

Name: Amber L. Randall
Address: 6182 W. 10550 N.
Highland, Utah 84003
Phone: 801-756-6116

FILED 2-25-03
Fourth Judicial District Court
Online Court Assistance Program
ANGELA E. SMITH, Clerk
Deputy

IN THE FOURTH JUDICIAL DISTRICT COURT
OF UTAH COUNTY, STATE OF UTAH

Amber L. Randall,
Petitioner,

vs.

Justin T. Randall,
Respondent.

**DECREE OF DIVORCE
AND JUDGMENT**

Case No.

0344-00176

Judge:

The above-entitled matter came on before the court on Petitioner's Affidavit for Entry of Divorce Decree in accordance with Rule 4-913 Code of Judicial Administration. The parties have completed the class entitled, "Shared Parenting for Divorcing Parents" or have a signed order waiving the class on file with the court. The Court, having found and entered its Findings of Fact and Conclusions of Law and being otherwise fully advised, it is hereby,

ORDERED, ADJUDGED AND DECREED:

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

1. All personal property should be divided as the parties have already divided it.
2. During the course of the marriage, the parties have acquired certain debts and obligations. Each party is ordered to assume and pay the debts and hold the other harmless from liability as follows:

To Whom Debt is Owed	Description of Debt	Debt Becomes Sole Responsibility of
mac tools	tools	Respondent
Family First Federal Credit Union, P.O. Box 1750, Orem, Utah	Suburban Loan# 304794001	Respondent
Bank of American Fork , P.O. Box 307, American Fork, Utah	Signature Loan#30207005	Respondent
Family First Credit Union, P.O. Box 1750, Orem, Utah	Car Loan# 304794-9002	Respondent

All other debts are the responsibility of the person incurring the debt.

3. The parties did not acquire any real property during the marriage.
4. It is reasonable that the Petitioner be awarded a sum of not less than \$100 per month as alimony from the Respondent. This alimony shall terminate upon Petitioner's remarriage, cohabitation, or on 07/31/2006.
5. The parties have acquired no interest in any pension or profit sharing plan during the course of the marriage.

6.1 There has/have been 3 child(ren) born of this marriage:

CHILDREN BORN OF THIS MARRIAGE	
NAME	DATE OF BIRTH
Travis A. Randall	11/17/1998
Tyler J. Randall	06/19/2000
Tayli M. Randall	10/18/2001

6.2 It is fair and reasonable that both parents be awarded the joint legal custody of the minor children, but the Petitioner shall be awarded the primary physical custody of the children, subject to the Respondent's right to parent-time with the children at reasonable times and places.

Pursuant to Utah Code Ann. § 30-3-10.1 et seq., the following parenting plan is proposed by Petitioner:

- a. The parents will discuss with each other and mutually decide the significant decisions regarding the child(ren), including, but not limited to, the child(ren)'s education, health care, and religious upbringing. Either parent may make emergency decisions regarding the health or safety of the child(ren).
- b. Any parental duties or rights not specifically addressed in this plan should be discussed and mutually decided by both parents.
- c. Should the parties have a dispute regarding parenting of the child(ren), the Petitioner will make the final decision.
- d. Should either parent feel that a decision made under paragraphs a, b and c above is contrary to the best interests of the child(ren), that parent may arrange for mediation of the matter through a mutually agreed upon mediator or mediation service. Should the parties be unable to agree upon a mediator or mediation service, the parent requesting mediation will arrange for mediation through a court-approved mediation service. A written record shall be prepared of any agreement reached in mediation and a copy provided to each party. The parent requesting mediation is responsible for the costs of mediation, unless no agreement is reached in the mediation process, in which case the parents shall share the costs of mediation equally. No dispute may be presented to the Court in this matter without a good faith attempt by both parents to resolve the issue through mediation. If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court may award attorney's fees and financial sanctions to the prevailing parent. The Court has the right of review from the mediation process.
- e. In addition to the terms set out in paragraphs a. through d. above, Petitioner proposes that the following provisions be part of the parties' parenting plan. Petitioner feels the

provisions are in the best interest of the parties' child(ren) and should be ordered as part of this parenting plan:

f. If a parent fails to comply with a provision of this parenting plan, the other parent's obligations under the parenting plan are not affected.

g. This parenting plan is filed by Petitioner in good faith and Petitioner believes the plan is in the best interests of the parties' child(ren).

Reasonable parent-time should be as the parties agree. If the parties do not agree, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the child shall be entitled:

FOR CHILDREN UNDER 5 MONTHS OF AGE:

- Weekly:** Six hours of parent-time per week, specified by the court or the noncustodial parent preferably, divided into three parent-time periods and to take place in the custodial home, established child care setting or other environment familiar to the child.
- Holidays:** Two (2) hours on the holidays indicated on Holiday Schedule below, to take place preferably in the custodial home, established child care setting or other environment familiar to the child.

