

The Order of the Court is stated below:

Dated: June 16, 2026
10:12:35 PM

/s/ CORAL SANCHEZ
District Court Judge



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IN THE THIRD DISTRICT JUDICIAL COURT,
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

In the Matter of the Marriage of KYLER SCOTT BIRD, Petitioner, and ALLYSON JUNE BIRD, Respondent.	DECREE OF DIVORCE Civil No. 254903418 Judge Coral Sanchez Commissioner Russell Minas
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On or about February 27, 2026, the Court entered the default of Petitioner and issued a *Default Certificate* pursuant to Rule 55 of the Utah Rules of Civil Procedure, resolving all issues necessary to enter a *Decree of Divorce* in this matter. Respondent's *Amended Counter Petition for Divorce* filed with the Court on November 18, 2025 serves as the basis for this *Decree of Divorce*. The Court, having considered and approved the terms of the *Amended Counter Petition for Divorce* and the *Findings of Fact and Conclusions of Law* in this matter, and being otherwise fully advised, therefore:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

Grounds, Jurisdiction and Venue

1. The parties are residents of Salt Lake County, State of Utah, and have been so for at least 3 months prior to filing this action.
2. Cruel treatment of Respondent by Petitioner to the extent of causing bodily injury or great mental distress has led to irreconcilable differences between the parties, which have made continuation of the marriage impossible and the marriage no longer viable, therefore Respondent is awarded a *Decree of Divorce* against Petitioner pursuant to Utah Code Ann. § 81-4-405(1)(g).
3. Venue is appropriate in this Court pursuant to Utah Code Ann. § 78B-15-605.

Marriage Statistics

4. The parties were married February 1, 2023, in Salt Lake County, State of Utah.
5. The parties separated in September 2024.

Children

6. The parties are the natural parents to two minor children, to wit: D.B. (DOB: 12/13/2018) and I.B. (DOB: 10/19/2021).
7. Utah has jurisdiction to make child custody and parent-time determinations pursuant to Utah Code § 78B Ch. 13 *et seq.* (2010) in that:
 - a. Utah is the home of the minor children at the time of commencement of this proceeding.
 - b. Said minor children resided in the State of Utah for at least six (6) months prior to the filing of this action.

- c. Respondent has only participated in a Protective Order proceeding concerning the custody of or visitation/parent time with the children, case number 254906119, of the Third District Court of Salt Lake County, State of Utah.
- d. Respondent has no information of any other proceeding that could affect the current proceeding, including any pending proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions.
- e. Respondent does not know of any person not a party to these proceedings who has physical custody of the children or who claims rights of legal custody or physical custody of, or parent-time with the children.

Background and Considerations

- 8. On March 3, 2025, Petitioner was criminally charged in the Third District Court, case number 251902600, with nine (9) separate charges relating to a domestic violence incident Petitioner perpetrated against Respondent and her children at her home on February 27, 2025.
- 9. Petitioner pleaded guilty to criminal trespass with intent to annoy or injure (a class A misdemeanor) and propelling a bodily substance contacting face (also a class A misdemeanor), and the other seven (7) charges were dismissed with prejudice.
- 10. Petitioner served 78 days in jail, being released on May 15, 2025, and was placed on probation with Adult Probation and Parole for this incident.
- 11. Prior to the conviction in case 251902600, Petitioner had active domestic violence Pleas in Abeyance for similar violations against Respondent in the Third District Court (case numbers 241909717 and 241911905) and in the Salt Lake County Justice Court (case number 241600544).
- 12. Due to the conviction in the above 251902600 case, Petitioner's Pleas in Abeyance were revoked and his convictions entered in his other criminal cases. Thus, Petitioner

was convicted of violation of a jail release agreement/court order (a class A misdemeanor) in case number 241909717, violation of a pretrial protective order (a class A misdemeanor) in case number 241911905, and disorderly conduct (a class B misdemeanor) in case number 241600544.

