
Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner V. _____ Respondent</p>	<p>Findings of Fact, Conclusions of Law, and Order Modifying Child Support</p> <p>_____ Case Number _____ Judge _____ Commissioner</p>
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The matter before the court is Petitioner's Respondent's Petition to Modify Child Support. This matter is resolved by:

The default of Petitioner Respondent.

The stipulation of the parties.

The pleadings and other papers of the parties.

A hearing held on _____ (date).

Petitioner

was was not present

was represented by _____

was not represented.

Respondent

was was not present

was represented by _____

was not represented.

Office of Recovery Services

was was not present

was represented by _____

Guardian, conservator or custodian _____ (name)

was was not present

was represented by _____

was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The Court Finds That:

(1) Controlling child support order. The controlling child support order is:

Title of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	
Payor:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Monthly Amount	\$

(Paragraphs (2)(A), (2)(B) and (2)(C) are separate conditions for jurisdiction. At least one Paragraph must apply.)

(2)(A) **Jurisdiction.** This court has jurisdiction under Utah Code Section 78B-14-205. A Utah court issued the controlling child support order consistent with Utah

law, and the order has not been modified by a tribunal of another state, and: (At least one must apply.)

on the date the Petition to Modify Child Support was filed, Utah was the residence of the petitioner or respondent or the children for whose benefit the order was issued; or

The non-resident parties have filed consent that this court may continue to exercise jurisdiction to modify its order.

(2)(B) **Jurisdiction.** This court has jurisdiction under Utah Code Section 78B-14-613. (All must apply.)

The controlling child support order, issued in another state, has been registered and confirmed in Utah, and

the order may be modified under the law of the issuing state, and

petitioner and respondent reside in Utah, and

the children do not reside in the issuing state.

(2)(C) **Jurisdiction.** This court has jurisdiction under Utah Code Section 78B-14-611. The controlling child support order, issued in another state, has been registered and confirmed in Utah, the order may be modified under the law of the issuing state, and Utah can exercise personal jurisdiction over any non-resident individual in this action or the individual's guardian or conservator because:

(At least one must apply.)

the individual has been personally served with notice within Utah; or

the individual submits to the jurisdiction of Utah by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; or

the individual resided with the children in Utah; or

the individual resided in Utah and provided prenatal expenses or child support; or

the children reside in Utah as a result of the acts or directives of the individual; or

the individual engaged in sexual intercourse in Utah and the child may have been conceived by that act of intercourse; or

the individual asserted parentage in the putative father registry maintained in Utah by the state registrar of vital records in the Department of Health; or

there is a basis for the exercise of personal jurisdiction consistent with the Utah Constitution and the United States Constitution;

AND (At least one must apply.)

The party requesting modification does not reside in Utah, and neither the answering party nor the children reside in the issuing state; or

Neither party resides in Utah, but the children do, and both parties have filed consents in the issuing court for a Utah court to modify the support order and assume continuing, exclusive jurisdiction; or

Neither party resides in Utah, but this court has personal jurisdiction over at least one of the parties, and both parties have filed consents in the issuing court for a Utah court to modify the support order and assume continuing, exclusive jurisdiction.

(3) Relationship to children. The party requesting modification is the:

payor (person who pays child support)

payee (person who receives child support);

and the

mother of

father of

legal guardian, conservator or custodian of

the children more fully described in the attached Non-public Information Form.

(Paragraphs (4) through (8) are separate grounds to modify child support. At least one Paragraph must apply)

(4) **Grounds to modify.** The controlling child support order should be modified because _____ (child's name) is emancipated.

(5) **Grounds to modify.** The controlling child support order should be modified because there has been a material change:

in the availability, coverage, or reasonableness of cost of health care insurance of the payor payee; and/or

in work-related or education-related child care expenses of the

payor payee.

(6) **Grounds to modify.** The controlling child support order should be modified because: (All must apply.)

it 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.

(7) **Grounds to modify.** There has been a material change: (At least one must apply.)

in custody; or

in the relative wealth or assets of the parties; or

of 30% or more in the income of a parent; or

in the employment potential and ability of a parent to earn; or

in the medical needs of the children; or

in the legal responsibilities of a parent for the support of others

resulting in a difference, which is not temporary, of 15% or more between the support amount as ordered and the support amount as required under the guidelines.

(8) **Change in child tax exemption award.** The controlling order awards the child tax exemption to petitioner respondent under the following terms:

Petitioner Respondent should be awarded the child tax exemption under the following terms:

The payor has no child support arrears, and the change in the award of the tax exemption will result in a tax benefit to the parent awarded the exemption.

(9) Child Support Guidelines. The modified child support is based on the parties' income or is imputed based on their work history.

(A) The requested child support amount is consistent with the guidelines.

OR

- (B) The amount of child support requested is NOT consistent with the guidelines because complying with a provision of the guidelines or ordering an award amount resulting from use of the guidelines would be unjust, inappropriate, or not in the best interest of the children after considering: (Check all that apply.)
- the standard of living and situation of the parties;
 - the relative wealth and income of the parties;
 - the payor's ability to earn;
 - the payee's ability to earn;
 - an incapacitated adult child's ability to earn;
 - benefits received by or on behalf of an incapacitated adult child;
 - the needs of the payee, the payor, and the children;
 - the ages of the parties;
 - the responsibilities of the payor and the payee for the support of others.