FOR CHILDREN 5 MONTHS TO UNDER 10 MONTHS OF AGE:

- Weekly:** Nine hours of parent-time per week, specified by the court or the noncustodial parent preferably, divided into three parent-time periods and to take place in the custodial home, established child care setting or other environment familiar to the child.
- Holidays:** Two (2) hours on the holidays indicated on Holiday Schedule below, to take place preferably in the custodial home, established child care setting or other environment familiar to the child.

FOR CHILDREN 10 MONTHS TO UNDER 18 MONTHS OF AGE:

- Weekly:** One 8 hour visit per week to be specified by the noncustodial parent or the court; and
One 3 hour visit per week to be specified by the noncustodial parent or the court.
- Holidays:** Eight (8) hours on the holidays indicated on Holiday Schedule below, and
- Telephone contact:** Brief phone contact with noncustodial parent at least two times per week.

FOR CHILDREN 18 MONTHS TO UNDER 3 YEARS OF AGE:

Midweek: One weekday evening between 5:30 - 8:30 p.m. to be specified by the noncustodial parent or the court with transfer of the child to take place at a designated location.

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

Holiday Parent-time: Holidays as specified on Holiday Schedule below.

Extended Parent-time: Two (2) one-week periods, separated by at least four weeks, at the option of the noncustodial parent;

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

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

Telephone contact: Brief phone contact with noncustodial parent at least two times per week.

FOR CHILDREN 3 YEARS TO UNDER 5 YEARS OF AGE:

Midweek: One weekday evening from 5:30 - 8:30 p.m. to be specified by the noncustodial parent or court with transfer of the child to take place at a designated location.

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

Holiday Parent-time: Holidays as specified on Holiday Schedule below.

Extended Parent-time: Two (2) two-week periods, separated by at least four weeks, at the option of the noncustodial parent;

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

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

Telephone contact: Shall be at reasonable hours and for reasonable duration.

FOR CHILDREN 5 YEARS TO 18 YEARS OF AGE:

Midweek: One weekday evening to be specified by the noncustodial parent or the court from 5:30 - 8:30 p.m.

Alternate Weekends: Beginning on the first weekend after the entry of the decree from

6:00 p.m. on Friday until 7:00 p.m. on Sunday continuing each year.

Holiday Parent-time: Holidays as specified on Holiday Schedule below.

Extended Parent-time: With the noncustodial parent may be up to four weeks consecutive at the option of the noncustodial parent;

- a. two weeks shall be uninterrupted time for the noncustodial parent;
- b. the remaining two weeks shall be subject to parent-time for the custodial parent consistent to these guidelines; and
- c. the custodial parent shall have an identical two-week period of uninterrupted time during the children's summer vacation from school for purposes of vacation.

If the child is enrolled in **year-round school**, the noncustodial parent's extended parent-time shall be $\frac{1}{2}$ of the vacation time for year-round school breaks, provided the custodial parent has holiday and phone visits; Notification of extended parent-time or vacation weeks with the child shall be provided at least 30 days in advance to the other parent.

Telephone contact: Shall be at reasonable hours and for reasonable duration.

HOLIDAY SCHEDULE FOR NONCUSTODIAL PARENTS

- Holidays take precedence over the weekend parent-time, and changes shall not be made in the regular rotation of the alternating weekend parent-time schedule.
- If a holiday falls on a regular scheduled school day, the noncustodial parent shall be responsible for the child's attendance at school for that school day.
- 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 is entitled to this lengthier holiday period.

Odd Numbered Years

Child's birthday, on the day before or after the actual birthdate from 3 p.m. to 9 p.m.

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

Human Rights Day - 6 p.m. the day before until 7 p.m. on the holiday

Easter – from 6 p.m. Fri. until Sun. 7 p.m. unless holiday extends for lengthier period of

Even Numbered Years

Child's birthday on the actual birthdate from 3 p.m. to 9 p.m.

Presidents Day – from 6 p.m. day before until 7 p.m. on the holiday

July 4th – from 6 p.m. day before until 11:00 p.m. on the holiday

time to which parent is completely entitled

Memorial Day – from 6 p.m. Fri. until Mon. 7 p.m. unless holiday extends for lengthier period of time to which parent is completely entitled

July 24th – from 6 p.m. day before until 11 p.m. on the holiday

Veterans Day – from 6 p.m. the day before until 11 p.m. on the holiday

Labor Day – from 6 p.m. Fri. until Mon. at 7 p.m. unless the holiday extends for lengthier period of time to which parent is entitled

UEA weekend (Fall break) – from 6 p.m. Wed. until Sun. 7 p.m. unless holiday extends for lengthier period of time to which parent is entitled

Columbus Day – from 6 p.m. day before until 7 p.m. on the holiday

Thanksgiving – from Wed. 7 p.m. to Sun. 7 p.m.

