The Order of the Court is stated below:
Dated: November 12, 2026 10:51:44 AM **/s/** H. CRAIG HALL
District Court Judge

Decree drafted by:

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IN THE SECOND JUDICIAL DISTRICT COURT

FOR THE STATE OF UTAH

COUNTY OF WEBER, OGDEN DIVISION

TERRY NELSON,	**Decree of Custody and Support**

Petitioner, v. GERARDO ALVARADO-AGUILAR ET AL., Respondents.	Civil No: 254901019 Judge: Craig Hall Commissioner: Brandon Richards

This matter comes before the Court on Petitioner's Declaration of Jurisdiction and Grounds. The Court entered the default of the respondents. The Court, having made its Findings of Fact and Conclusions of Law, hereby adjudges, decrees, and orders as follows:

1. The Petitioner is granted a Decree of Custody to become absolute and final upon entry by the Court.

2. CHILD. There is one minor child of issue to this case, as follows:

Name	**Birthdate**
DA	August, 2011

Custody and Parent Time

3. The Petitioner is the maternal grandmother of the minor child, and is a fit and proper person to be awarded sole temporary and permanent physical custody of said

minor child. Petitioner has been the primary caretaker of the child since April of 2023.

4. Respondent Gerardo Alvarado-Aguilar ("Father") was awarded custody and guardianship by the juvenile Court in 2019. However, Father is not a naturalized citizen, and is currently on an ICE hold in Reno, NV, facing possible deportation to Mexico. He was transferred to Reno from Weber County after he was incarcerated for a DUI on or around April 7, 2025.

5. Respondent Cassie Alvarado-Aguilar ("Mother") does not have a permanent residence at this time, and appears to lack the current ability to house the children.

6. Historically, Father has given permission via phone call for Petitioner to take DA to appointments. Father no longer has access to an on-demand phone call.

7. Petitioner is now unable to re-enroll DA in school or take him to the doctor, despite being his primary caregiver.

8. DA was born on United States soil, of a mother who is a United States citizen. He has lived in the United States his whole life. Even if Father is deported, it is in the best interests of the child to remain in the United States.

9. If Father is allowed to return to Utah, he does not have a safe place of his own. He has a friend willing to house him, but the friend's home is not a safe place for DA to thrive.

10. Even though Mother is currently unable to care for the child, it remains in the best interests of the child to have family care, rather than institutional care.

11. DA needs to be re-enrolled in school, and needs to receive medical care.

12. Petitioner should be awarded legal custody as well as physical custody at least until one of the parents is able to care for the child.

13. On a temporary basis, Respondents should have no unsupervised parent-time. Once the Respondents have appropriate living quarters, either together or separately, parent time with Father should be pursuant to UCA 81-9-302.

a. Appropriate living quarters include a separate bedroom for D.A., which shall not be rented out to any other third party, a separate bed for D.A., and consistently clean living space.

14. Mother, who has not taken the steps set forth by the juvenile Court in 2019 to reunite with DA, should only have visits with the child as Petitioner deems appropriate, supervised by Petitioner, and only if Mother is sober during visits.

15. Until Father is a naturalized citizen, he should not be allowed to take the minor child outside the state of Utah.

16. Petitioner, as the primary physical custodian, should be permitted the right to determine the child's place and state of residence for all purposes, including but not limited to school boundaries.

Other Provisions

17. The parties should feel free to contact each other if there is an emergency regarding or during parent-time, or to discuss the child. The parties should strive to communicate in writing wherever possible, such as text messages or emails.

18. If parent time is ultimately granted, the child should be permitted to communicate with the parents or Petitioner during any party's parent-time.

19. All parties should be restrained from disparaging the other parties to or in the presence of the minor child and are to instruct third parties to also be so restrained. All parties should be restrained from discussing the legal action with the minor child or in the presence of the child and are to instruct third parties to also be so restrained.

20. Further, all parties should be ordered to instruct any adult who discusses the divorce, and/or disparages the other party to cease immediately and to remove the child from the presence of that person.

21. No party should allow any third-party child care provider to care for the child if that provider uses illegal drugs or abuses alcohol while caring for the minor child. Neither party should allow any third party to verbally or physically abuse or to physically discipline the minor child.

Payments for the Benefit of the Child

22. Father is currently incarcerated in Reno, NV, on an ICE hold. He is making no income and cannot be counted on to provide child support at this time.

