

This is a private record.

This is a Tier 2 case.

My Name

Address

City, State, Zip

Phone

Email

I am the Petitioner
 Respondent
 Attorney for the Petitioner Respondent and my Utah Bar number is _____

In the District Court of Utah
_____ Judicial District _____ County
Court Address _____

Petition to Modify Child Custody, Parent-time and Child Support	
_____ Petitioner	_____ Case Number
V.	_____ Judge
_____ Respondent	_____ Commissioner

Instructions:

- You must complete this form before you file it. Court staff cannot complete this form for you.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Attach the following:
 - Additional pages as needed to complete paragraphs that don't have enough space. Write the paragraph number on the additional page.
 - Cover Sheet
 - Summons

- A copy of the controlling order that you want the court to modify. If a Parenting Plan is part of the controlling order, attach a copy of the Parenting Plan.
- Non-public Information – Parent Information and Location
- Non-public Information – Minors
- Non-public Information – Safeguarded Address (if applicable)
- Parenting Plan if required (A Parenting Plan is required if you are asking the court to enter an order of joint legal or joint physical custody.)
- Affidavit about Child Support Services
- Notice to Child Support Division of the Attorney General (if applicable)
- Child Support Worksheet
- Other attachments described in this document if they are applicable (Insurance Premium and Child Care Adjustment Worksheet, Stipulation to Enter Judgment)
- If the other party stipulates to the modification, Findings of Fact and Conclusions of Law and Order Modifying Child Custody, Parent Time, and Child Support

I swear or affirm that the following is true.

(1) Controlling order. The order controlling child custody, parent-time and child support 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:	

(2) Minor Children. There are _____ (number) minor children included in the controlling order are more fully described in the attached Non-Public Information-Minors Form. (List the children in the same order as in the Non-Public Information Form.):

	Child's Name	Date of Birth
(1)		
(2)		
(3)		
(4)		
(5)		

(At least one of Paragraphs (3), (4), or (5), must apply. If a Utah court entered the order to be modified, Paragraph (3) or (4) must apply. If the court of another state entered the order to be modified, Paragraph (5) must apply.

(3) **Jurisdiction over Utah order – no intervening loss of jurisdiction.** This court has jurisdiction because a Utah court entered the initial child custody order or has already modified the order of another state and has exclusive, continuing jurisdiction because: (At least one of (A) through (C) must apply, but choose all that do apply.)

(3)(A) the children, the children and one parent or the children and the person acting as parent have a significant connection with Utah other than mere physical presence.

OR

(3)(B) substantial evidence about the children's care, protection, training, and personal relationships is available in Utah.

OR

(3)(C) the children, or a parent, or a person acting as parent presently resides in Utah.

(4) **Jurisdiction over Utah order – intervening loss of jurisdiction.** This court has jurisdiction because a Utah court entered the initial child custody order or has already modified the order of another state but does not have exclusive, continuing jurisdiction. However, a Utah court can modify the Utah order because: (At least one of (A) through (D) must apply, but choose all that do apply.)

(4)(A) the children lived with a parent or person acting as parent in Utah for at least 6 months before the date this petition was filed.

OR

(4)(B) the children lived with a parent or person acting as parent in Utah for at least 6 months within the 12 months before this petition was filed and a parent or a person acting as parent lives in Utah.

OR

(4)(C) the children have not lived with a parent or person acting as parent in any one state for at least 6 months before the petition was filed; and either the children have not lived with a parent or person acting as parent in any one state for at least 6 months within the 12 months before the petition was filed, or **if** the children have lived with a parent or person acting as parent in one state for at least 6 months within the 12 months before this petition was filed, the parents and person acting as parent no longer live in that state; and: (Both must apply.)

- at least one parent or the children and a person acting as parent have a significant connection with Utah other than mere physical presence; and
- substantial evidence about the children's care, protection, training, and personal relationships is available in Utah.

OR

(4)(D) the children have lived with a parent or person acting as parent in one state for at least 6 months before the petition was filed, or the children have lived with a parent or person acting as parent in one state for at least 6 months within the 12 months before this petition was filed, and a parent or person acting as parent lives in that state, but Utah is a more convenient location than the children's home state; and: (Both must apply.)

- at least one parent or the children and a person acting as parent have a significant connection with Utah other than mere physical presence; and
- substantial evidence about the children's care, protection, training, and personal relationships is available in Utah.

