

Amended

Elizabeth Rose Brooks

Name

62 E 680 So

Address

Orem, Utah 84058

City, State, Zip

708-846-8976

Phone

erbaratta@gmail.com

Email

In the Court of Utah

FOURTH Judicial District UTAH County

Court Address 137 NORTH FREEDOM BOULEVARD, PROVO, UT 84606

In the Matter of (select one)

☒ the Marriage of (for a divorce with
or without children, annulment,
separate maintenance, or
temporary separation case)

Elizabeth Rose Brooks

(name of Petitioner)

and

James Edward Brooks

(name of Respondent)

Other parties (if any)

**Findings of Fact and Conclusions
of Law - Divorce**

254402367

Case Number

Petersen

Judge

Ito

Commissioner (domestic cases)

The court has jurisdiction to enter a final divorce decree.

The court accepts the parties' Stipulation and Declaration of Jurisdiction and Grounds for Divorce and enters its findings of fact:

Residency

1. **Elizabeth Rose Brooks and James Edward Brooks** were residents of **Utah**

County, Utah on the date this case was filed. **Elizabeth Rose Brooks and James Edward Brooks** were residents for at least 90 days immediately before filing this case.

Marriage

2. **Elizabeth Rose Brooks and James Edward Brooks** were married on **May 23, 2014** in **Glenview, Cook County, Illinois**.

Grounds and divorce

3. **Elizabeth Rose Brooks** asks for a divorce from **James Edward Brooks** on the grounds of irreconcilable differences. The irreconcilable differences are:

The marriage is irretrievably broken. Although we have attempted to solve our problems and make the marriage work, we have not been able to do so.

4. **Elizabeth Rose Brooks and James Edward Brooks** separated on **Jan 25, 2025**.

Children (Utah Code 81-6-101(7))

5. **Elizabeth Rose Brooks and James Edward Brooks** are the legal parents of the following children (Utah Code 81-5-102 et seq.)

- a. Any unborn child listed is expected to be born within 300 days of the entry of the decree.
- b. This court has jurisdiction to make orders about these children.

Minor Children

a.

Child Name: **Lincoln James Brooks**
Date of Birth: **Mar 11, 2017**

b.

Child Name: **Madelynn Grace Brooks**
Date of Birth: **Dec 29, 2019**

Children – Jurisdiction over custody and parent-time issues (Utah Code 81-11-101, 81-11-201, and 81-11-208)

6. Utah has jurisdiction over the custody and parent-time issues in this case because:

- Utah is the home state of the parties' minor children under Utah Code 81-11-101, or
- This case meets the criteria under Utah Code 81-11-201, 207, and 208.

7. During the last five years, the minor children have lived at the following places and with the following people:

a.

Child Name: **Lincoln James Brooks**
Date of Birth: **Mar 11, 2017**

i.

Move-out Date: **This is the child's current address**

Move-in Date: **Jul 1, 2025**

Address: **62 E 680 So, Orem, Utah 84058 United States**

(1).

Caretaker at this address: **Elizabeth Rose Brooks**

Caretaker current address: **62 E 680 So, Orem, Utah 84058 United States**

ii.

Move-out Date: **Jul 1, 2025**

Move-in Date: **May 28, 2021**

Address: **625 W 500 N, American Fork, UT 84003 United States**

(1).

Caretaker at this address: **Elizabeth Rose Brooks and James Edward**

Brooks

Caretaker current address: **62 E 680 So, Orem, Utah 84058 United States**

b.

Child Name: **Madelynn Grace Brooks**

Date of Birth: **Dec 29, 2019**

i.

Move-out Date: **This is the child's current address**

Move-in Date: **Jul 1, 2025**

Address: **62 E 680 So, Orem, Utah 84058 United States**

(1).

Caretaker at this address: **Elizabeth Rose**

Caretaker current address: **62 E 680 So, Orem, Utah 84058 United States**

ii.

Move-out Date: **This is the child's current address**

Move-in Date: **Jul 1, 2025**

Address: **625 W 500 N, American Fork, UT 84003 United States**

(1).

Caretaker at this address: **Elizabeth Rose Brooks and James Edward**

Brooks

Caretaker current address: **625 W 500 N, American Fork, Utah 84003**

United States

Children – Other court proceedings

(Utah Rule of Civil Procedure 100; Utah Uniform Child Custody Jurisdiction and Enforcement Act, UCCJEA, Utah Code 81-11-101 et seq.; Utah Uniform Interstate

Family support Act, UIFSA, Utah Code 81-8-102 et seq.)

