3-35(2)(c) through [(j)] (k);
(iv) extended parent-time with the noncustodial parent may be:
(A) two two-week periods, separated by at least four weeks, at the option of the noncustodial parent;
(B) one two-week period shall be uninterrupted time for the noncustodial parent;
(C) the remaining two-week period shall be subject to parent-time for the custodial parent consistent with these guidelines; and
(D) the custodial parent shall have an identical two-week period of uninterrupted time for vacation; and
(v) brief telephone contact and virtual parent-time, if the equipment is reasonably available, with the noncustodial parent at least two times per week, 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:
(A) the best interests of the child;
(B) each parent's ability to handle any additional expenses for virtual parent-time; and
(C) any other factors the court considers material.

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

(5) Virtual parent-time shall be at reasonable hours and for reasonable duration\textsuperscript{116}

Standard Parent-time Schedule for Children Who Are Five Years or Older

The text of section 30-3-35 (the parent-time schedule for children five years or older) is as follows.

(1) The parent-time schedule in this section applies to children 5 to 18 years of age.
(2) If the parties do not agree to a parent-time schedule, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the child shall be entitled.
(a) (i) (A) One weekday evening to be specified by the noncustodial parent or the court, or Wednesday evening if not specified, from 5:30 p.m. until 8:30 p.m.;
(B) at the election of the noncustodial parent, one weekday from the time the child's

\textsuperscript{116} Utah Code Ann. § 30-3-35.5 (LexisNexis 2013).
school is regularly dismissed until 8:30 p.m., unless the court directs the application of Subsection (2)(a)(i); or
(C) at the election of the noncustodial parent, if school is not in session, one weekday from approximately 9 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, unless the court directs the application of Subsection (2)(a)(i)(A) or (2)(a)(i)(B).
(ii) Once the election of the weekday for the weekday evening parent-time is made, it may not be changed except by mutual written agreement or court order.
(b) (i) (A) Alternating weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;
(B) at the election of the noncustodial parent, from the time the child's school is regularly dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of Subsection (2)(b)(i)(A); or
(C) at the election of the noncustodial parent, if school is not in session, on Friday from approximately 9 a.m., accommodating the custodial parent's work schedule, until 7 p.m. on Sunday, if the noncustodial parent is available to be with the child unless the court directs the application of Subsection (2)(b)(i)(A) or (2)(b)(i)(B).
(ii) 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.
(iii) [Elections] An election 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.
(iv) Weekends include any "snow" days, teacher development days, or other days when school is not scheduled and which are contiguous to the weekend period.
(c) Holidays include any "snow" days, teacher development days after the children begin the school year, or other days when school is not scheduled, contiguous to the holiday period, and take precedence over the weekend parent-time. Changes may not be made to the regular rotation of the alternating weekend parent-time schedule; however:
(i) birthdays take precedence over holidays and extended parent-time, except Mother's Day and Father's Day; and (ii) 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.
(d) If a holiday falls on a regularly scheduled school day, the noncustodial parent shall be responsible for the child's attendance at school for that school day.
(e) (i) If a holiday falls on a weekend or on a Friday or Monday and the total holiday period extends beyond that time so that the child is free from school and the parent is free from work, the noncustodial parent shall be entitled to this lengthier holiday period.
(ii) (A) 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; or (B) at the election of the noncustodial parent, if school is not in session, 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 unless the court directs the application of Subsection (2)(c)(ii)(A).
(iii) 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.
(iv) [Elections] An election 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.
(f) In years ending in an odd number, the noncustodial parent is entitled to the
following holidays:
(i) child's birthday on the day before or after the actual birthdate beginning at 3 p.m.
until 9 p.m.; at the discretion of the noncustodial parent, [he] the noncustodial
parent may take other siblings along for the birthday;
(ii) Martin Luther King, Jr. 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;
(iii) subject to Subsection (2)(i), spring break beginning at 6 p.m. on the day school lets
out for the holiday until 7 p.m. on the [Sunday] evening before school resumes;
(iv) 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;
(v) 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;
(vi) the 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;
(vii) Veterans Day holiday beginning 6 p.m. the day before the holiday until 7 p.m. on
the holiday; and
(viii) the first portion of the Christmas school vacation as defined in Subsection
30-3-32(3)(b) including Christmas Eve and Christmas Day, continuing until 1 p.m. on the
day halfway through the holiday period, 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 period is equally divided.
(g) In years ending in an even number, the noncustodial parent is entitled to the
following holidays:
(i) child's birthday on actual birthdate beginning at 3 p.m. until 9 p.m.; at the
discretion of the noncustodial parent, [he] the noncustodial parent may take other siblings
along for the birthday;
(ii) President's Day beginning at 6 p.m. on Friday until 7 p.m. on Monday unless the
holiday extends for a lengthier period of time to which the noncustodial parent is
completely entitled;
(iii) 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;
(iv) 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;
(v) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the holiday;
(vi) 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.;
(vii) Thanksgiving holiday beginning Wednesday at 7 p.m. until Sunday at 7 p.m.; and
(viii) the second portion of the Christmas school vacation as defined in Subsection 30-3-32(3)(b), beginning 1 p.m. on the day halfway through the holiday period, 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 period is equally divided.

(h) The custodial parent is entitled to the odd year holidays in even years and the even year holidays in odd years.

(i) If there is more than one child and the children's school schedules vary for purpose of a holiday, it is presumed that the children will remain together for the holiday period beginning the first evening all children's schools are let out for the holiday and ending the evening before any child returns to school.

[[(i)] (j) Father's Day shall be spent with the natural or adoptive father every year beginning at 9 a.m. until 7 p.m. on the holiday.
[(j)] (k) Mother's Day shall be spent with the natural or adoptive mother every year beginning at 9 a.m. until 7 p.m. on the holiday.
[(k)] (l) Extended parent-time with the noncustodial parent may be:
(i) up to four consecutive weeks when school is not in session at the option of the noncustodial parent, including weekends normally exercised by the noncustodial parent, but not holidays;
(ii) two weeks shall be uninterrupted time for the noncustodial parent; and
(iii) 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.
[(l)] (m) The custodial parent shall have an identical two-week period of uninterrupted time when school is not in session for purposes of vacation.
[(m)] (n) Both parents shall provide notification of extended parent-time or vacation weeks with the child at least 30 days [prior to] before the end of the child's school year 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.
[(n)] (o) Telephone contact shall be at reasonable hours and for a reasonable duration.
[(o)] (p) 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:
(i) the best interests of the child; (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
(iii) any other factors the court considers material.

(3) [Any elections] An election required to be made in accordance with this section by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order. (4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be extended beyond the hours designated in Subsection (2)(g)(vi).

Utah Code Annotated section 30-3-35.1 says:

(1) The optional parent-time schedule in this section applies to children 5 to 18 years of age. This schedule is 145 overnights. Any impact on child support shall be consistent with Subsection 78B-12-102(15).

(2) The parents and the court may consider the following increased parent-time schedule as a minimum when the parties agree or the noncustodial parent can demonstrate the following:

(a) the noncustodial parent has been actively involved in the child's life; (b) the parties are able to communicate effectively regarding the child, or the noncustodial parent has a plan to accomplish effective communications regarding the child; (c) the noncustodial parent has the ability to facilitate the increased parent-time; (d) the increased parent-time would be in the best interest of the child; and (e) any other factor the court considers relevant.

(3) In determining whether a noncustodial parent has been actively involved in the child's life, the court shall consider:

(a) demonstrated responsibility in caring for the child; (b) involvement in day care; (c) presence or volunteer efforts in the child's school and at extracurricular activities; (d) assistance with the child's homework; (e) involvement in preparation of meals, bath time, and bedtime for the child; (f) bonding with the child; and (g) any other factor the court considers relevant.

(4) In determining whether a noncustodial parent has the ability to facilitate the increased parent-time, the court shall consider:

(a) the geographic distance between the residences of the parents and the distance between the parents' residences and the child's school; (b) the noncustodial parent's ability to assist with after school care; (c) the health of the child and the noncustodial parent, consistent with Subsection 30-3-10(4); (d) flexibility of employment or other schedule of the parent; (e) ability to provide appropriate playtime with the child; (f) history and ability of the parent to implement a flexible schedule for the child; (g) physical facilities of the noncustodial parent's residence; and (h) any other factor the court considers relevant.

(5) [Any elections] An election required to be made in accordance with this section by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order. [Elections] An election may only be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.

(6) If the parties agree or the court enters an order for the optional parent-time schedule.
as set forth in this section, a parenting plan in compliance with Sections 30-3-10.7 through 30-3-10.10 shall be filed with any order incorporating the following optional parent-time schedule:
(a) The noncustodial parent or the court may specify one weekday for parent-time. If no day is specified, weekday parent-time shall be on Wednesday from 5:30 p.m. until the following day when delivering the child to school, or until 8 a.m., if there is no school the following day. Once the election of the weekday is made, it may only be changed in accordance with Subsection (5). At the election of the noncustodial parent, weekday parent-time may commence:
(i) from the time the child's school is regularly dismissed; or
(ii) if school is not in session, and the parent is available to be with the child, at approximately 8 a.m., accommodating the custodial parent's work schedule.
(b) Beginning on the first weekend after the entry of the decree, the noncustodial parent shall be entitled to alternating weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until Monday when delivering the child to school, or until 8 a.m. if there is no school on Monday. At the election of the noncustodial parent, weekend parent-time may commence:
(i) from the time the child's school is regularly dismissed on Friday; or
(ii) if school is not in session, and the parent is available to be with the child, at approximately 8 a.m. on Friday, accommodating the custodial parent's work schedule.
(c) The provisions of Subsections 30-3-35(2)(f) through [(o) shall be] (p) are incorporated [here] into this section and constitute the parent-time schedule with the exception that all instances that require the noncustodial parent to return the child at any time after 6 p.m. be changed so that the noncustodial parent is required to return the child to school the next morning or at 8 a.m., if there is no school.
(7) A stepparent, 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 if the noncustodial parent will be with the child by 7 p.m.
(8) Weekends include any "snow" days, teacher development days, or other days when school is not scheduled and that are contiguous to the weekend period.
(9) Holidays include any "snow" days, teacher development days after the child begins the school year, or other days when school is not scheduled, contiguous to the holiday period, and take precedence over weekend parent-time. Changes may not be made to the regular rotation of the alternating weekend parent-time schedule.
(a) If a holiday falls on a school day, the noncustodial parent shall be responsible for the child's attendance at school for that school day.
(b) If a holiday falls on a weekend or on a Friday or Monday and the total holiday period extends beyond that time so that the child is free from school and the parent is free from work, the noncustodial parent shall be entitled to this lengthier holiday period.
(c) At the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin from the time the child's school is dismissed at the beginning of the holiday weekend or, if school is not in session, and if the noncustodial parent is available to be with the child, parent-time over a scheduled holiday weekend may begin at approximately 8 a.m., accommodating the custodial parent's work schedule, unless the court directs the application of Subsection (6)(a).
(10) Birthdays take precedence over holidays and extended parent-time, except
Mother's Day and Father's Day. Birthdays do not take precedence over uninterrupted parent-time if the parent exercising uninterrupted time is out of town for the uninterrupted extended parent-time. At the discretion of the noncustodial parent, other siblings may be taken along for birthdays.

(11) Notwithstanding Subsection (9)(b), the Halloween holiday may not be extended beyond the hours designated in Subsection 30-3-35(2)(g)(vi).

(12) If there are children aged 5 to 18 and children under the age of five who are the natural or adopted children of the parties, the parents and the court should consider an upward deviation for parent-time with all the minor children so that parent-time is uniform based on a schedule pursuant to this section..

Special Circumstances

Section 30-3-36 deals with special circumstances. It provides that children should be gradually reintroduced to an unfamiliar noncustodial parent. It also provides that, when a child travels with a parent, the other parent should have the itinerary of travel dates, destinations, places to be reached, and the name and phone number of a knowledgeable third party.

Relocation

Section 30-3-37 deals with relocation. A parent who is relocating (150 miles or more from the “residence specified in the court’s decree”) needs to give “60 days advance written notice of the intended relocation to the other parent.” The court may “make appropriate orders regarding the parent-time and costs”, considering the best interest of the child and other factors. “If the court determines that relocation is not in the best interest of the child, and the custodial parent relocates, the court may order a change of custody.”

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117 Utah Code Ann. § 30-3-35 (LexisNexis Supp. 2018). Section 30-3-32(3)(b) of the Utah Code Annotated defines Christmas school vacation as “(i) for a single child, the time period beginning on the evening the child is released from school for the Christmas or winter school break and ending the evening before the child returns to school; and (ii) for multiple children when the children's school schedules differ, the time period beginning on the first evening all children's schools are released for the Christmas or winter school break and ending the evening before any of the children returns to school.”

118 See Utah Code Ann. § 30-3-36 (LexisNexis 2013).


120 Utah Code Ann. § 30-3-36(2) (LexisNexis 2013).


122 Utah Code Ann. § 30-3-37(1)-(2) (LexisNexis Supp. 2018). The notice is to contain statements affirming the court-determined or parties-agreed parent-time schedule and affirming that the parents will not interfere with parent-time arrangements or schedule. Utah Code Ann. § 30-3-37(2) (LexisNexis Supp. 2018).


“Unless otherwise ordered by the court, upon relocation,” the noncustodial parent is to have the child(ren) (ages 5 to 18) for one-half of the summer break (or “off-track time”) as well as Thanksgiving (during odd numbered years), spring break (during odd numbered years), winter break (during even numbered years), and fall break (during even numbered years).\textsuperscript{125}

In addition, “at the option and expense of the noncustodial parent”, the noncustodial parent is entitled to one weekend per month.\textsuperscript{126}

For children under the age of five, the court is to set a parent-time schedule based on the child(ren)’s age and developmental needs, distance between parents, travel arrangements and costs, level of attachment, and other relevant factors.\textsuperscript{127}

Unless the noncustodial parent specifies otherwise or unless there is a conflict with holiday parent-time, this monthly weekend parent-time is to be on the last weekend of the month.\textsuperscript{128} If there is a conflict with holiday parent-time, this monthly weekend parent-time is to be on the next to last weekend of the month.\textsuperscript{129} This monthly weekend parent-time is to include teacher development days and snow days that are “contiguous with” the monthly weekend parent-time.\textsuperscript{130}

If “finances and distance preclude the exercise of minimum parent-time for the noncustodial parent during the school year, the court should consider awarding more time for the noncustodial parent during the summer time if it is in the best interests of the children.”\textsuperscript{131} “Unless otherwise ordered by the court the relocating party shall be responsible for all of the child’s travel expenses” related to this relocation parent-time, except for half of the travel expense for the summer visit.\textsuperscript{132} A noncustodial parent who has been found in contempt for failure to pay child support, is responsible for all of the child’s parent-time travel expenses, unless the court orders otherwise.\textsuperscript{133}

The court has discretion to order a minimum of thirty days of uninterrupted parent-time with the noncustodial parent during extended parent-time, and the court is to specify who “is responsible for the child’s travel expenses.”\textsuperscript{134}

A parent who does not comply with a notice of relocation “shall be in contempt of the court’s order.”\textsuperscript{135}

\textsuperscript{130} Utah Code Ann. § 30-3-37(8) (LexisNexis Supp. 2018).
Under certain circumstances, section 30-3-40 of the Utah Code Annotated allows families members of a noncustodial parent to exercise the noncustodial parent’s parent-time rights while that parent is away in military service.

Noncompliance with a Parent-time Order

The court may award costs and attorney fees to a prevailing parent or close family member for noncompliance with a visitation or parent-time order. The court may also order “any other appropriate equitable remedy” including payment of child care and transportation expenses and lost wages.¹³⁶

Utah’s Child Support Guidelines

Utah’s child support guidelines act as a rebuttable presumption for determining the amount of child support.\(^{137}\) There are instructions for calculating child support for sole,\(^{138}\) joint,\(^{139}\) and split custody\(^{140}\).

The tables for calculating child support amounts are found in sections 78B-12-301 and 78B-12-302 of the Utah Code Annotated.\(^{141}\) If the combined monthly income is higher than $100,000 the judge sets support on a case-by-case basis, but the amount can not be less than the highest amount shown in the tables.\(^{142}\) If the adjusted gross income of a parent is $649 or less, the amount of child support is to be calculated on a case-by-case basis, but is not to be less than $30 per month.\(^{143}\)

The guidelines can be rebutted, and, if so, support will be calculated based upon the standard of living, age, relative wealth and income, ability to earn, needs of each party and the child, and responsibility for the support of others.\(^{144}\) Worksheets for calculating child support are found in appendix G of the Utah Code Annotated court rules volume and in the appendices in the forms portion of this book.

Calculating Income

Adjusted gross income is to be used in calculating child support and only the income of natural or adoptive parents may be considered.\(^{145}\) Gross income is “prospective income from any source”, such as salaries, wages, commissions, royalties, bonuses, rents, gifts, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security, workers’ compensation, unemployment, disability insurance, and “payments from ‘nonmeanstested’ government programs.”\(^{146}\) Excluded from gross income are: Supplemental Security Income, Social Security Disability Insurance, Medicaid, General Assistance, SNAP benefits, housing subsidies, benefits received under the Job Training Partnership Act, etc.\(^{147}\)

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\(^{137}\) Utah Code Ann. § 78B-12-210(2) (LexisNexis 2012).
\(^{138}\) Utah Code Ann. § 78B-12-205 (LexisNexis 2012).
\(^{140}\) Utah Code Ann. § 78B-12-209 (LexisNexis 2012).
\(^{141}\) Appendix 13 of the forms portion of this book shows the child support tables.
\(^{142}\) See Utah Code Ann. § 78B-12-206 (LexisNexis 2012).
\(^{143}\) Utah Code Ann. 78B-12-205(6) (LexisNexis 2012).
\(^{144}\) Utah Code Ann. § 78B-12-202(3) (LexisNexis 2012).
\(^{145}\) Utah Code Ann. § 78B-12-207 (LexisNexis 2012).
based upon one full-time 40-hour job unless, just prior to the original support order, it is
found that the parent normally and consistently worked more than 40 hours per week at
their job. Income from self-employment or business is to be calculated at the gross
income minus “expenses necessary to allow the business to operate at a reasonable
level”. When possible, income should be calculated “on an annual basis and then
recalculated to determine the average gross monthly income.” Income verification is
required. Incarceration of at least six months may not be treated as voluntary
unemployment by the office in establishing or modifying a support order.

In certain cases income may be imputed. This is allowed only by stipulation,
default, or, in contested cases, after a hearing and a judge or “presiding officer in an
administrative proceeding enters findings of fact as to the evidentiary basis for the
imputation.” Income is imputed on the basis of employment potential and probable
earnings as considering, to the extent known: employment opportunities, work history,
occupational qualifications, educational attainment, literacy, age, health, criminal record,
other employment barriers and background factors, and prevailing earnings and job
availability. If there is “no recent work history or a parent’s occupation is unknown,”
income may “be imputed at least at the federal minimum wage for a 40-hour work
week.” Income is not to be imputed “if any of the following conditions exist and the
condition is not of a temporary nature:” (1) reasonable child care costs would “approach
or equal” the amount the custodial parent could make; (2) the “parent is physically or
mentally unable to earn minimum wage;” (3) the parent is receiving job training to
“establish basic job skills;” or (4) “unusual emotional or physical needs of a child require
the custodial parent’s presence in the home.” The fact that someone is pursuing a
bachelor’s degree does not exempt him from having income imputed.

Social security benefits given to a child because of the earnings of a parent are to
be a credit for that parent against their child support obligation.

Child support is to be reduced by 50% for each child during times when the child
(by court order or written agreement) is with the noncustodial parent at least 25 of 30
consecutive days. Child support is to be reduced by 25% for each child during times

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that minimum wage is $7.25 per hour.
when the child (by court order or written agreement) is with the noncustodial parent at least 12 of 30 consecutive days.\footnote{Utah Code Ann. § 78B-12-216(1)(b) (LexisNexis 2012).}

Materials That Need to be Filed

In any matter in which child support is ordered, the moving party needs to submit a child support worksheet, financial verification, a written statement that says whether or not the amount of support is consistent with the child support guidelines, and identification information.\footnote{Utah Code Ann. § 78B-12-201 (LexisNexis 2012). The financial verification is to include such things as year-to-date pay stubs and completed tax returns for the most recent year. Utah Code Ann. § 78B-12-203(5) (LexisNexis 2012). The identifying information is to include the party’s social security number, driver’s license number, addresses, phone numbers; it is also to include the name, address, and phone number of their employer; upon entry of a support order, each party is to submit this same identifying information. Utah Code Ann. § 78B-12-201(3) (LexisNexis 2012); Utah Code Ann. § 62A-11-304.4(1) (LexisNexis 2011). The social security number of anyone who is subject to a support order is to be placed in the records relating to the case. Utah Code Ann. § 78B-12-116 (LexisNexis 2012). See Utah Code Ann. § 78B-12-219(1) (LexisNexis 2012). The child support amount is adjusted for the remaining children based upon the child support table that was used in setting the most recent order, rather than just reducing it “by a per child amount derived from the base child support award originally ordered.” Utah Code Ann. § 78B-12-219(1)-(2) (LexisNexis 2012).}

Termination of Child Support

Child support terminates at age 18 (or upon graduation from high school in the normal and expected year of graduation if that is after the child turns 18), or upon the child’s death, emancipation, marriage, entry into military service, or adoption.\footnote{Utah Code Ann. § 15-2-1 (LexisNexis 2009). See Utah Code Ann. § 30-3-5(1)(a)-(b) (LexisNexis Supp. 2018). Utah Code Ann. § 78B-12-212(2)(b)-(4) (LexisNexis Supp. 2018).} However, “courts in divorce actions may order support to age 21.”\footnote{Utah Code Ann. § 78B-12-219(1) (LexisNexis 2012). The child support amount is adjusted for the remaining children based upon the child support table that was used in setting the most recent order, rather than just reducing it “by a per child amount derived from the base child support award originally ordered.” Utah Code Ann. § 78B-12-219(1)-(2) (LexisNexis 2012).}

Medical and Child Care Expenses

Every decree of divorce is to include “an order assigning responsibility for the payment of reasonable and necessary medical and dental expenses of a dependent child” and an order requiring insurance if available “at a reasonable cost”.\footnote{Utah Code Ann. § 30-3-5(1)(a)-(b) (LexisNexis Supp. 2018). Utah Code Ann. § 78B-12-212(2)(b)-(4) (LexisNexis Supp. 2018).} A parent will be ordered to provide insurance, if available at a reasonable cost, and the parents are to equally share the cost of insurance premiums and uninsured expenses.\footnote{Utah Code Ann. § 78B-12-212(8)-(10) (LexisNexis Supp. 2018).} Both are to give timely information to each other about insurance and expenses.\footnote{See Utah Code Ann. § 78B-12-212(8)-(10) (LexisNexis Supp. 2018).}
Each parent is to share equally in reasonable work-related child care expenses.\textsuperscript{168} These amounts are to be paid monthly.\textsuperscript{169} Written verification is required of the cost and the provider’s identity.\textsuperscript{170} Changes in the child care arrangements need to be disclosed to the other party within thirty days or the parent may not get reimbursed for the expenses.\textsuperscript{171}

\textbf{Tax Deduction}

\textsuperscript{168} Utah Code Ann. § 78B-12-214(1) (LexisNexis 2012).
\textsuperscript{169} Utah Code Ann. § 78B-12-214(2)(a) (LexisNexis 2012).
\textsuperscript{170} Utah Code Ann. § 78B-12-214(2)(b)(i) (LexisNexis 2012).
\textsuperscript{171} Utah Code Ann. § 78B-12-214(2)(b)(ii)-(3) (LexisNexis 2012).

26 U.S.C. § 71 says that, for tax purposes, a person’s gross income includes alimony but not child support. Section 78B-12-217 of the Utah Code Annotated makes no presumption about who should get to claim a child for federal and state income tax purposes; however, the court or administrative agency, in awarding the tax exemption, is to consider the “relative contribution of each parent to the cost of raising the child” and “the relative tax benefit to each parent.” 26 U.S.C. § 152(c)(4)(B) says that the parent claiming a child as a dependent for tax purposes is to be the parent the child resides with most of the time.

\textbf{Bankruptcy}

Chapter 6
Alimony

Alimony is a continuation of each spouse’s duty to support and maintain the other. The court has “broad latitude” in setting alimony and these determinations “will not be lightly disturbed.” The court is to “consider at least the following factors in determining alimony”: (1) the financial condition and needs of the person who is to receive alimony, (2) the earning capacity of the person who is to receive alimony “including the impact of diminished workplace experience resulting from primarily caring for a child of the payor spouse”; (3) the ability of the person who is to pay alimony to provide support, (4) “the length of the marriage”, (5) whether or not the “recipient spouse has custody of minor children” who require support, (6) whether or not the “recipient spouse worked in a business” that was “owned or operated by the payor spouse”, and (7) whether or not “the recipient spouse directly contributed to” an “increase in the payor spouse’s skill by paying for education received by the payor spouse or enabling the payor spouse to attend school during the marriage.” The court is to consider all sources of income including overtime, second jobs, self employment, etc.

The court may consider fault in determining alimony. In Childs v. Childs, 967 P.2d 942, 946-47 (Utah Ct. App. 1998), a woman was given a lower amount of alimony, in part, because of her fault in engaging in an extra-marital affair.

Generally, the court should look at the standard of living that existed at the time of the separation, in determining alimony; but the court is to “consider all relevant facts and equitable principles” and “may, in its discretion, base alimony on the standard of living that existed at the time of trial.” In short-term marriages, “when no children have been conceived or born during the marriage, the court may consider the standard of living that existed at the time of the marriage.” The court may, under appropriate circumstances, attempt to equalize the parties’ respective standards of living.

If a long-term marriage is ending on the “threshold of a major change in the income of one of the spouses due to the collective efforts of both,” the change is to “be considered in dividing the marital property and in determining” alimony. Similarly, if “one spouse’s earning capacity has been greatly enhanced” by “the efforts of both spouses during the marriage, the court may make a compensating adjustment” in regard to

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to alimony as well as in the division of marital property. In short-term marriages, where “no children have been conceived or born during the marriage, the court may” restore each party to the condition that “existed at the time of the marriage.”

Alimony generally is not to be ordered for a period longer than the number of years of the marriage. Unless income withholding is involved or otherwise ordered by the court, half of alimony is to be paid on the fifth day of each month and the other half on the twentieth of the month.

Unless otherwise ordered by the court, alimony “automatically terminates upon the remarriage or death of the former spouse” but is to resume if “the remarriage is annulled and found to be void ab initio” and the paying spouse is “made a party to the action.” An order of alimony also terminates “upon establishment by the party paying alimony that the former spouse, after the order for alimony is issued, cohabits with another person even if the former spouse is not cohabitating with another person when the party paying alimony files the motion to terminate.” The party seeking termination must do so no later than one year from the day the party knew or should have known about the cohabitation.


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184 Utah Code Ann. § 30-3-10.5 (LexisNexis 2013).
Chapter 7
Debts

In a divorce, the court may include equitable orders relating to debts. The court has “considerable latitude of discretion in adjusting financial . . . interests.”

There is no fixed formula for distributing a marital estate. The court could consider such things as each party’s ability to pay, whether the debt was jointly incurred, whether or not the debt can be documented, when the debt was incurred, and who is going to receive the property.

Spouses are not liable for each other’s separate debts that were incurred during the marriage, other than family expenses. The court may specify which party is responsible for payment of joint debts incurred during the marriage, require the parties to notify creditors regarding the court’s division of the debts, and provide for enforcement.

A decree cannot alter or end any joint contractual obligation between the parties and a creditor. However, a creditor cannot make a negative credit report against a party who has not been ordered to pay, unless they have first demanded payment by the other party, who then failed to pay. When there is a court order or an administrative order, providing for payment of children’s medical expenses, a creditor (who has a copy of the order) may be prohibited from charging more than the court-ordered amount, of a parent who has paid their court-ordered portion in full, and from making a negative credit report regarding that parent. If one party ultimately fails to repay a joint debt, as ordered by the court, the remedy is a contempt order and judgment for money paid.

Some parties try to insure future liability for debts, even after bankruptcy, by putting “hold harmless” language in the decree (i.e., one party agrees to pay certain debts and to hold the other party harmless from liability on those debts). This will only help if payment of those debts is “in the nature of support.”

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189 Turner v. Turner, 649 P.2d 6, 8 (Utah 1982).
190 Utah Code Ann. § 30-2-5 (LexisNexis 2013). These are the “expenses of the family and the education of the children” and the husband and wife “may be sued jointly or separately” for these expenses. Utah Code Annotated § 30-2-9 (LexisNexis 2013). Case law has found family expenses to include expenses incurred while a wife was ill, Izatt v. Izatt, 627 P.2d 49, 52 (Utah 1981), as well as expenses related to children, Gulley v. Gulley, 570 P.2d 127, 128-29 (Utah 1977).
193 Utah Code Ann. § 15-4-6.5(3) (LexisNexis 2009).
Debt payment can be considered part of alimony, but 26 U.S.C. § 71(a) says that alimony is taxable. Debts could also be considered as additional child support, but the ongoing duty to pay child support ends when the youngest child turns eighteen.196

If a creditor seeks to take a debtor’s property for unpaid debts, certain items of property are exempt, such as $30,000 of the value of the “primary personal residence”197. The following things are also among those that are exempt: alimony, burial plots, health aids, some appliances and furniture, wearing apparel, year’s supply of provisions, and bedding.198 Also exempt is a motor vehicle, “not exceeding $3,000 in value”.199 However, a creditor may collect against exempt property, other than unemployment benefits, to enforce certain claims (e.g., alimony and support).200 A person’s earnings may be garnished under Rule 64D of the Utah Rules of Civil Procedure. This cannot exceed 25% of a person’s disposable earnings (50% if for child support).201

11 U.S.C. § 523(a)(5) says that domestic support obligations are not dischargeable, in bankruptcy. The federal or state court decides if the debt was in the form of alimony or support.202 Types of bankruptcy include Chapter 7 (liquidation (voluntary or involuntary)); Chapter 13 (individual reorganization of debts); Chapter 11 (business reorganization of debts); Chapter 12 (farm reorganization of debts).203 11 U.S.C. § 362(b)(2) says that bankruptcy proceedings do not “operate as a stay” of a civil action in regard to child custody/visitation or dissolution of a marriage or “collection of a domestic support obligation from property that is not property of the [bankruptcy] estate”.

201 Utah R. Civ. P. 64D(a)(1).
203 More information about these different types of bankruptcy can be found in Title 11 of the United States Code.
Chapter 8
Property Division

In a divorce, the court may include equitable orders relating to property.\(^{204}\) Orders must be “fair and reasonable to all concerned.”\(^{205}\) The court has “considerable latitude of discretion” in “adjusting . . . property interests” in a divorce action.\(^{206}\) The court’s “disposition of property” should be “as it deems fair, equitable, and necessary for the protection and welfare of the parties.”\(^{207}\)

The court first needs to “properly categorize the parties’ property as part of the marital estate or as the separate property of one or the other.”\(^{208}\) There is a presumption that each party is “entitled to all of his or her separate property and fifty percent of the marital property.”\(^{209}\) “[T]he court should then consider the existence of exceptional circumstances . . . .”\(^{210}\)

There is “no fixed formula” for dividing property in a divorce.\(^{211}\)

Pension plans that have accrued during the marriage are “subject to equitable distribution”. In Woodward v. Woodward, 656 P.2d 431, 433-434 (Utah 1982), the court ruled that equitable division of a pension plan means giving each spouse one-half of the benefits earned during the marriage (i.e., one-half of the “portion of the retirement benefits represented by the number of years of the marriage divided by the number of years the [wage-earner’s] employment”).\(^{212}\) This formula may be modified, however, to adapt to the varied circumstances related to a defined benefit plan so long as the division is still equitable.\(^{213}\)

A QDRO (domestic relations order) is required in order to give ERISA retirement plan benefits to someone other than the participant (e.g., a former spouse). 29 U.S.C. § 1003 says that, generally, this applies “to any employee benefit plan” that is established or maintained by an employer that is “engaged in commerce or in any industry or activity affecting commerce”. 29 U.S.C. § 1056(d)(3)(C) says that a domestic relations order must provide the participant’s name and address, all alternative payees’ names and addresses, the amount or percentage of their benefits, the number of payments, and a list of each plan to which the order applies.

\(^{205}\) In re Estate of Knickerbocker, 912 P.2d 969, 977 (Utah 1996) (citing § 30-3-5).
\(^{212}\) Woodward v. Woodward, 656 P.2d 431, 433-434 (Utah 1982).
\(^{213}\) Granger v/ Granger, 374 P.3d 1043 (Utah Ct. App. 2016).
Chapter 9
Temporary Orders

Some cases require a temporary court order regarding the rights and obligations of the parties. There are several types of temporary orders that may be used in a domestic relations case: ex parte temporary restraining orders,\(^{214}\) protective orders,\(^{215}\) and other temporary orders.

**Ex Parte Temporary Restraining Orders**

Ex parte temporary restraining orders (ordered without first giving notice to the other party) are possible (1) it clearly appears that immediate or irreparable injury, loss, or damage will result prior to a hearing, and (2) documentation of efforts to give notice to the opposing party are provided to the court.\(^{216}\) Temporary orders generally expire within fourteen days.\(^{217}\) This rule does not limit the equitable powers of the court in administering temporary restraining orders in domestic relations cases.\(^{218}\) (Form 15 of the Utah Rules of Civil Procedure provides a sample application for temporary restraining order.)

**Protective Orders**

In situations where there has been cohabitant abuse, the victim may get a protective order or an ex parte protective order.\(^{219}\) The following things can be included in an ex parte protective order: (1) a prohibition against further abuse or threats of abuse, (2) a prohibition against harassment or communication, (3) exclusion from the abuse victim’s residence, place employment, etc., (4) prohibition against use or possession of a weapon, (5) use of personal effects and an automobile, (6) maintenance of an existing wireless telephone contact or account, (7) temporary custody of the children, (8) assistance of the office of the Guardian Ad Litem, (9) other relief needed to provide safety and welfare, and (10) child support and alimony (income verification needs to be brought to the hearing).\(^{220}\) (Violation of items 1-5 are criminal offenses.\(^{221}\) Violation of items 6, 8, and 9 are civil offenses.\(^{222}\))

\(^{214}\) See Utah R. Civ. P. 65A(b).
\(^{215}\) See Utah Code Ann. §§ 78B-7-103 (LexisNexis 2012).
\(^{216}\) Utah R. Civ. P. 65A(b)(1).
\(^{217}\) Utah R. Civ. P. 65A(b)(2).
\(^{218}\) Utah Code Ann. § 78B-7-106(1) (LexisNexis Supp. 2018) (protective orders require prior notice to the other party but ex parte protective orders do not).
Expedited service is required of the sheriff’s office in these cases. A hearing is to be held within 20 days after the ex parte order is issued.

The civil portion of the final order is generally to last 150 days or less. After two years, a hearing may be held to dismiss the criminal portion of the final order. Violation of the “safety” provisions of a protective order is a class A misdemeanor. Violations of the other provisions is subject to a contempt proceeding.

Other Temporary Orders

Sometimes parties need non-emergency, temporary relief, prior to the divorce trial (e.g., for support during the pendency of the action). This is allowed by Utah Code Annotated §§ 30-1-17.2(1), 30-3-3(3), and 78A-2-220(1)(i). The court is given the motion, a memorandum, a proposed order, and a request to submit for a decision; the court may order a hearing. Judgments and written motions need to be served on the opposing party or their attorney, in accordance with Rule 5(b) of the Utah Rules of Civil Procedure.

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224 Utah Code Ann. § 78B-7-107(1)(a) (LexisNexis 2012).
Chapter 10
Decrees of Divorce

The final document in a divorce case is the decree of divorce.\footnote{230} The decree may include orders regarding the children, medical coverage for the children, property, and debts.\footnote{231} The court needs to take evidence, even if by affidavit, to support the decree of divorce.\footnote{232}

The decree is absolute: (1) upon signing by the court and entry by the clerk in the register of actions, or (2) at the expiration of a time period designated by the court, unless an appeal or other proceeding for review is pending, or (3) when the court otherwise orders, prior to the decree becoming absolute, if “sufficient cause” exists.\footnote{233} A court can extend the designated time period up to six months after the “signing and entry of the decree”\footnote{234}. The file, except for the final order, can be classified as private.\footnote{235}

\footnote{232}{ See Utah Code Ann. § 30-3-4(1)(b), (d) (LexisNexis 2013).
\footnote{233}{ Utah Code Ann. § 30-3-7(1) (LexisNexis 2013).
\footnote{234}{ Utah Code Ann. § 30-3-7(2) (LexisNexis 2013).
\footnote{235}{ Utah Code Ann. § 30-3-4(2) (LexisNexis Supp. 2018).}
Chapter 11
Enforcement

Disobedience of a court order is contempt.\textsuperscript{236}

When the contempt is not committed in the presence of the court, evidence of the contempt is given to the court through an affidavit or statement of the facts.\textsuperscript{237} An application can be made to the court for an order to show cause to enforce an existing order or to seek “sanctions for violating an existing order”.\textsuperscript{238} A request for an order is to be done by motion and generally must be in writing, stating the grounds and the relief that is being requested.\textsuperscript{239} Motions are generally to be accompanied by a supporting memorandum.\textsuperscript{240} After briefing has been completed the parties can “file a ‘Request to Submit for Decision.’”\textsuperscript{241}

The court may hold a hearing on a motion.\textsuperscript{242} And an order can be entered.\textsuperscript{243}

If a person is found in contempt, the court may order payment of a fine not exceeding $1,000, and/or sentence the person to 30 days (or less) in jail.\textsuperscript{244} In addition, the court may order the person to pay the aggrieved party enough money to compensate them for their costs and expenses caused by the contempt.\textsuperscript{245} If a person is refusing to do something that the law requires them to do, and which are capable of doing, the court may imprison the person until they do it.\textsuperscript{246}

If a parent does not comply with the minimum amount of parent-time or child support ordered, the court can order ten or more hours of compensatory service and order the offender to participate in workshops, classes, or counseling.\textsuperscript{247}

Enforcement of a child support order may be pursued at any time “within four years after the date the youngest child reaches majority” or “eight years from the date of entry of the sum certain judgment by a tribunal.”\textsuperscript{248}

\textsuperscript{236} Utah Code Ann. § 78B-6-301(5) (LexisNexis 2012).
\textsuperscript{237} Utah Code Ann. § 78B-6-302(2) (LexisNexis 2012).
\textsuperscript{238} See Utah R. Civ. P. 7(b) and 7(q).
\textsuperscript{239} Utah R. Civ. P. 7(b).
\textsuperscript{240} Utah R. Civ. P. 7(c)(1).
\textsuperscript{241} Utah R. Civ. P. 7(g).
\textsuperscript{242} Utah R. Civ. P. 7(h). Evidence at the hearing can be given by “proffer”. See Fullmer v. Fullmer, 761 P.2d 942, 945 (Utah Ct. App. 1988)
\textsuperscript{243} See Utah R. Civ. P. 7(j).
\textsuperscript{244} Utah Code Ann. § 78B-6-310(1) (LexisNexis 2012).
\textsuperscript{245} Utah Code Ann. § 78B-6-311 (LexisNexis Supp. 2018) (it is possible that bail, paid by the judgment debtor, can be given to the judgment creditor).
\textsuperscript{246} Utah Code Ann. § 78B-6-312 (LexisNexis 2012).
\textsuperscript{247} Utah Code Ann. § 78B-6-316 (LexisNexis 2012).
If child support or parent-time has been withheld for 60 days, “[a] court may, in addition to other available sanctions, withhold, suspend, or restrict the use of driver’s licenses, professional and occupational licenses, and recreational licenses . . . .”249

Criminal nonsupport of children under 18 years of age is a class A misdemeanor (for a first offense).250 Repeat offenses can result in a conviction of a third degree felony.251

Recovery Services

The office (Office of Recovery Services252 or O.R.S.) has the duty of providing child support services if O.R.S. has received an application for child support services, the state has provided public assistance, or the child lives out of the home under state custody or care.253 In cases where the children are receiving public assistance, immediate income withholding is available (as of the effective date of the order), even if no delinquency exists.254 In cases where the children are not receiving public assistance, immediate income withholding is also available (as of the effective date of the order), even if no delinquency exists, unless preempted by good cause or by a written contract provision.255 O.R.S. can use an administrative proceeding to require payment of child support.256 42 U.S.C. § 664(a)(2)(A) says that agencies like O.R.S. can intercept federal and state income tax refunds to satisfy unpaid child support.

