FILED
Fourth Judicial District Court
of Utah County, State of Utah
11/13/06 WDB Deputy

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IN THE FOURTH JUDICIAL DISTRICT COURT

UTAH COUNTY, STATE OF UTAH

PRESTON R. HUTCHISON, Petitioner, vs. VERLENA RAE HUTCHISON, Respondent	)	DECREE OF DIVORCE Case No. 064400148 Division: 5 Judge: Howard

This matter came on before the Court on the parties' stipulation. The Respondent having heretofore signed a Stipulation relinquishing her right to plead and agreeing that her default may be entered and that this matter may be resolved on the basis of the Stipulation without further notice to her. The Court, having reviewed the file, having entered its Findings of Fact and Conclusions of Law and being fully advised in the premises, now makes and enters the following:

DECREE OF DIVORCE

1. The Petitioner is granted a Decree of Divorce from and against the Respondent upon the grounds of irreconcilable differences, which Decree shall become final upon entry of the same

in the records of the Clerk of the Court.

2. The Petitioner is an actual and bona fide resident of Utah County, State of Utah, and has been so for more than three months immediately prior to the filing of the Complaint in this action.

3. The parties were married on the 29th day of June, 1989 in Utah County, State of Utah, however, the parties have been living separate and apart since on or about January 1999.

CUSTODY AND PARENT-TIME

4. During the course of the marriage, three children have been born as issue, however, two are still minors, to-wit: Devin James Hutchison born December 31, 1989 and Katelin Alecia Hutchison born February 27, 1996.

5. The Petitioner is awarded the physical custody of Katelin and Respondent is awarded the physical custody of Devin subject to the other's reasonable rights of parent-time as the parties can agree or alternatively in accordance with Utah Code Annotated Section 30-3-35 as follows:

Utah Code Section 30-3-35
Minimum schedule for parent-time for children 5 to 18 years of age.

(1) The parent-time schedule in this section applies to children under five years old.

(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) for children under five months of age:

(i) six hours of parent-time per week to be specified by the court or the noncustodial parent 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) preferably in the custodial home, the established child care setting, or other environment familiar to the child;

(b) for children five months of age or older, but younger than ten months of age:

(i) nine hours of parent-time per week to be specified by the court or the noncustodial parent 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) preferably in the custodial home, the established child care setting, or other environment familiar to the child;

(c) for children ten months of age or older, but younger than 18 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) through (i); 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 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 (i);

(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 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;

(e) 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 (i);

(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.

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

(4) Virtual parent-time shall be at reasonable hours and for reasonable duration.

Advisory Guidelines 30-3-33

In addition to the parent-time scheduled provided in Section 30-3-35, advisory guidelines are suggested to govern all parent-time arrangements between parents. These advisory guidelines include:

(1) parent-time schedules mutually agreed upon by both parents are preferable to a court-imposed solution;

(2) the parent-time schedule shall be utilized to maximize the continuity and stability of the child's life;

(3) special consideration shall be given by each parent to make the child available to attend family functions including funerals, weddings, family reunions, religious holidays, important ceremonies, and other significant events in the life of the child or in the life of either parent which may inadvertently conflict with the visitation schedule;

(4) the noncustodial parent shall pick up the child at the times specified and return the child at the times specified, and the child's regular school hours shall not be interrupted;

(5) the custodial parent shall have the child ready for parent-time at the time he is to be picked up and shall be present at the custodial home or shall make reasonable alternate arrangements to receive the child at the time he is returned;

(6) the court may make alterations in the parent-time schedule to reasonably accommodate the work schedule of both parents and may increase the parent-time allowed to the noncustodial parent but shall not diminish the standardized parent-time provided in Section 30-3-35;

(7) the court may make alterations in the parent-time schedule to reasonably accommodate the distance between the parties and the expense of exercising parent-time;

(8) neither parent-time nor child support is to be withheld due to either parent's failure to comply with a court-ordered parent-time schedule;

(9) the custodial parent shall notify the noncustodial parent within 24 hours of receiving notice of all significant school, social, sports, and community functions in which the child is participating or being honored, and the noncustodial parent shall be entitled to attend and participate fully;

(10) the noncustodial parent shall have access directly to all school reports including

preschool and daycare reports and medical records and shall be notified immediately by the custodial parent in the event of a medical emergency;

(11) each parent shall provide the other with his current address and telephone number within 24 hours of any change;

(12) each parent shall permit and encourage liberal telephone contact during reasonable hours and uncensored mail privileges with the child;

(13) parental care shall be presumed to be better care for the child than surrogate care and the court shall encourage the parties to cooperate in allowing the noncustodial parent, if willing and able, to provide child care;

(14) each parent shall provide all surrogate care providers with the name, current address, and telephone number of the other parent and shall provide the noncustodial parent with the name, current address, and telephone number of all surrogate care providers unless the court for good cause orders otherwise; and

(15) each parent shall be entitled to an equal division of major religious holidays celebrated by the parents, and the parent who celebrates a religious holiday that the other parent does not celebrate shall have the right to be together with the child on the religious holiday.

