
Name

Address

City, State, Zip

Phone

Email

If you do not respond to this document within applicable time limits, judgment could be entered against you as requested.

Check your email. You will receive information and documents at this email address.

I am Petitioner Respondent
 Petitioner's Attorney Respondent's Attorney (Utah Bar #: _____)
 Petitioner's Licensed Paralegal Practitioner
 Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of (select one)

- the Marriage of (for a divorce with or without children, annulment, separate maintenance, or temporary separation case)
- the Children of (to establish custody, parent-time or child support)
- the Parentage of the Children of (for a paternity case)

(name of Petitioner)

and

(name of Respondent)

Other parties (if any)

**Petition to Modify Child Custody,
Parent-time and Child Support**
(Utah Rule of Civil Procedure 106)

and Stipulation

Case Number

Judge

Commissioner

I ask the court to modify the child custody, parent-time and child support orders as follows.

1. **Controlling order**

The order controlling child custody, parent-time and child support is:

Title of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	

2. **Controlling custody order**

(Required.)

I have attached a copy of the current order.

3. **Jurisdiction (Authority to Modify Order)**

(Note: an order could be registered in another state, but that does not always mean the other state has jurisdiction to modify or change the order.)

The children reside:

Child's name	Where child resides (state or country)	Lived there more than 6 months?
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

The petitioner resides in: _____ (state or country).

The respondent resides in: _____ (state or country).

The controlling order was issued by (Choose one.):

a Utah court, and
(Choose all that apply.)

jurisdiction **has never** been transferred to another state.

That court has always maintained the case

No other court has ever expressed a willingness to change the order

Jurisdiction has always remained with this court.

jurisdiction **has** been transferred to another state.

Name of court: _____ Date transferred: _____

other (Describe what has happened with the order):

OR

a non-Utah court, and
(Choose all that apply.)

jurisdiction **has never** been transferred to Utah.

jurisdiction **has** been transferred to Utah. Date: _____.

the order **has** been registered in Utah for enforcement purposes only.

there is substantial evidence in Utah about the children's care,
protection, training, and personal relationships.

other courts have made a decision about jurisdiction and a copy of that
order is attached to this petition.

other (Describe what has happened with the order):

4. Relationship to children

I am the (Choose all that apply.):

person who pays child support.

person who receives child support.

I am

the mother of

the father of

the legal guardian or legal custodian of

a person who has been acting as a parent (Utah Code 30-5a-103) to

the children listed below.

5. Minor children

There are _____ (number) minor children included in the controlling order.

Child's name (first, middle and last)	Child's gender	Month and year of birth

6. Current living arrangement

The children are currently living (Choose one.):

as stated in the controlling order.

as described below:

Child's name	Address (street, city, state, ZIP)	Name(s) of person(s) who live with child at this address	Relation- ship(s) to child

7. Minor children's residence (Utah Code 78B-13-209)

The minor children have lived at the following addresses with the persons listed below for the past five years:

(Add additional pages if needed.)

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relation- ship(s) to child

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

8. **People claiming custody or parent-time** (Utah Code 78B-13-209)

The following people other than petitioner and respondent claim a right to custody or parent-time with the children:

Name of Person	Current Address	Claims
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time

9. **Other cases** (Utah Rule of Civil Procedure 100)

There are no other cases that involve(d) the children or this case.

The following cases involve(d) the children or this case:

(Include pending or closed, civil or criminal, in this court or in any other court, in this state or in any other state. Each party has a continuing duty to notify the court of any case (past, current, or future) that could affect this case.)

Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

Court (Name, address, and phone number)	
--	--

Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

10. **Pre-filing dispute resolution** (Utah Code 30-3-10.4(1)(c))

(Choose one.)

- The other party agrees with the petition.
- Dispute resolution was not required because this petition seeks to modify a court order that does not provide for joint legal custody or joint physical custody.
- Both parents have complied in good faith with the dispute resolution process but we did not reach an agreement.
- The parties have not yet used a dispute resolution process.

11. **Controlling parent-time order**

The parent-time schedule in the controlling order is (Choose one.):

- according to the attached statutory parent-time schedule.
- described in the attached controlling Parenting Plan.
- described as follows in the controlling order (Quote the order exactly.):

Child Custody

12. **Change in circumstances** (Utah Code 30-3-10.4)

The following material and substantial change in circumstances occurred since the controlling order was entered:

(Describe in detail the material and substantial changes (important and major changes). Attach additional pages if needed.)

13. **Proposed custody order**

A joint physical or legal custody arrangement requires a separate Parenting Plan.

A joint physical custody arrangement may result in denial of cash assistance. (Employment Support Act, Utah Code 35A-3-101 et seq.)

I ask for the following change in the custody order:

Child's Name	Month and Year of Birth	Order physical custody to	Order legal custody to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

Other Custody Arrangement (Describe in detail.):

Parent-time

14. Parent-time schedule

I ask the court to order parent-time as 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)
 - Relocation (Utah Code 30-3-37)
- Parent-time described in the filed or attached Parenting Plan.
- Other parent-time schedule (Describe in detail.):

15. Parent-time transfers

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time as 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.):

Parent-time transportation costs

16. I ask parent-time transportation costs be divided as follows (Choose one):

Relocation statute (Utah Code 30-3-37(12)).

Other costs divided as follows (Attach additional pages if needed.):

17. I ask reimbursement of transportation costs be done as follows: (Choose one.)

The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

Other provisions regarding reimbursement as follows (Attach additional pages if needed.):

18. **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.

19. **Travel costs.**

(Check this box and complete this section only if you are asking for a change in travel costs.)