I say the following:

8. There are no custody, child support, or parent-time cases about **Elizabeth Rose Brooks** and **James Edward Brooks**'s minor children in any court or government agency. This includes filed, pending, and completed cases.
9. **Elizabeth Rose Brooks** and **James Edward Brooks** have physical custody of our child(ren), and are the only people who have custody, child support, and parent-time rights to our child(ren).

PARENTING PLAN

This Parenting Plan is being filed in good faith.

This parenting plan is agreed to by **Elizabeth Rose Brooks** and **James Edward Brooks**.

Children - custody

(Utah Code Title 81, Chapter 9, Part 3)

10. It is in the children's best interest that the parties be awarded Joint Legal Custody and that **Elizabeth Rose Brooks** be awarded Sole Physical custody. **James Edward Brooks** should have parent-time at reasonable times and places. **Elizabeth Rose Brooks** is filing this Parenting Plan and verifies the plan is filed in good faith.

Parent-time

11. The parents will follow a custom parent-time schedule:

The parents will follow a custom parent-time schedule.

- a. **The parties shall coordinate and establish parent-time schedules on a monthly basis, taking into account each parent's availability, as well as the children's school and extracurricular activity schedules. In the event the parties are unable to agree upon parent-time arrangements, they shall default to the provisions set forth in Utah Code §§ 81-9-302 and 81-9-304. Should disputes regarding parent time persist, the parties agree to participate in mediation in a good faith effort to resolve such conflicts.**

Parent-time for special occasions

12. The parents will follow the schedule for special occasions below. If there is more than one child and the children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday, the children may remain together for the holiday period beginning the first evening that all children's schools are let out for the holiday and ending the evening before any child returns to

school. (Utah Code 81-9-302, 303).

Holiday	Period	James Edward Brooks	Elizabeth Rose Brooks
Labor Day	(1) Holiday begins on Friday at: (a) 9 a.m. if school is not in session and the parent can be with the child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Labor Day.	Odd years	Even years
Columbus Day	(1) Holiday begins at 6 p.m. on the day before Columbus Day. (2) Holiday ends at 7 p.m. on Columbus Day.	Even years	Odd years
Fall Break	(1) Holiday begins 6 p.m. on the day that school dismisses for fall break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
Halloween	(1) Holiday begins on October 31st or the day that Halloween is traditionally celebrated in the local community: (a) at the time that school is dismissed; or (b) at 4 p.m. if there is no school. (2) Holiday ends at 9 p.m. on the same day the holiday begins.	Even years	Odd years
Veterans Day	(1) Holiday begins at 6 p.m. on the day before Veterans Day. (2) Holiday ends at 7 p.m. on Veterans Day.	Odd years	Even years
Thanksgiving Break	(1) Holiday begins on Wednesday at: (a) 6 p.m.; or (b) the time school is regularly dismissed for Thanksgiving at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on day before school resumes.	Even years	Odd years
Winter Break (First Half)	(1) Holiday begins at: (a) 6 p.m. on the day that school dismisses for winter break; or (b) the time school is regularly dismissed on the day that school dismisses for winter break at the election of the parent granted the holiday. (2) Holiday ends on December 27th at 7 p.m.	Odd years	Even years
Winter Break (Second Half)	(1) Holiday begins on December 27th at 8:30 p.m. (2) Holiday ends at 8:30 p.m. on the day before school resumes after the winter break.	Even years	Odd years
Dr. Martin Luther King Jr. Day	(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Dr. Martin Luther King Jr. Day.	Odd years	Even years
President's Day	(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on the day before school resumes.	Even years	Odd years
Spring Break	(1) Holiday begins at 6 p.m. on the day that school dismisses for spring break. (2) Holiday ends at 7 p.m. on the day before school resumes.	Odd years	Even years
Memorial Day	(1) Holiday begins Friday at: (a) 9 a.m. if school is not in session and the parent can be with the child; (b) the time that school is regularly dismissed; or (c) 6 p.m. at the election of the parent granted the holiday. (2) Holiday ends at 7 p.m. on Memorial Day.	Even years	Odd years