CHILD SUPPORT

6. Child support has been established by Office of Recovery Services in the amount of $150.00 per month which shall be paid by Respondent to Petitioner.

DAY CARE

7. In accordance with UCA §78-45-7.16 each parent shall share equally the responsibility for the work related and/or education related child care expenses for the minor children:

a) If an actual expense for child care is incurred, a parent shall begin paying his share on a monthly basis immediately upon presentation of proof of the child care expense, but if the

child care expense ceases to be incurred, that parent may suspend making monthly payments of that expense while it is not being incurred without obtaining a modification of the child support order.

b) A parent who incurs child care expenses shall provide written verification of the cost and identify of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent.

c) The parent shall notify the other parent of any change of child care provider or the monthly expense of a child care within 30 calendar days of the date of the change. The parent incurring child care expenses shall be denied the right to receive credit for the expenses or to recover from the other parties share of the expenses if the parent incurring the expenses fails to notify the other parent within said 30 days.

HEALTH CARE

8. The parties will each maintain a policy of health care insurance for the minor child so long as it is available at a reasonable cost. Each party will share equally the out-of-pocket costs of the premium actually paid by a parent for the child's portion of the insurance. The child's portion of the premium is a per capita of the premium actually paid. The premium expense for the child is to be calculated by dividing the premium amount by the number of persons covered, then multiplying that amount of the number of child covered. One-half of that amount is to be reimbursed. All other unreimbursed health care costs for the child (medical, dental, orthodontic, eye, and psychological, etc.) reasonably and necessarily incurred, including deductibles and co-payments incurred for the

child and actually paid by either parent will be divided equally between the parties. Either parent, who incurs any health care expenses for the child, will provide written verification of the cost and payment of the health care expense to the other parent within thirty (30) days of the payment. The obligee, the parent who incurs the health care expenses, may be denied the right to receive credit for the expenses or to recover the other parent's share if the obligee fails to furnish notice as provided above.

INCOME TAX DEDUCTIONS

9. The Petitioner shall claim Katelin as his dependent for federal and state tax purposes, and Respondent shall claim Devin as her dependent for federal and state tax purposes. At such time as Katelin is the only minor child, the parties shall rotate with Petitioner claiming her in even numbered years and Respondent claiming her in odd numbered years.

ALIMONY

10. Both parties are well and able to care for their own economic needs and therefore, neither party is awarded alimony.

REAL PROPERTY

11. During the course of the marriage, the parties acquired real property which property has been foreclosed and therefore no orders are necessary thereto.

PERSONAL PROPERTY

12. During the course of the parties' marriage, they have acquired certain items of personal property and each is awarded the personal property as is presently possessed.

DEBTS AND OBLIGATIONS

13. The parties do not have any joint marital debts, however, each shall assume, pay, be liable for and hold the other harmless from their own individual debts.

RETIREMENT BENEFITS

14. Each party is awarded their own retirement benefits.

ATTORNEY'S FEES AND COSTS

15. So long as this matter remains uncontested, Petitioner shall pay his own attorney fees and cost which have been incurred in this matter. In the event this matter becomes contested, then each party shall pay their own fees and costs.

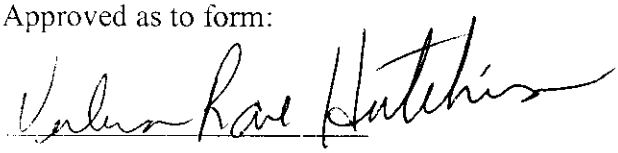
MISCELLANEOUS

16. The parties shall cooperate in the execution of any documents necessary to effect the terms of the Stipulation and the Decree.

DATED this 13 day of November, 2006.

JUDGE

Approved as to form:



Verlena Rae Hutchison, pro se

MAILING CERTIFICATE

I hereby certify that on the _____ day of _____, 2006, I mailed a true and correct copy of the foregoing to the following, postage prepaid.

Verlena Hutchison
94 South 100 West
Spanish Fork, Utah 84660

NOTICE

The foregoing Decree of Divorce have been submitted to the Court for execution and entry. Pursuant to Utah Rules of Civil Procedure 7(f)(2), any objection as to the form of the order should be filed with the Court, within five days after service upon you of this notice.

DATED this _____ day of _____, 2006.

_____

RANDY S. KESTER, ESQ.
Attorney for Petitioner