Each child support payment is, “on or after the date it is due,” a judgment.257

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249 Utah Code Ann. § 78B-6-315 (LexisNexis 2012).
250 Utah Code Ann. § 76-7-201 (LexisNexis 2012).
251 Utah Code Ann. § 76-7-201(3) (LexisNexis 2012).
Chapter 12
Modifications

“The court has continuing jurisdiction to make subsequent changes or new orders for the custody of the children and their support, maintenance, health, and dental care, and for distribution of the property and obligations for debts as is reasonable and necessary.”258 Attorney fees may be awarded if a petition to modify or defense against modification was not done in good faith.259

Modification of Custody or Parent Time

In order to justify a modification of custody the court must find that a substantial change in circumstances has occurred and that the change is in the best interest of the child.260 For example, it would be wrong for a court to “focus on a [noncustodial parent’s] re-marriage and the consequent circumstances of a stepmother as a full-time homemaker in finding a change of circumstances.”261 But that fact that a noncustodial parent has overcome her emotional problems is an example of a substantial change of circumstances.262

To modify or terminate an order of joint legal or physical custody, the court must find that there has been a “material and substantial change of circumstances” and that modification would be “an improvement for and in the best interest of the child.”263

Where the original order was stipulated rather than litigated, the court can modify custody without applying a “strict changed circumstances” test.264

Utah courts can modify custody decrees from other states if they could now make an initial custody determination and if the other state’s court determines that it no longer has “exclusive continuing jurisdiction” or that Utah would be a more convenient forum or if one of the states’ courts determines that the child and parents (or the person acting as parent) no longer live in the other state.265

If a parent moves 150 miles or more from the original residence, the court may order the relocating parent to pay some of the costs associated with exercising parent time.266 Unless otherwise ordered by the court, the noncustodial parent is entitled to spend certain time with the children upon relocation of one of the parties.267

numbered years it is the Thanksgiving holiday and spring school break, if applicable.\textsuperscript{268} During even numbered years it is the winter and fall breaks.\textsuperscript{269} In addition, extended parent-time is to be one-half of the summer or off-track time\textsuperscript{270} and, “one weekend per month, at the option and expense of the noncustodial parent.”\textsuperscript{271}

**Modification of Child Support**

“If the prior court order contains a stipulated provision for the automatic adjustment for prospective support, the prospective support shall be the amount as stated in the order, without a showing of a material change of circumstances,” so long as the stipulated provision is “clear and unambiguous”, self-executing, provides for support equaling or exceeding the base child support amount found in the guidelines, and “does not allow a decrease in support as a results of the obligor’s voluntary reduction of income.”\textsuperscript{272}

The trial court retains jurisdiction to modify child support.\textsuperscript{273}

If the amount was not set or modified within the past three years, the court can adjust the amount.\textsuperscript{274} If the court finds a permanent difference of 10% or more and if “the order adjusting the payor’s ordered support amount does not deviate from the guidelines”, the court will adjust the amount.\textsuperscript{275} A showing of substantial change in circumstances is not required.\textsuperscript{276}

The court may be petitioned, anytime, to adjust the support amount upon a showing of a substantial change in circumstances (e.g., a material change in custody, a material change in the relative wealth or assets of a party, a change of 30% or more in a parent’s income, a material change “in the employment potential and ability of a parent to earn,” a material change in the medical needs of a child, or a material change in the legal responsibility of a parent for the support of other people).\textsuperscript{277} If the court finds a permanent change of 15% or more, in the amount of support, it will change the amount.\textsuperscript{278}

\textsuperscript{272} Utah Code Ann. § 78B-12-202(1)(b) (LexisNexis 2012).
\textsuperscript{274} Utah Code Ann. § 78B-12-210(8)(a) (LexisNexis 2012).
\textsuperscript{275} Utah Code Ann. § 78B-12-210(8)(b) (LexisNexis 2012).
\textsuperscript{276} Utah Code Ann. § 78B-12-210(8)(c) (LexisNexis 2012).
\textsuperscript{277} Utah Code Ann. § 78B-12-210(9) (LexisNexis 2012). A change in the child support obligation table is not considered to be a substantial change in circumstances. Utah Code Ann. § 78B-12-210(9)(a) (LexisNexis 2012).
\textsuperscript{278} Utah Code Ann. § 78B-12-210(9)(c) (LexisNexis 2012).
Child support cannot be changed retroactively, but it can begin with the date that the pleading was served on the person who is to pay the additional child support.\(^{279}\)

**Modification of Alimony**

The court can modify alimony “based on a substantial material change in circumstances not foreseeable at the time of the divorce.”\(^{280}\) The court is not permitted to modify or award new alimony for “needs of the recipient that did not exist at the time the decree was entered, unless the court finds extenuating circumstances that justify that action.”\(^{281}\)

The court can consider a “subsequent spouse’s financial ability to share living expenses” and “may consider the income of a subsequent spouse if . . . the “payor’s improper conduct justifies that consideration.”\(^{282}\)

Alimony may be given later even if not awarded in the initial decree.\(^{283}\)

**Modification of Property and Debt Division**

“The court has continuing jurisdiction to make subsequent changes or new orders . . . for distribution of the property and obligations for debts as is reasonable and necessary.”\(^{284}\)

**Other Considerations**

The juvenile court “may acquire jurisdiction” in child abuse, child neglect, and dependent child cases, and change custody, support, and parent-time, “as necessary to implement the order of the juvenile court for the safety and welfare of the child.”\(^{285}\)

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\(^{279}\) Utah Code Ann. § 78B-12-112(4) (LexisNexis 2012).


\(^{284}\) Utah Code Ann. § 30-3-5(3) (LexisNexis Supp. 2018). A substantial change of circumstances must be found before a property division can be modified. See Childs v. Callahan, 993 P.2d 244, 247 (Utah Ct. App. 1999) (vesting of a military retirement was not a sufficient change of circumstances).

Chapter 13
Mediation

Civil cases are generally required to submit to alternative dispute resolution.286

Mediation, a form of alternative dispute resolution, is defined as “a private forum in which one or more impartial persons facilitate communication between parties to a civil action to promote a mutually acceptable resolution or settlement.”287 The purpose of alternative dispute resolution is to “promote the efficient and effective operation of the courts of this state by authorizing and encouraging the use of alternative methods of dispute resolution to secure the just, speedy, and inexpensive determination of civil actions filed in the courts of this state.288 Confidentiality of ADR procedures is intended to aid in the “successful resolution of civil actions in a just, speedy, and inexpensive manner . . . .”289 The “Judicial Council may by rule establish experimental and permanent ADR programs . . . .290 Mediation is governed by the Utah Rules of Court-Annexed Alternative Dispute Resolution291 and Rule 4-510 of the Utah Code of Judicial Administration.

Unless all agree, only the parties, representatives, and mediator may attend mediation sessions.292 A settlement agreement between the parties as a result of mediation can be put in writing, filed with the court, and enforced as a judgment of the court.293

A wide range of civil cases are to be referred to the alternative dispute resolution (“ADR”) program and only certain kinds of cases are exempt from the ADR rules.294 ADR is to proceed upon the filing of the responsive pleading unless the parties have participated in another ADR program or have been excused by the court.295

286 See Utah Code Jud. Administration 4-510.05(1)(A).
290 Utah Code Ann. § 78B-6-205 (LexisNexis 2012).
291 These rules are located at http://www.utcourts.gov/resources/rules/adr/.
293 Utah Code Ann. § 78B-6-207(3)(a) (LexisNexis 2012). A lawyer who serves “as a mediator in a mediation in which the parties have fully resolved all issues” is allowed to “prepare formal documents that memorialize and implement the agreement reached in mediation;” the lawyer-mediator “shall recommend that each party seek independent legal advice before executing the documents;” the lawyer-mediator “with the informed consent of all parties confirmed in writing, may record or may file the documents in court, informing the court of the mediator’s limited representation of the parties for the sole purpose of obtaining such legal approval as may be necessary.” Utah R. Prof. Conduct 2.4(c).
294 See Utah Code Jud. Admin. 4-510.06.
295 Utah Code Jud. Admin. 4-510.05(1)(A).
There is currently an Expedited Parent-time Program in the third judicial district.\textsuperscript{296} “If a parent files a motion in the third judicial district alleging that court-ordered parent-time rights are being violated, the clerk of the court, after assigning the case to a judge, shall refer the case . . . for assignment to a mediator . . . .”\textsuperscript{297} The mediation can be terminated if an agreement is reached or if the parents are unable to reach an agreement.\textsuperscript{298} A judge may sign a mediated agreement as an order, “order the parents to receive services to facilitate parent-time”, “proceed with the case”, or “take other appropriate action.”\textsuperscript{299} If abuse is alleged, the judge and Division of Child and Family Services are to be informed immediately.\textsuperscript{300} Expenses of mediation are to be “divided equally between the parents”, unless one of them “failed to participate in good faith” or “made an unfounded assertion or claim” of abuse (in which case they may be required to pay more).\textsuperscript{301}

In addition, there is a mandatory domestic mediation program throughout the entire state.\textsuperscript{302} After the filing of an answer to a complaint for divorce, the parties are to participate in at least one mediation session.\textsuperscript{303} Unless the court orders otherwise or the parties agree, the cost of mediation is to “be divided equally between the parties.”\textsuperscript{304} The parties may be excused from mediation for good cause.\textsuperscript{305}

Mediators will go through seven steps or stages of mediation.\textsuperscript{306} The first is intake, in which the parties contact the mediator’s office and schedule the first visit.\textsuperscript{307} The second is contracting, in which the parties review the goals of mediation, discuss the role of the mediator, agree to work together, agree to costs, and sign a formal mediation agreement.\textsuperscript{308} The third is gathering information, in which the mediator gets a description of the facts and feelings of the parties and the parties begin to listen to each other.\textsuperscript{309} The fourth step is identifying issues, in which the mediator makes a list of the issues, based upon the statements of the parties.\textsuperscript{310} The fifth is agenda setting, in which the mediators work with the parties to organize and prioritize issues.\textsuperscript{311} The sixth is resolving each issue, in which the mediator (a) gathers additional information, (b) helps the parties explore needs and interests, (c) helps the parties list options to deal with issues, (d) has

\begin{footnotes}
\item[296] Utah Code Ann. § 30-3-38(1) (LexisNexis 2013).
\item[297] Utah Code Ann. § 30-3-38(3)(a) (LexisNexis 2013).
\item[298] Utah Code Ann. § 30-3-38(3)(d) (LexisNexis 2013).
\item[299] Utah Code Ann. § 30-3-38(3)(e) (LexisNexis 2013).
\item[300] Utah Code Ann. § 30-3-38(4) (LexisNexis 2013).
\item[301] Utah Code Ann. § 30-3-38(6) (LexisNexis 2013).
\item[303] Utah Code Ann. § 30-3-39(2) (LexisNexis 2013).
\item[305] Utah Code Ann. § 30-3-39(5) (LexisNexis 2013).
\end{footnotes}
the parties evaluate options, and (e) has the parties negotiate with one another and make decisions.312 Sometimes the mediator will caucus, or meet with the parties individually, “to help them consider their alternatives and to encourage them to make movement in order to reach agreement.”313 The final step is reviewing and drafting final agreements.314

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Appendix 1: Sample Documents for Beginning a Divorce

Additional forms, as well as sample motions (for example, to file an answer or to dismiss the action), are available at https://www.utcourts.gov/howto/divorce/.

**ADVISORY NOTE**

Fillable online forms are provided at the Utah Online Court Assistance Program (OCAP) website, and readers are strongly encouraged to use that system whenever possible. Documents generated by the OCAP site automatically meet court requirements.

The documents included in this and the following appendixes are provided for reference only. Links to Utah court website source documents are provided when available. Please be aware that while PDF documents are included for the purposes of this publication, many of these forms are also available in DOC format (used by Microsoft Word, Google Docs and other open source word processing programs).

Certain documents, such as the Complaint (see page A1-5), Stipulation (see Appendix 6) and QDRO (see Appendix 8), must be individually customized to represent the circumstances of a particular case and no official form is provided. An example of a typical document for each type is provided for reference, and these are identified by a note on each first page. These forms should never be used “as is”. Careful drafting of these documents (preferably by an attorney) is necessary in every case to insure that any documents submitted to a court are accurate and relevant.
**Interpretation.** If you do not speak or understand English, contact the court at least 3 days before the hearing or mediation, and an interpreter will be provided.

**Plaintiff/Petitioner (First)**

Name  
Address  
City, State, Zip  
Phone  
Email  
First Plaintiff/Petitioner's Attorney*

Name  
Bar Number

**Plaintiff/Petitioner (Second)**

Name  
Address  
City, State, Zip  
Phone  
Email  
Second Plaintiff/Petitioner's Attorney*

Name  
Bar Number

**Defendant/Respondent (First)**

Name  
Address  
City, State, Zip  
Phone  
Email  
First Defendant/Respondent's Attorney*

Name  
Bar Number

**Defendant/Respondent (Second)**

Name  
Address  
City, State, Zip  
Phone  
Email  
Second Defendant/Respondent's Attorney*

Name  
Bar Number

*Attorney mailing and email addresses provided by Utah State Bar.

---

**Total Claim for Damages** $__________  
**Jury Demand** ☐ Yes ☐ No $250 ☐ Jury Demand

**Schedule of Fees: §78a-2-301** (Choose ☐ all that apply. See Page 2 for fees for claims other than claims for damages.)

**PLEASE CHOOSE ONE:**

- ☐ No monetary damages are requested (URCP 26: Tier 2)
- ☐ Damages requested are $50,000 or less (URCP 26: Tier 1)
- ☐ Damages requested are more than $50,000 and less than $300,000 (URCP 26: Tier 2)
- ☐ Damages requested are $300,000 or more (URCP 26: Tier 3)
- ☐ Damages are unspecified.  

Circle one: Tier 1  Tier 2  Tier 3  
☐ This case is exempt from URCP 26. (E)

**— — MOTION TO RENEW JUDGMENT — —**

$37.50 ☐ Damages $2000 or less  
$92.50 ☐ Damages $2001 - $9,999

$180 ☐ Damages $10,000 & over

**—— COMPLAINT OR INTERPLEADER — —**

$75 ☐ Damages $2000 or less  
$185 ☐ Damages $2001 - $9999  
$360 ☐ Damages $10,000 & over  
$360 ☐ Damages Unspecified

**—— COUNTERCLAIM, CROSS CLAIM, THIRD PARTY CLAIM, OR INTERVENTION — —**

$55 ☐ Damages $2000 or less  
$150 ☐ Damages $2001 - $9999  
$155 ☐ Damages $10,000 & over
Appendix 1: Sample Documents for Beginning a Divorce

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$100 □ Counter-petition: Domestic Mod.
$360 □ Grandparent Visitation (T2)
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$310 □ Separate Maintenance (T2)
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$35 □ Uniform Interstate Family Support Act (UIFSA) (E)
$35 □ Foreign Judgment (Abstract of) (E)
$50 □ Abstract of Judgment/Order of Utah Court/Agency (E)
$30 □ Abstract of Judgment/Order of Utah State Tax Commission (E)
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### CERTIFICATE OF DIVORCE, DISSOLUTION
### OF MARRIAGE, OR ANNULMENT

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<td>13. NUMBER OF THIS MARRIAGE - First, Second, etc. (Specify)</td>
<td>14. IF NOT FIRST MARRIAGE, LAST MARRIAGE ENDED: By Death, Divorce, Dissolution, or annulment (Specify)</td>
<td>15. RACE: White, Black, American Indian, etc. (Specify)</td>
<td>16. EDUCATION: (Specify only highest grade completed)</td>
</tr>
<tr>
<td>17a. PLACE OF THIS MARRIAGE - CITY TOWN, OR LOCATION</td>
<td>17b. COUNTY</td>
<td>17c. STATE OR FOREIGN COUNTRY</td>
<td>18. DATE OF THIS MARRIAGE (MM/DD/YY)</td>
</tr>
<tr>
<td>19. DATE COUPLE LAST RESIDED IN SAME HOUSEHOLD (MM/DD/YY)</td>
<td>20. NUMBER OF CHILDREN UNDER 18 IN THIS HOUSEHOLD AS OF THE DATE IN ITEM 19 Number</td>
<td>21. PETITIONER</td>
<td>Spouse 1</td>
</tr>
<tr>
<td>22a. NAME OF PETITIONER'S ATTORNEY (Type/Print)</td>
<td>22b. ADDRESS (Street and Number or Rural Route Number, City, or Town, State, Zip Code)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23. I CERTIFY THAT THE MARRIAGE OF THE ABOVE NAMED PERSONS WAS DISSOLVED ON (MM/DD/YY)</td>
<td>24. TYPE OF DECREE, Divorce, Dissolution, or Annulment (Specify)</td>
<td>25. DATE RECORDED (MM/DD/YY)</td>
<td></td>
</tr>
<tr>
<td>26. NUMBER OF CHILDREN UNDER 18 WHOSE PHYSICAL CUSTODY WAS AWARDED TO: Spouse 1</td>
<td>Spouse 2</td>
<td>Joint</td>
<td>Other</td>
</tr>
<tr>
<td>29. SIGNATURE OF CERTIFYING OFFICIAL</td>
<td>30. TITLE OF CERTIFYING OFFICIAL</td>
<td>25. DATE SIGNED (MM/DD/YY)</td>
<td></td>
</tr>
</tbody>
</table>

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**Appendix 1: Sample Documents for Beginning a Divorce**

[Link to online Certificate]
Sample Complaint (NOT from utcourts.gov)

Name

Address

City, State, Zip

Phone

Email

In the _______________ District Court of Utah

________ Judicial District ________________ County

Court Address ______________________________________________________

_______________________________  Case Number

_______________________________  Commissioner (or Judge)

Petitioner, ________________________, complains and alleges as follows.

1. Petitioner has been an actual and bona fide resident of __________ Count, State of Utah, for at least three months immediately prior to the filing of this action.
2. The parties are wife and husband, having been married on
_______________________________, in ______________________________,
State of Utah.

3. The parties maintained their marital domicile and/or the acts giving rise to this
action occurred in the County of ______________________________, State of
Utah.

4. Petitioner should be granted a divorce from Respondent on the ground of
irreconcilable differences because the parties have been unable to resolve their
marital problems, making continuation of their marriage impossible.

5. The parties have __________ minor child(ren) namely:
_____________________________, born ______________________________,
_____________________________, born ______________________________.

6. The parties’ minor child(ren) has/have resided in the State of Utah for at least six
(6) months immediately prior to the filing of this action. (NOTE: Insert, here, any
other addresses where the child(ren) lived during the past five years and the
names and present addresses of people they lived with during that time. In
addition, declare, under oath, whether the petitioner has information of any other
pending custody proceeding concerning the child(ren); and whether the petitioner
knows of any person, not a party to the action, who has or claims custody or
parent-time rights to the child.)

7. The parties’ minor child(ren) currently live(s) with Petitioner and Petitioner has
been the child(ren)’s primary caretaker and is a fit and proper parent. Therefore,
it is in the best interest of the parties’ minor child(ren) that Petitioner be awarded
permanent sole care, custody and control of the minor child(ren).

8. Respondent should be awarded rights of parent-time with the parties’ minor
child(ren) as follows: ______________________________.
9. Pick up and return of the parties' minor child(ren) should occur at Petitioner's residence.

10. Respondent should be responsible for all costs associated with visiting the parties' minor child(ren).

11. If Respondent contests the child custody and parent-time sought by Petitioner, then a qualified agency or person should conduct a child custodial evaluation. The agency or person conducting the evaluation should submit a report of their methods, findings, conclusions, and recommendations to the Court and the parties' attorneys. The cost of the evaluation, including fees for the evaluator to testify in Court, should be paid by Respondent.

12. Respondent should be permanently restrained from removing the parties' minor child(ren) from Petitioner's state of residence without the Petitioner's notarized, written consent, or by court order. If Respondent does remove the child(ren), an immediate pick-up order should be issued.

13. Each party should be permanently restrained from saying and/or doing anything derogatory against the other in the presence of the parties' minor child(ren).

14. Petitioner should be entitled to claim the parties' minor child(ren) as a dependent (dependents) for tax purposes.

15. Each party should attend and complete the mandatory courses for people going through a divorce, as required by Utah Code sections 30-3-11.3 and/or 30-3-11.4. Information and course schedules may be obtained through the Clerk of the District Court, ________________________________, County. This paragraph should serve as notice to Respondent that he/she is required to attend this course.

16. Public assistance has/has not been received from the State of Utah for the parties' minor child(ren). (If yes, the State of Utah, Office of the Attorney General,
must be given written notification of this action, and evidence of that notification must be filed with the court.)

17. Petitioner has a gross monthly income of $__________, is/is not under court order to pay child support; does/does not pay alimony to any ex-spouse; contributes $__________ toward monthly premiums for health, hospital, and dental care insurance on the parties’ minor child(ren); and pays $__________ as work-related child care costs.

18. To the best of Petitioner’s knowledge and belief, Respondent has a gross monthly income of approximately $__________; is/is not under order to pay child support; does/does not pay alimony to any ex-spouse; contributes $__________ toward monthly premiums for health, hospital, and dental care insurance on the parties’ minor child(ren) and pays $_________ as work-related child care costs.

19. Respondent’s base child support obligation should be set at $_________ per month, beginning _______________________________. (Two copies of the “Child Support Obligation Worksheet” are attached and incorporated by reference herein.)

   a. Respondent should pay child support, other than any court-ordered child care costs, in two equal installments on or before the 5th and 20th of each month to the Utah State Office of Recovery Services (P.O. Box 45011, Salt Lake City, Utah 84145-0011) (“the Office”), unless the Office notifies Respondent that payments should be sent elsewhere.

   b. Respondent’s income should be subject to immediate and automatic income withholding as of the effective date of the order, regardless of whether a delinquency exists.

   c. Each party should keep the Office informed of changes in his or her address, employment and income.
20. Each party should pay half of all reasonable and necessary health, optical, hospital, dental, and other medical expenses of the parties’ minor child(ren) including, but not limited to: out-of-pocket costs actually paid by either parent for the minor child(ren)’s portion of health, optical, hospital, dental, and other medical insurance coverage and all reasonable and necessary uninsured health, optical, hospital, dental, and other medical expenses, including deductibles and co-payments, incurred for the dependent child(ren) and actually paid by either parent.

   a. _______________________________ should maintain health, optical, hospital, dental, and other medical insurance on the parties’ minor child(ren) if coverage is or becomes available at a reasonable cost.

   b. _______________________________ should provide proper verification of health, optical, hospital, dental, and other medical insurance coverage to _______________________________ and the Office if requested, upon initial enrollment of the dependent child(ren), and thereafter on or before January 2nd of each calendar year. Furthermore, _______________________________ should notify _______________________________ and the Office, if requested, of any change of insurance carrier, premium, or benefits within thirty (30) days of the date he/she first knew or should have known of the change. If such verification is not provided to the Office, no credit should be given by the Office.

   c. Either parent who incurs health, optical, hospital, dental, and other medical expenses for the parties’ minor child(ren) should provide written verification of the costs and payment of such health, optical, hospital, dental, or other medical expenses to the other parent within thirty (30) days of payment.

21. Each party should be responsible and liable for one-half of the reasonable child care costs actually incurred each month as a result of Petitioner’s schooling.
and/or work. Petitioner should provide documentation for reimbursement within thirty (30) days. Respondent’s portion of these child care costs should be paid directly to Petitioner by the 5th of each month.

a. Petitioner should provide written verification of the cost and identity of the child care provider to Respondent.

b. Petitioner should notify Respondent of any change in the child care provider or the monthly child care expenses within thirty (30) calendar days from the date of the change.

22. A cash payment of alimony, in the following amount ($____________________), should be awarded to Petitioner in this matter.

23. Petitioner should be ordered to pay and assume only the following debt(s): ________________________________. Petitioner should hold Respondent harmless from any liability on these debts.

24. Respondent should be ordered to pay and assume all other debts incurred during the parties’ marriage, but prior to their separation, including but not limited to the following: _________. Respondent should hold Petitioner harmless from any liability on these debts.

25. Each party should be ordered to pay and assume their own debts incurred after the parties’ separation on or about _______________________________. Each party should hold the other harmless from any liability on these debts.

26. The parties acquired personal property during the marriage and it should be divided and awarded as follows:

a. To Petitioner:_________________________________________________________

b. To Respondent:______________________________________________________
c. All remaining personal property should be awarded as currently held by each party.

27. The parties do not own an interest in real property.

(Or: During the marriage, the parties acquired real property located at __________. This real property is presently owned by __________ and __________. The legal description of the property is __________. The parties’ real property, and its debt and equity, should be awarded to Petitioner. Petitioner should hold Respondent harmless from any mortgages, liens, taxes, encumbrances, and any other liabilities on this real property.)

28. The parties are expecting an income tax refund for the tax year __________. Any tax refund should be awarded to Petitioner.

29. Neither party has pensions, profit sharing, and/or retirement benefits which accrued during the parties’ marriage. (Or, _____________ has pension, profit sharing, or retirement benefits which should be divided as follows _________________.)

30. Respondent should be permanently restrained from bothering, harassing, annoying, threatening, and/or harming Petitioner at any time or in any place.

31. Petitioner’s (or Respondent’s) name should be changed to _________________.

32. Respondent should be responsible and liable for all service fees and court costs incurred as a result of this action.

33. Each party should be responsible for his or her own attorney’s fees.

34. Each party should be ordered to execute and deliver to the other party any documents necessary to implement the provisions of the Decree of Divorce entered by the Court.

Wherefore, Petitioner asks for the following things.
1. A Decree of Divorce should be awarded to Petitioner and become absolute upon entry by the Court.

2. Petitioner should be awarded relief and judgment as requested in the foregoing Verified Complaint for Divorce.

3. Petitioner should be awarded other and further relief as the Court deems just and proper.

_____________________________  Sign here ►  _______________________________
Date

Typed or Printed Name

Attorney for Petitioner

_____________________________, being first duly sworn, deposes and states: he/she is the Petitioner in the above-entitled action; he/she has read the foregoing Verified Complaint for Divorce and understands its contents; and the facts set forth in this pleading are true and correct to his/her own personal knowledge or belief, where indicated.

_____________________________  Sign here ►  _______________________________
Date

Typed or Printed Name

Subscribed and sworn to before me this _____ day of ________________________.

____________________________
NOTARY PUBLIC

Petitioner’s Address: _______________________________________________________

__________________________________________

__________________________________________
This is a private record.

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<th>Name</th>
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<tr>
<th>City, State, Zip</th>
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<tr>
<th>I am [ ] Plaintiff/Petitioner [ ] Defendant/Respondent</th>
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<tbody>
<tr>
<td>[ ] Plaintiff/Petitioner’s Attorney [ ] Defendant/Respondent’s Attorney (Utah Bar #: __________)</td>
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<tr>
<th>In the District Court of Utah</th>
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<tr>
<td>__________ Judicial District __________ County</td>
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<tr>
<th>Parenting Plan</th>
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<tr>
<td>(Utah Code 30-3-10.7 through 30-3-10.10)</td>
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<th>Petitioner</th>
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<th>Respondent</th>
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<tr>
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<td>(Utah Code 30-3-10.7 through 30-3-10.10)</td>
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<tr>
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<tr>
<th>Commissioner</th>
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Utah law requires the following:

- A joint physical custody arrangement may result in denial of cash assistance under the Employment Support Act, Title 35A, Chapter 3, of the Utah Code.

- The objectives of a parenting plan are to:
  - provide for the children’s physical care and emotional stability;
  - provide for the children’s changing needs in a way that minimizes the need to change the parenting plan;
  - minimize the children’s exposure to conflict between the parents;
  - state the authority and responsibilities of each parent to the children;
  - encourage the parents to meet their responsibilities to their children through agreement rather than judicial decision; and
  - protect the best interests of the children.

- Each parent must follow the parenting plan even if the other does not. If a parent does not follow the
parenting plan, the court may find that parent in contempt of court.

• For further guidance, see Utah Code 30-3-33

This parenting plan is: (Choose all that apply.)

[ ] agreed to by petitioner and respondent.

[ ] proposed by [ ] petitioner [ ] respondent.

1. **Family information**

   **Petitioner**
   - Name
   - Street Address
   - City, State, Zip
   - Phone
   - Email

   **Respondent**
   - Name
   - Street Address
   - City, State, Zip
   - Phone
   - Email

   **Minor Children**
   - Child’s name (first, middle and last)
   - Child’s gender
   - Month and year of birth
2. **Parent-time** (Choose one.)

   [ ] The parents will follow the parent-time schedule in the statute(s).

   The children will live with [ ] petitioner [ ] respondent and will have parent-time with the other parent according to the statutory parent-time schedule. That parent will be the “custodial” parent:

   (You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)

   [ ] Children under 5 (Utah Code 30-3-35.5)
   [ ] Children 5-18 (Utah Code 30-3-35)
   [ ] Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

For children 5-18 the parents choose the following.

**Weekday parent-time** will be on this day: (Choose one.)

   [ ] Monday [ ] Tuesday [ ] Wednesday [ ] Thursday [ ] Friday

If not specified, the weekday is Wednesday.

**On school days** parent-time starts: (Choose one.)

   [ ] at the standard time (5:30 p.m. on weekdays; 6:00 p.m. on weekends).

   [ ] when school is out.

**On days when school is not in session** parent-time starts: (Choose one.)

   [ ] at the standard time (5:30 p.m. on weekdays; 6 p.m. on weekends).

   [ ] at the morning time listed in the statute (depending on custodial parent’s work schedule) if the noncustodial parent is able to be with the child:

   - 9:00 a.m. (30-3-35).
   - 8:00 a.m. (30-3-35.1).

   [ ] The parents will make our own parent-time schedule.

   The children will live with [ ] petitioner [ ] respondent and will have parent-time with the other parent for the following days and times:
3. **Parent-time for special occasions**

(Choose one.)

[ ] The parents will follow the holiday schedule in the statute(s) for special occasions. The
   [ ] petitioner
   [ ] respondent
   will be the custodial parent for purposes of the holiday.

[ ] **On school days,** holiday parent-time starts: (Choose one.)
   [ ] at the time listed for the holiday.
   [ ] when school is out until 7:00 p.m. on the last day of the holiday weekend.

[ ] **On days when school is not in session,** holiday parent-time starts: (Choose one.)
   [ ] at the time listed for the holiday
   [ ] at approximately 9:00 a.m. on the first day of the holiday period until 7:00 p.m. on the last day of the holiday weekend (depending on custodial parent’s work schedule) if the noncustodial parent is able to be with the child.
The parent-time schedule for special occasions is as described below. If a schedule for a special occasion is not described, the regular schedule applies.

(Describe the children’s parent-time schedule as needed. For example, Thanksgiving: Even-numbered years with petitioner; odd-numbered years with respondent. From Wednesday at 6 p.m. to Friday at 6 p.m.)

<table>
<thead>
<tr>
<th>Special Occasion</th>
<th>Parent-Time Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor Day Weekend</td>
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<tr>
<td>Columbus Day Weekend</td>
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<tr>
<td>Fall School Break</td>
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<td>Halloween</td>
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<tr>
<td>Veterans’ Day</td>
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<tr>
<td>Thanksgiving Break</td>
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<tr>
<td>Winter School Break</td>
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<tr>
<td>Christmas Eve</td>
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<td>Christmas Day</td>
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<td>New Year’s Eve</td>
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<td>New Year’s Day</td>
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<td>Dr. MLK, Jr. Day Weekend</td>
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<td>Presidents’ Day Weekend</td>
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<tr>
<td>Spring School Break</td>
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<td>Mother’s Day</td>
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<td>Memorial Day Weekend</td>
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### Special Occasion

<table>
<thead>
<tr>
<th>Special Occasion</th>
<th>Parent-Time Schedule</th>
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<tbody>
<tr>
<td>Father’s Day</td>
<td></td>
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<tr>
<td>Summer School Break / Vacation</td>
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<tr>
<td>Independence Day</td>
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<td>Pioneer Day</td>
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<tr>
<td>Children’s Birthdays</td>
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<td>Petitioner’s Birthday</td>
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<td>Respondent’s Birthday</td>
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<td>Other Religious Holiday</td>
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<td>Other Civic or School Holiday</td>
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<tr>
<td>Other Special Occasion</td>
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<tr>
<td>Other Special Occasion</td>
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</tbody>
</table>

#### 4. Parent-time transfers

Pick-up and drop-off ("transfers") of the children for parent-time will be as described below (Choose one.):

- [ ] Transfer at **beginning** of parent-time will be by:
  - [ ] Petitioner
  - [ ] Respondent
  - [ ] Other adult ____________________________ (name)
    picking up/dropping off the children at this address:
    ________________________________

  and transfer at **end** of parent-time by:
  - [ ] Petitioner
[ ] Respondent
[ ] Other adult ________________________________ (name)

picking up/dropping off the children at this address:

________________________________________________________

[ ] Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

[ ] Other pick-up/drop-off arrangement (Describe in detail.):

________________________________________________________________________

________________________________________________________________________

5. Decision-making

The following applies to the Parenting Plan:

- Each parent will make day-to-day decisions for the children during the time they are caring for the children.

- Either parent may make emergency decisions affecting the health or safety of the children. A parent who makes an emergency decision must share the decision with the other parent as soon as reasonably possible.

(Choose one.)

[ ] Joint decision-making.

The parents will share responsibility for making major decisions about the children. If there is a disagreement, the parents will resolve the dispute as provided in the Resolving disputes section below.

Other:

________________________________________________________________________

[ ] Sole decision-making.

The following parent will make decisions about:

Education
[ ] Petitioner   [ ] Respondent

Health care
[ ] Petitioner   [ ] Respondent

Religious upbringing
6. **Education plan**

**Location of school** (Choose one.)

[ ] The school the children will attend is based on:

[ ] Petitioner’s home residence

[ ] Respondent’s home residence

[ ] Other specific plan for where the children will attend school:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

**School access**

The following people have authority to check the children out of school:

[ ] Petitioner

[ ] Respondent

[ ] Other ____________________________________________________________ (name)

The following people have access to the children during school:

[ ] Petitioner

[ ] Respondent

[ ] Other ____________________________________________________________ (name)

**Education decisions**

If the parents cannot agree, education decisions will be made by:

[ ] Petitioner

[ ] Respondent

7. **Communication with each other**

Parents will communicate with each other: (Choose all that apply.)

[ ] by any method
8. Communication with the children

The parents agree they will:

- provide age-appropriate help to the children to communicate with the other parent.
- give the children privacy during their communication with the other parent. The parents will not interfere with or monitor communication between the children and the other parent.

Parents and children may communicate with each other: (Choose all that apply.)

- Whenever the children choose.
- At any reasonable times (Specify.):
  - weekends and holidays: between _______ am/pm and _______ am/pm
  - school days: between _______ am/pm and _______ am/pm
  - school vacation days: between _______ am/pm and _______ am/pm

Parents may communicate with the children by following method: (Choose all that apply.)

- by any method
- in person
- by telephone
  - parents will maintain voice mail so the children can leave and receive messages.
- by texting
- by letter
- by e-mail
- other (describe): ________________________________________________
9. **Records and information sharing**
   (Choose all that apply.)
   - [ ] Both parents will have access to records and the ability to consult with providers regarding education, child care, and health care.
   - [ ] Other terms regarding records and information sharing:

10. **Travel by the children**
   During their parent-time, the parent may consent for the children to travel with a sports team, religious group, school group, relatives, friends, by themselves, or with others.
   - [ ] If the children will be travelling for more than _____ days, the parent arranging the travel will notify the other parent at least _____ days in advance. That parent will give the other parent the travel schedule, locations and phone numbers at least _____ days in advance. In case of emergency, the parent will provide as much notice as possible.
   - [ ] Other agreements about travel by the children:
11. **Military service by a parent**

Changes in the parent-time schedule due to deployment are temporary changes. After return of the military parent, this plan will be fully in effect. (Utah Code 78B-20-4).

12. **Child care**

(Choose all that apply.)

[ ] A child care provider for our children must be:

  [ ] a licensed child care provider.
  [ ] a relative, friend or neighbor.
  [ ] over the age of __________.

[ ] Other qualifications: ________________________________

[ ] Other terms about child care:

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

13. **Relocation of a parent**

(Choose all that apply.)

[ ] If either parent moves more than 149 miles from the other parent, Utah Code 30-3-37 will apply.

[ ] Neither parent may relocate with the minor children more than ____ miles from their current residence without a written agreement signed by the parties or further court order.

[ ] Other terms about relocating:

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________
14. **Changing the plan**

   This plan remains in effect until changed. A change must be agreed to by both of us and in the following manner:

   [ ] All changes must be in writing
   [ ] Major or permanent changes must be in writing, but minor or temporary changes can be made orally
   [ ] Other

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

15. **Resolving disputes**

   If the parents need to resolve a dispute regarding the children, they will discuss the issues in good faith and try to reach an agreement based on what is best for their children.

   If the parents are unable to agree, they will go to the following before bringing the issue to the court (Choose all that apply):

   [ ] mediation
   [ ] arbitration
   [ ] counseling
   [ ] Other agreements about resolving disputes:

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

16. [ ] **Other terms that are important to us or our children**

   (Describe)

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
17. [ ] Additional parenting responsibilities, expectations or commitments:

________________________________________

________________________________________

________________________________________

________________________________________

18. This plan is made in good faith and is in the best interests of the children.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ________________________________ (city, and state or country).

________________________________________

Signature ► ________________________________

Date

Petitioner’s Printed Name ________________________________

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ________________________________ (city, and state or country).