Holiday	Period	James Edward Brooks	Elizabeth Rose Brooks
Mother's Day	(1) Holiday begins on Mother's Day at 9 a.m. (2) Holiday ends on Mother's Day at 7 p.m.		All years: Elizabeth Rose Brooks is the mother
Father's Day	(1) Holiday begins on Father's Day at 9 a.m. (2) Holiday ends on Father's Day at 7 p.m.	All years: James Edward Brooks is the father	
Summer Break	James Edward Brooks will have up to two weeks of uninterrupted extended summer Parent-time when school is not in session, at the option of James Edward Brooks. James Edward Brooks will have an additional two weeks of extended Summer Parent-time at the option of James Edward Brooks, subject to weekday parent-time for Elizabeth Rose Brooks, but not weekends normally exercised by Elizabeth Rose Brooks. James Edward Brooks will notify Elizabeth Rose Brooks of the summer break extended parent-time by May 1 each year. Elizabeth Rose Brooks will also have two weeks of uninterrupted extended parent time when school is not in session, at the option of Elizabeth Rose Brooks. Elizabeth Rose Brooks will notify James Edward Brooks of the summer break extended parent-time by May 15 each year. If the notification by James Edward Brooks is not timely, Elizabeth Rose Brooks may determine the schedule for extended parent-time for James Edward Brooks, so long as Elizabeth Rose Brooks has provided timely notice. If neither parent provides timely notice, the first parent to provide notice may determine the schedule of extended parent-time for the other parent.	Odd years	Even years
Juneteenth National Freedom Day	(1) Holiday begins at: (a) 6 p.m. on the day before Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is not Father's Day; or (b) 9 a.m. on Juneteenth National Freedom Day if the day before Juneteenth National Freedom Day is Father's Day. (2) Holiday ends at 6 p.m. on the day following Juneteenth National Freedom Day.	Even years	Odd years
Independence Day	(1) Holiday begins on July 3rd at 6 p.m. (2) Holiday ends on July 5th at 6 p.m.	Odd years	Even years
Pioneer Day	(1) Holiday begins on July 23rd at 6 p.m. (2) Holiday ends on July 25th at 6 p.m.	Even years	Odd years
Day of Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m. (3) A parent may bring other siblings along for the child's birthday.	Even years	Odd years
Day Before or After Child's Birthday	(1) Holiday begins at 3 p.m. (2) Holiday ends at 9 p.m. (3) A parent may bring other siblings along for the child's birthday.	Odd years	Even years
Elizabeth Rose Brooks's Birthday	Elizabeth Rose Brooks will have parent-time each year on Elizabeth Rose Brooks's birthday from 3:00 p.m. until the following morning when Elizabeth Rose Brooks delivers the child to school, or 8:00 a.m. if there is no school. 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 takes the child away from that parent's residence for the uninterrupted extended parent-time.		All years

Holiday	Period	James Edward Brooks	Elizabeth Rose Brooks
James Edward Brooks's Birthday	James Edward Brooks will have parent-time each year on James Edward Brooks's birthday from 3:00 p.m. until the following morning when James Edward Brooks delivers the child to school, or 8:00 a.m. if there is no school. 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 takes the child away from that parent's residence for the uninterrupted extended parent-time.	All years	

Parent-time transfers

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

The parties will make arrangements for pick up, delivery and return of the children prior to each scheduled parent-time.

Curbside transfers

14. There will not be curbside transfers. The parent/person dropping-off or picking-up a child may accompany the children to the other parent/person when parent-time transfers are made.

Decision-making

15. 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.

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.

Education plan

16. The school the children will attend is based on **Elizabeth Rose Brooks's** home residence.

17. Elizabeth Rose Brooks and James Edward Brooks has authority to check the children out of school. Elizabeth Rose Brooks and James Edward Brooks has access to the children during school. If the parents cannot agree, education decisions will be made by Elizabeth Rose Brooks.

Communication with each other

18. Parents will communicate with each other by any method.

Communication with the children

19. 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.

20. Parents and children may communicate with each other whenever the children choose.

- By any method

Records and information sharing

21. Both parents will have access to records and the ability to consult with providers regarding education, child care, and health care.

Travel by the children

22. 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.

23. If the children will be travelling for more than 7 days, the parent arranging the travel will notify the other parent at least 14 days in advance. That parent will give the other parent the travel schedule, locations and phone numbers at least 4, **unless the parties agree otherwise.** days in advance. In case of emergency, the parent will provide as much notice as possible.

Child care

24. A child care provider for our children must be:

25. Other terms about child care: **There is no need for a child support provision in our agreement.**

Relocation of a parent

26. **If either party decides to move outside of Utah County, unless otherwise agreed in writing, they will meet and revisit the parenting plan to make necessary adjustments as a result of the move. Any modifications to the parenting plan must be documented in writing and signed by both parties. If mediation is required to resolve any conflicts, the costs of mediation will be shared equally. Custody and child support arrangements may be subject to change based on adjustments to the parenting plan. If the parties are unable to agree on a revised parenting arrangement, the children will remain with the parent who is not relocating until an agreement is reached.**

Any additional transportation needs resulting from the relocation will be the responsibility of the relocating parent, unless otherwise agreed to in writing.

