

## Checklist for Motion to Modify Child Support

---

- **Notice:** This is the **wrong** Checklist for filing a **Petition** to Modify Child Support.
- You must complete a form before you file it. These instructions will help you complete the forms.
- Court staff cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Contact the Self Help Center if you need more help:  
<http://www.utcourts.gov/selfhelp/contact/>.

### (1) Motion or Petition?

You may file a **Motion to Modify Child Support** only if all of the following apply:

- the order has not been modified within the last three years; and
- there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and
- the difference is not temporary; and
- the proposed support amount is consistent with the guidelines.

If any of these things is missing from your case, do not use these motion forms. You must file a **Petition to Modify Child Support**.

### (2) Motion to Modify Child Support

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent. Keep the same party name as in the case that established the support order. For example, if you were the Respondent in the earlier case, you will be the Respondent in the modification, even if you are the party asking that child support order be modified.
- Complete the heading exactly as it appears in the support order that you are asking the court to modify, including the case number.
- Paragraph (1): Print the title of the earlier child support order, the state in which the order was entered, and the address and phone number of the clerk of the court. Print the case number and name, the name of the judge who signed the order and the date on which it was signed. Check who is paying child support under the current order and how much.

- Paragraph (2): Complete all of the statements and questions. The judge will be able to decide from your answers whether the Utah District Court has jurisdiction.
- Paragraph (3): Check the boxes that describe you.
- Paragraph (4) Check all of the boxes that describe your circumstances.
- Paragraph (5): Check who you want to pay child support and how much.
- Paragraph (6): If you are asking the court to order the other party pay your costs and attorney fees, check the box. You may ask for such an order only if you are unable to pay for requesting the modification.
- Paragraph (7): If the other party has stipulated to what you have asked for, check the box and attach the Stipulation to Enter Judgment. Note that you can request a modification even if the other party does not stipulate. Note also that stipulating to the judgment is different from consenting to jurisdiction, which is part of Paragraph (2).
- Paragraph (8): Check whether you want a hearing.
- Attach any required documents and forms.

### **(3) Proof of Service**

- Follow the instructions that accompany the form.
- A person over the age of 18 who is not a party or lawyer in the case must serve the Motion on your behalf.
- You must have the person serve the Motion to Modify Child Support on:
  - the petitioner, if you are the respondent
  - the respondent, if you are the petitioner
  - the payee, if the payee is someone other than petitioner or respondent
  - the children's guardian, conservator or custodian, if there is one
  - the Child Support Division of the Attorney General's Office, if the Office of Recovery Services (ORS) has provided child support services
- Proof of service is filled out and filed by the person who serves the Motion to Modify Child Support.
- The other documents and forms (Non-public Information Forms, Affidavit about Child Support Services, Notice to the Child Support Division, Financial Declaration, Child Support Worksheets, Insurance Premium and Child Care Adjustment Worksheet, Consent to Jurisdiction, and Stipulation to Enter Judgment) can be attached to and served with the Motion to Modify Child Support. Or you can serve them by mail or other means after the Motion to Modify Child Support has been served.

### **(4) Non-public Information – Parent Identification and Location**

- This information is required by the U.S. Secretary of Health and Human Services. If the information changes, you must complete and file another form. ([Utah Code Section 62A-11-304.4](#))
- Follow the instructions that accompany the form.
- Attach the form to the Motion.

**(5) Non-public Information – Minors**

- This is required information about the children.
- Follow the instructions that accompany the form.
- Attach the form to the Motion.

**(6) Non-public Information – Safeguarded Address (if applicable)**

- If you have asked that your residential address or that of your children be safeguarded, omit the residential address from all other documents, and print it here.
- Follow the instructions that accompany the form.
- Attach the form to the Motion.

**(7) Affidavit about Child Support Services**

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Complete the heading exactly as it appears in the Motion.
- Check one of the two boxes to say whether the Office of Recovery Services (ORS) has ever provided child support services.
- Date and sign the form in front of the judicial services representative or notary public.
- Attach the form to the Motion.