________________________________________

Signature ► ________________________________

Date

Respondent’s Printed Name ________________________________
## Certificate of Service

I certify that I filed with the court and served a copy of this Parenting Plan on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date ____________________________________________

Signature ► ______________________________________

Printed Name ____________________________________

Appendix 1: Sample Documents for Beginning a Divorce
Appendix 1: Sample Documents for Beginning a Divorce

<table>
<thead>
<tr>
<th>My Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
</tr>
<tr>
<td>City, State, Zip</td>
</tr>
<tr>
<td>Phone</td>
</tr>
<tr>
<td>Email</td>
</tr>
</tbody>
</table>

I am the [ ] Plaintiff/Petitioner [ ] Defendant/Respondent [ ] Attorney for the [ ] Plaintiff/Petitioner [ ] Defendant/Respondent and my Utah Bar number is __________

In the [ ] District [ ] Justice Court of Utah

____________ Judicial District ________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Plaintiff/Petitioner</th>
<th>Motion to Waive Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>v.</td>
<td>Case Number</td>
</tr>
<tr>
<td>Defendant/Respondent</td>
<td>Judge</td>
</tr>
</tbody>
</table>

(1) I move to waive the following fees: (Choose [x] all that apply.)

- [ ] Filing fee
- [ ] OCAP fee
- [ ] Divorce education class fee
- [ ] Divorce orientation class fee
- [ ] Fee for service of process
- [ ] Fees for writs
- [ ] Vital Stats / Divorce Certificate Fee
- [ ] Report of Adoption Fee
- [ ] Other __________________________

(2) Due to my poverty, I am unable to bear the expenses of these legal proceedings, and I believe that I am entitled to the relief sought.

(3) I have attached a Financial Affidavit Supporting my Motion to Waive Fees.
Appendix 1: Sample Documents for Beginning a Divorce

Date

Typed or Printed Name

Sign here ➤
Name

Address

City, State, Zip

Phone

Email

I am the [ ] Plaintiff/Petitioner
[ ] Defendant/Respondent
[ ] Attorney for the [ ] Plaintiff/Petitioner [ ] Defendant/Respondent and my Utah Bar number is ________

In the [ ] District [ ] Justice Court of Utah

[ ] Judicial District [ ] County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Plaintiff/Petitioner</th>
<th>Case Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>v.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Defendant/Respondent</th>
<th>Commissioner</th>
</tr>
</thead>
</table>

I swear or affirm that the following information is true and I have omitted nothing that is relevant to my financial status.

(1) Employment

[ ] I am unemployed because:

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________
[ ] I am employed by: (Include self-employment.)

<table>
<thead>
<tr>
<th>Name of Employer</th>
<th>Doing Business As (DBA)</th>
<th>Address &amp; Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) **Dependents** (Include spouse, children or other dependents in your household.)

[ ] The following people depend on me for support.

<table>
<thead>
<tr>
<th>Name (use initials of children under 18)</th>
<th>Age</th>
<th>Relationship to Me</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(3) **Gross Monthly Income** (Income before tax deductions)

[ ] I have no income because:

________________________________________________________________________

________________________________________________________________________

[ ] I have the following monthly income:

(Print your pre-tax income in the boxes below. If directed to do so by the court, you must be able to produce evidence of the items listed, such as most recent pay stubs, federal and state tax returns, W-2 forms, or a work history report from the Department of Workforce Services. For income that changes from month to month, calculate the annual total and divide by 12 months to list a monthly average.)

<table>
<thead>
<tr>
<th>Source of Income</th>
<th>Monthly Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work (Including self employment, wages, salaries, commissions, bonuses, tips and overtime)</td>
<td>$</td>
</tr>
<tr>
<td>Rental Income</td>
<td>$</td>
</tr>
<tr>
<td>Business Income</td>
<td>$</td>
</tr>
<tr>
<td>Interest and Dividends</td>
<td>$</td>
</tr>
<tr>
<td>Retirement Income (Including pensions, 401(k), IRA, etc.)</td>
<td>$</td>
</tr>
<tr>
<td>Source of Income</td>
<td>Monthly Amount</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Worker’s Compensation</td>
<td>$</td>
</tr>
<tr>
<td>Private Disability Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Social Security Disability Income (SSDI)</td>
<td>$</td>
</tr>
<tr>
<td>Supplemental Security Income (SSI)</td>
<td>$</td>
</tr>
<tr>
<td>Social Security (Do not include SSDI or SSI)</td>
<td>$</td>
</tr>
<tr>
<td>Unemployment Benefits</td>
<td>$</td>
</tr>
<tr>
<td>Education Benefits</td>
<td>$</td>
</tr>
<tr>
<td>Veteran’s Benefits</td>
<td>$</td>
</tr>
<tr>
<td>Alimony</td>
<td>$</td>
</tr>
<tr>
<td>Child Support</td>
<td>$</td>
</tr>
<tr>
<td>Payments from Civil Litigation</td>
<td>$</td>
</tr>
<tr>
<td>Victim Restitution</td>
<td>$</td>
</tr>
<tr>
<td>Public Assistance (Including AFDC, welfare, etc.)</td>
<td>$</td>
</tr>
<tr>
<td>Support from household members</td>
<td>$</td>
</tr>
<tr>
<td>Support from non-household members</td>
<td>$</td>
</tr>
<tr>
<td>Trust Income</td>
<td>$</td>
</tr>
<tr>
<td>Annuity Income</td>
<td>$</td>
</tr>
<tr>
<td>Other (Describe)</td>
<td>$</td>
</tr>
<tr>
<td>Other (Describe)</td>
<td>$</td>
</tr>
<tr>
<td>Total Monthly Gross Income (Income before tax deductions)</td>
<td>$</td>
</tr>
</tbody>
</table>

(4) **Monthly Tax Deductions**

[ ] I have the following deductions from my income:

(These are deductions required by law which you do not make voluntarily. There may be other funds withheld from your paycheck that you will report in Paragraph (6). If directed to do so by the court, you must be able to produce evidence of the items listed, such as most recent pay stubs, federal and state tax returns, W-2 forms, or a work history report from the Department of Workforce Services.)

<table>
<thead>
<tr>
<th>Type of Deduction</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Income Tax</td>
<td>$</td>
</tr>
<tr>
<td>State Income Tax</td>
<td>$</td>
</tr>
<tr>
<td>Municipal Income Tax</td>
<td>$</td>
</tr>
<tr>
<td>FICA</td>
<td>$</td>
</tr>
<tr>
<td>Type of Deduction</td>
<td>Amount</td>
</tr>
<tr>
<td>---------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Medicare</td>
<td>$</td>
</tr>
<tr>
<td>Total Monthly Tax</td>
<td>$</td>
</tr>
<tr>
<td>Deductions</td>
<td></td>
</tr>
</tbody>
</table>

(5) **Disposable Monthly Income**

[ ] I have no income.

[ ] My disposable monthly income is:

\[
\begin{align*}
& \text{Gross Monthly Income from (3)} \\
& \text{Minus Monthly Tax Deductions from (4)} \\
& \text{Equals Disposable Monthly Income}
\end{align*}
\]

(6) **Monthly Expenses** (Include amounts withheld from your paycheck other than tax deductions reported in Paragraph (4). For expenses that change from month to month, calculate the annual total and divide by 12 to list a monthly average. Include amounts you pay for yourself and any spouse, children or other dependents in your household. If directed to do so by the court, you must be able to produce evidence of the items listed.)

[ ] I am personally paying the following monthly expenses:

<table>
<thead>
<tr>
<th>Monthly Expense</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent or mortgage</td>
<td>$</td>
</tr>
<tr>
<td>Food and Household Supplies</td>
<td>$</td>
</tr>
<tr>
<td>Clothing</td>
<td>$</td>
</tr>
<tr>
<td>Transportation (Such as public transportation, insurance, gas, maintenance)</td>
<td>$</td>
</tr>
<tr>
<td>Utilities (Such as electricity, gas, water, sewer, garbage)</td>
<td>$</td>
</tr>
<tr>
<td>Telephone</td>
<td>$</td>
</tr>
<tr>
<td>Credit Card Payments</td>
<td>$</td>
</tr>
<tr>
<td>Loans and Other Debt Payments</td>
<td>$</td>
</tr>
<tr>
<td>Alimony</td>
<td>$</td>
</tr>
<tr>
<td>Child Support</td>
<td>$</td>
</tr>
<tr>
<td>Child Care</td>
<td>$</td>
</tr>
<tr>
<td>Education</td>
<td>$</td>
</tr>
<tr>
<td>Health Care Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Health Care Expenses (Excluding insurance listed above)</td>
<td>$</td>
</tr>
<tr>
<td>Business Expenses</td>
<td>$</td>
</tr>
</tbody>
</table>
### Monthly Expenses

<table>
<thead>
<tr>
<th>Monthly Expense</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real Property Taxes</td>
<td>$</td>
</tr>
<tr>
<td>Real Property Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Real Property Maintenance</td>
<td>$</td>
</tr>
<tr>
<td>Other Insurance (Describe)</td>
<td>$</td>
</tr>
<tr>
<td>Entertainment</td>
<td>$</td>
</tr>
<tr>
<td>Laundry and Dry Cleaning</td>
<td>$</td>
</tr>
<tr>
<td>Donations</td>
<td>$</td>
</tr>
<tr>
<td>Gifts</td>
<td>$</td>
</tr>
<tr>
<td>Health Insurance Premiums</td>
<td>$</td>
</tr>
<tr>
<td>Life Insurance Premiums</td>
<td>$</td>
</tr>
<tr>
<td>Union and other dues</td>
<td>$</td>
</tr>
<tr>
<td>Garnishment or Income Withholding Order</td>
<td>$</td>
</tr>
<tr>
<td>Retirement Deposits (Including pensions, 401(k), IRA, etc.)</td>
<td>$</td>
</tr>
<tr>
<td>Other (Describe)</td>
<td>$</td>
</tr>
<tr>
<td><strong>Total Monthly Expenses</strong></td>
<td>$</td>
</tr>
</tbody>
</table>

### Financial Assets You Own

(If directed to do so by the court, you must be able to produce evidence of the items listed.)

<table>
<thead>
<tr>
<th>Asset</th>
<th>Holder (Name &amp; Address)</th>
<th>Co-owner (Name &amp; Address)</th>
<th>Current Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank or Credit Union Account</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>Bank or Credit Union Account</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>Stocks, Bonds, Securities, Money Market Account</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>Stocks, Bonds, Securities, Money Market Account</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>Money Owed to You</td>
<td></td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>
Appendix 1: Sample Documents for Beginning a Divorce

(8) **Real Property You Own** (If directed to do so by the court, you must be able to produce evidence of the items listed, such as mortgage statements, tax appraisal, etc.)

<table>
<thead>
<tr>
<th>Address</th>
<th>In Whose Name?</th>
<th>Original Cost</th>
<th>Current Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Acquired</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>First Mortgage or Lien Holder (Name &amp; Address)</th>
<th>Amount Owed</th>
<th>Monthly Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second Mortgage or Lien Holder (Name &amp; Address)</td>
<td>Amount Owed</td>
<td>Monthly Payments</td>
</tr>
</tbody>
</table>

(9) **Personal Property You Own** (If directed to do so by the court, you must be able to produce evidence of the items listed.)

<table>
<thead>
<tr>
<th>Property (Such as vehicles, boats, trailers, major equipment, etc.)</th>
<th>Lien Holder (Name &amp; Address)</th>
<th>In Whose Name?</th>
<th>Current Value</th>
<th>Amount Owed</th>
<th>Monthly Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle (Year, Make, Model)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle (Year, Make, Model)</td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Other (Describe)</td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>
### Property (Such as vehicles, boats, trailers, major equipment, etc.)

<table>
<thead>
<tr>
<th>Lien Holder (Name &amp; Address)</th>
<th>In Whose Name?</th>
<th>Current Value</th>
<th>Amount Owed</th>
<th>Monthly Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other (Describe)</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

### Credit Available

<table>
<thead>
<tr>
<th>Credit Card</th>
<th>Bank or Credit Union</th>
<th>Credit Limit</th>
<th>Credit Available</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

### Debts You Owe

<table>
<thead>
<tr>
<th>Debt Owed To (Name &amp; Address of Creditor)</th>
<th>Purpose of Debt (Such as credit card, cash loan, installment payment, etc.)</th>
<th>In Whose Name?</th>
<th>Amount Owed</th>
<th>Monthly Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

### Other

[ ] The following facts also show that I am unable to pay the cost of these proceedings.

--------------------------------------------------------------------------------------------------
Appendix 1: Sample Documents for Beginning a Divorce

On this date, I certify that __________________________________________ (name) who is known to me or who presented satisfactory identification, in the form of ______________________________________________________ (form of identification), has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date
Typed or printed name (Court Clerk or Notary Public) ________________________________

Notary Seal
Order on Motion to Waive Fees

In the [ ] District [ ] Justice Court of Utah

________________ Judicial District ________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Order on Motion to Waive Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaintiff/Petitioner</td>
</tr>
<tr>
<td>v.</td>
</tr>
<tr>
<td>Defendant/Respondent</td>
</tr>
</tbody>
</table>

The matter before the court is a Motion to Waive Fees. Having reviewed the Motion and Affidavit to Waive Fees and supporting financial evidence, and having made an independent determination,

The Court Orders that:

1. [ ] The motion is denied. The information shows that the party is reasonably able to pay the fees.

2. [ ] The motion is denied. The party failed to provide the required information. The party may re-file the motion with the required information within 14 days.

3. [ ] The motion is granted. The following fees are waived. If the fee is waived in part, it is because the party is reasonably able to pay the balance.

<table>
<thead>
<tr>
<th>Fee</th>
<th>Waived in Full</th>
<th>Waived in Part – Amount to be Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filing fee</td>
<td>[ ]</td>
<td></td>
</tr>
<tr>
<td>OCAP fee</td>
<td>[ ]</td>
<td></td>
</tr>
<tr>
<td>Divorce education class fee</td>
<td>[ ]</td>
<td></td>
</tr>
<tr>
<td>Divorce orientation class fee</td>
<td>[ ]</td>
<td></td>
</tr>
<tr>
<td>Service fee</td>
<td>[ ]</td>
<td></td>
</tr>
<tr>
<td>Fee for writs</td>
<td>[ ]</td>
<td></td>
</tr>
</tbody>
</table>

(Link to http://www.utcourts.gov/resources/forms/waiver/)
Divorce Certificate Fee (Vital Stats fee) [ ]

Report of Adoption Fee (Vital Stats fee) [ ]

Other (Describe) [ ]

Other (Describe) [ ]

(4) If the court decides the party is able to pay some or all of the fees associated with this case, the party must do so within 30 days or the case may be dismissed.

(5) This order is subject to review and amendment for so long as the court has jurisdiction of the case.

Sign here ►
Date
Recommended by Commissioner

Sign here ►
Date
Approved by Judge
(Judge's signature may appear at top of first page)

Notice to the Moving Party

If the fee waiver was denied because the judge found you are reasonably able to pay (paragraph (1) is marked), and you:

- have lost your source of income;
- have unaccounted nondiscretionary expenses limiting your ability to pay;
- will suffer immediate irreparable harm if the action is unnecessarily delayed; or
- will otherwise lose the cause of action by unnecessary delays associated with securing funds necessary to satisfy the assessed filing fee,

you may file a Memorandum Demonstrating Inability to Pay Fees within 10 days of the date of this order.

If the fee waiver was denied because you failed to provide the required information (paragraph (2) is marked), and you want your request to be reconsidered, you must file a corrected motion with the required information within 14 days of the date of this order.
Clerk’s Certificate of Service

I certify that on ____________________ (date) a copy of this order was served on the moving party by the method indicated below:

Mailed  Emailed  Party Name  Mail or Email Address
[ ]  [ ]  ___________________________  ___________________________

[ ]  [ ]  ___________________________

______________________________

Sign here ► ___________________________

Date  Typed or printed name (Court Clerk) ___________________________

Appendix 1: Sample Documents for Beginning a Divorce
Appendix 1: Sample Documents for Beginning a Divorce

Name
__________________________________________________________
Address
__________________________________________________________
City, State, Zip
__________________________________________________________
Phone
__________________________________________________________
Email
__________________________________________________________

I am [ ] Plaintiff/Petitioner [ ] Defendant/Respondent
[ ] Plaintiff/Petitioner’s Attorney [ ] Defendant/Respondent’s Attorney (Utah Bar #: _________)

In the District Court of Utah

_________ Judicial District ________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Summons (To be served in Utah)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaintiff/Petitioner</td>
</tr>
<tr>
<td>v.</td>
</tr>
<tr>
<td>Defendant/Respondent</td>
</tr>
</tbody>
</table>

Case Number
______________________________

Judge
______________________________

Commissioner (domestic cases)
______________________________

The State of Utah to
__________________________________________________________ (party’s name):

A lawsuit has been filed against you. You must respond in writing by the deadline for the court to consider your side. The written response is called an Answer.

Se ha presentado una demanda en su contra. Si desea que el juez considere su lado, deberá presentar una respuesta por escrito dentro del periodo de tiempo establecido. La respuesta por escrito es conocida como la Respuesta.
### Deadline!
Your Answer must be filed with the court and served on the other party **within 21 days** of the date you were served with this Summons.

If you do not file and serve your Answer by the deadline, the other party can ask the court for a default judgment. A default judgment means the other party can get what they asked for, and you do not get the chance to tell your side of the story.

### Read the complaint/petition
The Complaint or Petition has been filed with the court and explains what the other party is asking for in their lawsuit. 
Read it carefully.

### Answer the complaint/petition
You must file your Answer in writing with the court **within 21 days** of the date you were served with this Summons. 
You can find an Answer form on the court’s website: www.utcourts.gov/howto/answer/.

### Serve the Answer on the other party
You must mail or hand deliver a copy of your Answer to the other party (or their attorney or licensed paralegal practitioner, if they have one) at the address shown at the top left corner of the first page of this Summons.

### Finding help
The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/)

### ¡Fecha límite para contestar!
Su Respuesta debe ser presentada en el tribunal y también con la debida entrega formal a la otra parte **dentro de 21 días** a partir de la fecha en que usted recibió la entrega formal del Citatorio.

Si usted no presenta una respuesta ni hace la entrega formal dentro del plazo establecido, la otra parte podrá pedirle al juez que asiente un fallo por incumplimiento. Un fallo por incumplimiento significa que la otra parte recibe lo que pidió, y usted no tendrá la oportunidad de decir su versión de los hechos.

### Lea la demanda o petición
La demanda o petición fue presentada en el tribunal y ésta explica lo que la otra parte pide. Léala cuidadosamente.

### Cómo responder a la demanda o petición
Usted debe presentar su Respuesta por escrito en el tribunal **dentro de 21 días** a partir de la fecha en que usted recibió la entrega formal del Citatorio. En la página del tribunal www.utcourts.gov/howto/answer/ puede encontrar el formulario para la presentación de la Respuesta.

### Entrega formal de la respuesta a la otra parte
Usted deberá enviar por correo o entregar personalmente una copia de su Respuesta a la otra parte (o a su abogado o asistente legal, si tiene) a la dirección localizada en la esquina izquierda superior de la primera hoja del citatorio.

### Cómo encontrar ayuda legal
Para información sobre maneras de obtener ayuda legal, vea nuestra página de Internet
A Variety of Sample Forms for Service of Process (1. Proof of Service (for regular cases such as when a law enforcement officer serves the papers on the respondent); 2. Acceptance of Service (when the respondent accepts service of process); 3. Acceptance of Service, Appearance, Consent, and Waiver (when the respondent accepts service of process and agrees with all of the things the petitioner is asking for); 4. Alternative Service Documents (when the respondent can’t be found)

NOTE: In order to save unnecessary service of process expenses, defendants are to use certain forms to waive service of process. These forms are numbered 3A and 3B at the following website: [http://www.utcourts.gov/resources/rules/urcp/forms/](http://www.utcourts.gov/resources/rules/urcp/forms/).
provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Cómo encontrar ayuda legal. Algunas maneras de hablar con un abogado son por medio de una visita a un taller jurídico gratuito, o mediante el Centro de Ayuda. Estos talleres proveen información legal general y dan consejo legal breve. También hay ayuda legal a precios de descuento.

A Simplified Chinese version of this document is available on the court’s website. 本文件的简体中文版可在法院网站上找到：

A Vietnamese version of this document is available on the court’s website:  Một bản tiếng Việt của tài liệu này có sẵn trên trang web của tòa: 
www.utcourts.gov/howto/filing/summons/docs/1015GE_Summons_In_State_Vietnamese.pdf

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ________________________________ (city, and state or country).

_________________________ Signature ► ________________________________

Date

Printed Name ________________________________

Appendix 1: Sample Documents for Beginning a Divorce

A1 – 43
<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
</tr>
<tr>
<td>City, State, Zip</td>
</tr>
<tr>
<td>Phone</td>
</tr>
<tr>
<td>Email</td>
</tr>
</tbody>
</table>

In the [ ] District [ ] Justice Court of Utah

__________ Judicial District _________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Proof of Completed Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Utah Rule of Civil Procedure 4)</td>
</tr>
<tr>
<td>Case Number</td>
</tr>
<tr>
<td>Judge</td>
</tr>
<tr>
<td>Commissioner (domestic cases)</td>
</tr>
</tbody>
</table>

1. The following documents were served by the method described below (Choose all that apply.):

   [ ] Summons (File or attach copy.)
   [ ] Complaint or Petition
   [ ] Amended Complaint or Petition
   [ ] Notice of Divorce Education Requirements
   [ ] Notice of URCP 26.1 Disclosure and Discovery Requirements in Domestic Relations Actions
   [ ] Notice of URCP 26.3 Disclosure Requirements in Unlawful Detainer Actions
   [ ] Parenting Plan
   [ ] Other: ____________________________________________________________ (describe)

Complete paragraph 2, or paragraphs 3 and 4.
Appendix 1: Sample Documents for Beginning a Divorce

Service by Mail
(Service by mail requires a signed receipt. Attach the receipt.)

2. [ ] I served the following person by sending a copy of the documents listed in Paragraph (1) by mail or commercial courier service to:

   Name of Addressee
   
   Address
   
   City, State, Zip

   I have attached a signed receipt proving delivery. It was signed by:

   [ ] the addressee personally.
   [ ] someone authorized by appointment or by law to receive service of process on behalf of the addressee.

Service by Third Person

3. [ ] I am over the age of 18, and

   • I am not a party or an attorney for a party to this action.
   • I have not been convicted of a felony violation of a sex offense (Listed in Utah Code 77-41-102(16)).
   • I am not a respondent in a protective order proceeding (Utah Code 78B-7-101 et seq.).

4. [ ] On ______________________ (date), I went to ______________________

   ______________________________________________________

   and I delivered the documents listed in paragraph 1 to
   
   ______________________________________________________

   who is (Check one.):

   [ ] the named defendant/respondent.
   [ ] the named plaintiff/petitioner.
   [ ] a person of suitable age and discretion residing at that address, which is

   the named party’s residence. (Describe why the person lives at the named party’s residence and why they are of suitable age and discretion.)

   ______________________________________________________

   ______________________________________________________
[ ] an agent authorized by appointment or by law to receive service of process on behalf of the named party.

If serving a corporation, partnership, or an unincorporated association

[ ] an officer, a managing agent, general agent.

OR

[ ] an agent authorized by appointment or by law to receive service of process and by also mailing a copy of the complaint and summons to the named party, if the agent is one authorized by statute to receive process and the statute so requires.

If serving a city or town

[ ] the city/town recorder.

If serving a county

[ ] the county clerk.

If serving the state

[ ] the attorney general, and to _________________________________ (name of any other person or agency required by statute to be served) at _________________________________ (address).

If serving a department or agency of the state

[ ] a member of named party’s governing board, executive employee or secretary.

If the document was served in some other way

[ ] Other (Describe how the document was served.)

_____________________________________________________________________
_____________________________________________________________________

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _________________________________ (city, and state or country).

_________________________________ Signature ► _________________________________

Date

Printed Name
## Certificate of Service

I certify that I filed with the court and served a copy of this Proof of Service on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
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<td></td>
</tr>
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<td></td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

__________________________________________  ______________________________________________________________________________________
Date  Printed Name

---

Appendix 1: Sample Documents for Beginning a Divorce

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Appendix 1: Sample Documents for Beginning a Divorce

Name

Address

City, State, Zip

Phone

Email

I am [ ] Plaintiff/Petitioner [ ] Defendant/Respondent
[ ] Plaintiff/Petitioner’s Attorney [ ] Defendant/Respondent’s Attorney (Utah Bar #: __________)

In the District Court of Utah

__________ Judicial District ______________ County

Court Address ______________________________________________________

Acceptance of Service
(Utah Rule of Civil Procedure 4(d)(3))

Plaintiff/Petitioner

v.

Defendant/Respondent

Case Number

Judge

Commissio

n (domestic cases)

1. I have received the summons and complaint or petition in this case.

2. I understand that service is effective on the date I sign this document.

3. I know I can still respond to the complaint or petition in this case.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ________________________________ (city, and state or country).

Date ______________________________________________________________________

Signature ► __________________________________________________________________

Printed Name __________________________________________

(Link to https://www.utcourts.gov/howto/service/service_of_process.html)
# Certificate of Service

I certify that I filed with the court and served a copy of this Acceptance of Service on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td></td>
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<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

|               | [ ] Mail          |                        |                     |
|               | [ ] Hand Delivery |                        |                     |
|               | [ ] E-filed      |                        |                     |
|               | [ ] Email (Person agreed to service by email.) | |                     |
|               | [ ] Left at business (With person in charge or in receptacle for deliveries.) | |                     |
|               | [ ] Left at home (With person of suitable age and discretion residing there.) | |                     |

|               | [ ] Mail          |                        |                     |
|               | [ ] Hand Delivery |                        |                     |
|               | [ ] E-filed      |                        |                     |
|               | [ ] Email (Person agreed to service by email.) | |                     |
|               | [ ] Left at business (With person in charge or in receptacle for deliveries.) | |                     |
|               | [ ] Left at home (With person of suitable age and discretion residing there.) | |                     |

______________________________  ________________________________
Date  Printed Name

<table>
<thead>
<tr>
<th>Signature ▶</th>
<th>________________________________</th>
</tr>
</thead>
</table>

---

Appendix 1: Sample Documents for Beginning a Divorce

A1 – 49
IN THE ___________ JUDICIAL DISTRICT COURT
OF _______________ COUNTY, STATE OF UTAH

_____________________________________________________,

Petitioner,

vs.

_________________________________,

Respondent.

* Case No. __________________________

* Commissioner: __________________________

* Judge: __________________________

The Respondent, ______________________________, 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 (21 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.

(This form is only to be used if the divorce is not contested and both parties are in 100% agreement about all details. SIGNING THIS FORM WAIVES SOME OF THE RESPONDENT'S RIGHTS. If use of this form is appropriate, you are STRONGLY advised to complete the document at the OCAP Website, in preference to filling in this form offline – LINK.)
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 there is a statutory 90-day waiting period between the date of filing of the Verified Divorce Petition and the date for the granting of a Decree of Divorce in Utah.

6. I understand the allegations 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 Divorce Petition;
   e. I understand that Petitioner may ask the court to waive the statutory ninety day waiting period and I do not object if the waiting period is waived.

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 ______________________                  ________________________________

Respondent’s Signature
Respondent’s address:
Appendix 1: Sample Documents for Beginning a Divorce

_____________________________ appeared before me on the ______ day of
________________, _____ with satisfactory evidence to prove to me his/her identity.
_____________________________ 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 Signature
Alternative Service Documents

If the respondent cannot be found or the normal process for serving court papers cannot be followed, the petitioner can ask the court for permission to use an alternative method. This may make the divorce take longer. If alternative service is necessary, the petitioner will need to file the following documents:

1. Motion for Alternative Service
2. Order on Motion for Alternative Service
3. Proof of Service by Alternative Means
Appendix 2: Sample Protective Order Documents

Protective Order information and forms can be found at https://www.utcourts.gov/abuse/; algunos documentos también disponibles en Español.

The Online Court Assistance Program (OCAP) website is the recommended method for completing protective order documents.

If you are in danger, call: 911

Call the Domestic Violence Hotline:
They can help you find emergency housing, medical care, and support and advocacy for you and your children.

Call toll-free: 800-897-5465
Appendix 2: Sample Protective Order Documents
https://www.utcourts.gov/abuse/forms.html

(Access the OCAP Website or download the form.)

Request for Protective Order

Case Number: ___________________ District: _____
County: ___________________ State: Utah
Judge: ______________________
Commissioner: ______________________

Petitioner (person asking for protection):

1

This is a private record.

Address and phone # (to keep private, leave blank):

Other people protected by this order
(relatives or people who live with you):

Name Age Relationship to Petitioner

What is your date of birth?

Name and phone number of Petitioner’s attorney (if any):

If you are under 16 years old, have you ever been married or emancipated by a court? [ ] Yes [ ] No

Respondent (person you need to be protected from):

2

Describe Respondent

* Required. If you do not know, write unknown.

Sex* Race* Date of Birth* Ht. Wt.

Eyes Hair Full Social Security # (if known)

Distinguishing features (like tattoos, scars, limp, etc.)

Driver’s license issued by (State): _____ Expires: ________

Other places to find Respondent (work, relatives, friend, hangouts, etc. – include city/state/zip on each address, if possible)

Location Type (work, relatives, friend, hangouts, etc)

Best times to find at this address

Phone number

Describe Respondent’s vehicle(s):

Make Model Color License Plates

Request for Protective Order
Approved Board of District Court Judges May 21, 2008
Revised November 28, 2018

Page 1 of 8

A2 – 2
Appendix 2: Sample Protective Order Documents

Has the Respondent used weapons or been violent in the past? [ ] Yes [ ] No If yes, describe here:
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Is the Respondent on probation or parole? [ ] Yes [ ] No If yes, list the name of the probation/parole agency, the officer, and the telephone number here:
____________________________________________________________________________________
____________________________________________________________________________________

3 What is your relationship to the Respondent? (Check all that apply)

☐ a. We are married now.
☐ b. We used to be married. Date of Divorce: __________________________
☐ c. We live together as a couple.
☐ d. We used to live together as a couple.
☐ e. We are or used to be in a consensual sexual relationship.
☐ f. We live or used to live in the same home

☐ g. We are related by blood or marriage within the second degree of consanguinity (Specify relationship):
____________________________________________________________________________________
____________________________________________________________________________________

☐ h. We are expecting a child now. List Due Date: __________________________

☐ i. We have or had a child or children together. List below:

<table>
<thead>
<tr>
<th>Child’s Name</th>
<th>Month and Year of Birth</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4 Describe the most recent abuse (if any):

a. When did it happen? (Date): __________________________

b. Where did it happen? Street __________________________ City ______ State ______

c. Did the police come? [ ] Yes [ ] No
d. If the police came answer these questions:
   What police department came? __________________________
   Was anyone arrested? [ ] Yes [ ] No
   If yes, who was arrested? __________________________
   What is the case number? __________________________
   Did anyone get a ticket? [ ] Yes [ ] No
   If yes, who got the ticket? __________________________
e. Describe the abuse or domestic violence: __________________________
   __________________________
   __________________________
   __________________________
   __________________________
   __________________________
   __________________________

[ ] Check here if you need more space and attach a separate sheet of paper to this form

f. What did the other person do or say to make you afraid? __________________________
   __________________________
   __________________________
   __________________________
   __________________________
   __________________________
g. Did the other person use or threaten to use a gun or other weapon? [ ] Yes [ ] No (If yes, describe any weapons the Respondent owns and how they were used against you):

h. Were any children present when this happened? [ ] Yes [ ] No (If "yes," who?)

i. Who else was there?

j. Was anyone hurt?

k. Other facts:

5 Describe past abuse (if any):
   a. When did it happen? (Date):
   b. Where did it happen? ____________________________
      Street    City    State
   c. Did the police come? [ ] Yes [ ] No
   d. If the police came answer these questions:
      What police department came? ____________________________
      Was anyone arrested? [ ] Yes [ ] No
      If yes, who was arrested? ____________________________
      What is the case number? ____________________________
      Did anyone get a ticket? [ ] Yes [ ] No
      If yes, who got the ticket?
   e. Describe the past abuse or domestic violence: ____________________________
      ____________________________
      ____________________________
      ____________________________
      ____________________________

[ ] Check here if you need more space and attach a separate sheet of paper to this form

6 Describe why you think there is a substantial likelihood that the Respondent will commit domestic violence or abuse

[ ] Check here if you need more space and attach a separate sheet of paper to this form

7 Other Court Cases
   a. Are you or the Respondent on probation now for domestic violence? [ ] Yes [ ] No (If Yes, who? _______)
   b. Have you or the Respondent ever been involved in any other court case involving either of you or your children? [ ] Yes [ ] No (If yes, list ALL court cases below):
Appendix 2: Sample Protective Order Documents

Please, Judge, I am asking you to:

[X] Order the Respondent to go to a court hearing
[X] Make temporary (ex parte) orders, and
[X] After the hearing, make permanent the protective orders I have checked below:

8  [ ____]  **Personal Conduct** Order the Respondent not to commit, try to commit or threaten to commit any form of violence against me or any person listed on the first page of this form. This...
includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.

9 [___] **No Contact** Order the Respondent not to contact, phone, mail, e-mail, or communicate with me and the people listed on the first page of this form in any way, either directly or indirectly except as allowed by the parent-time provisions of the temporary protective order.

10 [___] **Contact for Mediation** Order that the Respondent may contact me only during mediation sessions for our divorce or custody case that are scheduled with a Court Qualified Mediator.

11 [___] **Stay Away** Order the Respondent to stay away from:

[ ] a. Stay at least _____________________________________ (distance) from me.

[ ] b. Stay away from my

- Home: __________________________________________________________ (address)
- Work: ____________________________________________________________ (address)

  The respondent [ ] does [ ] does not work at the same place as me.

- School: ___________________________________________________________ (address)

  The respondent [ ] does [ ] does not go to the same school as me.

- Place of worship: _________________________________________________ (address)

  The respondent [ ] does [ ] does not attend the same place of worship as me.

If you work, go to the same school, or attend the same place of worship as the respondent, the court cannot order the Respondent to stay away from those places. Give information the court should consider about potential or necessary interactions with the Respondent in those settings.

[ ] c. Stay away from the people listed on the first page of this form at their:

- Home: ___________________________________________________________ (address)
- Work: _____________________________________________________________ (address)

  The respondent [ ] does [ ] does not work at the same place as the people listed on the first page of this form.

- School: __________________________________________________________ (address)

  The respondent [ ] does [ ] does not go to the same school as the people listed on the first page of this form.

- Place of worship: ________________________________________________ (address)
The respondent [ ] does [ ] does not attend the same place of worship as the people listed on the first page of this form.

[ ] d. Other (specify): __________________________________________________________

12 [___] **No Guns or Weapons** – Order the Respondent not to use, possess, have, or buy a gun or firearm or any of these weapons: ______________________________________________

13 [___] **Property Control** – Order that only I can use, control and possess the following:

[ ] a. Home at *(address)*:

[ ] b. Car, truck or other essential personal belongings *(describe)*: ________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

**Orders 14-21 can last up to 150 days after the hearing.** If you want them to last longer, explain why on a separate sheet of paper and attach it to this form.

14 [___] **Property Control** Order the Respondent

[ ] Not to interfere with or change my phone, utility or other services.

[ ] To maintain existing wireless phone contracts or accounts.

15 [___] **Transfer Wireless Phone Number(s)** Order the Respondent and the wireless service provider to transfer my current wireless phone number(s) to a new account of my choice.

- The Respondent is the account holder for the following wireless phone number(s):

  - The number(s) are assigned to phones that are primarily used by me, or by people who will live with me while the protective order is in effect.
  - I will have full financial responsibility for each wireless phone number, beginning on the day of transfer. This includes monthly service costs and costs for any mobile device associated with the wireless phone number(s).
  - A wireless service provider may apply standard requirements for account establishment to me when transferring financial responsibility.

16 [___] **Child Custody & Parent-time Orders**

Give temporary custody of these minor children I have with the respondent to

[ ] me

[ ] __________________________________________________________________________ (name of person other than the Respondent):

________________________________________________________________________

________________________________________________________________________

Give the Respondent parent-time as follows: ________________________________________
If you asked for a No Contact Order above, who can communicate only parent-time information to the Respondent? (Name): __________________________________________

17 [___]  **No Alcohol or Drugs** Order the Respondent not to use alcohol or illegal drugs before or during visitation.

18 [___]  **Supervised Visitation** Provide the Respondent with supervised parent-time as follows: (list name and phone number of supervising agency or person): __________________________________________

19 [___]  **Travel Restrictions** Order the Respondent not to take the children listed above out of the state of Utah.

20 [___]  **Child Support, Spousal Support and other Expenses** -- Order the Respondent to:
- [___] b. Pay $ ______ / month in spousal support.
- [___] c. Pay child support by withholding from the Respondent’s earnings. *(Utah Code 62A-11, Parts 4 and 5)*
- [___] d. Pay 50% of the minor children’s childcare expenses.
- [___] e. Pay 50% of the minor children’s medical expenses, including premiums, deductibles and co-payments.
- [___] f. Pay $ _________ for the minor children’s medical expenses related to the abuse and $ _________ for my medical expenses related to the abuse.

21 [___]  **Other Assistance Needed** *(List below any other orders needed to protect you and other protected people listed on page 1 of this form):* __________________________________________

---------------------------------------------------------------

I also ask for these Orders to Agencies:

22 [___]  **Law Enforcement to Assist** Order a law enforcement officer from: ____________________________ to enforce the orders checked below:
- [___] a. Help me gain and keep control of home, car or other personal belongings.
- [___] b. Help me obtain custody of the children.
- [___] c. Help the [___] Respondent or [___] me remove essential personal belongings from the home.

23 [___]  **Investigate Possible Child Abuse** Refer this matter to the Division of Child and Family Services for review and possible investigation of child abuse.

24 [___]  **Guardian for your children** Appoint an attorney to speak for the best interests of the children in this case.
Appendix 2: Sample Protective Order Documents

The Petitioner must read and sign below:

I swear that:

- I am the Petitioner and I have read this Request for Protective Order.
- I understand it is a serious crime to lie to get a Protective Order. If I lie, I can be charged with a felony, punishable by up to 5 years in prison.
- I believe I have the right to the protective orders I have asked for in this Request.
- I am not using this Request to harass the Respondent or to abuse the judicial process.
- I have not included any non-public information in this document.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ________________________________ (city, and state or country).

______________________________  Signature  ________________________________

______________________________  Date  ________________________________

______________________________  Printed Name  ________________________________
Temporary Protective Order

Ex Parte Order

Case Number: _____________________ District:_____
County: ___________________________ State:  Utah
Judge: _______________________________________
Commissioner: ____________________________

Petitioner (protected person):
First Name _______ Middle _______ Last _______

Address and phone # (to keep private, leave blank):
Street ____________________________________________
City --- State --- Zip ____________________________________________
Phone # ____________________________________________

Other people protected by this order
Name (Initials only if under 18) Age Relationship to Petitioner

Petitioner’s date of birth: ___________________

Petitioner’s attorney (if any): ______________________________________ Phone # __________

Respondent
(person Petitioner is protected from):
First Name _______ Middle _______ Last _______
Other Names Used _________________________________

Describe Respondent
Sex Race Date of Birth Ht. Wt.

