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**IN THE FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR UTAH COUNTY, STATE OF UTAH**

Court Address: 137 North Freedom Boulevard, Provo, Utah 84601

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In the Matter of the Marriage of

JESSICA MORGAN,

*Petitioner*

and

KENETH ISABIRYE

*Respondent*

**DIVORCE DECREE**

Case No. 254403179

Judge: Kasey L Wright

Commissioner: Marla Snow

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This matter came before the Court on a Petition for Divorce filed by JESSICA MORGAN (“**Petitioner**”), against KENETH ISABIRYE (“**Respondent**”). The Court having reviewed the pleadings and having entered its Findings of Fact and Conclusions of Law, for good cause appearing, ORDERS, JUDGES, and DECREES as follows:

The parties are hereby granted a divorce, and their marriage is hereby dissolved upon the entry of this Decree, on the ground that the parties have experienced irreconcilable differences in the marriage, rendering the continuation of the marriage impossible.

#### **FACTS RE: MARRIAGE AND SEPARATION**

1. The parties were married on August 17th, 2019 in Jinja, Uganda and are currently husband and wife. The parties separated on December 16th, 2023.

#### **CHILDREN**

2. The parties are parents to one minor child, namely G.L.I. a male child born December 25th, 2021.

#### **CUSTODY AND PARENT-TIME**

3. The Petitioner should be awarded sole physical and legal custody of the minor child.
4. The Respondent should be awarded supervised parent-time at Petitioner’s discretion.
5. The Respondent should have telephone or virtual parent-time with the minor child to be arranged through a third party and facilitated by Petitioner’s mother and/or father.
6. All communications regarding the child with the respondent will be facilitated by the petitioner's mother or father.

7. The Respondent should have to pay for reunification therapy if he wants to restore his relationship with the child.

#### **MUTUAL RESTRAINT**

8. Both parents shall encourage the children's relationship with the other parent.

9. Neither parent shall belittle, disparage, or speak negatively about the other parent in the minor children's presence.

10. Both parents shall ensure that third parties do not belittle, disparage, or speak negatively about the other parent in the minor children's presence.

11. Both parents are restrained from bothering, annoying, harassing or committing any kind of violence or stalking against the other parent.

12. Neither parent shall manipulate the child to try to get the other parent to do something.

13. Neither parent shall use the child as a messenger to pass messages to the other parent.

#### **CHILD SUPPORT**

14. Jessica earns a gross monthly income of \$2,500 per month working as a lactation specialist.

15. Kenneth's employment is unknown but he is capable of earning a gross income of \$200 per month, which should be imputed to him for child support purposes.

16. The parties' base child support obligations should be based upon the parties' gross monthly incomes as set forth in the paragraphs above, and the sole custody child support

worksheet. Based on the parties' incomes and the sole custody worksheet, the Respondent should be ordered to pay to the Petitioner child support in the amount of \$30 per month.

a. Child support payments shall begin the month immediately following the entry of the order for child support.

b. When a child becomes 18 years old or graduates from high school during the child's normal and expected year of graduation, whichever occurs later, or if the child dies, marries, becomes a member of the armed forces of the United States, or is emancipated in accordance with Title 80, Chapter 7, Emancipation, the base child support award is automatically adjusted to the base combined child support obligation for the remaining number of children due child support, shown in the table that was used to establish the most recent order, using the incomes of the parties as specified in that order or the worksheets, unless otherwise provided in the child support order. The award may not be reduced by a per child amount derived from the base child support award originally ordered.

c. Under Utah Code § 81-6-212(5), the parties have a right to adjust this child support order by motion after three years from the date of its entry if: (1) upon review there is a difference of 10% or more between the amount previously ordered and the new amount of child support under the Utah child support guidelines, calculated using the appropriate child support worksheet, (2) the difference is not of a temporary nature, and (3) the amount previously ordered does not deviate from the child support guidelines. Under Utah Code 62A-11-306.2, if the children receive TANF funds at the time an

adjustment is sought, the Office of Recovery Services shall review the order, and if appropriate, move the court to adjust the amount.