Resolving disputes

27. 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:

a. **Mediation**

Changing the plan

This plan remains in effect until changed. A change comes from a modification of a court order.

END OF PARENTING PLAN

Income: Petitioner (Elizabeth Rose Brooks) (Utah Code 81-6-203)

28. **Elizabeth Rose Brooks's** gross monthly income for child support purposes is **\$6678**. **Elizabeth Rose Brooks** base child support amount using the **sole** custody calculation is **\$1009**. **Elizabeth Rose Brooks** receives the following gross monthly income:

Income: Respondent (James Edward Brooks) (Utah Code 81-6-203)

29. **James Edward Brooks's** gross monthly income for child support purposes is **\$6667**. **James Edward Brooks's** base child support amount using the **sole** custody calculation is **\$1009**. **James Edward Brooks** receives the following gross monthly income:

30. The adjusted gross monthly income for **James Edward Brooks** is **\$6667**.

Child support (Utah Code Title 81, Chapter 6, Parts 1 and 2)

31. **Elizabeth Rose Brooks** believes the guideline amount for child support is unjust, inappropriate, or not in the best interest of our children for the following reasons: The reason(s) for deviation are excessive debts of the marriage.

32. It is in the best interest of the children that **James Edward Brooks** be ordered to pay child support to **Elizabeth Rose Brooks** as follows:

a. **\$900.00** per month. This deviates from the Utah Uniform Child Support Guidelines.

b. Unless the Court orders otherwise, support for each child ends when:

- a child turns 18 or has graduated from high school during the child's normal and expected year of graduation, whichever occurs later, or
- a child dies, marries, becomes a member of the United States armed forces, or is emancipated (Utah Code 78A-6-801).

33. Once a child is no longer eligible to receive child support, the support amount for the

eligible children should be recalculated using the child support worksheet (Utah Code Title 81, Chapter 6, Parts 1 and 2). The parties may not divide the base child support award by the number of children and subtract that amount from the prior child support amount.

34. **Elizabeth Rose Brooks** will give **James Edward Brooks** the information needed to set up direct deposit through **James Edward Brooks's** employer. Once **James Edward Brooks** has the information, **James Edward Brooks** will have **James Edward Brooks's** employer set up direct deposit to an account of **Elizabeth Rose Brooks's** choice. **One half of the child support is due by the 10th of each month, and the other half is due by the 25th of each month.**

35. The issue of past-due child support may be decided by future court or administrative action.

36. **James Edward Brooks** will pay any ORS fees. If **Elizabeth Rose Brooks** is the ORS applicant and the fees are withheld from payments to **Elizabeth Rose Brooks**, **James Edward Brooks** will reimburse **Elizabeth Rose Brooks**.

37. The parties must notify each other within 30 days of any change in their income.

38. The parties will do the following for child related support or expenses:

a. **Extra-Curricular Expenses**

The parties agree to share all extracurricular expenses for the children equally (50/50). These expenses include, but are not limited to, reasonable and customary costs for sports lessons and equipment, dance, music lessons, and similar activities, provided both parties have given prior mutual consent. If mutual consent is not obtained, the parent incurring the expense will be solely responsible for it. Reimbursement for any expenses paid by either parent shall be made within 14 days of receiving proof of payment.

Customary Non-Elective Expenses

The parties agree to share all customary non-elective expenses for the children equally (50/50). These expenses include, but are not limited to, cell phone service and equipment, driver's education, car insurance, vehicle registration and maintenance for vehicles used by the children, school registration fees, and fees for testing or tutoring. Reimbursement for any expenses paid by either parent shall be made within 14 days of receiving proof of payment.

Extraordinary Expenses

Both parties agree to share equally (50/50) any expenses that fall outside the ordinary monthly obligations. Reimbursement for any such expenses paid by either parent shall be made within 14 days of receiving proof of payment.

Dependent children for tax purposes

39. **Elizabeth Rose Brooks** may claim the parties' children as dependents/exemptions for tax purposes.