Eyes Hair Social Security # (only the last 4 numbers)

Relationship to Petitioner: ________________________________
Address (street): __________________________________________

City --- State --- Zip __________________________________________

Warning! [ ] Weapon involved (Box to be initialed by Court, if applicable)

Findings: The Court finds there is reason to believe: it has jurisdiction over the parties and this case, the Respondent and Petitioner are cohabitants, the Respondent will be served notice of his/her opportunity to be heard at the scheduled hearing, and the Respondent has abused or committed domestic violence against Petitioner, or that there is a substantial likelihood that Respondent immediately threatens Petitioner’s physical safety.

(Appendix 2: Sample Protective Order Documents)

(Access the OCAP Website or download the form.)

Temporary Protective Order
Approved Board of District Court Judges May 21, 2008
Revised May 8, 2018
Page 1 of 6

A2 – 10
The Court orders the Respondent to obey all orders initialed on this form and to not abuse, or threaten to abuse, anyone protected by this order.

[___] You must not have any contact with the Petitioner.

(The court fills out this section)
This order lasts until the hearing on:

________________________________
Month – Day – Year
Or later, if the Court extends time for service.

Warnings to the Respondent:
• This is a court order. No one except the court can change it. You can tell your side when you go to court. If you do not obey this order, you can be arrested, fined, and face other charges.
• This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory or tribal land to violate this order, a federal judge can send you to prison.
• No guns or firearms! (See item 5.)

To: (Respondent’s name):

Go to the court hearing on the date listed below. If you do not go to the hearing, the judge can make orders without hearing your side.

Date: ____________  Time: _____ [___] a.m. [___] p.m.  Judicial Officer: ________________

Address: ____________________________________________________  Room: ____________

Obey all orders initialed by the judge.
Violation of orders 1–6 below is a criminal Class A Misdemeanor, punishable by up to one year in jail and a fine. A second or subsequent violation can result in more severe penalties.

1 [___] Personal Conduct Order Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on the first page of this form. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.

2 [___] No Contact Order Do not contact, phone, mail, e-mail, or communicate in any way with the Petitioner and the people listed on the first page of this order either directly or indirectly except as allowed by the parent-time provisions of this order.
Appendix 2: Sample Protective Order Documents

3 [ ] **Contact for Mediation** You are allowed to have contact with the Petitioner *only* during court mediation sessions for your divorce or custody case that are scheduled with a Court Qualified Mediator.

4 [ ] **Stay Away Order**
- a. Stay at least _________________________ (distance) from the Petitioner.
- b. Stay away from Petitioner's
  - Home: ________________________________ (address)
  - Work: _______________________________ (address)
  - School: ______________________________ (address)
  - Place of worship: ______________________ (address)
- c. Must comply with the following restrictions while at Respondent’s and Petitioner’s
  - Work: _______________________________ (address)
  - School: ______________________________ (address)
  - Place of worship: ______________________ (address)
- d. Stay away from the people listed on the first page of this form at their:
  - Home: ________________________________ (address)
  - Work: _______________________________ (address)
  - School: ______________________________ (address)
  - Place of worship: ______________________ (address)

The respondent [ ] does [ ] does not work at the same place as the people listed on the first page of this form.

The respondent [ ] does [ ] does not go to the same school as the people listed on the first page of this form.

The respondent [ ] does [ ] does not attend the same place of worship as the people listed on the first page of this form.
[ ] e. Must comply with the following restrictions while at Respondent's and the people listed on the first page of this form's:

Work: _________________________________________________________ (address)
____________________________________________________________________________
____________________________________________________________________________

School: _________________________________________________________ (address)
____________________________________________________________________________
____________________________________________________________________________

Place of worship: _________________________________________________ (address)
____________________________________________________________________________
____________________________________________________________________________

[ ] f. Other (specify):

____________________________________________________________________________
____________________________________________________________________________

5 [ ] No Guns or Other Weapons The Court finds that your use or possession of a weapon poses a serious threat of harm to the Petitioner. You cannot possess, have, or buy a gun or firearm or any of these weapons: _______________________________________________

Warning! If a final protective order is issued against you after the hearing, you will then become subject to the federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

6 [ ] Property Orders Until the hearing, only the Petitioner can use, control and possess the following property and things, but cannot dispose of this property without court approval:

[ ] a. Home at (address):

[ ] b. Car, truck or other property (describe):

If you violate orders 7 – 14, you will be in contempt of court and may be punished.

7 [ ] Property Orders

[ ] You cannot interfere with or change Petitioner's phone, utility or other services.

[ ] You must maintain Petitioner's existing wireless phone contracts or accounts.
8 [___] Transfer Wireless Phone Number(s)
You must transfer the Petitioner's current wireless phone number(s) to a new account of their choice.

The court will issue a separate order to the wireless service provider to transfer Petitioner's wireless phone number(s) to a new account.

9 [___] Proof of Income You and Petitioner must bring the following proof of income to the hearing: pay stubs or employer statements for this year, and complete tax returns for the most recent year.

10 [___] Child Custody & Parent-time Orders

[ ] The Petitioner (the person asking for protection)

[ ] ______________________________________________________________ (name)

will have temporary custody of the minor children of the parties listed below. The person with custody may give a copy of this order to the principal or director of the child’s school or daycare. If you do not obey the custody and parent-time orders listed here, the person with custody may ask for the court’s help (such as an order to show cause for contempt):_____________________________

[ ] You will have parent-time as follows: _______________________________________

If there is a “No Contact” order, you can communicate with the Petitioner or the person with custody only about parent-time matters through:

________________________________________________________________________

11 [___] No Parent Time No parent time is allowed until the scheduled hearing.

12 [___] No Alcohol or Illegal Drugs Do not use alcohol or illegal drugs before or during visitation.

13 [___] No Travel with Children Do not take the children listed above out of the state of Utah.

14 [___] Other Orders (List below):____________________________________________

________________________________________________________________________

Orders to Agencies

15 [___] Law Enforcement to Assist A law enforcement officer from:____________________________ will enforce the orders checked below:

[ ] a. Help the Petitioner gain and keep control over home, car or other personal belongings.

[ ] b. Help the Petitioner obtain custody of the children.

[ ] c. Help the [___] Respondent or [___] Petitioner remove essential personal belongings from the home.

“Essential personal belongings” means daily use items, such as clothing, medications, jewelry, toiletries, financial or personal records solely in one person’s name, or items needed to work at a job or go to school.
Warning to the Respondent: Do not go to the home or other protected places without the officer. Law enforcement can evict you or keep you away from protected places, if needed.

16 [___] Investigate Possible Child Abuse
This matter will be referred to the Division of Child and Family Services for review and possible investigation of child abuse.

17 [___] Guardian for your children
The court appoints an attorney to speak for the best interests of the children in this case.

Notice to the Petitioner: The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent.

Date: ___________ Time: ___________ [___] a.m.[___] p.m ___________________________________

Judge (printed name) ________________________________

Interpretation. If you do not speak or understand English, contact the court at least 3 days before the hearing, and an interpreter will be provided.

Interpretación. Si usted no habla ni entiende el Inglés contacte al Representante de Servicios Judiciales por lo menos 3 días antes de la audiencia y le proveerán un intérprete.

Disability Accommodation. If you have a disability requiring accommodation, including an ASL interpreter, contact the court at least 3 days before the hearing.

Atención en caso de incapacidades. Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.
Protective Order

Case Number: _____________________ District:_____
County: ___________________________ State:  Utah
Judge: _______________________________________
Commissioner: _______________________________________

Petitioner (protected person):

First Name Middle Last

Address and phone # (to keep private, leave blank):

Name (Initials only if under 18) Age Relationship to Petitioner

City --- State --- Zip

Petitioner’s date of birth: ___________________

Petitioner’s attorney (if any): _________________________________________ Phone # __________

Respondent (person Petitioner is protected from):

First Name Middle Last

Other Names Used __________________________

City --- State --- Zip

Driver’s license issued by (State):______ Expires: ________

Describe Respondent

Sex Race Date of Birth Ht. Wt. Eyes Hair Social Security #

Distinguishing features (like scars, tattoos, limp, etc.)

Warning! [____] Weapon involved (Box to be initialed by Court, if applicable)

There was a hearing on (date): ______________________. The Respondent was given notice and an opportunity to be heard in the hearing that gave rise to this order. The following people were present at the hearing:

[____] Petitioner [____] Petitioner’s attorney (name): ______________________________
[____] Respondent [____] Respondent’s attorney (name): ______________________________
[____] Other (name) ______________________________

Appendix 2: Sample Protective Order Documents

(Access the OCAP Website or download the form.)
The Court reviewed the Request for Protective Order and [   ] received argument and evidence, [   ] accepted the stipulation of the parties, [   ] entered the default of the Respondent for failure to appear, finds that domestic violence or abuse has occurred or there is substantial likelihood of abuse or domestic violence by the Respondent, [   ] finds that a minor child witnessed the abuse or domestic violence, and makes the orders initialed below.

[   ] Mutual Protective Order.
Petitioner is also the Respondent or Defendant to a Protective Order, Child Protective Order, or Ex Parte Child Protective Order.

[   ] There is abuse or domestic violence by the Respondent that was not in self defense.
[   ] This court entered the order against Petitioner, or
[   ] this court has determined it would be impractical for the original court to consider the matter or has conferred with the original court.

The Court orders the Respondent to obey all orders initialed on this form and to not abuse or threaten to abuse anyone protected by this order.

Orders 1-6 expire ______________________ (date)

Warnings:
• This is a court order. No one except the court can change it. If you do not obey this order, you can be arrested, fined, and face other charges.
• This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory or tribal land to violate this order, a federal judge can send you to prison.
• No guns or firearms! (See page 3, item 5.)


The Respondent must obey all orders initialed by the judicial officer.
If you do not obey orders 1 – 6 below, the court can send you to jail for up to 1 year and order you to pay a fine. A second or subsequent violation can result in more severe penalties.

1 [   ] Personal Conduct Order -- Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on the first page of this form. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.

2 [   ] No Contact Order -- Do not contact, phone, mail, e-mail, or communicate in any way with the Petitioner and the people listed on the first page of this order either directly or indirectly except as allowed by the parent-time provisions of this order.

3 [   ] Contact during Mediation -- You are allowed to have contact with the Petitioner only during mediation sessions for your divorce or custody case that are scheduled with a Court Qualified Mediator.
4 [ ] Stay Away Order

[ ] a. Stay at least ____________________ (distance) from the Petitioner.

[ ] b. Stay away from Petitioner’s

Home: _________________________________ (address)

Work: _______________________________ (address)

School: ______________________________ (address)

Place of worship: ______________________ (address)

[ ] c. Must comply with the following restrictions while at Respondent’s and Petitioner’s

Work: _______________________________ (address)

____________________________________________________________________________

____________________________________________________________________________

School: ______________________________ (address)

____________________________________________________________________________

____________________________________________________________________________

Place of worship: ______________________ (address)

____________________________________________________________________________

____________________________________________________________________________

[ ] d. Stay away from the people listed on the first page of this form at their:

Home: ________________________________ (address)

Work: ________________________________ (address)

The respondent [ ] does [ ] does not work at the same place as the people listed on
the first page of this form.

School: ________________________________ (address)

The respondent [ ] does [ ] does not go to the same school as the people listed on
the first page of this form.

Place of worship: ___________________________ (address)

The respondent [ ] does [ ] does not attend the same place of worship as the people
listed on the first page of this form.

[ ] e. Must comply with the following restrictions while at Respondent’s and the people
listed on the first page of this form’s:

Work: ________________________________ (address)

____________________________________________________________________________

____________________________________________________________________________

School: ________________________________ (address)
5 [___] No Guns or Other Weapons -- The Court finds that your use or possession of a weapon poses a serious threat of harm to the Petitioner. You cannot possess, have, or buy a gun or firearm or any of these weapons: ________________________________

Warning! If a final protective order is issued against you after the hearing, you will then become subject to the federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

6 [___] Property Orders -- Until further court order, Only the Petitioner can use, control and possess the following property and things, but cannot dispose of this property without court approval:

[___] a. Home at (address):

[___] b. Car, truck or other property (describe):

You must obey orders 7 – 13 initialed by the judge. If you do not, you will be in contempt of court and may be punished. These orders will [___] expire [___] be reviewed by the court in ____ days.

7 [___] Property Orders

[ ] You cannot interfere with or change Petitioner's phone, utility or other services.

[ ] You must maintain Petitioner's existing wireless phone contracts or accounts.

8 [___] Transfer Wireless Phone Number(s)

You must transfer the Petitioner's current wireless phone number(s) to a new account of their choice.

The court will issue a separate order to the wireless service provider to transfer Petitioner's wireless phone number(s) to a new account.

9 [___] Child Custody & Parent-time Orders –

[ ] The Petitioner (the person asking for protection)

[ ] ____________________________________________ (name)
will have temporary custody of the minor children of the parties listed below. The person with custody may give a copy of this order to the principal or director of the child’s school or daycare. If you do not obey the custody and parent-time orders listed here, the person with custody may ask for the court’s help (such as an order to show cause for contempt):

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

You will have parent-time as follows:

__________________________________________________________________________
__________________________________________________________________________

If there is a “No Contact” order, you can communicate with the Petitioner or person with custody only about parent-time matters through:

__________________________________________________________________________

10 [___] No Alcohol or Illegal Drugs -- Do not use alcohol or illegal drugs before or during visitation.

11 [___] No Travel with Children -- Do not take the children listed above out of Utah.

12 [___] Child Support, Spousal Support and other Expenses -- The Respondent will:
   [___] a. Pay $________ / month in child support.
   [___] b. Have child support withheld from the Respondent’s earnings. (Utah Code 62A-11, Parts 4 and 5)
   [___] c. Pay $________ / month in spousal support.
   [___] d. Pay 50% of the minor children’s childcare expenses.
   [___] e. Pay 50% of the minor children’s medical expenses, including premiums, deductibles and co-payments.
   [___] f. Pay $_________ for the minor children’s medical expenses related to the abuse and $________ for the Petitioner’s medical expenses related to the abuse.

13 [___] Other Assistance Needed (List below any other orders needed to protect you and other protected people listed on page 1 of this form):

__________________________________________________________________________
__________________________________________________________________________

Orders to Agencies

14 [___] Law Enforcement to Assist A law enforcement officer from: ____________________________
will enforce the orders checked below:
[] a. Help the Petitioner gain and keep control over home, car or other personal belongings.
[] b. Help the Petitioner obtain custody of the children.
[] c. Help the [ ] Respondent or [ ] Petitioner remove essential personal belongings from the home.

“Essential personal belongings” means daily use items, such as clothing, medications, jewelry, toiletries, financial or personal records solely in one person’s name, or items needed to work at a job or go to school.

**Warning to the Respondent:** Do not go into the home or other protected places without the officer. Law enforcement can evict you or keep you away from protected places, if needed.

15 [ ] Investigate Possible Child Abuse -- This matter will be referred to the Division of Child and Family Services for review and possible investigation of child abuse.

**NOTICE TO PETITIONER:** The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent.

In 2 years, the Respondent may ask the Court to dismiss the orders on this page. If that happens, we will need your address so the Court can give you notice. If your address changes, you must let the Court know at least 30 days before the 2-year period ends on ________________ (date).

This Order will expire automatically, usually 10 years after the date entered. The Petitioner can file a motion to extend the Order before it expires.

If you receive services from the Office of Recovery Services (ORS) and want to keep your address confidential, you must give ORS a copy of your current Protective Order.

Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.
Appendix 2: Sample Protective Order Documents

— The Court fills out below —
Judge or commissioner’s signature may instead appear at the top of the first page of this document.

Date
Signature ►
Commissioner

Date
Signature ►
Judge

— The Respondent fills out below —
By signing here, the Respondent approves the form, and accepts service of this Protective Order and waives the right to be personally served.

Respondent’s Address

Street

City

State

Zip

Respondent’s Signature

________________________________________________________
Notice of Hearing
On Request for Protective Order

Petitioner (person who asked for the protective order):

Respondent (person Petitioner asked to be protected from):

To the Respondent (Name):

Go to the court hearing on the date listed below. The Court will make a decision on the Petitioner’s Request for Protective Order. If you do not go to the hearing, the Court can make orders without hearing your side. You may have an attorney present at the hearing.

Date: ____________ Time: ______ __ a.m. __ p.m. Judicial Officer: ________________________

Address: __________________________________ Room: ____________

Signed on: ___________________________ District Court Clerk

Disability and Interpreter Services  Assistive listening systems, sign language and oral language interpreter services are available at no charge in protective order proceedings. Contact the clerk’s office at least 5 days before your hearing.
The matter before the court is Petitioner's Request for Protective order.

The court finds:

1. ____________________________________________________ (respondent) is the account holder of the following wireless phone number(s):
   __________________________________________________________________

2. These phone number(s) are used primarily by the Petitioner.

3. Petitioner has asked that these number(s) be transferred to them.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,
The court orders:

4. The Petitioner's request to transfer the wireless phone number(s) is
   [ ] granted  [ ] denied.

5. [ ] ________________________________________________ (wireless service
   provider) shall transfer the rights to, billing responsibility for and these
   wireless phone number(s)
   ______________________________________________________________
   from ________________________________________________ (respondent)
   to ________________________________________________ (petitioner).
   Petitioner is responsible for the account from the date of transfer.

6. [ ] The provider must comply with this order within four business days upon
   receipt of this order, unless they are unable to comply for the reasons stated
   in Utah Code 77-36-5.3.

Commissioner's or Judge's signature may instead appear at the top of the first page of this document.

______________________________  Signature ➤ ________________________________
Date
Commissioner

______________________________  Signature ➤ ________________________________
Date
Judge
Sample Temporary Order Documents

Information about Temporary Orders and sample forms for filing are available at: https://www.utcourts.gov/howto/family/Temporary_Order/. Temporary Orders are used to govern issues such as child custody, parent time and support, alimony, property distribution, attorney fees and other matters during divorce or parentage proceedings. Parties must follow a temporary order until it is changed or until there is a final order (judgment) in the case.

Motions (Requests) for a Temporary Order may be filed together with or after the paperwork for the Petition for Divorce. Temporary Orders require justification and are not automatic. For the temporary order to govern joint legal or physical custody, the paperwork must include a Parenting Plan (see Appendix 1). If the temporary order is intended to govern any financial payments, such as alimony, child support or attorney fees, the Financial Declaration (Appendix 7) and the appropriate Child Support Worksheets (Appendix 13) must also be included.

The website also includes forms for cases when children are not involved, as well as for filing objections.
I ask the court to enter temporary orders in the paragraphs I have marked below.

1. [ ] Minor children

The petitioner and the respondent are the parents of the following minor children:
(Add additional pages if needed.)

<table>
<thead>
<tr>
<th>Child’s name (first, middle and last)</th>
<th>Child’s gender</th>
<th>Month and year of birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example: Jennie Eliza Jones</td>
<td>Female</td>
<td>January 2017</td>
</tr>
</tbody>
</table>
The minor children have lived at the addresses listed below and with the persons listed below for the past five years:  (Add additional pages if needed.)

<table>
<thead>
<tr>
<th>Child’s name</th>
<th>Address (street, city, state, ZIP)</th>
<th>Dates child lived at this address</th>
<th>Name(s) of person(s) who lived with child at this address</th>
<th>Relationship(s) to child</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example: Jennie Jones</td>
<td>123 Maple St Mayberry, UT 84444</td>
<td>5/15/15 to present</td>
<td>Jane Doe, John Jones</td>
<td>Mother, maternal grandfather</td>
</tr>
</tbody>
</table>

2. **[ ] Child custody**

All orders involving minor children will include two types of custody: physical custody and legal custody.

- **Physical custody** deals with where the children live and how many overnights the children spend with each parent.
  - **Sole physical custody** means that the children live primarily with one parent and have parent time (visitation) with the other parent (see parent-time options in Section 3).
  - **Joint physical custody** means that the children typically spend at least 30% of overnights with both parents each year and that both parents contribute to the expenses of the child in addition to paying child support.
  - **Split physical custody** means that where there is more than one child, each parent is awarded sole physical custody of at least one of the children.

- **Legal custody** deals with access to information and decision making.
  - **Sole legal custody** means that one parent has the right to make important decisions about the child.
  - **Joint legal custody** means that both parents: (1) have the right to information about the child (events, appointments, access to school and medical records, etc.); and (2) that both parents discuss and make major decisions together – (education, religion, medical, extra-curricular activities, etc.) but designate a parent to make the final decision if they cannot agree.
I ask the court to order temporary custody below (Choose one. If you ask for any joint legal custody or joint physical custody arrangement, you must file or attach a Parenting Plan based on Utah Code 30-3-10.7 to 30-3-10.10.):

[ ] Custody arrangement: (Add additional pages if needed.)

<table>
<thead>
<tr>
<th>Child’s name</th>
<th>Month and year of birth</th>
<th>Order physical custody to</th>
<th>Order legal custody to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example: Jennie Jones</td>
<td>January 2013</td>
<td>[ ] Petitioner [x] Respondent</td>
<td>[x] Petitioner [ ] Respondent</td>
</tr>
<tr>
<td>[ ] Petitioner [ ] Respondent</td>
<td>[ ] Joint physical</td>
<td>[ ] Petitioner [ ] Respondent</td>
<td>[ ] Joint legal</td>
</tr>
<tr>
<td>[ ] Petitioner [ ] Respondent</td>
<td>[ ] Joint physical</td>
<td>[ ] Petitioner [ ] Respondent</td>
<td>[ ] Joint legal</td>
</tr>
<tr>
<td>[ ] Petitioner [ ] Respondent</td>
<td>[ ] Joint physical</td>
<td>[ ] Petitioner [ ] Respondent</td>
<td>[ ] Joint legal</td>
</tr>
<tr>
<td>[ ] Petitioner [ ] Respondent</td>
<td>[ ] Joint physical</td>
<td>[ ] Petitioner [ ] Respondent</td>
<td>[ ] Joint legal</td>
</tr>
<tr>
<td>[ ] Petitioner [ ] Respondent</td>
<td>[ ] Joint physical</td>
<td>[ ] Petitioner [ ] Respondent</td>
<td>[ ] Joint legal</td>
</tr>
</tbody>
</table>

[ ] Other custody arrangement (Describe in detail.):

__________________________________________

__________________________________________

__________________________________________

__________________________________________

I ask the court to order the custody arrangement I have marked above because:

__________________________________________

__________________________________________
3. [ ] Parent-time

I ask the court to order temporary parent-time below (Choose one.):

[ ] Statutory parent-time schedule: (Choose all that apply. You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)

[ ] Children under 5 (Utah Code 30-3-35.5)
[ ] Children 5-18 (Utah Code 30-3-35)
[ ] Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

[ ] Parent-time described in the filed or attached Parenting Plan.
[ ] Other parent-time schedule: (Describe in detail.)

I ask the court to order the parent-time schedule I chose above because:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

4. [ ] Parent-time transfers

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time described below (Choose one.):
[ ] Order transfer of the children for parent-time described in the filed or attached Parenting Plan.

[ ] Order transfer at **beginning** of parent-time with

[ ] petitioner
[ ] respondent
[ ] other adult (Name) ___________________________________________

transferring the children at this address:
___________________________________________________________

and transfer at **end** of parent-time with

[ ] petitioner
[ ] respondent
[ ] other adult (Name) ___________________________________________

transferring the children at this address:
___________________________________________________________

[ ] Order curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

[ ] Other transfer arrangements (Describe in detail.):
___________________________________________________________

___________________________________________________________

___________________________________________________________

I ask the court to order the transfer arrangement I chose above because:
___________________________________________________________

___________________________________________________________

___________________________________________________________

___________________________________________________________
5. [ ] **Communication between parties**
   I ask the court to order communication between the parties as described below (Choose as many options as you want.):
   
   [ ] In person
   [ ] Phone
      Petitioner’s # ____________________  Respondent’s # ____________________
   [ ] Text
      Petitioner’s # ____________________  Respondent’s # ____________________
   [ ] Email
      Petitioner’s email address ____________________________________________
      Respondent’s email address __________________________________________
   [ ] Through a third party
      Name ______________________________________ Phone # ________________
   [ ] Other method of communication: (Describe in detail.)
      ___________________________________________________________________

[ ] Communications between the parties must be civil and respectful and limited to parent-time issues only.

[ ] The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.

[ ] The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.

[ ] The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the minor children if anyone harms or threatens harm to the other parent or minor children.

6. [ ] **Child support**
   I ask the court to order child support based on the parties’ incomes or estimate of income based on ability or work history.

   a. Petitioner’s total countable gross monthly income for child support purposes is $______________ (Utah Code 78B-12-203).
This income is from these sources:

___________________________________________________________

__________________________________________________________.

[ ] The court should consider petitioner's income to be $______________
based on (Choose one.):

[ ] minimum wage.

[ ] historical earnings.

[ ] Petitioner does receive or has received public assistance.

b. Respondent’s total countable gross monthly income for child support
purposes is $______________ (Utah Code 78B-12-203).

This income is from these sources:

___________________________________________________________

__________________________________________________________.

[ ] The court should consider respondent's income to be
$______________ based on (Choose one.):

[ ] minimum wage.

[ ] historical earnings.

[ ] Respondent does receive or has received public assistance.

c. Order [ ] petitioner [ ] respondent to pay $______________ per
month for child support. The following child support worksheet is filed or
attached (Choose one.):

[ ] sole physical custody worksheet

[ ] joint physical custody worksheet

[ ] split custody worksheet

(Choose one.)

[ ] This amount is based on the Uniform Child Support Guidelines (Utah
Code 78B-12-2).

[ ] This amount is not based on the Uniform Child Support Guidelines
and I am asking for a different amount because (Choose one.):

[ ] the guidelines are unjust.

[ ] the guidelines are inappropriate.
[ ] the guidelines amount is not in the best interest of the child/ren.
(Utah Code 78B-12-202 and 210.)
Explain your choice:

______________________________________________________________

______________________________________________________________

d. Effective date (Choose one.):

[ ] The child support is effective upon entry of this order.

OR

[ ] The child support is effective as of this date: ________________.

e. Child support will be paid as follows (Choose one.):

[ ] Mandatory income withholding by the Office of Recovery Services.
   Unless the Office of Recovery Services gives notice that payments will be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

[ ] Direct payments to the parent receiving child support by:
   [ ] Check
   [ ] Deposit in bank account
   [ ] Cashier’s check or money order
   [ ] Other: ____________________________________________________

I ask for direct payment because (Utah Code 62A-11-404):

______________________________________________________________

______________________________________________________________

f. I ask that child support payments be made (Choose one.):

[ ] One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

[ ] Other payment arrangement:

______________________________________________________________
g. Child support not paid on or before the due date is delinquent on the day after the due date.

h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

7. [ ] Child care expenses

I ask the court to order that both parties share equally the reasonable child care expenses related to the custodial parent’s work or occupational training.

The parent who pays child care expenses must immediately provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent’s one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis immediately after receiving proof from the parent that pays the child care expense.

[ ] Other request for child care payment:

________________________________________________________

________________________________________________________

8. [ ] Health insurance, medical and dental expenses

Our minor children currently have health insurance coverage through:

[ ] Petitioner’s insurance

[ ] Respondent’s insurance

[ ] Medicaid

[ ] CHIP

[ ] Other: __________________________________________________

[ ] Not covered by insurance
[ ] I ask the court to order that [ ] petitioner [ ] respondent maintain health insurance for our minor children. Both parties must share equally:

a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and

b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent within 30 days of payment, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification will reimburse the parent who incurred the medical or dental expenses one-half of the amount within 30 days after receiving the written verification.

I ask for this order because (Choose all that apply.):

[ ] the insurance is available to [ ] petitioner [ ] respondent;

[ ] the cost of the insurance is reasonable

[ ] the custodial parent prefers this arrangement.

[ ] Other reasons:

________________________________________________________________________

________________________________________________________________________
9. [ ] Tax exemptions for dependent children
I ask the court to order tax exemptions for the minor children for tax year ____________, as follows:

<table>
<thead>
<tr>
<th>Child’s name</th>
<th>Month and year of birth</th>
<th>Parent who may claim exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>[ ] Petitioner [ ] Respondent</td>
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<td>[ ] Petitioner [ ] Respondent</td>
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<tr>
<td></td>
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<td>[ ] Petitioner [ ] Respondent</td>
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</tbody>
</table>

[ ] Other: ________________________________________________________________

10. [ ] Payment of bills and debts
I ask the court to order payment of bills and debts (such as mortgage, rent, credit card, utilities, medical expenses, car payments, insurance, etc.) as follows (File or attach Financial Declaration. Add additional pages if needed.):

[ ] Petitioner to pay:

<table>
<thead>
<tr>
<th>Type of debt</th>
<th>Name of creditor</th>
<th>Last 4 digits of account no.</th>
<th>Total amount owed</th>
<th>Monthly amount owed</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>
[ ] Respondent to pay:

<table>
<thead>
<tr>
<th>Type of debt</th>
<th>Name of creditor</th>
<th>Last 4 digits of account no.</th>
<th>Total amount owed</th>
<th>Monthly amount owed</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>

The bills and debts should be paid as requested because:

______________________________________________________________________________

11. [ ] Property

I ask the court to order the temporary use and possession of the following property (File or attach Financial Declaration. File or attach additional pages if needed.):

[ ] To petitioner

[ ] Residence (Address): _______________________________________________________

[ ] Vehicle(s) (Make/model/year): _______________________________________________

[ ] Personal property items:

______________________________________________________________________________

______________________________________________________________________________

[ ] Other: ____________________________________________________________

[ ] To respondent

[ ] Residence (Address): _______________________________________________________

[ ] Vehicle(s) (Make/model/year): _______________________________________________

[ ] Personal property items:

______________________________________________________________________________
[ ] I ask the court to order that neither party sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

I ask for this property order because:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

12. [ ] Temporary alimony (Divorce cases only. (Utah Code 30-3-5(8)).)

I am unable to meet my own financial needs, and I ask the court to order temporary alimony as follows (File or attach Financial Declaration.):

 [ ] petitioner [ ] respondent shall pay to [ ] petitioner [ ] respondent temporary alimony in the amount of $ _______________ per month by:

(Choose one.):

 [ ] Check
 [ ] Deposit in bank account
 [ ] Cashier's check or money order
 [ ] Other: __________________________________________________________

[ ] Petitioner [ ] Respondent needs temporary alimony because:

________________________________________________________________________

________________________________________________________________________

[ ] Petitioner [ ] Respondent has the financial ability to pay temporary alimony because:

________________________________________________________________________

________________________________________________________________________

13. [ ] Attorney fees
I ask the court to order the other party to pay $___________ to my attorney. (You can only ask for this if you are paying an attorney to represent you in this case. You must file or attach a Financial Declaration.)

I ask for attorney fees because:


14.  [ ] Other
I ask the court for these additional orders:


I ask for these additional orders because:


15.  Documents
I have filed or attached the following documents in support of this Motion for Temporary Order (Check all that apply. Forms can be found at www.utcourts.gov.):

[ ] Parenting Plan (Utah Code 30-3-10.7 to 30-3-10.10)
[ ] Parent time Schedule (Utah Code 30-3-35; 30-3-35.5; 30-3-35.1)
[ ] Child Support Obligation Worksheet (Utah Code 78B-12)
[ ] Financial Declaration (Utah Rule of Civil Procedure 26.1)
[ ] Income verification (Most recent tax return and pay stub)
[ ] Other supporting documents:____________________________________
I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at __________________________ (city, and state or country).

______________________________  Signature ► ______________________________
Date
Printed Name ________________________________
# Certificate of Service

I certify that I filed with the court and served a copy of this Motion for Temporary Order – With Children on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
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<tbody>
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<td>[ ] Mail</td>
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<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
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<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
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</tbody>
</table>

**Signature ►**

Date

Printed Name ________________________________
Appendix 3: Sample Temporary Order Documents

(See information and original at https://www.utcourts.gov/howto/family/Temporary_Order/)

Name

Address

City, State, Zip

Phone

Email

I am [ ] Plaintiff/Petitioner [ ] Defendant/Respondent
[ ] Plaintiff/Petitioner’s Attorney [ ] Defendant/Respondent’s Attorney (Utah Bar #: __________)

In the [ ] District [ ] Justice Court of Utah

________ Judicial District __________ County

Court Address ________________________________

Request to Submit for Decision
(Utah Rule of Civil Procedure 7)

[ ] Hearing Requested

Plaintiff/Petitioner

v.

Defendant/Respondent

Case Number

Judge

Commissioner (domestic cases)

1. The Motion to ________________________________ (name of motion) was filed on ____________________ (date).

2. A memorandum opposing the motion
   [ ] was not filed  [ ] was filed on ____________________ (date).

3. A reply memorandum supporting the motion
   [ ] was not filed  [ ] was filed on ____________________ (date).
4. A stipulation
   [ ] was not filed  [ ] was filed on ______________________ (date).

5. A hearing
   [ ] has been requested  [ ] has not been requested.

6. I request that the motion be submitted for decision because it is now ready for
   the court to review and issue a decision.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at ________________________________ (city, and state or country).

____________________________________  ________________________________
Date  Printed Name
Appendix 3: Sample Temporary Order Documents

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**Certificate of Service**

I certify that I filed with the court and served a copy of this Request to Submit for Decision on the following people.

<table>
<thead>
<tr>
<th>Person's Name</th>
<th>Method of Service</th>
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<tr>
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<td>Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**Signature ▶**

Date

Printed Name ____________________________

---

1110GEJ Approved April 16, 2018

Request to Submit for Decision

Page 3 of 3
In the [ ] District [ ] Justice Court of Utah

[ ] Judicial District [ ] County

Court Address ______________________________________________________

Name

Address

City, State, Zip

Phone

Email

Notice of Hearing

Aviso de Audiencia

Plaintiff/Petitioner __________________________

v. ________________________________________

Defendant/Respondent ________________________

Case Number __________________________________

Judge _________________________________________

Commissioner (domestic cases)

To:

Petitioner Name _____________________________

Respondent Name _____________________________

The court has scheduled a hearing about __________________________________________

(title of motion or subject of hearing) at the following location, date, and time.

El tribunal ha programado una audiencia sobre _______________________________________

(título de la moción o tema de la audiencia) en la fecha y hora que sigue.

Courthouse Address (Dirección del tribunal):

______________________________________________________________________________

(See information and original at https://www.utcourts.gov/howto/family/Temporary_Order/)
### Appendix 3: Sample Temporary Order Documents

**Attendance**
You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

**Evidence**
Bring with you any evidence that you want the court to consider.

**Interpretation**
If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.

**ADA Accommodation**
If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.

**Finding help**

<table>
<thead>
<tr>
<th>Attendance</th>
<th>Asistencia</th>
</tr>
</thead>
<tbody>
<tr>
<td>You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.</td>
<td>Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Evidence</th>
<th>Pruebas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bring with you any evidence that you want the court to consider.</td>
<td>Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interpretation</th>
<th>Interpretación</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.</td>
<td>Si usted no habla ni entiende el Inglés el tribunal le proveerá un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.</td>
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<tr>
<th>ADA Accommodation</th>
<th>Adaptación o Arreglo en Caso de Discapacidad</th>
</tr>
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<tbody>
<tr>
<td>If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.</td>
<td>Si usted requiere una adaptación o arreglo, que incluye un intérprete de la lengua de signos americana, contacte a un empleado del tribunal inmediatamente para pedir una adaptación.</td>
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<tr>
<th>Finding help</th>
<th>Cómo encontrar ayuda legal</th>
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<tbody>
<tr>
<td>The court’s Finding Legal Help web page (<a href="http://www.utcourts.gov/howto/legalassist/">www.utcourts.gov/howto/legalassist/</a>) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.</td>
<td>La página de la internet del tribunal Cómo encontrar ayuda legal (<a href="http://www.utcourts.gov/howto/legalassist/index-sp.html">www.utcourts.gov/howto/legalassist/index-sp.html</a>) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.</td>
</tr>
</tbody>
</table>
Appendix 3: Sample Temporary Order Documents

A Simplified Chinese version of this document is available on the court’s website:

A Vietnamese version of this document is available on the court’s website:

Date
Signature ► ________________________________
Printed Name ______________________________
## Certificate of Service
I certify that I filed with the court and served a copy of this Notice of Hearing on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
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__________________________________________  Signature ► __________________________________________

Date

__________________________________________  Printed Name __________________________________________
In the [ ] District [ ] Justice Court of Utah

__________ Judicial District ______________ County

Court Address ______________________________________________

Stipulation to Motion to

Plaintiff/Petitioner

v.

Defendant/Respondent

1. I have received and read the Motion to ____________________________ (name of motion) and its supporting documents. I fully understand the claims and the requested order.

2. I understand that I have the right to challenge the claims and to have a judge decide the issues.

3. I voluntarily stipulate (agree) that the court may grant the order requested in the motion at any time and without further notice.

I understand that I have the right to challenge the claims and to have a judge decide the issues.

I voluntarily stipulate (agree) that the court may grant the order requested in the motion at any time and without further notice.
Appendix 3: Sample Temporary Order Documents

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at ______________________________________________________ (city, and state or country).

___________________________________________  Signature ➤ ________________________________
Date
Printed Name ________________________________________________________________________
Certificate of Service

I certify that I filed with the court and served a copy of this Stipulation to the Motion on the following people.

<table>
<thead>
<tr>
<th>Person's Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
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</tbody>
</table>

Date: 
Signature: 
Printed Name: 

Appendix 3: Sample Temporary Order Documents

A3 – 27
Appendix 3: Sample Temporary Order Documents

(See information and original at https://www.utcourts.gov/howto/family/Temporary_Order/)

Name

Address

City, State, Zip

Phone

Email

I am [ ] Petitioner [ ] Respondent
[ ] Petitioner’s Attorney [ ] Respondent’s Attorney (Utah Bar #:__________)

In the District Court of Utah

__________ Judicial District _________________ County

Court Address ______________________________________________________

_____________________________________

Petitioner v. ______________________________________________________

Order on Motion for Temporary Order – With Children

v. ____________________________________________________________

Case Number

Judge

Respondent

Commissioner (domestic cases)

Petitioner

[ ] was [ ] was not present

[ ] The default of [ ] petitioner [ ] respondent.

[ ] The stipulation of the parties.

[ ] The pleadings and other papers of the parties.

[ ] A hearing held on ___________________________ (date), notice of which was

served on all parties.

Petitioner

[ ] was [ ] was not present
[ ] was represented by _______________________
[ ] was not represented.

Respondent
[ ] was [ ] was not present
[ ] was represented by _______________________
[ ] was not represented.

The court orders:

1. [ ] Child custody
   [ ] Custody arrangement:

<table>
<thead>
<tr>
<th>Child’s name</th>
<th>Month and year of birth</th>
<th>Physical custody to</th>
<th>Legal custody to</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>[ ] Petitioner</td>
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<td></td>
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<td>[ ] Respondent</td>
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<tr>
<td></td>
<td></td>
<td>[ ] Joint physical</td>
<td>[ ] Joint legal</td>
</tr>
</tbody>
</table>

[ ] Other custody arrangement (Describe in detail.):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
2. [ ] **Parent-time** (Choose one.):

   [ ] Statutory parent-time schedule:
     - [ ] Children 5-18 (Utah Code 30-3-35)
     - [ ] Children under 5 (Utah Code 30-3-35.5)
     - [ ] Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)
   
   [ ] Parent-time described in the filed or attached Parenting Plan.