13. Further, after several hearings in his criminal case 251902600, the criminal Court issued a Continuous Criminal Protective Order for Respondent's protection on October 16, 2025, however, that order does not extend protection to, or address the care and custody of, the minor children shared between the parties', I.B. and D.B.
14. As of the date of Respondent's *Counter Petition*, Petitioner was again incarcerated in the Salt Lake County jail for violating of the terms of this probation after being charged with possession of a controlled substance (a class A misdemeanor) and use or possession of drug paraphernalia (a class B misdemeanor) on October 18, 2025, in violation of his probation agreement in case 251902600.
15. The parties are also involved in a Civil Cohabitant Abuse Protective Order matter, case number 254906119, of the Third District Court of Salt Lake County, wherein the Court issued a Protective Order against Petitioner for the protection of Respondent and granted Respondent temporary custody of the minor children.

Custody

16. Respondent is awarded sole physical custody of the children. Petitioner will have supervised parent time for 4 hours a week with an agreed upon third party; Petitioner may also have virtual parent-time.

17. Pursuant to applicable statute and procedure, Respondent may petition the Court to modify the controlling orders of the Court upon a showing of a substantial change in material circumstances and include a request for the Court to provide specific goals and expectations for Petitioner to accomplish before unsupervised parent-time may be granted.
18. Only upon Petitioner's accomplishment of specific goals and expectations provided by the Court to be awarded unsupervised parent time:
 - a. Petitioner's parent time shall be pursuant to Utah Code Annotated § 81-9-302 and § 81-9-304, as applicable;
 - b. The parties shall follow the summer sharing and holiday schedule residing in Utah Code Annotated § 81-9-302 and § 81-9-304, as applicable, with Petitioner designated as the non-custodial parent; and,
 - c. The notice provisions of Utah Code Annotated § 81-9-202(19) shall apply when either party travels with, or permits the travel of, the minor children requiring the parties to provide the following to the other parent: an itinerary of travel dates; destinations; places where the children or traveling parent can be reached; and the name and telephone number of an available third person who would be knowledgeable of the children's location.
19. Utah Code Annotated § 81-9-209 shall apply when either party intends to relocate 150 miles or more often from the residence of the other parent.

20. Respondent is awarded sole legal custody of the minor children. The parties shall discuss in good faith any significant decision relating to the children and, if possible, come to an agreement on all significant decisions, and if they are unable to come to an agreement, Respondent shall have the final decision-making authority with Petitioner having the right to bring the matter before the Court to contest Respondent's decision(s).
21. The party with whom the children are then located shall make day-to-day decisions involving the children. The party who is with the children at that time shall make emergency decisions affecting the health or safety of the children and immediately notify the other parent of the decision.
22. Parent time exchanges shall occur curbside with the party dropping off the children providing transportation.
23. Along with the above provisions, the provisions of Utah Code Annotated § 81-9-202 shall serve as the parties' parenting plan and shall be mandatory, not be merely advisory, the same of which was proposed in good faith.

Child Support and Expenses

24. Child support shall be ordered based on the parties' division of physical custody, utilizing Respondent's actual and Petitioner's imputed gross monthly income, offset by any amounts remitted for child support since the parties' separation.

25. Petitioner is underemployed, therefore, the Court imputes income to Petitioner consistent with his employment potential and probable earnings considering the factors contained in Utah Code Ann. § 81-6-203(6)(b).
26. Pursuant to three of Petitioner's tax returns to which Respondent has access (attached as **Exhibit A**), in 2019 Petitioner earned gross annual income of \$58,532, in 2021 he earned \$63,368, and in 2024 he earned \$61,140. The average of these verified income amounts equates to an average gross annual income of \$61,013, or \$5,084 in average gross monthly income. Therefore, pursuant to Utah Code Ann. § 81-6-203(6)(b), Petitioner's imputed gross monthly income for child support purposes is \$5,084.
27. Pursuant to analysis of Respondent's 2025 paystubs (attached as **Exhibit B**), and Utah Code Ann. § 81-6-203, Respondent's gross monthly income for child support purposes is \$2,354.
28. Based upon the *Sole Child Support Obligation Worksheet* (attached as **Exhibit C**), Petitioner shall pay Respondent child support in the amount of \$975 per month as base support for the minor children of the parties, pursuant to the Uniform Child Support Guidelines.
29. The child support amount meets the minimum level of support required under the Utah Child Support Guidelines.
30. Pursuant to Utah Code Ann. §81-6-213, child support shall be paid for each child subject to the support order described herein until the child becomes 18 years of age 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 78A, Chapter 6, Part 8, Emancipation. At the time a child is no longer eligible to receive child support, the child support for the remaining children who are eligible to receive support shall be 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.