The Court Concludes That:

- (10) The court does does not have jurisdiction.
- (11) There are are not grounds to modify the controlling child support order.
- (12) To enable Petitioner Respondent to prosecute or defend this action, it is necessary that Petitioner Respondent pay _____ % of the costs and attorney fees of the other party.

The Court Orders That: (Complete only those sections where there is a change.)

- (13) The Petition to Modify Child Support is denied.
- (14) The controlling child support order is modified as follows:
- (15) **Amount.** Petitioner Respondent must pay \$ _____ each month to support the children.
- (16) **Payee.** (Choose (9)(A) if the Office of Recovery Services (ORS) is collecting child support payments. Choose (9)(B) if not.)
- (A) **To ORS.** Office of Recovery Services (ORS) is collecting child support payments. Income withholding shall be made from the salary and wages of the Payor. Any Federal and State tax refunds or rebates due the payor may be

intercepted by the State of Utah and applied to existing child support arrearages. Income withholding should apply to existing and future payors. Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments should be made to the Office of Recovery Services. Child support should be due on or before the first day of each month and delinquent on the first day of the following month. All administrative fees and costs of income withholding assessed by the Office of Recovery Services shall be paid by
 Petitioner Respondent.

(B) **To payee** _____ (name of person who will receive child support payments) (Complete (17)(A) and (17)(B).)

(17) **Payment schedule.** ORS is not collecting child support payments. Child support shall be paid: (Choose one.)

 (A) one-half by the 5th day of each month and one-half by the 20th day of each month.

OR

 (B) according to the following schedule:

_____ % On or before the _____ day of each month

_____ % On or before the _____ day of each month

_____ % On or before the _____ day of each month

_____ % On or before the _____ day of each month

Child support payments begin the month immediately following the entry of the order. A child support payment not paid on or before the due date be considered delinquent on the next day.

(18) **Payment method.** (Choose one.)

 (A) The Payee shall provide to Payor the information necessary to set up direct deposit through Payor's employer. Upon receipt of the information, Payor's employer shall establish direct deposit to an account of Payee's choice.

OR

 (B) Child support shall be paid directly to the Payee. The Payor has paid other court ordered support on time. Income withholding for this child support would not be in the children's best interest because:

OTHER SUPPORT REQUESTS

(19) **Health insurance coverage.** (Complete this section only if you are ordering a change in health insurance coverage.)

(A) (Choose one or both.) Petitioner Respondent must maintain medical, hospital and dental care insurance for the dependent children where available at reasonable costs and the insurance coverage is accessible to the children.

(B) Both parties share equally the out-of-pocket costs of the premium paid by a parent for the children's portion of the insurance.

(C) Both parties share equally all reasonable and necessary uninsured and unreimbursed medical and dental expenses, including deductibles and co-payments, incurred for the dependent children and paid by a party.

(D) The parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days after the payment.

(E) A parent incurring medical expenses shall be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.

(F) The parent ordered to maintain insurance shall provide verification of coverage to the other parent, or to the Office of Recovery Services upon initial enrollment of the dependent children, and on or before January 2 of each calendar year; and that parent shall notify the other parent, or the Office of Recovery Services of any change of insurance carrier, premium, or benefits within 30 calendar days of the date the parent first knew or should have known of the change.

(G) Other medical expense request:

(20) **Day-care or education-related costs.** (Choose this box only if you are ordering a change payment of day-care or education-related costs.)

(A) Both parties share equally all reasonable work, career, or occupational training-related child care expenses.

(B) The parent who incurs child care expenses shall provide written verification of the cost and identity 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 who incurs child care expenses shall notify the other parent of any change of a child care provider or the monthly expense of child care within 30 calendar days of the date of the change.

(D) The parent not directly paying for child care shall begin paying their share of child care expenses on a monthly basis immediately upon presentation of proof of the child care expense.

(E) A parent incurring child care expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with these provisions.

(F) Other day-care or education expense request:

(21) **Child tax exemption award.** The controlling order is modified to award Petitioner Respondent the child tax exemption under the following terms:

(22) **Child support arrears.** Child support arrears shall be determined by further judicial or administrative process.

(23) **Change in income.** Each party must notify the other within ten days of any change in monthly income.

(24) **Costs and attorney fees.** Petitioner Respondent must pay _____ % of the costs and attorney fees of the other party in this matter.

(25) **Other.** The court further orders:

(26) Remainder of order unchanged. The remainder of the order listed in paragraph (1) above remains unchanged.

Approved as to form.

_____ Sign here ► _____
Date Plaintiff/Petitioner or Attorney _____

_____ Sign here ► _____
Date Defendant/Respondent or Attorney _____

_____ Sign here ► _____
Date Recommended by Commissioner _____

_____ Sign here ► _____
Date Approved by Judge _____