   [ ] Other parent-time schedule: (Describe in detail.)

3. [ ] **Parent-time transfers** (Choose one.):

   [ ] Transfer of the children for parent-time described in the filed or attached Parenting Plan.

   [ ] Transfer at **beginning** of parent-time with

     - [ ] petitioner
     - [ ] respondent
     - [ ] other adult (Name) ___________________________________________
     
     transferring the children at this address: _____________________________

     and transfer at **end** of parent-time with

     - [ ] petitioner
     - [ ] respondent
     - [ ] other adult (Name) ___________________________________________
     
     transferring the children at this address: _____________________________
[ ] Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

[ ] Other transfer arrangements (Describe in detail.):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

4. [ ] Communication between parties (Choose all that apply.):

[ ] In person
[ ] Phone
   Petitioner’s # ________________ Respondent’s # ________________
[ ] Text
   Petitioner’s # ________________ Respondent’s # ________________
[ ] Email
   Petitioner’s email address ____________________________________
   Respondent’s email address __________________________________
[ ] Through a third party
   Name ____________________________ Phone # ________________
[ ] Other method of communication: (Describe in detail.)
   ____________________________________________________________________
   ____________________________________________________________________
   ____________________________________________________________________

[ ] Communications between the parties must be civil and respectful and limited to parent-time issues only.

[ ] The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.

[ ] The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.

[ ] The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the
minor children if anyone harms or threatens harm to the other parent or minor children.

5. [ ] Child support
   a. Petitioner’s total countable gross monthly income for child support purposes is $_______________ (Utah Code 78B-12-203).

   [ ] Petitioner’s income is imputed based on
     [ ] minimum wage.
     [ ] historical earnings.

   [ ] Petitioner does receive or has received public assistance.

   b. Respondent’s total countable gross monthly income for child support purposes is $_______________ (Utah Code 78B-12-203).

   [ ] Respondent’s income is imputed based on
     [ ] minimum wage.
     [ ] historical earnings.

   [ ] Respondent does receive or has received public assistance.

   c. [ ] Petitioner [ ] Respondent must pay $_______________ per month for child support. The following child support worksheet is attached (Choose one.):

      [ ] sole physical custody worksheet
      [ ] joint physical custody worksheet
      [ ] split custody worksheet

     (Choose one.)

     [ ] This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).

     [ ] This amount deviates from the Uniform Child Support Guidelines. The court finds that a deviated child support amount is in the best interests of the minor children based on:

     [ ] the standard of living and situation of the parties.
     [ ] the relative wealth and income of the parties.
     [ ] the ability of the obligor to earn.
     [ ] the ability of the obligee to earn.
Appendix 3: Sample Temporary Order Documents

[ ] the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income.

[ ] the needs of the obligee, the obligor, and the child.

[ ] the ages of the parties.

[ ] the responsibilities of the obligor and the obligee for the support of others.

[ ] other. (Describe):

____________________________________________________________________________

The reason for the deviated child support amount is:

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

d. Effective date (Choose one.):

[ ] The child support will be effective upon entry of this order.

OR

[ ] The child support will be effective as of this date: ________________.

e. Child support must be paid as follows (Choose one.):

[ ] Mandatory income withholding by the Office of Recovery Services. Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

[ ] Direct payments to the parent receiving child support by:

[ ] Check

[ ] Deposit in bank account

[ ] Cashier’s check or money order

[ ] Other: __________________________________________________________

f. Child support payments must be made (Choose one.):

[ ] One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.
OR

[ ] Other payment arrangement:

________________________________________________________

g. Child support not paid on or before the due date is delinquent on the day after the due date.

h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

6. [ ] Child care expenses

Both parties must share equally the reasonable child care expenses related to the custodial parent’s work or occupational training.

The parent who pays child care expenses must immediately provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent’s one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis immediately after receiving proof from the parent that pays the child care expense.

[ ] Other order for child care payment:

________________________________________________________

________________________________________________________

7. [ ] Health insurance, medical and dental expenses

The minor children currently have health insurance coverage through:

[ ] Petitioner’s insurance
[ ] Respondent’s insurance
[ ] Medicaid
[ ] CHIP
[ ] Other: _______________________________________________
[ ] Not covered by insurance

[ ] [ ] Petitioner   [ ] Respondent must maintain health insurance for the minor children if it is available to that parent at a reasonable cost. Both parties must share equally:

a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and

b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent within 30 days of payment, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification must reimburse the parent who incurred the medical or dental expenses one-half of the amount within 30 days after receiving the written verification.

8. [ ] Tax exemptions for dependent children
Tax exemptions for the minor children for tax year _____________ is ordered as follows:

<table>
<thead>
<tr>
<th>Child’s name</th>
<th>Month and year of birth</th>
<th>Parent who may claim exemption</th>
</tr>
</thead>
</table>

Appendix 3: Sample Temporary Order Documents

A3 – 35
9. [ ] Payment of bills and debts

[ ] Petitioner must make at least minimum payments on:

<table>
<thead>
<tr>
<th>Type of debt</th>
<th>Name of creditor</th>
<th>Last 4 digits of account no.</th>
<th>Total amount owed</th>
<th>Monthly amount owed</th>
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[ ] Respondent must make at least minimum payments on:

<table>
<thead>
<tr>
<th>Type of debt</th>
<th>Name of creditor</th>
<th>Last 4 digits of account no.</th>
<th>Total amount owed</th>
<th>Monthly amount owed</th>
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10. [ ] Property
Temporary use and possession of property will be as follows:

[ ] To petitioner

[ ] Residence (Address): ________________________________

[ ] Vehicle(s) (Make/model/year): __________________________

[ ] Personal property items:
  ______________________________________________________
  ______________________________________________________

[ ] Other: ______________________________________________

[ ] To respondent

[ ] Residence (Address): ________________________________

[ ] Vehicle(s) (Make/model/year): __________________________

[ ] Personal property items:
  ______________________________________________________
  ______________________________________________________

[ ] Other: ______________________________________________

[ ] Neither party may sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

11. [ ] **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8))).

   [ ] Petitioner  [ ] Respondent must pay to [ ] petitioner  [ ] respondent temporary alimony in the amount of $______________ per month by:
   (Choose one.):
     [ ] Check
     [ ] Deposit in bank account
     [ ] Cashier’s check or money order
     [ ] Other: ______________________________________________

12. [ ] **Attorney fees**

   [ ] Petitioner  [ ] Respondent must pay $_____________ to

   [ ] Petitioner’s attorney
   [ ] Respondent’s attorney

13. [ ] **Other orders**
Appendix 3: Sample Temporary Order Documents

Commissioner’s or judge’s signature may instead appear at the top of the first page of this document.

Date
Signature ►
Commissioner

Date
Signature ►
Judge

Approved as to form.

Date
Signature ►
Petitioner or Attorney

Date
Signature ►
Defendant or Attorney
## Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion for Temporary Order – With Children on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
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</tbody>
</table>

Signature ►

Date

Printed Name ________________________________
Motion to Waive 30-day Divorce Waiting Period

(Utah Code 30-3-18 and Utah Rule of Civil Procedure 105)

1. The divorce petition was filed on _________________________ (date).

2. I ask the court to waive the 30-day divorce waiting period because of these extraordinary circumstances:
   
   __________________
   __________________
   __________________
   __________________
   __________________

This is a private record.
3. [ ] The other party has signed a Stipulation to the divorce, which has been filed with the court.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at ____________________________ (city, and state or country).

Date
 Printed Name

Signature
## Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Waive 30-day Divorce Waiting Period on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
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</table>

|               | [ ] Mail         |                        |                     |
|               | [ ] Hand Delivery|                        |                     |
|               | [ ] E-filed      |                        |                     |
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|               | [ ] Mail         |                        |                     |
|               | [ ] Hand Delivery|                        |                     |
|               | [ ] E-filed      |                        |                     |
|               | [ ] Email (Person agreed to service by email.) | |                     |
|               | [ ] Left at business (With person in charge or in receptacle for deliveries.) | |                     |
|               | [ ] Left at home (With person of suitable age and discretion residing there.) | |                     |

Signature ► __________________________

Date

Printed Name ____________________________________________

Appendix 4: Sample Waiting Period Waiver Documents

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**Motion to Waive 30-day Divorce Waiting Period**

Page 3 of 3
Appendix 4: Sample Waiting Period Waiver Documents

(Access the OCAP Website or download the form.)

<table>
<thead>
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<th>Name</th>
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<tbody>
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<td>Address</td>
<td></td>
</tr>
<tr>
<td>City, State, Zip</td>
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<tr>
<td>Phone</td>
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<td>Email</td>
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</table>

In the District Court of Utah

__________ Judicial District ________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Order on Motion to Waive 30-day Divorce Waiting Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petitioner</td>
</tr>
<tr>
<td>v.</td>
</tr>
<tr>
<td>Respondent</td>
</tr>
</tbody>
</table>

The matter before the court is [ ] petitioner's [ ] respondent's Motion to Waive 30-day Divorce Waiting Period. This matter is being resolved by: (Choose all that apply.)

[ ] The default of [ ] petitioner [ ] respondent.
[ ] The pleadings and other papers of the parties.
[ ] A hearing held on __________________________ (date), notice of which was served on all parties.

Petitioner

[ ] was present [ ] was not present.
[ ] was represented by _______________________________ (name).
[ ] was not represented.
Respondent
[ ] was present [ ] was not present.
[ ] was represented by ________________________________ (name).
[ ] was not represented.

The court finds:
1. [ ] 30 days have passed since the case was filed, or
   [ ] Extraordinary circumstances have been shown
   [ ] Extraordinary circumstances have not been shown.

The court orders:
2. The Motion to Waive Divorce Waiting Period is
   [ ] no longer relevant because 30 days have passed
   [ ] granted
   [ ] denied

Judge’s signature may instead appear at the top of the first page of this document.

________________________________________   Signature ► ________________________________
Date                                          Judge    ________________________________
Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Waive 30-day Divorce Waiting Period on the following people.

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|               | [ ] Left at home (With person of suitable age and discretion residing there.) | |                     |

__________________________________________  Signature ► ____________________________________________________________________________

Date

Printed Name ___________________________________________________________________________________________
This is a private record.

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<th>Name</th>
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<td>Email</td>
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</table>

I am [ ] Petitioner [ ] Respondent
[ ] Petitioner’s Attorney [ ] Respondent’s Attorney (Utah Bar #: __________)

In the District Court of Utah

[ _________ Judicial District ________________ County ]

Court Address ____________________________

<table>
<thead>
<tr>
<th>Notice of Education Requirements</th>
</tr>
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<tbody>
<tr>
<td>(Utah Code 30-3-11.3 and 30-3-11.4, and Code of Judicial Administration Rule 4-907)</td>
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<tr>
<th>Petitioner</th>
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<tbody>
<tr>
<td>v.</td>
</tr>
<tr>
<td>Respondent</td>
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</tbody>
</table>

Case Number

Judge

Commissioner

To:

Respondent's Name

You are required to attend the following course(s):

[ ] an orientation course (parents of minor children; divorce or temporary separation)

[ ] an education course (parents of minor children; divorce only)
Divorce cases
(Utah Code 30-3-11.3 and 30-3-11.4)
- Petitioner must attend the orientation and education courses within 60 days after filing the Petition for Divorce.
- Respondent must attend the orientation and education courses within 30 days after receiving this notice.

Temporary separation cases
(Utah Code 30-3-4.5 and 30-3-11.4)
- Petitioner must attend the orientation course within 60 days after filing the Petition for Temporary Separation.
- Respondent must attend the orientation course within 45 days after receiving this notice.

Course information
Course information is available on the court's website: www.utcourts.gov/specproj/dived/, or call 801-238-7181 (en español 801-238-7180).

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at ____________________________ (city, and state or country).

_____________________________  Signature ► ______________________________
Date

_____________________________  Printed Name ______________________________
# Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Education Requirements on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
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___________________________  ____________________________
Signature ► Printed Name

Date

Appendix 5: Sample Divorce Education and Orientation Course Requirements
Waiver Forms

A5-3
Motion to Waive Education Requirements
(Utah Code 30-3-4)

Petitioner

v.

Respondent

Case Number

Judge

Commissioner

1. I ask the court to waive the following education requirements.
   - [ ] Orientation course for:
     - [ ] petitioner.
     - [ ] respondent.
   - [ ] Education course for:
     - [ ] petitioner.
     - [ ] respondent.

2. The course(s) is/are not necessary, appropriate, feasible, or in the best interest of the parties because:
3. [ ] I am attaching the following documents to support my motion.

________________________________________________________________________

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ________________________________ (city, and state or country).

________________________________________  Signature ► ________________________________

Date                                     Printed Name ________________________________
**Certificate of Service**

I certify that I filed with the court and served a copy of this Motion to Waive Education Requirements on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
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</tbody>
</table>

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Date __________________________________________________________________________________________

Signature ▶ ___________________________________________________________________________________

Printed Name __________________________________________________________________________________

---

Appendix 5: Sample Divorce Education and Orientation Course Requirements

Waiver Forms

---
A Request to Submit for Decision should be filed together with this document. A sample form is included in Appendix 3, starting on page A3-18.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>City, State, Zip</td>
<td>Phone</td>
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</table>

In the District Court of Utah

__________ Judicial District ________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Petitioner</th>
<th>v.</th>
<th>Respondent</th>
</tr>
</thead>
</table>

Order on Motion to Waive Education Requirements

Case Number

Judge

Commissioner

The matter before the court is [ ] petitioner's [ ] respondent's Motion to Waive Education Requirements. Having considered the documents filed with the court, and now being fully informed,

The court finds:

1. Course completion

[ ] is [ ] is not necessary, appropriate, feasible, or in the best interest of the parties because:

______________________________________________________________

______________________________________________________________
The court orders:

2. [ ] The orientation course is:
   [ ] waived    [ ] not waived    for petitioner.
   [ ] waived    [ ] not waived    for respondent.
   [ ] waived with the following conditions:
   
   [ ]
   
3. [ ] The education course is:
   [ ] waived    [ ] not waived    for petitioner.
   [ ] waived    [ ] not waived    for respondent.
   [ ] waived with the following conditions:
   
   [ ]

Judge’s signature may instead appear at the top of the first page of this document.

_____________________________________________  Signature ►  ___________________________________________
Date  

Judge  

_____________________________________________  

**Certificate of Service**

I certify that I filed with the court and served a copy of this Order on Motion to Waive Education Requirements on the following people.

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</table>

Date

Signature

Printed Name

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Appendix 5: Sample Divorce Education and Orientation Course Requirements Waiver Forms
Sample Stipulation

____________________________
Name

____________________________
Address

____________________________
City, State, Zip

____________________________
Phone

____________________________
Email

_______________________________________________________________
Court Address ____________________________________________________

In the ______________ District Court of Utah

_________ Judicial District ________________ County

STIPULATION

Plaintiff/Petitioner

V.

Defendant/Respondent

Case Number

Commissioner (or Judge)

The parties agree as follows.

2. Respondent hereby withdraws his/her answer to the Verified Complaint for Divorce and allows judgment to be entered by default, in accordance with this stipulation.

3. Petitioner has been an actual and bono fide resident of ___________ County, State of Utah, for at least three months immediately prior to the filing of this action.
Appendix 6: Sample Stipulation

4. The parties are wife and husband, having been married on
   ______________________________,
   in_____________________________, State of Utah.

5. The parties maintained their marital domicile and/or the acts giving rise to this
   action occurred in the County of ______________________________, State of
   Utah.

   Petitioner should be granted a divorce from Respondent on the ground of
   irreconcilable differences because the parties have been unable to resolve their
   marital problems, making continuation of their marriage impossible.

6. The parties have __________ minor child(ren) namely:
   ______________________________, born ______________________________,
   ______________________________, born ______________________________.

7. The parties’ minor child(ren) has/have resided in the State of Utah for at least six
   (6) months immediately prior to the filing of this action.

8. The parties’ minor child(ren) currently live(s) with Petitioner and Petitioner has
   been the child(ren)’s primary caretaker and is a fit and proper parent. Therefore,
   it is in the best interest of the parties’ minor child(ren) that Petitioner be awarded
   permanent sole care, custody and control of the minor child(ren).

9. Respondent should be awarded rights of parent-time with the parties’ minor
   child(ren) as follows: ______________________________.

10. Pick up and return of the parties’ minor child(ren) should occur at Petitioner’s
    residence.

11. Respondent should be responsible for all costs associated with visiting the
    parties’ minor child(ren).

12. Respondent should be permanently restrained from removing the parties’ minor
    child(ren) from Petitioner’s state of residence without the Petitioner’s notarized,
Appendix 6: Sample Stipulation

written consent, or by court order. If Respondent does remove the child(ren), an immediate pick-up order should be issued.

13. Each party should be permanently restrained from saying and/or doing anything derogatory against the other in the presence of the parties’ minor child(ren).

14. Petitioner should be entitled to claim the parties’ minor child(ren) as a dependent (dependents) for tax purposes.

15. Public assistance has/not has not been received from the State of Utah for the parties’ minor child(ren).

16. Petitioner has a gross monthly income of $__________, is/is not under court order to pay child support; does/does not pay alimony to any ex-spouse; contributes $__________ toward monthly premiums for health, hospital, and dental care insurance on the parties’ minor child(ren); and pays $__________ as work-related child care costs.

17. Respondent has a gross monthly income of $__________; is/is not under order to pay child support; does/does not pay alimony to any ex-spouse; contributes $__________ toward monthly premiums for health, hospital, and dental care insurance on the parties’ minor child(ren) and pays $__________ as work-related child care costs.

18. Respondent’s base child support obligation should be set at $________ per month, beginning ______________________________, pursuant to the “Uniform Civil Liability for Support Act.” (A “Child Support Obligation Worksheet” is attached and incorporated by reference herein.)

   a. Respondent should pay child support, other than any court-ordered child care costs, in two equal installments on or before the 5th and 20th of each month to the Utah State Office of Recovery Services (P.O. Box 45011, Salt Lake City, Utah 84145-0011), unless the Office of Recovery Services notifies Respondent that payments should be sent elsewhere.
Appendix 6: Sample Stipulation

b. Respondent’s income should be subject to immediate and automatic income withholding as of the effective date of the order, regardless of whether a delinquency exists.

c. Each party should keep the Office of Recovery Services informed of changes in his or her address, employment, and income.

19. Each party should pay half of all reasonable and necessary health, optical, hospital, dental, and other medical expenses of the parties’ minor child(ren) including, but not limited to: out-of-pocket costs actually paid by either parent for the minor child(ren)’s portion of health, optical, hospital, dental, and other medical insurance coverage and all reasonable and necessary uninsured health, optical, hospital, dental, and other medical expenses, including deductibles and co-payments, incurred for the dependent child(ren) and actually paid by either parent.

   a. _______________________________ should maintain health, optical, hospital, dental, and other medical insurance on the parties’ minor child(ren) if coverage is or becomes available at a reasonable cost.

   b. _______________________________ should provide proper verification of health, optical, hospital, dental, and other medical insurance coverage to _______________________________ and the Office of Recovery Services if requested, upon initial enrollment of the dependent child(ren), and thereafter on or before January 2nd of each calendar year.

   Furthermore, _______________________________ should notify _______________________________ and the Office of Recovery Services, if requested, of any change of insurance carrier, premium, or benefits within thirty (30) days of the date he/she first knew or should have known of the change. If such verification is not provided to the Office of Recovery Services, no credit should be given by the Office of Recovery Services.
Appendix 6: Sample Stipulation

c. Either parent who incurs health, optical, hospital, dental, and other medical expenses for the parties' minor child(ren) should provide written verification of the costs and payment of such health, optical, hospital, dental, or other medical expenses to the other parent within thirty (30) days of payment.

20. Each party should be responsible and liable for one-half of the reasonable child care costs actually incurred each month as a result of Petitioner's schooling and/or work. Petitioner should provide documentation for reimbursement within thirty (30) days. Respondent's portion of these child care costs should be paid directly to Petitioner by the 5th of each month.

   a. Petitioner should provide written verification of the cost and identity of the child care provider to Respondent.

   b. Petitioner should notify Respondent of any change in the child care provider or the monthly child care expenses within thirty (30) calendar days from the date of the change.

21. A cash payment of alimony, in the following amount ($____________________), should be awarded to Petitioner in this matter.

22. Petitioner should be ordered to pay and assume only the following debt(s): _______________________________. Petitioner should hold Respondent harmless from any liability on these debts.

23. Respondent should be ordered to pay and assume all other debts incurred during the parties' marriage, but prior to their separation, including but not limited to the following: _______________________________. Respondent should hold Petitioner harmless from any liability on these debts.

24. Each party should be ordered to pay and assume their own debts incurred after the parties' separation on or about _______________________________. Each party should hold the other harmless from any liability on these debts.
Appendix 6: Sample Stipulation

25. The parties acquired personal property during the marriage and it should be divided and awarded as follows:

   a. To Petitioner: ________________________________________________
      ____________________________________________________________.

   b. To Respondent: ______________________________________________
      ____________________________________________________________.

   c. All remaining personal property should be awarded as currently held by each party.

26. The parties do not own an interest in real property. (Or, During the marriage, the parties acquired real property located at ____________. This real property is presently owned by ____________ and ____________. The legal description of the property is ____________. The parties’ real property, and its debt and equity, should be awarded to Petitioner. Petitioner should hold Respondent harmless from any mortgages, liens, taxes, encumbrances, and any other liabilities on this real property.)

27. The parties are expecting an income tax refund for the tax year ____________. Any tax refund should be awarded to Petitioner.

28. Neither party has pensions, profit sharing, and/or retirement benefits which accrued during the parties’ marriage. (Or, _______________ has pension, profit sharing, or retirement benefits which should be divided as follows ______________________________________________________________.)

29. Respondent should be permanently restrained from bothering, harassing, annoying, threatening, and/or harming Petitioner at any time or in any place.

30. Petitioner’s (or Respondent’s) name should be changed to _________________.

31. Respondent should be responsible and liable for all service fees and court costs incurred as a result of this action.

32. Each party should be responsible for his or her own attorney’s fees.
Appendix 6: Sample Stipulation

33. Each party should be ordered to execute and deliver to the other party any documents necessary to implement the provisions of the Decree of Divorce entered by the Court.

_________________________________________  Petitioner  ________________________________________________

Date  
Typed or Printed Name  ________________________________________________
Attorney for Petitioner  ________________________________________________

_________________________________________, being first duly sworn, deposes and states: he/she is the Petitioner in the above-entitled action; he/she has read the foregoing stipulation and agrees to its contents.

_________________________________________  Sign here  ________________________________________________

Date  
Typed or Printed Name  ________________________________________________

Subscribed and sworn to before me this _____ day of ________________________.

__________________________________________
NOTARY PUBLIC

Petitioner’s Address: ________________________________________________

__________________________________________

__________________________________________.
Appendix 6: Sample Stipulation

_______________________________, being first duly sworn, deposes and states: he/she is the Respondent in the above-entitled action; he/she has read the foregoing stipulation and agrees to its contents.

_______________________________ Sign here ►  _________________________________
Date
Typed or Printed Name

Subscribed and sworn to before me this _____ day of ________________________.

_______________________________
NOTARY PUBLIC

Respondent’s Address: _______________________________ 

________________________________________

________________________________________

________________________________________.
Appendix 7: Sample Documents for Ending a Divorce Case

The information and forms for this section are found on two pages at the Utah Courts website:

https://www.utcourts.gov/howto/filing/default_judgment/
https://www.utcourts.gov/howto/family/financial_declaration/

NOTE: Most of these examples assume that the Petitioner’s Spouse has been properly notified of the divorce filings and any scheduled hearings and has failed to respond. Default decrees are not allowed in cases when both parties are actively involved in the proceedings.

There are specific rules for how cases are managed when one party is on active duty with any branch of the military. Those forms and the others included on the following pages should be downloaded from the court website if available. Completion of forms via OCAP is always the preferred method whenever possible.
IN THE ________ JUDICIAL DISTRICT COURT
OF ______________________ COUNTY, STATE OF UTAH
____________________________________________________________ (court address)

* * * * *

Petitioner,
vs.

* * *

Case No. __________________________

* * *

Commissioner: _____________________

* * *

Judge: ____________________________

I, _____________________________________, state that I am not in the military service.

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 ______________________ Sign here: _______________________________________

Printed Name: ________________________________
CERTIFICATE OF MAILING/DELIVERY

On _____________ (date) I mailed a copy of the Respondent’s Declaration of Military Service, to the other party at (other party’s address):

________________________________________

________________________________________

________________________________________

________________________________________

Respondent’s Signature
(Access the OCAP Website or download the form.)

Name
Address
City, State, Zip
Phone
Email

I am the [  ] Plaintiff/Petitioner
[  ] Defendant/Respondent
[  ] Attorney for the [  ] Plaintiff/Petitioner [  ] Defendant/Respondent and my Utah Bar
number is __________

In the [  ] District [  ] Justice Court of Utah
__________ Judicial District ________________ County

Court Address ______________________________________________________

---

Military Service Declaration

Plaintiff/Petitioner

v.

Defendant/Respondent

Case Number

Judge

Commissioner

I say as follows:

(1) The clerk of court has issued a Certificate showing the default of the:

[  ] Plaintiff/Petitioner
[  ] Defendant/Respondent
(2)(A) [ ] I am unable to determine the military status of the defaulting party.

OR

(B) [ ] The defaulting party (check one):

[ ] is in military service.
[ ] is not in military service.

(3) [ ] I have done the following research to support the above conclusion.

(4)(A) [ ] (A certificate from the Department of Defense Manpower Data Center is the preferred evidence of the defaulting party’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://scra.dmdc.osd.mil/scra/#/single-record) and entered the following information for the defaulting party, which I know to be correct:

<table>
<thead>
<tr>
<th>Name</th>
<th>Social Security Number (Last 4 digits only)</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

(4)(B) [ ] I know the identifying information is correct because:

(5) [ ] I do not know and am unable to discover the defaulting party’s date of birth or social security number.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ______________________________________________________ (city, and state or country).

_________________________________________  Signature ▶  ________________________________

Date

Printed Name
## Certificate of Service

I certify that I filed with the court and served a copy of this Military Service Declaration on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
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<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature ► ____________________________  Date ____________________________

Printed Name ____________________________
In the [ ] District [ ] Justice Court of Utah, ________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Military Service Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaintiff/Petitioner</td>
</tr>
<tr>
<td>v.</td>
</tr>
<tr>
<td>Defendant/Respondent</td>
</tr>
</tbody>
</table>

The Court, having reviewed the Proof of Service and Military Service Declaration and being fully informed, pursuant to the Servicemembers Civil Relief Act, finds and orders that:

(1) The clerk of the court has entered the default of the
   [ ] Plaintiff/Petitioner
   [ ] Defendant/Respondent

(2) [ ] The Military Service Declaration shows that the defaulting party is not in military service.

(3) [ ] The Military Service Declaration shows that the appearing party does not know the military service status of the defaulting party. The appearing party:
   [ ] does not need to file a bond;
   OR
   [ ] must file a bond in the amount of $_________________.

(4) [ ] The Military Service Declaration shows the defaulting party is in military service. The court vacates the default certificate and appoints an attorney to be determined to represent the non-appearing party. The action is stayed for 120 days from this date.

(5) [ ] The Military Service Declaration is insufficient.

Sign here ►

Date

Judge


**Certificate of Service**

I certify that I served a copy of this Military Service Order on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Any Party not in Default or Attorney)</td>
<td>Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fax (Person agreed to service by fax.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Clerk of Court)</td>
<td>Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Electronic File</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sign here ➤

Date

Typed or Printed Name
In the [ ] District    [ ] Justice Court of Utah

__________ Judicial District ________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Motion for Default Certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaintiff/Petitioner</td>
</tr>
<tr>
<td>v.</td>
</tr>
<tr>
<td>Defendant/Respondent</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

(1) The Summons and Complaint/Petition were served on ______________________ (date) and Proof of Service has been filed or is attached.

(2) The time in which to file an Answer has passed, and the
[ ] Plaintiff/Petitioner
[ ] Defendant/Respondent
has not answered or otherwise appeared.

(3) Under Utah Rule of Civil Procedure 55, I move that the clerk of court enter the default of the
Motion for Default Certificate

Approved Board of District Court Judges January 22, 2010
Revised May 8, 2018
Page 2 of 3

[ ] Plaintiff/Petitioner
[ ] Defendant/Respondent

and issue a Default Certificate.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ______________________________________________________ (city, and state or country).

__________________________________  Signature ▶  ______________________________________

Date

Printed Name  ___________________________________________
## Certificate of Service

I certify that I filed with the court and served a copy of this Motion for Default Certificate on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email <em>(Person agreed to service by email.)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at business <em>(With person in charge or in receptacle for deliveries.)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home <em>(With person of suitable age and discretion residing there.)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email <em>(Person agreed to service by email.)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at business <em>(With person in charge or in receptacle for deliveries.)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home <em>(With person of suitable age and discretion residing there.)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email <em>(Person agreed to service by email.)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at business <em>(With person in charge or in receptacle for deliveries.)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home <em>(With person of suitable age and discretion residing there.)</em></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date: ________________

Signature: ________________________________

Printed Name: ________________________________

---

Appendix 7: Sample Documents for Ending a Divorce Case
In the [ ] District [ ] Justice Court of Utah

___________ Judicial District ______________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Default Certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaintiff/Petitioner</td>
</tr>
<tr>
<td>v.</td>
</tr>
<tr>
<td>Defendant/Respondent</td>
</tr>
</tbody>
</table>

(1) The Summons and Complaint/Petition were served on _________________ (date) and Proof of Service has been filed.

(2) The time in which to file an Answer has passed, and the

[ ] Plaintiff/Petitioner
[ ] Defendant/Respondent

has not answered or otherwise appeared.

(3) Under Utah Rule of Civil Procedure 55, I hereby enter the default of the

[ ] Plaintiff/Petitioner
[ ] Defendant/Respondent

and issue this Default Certificate.

Signature ► ____________________________

Date ____________________________

Court Clerk ____________________________
Certificate of Service

I certify that I filed with the court and served a copy of this Default Certificate on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date

Signature ►

Printed Name

Appendix 7: Sample Documents for Ending a Divorce Case
(Access the OCAP Website or download the form.)

This is a private record.

[ ] This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am the [ ] Plaintiff/Petitioner
[ ] Defendant/Respondent
[ ] Attorney for the [ ] Plaintiff/Petitioner [ ] Defendant/Respondent and my Utah Bar
number is __________

In the [ ] District [ ] Justice Court of Utah

__________ Judicial District ______________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Motion for Default Judgment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaintiff/Petitioner</td>
</tr>
<tr>
<td>v.</td>
</tr>
<tr>
<td>Defendant/Respondent</td>
</tr>
</tbody>
</table>

Case Number

Judge

Commissioner (domestic cases)

(1) The Summons and Complaint/Petition were served on ______________________ (date) and Proof of Service has been filed.

(2) The time in which to file an Answer has passed, and the
[ ] Plaintiff/Petitioner
[ ] Defendant/Respondent
has not answered or otherwise appeared.

(3) Under Utah Rule of Civil Procedure 55, the clerk of court has entered the default of the
[ ] Plaintiff/Petitioner  
[ ] Defendant/Respondent  
and issued a Default Certificate.

(4) I am entitled to judgment as a matter of law.

(5) I move that the court enter judgment as requested in the Complaint/Petition.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ________________________________ (city, and state or country).

_________________________________________ Signature ► ________________________________

_____________________________ Date  

_____________________________ Printed Name  

Appendix 7: Sample Documents for Ending a Divorce Case
## Certificate of Service

I certify that I filed with the court and served a copy of this Motion for Default Judgment on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>E-filed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature ► __________________________________________________________________________________________

Date

Printed Name ____________________________________________
(Access the OCAP Website or download the form.)

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 ____________ County for at least three months immediately preceding the filing of my divorce petition on ________________ (date).

3. Respondent and I were married on ________________, in ________________, and are presently married.

4. During my marriage to the Respondent, irreconcilable differences developed. The irreconcilable differences are:
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.

[Signature]

Date

Typed or Printed Name

On this date, I certify that __________________________________________ (name) who is known to me or who presented satisfactory identification, in the form of _______________________________ (form of identification), has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

[Signature]

Date

Typed or printed name (Court Clerk or Notary Public)

Notary Seal

CERTIFICATE OF MAILING/DELIVERY

On ____________ (date) I mailed a copy of the Petitioner’s Affidavit of Jurisdiction and Grounds for Divorce, postage prepaid, to Respondent at (Respondent’s address):

__________________________________________

__________________________________________

__________________________________________

__________________________________________

Petitioner’s Signature
This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am the  [ ] Petitioner  
 [ ] Respondent

In the District Court of Utah

________ Judicial District __________ County

Court Address _____________________________________________

<table>
<thead>
<tr>
<th>Financial Declaration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petitioner</td>
</tr>
<tr>
<td>V.</td>
</tr>
<tr>
<td>Respondent</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Financial Declaration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Number</td>
</tr>
<tr>
<td>Judge</td>
</tr>
<tr>
<td>Commissioner</td>
</tr>
</tbody>
</table>

Instructions:

Unless there is a hearing at which the judge or commissioner must decide a financial question related to spouse support, child support, equitable allocation of property and debts or responsibility for attorney fees and court costs, do not file this form with the court. File only a certificate of service stating that the Financial Declaration has been served on the other parties and the date of service. Court staff cannot complete this form for you. Use the Checklist to help you understand and complete this form.

- You must update this information if it changes.
- Keep a copy of all documents for your records.
- Attach the following to the completed Financial Declaration. Check all boxes that apply:
  - [ ] Additional pages as needed to complete paragraphs that don’t have enough space. Write the paragraph number on the additional page.
  - [ ] Any documents referred to in this document.
The following documents required by Utah Rule of Civil Procedure 26.1 to be attached to this Financial Declaration:

(Note: File this form with the court only if there is a hearing at which the judge or commissioner must decide a financial question related to spouse support, child support, equitable allocation of property and debts or responsibility for attorney fees and court costs. When filing this form with the court, attach only evidence of all earned and un-earned income for the 12 months before the petition in this case was filed, such as your most recent pay stub showing year-to-date wages and your most recent federal tax form 1040, 1040A or 1040EZ. Do not file the other attachments described here, unless the court directs you to do so.)

[ ] For the two tax years before the petition in this case was filed, complete federal and state income tax returns, including Form W-2, Form 1099, and Form K-1, and supporting tax schedules and attachments filed by you and by any entity in which you have a majority or controlling interest.

[ ] Pay stubs and other evidence of all earned and un-earned income for the 12 months before the petition in this case was filed.

[ ] All loan applications and financial statements prepared or used by the party completing the financial declaration within the 12 months before the petition in this case was filed.

[ ] Documents verifying the value of all real estate in which the party has an interest, including the most recent appraisal, tax valuation and refinance documents.

[ ] All statements for the 3 months before the petition in this case was filed for all financial accounts, including checking, savings, money market funds, certificates of deposit, brokerage, investment, and retirement.

[ ] If any of the documents required to be attached to this Financial Declaration are not reasonably available or are in the possession of the other party, then estimate the amounts entered on this Financial Declaration, and complete Paragraph (13) explaining the basis for the estimation and why the documents are not available.

(1) **Social Security Number.**

My Social Security Number is: _________________________

(2) **Employment Status.**

(A) My occupation is: ____________________________

(B) [ ] I am unemployed.

[ ] I am employed by:

<table>
<thead>
<tr>
<th>Name of Employer</th>
<th>Doing Business As (DBA)</th>
<th>Address &amp; Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(3) **Gross Monthly Income.** (Print your pre-tax income in the appropriate boxes below. Attach evidence of items listed, such as most recent pay stubs, federal and state tax returns for past 2 years, W-2 forms, or a work history report from the Department of Workforce Services. For income that changes from month to month, calculate the annual total and divide by 12 months to list a monthly average.)

<table>
<thead>
<tr>
<th>My Gross Monthly Income</th>
<th>Source of Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>Work (Including self employment, wages, salaries, commissions, bonuses, tips and overtime)</td>
</tr>
<tr>
<td>$</td>
<td>Rental Income</td>
</tr>
<tr>
<td>$</td>
<td>Business Income</td>
</tr>
<tr>
<td>$</td>
<td>Interest Income</td>
</tr>
<tr>
<td>$</td>
<td>Dividends</td>
</tr>
<tr>
<td>$</td>
<td>Retirement Income (Including pensions, 401(k), IRA, etc.)</td>
</tr>
<tr>
<td>$</td>
<td>Worker’s Compensation</td>
</tr>
<tr>
<td>$</td>
<td>Social Security Disability (SSDI and SSI)</td>
</tr>
<tr>
<td>$</td>
<td>Private Disability Insurance</td>
</tr>
<tr>
<td>$</td>
<td>Social Security (Do not include SSDI or SSI)</td>
</tr>
<tr>
<td>$</td>
<td>Unemployment Benefits</td>
</tr>
<tr>
<td>$</td>
<td>Education Benefits</td>
</tr>
<tr>
<td>$</td>
<td>Veteran’s Benefits</td>
</tr>
<tr>
<td>$</td>
<td>Alimony (from a prior marriage)</td>
</tr>
<tr>
<td>$</td>
<td>Child Support (from a prior order)</td>
</tr>
<tr>
<td>$</td>
<td>Payments from Civil Litigation</td>
</tr>
<tr>
<td>$</td>
<td>Victim Restitution</td>
</tr>
<tr>
<td>$</td>
<td>Public Assistance (Including FEP, welfare, etc.)</td>
</tr>
<tr>
<td>$</td>
<td>Support from household members</td>
</tr>
<tr>
<td>$</td>
<td>Support from non-household members</td>
</tr>
<tr>
<td>$</td>
<td>Other (Describe)</td>
</tr>
<tr>
<td>$</td>
<td>Other (Describe)</td>
</tr>
<tr>
<td>$</td>
<td>Total Gross Monthly Income</td>
</tr>
</tbody>
</table>
[ ] I have no income because:

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

(4) **Monthly Tax Deductions.** (These are deductions required by law and which you do not make voluntarily. There may be other funds withheld from your paycheck that you will report in Paragraph (11), Monthly Expenses. Attach evidence of claims, such as most recent pay stubs, federal and state tax returns for past 2 years, W-2 forms, or a work history report from the Department of Workforce Services.)

<table>
<thead>
<tr>
<th>My Monthly Tax Deductions</th>
<th>Type of Tax Deduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>Federal Income Tax</td>
</tr>
<tr>
<td>$</td>
<td>State Income Tax</td>
</tr>
<tr>
<td>$</td>
<td>Municipal Income Tax</td>
</tr>
<tr>
<td>$</td>
<td>FICA</td>
</tr>
<tr>
<td>$</td>
<td>Medicare</td>
</tr>
<tr>
<td>$</td>
<td>Total Monthly Tax Deductions</td>
</tr>
</tbody>
</table>

(5) **Net Monthly Income.**

$ ____________ Gross Monthly Income from (3)

$ ____________ — Monthly Tax Deductions from (4)

$ ____________ = Net Income

(6) **Real Property.** (Attach evidence of items listed, such as mortgage statements, loan documents, most recent appraisal, basis of valuation, etc.)