**(8) Notice to the Child Support Division of the Attorney General's Office**

- If you checked the first box in the Affidavit about Child Support Services, indicating that ORS has never provided child support services, then do not complete this form.
- Complete this form if ORS has provided child support services.
- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Complete the heading exactly as it appears in the Motion.
- Paragraph 1: Print the amount of child support you are requesting.
- Date and sign the form.
- Attach the form to the Motion.

**(9) [Notice of URCP 26.1 requirements](#)**

- Follow the instructions that accompany the form.

#### **(10) [Financial Declaration](#)**

- This form is required only if the responding party files an answer or if the court needs it. If the financial declaration form is required, both parties must complete a form and serve it on the other party.
- The party requesting the modification must serve the financial declaration form and its attachments on the responding party within 14 days after the responding party serves their answer. The responding party must serve the financial declaration for and its attachments on the requesting party within 28 days after the requesting party's financial declaration form. The parties are required to serve amendments to the financial declaration if the information changes or if new information is discovered. Service is governed by [URCP 5](#).
- For more information, instructions and forms for completing the financial declaration form, see our webpage on [Financial Declaration](#).
- Each party must file a certificate of service with the court stating that he or she has provided the financial declaration form and its attachments to the other party. But normally the parties do not file the financial declaration for itself or its attachments with the court until the court needs the documents. For example, the court will need the documents before any pretrial conference or trial. The court will also need the documents if a party asks for a temporary order. For more information and forms see our webpage [How to get a Temporary Order](#).
- The parties will also have to provide to the court the child support worksheet and other financial information required by [Utah Code Section 78B-12-201](#). See the next section. Although the information required by the statute is similar to the financial declaration form, both are required. Also see our webpage on [Child Support](#).

#### **(11) [Child Support Calculator](#) or [Child Support Worksheets](#)**

- Make sure to select the correct worksheet.
- Follow the instructions that accompany the worksheets.
- Attach the form to the Motion.

#### **(12) [Insurance Premium and Child Care Adjustment Worksheet](#)**

- Follow the instructions that accompany the worksheets.
- Attach the form to the Motion.

#### **(13) [Consent to Jurisdiction](#) (if applicable)**

This form supports a claim of jurisdiction under Utah Code Section 78B-14-205(1)(b) or Section 78B-14-611(1)(b). Complete and file this form **only** if:

- the controlling order was entered or last changed in Utah, and:
  - you, the other party, and the children do not reside in Utah; and

- you and the other party consent that the Utah District Court should have continuing, exclusive jurisdiction to modify the order.

**OR**

- the controlling order was entered or last changed by a court in a state other than Utah, and:
  - you and the other party consent that the Utah district court should have continuing, exclusive jurisdiction to modify the order;  
and either:
    - the children reside in Utah; or
    - the Utah District Court has personal jurisdiction over at least one of the parties.
- Complete the heading exactly as it appears in the Motion.
- Both parties date and sign the form. Both parties should keep a copy.
- File the original form in the Utah District Court.
- If the controlling child support order was entered or last changed by a court of a state other than Utah, file a copy of the consent also in that court.

**(14) Stipulation to Enter Judgment (if applicable)**

- If the other party agrees with what you have asked for in the Motion, s/he completes this form.

**(15) Reply to Memorandum Opposing Motion to Modify Child Support (if applicable)**

- You may file a Reply to Memorandum Opposing Motion to Modify Child Support only to disagree with a topic in the Opposing Memorandum that you didn't mention in your Motion.
- You must file and serve the form within 7 days after the Opposing Memorandum is served on you.
- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Complete the heading exactly as it appears in the Motion.
- Print the number of the paragraph from the Opposing Memorandum that you disagree with. Quote the statement exactly. Explain why you disagree.
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form on the other party. Service is governed by [URCP 5](#).
- File the original form and attachments with the judicial services representative.