(5) **Jurisdiction over non-Utah order.** This court has jurisdiction because a Utah court has **not** made an initial or a modified child custody order, and: (At least one of (A) through (C) must apply, and at least one of (D) through (H) must apply. Choose all that do apply.)

(5)(A) (Both must apply.)

- neither the children, the children and a parent, nor the children and a person acting as parent have a significant connection with the state that entered the order; and
- substantial evidence concerning the children's care, protection, training, and personal relationships is not available in the state that entered the order.

OR

(5)(B) Utah is a more convenient location.

OR

(5)(C) neither the children, nor a parent, nor any person acting as parent presently resides in the state that entered the order.

AND (At least one of (D) through (H) must apply, but choose all that do apply.)

(5)(D) the children lived with a parent or person acting as parent in Utah for at least 6 months immediately before the date this petition was filed.

OR

(5)(E) the children lived with a parent or person acting as parent in Utah for at least 6 months within 12 months before the date this petition was filed, and a parent or person acting as parent lives in Utah.

OR

(5)(F) the children did not live with a parent or person acting as parent in the state that entered the order for at least 6 months immediately before the date this petition was filed; and: (Both must apply.)

- the children and at least one parent or the children and a person acting as parent have a significant connection with Utah other than mere physical presence; and
- substantial evidence concerning the children's care, protection, training, and personal relationships is available in Utah.

OR

(5)(G) the children did not live with a parent or person acting as parent in the state that entered the order for at least 6 months within 12 months before the date this petition was filed, and: (Both must apply.)

- the children and at least one parent or the children and a person acting as parent have a significant connection with Utah other than mere physical presence; and: (Both must apply.)
- substantial evidence concerning the children's care, protection, training, and personal relationships is available in Utah.

OR

(5)(H) Utah is a more convenient location than the court that entered the order, and: (Both must apply.)

- the children and at least one parent or the children and a person acting as parent have a significant connection with Utah other than mere physical presence; and
- substantial evidence concerning the children's care, protection, training, and personal relationships is available in Utah.

(6) Relationship to children. I am the: (Choose all that apply.)

- payor (person who pays child support)
- payee (person who receives child support);
- and the
- mother of
- father of
- legal guardian or legal custodian of
- other person who has been acting as a parent to

the children who are listed in Paragraph (2) and more fully described in the attached Non-Public Information-Minors Form.

(7) Residence of children. The children have resided in the following states for the 5 years before this petition (or since birth if the child is younger than 5):

Child's Name (in the order listed on the Non-public Information- Minors Form)	State	From (Mo/Yr)	To (Mo/Yr)	State	From (Mo/Yr)	To (Mo/Yr)	State	From (Mo/Yr)	To (Mo/Yr)
(1)									
(2)									
(3)									
(4)									
(5)									

The full residential address and name and address of person the child lived with are in the attached Non-public Information-Minors Form.

(8) People claiming custody or parent-time. The following people (other than Petitioner and Respondent) claim a right to custody or parent-time with the children:

Name of Person	Current Address	Claims
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time

(9) Other cases. Identify **any** case (pending or closed, civil or criminal, in this court or in any other court, in this state or in any other state) that could affect this case. Include **any** case that affects the children. (Each party has a continuing duty to notify the court of any case (past, current or future) that could affect this case.)

There are no other cases that affect the children or this case.

The following cases might affect the children or this case:

Court (Name, Address, Phone)	Case number	Type of case
		Adoption

Court (Name, Address, Phone)	Case number	Type of case
		Custody
		Delinquency
		Divorce
		Enforcement of an order
		Grandparent visitation
		Guardianship
		Modification of an order
		Parentage
		Protective order
		Support
		Termination of parental rights
		Other: (describe)

CUSTODY

(10) Current custody. Custody of the children currently is as follows:

- Sole (or primary) custody is when the non-custodial parent has fewer than 111 overnights a year with the children.
- Joint physical custody is when each parent has more than 110 overnights a year with the children.
- Split custody is when there are two or more children and each parent has the sole (or primary) physical custody of one or more children.
- You might have sole (or primary) physical custody and joint legal custody of a child.