(A)

<table>
<thead>
<tr>
<th>Home Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Petitioner [ ] Respondent [ ] Other</td>
</tr>
<tr>
<td>$ Original Cost</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date Acquired</th>
<th>In Whose Name?</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

| First Mortgage or Lien Holder (Name & Address) |
| $ Amount Owed | $ Monthly Payments |

| Second Mortgage or Lien Holder (Name & Address) |
| $ Amount Owed | $ Monthly Payments |
(B) Other Real Property

<table>
<thead>
<tr>
<th>Address</th>
<th>[ ] Petitioner [ ] Respondent</th>
<th>$</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Acquired</td>
<td>In Whose Name?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Mortgage or Lien Holder (Name &amp; Address)</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Second Mortgage or Lien Holder (Name &amp; Address)</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

(7) **Personal Property.** (Attach evidence of items listed, such as receipts, loan documents, basis of current value, etc.)

<table>
<thead>
<tr>
<th>Property (Such as vehicles, boats, trailers, major equipment, etc.)</th>
<th>Lien Holder (Name &amp; Address)</th>
<th>In Whose Name?</th>
<th>Current Value</th>
<th>Amount Owed</th>
<th>Monthly Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle (Year, Make, Model)</td>
<td>[ ] Petitioner [ ] Respondent</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Vehicle (Year, Make, Model)</td>
<td>[ ] Petitioner [ ] Respondent</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Other (Describe)</td>
<td>[ ] Petitioner [ ] Respondent</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Other (Describe)</td>
<td>[ ] Petitioner [ ] Respondent</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Other (Describe)</td>
<td>[ ] Petitioner [ ] Respondent</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

(8) **Business interests.** (Attach evidence of items listed.)
### Financial Assets

(9) Financial Assets. (Attach evidence of items listed, including last 3 months of bank statements, contracts, etc.)

<table>
<thead>
<tr>
<th>Asset</th>
<th>Name of Institution (Name &amp; Address)</th>
<th>Names on Account</th>
<th>Current Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank or Credit Union Account</td>
<td>[ ] Petitioner [ ] Respondent [ ] Other __________________________</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Account number: __________________________</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank or Credit Union Account</td>
<td>[ ] Petitioner [ ] Respondent [ ] Other __________________________</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Account number: __________________________</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stocks, Bonds, Securities, Money Market Fund</td>
<td>[ ] Petitioner [ ] Respondent [ ] Other __________________________</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Account number: __________________________</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stocks, Bonds, Securities, Money Market Fund</td>
<td>[ ] Petitioner [ ] Respondent [ ] Other __________________________</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Account number: __________________________</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retirement Account (Pension, 401(k), IRA, etc.)</td>
<td>[ ] Petitioner [ ] Respondent [ ] Other __________________________</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Account number: __________________________</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan Name ______________</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan Representative ______________</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retirement Account (Pension, 401(k), IRA, etc.)</td>
<td>[ ] Petitioner [ ] Respondent [ ] Other __________________________</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Account number: __________________________</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan Name ______________</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan Representative ______________</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Asset

<table>
<thead>
<tr>
<th>Asset</th>
<th>Name of Institution (Name &amp; Address)</th>
<th>Names on Account</th>
<th>Current Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Profit Sharing Plan</td>
<td></td>
<td>[ ] Petitioner</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Respondent</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Other</td>
<td></td>
</tr>
<tr>
<td>Profit Sharing Plan</td>
<td></td>
<td>[ ] Petitioner</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Respondent</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Other</td>
<td></td>
</tr>
<tr>
<td>Annuity</td>
<td></td>
<td>[ ] Petitioner</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Respondent</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Other</td>
<td></td>
</tr>
<tr>
<td>Money Owed to Parties</td>
<td></td>
<td>[ ] Petitioner</td>
<td>$</td>
</tr>
<tr>
<td>Cash</td>
<td></td>
<td>[ ] Respondent</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Other</td>
<td></td>
</tr>
<tr>
<td>Life Insurance</td>
<td></td>
<td>[ ] Petitioner</td>
<td>Face Value $</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Respondent</td>
<td>Cash Value $</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Other</td>
<td>$</td>
</tr>
<tr>
<td>Life Insurance</td>
<td></td>
<td>[ ] Petitioner</td>
<td>Face Value $</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Respondent</td>
<td>Cash Value $</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Other</td>
<td>$</td>
</tr>
<tr>
<td>Other (Describe)</td>
<td></td>
<td>[ ] Petitioner</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Respondent</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>[ ] Other</td>
<td></td>
</tr>
</tbody>
</table>

### (10) Debts.

(Do not include amount owed on property reported in Paragraphs (7) and (8). (Attach evidence of items listed, such as credit card statements, loan documents, leases, bills, etc.)

<table>
<thead>
<tr>
<th>Debt Owed To (Name &amp; Address of Creditor)</th>
<th>Purpose of Debt (Such as credit card, cash loan, installment payment, etc.)</th>
<th>In Whose Name?</th>
<th>Amount Owed</th>
<th>Monthly Payments</th>
</tr>
</thead>
</table>
## Debt Owed To
(Debt Owed To Creditor)

<table>
<thead>
<tr>
<th>Purpose of Debt (Such as credit card, cash loan, installment payment, etc.)</th>
<th>In Whose Name?</th>
<th>Amount Owed</th>
<th>Monthly Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Petitioner [ ] Respondent</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>[ ] Petitioner [ ] Respondent</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>[ ] Petitioner [ ] Respondent</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>[ ] Petitioner [ ] Respondent</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>[ ] Petitioner [ ] Respondent</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>[ ] Petitioner [ ] Respondent</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

### (11) Monthly Expenses.
(Include amounts other than taxes withheld from your paycheck. For expenses that change from month to month, calculate the annual total and divide by 12 months to list a monthly average. Include amounts you pay for yourself and any children or other dependents in your household.)

<table>
<thead>
<tr>
<th>My Monthly Expenses</th>
<th>Type of Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>Rent or mortgage</td>
</tr>
<tr>
<td>$</td>
<td>Real property taxes</td>
</tr>
<tr>
<td>$</td>
<td>Real property insurance</td>
</tr>
<tr>
<td>$</td>
<td>Real property maintenance</td>
</tr>
<tr>
<td>$</td>
<td>Food and household supplies</td>
</tr>
<tr>
<td>$</td>
<td>Clothing</td>
</tr>
<tr>
<td>$</td>
<td>Laundry and dry cleaning</td>
</tr>
<tr>
<td>$</td>
<td>Automobile loan</td>
</tr>
<tr>
<td>$</td>
<td>Automobile insurance</td>
</tr>
<tr>
<td>$</td>
<td>Automobile gasoline</td>
</tr>
<tr>
<td>$</td>
<td>Automobile maintenance</td>
</tr>
<tr>
<td>$</td>
<td>Public transportation</td>
</tr>
<tr>
<td>$</td>
<td>Electricity</td>
</tr>
<tr>
<td>$</td>
<td>Gas</td>
</tr>
<tr>
<td>My Monthly Expenses</td>
<td>Type of Expense</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>$</td>
<td>Water, sewer and garbage</td>
</tr>
<tr>
<td>$</td>
<td>Telephone</td>
</tr>
<tr>
<td>$</td>
<td>Paid television (Cable, Satellite, Etc.)</td>
</tr>
<tr>
<td>$</td>
<td>Internet</td>
</tr>
<tr>
<td>$</td>
<td>Garnishments</td>
</tr>
<tr>
<td>$</td>
<td>Alimony (from prior marriage)</td>
</tr>
<tr>
<td>$</td>
<td>Child support (from prior order)</td>
</tr>
<tr>
<td>$</td>
<td>Child care</td>
</tr>
<tr>
<td>$</td>
<td>Education (children)</td>
</tr>
<tr>
<td>$</td>
<td>Education (self)</td>
</tr>
<tr>
<td>$</td>
<td>Extra-curricular activities (children)</td>
</tr>
<tr>
<td>$</td>
<td>Health care insurance premiums</td>
</tr>
<tr>
<td>$</td>
<td>Health care expenses</td>
</tr>
<tr>
<td>$</td>
<td>Other insurance (Describe)</td>
</tr>
<tr>
<td>$</td>
<td>Credit cards</td>
</tr>
<tr>
<td>$</td>
<td>Union or other dues</td>
</tr>
<tr>
<td>$</td>
<td>401K or other retirement or pension fund contrib.</td>
</tr>
<tr>
<td>$</td>
<td>Savings plan contribution</td>
</tr>
<tr>
<td>$</td>
<td>Entertainment</td>
</tr>
<tr>
<td>$</td>
<td>Donations</td>
</tr>
<tr>
<td>$</td>
<td>Gifts</td>
</tr>
<tr>
<td>$</td>
<td>Other (Describe)</td>
</tr>
<tr>
<td>$</td>
<td>Total</td>
</tr>
</tbody>
</table>

(12) **Estimated Amounts.** I have estimated all or some of the amounts entered in the Paragraphs above.

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Item estimated</th>
<th>Amount estimated</th>
<th>Basis for estimation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(13) **Unavailable Documents.** I have not attached all or some of the documents required by Utah Rule of Civil Procedure 26.1 to support this Financial Declaration. They are not available to me.

<table>
<thead>
<tr>
<th>The following documents are not available to me</th>
<th>because</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**I declare** under criminal penalty under the law of Utah that:

- everything stated in this document is true.
- any information about the other party is true and correct or is an estimate to the best of my information and belief;
- I have disclosed everything that is relevant to my financial status; and
- I understand that if I fail to fully disclose all assets and income in the Financial Declaration and attachments I may be subjected to sanctions under Utah Rule of Civil Procedure 37 including an award of non-disclosed assets to the other party, attorney’s fees or other sanctions deemed appropriate by the court.

Signed at ________________________________ (city, and state or country).

_________________________________________  Signature ► ________________________________

Date

Printed Name ________________________________
This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am the [ ] Petitioner [ ] Respondent
[ ] Attorney for the [ ] Petitioner [ ] Respondent and my Utah Bar number is _________

In the District Court of Utah

________ Judicial District ________________ County

Court Address ______________________________________________________

Certificate of Service of Financial Declaration

Petitioner

v.

Respondent

Case Number

Judge

Commissioner

(1) I certify that I served a copy of the Financial Declaration on the following people.

(2) I declare under criminal penalty under the law of Utah that everything stated in this document is true.
## Appendix 7: Sample Documents for Ending a Divorce Case

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
</table>
| (Other Party or Attorney) | [ ] Mail  
[ ] Hand Delivery  
[ ] E-filed  
[ ] Email (Person agreed to service by email.)  
[ ] Left at business (With person in charge or in receptacle for deliveries.)  
[ ] Left at home (With person of suitable age and discretion residing there.) | | |
| | [ ] Mail  
[ ] Hand Delivery  
[ ] E-filed  
[ ] Email (Person agreed to service by email.)  
[ ] Left at business (With person in charge or in receptacle for deliveries.)  
[ ] Left at home (With person of suitable age and discretion residing there.) | | |

Signed at ______________________________________________________ (city, and state or country).

_________________________  Signature ► ____________________________

__________  Date

_________________________  Printed Name ___________________________
(Access the OCAP Website or download the form.)

Name

Address

City, State, Zip

Phone

Email

IN THE ________________ JUDICIAL DISTRICT COURT
OF ______________________________ COUNTY, STATE OF UTAH

_____________________________________________________

(Name of person completing this form),

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, ___________________________ (Name
of person completing this form) represents that ___________________________’s (Other
party’s name) gross monthly income is $___________________.

3. The evidence ___________________________ (Name of person
completing this form) relied on in making this representation is:

_____________________________________________________

Affidavit of Other Party’s Earnings
Appendix 7: Sample Documents for Ending a Divorce Case

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

Date
Typed or Printed Name

On this date, I certify that __________________________________________ (name) who is known to me or who presented satisfactory identification, in the form of __________________________ (form of identification), has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date
Typed or printed name (Court Clerk or Notary Public)

Notary Seal
CERTIFICATE OF MAILING/DELIVERY

On ______________________ (date) I mailed a copy of the Affidavit of Other Party’s Earnings, postage prepaid, to the other party at (other party’s address):

____________________________________

____________________________________

____________________________________

____________________________________

____________________________________

Preparer’s Signature
Sample (Default) Decree of Divorce (NOT from utcourts.gov)

Name
Address
City, State, Zip
Phone
Email

In the _______________ District Court of Utah
__________ Judicial District ________________ County

Court Address ______________________________________________________

Plaintiff/Petitioner

v.

Defendant/Respondent

DECREE OF DIVORCE

Case Number

Commissioner (or Judge)

The Respondent received a copy of the Verified Complaint for Divorce and signed an Acceptance of Service, Appearance, Consent, and Waiver and has failed to appear in person or otherwise file responsive pleadings and the Court therefore enters the Respondent’s Default.
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:

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

1. The parties have __________ minor child(ren) namely:

____________________________________, born _______________________________.

____________________________________, born _______________________________.

2. Petitioner is a fit and proper person and is awarded permanent sole care, custody and control of the minor child(ren).

3. Respondent is awarded rights of parent-time with the parties’ minor child(ren) as follows: _____________________________________________________________.

4. Pick up and return of the parties’ minor child(ren) is to occur at Petitioner’s residence.

5. Respondent is responsible for all costs associated with visiting the parties’ minor child(ren).

6. Respondent is permanently restrained from removing the parties’ minor child(ren) from Petitioner’s state of residence without the Petitioner’s notarized, written consent, or by court order. If Respondent does remove the child(ren), an immediate pick-up order shall be issued.

7. Petitioner is entitled to claim the parties’ minor child(ren) as a dependent (dependents) for tax purposes.

8. Respondent is ordered to pay child support in the amount of $__________ per month, beginning _________________________________.

Appendix 7: Sample Documents for Ending a Divorce Case
a. Respondent is to pay child support, other than any court-ordered child care costs, in two equal installments on or before the 5th and 20th of each month to the Utah State Office of Recovery Services (P.O. Box 45011, Salt Lake City, Utah 84145-0011) (“the Office”), unless the Office notifies Respondent that payments should be sent elsewhere.

b. Respondent's income shall be subject to immediate and automatic income withholding as of the effective date of the order, regardless of whether a delinquency exists.

c. Each party should keep the Office informed of changes in his or her address, employment and income.

9. Each party share equally all reasonable and necessary health, optical, hospital, dental, and other medical expenses of the parties' minor child(ren) including, but not limited to: out-of-pocket costs actually paid by either parent for the minor child(ren)'s portion of health, optical, hospital, mental, and other medical insurance coverage and all reasonable and necessary uninsured health, optical, hospital, dental, and other medical expenses, including deductibles and co-payments, incurred for the dependent child(ren) and actually paid by either parent.

   a. _______________________________ is to maintain health, optical, hospital, dental, and other medical insurance on the parties’ minor child(ren) if coverage is or becomes available at a reasonable cost.

   b. _______________________________ is to provide proper verification of health, optical, hospital, dental, and other medical insurance coverage to _______________________________ and the Office, if requested, upon initial enrollment of the dependent child(ren), and thereafter on or before January 2nd of each calendar year. Furthermore, _______________________________ shall notify _______________________________ and the Office, if requested, of
any change of insurance carrier, premium, or benefits within thirty (30) days of the date he/she first knew or should have known of the change. If such verification is not provided to the Office, no credit shall be given by the Office.

c. Either parent who incurs health, optical, hospital, dental, and other medical expenses for the parties’ minor child(ren) shall provide written verification of the costs and payment of such health, optical, hospital, dental, or other medical expenses to the other parent within thirty (30) days of payment.

10. Each party should be responsible and liable for one-half of the reasonable child care costs actually incurred each month as a result of Petitioner’s schooling and/or work. Petitioner shall provide documentation for reimbursement within thirty (30) days. Respondent’s portion of these child care costs should be paid directly to Petitioner by the 5th of each month.

   a. Petitioner shall provide written verification of the cost and identity of the child care provider to Respondent.

   b. Petitioner shall notify Respondent of any change in the child care provider or the monthly child care expenses within thirty (30) calendar days from the date of the change.

11. A cash payment of alimony, in the following amount $____________________, is awarded to Petitioner in this matter.

12. Petitioner is ordered to pay and assume only the following debt(s): ______________. Petitioner shall hold Respondent harmless from any liability on these debts.

13. Respondent is ordered to pay and assume all other debts incurred during the parties’ marriage, but prior to their separation, including but not limited to the following:
Respondent shall hold Petitioner harmless from any liability on these debts.

14. Each party is ordered to pay and assume their own debts incurred after the parties’ separation on or about _______________________________. Each party shall hold the other harmless from any liability on these debts.

15. The parties personal property, acquired during the marriage, divided and awarded as follows:

   a. To Petitioner: _________________________________.

   b. To Respondent: _________________________________.

   c. All remaining personal property is awarded as currently held by each party.

16. The parties do not own an interest in real property. (Or, During the marriage, the parties acquired real property located at _________________________________. This real property is presently owned by _________________________________. The legal description of the property is _________________________________. The parties’ real property, and its debt and equity, is awarded to Petitioner. Petitioner shall hold Respondent harmless from any mortgages, liens, taxes, encumbrances, and any other liabilities on this real property.)

17. Any tax refund that is received for the tax year of ________________ is awarded to Petitioner.

18. Neither party has pensions, profit sharing, and/or retirement benefits which accrued during the parties’ marriage. (Or, _________________________________
has pension, profit sharing, or retirement benefits which are divided as follows
_____________________________________________________________________.

19. Respondent is permanently restrained from bothering, harassing, annoying, threatening, and/or harming Petitioner at any time or in any place.

20. Petitioner’s (or Respondent’s) name is hereby changed to
______________________________.

21. Respondent is responsible and liable for all service fees and court costs incurred as a result of this action.

22. Each party is responsible for his or her own attorney’s fees.

23. Each party is ordered to execute and deliver to the other party any documents necessary to implement the provisions of the Decree of Divorce entered by the Court.

Sign here ►

Date \______________________________\  \______________________________\
Commissioner or Judge

(Judge’s signature may appear at top of first page)
Respondent was regularly served and there is a return of service on file with the Court. The Court found that ___________________________ had been properly served with ___________________________’s Petition for a Decree of
Divorce but had failed to answer. The Court found that the time to answer had passed. The Court entered ____________________________’s default.

The Court, having received sworn affidavits of the Petitioner, having reviewed the file in this matter and being otherwise fully advised, enters its:

FINDINGS OF FACT

______________________________________________________________________

______________________________________________________________________

______________________________________________________________________.

CONCLUSIONS OF LAW

1. This Court has jurisdiction to issue the decree of divorce.

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

______________________________________________  ______________________________
Date                                                                                   Commissioner or Judge

(Judge’s signature may appear at top of first page)
Appendix 7: Sample Documents for Ending a Divorce Case

(Access the OCAP Website or download the form.)

Name

Address

City, State, Zip

Phone

Email

I am [ ] Plaintiff/Petitioner [ ] Defendant/Respondent
[ ] Plaintiff/Petitioner’s Attorney [ ] Defendant/Respondent’s Attorney (Utah Bar #: ________)

In the [ ] District [ ] Justice Court of Utah

__________ Judicial District ______________ County

Court Address ____________________________

Request to Submit for Decision
(Utah Rule of Civil Procedure 7)

[ ] Hearing Requested

Plaintiff/Petitioner

v.

Defendant/Respondent

[Case Number]

[Judge]

[Commissioner (domestic cases)]

1. The Motion to ________________________________ (name of motion) was filed on ____________________ (date).

2. A memorandum opposing the motion

[ ] was not filed [ ] was filed on ____________________ (date).

3. A reply memorandum supporting the motion

[ ] was not filed [ ] was filed on ____________________ (date).
4. A stipulation
   [ ] was not filed   [ ] was filed on ______________________ (date).

5. A hearing
   [ ] has been requested   [ ] has not been requested.

6. I request that the motion be submitted for decision because it is now ready for the court to review and issue a decision.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at ________________________________________________ (city, and state or country).

_________________________________________  Signature ►  _________________________________
Date

_________________________________________  Printed Name _________________________________
## Certificate of Service

I certify that I filed with the court and served a copy of this Request to Submit for Decision on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
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<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
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<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
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[ ] Hand Delivery
[ ] E-filed
[ ] Email (Person agreed to service by email.)
[ ] Left at business (With person in charge or in receptacle for deliveries.)
[ ] Left at home (With person of suitable age and discretion residing there.)

Date

Signature ►

Printed Name ____________________________
Appendix 7: Sample Documents for Ending a Divorce Case

(Access the OCAP Website or download the form.)

<table>
<thead>
<tr>
<th>Name</th>
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</tr>
</thead>
<tbody>
<tr>
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<td></td>
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<td>City, State, Zip</td>
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</tr>
<tr>
<td>Phone</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
</tbody>
</table>

I am the [ ] Plaintiff/Petitioner [ ] Defendant/Respondent [ ] Attorney for the [ ] Plaintiff/Petitioner [ ] Defendant/Respondent and my Utah Bar number is _______

In the [ ] District [ ] Justice Court of Utah

[ ] Judicial District [ ] County

Court Address ______________________________________________________

____________________________________

Notice of Judgment

Plaintiff/Petitioner Case Number

v. Judge

Defendant/Respondent Commissioner (domestic cases)

Please take notice that the court has entered the attached judgment. You may appeal this judgment by filing a Notice of Appeal with this court within 30 days after the date the judgment was entered.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ____________________________ (city, and state or country).

______________________________ Signature ► ________________________________

Date Printed Name

______________________________

Notice of Judgment

Approved Board of District Court Judges June 12, 2009

Revised May 8, 2018

Page 1 of 2

A7-45
## Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Judgment on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
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<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
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</tr>
</tbody>
</table>

__________________________

Signature ► ________________________________

Date  ______________________________________

Printed Name ________________________________
Appendix 8: Sample QDRO (Qualified Domestic Relations Order)

(See https://www.utcourts.gov/howto/divorce/property.html for information. The page does not provide forms.)

Sample Notice of Entry (NOT from utcourts.gov)

Name

Address

City, State, Zip

Phone

Email

In the ______________ District Court of Utah

________ Judicial District ______________ County

Court Address ______________________________________________________

NOTICE OF ENTRY OF DECREE OF DIVORCE

Plaintiff/Petitioner

V.

Defendant/Respondent

Case Number

Commissioner (or Judge)

TO RESPONDENT AND ALL INTERESTED PARTIES:

Please take notice that on the _______ day of _________________________________.
a DECREE OF DIVORCE AND JUDGMENT was entered in this case, a copy of which is attached.
Appendix 8: Sample QDRO (Qualified Domestic Relations Order)

_____________________________ Petitioner► ________________________________

Date

Typed or Printed Name ________________________________

Attorney for Petitioner ________________________________
Appendix 8: Sample QDRO (Qualified Domestic Relations Order)

Certificate of Mailing

On this _______ day of _________________________, a true and correct copy of the NOTICE OF ENTRY OF DECREE OF DIVORCE was hand delivered (or mailed with all needed postage prepaid) to ________________________________ at

Recipient’s Address:  ________________________________________

_________________________________________

_________________________________________.

A8-3
Sample QDRO (NOT from utcourts.gov)

________________________________________
Name

________________________________________
Address

________________________________________
City, State, Zip

________________________________________
Phone

________________________________________
Email

In the _______________ District Court of Utah

__________ Judicial District ________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>___</th>
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<tbody>
<tr>
<td>Plaintiff/Petitioner</td>
<td>QUALIFIED DOMESTIC RELATIONS ORDER</td>
</tr>
<tr>
<td>V.</td>
<td>Case Number</td>
</tr>
<tr>
<td>Defendant/Respondent</td>
<td>Commissioner (or Judge)</td>
</tr>
</tbody>
</table>

1. _______________________________ (“the participant”) is a participant in the
   _______________________________ retirement plan (“the plan”).

2. The participant’s social security number is _______________________________.
   His/her last known address is _______________________________.

A8-4
Appendix 8: Sample QDRO (Qualified Domestic Relations Order)

______________________________ ("the spouse") is the former spouse of the participant. Her/his last known address is ______________________________ and his/her social security number is ______________________________.

3. ________________________________ is the administrator of the plan.

4. The participant and the spouse were married on ________________________.

5. The participant and the spouse were divorced on ________________________.

6. Paragraph __________ of the Decree of Divorce awards the spouse an interest in the plan.

7. The spouse’s interest in the plan shall be calculated as follows: ____________.

8. The spouse’s interest in the plan shall be payable to him/her in a manner that he/she chooses, upon:
   a. termination of the participant's employment;
   b. the participant’s retirement and receipt of benefits;
   c. the participant’s death.

9. The spouse shall have the right, upon written request, to withdraw her interest in the plan at the time that the participant becomes, or would have become, eligible to withdraw any funds from the plan.

10. The spouse shall have the right to designate the beneficiary of her interest in the plan in the event of her death.

11. The plan administrator shall not be required to provide the spouse any benefit or option not available to the participant under the plan.
12. The plan administrator shall not be required to provide increased benefits, determined by actuarial value, not available to the participant.

13. The plan administrator shall not be required to pay any benefits to the spouse which are required to be paid to another alternate payee under a prior Qualified Domestic Relations Order.

14. For the purposes of sections 72 and 402(a) of the Internal Revenue Code, the spouse shall be treated as the distributee of any distribution or payment made to her by the plan pursuant to this order.

15. Counsel for the spouse shall mail copies of this order to the plan administrator.

16. Pursuant to 29 U.S.C. 1056(d)(3)(D), the plan administrator shall promptly notify the participant, the spouse, 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, the participant, the spouse, 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 or in an escrow account the amounts which would have been available to the spouse 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).
17. 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.

18. 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.

Sign here ►

Date  

Commissioner or Judge

(Judge’s signature may appear at top of first page)
Appendix 9: Sample Notice of Withdrawal

https://www.utcourts.gov/howto/changing_lawyers/

(Access the OCAP Website or download the form.)

Name

Address

City, State, Zip

Phone

Email

I am [ ] Plaintiff/Petitioner’s Attorney [ ] Defendant/Respondent’s Attorney (Utah Bar #: 

In the District Court of Utah

Judicial District

County

Court Address

Notice of Withdrawal of Counsel
(Utah Rule of Civil Procedure 74)

Plaintiff/Petitioner

Case Number

V.

Judge

Defendant/Respondent

Commissioner (domestic cases)

1. I notify the court, counsel and parties that I am withdrawing as counsel for:

Client’s Name

Address

City, State, ZIP

2. There are no motions pending. There are no hearings scheduled. There is no trial scheduled, or there has been a substitution of counsel. (If there are motions pending and/or there are hearings scheduled and/or there is a trial scheduled, a separate Motion to Withdraw must be filed.)

3. [ ] I entered a limited appearance on behalf of my client, and the purpose for that appearance is finished.
(An attorney may withdraw after completing the purpose of a limited appearance even though a motion is pending or a hearing or trial has been scheduled, provided the limited appearance was not for the purpose of that motion, hearing or trial.)

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at ____________________________________________________________________________ (city, and state or country).

__________________________________________________________________________ Signature ▶ ____________________________________________________________________________

Date ____________________________________________________________________________ Printed Name ____________________________________________________________________________
## Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Withdrawal of Counsel on the following people.

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<td>Left at home (With person of suitable age and discretion residing there.)</td>
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</table>

________________________  ______________________________
Date  Printed Name

Signature ▶
Notice to Appear or to Appoint Counsel
(Utah Rule of Civil Procedure 74)

Plaintiff/Petitioner

v.

Defendant/Respondent

1. I am notifying you that because your counsel has withdrawn from this case, you must file a Notice of Personal Appearance or Appointment of Counsel.

2. No further proceedings will be held in this case until at least 21 days after ____________________________ (Date on which this notice is filed.).

3. A Notice of Personal Appearance or Appointment of Counsel form is attached for your convenience.
Appendix 9: Sample Notice of Withdrawal

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at ______________________________________________________ (city, and state or country).

_________________________   Signature ▶ ________________________________
Date
Printed Name ________________________________
## Certificate of Service

I certify that I filed with the court and served a copy of this Notice to Appear Personally or to Appoint Counsel on the following people.

<table>
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<th>Person's Name</th>
<th>Method of Service</th>
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<td>[  ] Left at home (With person of suitable age and discretion residing there.)</td>
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Signature ►  

Date  
Printed Name

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Appendix 9: Sample Notice of Withdrawal
## Appendix 9: Sample Notice of Withdrawal

(Access the OCAP Website or download the form.)

<table>
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<tr>
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<table>
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<tr>
<th>City, State, Zip</th>
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<table>
<thead>
<tr>
<th>Email</th>
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</table>

I am [ ] Plaintiff/Petitioner [ ] Defendant/Respondent
[ ] Plaintiff/Petitioner’s Attorney [ ] Defendant/Respondent’s Attorney (Utah Bar #: ________)

In the District Court of Utah

__________ Judicial District _______________ County

Court Address ________________________________________________

| [ ] Notice of Personal Appearance OR [ ] Notice of Counsel’s Appearance |
|--------------------|-----------------------------|
| Plaintiff/Petitioner | Defendant/Respondent |
| v. | |
| Defendant/Respondent | |

Case Number

Judge

Commissioner (domestic cases)

1. ________________________________ __________________________ (name of former attorney) has filed a Notice of Withdrawal.

(Check 2 or 3, whichever applies.)

2. [ ] I now represent myself.

OR

3. [ ] I now represent ________________________________ (name of client).
Appendix 9: Sample Notice of Withdrawal

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at ______________________________________________________ (city, and state or country).

_________________________________________  Signature ► ________________________________
Date
Printed Name ________________________________

A9-8
## Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Personal Appearance or Notice of Counsel's Appearance on the following people.

<table>
<thead>
<tr>
<th>Person's Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
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</table>

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|               | [ ] Hand Delivery |                        |                    |
|               | [ ] E-filed       |                        |                    |
|               | [ ] Email (Person agreed to service by email.) | | |
|               | [ ] Left at business (With person in charge or in receptacle for deliveries.) | | |
|               | [ ] Left at home (With person of suitable age and discretion residing there.) | | |

|               | [ ] Mail          |                        |                    |
|               | [ ] Hand Delivery |                        |                    |
|               | [ ] E-filed       |                        |                    |
|               | [ ] Email (Person agreed to service by email.) | | |
|               | [ ] Left at business (With person in charge or in receptacle for deliveries.) | | |
|               | [ ] Left at home (With person of suitable age and discretion residing there.) | | |

________________________  __________________________
Date                      Signature

________________________
Printed Name
Appendix 9: Sample Notice of Withdrawal

(Access the OCAP Website or download the form.)

Name

Address

City, State, Zip

Phone

Email

I am [ ] Plaintiff/Petitioner’s Attorney [ ] Defendant/Respondent’s Attorney (Utah Bar #:_______)

In the District Court of Utah

_________ Judicial District ________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Substitution of Counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Utah Rule of Civil Procedure 74)</td>
</tr>
</tbody>
</table>

Plaintiff/Petitioner

v.

Defendant/Respondent

Case Number

Judge

Commissioner (domestic cases)

1. I notify the court, counsel and parties that I am replacing ___________________________ (name of lawyer) as counsel for ___________________________ (name of client).

2. I will comply with the existing hearing schedule and deadlines.
Appendix 9: Sample Notice of Withdrawal

Date ___________________________  Signature ► ___________________________
Printed name of former counsel ____________________________________________

Date ___________________________  Signature ► ___________________________
Printed name of client ____________________________________________________

Date ___________________________  Signature ► ___________________________
Printed name of new counsel ______________________________________________
# Certificate of Service

I certify that I filed with the court and served a copy of this Substitution of Counsel on the following people.

<table>
<thead>
<tr>
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<th>Method of Service</th>
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</tbody>
</table>

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Date

Signature ►

Printed Name

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Appendix 9: Sample Notice of Withdrawal

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1124GEJ Approved May 21, 2018  Substitution of Counsel  Page 3 of 3
Appendix 10: Sample Enforcement Documents

Enforcing the terms of a Decree is done through an “Order to Show Cause”. Using the OCAP website to prepare the necessary documents is strongly recommended.

An explanation of the OSC procedure is at https://www.utcourts.gov/howto/family/enforcement/. Procedures vary between Utah Judicial Districts. Forms for each district can be found at that link. The examples on the following pages are for Judicial Districts 1–4.
In the District Court of Utah

_________ Judicial District ______________ County

Court Address ______________________________________________________

Motion for Order to Show Cause

<table>
<thead>
<tr>
<th>Petitioner</th>
<th>Case Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>v.</td>
<td></td>
</tr>
</tbody>
</table>

Respondent

<table>
<thead>
<tr>
<th>Commissioner</th>
</tr>
</thead>
</table>

1. I request that the court order the other party to appear before this court to show cause why s/he should not be held in contempt for disobeying a previous order of this court. (Attach the controlling order.)

2. I request the relief described in the Statement Supporting this Motion and any other relief as may be determined by the court.

3. This motion is supported by the attached Statement Supporting Motion for Order to Show Cause.
I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ______________________________________________________ (city, and state or country).

_____________________________________________  Signature ► ________________________________

Date

Printed Name ________________________________
# Certificate of Service

This certificate of service is required only if the other party is represented by an attorney, or if ORS or a Guardian ad Litem involved in the case. The other party should be served by a sheriff or constable.

I certify that I filed with the court and served a copy of this Motion for Order to Show Cause on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Other party's attorney, if applicable)</td>
<td>[ ] Mail</td>
<td>[ ] Hand Delivery</td>
<td>[ ] E-filed</td>
</tr>
<tr>
<td>(Office of Recovery Services, if applicable)</td>
<td>[ ] Mail</td>
<td>[ ] Hand Delivery</td>
<td>[ ] E-filed</td>
</tr>
<tr>
<td>(Guardian ad Litem, if applicable)</td>
<td>[ ] Mail</td>
<td>[ ] Hand Delivery</td>
<td>[ ] E-filed</td>
</tr>
</tbody>
</table>

________________________________________________________________________

Signature ► __________________________________________________________________

Date

Printed Name __________________________________________________________________

A10-4
This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am the [ ] Petitioner
[ ] Respondent
[ ] Attorney for the [ ] Petitioner [ ] Respondent and my Utah Bar number is ________

In the District Court of Utah

________ Judicial District ________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Statement Supporting Motion for Order to Show Cause</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petitioner</td>
</tr>
<tr>
<td>v.</td>
</tr>
<tr>
<td>Respondent</td>
</tr>
</tbody>
</table>

1. I request that the court order the other party to appear before this court to show cause why s/he should not be held in contempt for disobeying the following controlling order. (Attach the controlling order.)

Case Name 

Case Number ________________ Title of Order ________________

Date Signed ________________ Name of Signing Judge ________________
2. The other party knew of the court’s order, had the ability to follow the order, and willfully refused to do so.

3. The following amounts have not been paid as required by the controlling order. I request that the court enter judgment for these amounts. (Attach any documents supporting the amounts requested.)

   [ ] Past due alimony
   from _________ to _________ (dates) $ ______________

   [ ] Past due child support
   from _________ to _________ (dates) $ ______________

   [ ] Reimbursement of child care expenses
   from _________ to _________ (dates) $ ______________

   [ ] Reimbursement of medical expenses
   from _________ to _________ (dates) $ ______________

   [ ] Reimbursement of medical insurance premiums
   from _________ to _________ (dates) $ ______________

   [ ] Reimbursement of the following debts: (Describe the debts including the amount and to whom it is owed)
   $ ______________

   [ ] Other (Describe):
   $ ______________

4. [ ] The other party has failed to pay the following debts. (Describe the debt, including the amount and to whom it is owed. Omit any debts described under Paragraph (3).)
I request that the court order the party to pay the debts and impose appropriate sanctions.

5. [ ] The other party has failed to deliver the following personal property.

I request that the court order the party to deliver the property to me and impose appropriate sanctions.

6. [ ] The other party has failed to refinance the following loan: (Describe the loan, including the amount and to whom it is owed.)

I request that the court order the party to refinance the loan and impose appropriate sanctions.

7. [ ] The other party has failed to execute a quit claim deed to the following premises:

I request that the court order the party to execute a quit claim deed and impose appropriate sanctions.

8. [ ] The other party has failed to follow the parent-time provisions of the controlling order as follows:

I request additional or make-up parent-time as follows:
9. [ ] The other party has failed to follow the custody provisions of the controlling order as follows:

________________________________________________________________________

________________________________________________________________________

I request that the court order the party to follow the custody provisions of the controlling order and impose appropriate sanctions.

10. [ ] The other party has failed to do the following: (Describe anything else the court has ordered the other party to do that has not been done.)

________________________________________________________________________

________________________________________________________________________

I request that the court order the party to do this thing and impose appropriate sanctions.

11. [ ] I have paid the following amount in fees to serve the motion and other costs, and I request reimbursement: $_______________. (Attach receipts to prove the amount you paid.)

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ________________________________ (city, and state or country).

_____________________________________________ Signature ►

_________________________ Date

_________________________ Printed Name
### Certificate of Service

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I certify that I filed with the court and served a copy of this Statement Motion for Order to Show Cause on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
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</tr>
</thead>
<tbody>
<tr>
<td>(Other party's attorney, if applicable)</td>
<td>[ ] Mail</td>
<td>[ ] Hand Delivery</td>
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</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td>[ ] E-filed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
</tr>
<tr>
<td>(Office of Recovery Services, if applicable)</td>
<td>[ ] Mail</td>
<td>[ ] Hand Delivery</td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td>[ ] E-filed</td>
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</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
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<td></td>
</tr>
<tr>
<td>(Guardian ad Litem, if applicable)</td>
<td>[ ] Mail</td>
<td>[ ] Hand Delivery</td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td>[ ] E-filed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
</tr>
</tbody>
</table>

---

Date: [ ]

Signature: [ ]

Printed Name: [ ]
In the District Court of Utah

_________ Judicial District ________________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State, Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>In the District Court of Utah</th>
</tr>
</thead>
<tbody>
<tr>
<td>__________ Judicial District ________________ County</td>
</tr>
<tr>
<td>Court Address ________________________________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Petitioner</th>
<th>Case Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>v.</th>
<th>Judge</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Commissioner</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To:

<table>
<thead>
<tr>
<th>Petitioner Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Respondent Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Having reviewed the Motion for Order to Show Cause and the Supporting Statement, the court has scheduled a hearing at the following date and time:

Habiendo revisado la Moción para la Orden de Mostrar Causa y la declaración de respaldo, el tribunal ha programado una audiencia en la fecha y hora que sigue.

**Courthouse Address** (Dirección del tribunal):

---

(Appendix 10: Sample Enforcement Documents)

(Access the OCAP Website or download the form.)
At which time [ ] petitioner [ ] respondent must show cause why they should not be held in contempt of court for failure to obey the controlling order in this case.