23. Mother is currently abusing drugs and homeless. She is making no income and cannot be counted on to provide child support at this time.

24. Child support is not of concern to Petitioner, and she is not seeking it. If the Court requires it, child support should be calculated using the Sole Custody worksheet, and Father, who currently has custody rights, should be considered capable of making minimum wage, or $1,257.00 per month for child support purposes.

Insurance and Other Expenses

25. Pursuant to Utah Code §81-6-208, Petitioner and Father are ordered to maintain in force any and all health, accident and dental insurance for the benefit of the minor children as available, so long as the same is available at reasonable cost. The parties shall continue that coverage as to DA until he attains the age of 18 years or has graduated from high school during the child's normal and expected year of graduation, whichever occurs later.

26. If, at any point in time, DA is covered by the health, hospital, or dental insurance of *both* parties, the Petitioner shall provide primary coverage for the dependent child through Medicaid and CHIP and the health, hospital, or dental insurance plan of Respondent shall be secondary coverage for the dependent child. If a parent remarries and his or her dependent children are not covered by that parent’s health, hospital, or dental insurance plan but is covered by a step-parent’s plan, the health, hospital, or dental insurance plan of the step-parent shall be treated as if is it the plan of the

remarried parent and shall retain the same designation as the primary or secondary plan of the dependent children.

27. Further, each party shall pay one-half of the out-of-pocket costs of the premium actually paid by the insuring party for the children's portion of insurance. According to statute, the children's portion of the premium is a per capita share of the premium actually paid for the family and shall be calculated by dividing the premium amount by the number of persons covered under the policy and multiplying the results by the number of minor children of the parties. The insuring party is ordered to provide verification of the coverage of the insurance to the other party upon the divorce or upon initial enrollment and thereafter, and notify the other party of any change in insurance carrier, premium or benefits within 30 days of the date he or she knows of the change.

28. In addition to sharing health insurance premiums, each party shall share, one-half to each, all reasonable and necessary uninsured medical expenses, dental, orthodontic, optical, preventative care, routine visits, allergists or other specialist care, prescriptions, medical devices or psychotherapeutic expenses, including deductibles and co-payments, incurred for the minor children and actually paid by the parties. The party who incurs the medical expense shall provide written verification of the cost and payment of medical expenses to the other party within 30 days of payment. In addition to any other sanctions provided by the court, a parent incurring medical expenses may

be denied the right to receive credit for the expense or to recover the other party's share of the expenses if that party fails to comply with this provision. Payment to reimburse a party for paid medical expenses should be made within 30 days of receipt of verification of payment.

29. Parties shall follow Utah Code §81-6-209 with regard to child care expenses. The parties shall share equally any expense associated with an agreed upon extracurricular activity. In the event the parties are unable to agree on an extra-curricular activity, the party enrolling the child shall be responsible for the associated expense.

Taxes

30. Petitioner shall claim the child as a dependent for all dependency deductions and credits each year, unless and until a parent is able to care for the child and brings a petition to modify.

31. If at any time more than one party is exercising genuine parent time with the child and providing care and a home for the child, such parties shall alternate claiming the child as a dependent for tax purposes.

32. It is reasonable that, if any party fails in the performance of any of his or her obligations under the Decree, the aggrieved party shall have the right to sue for damages for the breach thereof, or to seek such other legal remedies that may be available to him or her, including attorney's fees being awarded for the breach.

33. If this matter is contested, it is reasonable and proper for the contesting party to be ordered to pay Petitioner's attorneys' fees and costs.

****The Judge's signature stamp appears at the top of the first page of this document****

NOTICE PURSUANT TO URCP RULE 7(J)

Pursuant to URCP 7(j), a party may object to the form of a proposed order by filing an objection within seven days after the order is served. If no written objection is filed within such time frame, this Order may be entered by the Court.

CERTIFICATE OF SERVICE

I certify I served, via email, a true and correct copy of the foregoing DECREE OF DIVORCE, this 26th day of May, 2026:

Cassie Alvarado-Aguilar,

Mother

Via Email: sassyass753@gmail.com

Gerardo Alvarado-Aguilar,

Father

Via First-Class Mail:

6058 S. 2550 W.

Roy, Utah, 84067

/s/ Brian D. Johnson

Brian D. Johnson

Attorney for Petitioner.