Child's Name (in the order listed on the Non-public Information-Minors Form)	Physical custody is with:	Legal custody is with
(1)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other person listed in (8)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other person listed in (8)

(2)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other person listed in (8)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other person listed in (8)
(3)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other person listed in (8)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other person listed in (8)
(4)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other person listed in (8)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other person listed in (8)
(5)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other person listed in (8)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other person listed in (8)

(11) Proposed custody. I want to change the custody of the children as follows:

- Sole (or primary) custody is when the non-custodial parent has fewer than 111 overnights a year with the children.
- Joint physical custody is when each parent has more than 110 overnights a year with the children.
- Split custody is when there are two or more children and each parent has the sole (or primary) physical custody of one or more children.
- You might have sole (or primary) physical custody and joint legal custody of a child.

I understand that a joint physical custody arrangement may result in denial of cash assistance under the Employment Support Act, Title 35A, Chapter 3, of the Utah Code.

Child's Name (in the order listed on the Non-public Information-Minors Form)	Physical custody should be with:	Legal custody should be with
(1)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other _____
(2)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other _____
(3)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other _____

Child's Name (in the order listed on the Non-public Information-Minors Form)	Physical custody should be with:	Legal custody should be with
(4)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other _____
(5)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other _____	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other _____

(12) Change in circumstances. A material and substantial change in circumstances has occurred since the controlling order was entered, including the following: (Describe in detail the material and substantial ("important") changes. Attach additional pages if necessary.)

(13) Best interest. Changing custody is an improvement for and in the best interest of the children because: (Describe in detail how and why a change in custody will be better for the children. Attach additional pages if necessary. For the factors that might be considered by the judge, see the webpage on modifying custody.)

(14) Pre-filing dispute resolution. (Choose one.)

The other party stipulates to the relief requested in this petition, so Subsection 30-3-10.4(1)(c) does not apply.

This petition seeks to modify a court order that does not provide for joint legal custody or joint physical custody, so Subsection 30-3-10.4(1)(c) does not apply.

Both parents have complied in good faith with the dispute resolution procedure in accordance with Subsection 30-3-10.4(1)(c).

The parties have not yet used a dispute resolution process as required by Subsection 30-3-10.4(1)(c).

(15) Post-modification dispute resolution. (Choose one.)

(A) I am not asking for an order of joint legal or physical custody.

(B) I am asking for an order of joint legal or physical custody. Dispute resolution shall be: (Choose one.)

as we agree in the attached Parenting Plan

as proposed in my attached Parenting Plan

as described in the controlling order: (Quote the order exactly.)

PARENT-TIME

(16) Current parent-time schedule. The parent-time schedule currently is: (Choose one.)

according to the attached statutory parent-time schedule

described in the attached controlling Parenting Plan

described as follows in the controlling order: (Quote the order exactly.)

(17) Best interest. Changing parent-time is in the best interest of the children because:

(18) Proposed parent-time schedule. I request that the court order parent-time for the non-custodial parent: (Choose one.)

as we agree in the attached Parenting Plan

as proposed in my attached Parenting Plan

according to the attached statutory parent-time schedule (Utah Code Section 30-3-35 or Section 30-3-35.1 for children between 5 and 18 years old, and Section 30-3-35.5 for children less than 5 years old.)

according to the attached statutory parent-time schedule for a parent who has relocated (Utah Code Section 30-3-37)

Other (Describe the parent-time schedule you want.)

(19) Exchange. I request that the court order exchange of the children for parent-time: (Choose one.)

as we agree in the attached Parenting Plan

as proposed in my attached Parenting Plan

at curbside by Petitioner Respondent at the following address:

Other (Describe the method of exchange you want.)

(20) **Travel costs.** I request that the court order the travel costs for exchanging the children for parent-time be paid: (Choose one.)

as we agree in the attached Parenting Plan

as proposed in my attached Parenting Plan

_____% by the Petitioner and _____% by the Respondent

I request that the court order that reimbursement for the children's travel expenses by the responsible party to the other party be made within 30 days after receiving a statement of those expenses.