<table>
<thead>
<tr>
<th>Attendance</th>
<th>Asistencia</th>
</tr>
</thead>
<tbody>
<tr>
<td>You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.</td>
<td>Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Evidence</th>
<th>Pruebas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bring with you any evidence that you want the court to consider.</td>
<td>Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interpretation</th>
<th>Interpretación</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.</td>
<td>Si usted no habla ni entiende el Inglés el tribunal le proveeré un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADA Accommodation</th>
<th>Adaptación o Arreglo en Caso de Discapacidad</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.</td>
<td>Si usted requiere una adaptación o arreglo, que incluye un intérprete de la lengua de signos americana, contacte a un empleado del tribunal inmediatamente para pedir una adaptación.</td>
</tr>
</tbody>
</table>
### Finding help
The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

### Cómo encontrar ayuda legal
La página de la internet del tribunal Cómo encontrar ayuda legal (www.utcourts.gov/howto/legalassist/index-sp.html) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.

Judge’s signature may instead appear at the top of the first page of this document.

<table>
<thead>
<tr>
<th>Date</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Judge</td>
</tr>
</tbody>
</table>
Certificate of Service

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<td></td>
<td></td>
</tr>
</tbody>
</table>

Date

Signature ►

Printed Name

Appendix 10: Sample Enforcement Documents
Order on Motion for Order to Show Cause

Approved Board of District Court Judges December 2, 201

Revised May 8, 2013

Page 1 of 6

(Access the OCAP Website or download the form.)

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

__________ Judicial District _______________ County

Court Address ______________________________________________________

_____________________________________

Petitioner

v.

_____________________________________

Respondent

Order on Order to Show Cause

Case Number

Judge

Commissioner

The matter before the court is a Motion for Order to Show Cause for failure to obey an order of this court. This matter is being resolved by: (Choose all that apply.)

[ ] The default of     [ ] Petitioner     [ ] Respondent.
[ ] The stipulation of the parties.
[ ] The pleadings and other papers of the parties.
[ ] A hearing held on __________________________ (date), notice of which was served on all parties.

Petitioner

[ ] was present     [ ] was not present.

[ ] was represented by _______________________________ (name).
[ ] was not represented.
Respondent

[ ] was present  [ ] was not present.

[ ] was represented by ______________________________ (name).

[ ] was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

**The Court Finds:**

(1) The [ ] petitioner [ ] respondent:

[ ] did [ ] did not know of the court’s order;

[ ] did [ ] did not have the ability to follow the order;

[ ] did [ ] did not willfully fail to comply with the order.

[ ] other findings:

_________________________________________________________________

_________________________________________________________________

The Court Orders:

(2) The Motion is [ ] granted [ ] denied.

[ ] Judgment is entered for the following amounts and the

[ ] Petitioner [ ] Respondent is ordered:

(3) [ ] to pay the following amounts:

[ ] Past due alimony
from __________________ to __________________
(dates) $ __________________

[ ] Past due child support
from __________________ to __________________
(dates) $ __________________

[ ] Reimbursement of child care expenses
from __________________ to __________________
(dates) $ __________________

[ ] Reimbursement of medical expenses
from __________________ to __________________
(dates) $ __________________
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Reimbursement of medical insurance premiums from __________________ to ____________________</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>[ ] Reimbursement of the following debts: (Describe the debts including the amount and to whom it is owed.)</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>[ ] Other (Describe)</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(4)</td>
<td>[ ] to pay the following debts: (Describe the debt, including the amount and to whom it is owed. Omit debts described under Paragraph (3).)</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(5)</td>
<td>[ ] to deliver the following personal property:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(6)</td>
<td>[ ] to refinance the following loan:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(7)</td>
<td>[ ] to execute a quit claim deed to the following premises:</td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(8)</td>
<td>[ ] to provide make-up parent-time as follows:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(9)</td>
<td>[ ] to do the following concerning custody of the minor children:</td>
</tr>
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<td></td>
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</tr>
<tr>
<td>(10)</td>
<td>[ ] to do the following: (Describe anything else the court orders the party to do.)</td>
</tr>
</tbody>
</table>
(11) [ ] Contempt. (Choose all that apply.)

[ ] The question of whether the [ ] Petitioner [ ] Respondent should be held in contempt for failing to follow the previous orders of the court [ ] is [ ] is not certified by the commissioner to the district court judge for further consideration.

[ ] [ ] Petitioner [ ] Respondent
[ ] is not in contempt.

[ ] knew of the court’s order, had the ability to follow the order, and willfully refused to do so. The party therefore is in contempt for failing to follow the previous orders of the court and is ordered:

[ ] to pay a fine of $__________.

[ ] to serve _____ days in jail.

[ ] to: (describe)

[ ] can avoid the contempt sentence by doing the following: (describe)

(12) [ ] The court further orders: (describe)

Commissioner’s or Judge’s signature may instead appear at the top of the first page of this document.

__________________________________________
Date

______________________________
Signature ▶

______________________________
Commissioner

__________________________________________
Date

______________________________
Signature ▶

______________________________
Judge
Appendix 10: Sample Enforcement Documents

Approved as to form.

_________________________________   Signature ► _________________________________
Date                              Petitioner or Attorney                             _________________________________

_________________________________   Signature ► _________________________________
Date                              Respondent or Attorney                                _________________________________
## Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion for Order to Show Cause on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
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<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
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<td></td>
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</table>

|               | [ ] Mail          |                        |                    |
|               | [ ] Hand Delivery |                        |                    |
|               | [ ] E-filed      |                        |                    |
|               | [ ] Email (Person agreed to service by email.) | | |
|               | [ ] Left at business (With person in charge or in receptacle for deliveries.) | | |
|               | [ ] Left at home (With person of suitable age and discretion residing there.) | | |

|               | [ ] Mail          |                        |                    |
|               | [ ] Hand Delivery |                        |                    |
|               | [ ] E-filed      |                        |                    |
|               | [ ] Email (Person agreed to service by email.) | | |
|               | [ ] Left at business (With person in charge or in receptacle for deliveries.) | | |
|               | [ ] Left at home (With person of suitable age and discretion residing there.) | | |

Signature ► ____________________________

Date

Printed Name __________________________
This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am the [ ] Petitioner
[ ] Respondent
[ ] Attorney for the [ ] Petitioner [ ] Respondent and my Utah Bar number is _________

In the District Court of Utah
__________ Judicial District ______________ County

Court Address ______________________________________________________

_____________________________________
Petitioner

v.

_____________________________________
Respondent

Request for Contempt Hearing
(Use only if a commissioner has certified the issue of contempt to be heard by a judge.)

Petitioner

Case Number

V.

Judge

Respondent

Commissioner

The court commissioner has certified the issue of contempt to the district court judge for consideration, and I request that a hearing be scheduled.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at __________________________________________ (city, and state or country).

________________________________________
Date

Signature ► ________________________________

Printed Name
## Certificate of Service

I certify that I filed with the court and served a copy of this Request for Contempt Hearing on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
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<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Signature ►  

Date

Printed Name

---

Appendix 10: Sample Enforcement Documents

A10-21
In general, a child support order is not modifiable for at least 3 years after it has been issued. An order can be modified by Motion if it has been three or more years since the order was entered and:

- there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and
- the difference is not temporary; and
- the proposed child support amount is consistent with the guidelines.

If any of the three factors is not met, there must be grounds to make the modification (see the website for details) and it must be requested by Petition. Petitions to Modify will usually require additional steps to resolve, often including a hearing.

Requests to modify custody &/or parenting time must always be submitted by Petition.

Again, using the OCAP website to prepare the necessary documents is strongly recommended. There is a FREE Child Support Calculator at https://orscsc.dhs.utah.gov/orscscapp-hs/orscscweb/ for creating the correct documents for a particular case. If neither of those options can be used, specific forms based on the existing legal and physical custody arrangement should be downloaded from https://www.utcourts.gov/howto/family/modification/child_support/ and https://www.utcourts.gov/howto/divorce/support.html#child. Be aware that current financial declarations as well as the child support worksheets (see Appendix 13) will be required with either a Motion or a Petition.

To submit a Petition to modify custody, follow the instructions at https://www.utcourts.gov/howto/family/modification/custody/.
(Access the OCAP Website or download the form.)

This is a private record.

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>City, State, Zip</td>
<td></td>
</tr>
<tr>
<td>Phone</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
</tbody>
</table>

I am the [ ] Petitioner [ ] Respondent [ ] Attorney for the [ ] Petitioner [ ] Respondent and my Utah Bar number is ________

In the District Court of Utah

__________ Judicial District ______________ County

Court Address ______________________________________________________

<table>
<thead>
<tr>
<th>Motion to Modify Child Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Hearing Requested</td>
</tr>
</tbody>
</table>

Petitioner

v.

Respondent

Motion to Modify Child Support

Title of order:  

<table>
<thead>
<tr>
<th>Name of Court:</th>
<th>State</th>
</tr>
</thead>
</table>

Address of Clerk of Court:  

| Phone Number of Clerk of Court: |

Case Number:  

Case Name

(1) **Controlling child support order.** The controlling child support order is:

<table>
<thead>
<tr>
<th>Title of order:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Court:</td>
<td>State</td>
</tr>
</tbody>
</table>

Address of Clerk of Court:  

| Phone Number of Clerk of Court: |

Case Number:  

Case Name
(2) **Jurisdiction**

(A) The controlling order was entered by a court or agency in _________________________ (state).

(B)(i) [ ] The controlling order has not been changed.

OR

(B)(ii) [ ] The controlling order has been changed by a court or agency in _________________________ (state).

(C) If the controlling order was entered or last changed by a court or agency of another state, has it been registered and confirmed in Utah? (Applies only if the controlling order was entered or last changed by a court of another state.)

[ ] Yes  [ ] No  [ ] Does not apply

(D) I reside in _________________________ (state).

(E) The other party resides in _________________________ (state).

(F) The children reside in _________________________ (state).

(G) Do Petitioner and Respondent consent to have the Utah district court modify the controlling order that was entered or last changed by a Utah court? (Applies only if the controlling order was entered or last changed by a Utah court, and Petitioner, Respondent and the children do not reside in Utah.

[ ] Yes (Attach the consent.)  [ ] No  [ ] Does not apply

(H) Do Petitioner and Respondent consent to have the Utah district court modify the controlling order that was entered or last changed by a court of a state other than Utah? (Applies only if the controlling order was entered or last changed by a court of a state other than Utah, Petitioner and Respondent do not reside in Utah, and

- the children reside in Utah, or
- Utah has personal jurisdiction over at least one party.

[ ] Yes (Attach the consent and file it in the court  [ ] No  [ ] Does not apply in which the order was entered or last changed.)

(I) Utah can exercise personal jurisdiction over any non-resident individual in this action or the individual’s guardian or conservator because:
(At least one must apply, but check all that do apply.)

[ ] the individual has been personally served with notice within Utah; or

[ ] the individual submits to the jurisdiction of Utah by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; or

[ ] the individual resided with the children in Utah; or

[ ] the individual resided in Utah and provided prenatal expenses or child support; or

[ ] the children reside in Utah as a result of the acts or directives of the individual; or

[ ] the individual engaged in sexual intercourse in Utah and the children may have been conceived by that act of intercourse; or

[ ] the individual asserted parentage in the putative father registry maintained in Utah by the state registrar of vital records in the Department of Health; or

[ ] there is a basis for the exercise of personal jurisdiction consistent with the Utah Constitution and the United States Constitution.

(3) **Relationship to children.** I am the:

[ ] payor (person who pays child support)

[ ] payee (person who receives child support);

and the

[ ] mother of

[ ] father of

[ ] legal guardian, conservator or custodian of

the children more fully described in the attached Non-public Information Form.

(4) [ ] **Grounds to modify.** The controlling child support order should be modified because: (All must apply.)

[ ] it has not been modified within the last three years; and

[ ] there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and

[ ] the difference is not temporary; and

[ ] the proposed support amount is consistent with the guidelines.
(5) **Request for change in monthly child support payment.** Therefore, I request that the court order that [ ] Petitioner [ ] Respondent pay $____________ each month to support our children.

(6) [ ] **Costs and attorney fees.** I request that the other party pay my costs and attorney fees because, without this payment, I would be unable to bring this action.

(7) [ ] **Stipulation.** The other party has stipulated to the requested child support amount. (Attach Stipulation to Enter Judgment.)

(8) **Remainder of order unchanged.** The remainder of the order described in Paragraph (1) should remain unchanged.

(9) **Hearing.**

[ ] I request a hearing on this motion.

[ ] I do not request a hearing on this motion.

[ ] I request a hearing on this motion as soon as possible because:

________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________

________________________________________________________________________________________________________________________

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ________________________________ (city, and state or country).

________________________________________________________________________________________________________________________

Date

Printed Name

Signature
Appendix 11: Sample Modification Documents

Name

Address

City, State, Zip

Phone

Email

In the [ ] District [ ] Justice Court of Utah

__________ Judicial District _______________ County

Court Address ______________________________________________________

____________________________________________________________________

Proof of Completed Service
(Utah Rule of Civil Procedure 4)

Plaintiff/Petitioner

v.

Defendant/Respondent

Case Number

Judge

Commissioner (domestic cases)

1. The following documents were served by the method described below (Choose all that apply.):
   [ ] Summons (File or attach copy.)
   [ ] Complaint or Petition
   [ ] Amended Complaint or Petition
   [ ] Notice of Divorce Education Requirements
   [ ] Notice of URCP 26.1 Disclosure and Discovery Requirements in Domestic Relations Actions
   [ ] Notice of URCP 26.3 Disclosure Requirements in Unlawful Detainer Actions
   [ ] Parenting Plan
   [ ] Other: ____________________________ (describe)

Complete paragraph 2, or paragraphs 3 and 4.

(Link to https://www.utcourts.gov/howto/service/service_of_process.html)

Appendix 11: Sample Modification Documents

A11-6
Appendix 11: Sample Modification Documents

**Service by Mail**
(Service by mail requires a signed receipt. Attach the receipt.)

2. [ ] I served the following person by sending a copy of the documents listed in Paragraph (1) by mail or commercial courier service to:

   - Name of Addressee
   - Address
   - City, State, Zip

I have attached a signed receipt proving delivery. It was signed by:

   [ ] the addressee personally.
   [ ] someone authorized by appointment or by law to receive service of process on behalf of the addressee.

**Service by Third Person**

3. [ ] I am over the age of 18, and
   - I am not a party or an attorney for a party to this action.
   - I have not been convicted of a felony violation of a sex offense (Listed in Utah Code 77-41-102(16)).
   - I am not a respondent in a protective order proceeding (Utah Code 78B-7-101 et seq.).

4. [ ] On ______________________ (date), I went to ______________________
   ______________________________________________________
   (address), and I delivered the documents listed in paragraph 1 to
   ______________________________________________________
   (name), who is (Check one.):

   [ ] the named defendant/respondent.
   [ ] the named plaintiff/petitioner.
   [ ] a person of suitable age and discretion residing at that address, which is
   the named party’s residence. (Describe why the person lives at the named party’s
   residence and why they are of suitable age and discretion.)
   ______________________________________________________
   ______________________________________________________
[ ] an agent authorized by appointment or by law to receive service of process on behalf of the named party.

If serving a corporation, partnership, or an unincorporated association

[ ] an officer, a managing agent, general agent.

OR

[ ] an agent authorized by appointment or by law to receive service of process and by also mailing a copy of the complaint and summons to the named party, if the agent is one authorized by statute to receive process and the statute so requires.

If serving a city or town

[ ] the city/town recorder.

If serving a county

[ ] the county clerk.

If serving the state

[ ] the attorney general, and to _____________________________________________ (name of any other person or agency required by statute to be served) at

_______________________________________________________________ (address).

If serving a department or agency of the state

[ ] a member of named party’s governing board, executive employee or secretary.

If the document was served in some other way

[ ] Other (Describe how the document was served.)

_____________________________________________________________________

_____________________________________________________________________

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ________________________________ (city, and state or country).

_____________________________________ Signature ► ________________________________

Date ________________________________ Printed Name ________________________________
# Certificate of Service

I certify that I filed with the court and served a copy of this Proof of Service on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[ ] Mail</td>
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<td></td>
<td>[ ] Hand Delivery</td>
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<td>[ ] E-filed</td>
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<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
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<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
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<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
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</tbody>
</table>

Date ___________________________________________ Signature ► ___________________________________________

Printed Name ___________________________________________
Non-public Information – Minors

Utah Code of Judicial Administration Rule 4-202.02

Case No. ______________________

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.

[ ] * Keep the 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, do not include the child’s residential address on this document or any other papers filed with the court. Include it only on the Safeguarded Address form.)

<table>
<thead>
<tr>
<th>Name of minor</th>
<th>Date of birth</th>
<th>Sex</th>
<th>Social Security Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential address*</td>
<td></td>
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</tbody>
</table>

The following information is required only if custody or parent time is part of the case.

<table>
<thead>
<tr>
<th>Child’s name</th>
<th>Address (street, city, state, ZIP)</th>
<th>Dates child lived at this address</th>
<th>Name(s) of person(s) who lived with child at this address</th>
<th>Relationship(s) to child</th>
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</thead>
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2. Name of minor

Name of minor | Date of birth | Sex | Social Security Number |
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<tbody>
<tr>
<td>Residential address*</td>
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</table>

The following information is required only if custody or parent time is part of the case.

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<tr>
<th>Child’s name</th>
<th>Address (street, city, state, ZIP)</th>
<th>Dates child lived at this address</th>
<th>Name(s) of person(s) who lived with child at this address</th>
<th>Relationship(s) to child</th>
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</table>
### Appendix 11: Sample Modification Documents

<table>
<thead>
<tr>
<th>3. Name of minor</th>
<th>Date of birth</th>
<th>Sex</th>
<th>Social Security Number</th>
</tr>
</thead>
</table>

Residential address*

<table>
<thead>
<tr>
<th>Child’s name</th>
<th>Address (street, city, state, ZIP)</th>
<th>Dates child lived at this address</th>
<th>Name(s) of person(s) who lived with child at this address</th>
<th>Relationship(s) to child</th>
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</table>

The following information is required *only if* custody or parent time is part of the case.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ________________________________ (city, and state or country).

Signature ► ________________________________

Date ________________________________

Printed Name ________________________________

---

*Residential address is required only if custody or parent time is part of the case. Additional information may be required if court is considering the minor's relocation.*
Non-public Information – Parent Identification and Location  Case Number ____________________________

**Notice:** 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 62A-11-304.4.)

This form is accessible only by the other party and any attorneys in the case. The form is not a public record.

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone number</th>
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<tbody>
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</tbody>
</table>

Residential address

[ ] Keep my 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 your residential address from this document and from all other papers filed with the court. Include it **only** on the Safeguarded Address form.)

Mailing address (if different from residential address)

<table>
<thead>
<tr>
<th>Date of birth</th>
<th>Social Security Number</th>
<th>Driver's license</th>
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<table>
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<tr>
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<th>State</th>
<th>Number</th>
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</table>

Employer name, address and phone number

Employer name, address and phone number

I am: (check all that apply)

[ ] Petitioner  [ ] Respondent  [ ] Custodial parent  [ ] Non-custodial parent

Filing this information about  [ ] myself (required)  [ ] the other party (optional)

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at ____________________________________________ (city, and state or country).

Date __________________________________________________________________________

Signature ▶ _____________________________________________________________________

Printed Name _________________________________________________________________
Appendix 11: Sample Modification Documents

(See information and original at https://www.utcourts.gov/howto/family/Temporary_Order/)

Name

Address

City, State, Zip

Phone

Email

I am [ ] Plaintiff/Petitioner [ ] Defendant/Respondent
[ ] Plaintiff/Petitioner’s Attorney [ ] Defendant/Respondent’s Attorney (Utah Bar #: _________)

In the [ ] District [ ] Justice Court of Utah

__________ Judicial District ________________ County

Court Address ____________________________________________

__________________________

Request to Submit for Decision
(Utah Rule of Civil Procedure 7)

[ ] Hearing Requested

Plaintiff/Petitioner

v.

Defendant/Respondent

[ ] Hearing Requested

Case Number

Judge

Commissioner (domestic cases)

1. The Motion to ________________________________ (name of motion) was filed on ________________ (date).

2. A memorandum opposing the motion
   [ ] was not filed [ ] was filed on ________________ (date).

3. A reply memorandum supporting the motion
   [ ] was not filed [ ] was filed on ________________ (date).
4. A stipulation
   [ ] was not filed  [ ] was filed on ______________________ (date).

5. A hearing
   [ ] has been requested  [ ] has not been requested.

6. I request that the motion be submitted for decision because it is now ready for the court to review and issue a decision.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at ________________________________ (city, and state or country).

_____________________________  Signature ► ________________________________
Date
Printed Name _______________________________
## Certificate of Service

I certify that I filed with the court and served a copy of this Request to Submit for Decision on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mail</td>
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<td></td>
<td>Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date

Signature ▶

Printed Name __________________________
Appendix 11: Sample Modification Documents

(Access the OCAP Website or download the form.)

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

__________ Judicial District ________________ County

Court Address ______________________________________________________

Petitioner v. ______________________________________________________

Case Number

Judge

Commissioner

The matter before the court is [ ] Petitioner’s [ ] Respondent’s Motion to Modify Child Support entered more than 3 years ago. This matter is resolved by:

[ ] The default of [ ] Petitioner [ ] Respondent.
[ ] The stipulation of the parties.
[ ] The pleadings and other papers of the parties.
[ ] A hearing held on ________________________ (date).

Petitioner

[ ] was [ ] was not present

[ ] was represented by _______________________

[ ] was not represented.
Respondent
[ ] was [ ] was not present
[ ] was represented by _______________________
[ ] was not represented.

Office of Recovery Services
[ ] was [ ] was not present
[ ] was represented by _______________________

Payee, guardian, conservator or custodian _______________________
[ ] was [ ] was not present
[ ] was represented by _______________________
[ ] was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The Court Finds That:

(1) **Controlling child support order.** The controlling child support order is:

<table>
<thead>
<tr>
<th>Title of order:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Court:</td>
<td></td>
</tr>
<tr>
<td>Address of Clerk of Court:</td>
<td>Phone Number of Clerk of Court:</td>
</tr>
<tr>
<td>Case Number:</td>
<td>Case Name</td>
</tr>
<tr>
<td>Date Signed:</td>
<td>Signed by Judge:</td>
</tr>
<tr>
<td>Payor: [ ] Petitioner [ ] Respondent</td>
<td>Monthly Amount $</td>
</tr>
</tbody>
</table>

(Paragraphs (2)(A), (2)(B), and (2)(C) are separate conditions for jurisdiction. At least one Paragraph must apply.)

(2)(A) [ ] Jurisdiction. This court has jurisdiction under Utah Code Section 78B-14-205. A Utah court issued the controlling child support order consistent with Utah law, and the order has not been modified by a tribunal of another state, and: (At least one must apply.)
on the date the Petition to Modify Child Support was filed, Utah was the residence of the Petitioner or Respondent or the children for whose benefit the order was issued; or

[ ] The non-resident parties have filed consent that this court may continue to exercise jurisdiction to modify its order.

(2)(B) [ ] Jurisdiction. This court has jurisdiction under Utah Code Section 78B-14-613. (All must apply.)

[ ] The controlling child support order, issued in another state, has been registered and confirmed in Utah, and

[ ] the order may be modified under the law of the issuing state, and

[ ] Petitioner and Respondent reside in Utah, and

[ ] the children do not reside in the issuing state.

(2)(C) [ ] Jurisdiction. This court has jurisdiction under Utah Code Section 78B-14-611. The controlling child support order, issued in another state, has been registered and confirmed in Utah, the order may be modified under the law of the issuing state, and Utah can exercise personal jurisdiction over any non-resident individual in this action or the individual’s guardian or conservator because:

(At least one must apply.)

[ ] the individual has been personally served with notice within Utah; or

[ ] the individual submits to the jurisdiction of Utah by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; or

[ ] the individual resided with the children in Utah; or

[ ] the individual resided in Utah and provided prenatal expenses or child support; or

[ ] the children reside in Utah as a result of the acts or directives of the individual; or

[ ] the individual engaged in sexual intercourse in Utah and the child may have been conceived by that act of intercourse; or

[ ] the individual asserted parentage in the putative father registry maintained in Utah by the state registrar of vital records in the Department of Health; or

[ ] there is a basis for the exercise of personal jurisdiction consistent with the Utah Constitution and the United States Constitution;

AND (At least one must apply.)
The party requesting modification does not reside in Utah, and neither the answering party nor the children reside in the issuing state; or

Neither party resides in Utah, but the children do, and both parties have filed consents in the issuing court for a Utah court to modify the support order and assume continuing, exclusive jurisdiction; or

Neither party resides in Utah, but this court has personal jurisdiction over at least one of the parties, and both parties have filed consents in the issuing court for a Utah court to modify the support order and assume continuing, exclusive jurisdiction.

(3) Relationship to children. The party requesting modification is the:

[ ] payor (person who pays child support)
[ ] payee (person who receives child support);

and the
[ ] mother of
[ ] father of
[ ] legal guardian, conservator or custodian of

the children more fully described in the Non-public Information Form.

(4) Grounds to modify. (All must apply.)

[ ] The controlling child support order has not been modified within the last three years; and

[ ] there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and

[ ] the difference is not temporary; and

[ ] the proposed child support amount is consistent with the guidelines.

The Court Concludes That:

(5) The court [ ] does not have jurisdiction.

(6) There [ ] are [ ] are not grounds to modify the controlling child support order.

(7) To enable [ ] Petitioner [ ] Respondent to prosecute or defend this action, it is necessary that [ ] Petitioner [ ] Respondent pay _____ % of the costs and attorney fees of the other party.

The Court Orders That:
(8) [ ] The Motion to Modify Child Support is denied.

(9) [ ] The Motion to Modify Child Support is granted. The controlling child support order is modified as follows:

(A) [ ] Petitioner [ ] Respondent must pay $___________ each month to support the children.

(B) The court further orders:

____________________________________________________________

____________________________________________________________

(10) The remainder of the order described in Paragraph (1) remains unchanged.

(11) [ ] Petitioner [ ] Respondent must pay _____ % of the costs and attorney fees of the other party in this matter.

____________________________________________________________  Signature ►

Date

Recommended by Commissioner

____________________________________________________________  Signature ►

Date

Approved by Judge

Approved as to form.

____________________________________________________________  Signature ►

Date

Petitioner or Attorney

____________________________________________________________  Signature ►

Date

Respondent or Attorney
Certificate of Service

I certify that I served a copy of this Findings of Fact, Conclusions of Law and Order on Motion to Modify Child Support on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Other Party or Attorney)</td>
<td>[ ] Mail</td>
<td>[ ] Hand Delivery</td>
<td>[ ] E-filed</td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
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<tr>
<td>(Clerk of Court)</td>
<td>[ ] Mail</td>
<td>[ ] Hand Delivery</td>
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<td>[ ] Email (Person agreed to service by email.)</td>
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<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
</tr>
</tbody>
</table>

Date ___________________________ Signature ► ___________________________

Printed Name ___________________________
Appendix 11: Sample Modification Documents

(Access the OCAP Website or download the form.)

This is a private record.

My Name

Address

City, State, Zip

Phone

Email

I am the □ Petitioner
□ Respondent
□ Attorney for the □ Petitioner  □ Respondent and my Utah Bar number is _______

In the District Court of Utah

________ Judicial District ______________ County

Court Address ______________________________________________________

Petitioner

v.

Respondent

Notice of Judgment

Petitioner Case Number

v.

Judge

Respondent Commissioner

Instructions: Attach the following:

□ Findings of Fact, Conclusions of Law, and Order
□ Military Service Order (If judgment was entered because of the party’s default.)

Please take notice that the court has entered the attached judgment. You may appeal this judgment by filing a Notice of Appeal with this court within 30 days after the date the judgment was entered.

_________________________ Sign here ► __________________________

Date Typed or Printed Name

Appendix 11: Sample Modification Documents

A11-22
## Certificate of Service

I certify that I served a copy of this Notice of Judgment on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Other Party or Attorney)</td>
<td>□ Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Fax (Person agreed to service by fax.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Child Support Division, if applicable)</td>
<td>□ Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Fax (Person agreed to service by fax.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Clerk of Court)</td>
<td>□ Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Electronic File</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Fax (Person agreed to service by fax.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date: ___________________________

Typed or Printed Name: ___________________________
Appendix 11: Sample Modification Documents

(Access the OCAP Website or download the form.)

My Name

Address

City, State, Zip

Phone

Email

I am the [ ] Petitioner
[ ] Respondent
[ ] Attorney for the [ ] Petitioner [ ] Respondent and my Utah Bar number is _________

In the District Court of Utah

[_________ Judicial District ________________ County

Court Address _______________________________________________

<table>
<thead>
<tr>
<th>Petitioner</th>
<th>Case Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>v.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Respondent</th>
<th>Judge</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commissioner</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

To:

<table>
<thead>
<tr>
<th>Clerk of Court for the court that entered the order being modified</th>
<th>Clerk of Court for each court in which the order being modified has been registered.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Please take notice that I have attached a certified copy of an order of the Utah District Court that modifies an order entered by or registered in your court.

Date

Sign here ▶

Typed or Printed Name

A11-25
## Certificate of Service

I certify that I served a copy of this document on the following people.

<table>
<thead>
<tr>
<th>Person’s Name</th>
<th>Method of Service</th>
<th>Served at this Address</th>
<th>Served on this Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Other Party or Attorney)</td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Fax (Person agreed to service by fax.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Email (Person agreed to service by email.)</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Child Support Division, if applicable)</td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
<td></td>
</tr>
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<td></td>
<td>[ ] Fax (Person agreed to service by fax.)</td>
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<td>[ ] Email (Person agreed to service by email.)</td>
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<td></td>
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<tr>
<td></td>
<td>[ ] Left at business (With person in charge or in receptacle for deliveries.)</td>
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<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
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<tr>
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<td>[ ] Mail</td>
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<tr>
<td></td>
<td>[ ] Hand Delivery</td>
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<tr>
<td></td>
<td>[ ] Electronic File</td>
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<td></td>
</tr>
<tr>
<td>(Clerk of Court for the court that entered the order being modified)</td>
<td>[ ] Mail</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>[ ] Hand Delivery</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(Clerk of Court for each court in which the order being modified has been registered.)</td>
<td>[ ] Mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>[ ] Hand Delivery</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>[ ] Left at home (With person of suitable age and discretion residing there.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sign here ➤

Date

Typed or Printed Name

---

Notice of Modification Approved Board of District Court Judges June 12, 2009 Page 3 of 3 Revised April 13, 2015

A11-26
See https://www.utcourts.gov/mediation/divmed/ for additional forms and information.

The State of Utah requires participation in at least one session of mediation if the divorce is disputed. Mediation is typically less expensive than a court ruling, and the parties are often more satisfied with the result. The court self-help website lists mediators throughout the state.

With the approval of BOTH the ADR Office and the Court, the mandatory mediation requirement can be excused if certain conditions are met.
Sample Agreement to Mediate (NOT from utcourts.gov)

We, _______________________________ and _______________________________, agree to participate in mediation, with ________________________________ as the mediator. We agree to the following guidelines.

1. We agree to sincerely attempt to resolve the issues by fully and genuinely searching for fair and workable solutions.

2. We agree to be honest and to completely disclose all relevant information and legally discoverable documents with the other party and the mediator.

3. We agree to be courteous throughout the sessions.

4. We understand that the mediator is a neutral third party whose only purpose is to promote communication and help the parties reach an understanding as to how the issues will be resolved.

5. We understand that it is our obligation to seek independent legal, accounting, and other professional advice and assistance (e.g., having an attorney prepare the actual court papers).

6. The mediator will not reveal anything discussed in the mediation, other than (a) the mediation agreement, (b) incidents of abuse, or (c) threats of violence, without the permission of both parties. The parties agree that they will never subpoena the mediator as a witness or subpoena any documents of the mediator in any legal or administrative proceeding concerning this dispute. They further agree to reimburse the mediator for any expenses he incurs in any action to quash such subpoenas.

7. We agree that either party may, upon the consent of both parties, hold private sessions with the mediator at their or the mediator’s request. Except for concealment of assets and matters which the mediator is legally bound to disclose, the parties may specify what will remain confidential from these private sessions.
8. Either party or the mediator may terminate mediation at any time.

9. We agree to be on time.

________________________________________ __________________________
Signature       Date

________________________________________ __________________________
Signature       Date
Sample Mediation Disposition Notice (NOT from utcourts.gov)

Name

Address

City, State, Zip

Phone

Email

In the _______________ District Court of Utah

__________ Judicial District ________________ County

Court Address ______________________________________________________

Plaintiff/Petitioner

v.

Defendant/Respondent

MEDIATION DISPOSITION NOTICE

Case Number

Commissioner (or Judge)

The above matter was mediated by _________________________________.

Appendix 12: Sample Divorce Mediation Program (ADR) Documents
The case was settled / not settled / partially settled (circle one).

________________________________________ __________________________
Signature of Party Date

________________________________________ __________________________
Signature of Counsel Date
Sample Memorandum of Understanding (NOT from utcourts.gov)

Name

Address

City, State, Zip

Phone

Email

In the _______________ District Court of Utah

__________ Judicial District ________________ County

Court Address ______________________________________________________

_____________________________________

Plaintiff/Petitioner

v.

_____________________________________

Defendant/Respondent

MEMORANDUM OF UNDERSTANDING

______________________________
Case Number

______________________________
Commissioner (or Judge)

We, _______________________________ and _______________________________
accept this document as an expression of our mutual understanding of our rights and
obligations to one another and with regard to our children upon the termination of our
marriage.
We represent, acknowledge, and agree to the following facts, assumptions, representations, and commitments.

We have have __________ child(ren), namely:
__________________________, born ________________________,
__________________________, born ________________________,
__________________________, born ________________________,
__________________________, born ________________________.

__________________________ is employed by __________________________ at an income rate of __________ per month. _______________________________ is employed by __________________________ at an income rate of __________ per month.

We are presently married and are obtaining a divorce. Irreconcilable differences have arisen between us, which differences have made the continuation of our marriage impossible. We have participated in mediation and have reached an understanding about the terms of our divorce decree. It is our intent that the terms of our Memorandum of Understanding be incorporated into a Decree of Divorce. We agree that _______________________________ will initiate the divorce and provide all documents to _______________________________ before any are filed with the Court.

We agree that we both have loving and valuable relationships with our children and we agree to work together cooperatively with regard to their physical care and financial and emotional support. Consequently, we agree to the following principles and commitments specially pertaining to our children’s custody and parent-time:

____________________________________________________________________
____________________________________________________________________.

We agree to the following in regard to child support: ____________________________
____________________________________________________________________.
Each party will share, equally, all uninsured medical, dental, optical, or other health related expenses, and in the cost of the children’s medical, dental, optical, or other health insurance premiums. ________________________________ will carry medical, dental, optical, and other health insurance on the children.

We agree to the following in regard to tax matters relating to the children: ____________ ____________________________________________ ____________________________________________ ____________________________________________

We agree to the following regarding alimony: ________________________________ ____________________________________________ ____________________________________________ ____________________________________________

We agree that our assets should be divided as follows: ________________________________ ____________________________________________ ____________________________________________ ____________________________________________

We agree that our debts should be divided as follows: ________________________________ ____________________________________________ ____________________________________________ ____________________________________________

We agree to the following regarding our attorney fees: ________________________________ ____________________________________________ ____________________________________________

We will each execute any and all documents necessary to carry out the terms of a decree of divorce immediately upon entry of a decree.

We acknowledge that we have been advised to and have had time to seek independent legal and other professional advice regarding this Memorandum of Understanding.
We agree that we have fully informed and advised the other party of our property and estate.

In the event that there are future disagreements, we agree to attempt mediation first.

________________________________________ __________________________
Signature of Spouse      Date

________________________________________ __________________________
Signature of Spouse      Date

________________________________________ __________________________
Signature of Mediator      Date
APPLICATION TO EXCUSE MANDATORY DIVORCE MEDIATION

Applies to new contested divorce cases only. Do not use for paternity cases or divorce modifications.

Please complete this application to excuse mandatory divorce mediation to determine if your divorce mediation session can be excused for good cause by the Administrative Office of the Courts Divorce Mediation Program. The applicant must sign the form even if prepared by a third party.

Please Complete Information for Both Parties as listed on Petition

<table>
<thead>
<tr>
<th>Case #:</th>
<th>Judge/Commissioner:</th>
<th>City Where Petition was filed:</th>
<th>Date Petition was Answered:</th>
</tr>
</thead>
</table>

PETITIONER

Full Name: __________________________________________________
Street Address: ________________________________________________
City, State, Zip: ______________________________________________
Date of Birth: _________________________________________________
E-mail Address: ________________________________________________
Phone Number(s): ______________________________________________
Attorney’s Name: ______________________________________________
Attorney’s Address: ____________________________________________
Attorney’s City, State, Zip: ____________________________________
Attorney’s Phone: ______________________________________________
Attorney’s E-mail: _____________________________________________

RESPONDENT

Full Name: __________________________________________________
Street Address: ________________________________________________
City, State, Zip: ______________________________________________
Date of Birth: _________________________________________________
E-mail Address: ________________________________________________
Phone Number(s): ______________________________________________
Attorney’s Name: ______________________________________________
Attorney’s Address: ____________________________________________
Attorney’s City, State, Zip: ____________________________________
Attorney’s Phone: ______________________________________________
Attorney’s E-mail: _____________________________________________

Please circle

YES   NO  Is there a current Protective, Restraining or No Contact Order issued between the parties? If yes, list case #: ____________________________

YES   NO  Is there a history or allegation of domestic violence?

YES   NO  Can you safely be contacted at the phone number or address listed above? If not, how can you be contacted? _____________________________________________________________________________

YES   NO  Is there a history of mental incapacitation regarding either party? If yes, who? ____________________________
What type? ____________________________________________  Is it currently being treated? ____________________________

Please explain your reason for requesting to be excused from mandatory divorce mediation on the lines below.

_________________________________________________________________________________________________________________________________________

_________________________________________________________________________________________________________________________________________

_________________________________________________________________________________________________________________________________________

STATEMENT OF VERIFICATION

I verify under the penalties of perjury that the information provided on this application is true and correct

Applicant’s Signature ______________________________________ Date ________________

RETURN TO: Bart MacKay, Program Coordinator
206 W. Tabernacle, Suite 160
St. George, UT 84770
Tel: (435) 986-5754
Email: divorceinfo@utcourts.gov
Please complete the Income Survey to determine if you qualify for a divorce mediation session (up to 4 hours) at no cost to you (pro bono). All income surveys must be completed in full and signed in order to qualify.