Christmas School Vacation: means the time period beginning on the evening the child gets out of school for the Christmas school break until the evening before the children return to school, except for Christmas Eve, Christmas Day and New Year's Day:

Christmas - first portion of school vacation plus Christmas Eve and Christmas Day until 1 p.m. so that entire holiday is equally divided

Christmas Vacation - second portion of school vacation plus Christmas day from 1 p.m. until 9 p.m. the day before children return to school so that entire holiday is equally divided

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

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

The Petitioner would like to alter the Standard Parent-time schedule in the following way for the following reasons: *Every other weekend for all three children, for 2 nights. Friday night and Saturday night. When Justin is done with school, one week-day night a week. Also any other time that sufficient notice has been given.*

6.3 The Petitioner is underemployed or unemployed but is capable of working at a job which would pay \$5.15 per hour based upon Petitioner's work experience during the period of the parties' marriage and income should be attributed to the Petitioner in the amount of \$893.00 per month.

6.4 The Respondent is employed at Triple R Restoration and grosses \$3467.00 per month.

6.5 Pursuant to U.C.A. § 78-45-7 et seq. (1953 as amended) it is reasonable and proper that the Respondent be ordered to pay to the Petitioner as and for child support:

a. A sum of not less than \$885.60 per month as base support for the minor children of the parties, pursuant to the Uniform Child Support Guidelines until said children become 18 years of age, or have graduated from high school during the children's normal and expected year of graduation, whichever occurs later.

b. The Petitioner shall be entitled to mandatory income withholding relief pursuant to U.C.A. § 62A-11 parts 4 and 5 (1953 as amended), and any Federal and State tax refunds or rebates due the Respondent may be intercepted by the State of Utah and applied to existing child support arrearages. This income withholding procedure should apply to existing and future payors. All withheld income should be submitted to the Office of Recovery Services until such time as the Respondent no longer owes child support to the Petitioner.

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

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

6.6 The Respondent shall be entitled to claim the parties' minor child(ren) as dependent(s) for tax purposes.

Petitioner should have the option to purchase said deductions from Respondent as follows: by March 1st of each year, the parties will determine the amount of tax savings the

Respondent would realize from claiming said deductions. Petitioner will then have the option to purchase from the Respondent the right to claim the deductions for an amount equal to Respondent's projected savings. If Petitioner chooses to exercise this option, Respondent should tender payment, in full, to respondent by April 5th of that year. Upon said payment, Respondent should execute any necessary tax forms to enable Petitioner to claim said deductions.

+ 6.7 Pursuant to U.C.A. § 78-45-7.15 (1953) as amended, it is reasonable and proper that:

- a. Respondent should be required to maintain insurance for medical expenses for the benefit of the minor children where available at reasonable cost.
- b. Both parties shall share equally the out-of-pocket costs of the premium actually paid by a parent for the children's portion of the insurance.
- c. Both parties should share equally all reasonable and necessary uninsured medical expenses, including deductibles and co-payments, incurred for the minor children and actually paid by the parties.
- d. The parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.
- e. A parent incurring medical expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to comply with the Subparagraph "d" above.

6.8 Pursuant to U.C.A. § 78-45-7.16 (1953 as amended) both parties should share equally all reasonable work, career, or occupational training-related child care expenses.

- a. The parent who incurs child care expenses shall provide written verification of the cost and identity of a child care provider to the other parent upon initial

engagement of a provider and thereafter on the request of the other parent. The parent shall notify the other parent of any change of a child care provider or the monthly expense of child care within 30 calendar days of the date of the change.

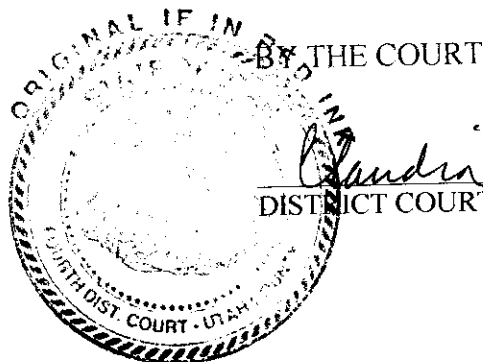
b. The parent not directly paying for child care shall begin paying his or her share of child care expenses on a monthly basis immediately upon presentation of proof of the child care expense.

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

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

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

DATED this 18th day of Feb., 2003.



CERTIFICATE OF MAILING/DELIVERY

On this _____ day of _____, _____, a true and correct copy of the foregoing Decree of Divorce and Judgment was mailed, postage prepaid or delivered to