Child health care (Utah Code 81-6-208)

40. The parties must provide health care coverage for the medical expenses of the dependent children. Health care coverage means coverage under which medical services are provided to a dependent child through: fee for service, a health maintenance organization, a preferred provider organization, any other type of private health insurance, or public health care coverage. Utah Code 81-6-101(14),

41. **Elizabeth Rose Brooks** must maintain medical, hospital, and dental care insurance for the dependent children if it is available at reasonable cost. If medical insurance is not available at reasonable cost then both parents must ensure the children have health care coverage. This may require applying for public health care coverage, such as CHIP or Medicaid.

a. If, at any time, a dependent child is covered by the medical, hospital, or dental insurance plans of both parents, the coverage will be as follows:

- **Elizabeth Rose Brooks's** insurance will be primary coverage.
- **James Edward Brooks's** insurance will be secondary coverage.

b. If a parent remarries and that parent's dependent child is not covered by that parent's health, hospital, or dental insurance plan but is covered by a step-parent's plan, the coverage will be as follows:

- **Elizabeth Rose Brooks's** spouse's insurance will be primary coverage.
- **James Edward Brooks's** spouse's insurance will be secondary coverage.

c. **Elizabeth Rose Brooks** will pay 100% Both parties will equally share the out-of-pocket costs of the insurance premiums.

d. Both parties will equally share all uninsured and unreimbursed medical and dental expenses that are reasonable and necessary. This includes deductibles, co-insurance, and co-payments paid by a party for the dependent children.

e. The party who pays health care expenses must provide the other party written verification of the cost and payment within 30 days.

f. If a party does not follow this order and provide written verification, they may not be able to receive credit for health care expenses or recover the other party's share of the expenses.

g. On or before January 2 of each year, the party ordered to maintain coverage must provide verification of coverage to the other party, and ORS, if they are involved.

h. If there is any change in coverage, within 30 days of the change the party ordered to maintain coverage must notify the other party and ORS, if they are involved.

Child care expenses (Utah Code 81-6-209)

42. All reasonable work, career, or occupational training-related child care expenses will be paid as follows

There is no need for a child care expense provision in our agreement.

Public assistance statement – Office of Recovery Services (ORS) (Utah Code 81-6-106(2)-(3))

43. Neither party has received or is receiving public assistance from the State of Utah.

Personal property (Utah Code Title 81, Chapters 1, 4, 6, and 9)

44. All personal property not addressed in the divorce should be divided as the parties have already divided it.

Debts

45. The parties are not aware of any debts from the marriage that should be divided. If any debts exist, each debt will be the responsibility of the party who incurred the debt.

Real property

46. The parties do not have any real property that is marital property. The parties do not need a court order about real property.

Alimony

47. Neither party will pay alimony.

Retirement money

48. Both parties have interest in retirement account(s) and agree they will each keep their own and waive any current or future claims to the other's accounts.

Additional provisions

49. The parties will adhere to the following additional provisions:

a.

Life Insurance

Both parties agree to designate each other as beneficiaries of their life insurance policies, regardless of any future marital status. When the youngest child turns 18, the parties may reassign the beneficiary designation to the children in equal shares, unless they mutually agree otherwise in writing.

Bank Accounts

Joint marital accounts will be divided equally (50/50) when the parties begin living separately.

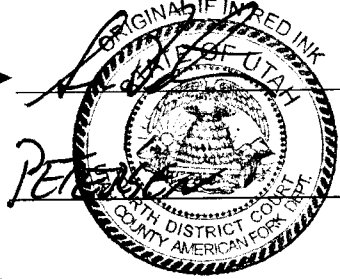
Duty to sign documents

50. The parties will sign all documents necessary to comply with the divorce decree within 60 days from entry of the decree. If a party fails to sign a document within 60 days, the other party may ask the court to appoint someone to sign the document. (Utah Rule of Civil Procedure 70)

Name after divorce

51. **Elizabeth Rose Brooks** changed **her** name when the parties married. **Elizabeth Rose Brooks's** name will be **Elizabeth Rose Baratta** after the divorce.

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

Date 8/10/21 Signature 
Judge Peter Baratta
Signature 
Date _____
Commissioner _____

Approved as to Form.

Other Party
Signature ►

Other Party Name James Edward Brooks

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact and Conclusions of Law - Divorce on the following people.

a.

Name: **James Edward Brooks**

Method of service: **Hand Delivery**

Address: **1217 So 580 W, # A1217, Orem, UT 84058**

Date of Service: **Aug 10, 2026**

08/08/2026

Date

Signature



Elizabeth Rose Brooks

Printed

Elizabeth Rose Brooks