## **(16) Request to Submit for Decision**

- The motion and other documents will not be given to the judge to decide until one of the parties completes and files a Request to Submit for Decision. Either party may file a Request, but someone must do so.
  - Do not file the Request to Submit for Decision until after the Reply to the Memorandum Opposing the Motion has been filed or the time for filing has passed. (7 days after the Memorandum Opposing the Motion was served.)
  - If the parties stipulate to the motion, file the Request to Submit for Decision with the Motion, Stipulation and proposed Findings of Fact, Conclusions of Law and Order.
- Print your name and contact information at the top of the first page. Check whether you are the Plaintiff/Petitioner or Defendant/Respondent or the attorney for the Plaintiff/Petitioner or Defendant/Respondent.
  - Check the box for the District Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the complaint/petition.
  - If you want to ask for a hearing, check the box next to “hearing requested.” If there is no hearing, the judge will decide the motion based on the papers that have been filed. If one party requests a hearing and the other party does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.
  - Paragraph (1): Print the name of the motion to be submitted for decision and the date the motion was served on the other party.
  - Paragraphs (2) - (4): Check the correct boxes and print the dates to show which documents have been filed and served.
  - Paragraph (5): Check the correct box to show whether you request a hearing.
  - Date and sign the form.
  - Attach the required documents.
  - Complete the Certificate of Service.
  - Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
  - File the original form and certificate of service with the judicial services representative.

## **(17) Notice of Hearing**

- If you have requested a hearing, call the judge’s judicial assistant to find out whether your request has been granted. Schedule the hearing with the assistant

and complete this form. Select a date that is convenient for you, the other party and the court. Otherwise, do not file this form.

- Print your name and contact information at the top of the first page.
- Check the correct box to show whether the court is the District, Juvenile or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the complaint/petition.
- Identify Plaintiff/Petitioner and Defendant/Respondent by name and address.
- Print the name of the motion on the blank line. Print the date and time of the hearing. Print also the judge's name and courtroom number for the hearing.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form with the judicial services representative.

### **(18) Attend the Hearing**

- If there is a hearing, be sure to attend.

### **(19) Proposed Findings of Fact, Conclusions of Law, and Order**

The Findings of Fact, Conclusions of Law, and Order might be completed at different times, depending on how the case is decided.

- Complete the heading exactly as it appears in the Motion.
- Do not complete the rest of the form unless you are told to do so. Sometimes the judge will prepare the order; sometimes the judge will tell the winning party to prepare the order.
- Attach any required documents or forms.

If there is a hearing on the Motion, the judge will decide the issues. Sometimes the judge will prepare the order; sometimes the judge will tell the winning party to prepare the order.

- If you are told to prepare the order, complete all of it except the judge's signature. What you write in the order must agree with what the judge decided.
- Serve the unsigned order on the other party within 21 days after being told to prepare the order. Service is governed by [URCP 5](#).
- Complete the Certificate of Service.
- File the original unsigned order and the Certificate of Service with the judicial services representative within 21 days after being told to prepare the order.

- The other party has 7 days in which to object.

If the other party stipulates to the change, serve the proposed order on the other party and file it with the stipulation. If the other party defaults (does not appear), file the proposed order with the Motion for Default Judgment.

## **(20) Notice of Judgment**

After the judge signs the order:

- Print your name and contact information at the top of the Notice of Judgment. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Complete the heading exactly as it appears in the Motion.
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and attachments on the other party. Service is governed by [URCP 5](#).
- File the original form and attachments with the judicial services representative.

## **(21) Notice of Modification**

If the support order being modified was entered by a court outside Utah:

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Complete the heading exactly as it appears in the Motion.
- Attach any required documents and forms.
- Print the name and address of the court that entered the order.
- Print the name and address of the court in which that order has been registered. If you need more room, complete another form.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form on the other parties. Service is governed by [URCP 5](#).
- File the original form with the judicial services representative.
- Mail the form and a certified copy of the Findings of Fact, Conclusions of Law, and Order to the courts of the other states.