d. Under Utah Code §§ 81-6-212 (3) and (4), the parties have a right to modify this child support order at any time by petition if there has been a substantial change in circumstances because of: (1) material changes in custody; (2) material changes in the relative wealth or assets of the parties; (3) material changes of 30% or more in the income of a parent; (4) material changes in the employment potential and ability of a parent to earn; (5) material changes in the medical needs of the child; or (6) material changes in the legal responsibilities of either parent for the support of others. The change in (1) through (6) must result in a 15% or more difference between the amount previously ordered and the new amount of child support, calculated using the appropriate child support worksheet, and the difference must not be of a temporary nature. In a proceeding to modify an existing award, consideration of natural or adoptive children other than those in common to both parties may be applied to mitigate an increase in the child support award but may not be applied to justify a decrease in the award.

#### **TAX BENEFITS FOR DEPENDENT CHILDREN**

17. Jessica should have the right to claim the child for state and federal income tax purposes.

#### **CHILDREN'S MEDICAL EXPENSES**

18. Pursuant to Utah Code Section 81-6-208, the Petitioner should continue to maintain insurance for the medical expenses, dental and vision of the minor child, so long as it is available

to her at a reasonable price through their employers. Petitioner will pay for all of the child's medical expenses.

### **CHILD CARE EXPENSE**

19. Pursuant to Utah Code Section 81-6-209, Petitioner shall pay for the child's reasonable work-related childcare expenses of the parents.

### **ASSET/DEBT DIVISION**

#### **Personal Property**

20. The personal property acquired during the marriage should be awarded as it has already been divided.

#### **Vehicles**

21. Each party should be awarded the vehicle in his or her own possession, free and clear of any claim of the other party.

#### **Debts**

22. Each party should be solely responsible for the debt they incurred individually in his or her own name and since the time of the parties' separation. Each party should be ordered to indemnify and hold the other party harmless from the debt which they are ordered to pay.

23. Each party should be equally, 50/50, responsible for any joint debts, including but not limited to medical debts for the children. Each party should indemnify and hold the other party harmless from his or her one-half share of such debt.

24. The Petitioner is aware of no joint debts. Shall joint debts be later discovered; it is just and proper that the person responsible for incurring the debt shall be responsible for paying

it. Furthermore, the parties shall hold the other harmless in the event of their refusal in payment of any joint obligation.

25. If either party is obligated on a joint-secured debt, the payment of that debt must remain current. In the event that a payment is not paid in a timely manner, the secured asset must be placed immediately on the market for sale in order to protect the joint debtors. A party who makes payment on a delinquent debt in order to protect his or her credit rating, may seek reimbursement of the payment of that debt in addition to interest and attorney's fees from the other party.

26. Pursuant to Utah Code §§ 15-4-6.5, 30-2-5, and 30-3-5(1)(c)(ii), the parties shall notify respective creditors or obliges, regarding the court's division of debts, obligations, or liabilities and regarding the parties separate, current addresses.

#### **Retirements**

27. There are no retirement accounts that need to be divided.

#### **Financial Accounts**

28. Each party should be awarded the financial accounts in his or her own name, free and clear of any claim of the other party.

#### **Real Estate**

29. The parties do not own any real estate.

#### **ALIMONY**

30. Each party is able-bodied and capable of fully supporting himself or herself and neither party should be awarded any alimony, past, present or future.

### **MISCELLANEOUS**

31. Each party should pay his or her own attorney fees incurred in this matter, unless the Respondent contests this matter unreasonable, in which case, Respondent should be responsible for Petitioner's reasonable attorney fees.

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

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

**End of Document – Court's Signature Appears at top of First Page**

**Respectfully submitted by:**

**ROBERTSON ALGER & SPJUTE**

/s/ Travis J. Robertson

TRAVIS J. ROBERTSON, ESQ.

*Attorney for Petitioner*