- (21) **Relocation.** I request that the court order that if either parent decides to move more than 150 miles from the residence of the other parent:
- (A) The moving parent will provide to the other parent, if possible, 60 days advance written notice of the intended move, affirming that:
 - (i) the parent-time provisions in Utah Code Section 30-3-37 or a schedule agreed to by the parties will be followed; and
 - (ii) the moving parent will not interfere with the other's parent-time rights.
 - (B) If the moving parent fails to notify the other parent of the intended move, then the moving parent can be found in contempt of court.
 - (C) The parties will modify the parent-time plan, including transportation costs, in light of the best interests of the children, considering also the provisions of Utah Code Sections 30-3-33, 30-3-35, 30-3-35.5, and 30-3-37.
- (22) **Future parent-time modifications.** I request that the court permit the parties to modify the parent-time schedule by mutual agreement. If the parties cannot agree on a parent-time schedule, before filing a petition to modify parent-time, they will mediate the dispute in good faith with a mediator qualified to mediate domestic disputes under criteria established by Code of Judicial Administration Rule 4-510.
- (23) **Immediate effective date.** I request that the change to parent-time be effective immediately upon entry of the court order.

SUPPORT

(Grounds (reasons) to modify child support: Paragraphs (24), through (27) are separate grounds to modify child support. At least one Paragraph must apply, but more than one might apply. Choose all that do apply. Note that some Paragraphs have conditions that are in the alternative and some conditions that are combined.)

- (24) **Grounds to modify.** The controlling child support order should be modified because _____ (child's name) is emancipated.
- (25) **Grounds to modify.** The controlling child support order should be modified because there has been a material change: (At least one must apply, but choose all that do apply.)
- 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.

(26) **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.

(27) **Grounds to modify.** The controlling child support order should be modified because there has been a material change: (At least one must apply, but choose all that do 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 child; or

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

The material changes described in this Paragraph result in a difference of 15% or more between the support amount as ordered and the support amount as required under the guidelines. The difference is not temporary.

(28) **Current support order.** The controlling order directs Petitioner
 Respondent to pay \$_____ each month to support our children.

(29) **Request for change in monthly child support payment.** I request that the court order that Petitioner Respondent pay \$_____ each month to support our children.

(30) **Child support guidelines.** The modified child support is based on our income or is imputed based on our work history. (Attach the Child Support Worksheet that you used and, if applicable, the Insurance Premium and Child Care Adjustment Worksheet.)

(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 child 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.

CHILD SUPPORT PAYMENT

(Choose (31) if the Office of Recovery Services (ORS) is collecting child support payments.
Choose (32) if not.)

(31) Child support payment to ORS

Office of Recovery Services (ORS) is collecting child support payments. I request mandatory income withholding from the salary and wages of the Payor. Income withholding should apply to existing and future payors. Any Federal and State tax refunds or rebates due the payor should 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.

(32) Child support payment to payee (Complete (A) and (B).)

(A) Payment schedule. ORS is not collecting child support payments. I request that child support be paid: (Choose one.)

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

OR

(ii) 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

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

(B) Payment method. I request that: (Choose one.)

(i) the Payee provide to Payor the information necessary to set up direct deposit through Payor's employer. I request that upon receipt of the information, Payor's employer establish direct deposit to an account of Payee's choice.

OR

(ii) child support be paid directly to the Payee. The Payor has paid other court ordered support on time. (Attach evidence of timely payments.) Income withholding for this child support would not be in the children's best interest because:

OTHER SUPPORT REQUESTS

(33) Request for change in health insurance coverage. (Complete this section only if you are asking for a change in health insurance coverage in the controlling order.)

I request that:

(A) (Choose one or both.) Petitioner Respondent be required to maintain medical, hospital and dental care insurance for the dependent children where available at reasonable cost 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 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 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 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 the parent 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:

(34) **Request for change in day-care or education-related costs.** (Check this box only if you are asking to change payment of day-care or education-related costs.)

I request that:

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

(B) The parent who incurs child care expenses 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 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:

(35) **Change in child tax exemption award.** The controlling order awards the child tax exemption to Petitioner Respondent under the following terms:

The controlling order should be modified to award Petitioner Respondent 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.

(36) Child support arrears. Child support arrears may be determined by further judicial or administrative process.

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

(38) Other. I request that the court enter the following other orders related to my request for modification of child custody, child support, and parent time:

- (39) **Costs and attorney fees.** I request that the other party pay my costs and attorney fees because, without this payment, I would be unable to bring this action.
- (40) **Remainder of order unchanged.** The remainder of the order described in Paragraph (1) should remain unchanged.
- (41) **Stipulation.** The other party has stipulated to the requested modification. (Attach Stipulation to Enter Judgment.)

_____ Sign here ► _____
Date
Typed or Printed Name _____

I certify that _____, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

_____ Sign here ► _____
Date
Typed or printed name (Court Clerk or Notary Public) _____
Notary Seal