### Please Complete Information for Both Parties as listed on Petition

<table>
<thead>
<tr>
<th>Case #:</th>
<th>Judge/Commissioner:</th>
<th>City Where Petition was filed:</th>
<th>Date Petition was Answered:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PETITIONER**

- Full Name:____________________________________________________
- Street Address:_________________________________________________
- City, State, Zip: ______________________________________________
- Date of Birth: _________________________________________________
- E-mail Address:_________________________________________________
- Phone Number(s):_______________________________________________
- Attorney’s Name:_______________________________________________
- Attorney’s Address:_____________________________________________
- Attorney’s City, State, Zip: ______________________________________
- Attorney’s Phone: ______________________________________________
- Attorney’s E-mail: ______________________________________________

**RESPONDENT**

- Full Name:____________________________________________________
- Street Address:_________________________________________________
- City, State, Zip: ______________________________________________
- Date of Birth: _________________________________________________
- E-mail Address:_________________________________________________
- Phone Number(s):_______________________________________________
- Attorney’s Name:_______________________________________________
- Attorney’s Address:_____________________________________________
- Attorney’s City, State, Zip: ______________________________________
- Attorney’s Phone: ______________________________________________
- Attorney’s E-mail: ______________________________________________

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>Is there a current Protective Order issued between the parties? If yes, list case #: ________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>NO</td>
<td>Is there a history or allegation of domestic violence?</td>
</tr>
<tr>
<td>YES</td>
<td>NO</td>
<td>Are there any special needs to consider before/during the mediation? If yes, please describe:</td>
</tr>
</tbody>
</table>

### SECTION 1. HOUSEHOLD INFORMATION

List yourself and all people living with you regardless of age or relationship to you. If any person is over 18 years of age, list their monthly earnings (before taxes).

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Relationship to You</th>
<th>Monthly Earnings (before taxes)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>SELF</td>
<td></td>
</tr>
</tbody>
</table>

Do you currently pay Child Support for any children? YES_____ NO____ If Yes, How Much? $____________
### SECTION 2. FINANCIAL INFORMATION

<table>
<thead>
<tr>
<th>A. Are you currently employed?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>If currently employed, please provide the following information:</td>
<td>(If not currently employed, list previous employer)</td>
<td></td>
</tr>
<tr>
<td>Employer: ____________________</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address: ______________________</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phone #: ______________________</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supervisor: ___________________</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hourly Wage $: ____________ # of hours per week: _________</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Do you receive Government Benefits?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please list the total monthly amount you receive from the following programs for everyone living in your household:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family Employment Program: ____________</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SSI: _________________________________</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food Stamps: _________________________</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WIC: _________________________________</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Assistance: ___________________</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refugee Cash Assistance: _____________</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Do you receive other sources of income?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please list the total monthly amount you receive from any of the following sources for everyone living in your household:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alimony: ________________________________</td>
<td>Social Security Benefits: __________________________</td>
<td></td>
</tr>
<tr>
<td>Child Support: __________________________</td>
<td>Unemployment Compensation: _________________________</td>
<td></td>
</tr>
<tr>
<td>Disability Benefits: _____________________</td>
<td>Worker’s Compensation: ____________________________</td>
<td></td>
</tr>
<tr>
<td>Other: (please specify) __________________</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### SECTION 3. STATEMENT OF VERIFICATION

This section must be signed in order to process the income survey. **Incomplete surveys will not be accepted.**

I verify under the penalties of perjury that the information provided on this income survey is true and correct, and that if any of the financial information changes, I will inform the Divorce Mediation Program immediately.

______________________________________________
Signature

______________________________________________
Date

### SECTION 4. WHERE TO SEND THE SURVEY

**NOTE: Please remember to complete all sections of this form --- Incomplete surveys will not be processed.**

Please print out the Income Survey and sign it before returning it to:

<table>
<thead>
<tr>
<th>Bart MacKay</th>
<th>Phone: (435) 986-5754</th>
</tr>
</thead>
<tbody>
<tr>
<td>Divorce Mediation Program Coordinator</td>
<td>E-mail: <a href="mailto:divorceinfo@utcourts.gov">divorceinfo@utcourts.gov</a></td>
</tr>
<tr>
<td>Administrative Office of the Courts</td>
<td>Toll Free Automated Helpline: 1-800-620-6318</td>
</tr>
<tr>
<td>206 W. Tabernacle, Suite 160</td>
<td>Website: <a href="http://www.utcourts.gov/mediation/divmed">www.utcourts.gov/mediation/divmed</a></td>
</tr>
<tr>
<td>St. George, Ut 84770</td>
<td></td>
</tr>
</tbody>
</table>

02/12/15
Motion to Excuse Mandatory Divorce Mediation
(Utah Code 30-3-39)

1. I ask the court to excuse mandatory divorce mediation.

2. [ ] I tried to have mediation excused either by the divorce mediation program coordinator or a court qualified divorce mediator. They denied the request.

3. Mediation did not occur because:

This is a private record.
4. Mediation should be excused because:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

5. [ ] I am attaching documents to support this motion.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____________________________ (city, and state or country).

_________________________________________  Signature ► _____________________________

Date                                                                                       Printed Name


**Certificate of Service**

I certify that I filed with the court and served a copy of this Motion to Excuse Mandatory Divorce Mediation on the following people.

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Signature    Printed Name

Date
Appendix 12: Sample Divorce Mediation Program (ADR) Documents

(See information and original at https://www.utcourts.gov/howto/family/Temporary_Order/)

Name
__________________________________________

Address
__________________________________________

City, State, Zip
__________________________________________

Phone
__________________________________________

Email
__________________________________________

I am [ ] Plaintiff/Petitioner [ ] Defendant/Respondent
[ ] Plaintiff/Petitioner’s Attorney [ ] Defendant/Respondent’s Attorney (Utah Bar #: __________)

In the [ ] District [ ] Justice Court of Utah

Judicial District County

Court Address __________________________________________________

Request to Submit for Decision
(Utah Rule of Civil Procedure 7)

[ ] Hearing Requested

Plaintiff/Petitioner

v.

Defendant/Respondent

__________________________________________

Case Number

__________________________________________

Judge

__________________________________________

Commissioner (domestic cases)

1. The Motion to ____________________________________________ (name of motion) was filed on __________________________ (date).

2. A memorandum opposing the motion
   [ ] was not filed  [ ] was filed on __________________________ (date).

3. A reply memorandum supporting the motion
   [ ] was not filed  [ ] was filed on __________________________ (date).
4. A stipulation
   [ ] was not filed  [ ] was filed on ______________________ (date).

5. A hearing
   [ ] has been requested  [ ] has not been requested.

6. I request that the motion be submitted for decision because it is now ready for the court to review and issue a decision.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at ________________________________ (city, and state or country).

_____________________________  Signature ➤ ________________________________

Date

Printed Name ________________________________
# Certificate of Service

I certify that I filed with the court and served a copy of this Request to Submit for Decision on the following people.

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In the District Court of Utah

____________ Judicial District ________________ County

Court Address ______________________________________________________

<table>
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<tr>
<th>Order on Motion to Excuse Mandatory Divorce Mediation</th>
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<td>Case Number</td>
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Petitioner  v.  Respondent

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<th>Commissioner</th>
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The matter before the court is [ ] petitioner's [ ] respondent's Motion to Excuse Mandatory Divorce Mediation. This matter is being resolved by: (Choose all that apply.)

[ ] The default of [ ] petitioner [ ] respondent.

[ ] The pleadings and other papers of the parties.

[ ] A hearing held on __________________________ (date), notice of which was served on all parties.

Petitioner

[ ] was present  [ ] was not present.

[ ] was represented by ________________________________ (name).

[ ] was not represented.
Respondent
[ ] was present  [ ] was not present.
[ ] was represented by ___________________________ (name).
[ ] was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court finds:

The moving party  [ ] has  [ ] has not  shown good cause to excuse mandatory divorce mediation.

The court orders:

1. The motion to excuse mandatory divorce mediation is  [ ] granted  [ ] denied.
2. Other:

____________________________________________________________________
____________________________________________________________________

Judge’s signature may instead appear at the top of the first page of this document.

_________________________________________  Signature ➤ _____________________________
Date  Judge  _____________________________
**Certificate of Service**

I certify that I filed with the court and served a copy of this Order on Motion to Excuse Mandatory Divorce Mediation on the following people.

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______________________________  ________________________________
Signature ► Printed Name

Date

Appendix 12: Sample Divorce Mediation Program (ADR) Documents
Readers are strongly encouraged to use the online Child Support Calculator to prepare child support worksheets. The Calculator will create accurate, pre-filled worksheets for submission with a Petition for Divorce (Appendix 1) or Motion to Modify Child Support (Appendix 11).
IN THE _____________________________ DISTRICT COURT
________________________________ COUNTY,  STATE OF UTAH

vs.

The Combined Child Support Obligation Table used for calculation is:
(     ) 78B-12-301(1) and 78B-12-302(1)
(     ) 78B-12-301(2) and 78B-12-302(2)

CHILD SUPPORT OBLIGATION WORKSHEET
(SPLIT CUSTODY)

Civil No. ______________________

<table>
<thead>
<tr>
<th></th>
<th>MOTHER</th>
<th>FATHER</th>
<th>COMBINED</th>
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<tbody>
<tr>
<td>1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Divide the number of children with each parent by the combined number of children listed in Line 1.</td>
<td></td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>3a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>3b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Subtract Lines 3b, 3c, and 3d from 3a. This is the Adjusted Gross Income for child support purposes.</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>6. Divide each parent's adjusted monthly gross in Line 4 by the COMBINED adjusted monthly gross in Line 4.</td>
<td></td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>7. Multiply Line 5 by Line 6 for each parent to obtain each parent's share of the Base Support Obligation.</td>
<td>$</td>
<td>$</td>
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<tr>
<td>8. Multiply the mother's Line 7 by the father's Line 2. This is the mother's obligation to the father.</td>
<td>$</td>
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<tr>
<td>9. Multiply the father's Line 7 by the mother's Line 2. This is the father's obligation to the mother.</td>
<td></td>
<td>$</td>
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<tr>
<td>10. BASE CHILD SUPPORT AWARD: Subtract the lesser amount (OBLIGEE'S) from the greater amount (OBLIGOR’S) of Lines 8 and 9. This is the amount the OBLIGOR pays to the obligee all 12 months of the year.</td>
<td>$</td>
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<tr>
<td>11. Which parent is the obligor? (   ) Mother (   ) Father</td>
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| 12. Is the support award the same as the guideline amount in Line 10? (   ) Yes (   ) No
   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. _______________  6/09
Appendix 13: Child Support Worksheets and Official Child Support Table

INSTRUCTIONS FOR THE SPLIT CUSTODY WORKSHEET

Line 1. Enter the number of natural and adopted children of the mother and father for support is to be determined. Do not include any children of either parent by another partner this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2. Complete the computation as directed.

Line 3a. Enter the mother's and father's gross monthly income. U.C.A. 78B-12-203(1) states: “As used in the guidelines, ‘gross income’ includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from ‘nonmeans-tested’ government programs.” U.C.A. 78B-12-203(2) states: “Income from earned income sources is limited to the equivalent of one full-time 40-hour job.” Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 3b. Enter the amount of alimony either parent is court ordered to pay and actually pays to another parent [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Canceled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 3c. Enter the amount of support either parent is court ordered to pay for children by another partner [U.C.A. 78B-12-204(1)]. Previously ordered support may include specifically ordered payments toward a child's medical expenses, child care, or child support [U.C.A. 78B-12-102(7)]. A copy of the order is required for verification.

Line 3d. U.C.A. 78B-12-210(6) and (7) state: “(6) (a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting or modifying a child support award, as provided in Subsection (7). Credit may not be given if: (i) by giving credit to the obligor, children for whom a prior support order exists would have their child support reduced; or (ii) by giving credit to the obligee for a present family, the obligation of the obligor would increase. (b) Additional worksheets shall be prepared that compute the obligations of the respective parents for the additional children. The obligations shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

“(7) In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent order; or (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent order.”

Use the WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME and/or the WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME to compute the obligations of the respective parents for the additional children.

Line 4. Complete the calculation as directed.

Line 5. The amount on the "Combined Child Support Obligation Table" shows the amount BOTH parents combined should contribute for the support of their children.

Line 6. Calculate each parent's share of the amount in Line 5 as a percentage figure.

Line 7. Calculate each parent's share of the amount in Line 5 as a dollar amount.

Line 8. Complete the calculation as directed. This is the mother's obligation to the father.

Line 9. Complete the calculation as directed. This is the father's obligation to the mother.

Line 10. The Base Child Support Award is the amount the obligor pays to the obligee. See the Insurance Premium and Child Care Adjustment Worksheet to determine how insurance premiums and child care expenses may change the amount the obligor pays to the obligee.

Line 11. Designate which parent must pay support.

Line 12. Complete Line 12 to indicate if the amount ordered deviates from the guideline amount in Line 10.

Line 13. Complete Line 13 if the obligor will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table" or the "Low Income Table."
Appendix 13: Child Support Worksheets and Official Child Support Table

IN THE _____________________________ DISTRICT COURT
______________________________ COUNTY, STATE OF UTAH

( Access the OCAP Website, or online child support calculator, or download the form.)

__________________________________________
vs.
__________________________________________

The Combined Child Support Obligation Table used for calculation is:
(   ) 78B-12-301(1) and 78B-12-302(1)
(   ) 78B-12-301(2) and 78B-12-302(2)

CHILD SUPPORT OBLIGATION WORKSHEET
(SOLE CUSTODY AND PATERNITY)

Civil No. ______________________

MOTHER  FATHER  COMBINED

1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.

2a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.

2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)

2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)

2d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.

3. Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.

4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Base Combined Support Obligation. Enter it here.

5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.

6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.

7. BASE CHILD SUPPORT AWARD: Bring down the amount(s) from Line 6 or enter the amount(s) from the Low Income Table per U.C.A. 78B-12-205. The parent(s) without physical custody of the child(ren) pay(s) the amount(s) all 12 months of the year.

8. Which parent is the obligor? (   ) Mother (   ) Father (   ) Both

9. Is the support award the same as the guideline amount in Line 7? (   ) Yes (   ) No

If NO, enter the amount(s) ordered: $___________ (Father) $___________ (Mother) and answer number 10.

10. 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. _______________ 6/09

Appendix 13: Child Support Worksheets and Official Child Support Table

A13-4
Appendix 13: Child Support Worksheets and Official Child Support Table

INSTRUCTIONS FOR THE SOLE CUSTODY WORKSHEET

Line 1. Enter the number of natural and adopted children of the mother and father for whom support is to be determined. Do not include any children of either parent by another partner on this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2a. Enter the mother's and father's gross monthly income. U.C.A. 78B-12-203(1) states: “As used in the guidelines, ‘gross income’ includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from ‘nonmeans-tested’ government programs.” U.C.A. 78B-12-203(2) states: “Income from earned income sources is limited to the equivalent of one full-time 40-hour job.” Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. Enter the amount of alimony either parent is court ordered to pay and actually pays to another parent [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Canceled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 2c. Enter the amount of support either parent is court ordered to pay for children by another partner [(U.C.A. 78B-12-204(1)]. Previously ordered support may include specifically ordered payments toward a child's medical expenses, child care, or child support [U.C.A. 78B-12-102(7)]. A copy of the order is required for verification.

Line 2d. U.C.A. 78B-12-210(6) and (7) state: "(6) (a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting or modifying a child support award, as provided in Subsection (7). Credit may not be given if: (i) by giving credit to the obligor, children for whom a prior support order exists would have their child support reduced; or (ii) by giving credit to the obligee for a present family, the obligation of the obligor would increase. (b) Additional worksheets shall be prepared that compute the obligations of the respective parents for the additional children. The obligations shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

“(7) In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent order; or (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent order.”

Use the WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME and/or the WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME to compute the obligations of the respective parents for the additional children.

Line 3. (See U.C.A. 78B-12-205) If the obligor's income is over $1,050 complete the calculation as directed. If the obligor's income is $650 to $1,050 then calculate the child support award using the "Combined Child Support Obligation Table" and the "Low Income Table." The child support award will be the lesser of the two amounts. Enter the lesser of the two amounts on Line 7. If the obligor's income is $649 or less, refer to U.C.A. 78B-12-205(6).

Line 4. The amount on the "Combined Child Support Obligation Table" shows the amount BOTH parents combined should contribute for the support of their children.

Line 5. Calculate each parent's share of the amount in Line 4 as a percentage figure.

Line 6. Calculate each parent's share of the amount in Line 4 as a dollar amount.

Line 7. The Base Child Support Award is the amount the obligor pays to the obligee. This is the amount the parent(s) without physical custody of the child(ren) pays all 12 months of the year. See the Insurance Premium and Child Care Adjustment Worksheet to determine how insurance premiums and child care expenses may change the amount the obligor pays to the obligee.

Line 8. Designate which parent or parents have a support obligation based on this worksheet.

Line 9. Complete Line 9 to indicate if the amount ordered deviates from the guideline amount in Line 7.

Line 10. Complete Line 10 if the obligor will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table," "Low Income Table" or in accordance with U.C.A. 78B-12-205.
The Combined Child Support Obligation Table used for calculation is:

- 78B-12-301(1) and 78B-12-302(1)
- 78B-12-301(2) and 78B-12-302(2)

### CHILD SUPPORT OBLIGATION WORKSHEET

#### (JOINT PHYSICAL CUSTODY)

<table>
<thead>
<tr>
<th></th>
<th>MOTHER</th>
<th>FATHER</th>
<th>COMBINED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2a.</td>
<td>Enter the father’s and mother’s gross monthly income. Refer to Instructions for definition of income.</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>2b.</td>
<td>Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2c.</td>
<td>Enter previously ordered child support. (Do no enter obligations ordered for the children in Line 1.)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2d.</td>
<td>OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>3.</td>
<td>Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>4.</td>
<td>Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Enter the Combined Support Obligation here.</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>5.</td>
<td>Divide each parent’s adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>6.</td>
<td>Multiply Line 4 by Line 5 for each parent to obtain each parent’s share of the Base Support Obligation.</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>7.</td>
<td>Enter the number of overnights the children will spend with each parent. (They must total 365). Each parent must have at least 111 overnights to qualify for Joint Physical Custody (U.C.A. 78B-12-208).</td>
<td>365</td>
<td></td>
</tr>
<tr>
<td>7b.</td>
<td>Identify the parent who has the child the lesser number of overnights, and continue the rest of the calculation for them. You will be making adjustments to the net amount owed by this parent. (Name of parent with lesser number of overnights)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8a.</td>
<td>For the parent who has the child the lesser number of overnights multiply the number of overnights that are greater than 110 but less than 131 by .0027 to obtain a resulting figure and enter in the space to the right.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8b.</td>
<td>Multiply the result on Line 8a by the Combined Support Obligation on Line 4 for this parent and enter the number in the space to the right.</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>8c.</td>
<td>Subtract the respective dollar amount on Line 8b from this parent’s share of the Base Support Obligation found in the column for this parent on Line 6 to determine the amount as indicated by U.C.A. 78B-12-208 (3)(a) and enter the amount in the space to the right.</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>9a.</td>
<td>Additional calculation necessary if both parents have the child for more than 131 overnights (Otherwise go to Line 10): For the parent who has the child the lesser number of overnights multiply the number of overnights that exceed 130 (131 overnights or more) by .0084 to obtain a resulting figure and enter it in the space to the right.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9b.</td>
<td>Multiply the result on Line 9a by the Combined Support Obligation on Line 4 for this parent and enter each in the space to the right.</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>9c.</td>
<td>Subtract this parent’s dollar amount on Line 9b from their respective amount as identified on Line 8c to determine the amount as indicated by U.C.A. 78B-12-208 (3)(b) and enter the amount in the space to the right.</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

Go to Line 10.
### Appendix 13: Child Support Worksheets and Official Child Support Table

<table>
<thead>
<tr>
<th>10. BASE CHILD SUPPORT AWARD: If the result in Line 9c. is &gt; 0, then this parent is the obligor (and the other parent is the obligee). Enter the amount in Line 9c here. This is the amount owed by this parent to the obligee all 12 months of the year. If the result in Line 9c is &lt; 0, then this parent is the obligee (and the other parent is the obligor). Enter the absolute value of the result in Line 9c here. This is the amount owed to this parent by the obligor all 12 months of the year.</th>
<th>$</th>
</tr>
</thead>
</table>

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

12. Is the support award the same as the guideline amount in Line 10? ( ) Yes ( ) No
   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. ________________

6/09
INSTRUCTIONS FOR THE JOINT PHYSICAL CUSTODY WORKSHEET

Line 1. Enter the number of natural and adopted children of the mother and father for whom support is to be determined. Do not include any children of either parent by another partner on this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2a. Enter the mother's and father's gross monthly income. U.C.A. 78B-12-203(1) states: “As used in the guidelines, ‘gross income’ includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs.” U.C.A. 78B-12-203(2) states: “Income from earned income sources is limited to the equivalent of one full-time 40-hour job.” Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. Enter the amount of alimony either parent is court ordered to pay and actually pays to another parent [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Cancelled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 2c. Enter the amount of support either parent is court ordered to pay for children by another partner [(U.C.A. 78B-12-102(7)]. Previously ordered support may include specifically ordered payments toward a child's medical expenses, child care, or child support [U.C.A. 78B-12-102(7)]. A copy of the order is required for verification.

Line 2d. U.C.A. 78B-12-210(6) and (7) state: “(6) (a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting or modifying a child support award, as provided in Subsection (7). Credit may not be given if: (i) by giving credit to the obligor, children for whom a prior support order exists would have their child support reduced; or (ii) by giving credit to the obligee for a present family, the obligation of the obligor would increase. (b) Additional worksheets shall be prepared that compute the obligations of the respective parents for the additional children. The obligations shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

“(7) In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent order; or (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent order.”

Use the WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME and/or the WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME to compute the obligations of the respective parents for the additional children.

Line 3. Complete the calculation as directed.

Line 4. The amount on the "Combined Child Support Obligation Table" shows the amount BOTH parents combined should contribute for the support of their child(ren).

Line 5. Calculate each parent's share of the amount in Line 4 as a percentage figure.

Line 6. Calculate each parent’s share of the amount in Line 4 as a dollar amount.

Line 7. This is the total number of overnights the children will have with each parent. Each parent must have at least 111 overnights to qualify for Joint Physical Custody (U.C.A. 78-12-208).

Line 7b. The rest of the calculation will be made for the parent who has the child(ren) the lesser number of overnights. So identify this parent here and continue the calculation for only this parent.

Line 8a. Complete the calculation as directed. This is the mathematical figure that will be used to reduce the base support obligation for overnights totaling between 110 to 130 [U.C.A. 78B-12-208 (3) (a)].

Line 8b. Complete the calculation as directed. This is the combined support obligation as a dollar figure for this parent.

Line 8c. Complete the calculation as directed. This is this parent’s share of the base support obligation as a dollar figure.
**Appendix 13: Child Support Worksheets and Official Child Support Table**

Line 9a. If both parents have the child for more than 131 overnights, then continue the calculation as directed. This is the mathematical figure that will be used to reduce the base support obligation for any overnights greater than 130 that the child(ren) have with the parent who has the child(ren) the lesser number of overnights [U.C.A. 78B-12-208 (3) (b)]. **Otherwise go to Line 10.**

Line 9b. Complete the calculation as directed. This is the combined support obligation as a dollar figure for this parent.

Line 9c. Complete the calculation as directed. This is this parent’s share of the base support obligation as a dollar figure.

Line 10. Designate which parent must pay support and the support amount by completing the calculation as directed. The Base Child Support Award is the amount the obligor pays to the obligee all 12 months of the year. See the Insurance Premium and Child Care Adjustment Worksheet to determine how the insurance premiums and child care expenses may change the amount the obligor pays to the obligee.

Line 11. Designate which parent must pay support.

Line 12. Complete Line 12 to indicate if the amount ordered deviates from the guideline amount in Line 10.

Line 13. Complete Line 13 if the obligor will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table” or the "Low Income Table."
### Worksheet to Determine Father's Obligation to Children in His Present Home

**Civil No. __________________________**

<table>
<thead>
<tr>
<th>OTHER PARENT NAME</th>
<th>FATHER</th>
<th>OTHER PARENT</th>
<th>COMBINED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Enter the # of natural and adopted children of the father and the other parent.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2a.</td>
<td>Enter the father's and other parent's gross monthly income. Refer to Instructions for definition.</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>2b.</td>
<td>Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>2c.</td>
<td>Enter pre-existing ordered child support. (Do not enter obligations ordered for the children in this case.)</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>3.</td>
<td>Subtract Lines 2b and 2c from 2a. This is the Adjusted Monthly Gross Income for child support purposes.</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>4.</td>
<td>Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Combined Support Obligation. Enter it here.</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>5.</td>
<td>Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>6.</td>
<td>Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>7.</td>
<td>Enter the amount of the children's portion of the insurance premium actually paid.</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>8.</td>
<td>Enter the monthly work or training related child care expense for the children in Line 1.</td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

| 9. | Father's Share of Base Child Support Award for the Children in Line 1. Enter the amount for the father from Line 6. | $ |
| 10. | Father's Share of Children's Insurance for the Children in Line 1. Multiply Line 7 by .50, and enter the result here. | $ |
| 11. | Father's Share of Work or Training Related Child Care Expenses for the Children in Line 1. Multiply Line 8 by .50, and enter the result here. | $ |
| 12. | Father's Share of Total Child Support Obligation to the Children in Line 1. Add Lines 9, 10, and 11. This amount may be used to adjust the father's gross income on the sole, split, or joint custody worksheets. | $ |

Access the OCAP Website, or online child support calculator, or download the form.

Appendix 13: Child Support Worksheets and Official Child Support Table
INSTRUCTIONS FOR CHILDREN IN THE FATHER'S HOME WORKSHEET

Use this worksheet to determine the father's obligation for natural or adopted children who live in his home and who are not children of the mother listed on the Sole, Split, or Joint Custody Worksheets (primary worksheets). The father may use this worksheet in modifying an existing child support award, setting a paternity award, or other appropriate circumstances where the father has child support obligations for other children.

Other Parent Name: The other parent may be a current spouse, partner, or an ex-spouse of the father.

Line 1. Enter the number of natural or adopted children of the father and the other parent named on this worksheet. If the father has children in his home by more than one mother, complete a separate WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME for the children of each other parent.

Line 2a. Enter the father's and other parent's gross monthly income. U.C.A. 78B-12-203(1) states: “As used in the guidelines, ‘gross income’ includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from ‘nonmeans-tested’ government programs.” U.C.A. 78B-12-203(2) states: “Income from earned income sources is limited to the equivalent of one full-time 40-hour job.” Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. In the FATHER'S column, enter the monthly alimony amount he is paying to a parent other than the one listed on this worksheet or the primary worksheet. In the OTHER PARENT'S column enter the monthly alimony that father is paying to someone other than the mother listed on this worksheet.

Line 2c. In the FATHER'S column, enter the court ordered child support he is ordered to pay for children other than the children listed on the primary worksheet. In the OTHER PARENT'S column list the amount that mother is ordered to pay for children other than those listed on this worksheet.

Line 7. In the combined column, enter the children's portion of insurance premium that is actually paid. To determine the children's portion divide the total premium by the number of persons covered by the policy and then multiply that number by the number of children listed on this worksheet that are covered by policy.

Line 8. Enter the amount of work-related, reasonable, child care expenses for up to a full-time work week or training schedule.

Line 9. Complete this line as directed.

Line 10. Complete the calculation as directed.

Line 11. Complete the calculation as directed.

Line 12. Enter the amount on this line on Line 2d of the Sole Custody Worksheet, Line 3d of the Split Custody Worksheet or Line 2d of the Joint Custody Worksheet.
### Appendix 13: Child Support Worksheets and Official Child Support Table

(ACCESS THE OCAP WEBSITE, OR ONLINE CHILD SUPPORT CALCULATOR, OR DOWNLOAD THE FORM.)

**IN THE _____________________________ DISTRICT COURT**

________________________________________ COUNTY, STATE OF UTAH

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The Combined Child Support Obligation Table used for calculation is:

- ( ) 78B-12-301(1) and 78B-12-302(1)
- ( ) 78B-12-301(2) and 78B-12-302(2)

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**WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME**

**OTHER PARENT NAME _________________________________**

**MOTHER**

**OTHER PARENT**

**COMBINED**

1. Enter the # of natural and adopted children of the mother and the other parent.

2a. Enter the mother's and other parent's gross monthly income. Refer to Instructions for definition.

2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)

2c. Enter pre-existing ordered child support. (Do not enter obligations ordered for the children in this case.)

3. Subtract Lines 2b and 2c from 2a. This is the Adjusted Monthly Gross Income for child support purposes.

4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Combined Support Obligation. Enter it here.

5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.

6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.

7. Enter the amount of the children's portion of the insurance premium actually paid.

8. Enter the monthly work or training related child care expense for the children in Line 1.

9. **MOTHER'S SHARE OF BASE CHILD SUPPORT AWARD FOR THE CHILDREN IN LINE 1.** Enter the amount for the mother from Line 6.

10. **MOTHER'S SHARE OF CHILDREN'S INSURANCE FOR THE CHILDREN IN LINE 1.** Multiply Line 7 by .50, and enter the result here.

11. **MOTHER'S SHARE OF WORK OR TRAINING RELATED CHILD CARE EXPENSES FOR THE CHILDREN IN LINE 1.** Multiply Line 8 by .50, and enter the result here.

12. **MOTHER'S SHARE OF TOTAL CHILD SUPPORT OBLIGATION TO THE CHILDREN IN LINE 1.** Add Lines 9, 10, and 11. This amount may be used to adjust the mother's gross income on the sole, split, or joint custody worksheets.

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6/09
INSTRUCTIONS FOR CHILDREN IN THE MOTHER'S HOME WORKSHEET

Use this worksheet to determine the mother's obligation for natural or adopted children who live in her home and who are not children of the father listed on the Sole, Split, or Joint Custody Worksheets (primary worksheets). The mother may use this worksheet in modifying an existing child support award, setting a paternity award, or other appropriate circumstances where the mother has child support obligations for other children.

Other Parent Name: The other parent may be a current spouse, partner, or an ex-spouse of the mother.

Line 1. Enter the number of natural or adopted children of the mother and the other parent named on this worksheet. If the mother has children in her home by more than one father, complete a separate WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME for the children of each other parent.

Line 2a. Enter the mother's and other parent's gross monthly income. U.C.A. 78B-12-203(1) states: “As used in the guidelines, ‘gross income’ includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from ‘nonmeans-tested’ government programs.” U.C.A. 78B-12-203(2) states: “Income from earned income sources is limited to the equivalent of one full-time 40-hour job.” Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. In the MOTHER’S column, enter the monthly alimony amount she is paying to a parent other than the one listed on this worksheet or the primary worksheet. In the OTHER PARENT’S column enter the monthly alimony that father is paying to someone other than the mother listed on this worksheet.

Line 2c. In the MOTHER’S column, enter the court ordered child support she is ordered to pay for children other than the children listed on the primary worksheet. In the OTHER PARENT’S column list the amount that father is ordered to pay for children other than those listed on this worksheet.

Line 7. In the combined column, enter the children's portion of insurance premium that is actually paid. To determine the children's portion divide the total premium by the number of persons covered by the policy and then multiply that number by the number of children listed on this worksheet that are covered by policy.

Line 8. Enter the amount of work-related, reasonable, child care expenses for up to a full-time work week or training schedule.

Line 9. Complete this line as directed.

Line 10. Complete the calculation as directed.

Line 11. Complete the calculation as directed.

Line 12. Enter the amount on this line on Line 2d of the Sole Custody Worksheet, Line 3d of the Split Custody Worksheet or Line 2d of the Joint Custody Worksheet.
## INSURANCE PREMIUM AND CHILD CARE ADJUSTMENT WORKSHEET

**INSURANCE ADJUSTMENT**

Use this section of the worksheet to calculate how the children's medical insurance premium expenses change the amount the obligor pays to the obligee.

*If the OBLIGOR parent is ordered to maintain medical insurance for the children complete this section.*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Enter the amount of the children's portion of the medical insurance premium actually paid by the obligator.</td>
<td>$</td>
</tr>
<tr>
<td>B. Multiply Line A. by .50 to obtain the obligee's share of the premium.</td>
<td>$</td>
</tr>
<tr>
<td>C. Subtract the amount in Line B. from the base child support award to obtain the amount the obligor pays to the obligee for the months the premium is actually paid. Enter the result here.</td>
<td>$</td>
</tr>
</tbody>
</table>

*If the OBLIGEE parent is ordered to maintain medical insurance for the children complete this section.*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Enter the amount of the children's portion of the medical insurance premium actually paid by the obligee.</td>
<td>$</td>
</tr>
<tr>
<td>E. Multiply Line D. by .50 to obtain the obligor's share of the premium.</td>
<td>$</td>
</tr>
<tr>
<td>F. Add the amount in Line E. to the base child support award to obtain the amount the obligor pays to the obligee for the months the premium is actually paid.</td>
<td>$</td>
</tr>
</tbody>
</table>

*No credit or offset is allowed unless the premium is actually paid. If the premium is not paid, the obligor must pay the amount of the base child support award.*

**CHILD CARE ADJUSTMENT**

Use this section of the worksheet to calculate how the children's child care expenses change the amount the obligor pays to the obligee.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>G. Enter the average amount of monthly child care expense actually paid by the obligee.</td>
<td>$</td>
</tr>
<tr>
<td>H. Multiply Line G. by .50 to obtain the obligor's share of the child care expense. Enter the result here. Complete box I, J, or K below.</td>
<td>$</td>
</tr>
<tr>
<td>I. If neither parent is maintaining insurance, add the amount in Line H. to the base child support award to obtain the amount the obligor pays to the obligee for the months the child care expense is incurred. Enter the result here.</td>
<td>$</td>
</tr>
<tr>
<td>J. If the obligor is maintaining insurance, add the amount in Line H. to the amount in Line C. to obtain the amount the obligor pays to the obligee for the months the child care expense is incurred. Enter the result here.</td>
<td>$</td>
</tr>
<tr>
<td>K. If the obligee is maintaining insurance, add the amount in Line H. to the amount in Line F. to obtain the amount the obligor pays to the obligee for the months the child care expense is incurred. Enter the result here.</td>
<td>$</td>
</tr>
</tbody>
</table>
INSTRUCTIONS FOR THE INSURANCE PREMIUM AND CHILD CARE ADJUSTMENT WORKSHEET

Line A. Enter the children's portion of the medical insurance premium actually paid by the obligor. Obtain this figure by dividing the premium amount actually paid by the obligor by the number of persons covered by the policy and then multiplying that number by the number of children in this case covered by the policy.

Line B. Complete the calculation as directed.

Line C. Complete the calculation as directed. The base child support award is found on line 7 of the sole custody worksheet, line 10 of the split custody worksheet and line 11 on the joint custody worksheet.

Line D. Enter the children's portion of the medical insurance premium actually paid by the obligee. Obtain this figure by dividing the premium amount actually paid by the obligee by the number of persons covered by the policy and then multiplying that number by the number of children in this case covered by the policy.

Line E. Complete the calculation as directed.

Line F. Complete the calculation as directed. The base child support award is found on line 7 of the sole custody worksheet, line 10 of the split custody worksheet and line 11 on the joint custody worksheet.

Line G. Enter the average amount of monthly child care expense actually paid by the obligee for the children in this case.

Line H. Complete the calculation as directed.

Line I. Complete the calculation as directed. The base child support award is found on line 7 of the sole custody worksheet, line 10 of the split custody worksheet and line 11 of the joint custody worksheet.

Line J. Complete the calculation as directed.

Line K. Complete the calculation as directed.
Appendix 13: Child Support Worksheets and Official Child Support Table

78B-12-301 Base combined child support obligation table -- Both parents.

The table in this section shall be used to:
1. establish a child support order entered for the first time on or after January 1, 2008;
2. modify a child support order entered for the first time on or after January 1, 2008;
3. modify a temporary judicial child support order established on or before December 31, 2007, if the new order is entered on or after January 1, 2008; or
4. modify a final child support order entered on or before December 31, 2007, if the modification is made on or after January 1, 2010.

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Appendix 13: Child Support Worksheets and Official Child Support Table

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## Appendix 13: Child Support Worksheets and Official Child Support Table

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### Appendix 13: Child Support Worksheets and Official Child Support Table

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| 7,801 - 7,900 | 910  | 1,439 | 1,639 | 1,828 | 2,011 | 2,188 |
| 7,901 - 8,000 | 915  | 1,442 | 1,642 | 1,831 | 2,014 | 2,192 |
| 8,001 - 8,100 | 921  | 1,445 | 1,646 | 1,835 | 2,018 | 2,196 |
| 8,101 - 8,200 | 926  | 1,448 | 1,649 | 1,838 | 2,022 | 2,200 |
| 8,201 - 8,300 | 933  | 1,451 | 1,652 | 1,842 | 2,026 | 2,204 |
| 8,301 - 8,400 | 938  | 1,454 | 1,655 | 1,845 | 2,029 | 2,208 |
| 8,401 - 8,500 | 944  | 1,460 | 1,661 | 1,852 | 2,037 | 2,216 |
| 8,501 - 8,600 | 949  | 1,475 | 1,678 | 1,871 | 2,058 | 2,240 |
| 8,601 - 8,700 | 954  | 1,491 | 1,696 | 1,891 | 2,080 | 2,263 |
| 8,701 - 8,800 | 960  | 1,506 | 1,714 | 1,911 | 2,102 | 2,287 |
| 8,801 - 8,900 | 965  | 1,522 | 1,732 | 1,931 | 2,124 | 2,311 |
| 8,901 - 9,000 | 971  | 1,537 | 1,749 | 1,951 | 2,146 | 2,334 |
| 9,001 - 9,100 | 976  | 1,553 | 1,767 | 1,970 | 2,167 | 2,358 |
| 9,101 - 9,200 | 983  | 1,568 | 1,785 | 1,990 | 2,189 | 2,382 |
| 9,201 - 9,300 | 988  | 1,584 | 1,803 | 2,010 | 2,211 | 2,405 |
| 9,301 - 9,400 | 994  | 1,599 | 1,820 | 2,030 | 2,233 | 2,429 |
| 9,401 - 9,500 | 999  | 1,614 | 1,838 | 2,049 | 2,254 | 2,453 |
| 9,501 - 9,600 | 1,004 | 1,630 | 1,856 | 2,069 | 2,276 | 2,477 |
| 9,601 - 9,700 | 1,010 | 1,645 | 1,874 | 2,089 | 2,298 | 2,500 |
| 9,701 - 9,800 | 1,015 | 1,661 | 1,891 | 2,109 | 2,320 | 2,524 |
| 9,801 - 9,900 | 1,021 | 1,673 | 1,905 | 2,124 | 2,336 | 2,542 |
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| 10,001 - 10,100| 1,033 | 1,694 | 1,928 | 2,150 | 2,365 | 2,573 |
| 10,101 - 10,200| 1,039 | 1,704 | 1,940 | 2,163 | 2,379 | 2,589 |
| 10,201 - 10,300| 1,045 | 1,715 | 1,951 | 2,176 | 2,394 | 2,604 |
| 10,301 - 10,400| 1,051 | 1,725 | 1,963 | 2,189 | 2,408 | 2,620 |
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## Appendix 13: Child Support Worksheets and Official Child Support Table

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### Appendix 13: Child Support Worksheets and Official Child Support Table

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### Appendix 13: Child Support Worksheets and Official Child Support Table

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Renumbered and Amended by Chapter 3, 2008 General Session  
Amended by Chapter 37, 2008 General Session