I ask the court to order travel cost payments for parent-time transfers as follows
(Choose one.):

as we agree in the attached Parenting Plan.

as proposed in my attached Parenting Plan.

each party is responsible for their own travel costs.

_____% by the Petitioner and _____% by the Respondent.

The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

Other:

20. **Relocation of a parent**

(Check this box and complete this section only if you are asking for a change in relocation terms.)

I ask the court to order:

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:

21. **Best interest** (Utah Code 30-3-10 and 30-3-10.4)

It is in the best interest of the children to change custody and parent-time because (Explain in detail.):

Child Support

22. Child support – reasons to modify

I ask that child support be modified because (Choose all that apply.):

- The 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.

- There are one or more material changes that affect the child support calculation. I used the child support worksheet and there is a difference of 15% or more from the current support order. The difference is not temporary. There is a change (Choose all that apply.):
 - in custody.
 - in the relative wealth or assets of the parties.
 - of 30% or more in the income of a parent.
 - in the employment potential and ability of a parent to earn.
 - in the medical needs of the child.
 - in the legal responsibilities of a parent for the support of others.

(Utah Code 78B-12-210(9))

- _____ (child’s name) is emancipated.

- there has been a change:
(At least one must apply, but choose all that do apply.)
 - in the availability, coverage, or reasonableness of cost of health care insurance of the payor payee;
 - in work-related or education-related child care expenses of the payor payee.

23. Current child support order

The controlling order directs petitioner respondent to pay \$ _____ each month for child support.

24. **Proposed child support**

I ask the court to modify child support based on the parties' incomes or estimated income based on ability or work history.

a. **Petitioner's Income**

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 income**

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. **Child support worksheets**

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

d. Statement of compliance with child support guidelines

(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:

e. Effective Date

Child support should be effective (Choose one.):

the first day of the month following entry of the Order on Petition to Modify.

as of: _____ (date).

f. Method of payment

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

Mandatory income withholding by the Office of Recovery Services (ORS). Unless ORS gives notice that payments should be sent elsewhere, all child support payments should be made to:

Office of Recovery Services
PO Box 45011
Salt Lake City, UT 84145

Direct payments to the parent receiving child support by (Choose one.):

Check

Deposit in bank account

Cashier's check or money order

Other: _____

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

g. **Payment schedule**

Child support payments must be paid by the following due date (Choose one.):

- One half by the 5th day of each month, and the other half by the 20th day of each month.
- Other:
-
-

h. **Delinquent payments**

Child support not paid by the due date is delinquent the next day.

i. **Past-due child support**

The issue of past-due child support may be decided by further judicial or administrative process.

If support is past due, the State of Utah may take federal or state tax refunds or rebates and apply the amounts to the child support owed.

25. **Child care expenses** (Utah Code 78B-12-214)
(Check this box and complete this section only if you are asking to change payment of child care costs.)

I ask the court to order:

- Both parties share equally all 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 does not provide written verification of child care, 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:

Other Support

26. **Health insurance, medical and dental expenses** (Utah Code 78B-12-212)

(Check this box and complete this section only if you are asking for a change in health insurance coverage.)

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 petitioner respondent to maintain health insurance for our minor children. Both parties must share equally:

- the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium should 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
- 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:

I ask for these additional orders regarding health insurance and medical and dental expenses:

27. **Claiming children as dependents/exemptions for tax purposes** (Utah Code 78B-12-217)

(Choose one.)

_____ (name)
will claim the children as dependents/exemptions for tax purposes.

_____ (name)
will claim the children as dependents/exemptions for tax purposes in
even years, and

_____ (name) will

claim the children as dependents/exemptions for tax purposes in **odd years**.

claiming children as dependents/exemptions for tax purposes will be divided as follows:

Child's name	Month and year of birth	Parent who will claim child as dependent / exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

Other:

28. **Attorney fees and costs**

I ask the court to order the other party pay my attorney fees and costs.

29. **Other**

I ask the court for these additional orders:

I ask for these additional orders because:

30. **Remainder of order unchanged**

The remainder of the order should remain unchanged.

31. **Declaration about child support services** (Utah Code 78B-12-113(2)(b))
(Child support services include establishing, modifying or enforcing child support, or establishing paternity.)

The Office of Recovery Services (Choose one.):

has never provided child support services for any child listed in paragraph 5.

has or is providing child support services for any child listed in paragraph 5.
I will serve on the Attorney General:

- a copy of this petition, and
- the Stipulation to the petition, if any, and
- Notice to Child Support Division of the Office of the Attorney General and Request to Join

32. **Documents**

I am filing the following documents along with this Petition to Modify Child Custody, Parent-time and Child Support:

(Check all that apply. Forms can be found at www.utcourts.gov.)

Cover Sheet

Summons

Non-public Information – Parent Information and Location

Non-public Information – Minors

Non-public Information – Safeguarded Address (if applicable)

Notice of Disclosure Requirements in Domestic Relations Cases

Notice to Child Support Division of the Office of the Attorney General and Request to Join (if applicable; also serve on the Attorney General)

Child Support Obligation Worksheet

Parenting Plan (Required if joint custody is requested.)

Petitioner or Respondent

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 _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Signature ► _____

Date _____ Printed Name _____

Stipulation (optional)

I am the [] petitioner [] respondent and the party responding to this Petition to Modify Child Custody, Parent-time and Child Support.

1. I have received and read the petition and its supporting documents.
2. I understand what the petition requests.
3. I understand I have the right to contest the petition by filing an answer, and have the court decide the issues.
4. I waive service of the Summons.
5. I agree this court has the authority to decide this matter and I enter my appearance for that purpose.
6. I agree to the requests in the petition.
7. I agree the court may enter an order of modification consistent with the petition at any time and without further notice.

Petitioner or Respondent

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 _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____