31. Child support shall be payable one-half by the 5th day of each month and one-half by the 20th day of that month. Child support due and not paid by the 5th day of each month is delinquent on the 6th day of the month. Child support due and not paid by the 20th day of each month is delinquent on the 21st day of the month.
32. Child support arrearages from the date of the parties' separation are ordered at \$18,525, representing 19 months of outstanding child support at \$975 per month (See **Exhibit D**). This arrearage of \$18,525 is reduced to a *Judgment* and subject to post judgment interest at the statutory rate.
33. Any work-related childcare expenses incurred for the benefit of the children shall be equally divided between the parties.
34. The parties shall equally share all school-related expenses, and other expenses incurred for the children (e.g., clothing, cellular phone, auto insurance, or any other similar expenses).

35. The parties shall equally share any extracurricular expenses incurred for the benefit of the children to which the parties have agreed, in writing and in advance, that the child should be involved, including any activities in which the parties' children have been historically involved.

Health Insurance

36. The parties shall maintain a policy of health insurance including medical, dental, vision, psychotherapeutic, and other similar coverage, for the benefit of the minor children.
37. Respondent's policy shall be determined as the primary policy in the event both parties maintain health insurance covering the minor children.
38. In the event the children are covered by only one parent's insurance policy, each party shall be responsible for half of the health insurance premiums for the child including the out-of-pocket costs for the children's portion of insurance.
39. Pursuant to statute, the parties shall be equally responsible for all out-of-pocket medical expenses not covered by insurance including co-payments and deductibles, among any others.

Tax Exemptions

40. Respondent shall be awarded the benefit of claiming the minor children as dependents for income tax purposes each year until the children are no longer eligible to be claimed.

Real Property

41. The parties have no interest in any real property and no orders relating to real property are necessary.

Personal Property

42. The parties have acquired various items of personal property during their marriage and the same shall be divided as the parties agree in writing, and if they cannot, upon motion of either party, shall be decided by the Court at a future hearing.
43. The parties shall cooperate to execute any and all documentation to cause the ownership of the property to reside solely in the name of who is awarded the personal property.

Financial Assets and Retirement Accounts

44. During the marriage, the parties may have acquired financial assets and retirement accounts. Any marital portion of those assets and accounts shall be divided as the parties may agree in writing, or if they cannot, upon motion of either party, shall be equitably divided as deemed proper by the Court at a future hearing.

Debts and Obligations

45. During the marriage, the parties may have acquired personal debts and obligations. Any marital debts shall be divided as the parties may agree in writing, or if they cannot, upon motion of either party, shall be equitably divided as deemed proper by the Court at a future hearing.

Miscellaneous

46. Both parties are mutually restrained from making derogatory or disparaging remarks, or allowing others to make such remarks, about the other parent while in the presence of the minor children.
47. Both parties are restrained from committing or trying to commit or threatening to commit any form of violence against the other party, including but not limited to, engaging in any conduct that amounts to stalking, harassing, or threatening the other party or any significant other or member of that party's family, whether such conduct is committed directly or indirectly.
48. Both parties are mutually restrained from appearing at the other's residence or otherwise interfering with the other's parent-time unless previously agreed upon in writing.
49. The parties are ordered to inform the parties' creditors of the allocation of any debts and obligations pursuant to Utah Code Ann. §§ 15-4-6.5, 30-2-5, and 30-3-5(1)(c), as amended.
50. Each party is ordered to execute and deliver to the other such documents as required to implement the provisions of the Decree of Divorce entered by this Court.
51. Each party shall sign such consent, conveyances, and other documents as reasonably requested by the other party or reasonably necessary to facilitate and give effect to the Court's orders including the final Decree of Divorce.
52. Respondent is awarded the right to revert to her maiden name, or to any other name of her choosing, at her sole discretion.

END OF ORDER

****EXECUTED AND ENTERED BY THE COURT AS INDICATED BY THE DATE AND
SEAL AT THE TOP OF PAGE 1****

CERTIFICATE OF NONSERVICE

Pursuant to Rule 5(a)(2)(A) of the Utah Rules of Civil Procedure, no service is required on a party who is in default.