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In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>V.</p> <p>_____ Respondent</p>	<p>Findings of Fact, Conclusions of Law, and Order</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ 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: (At least one must 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.

- (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:

(13) The Petition to Modify Child Support is denied.

(14) The controlling child support order is modified as follows:

(A) Petitioner Respondent must pay \$_____ each month to support the children.

(B) Petitioner Respondent is awarded the child tax exemption under the following terms:

(C) The court further orders:

(15) The remainder of the order described in Paragraph (1) remains unchanged.

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

Approved as to form.

Date Sign here ►
Plaintiff/Petitioner or Attorney _____

Date Sign here ►
Defendant/Respondent or Attorney _____

Date Sign here ►
Recommended by Commissioner _____

Date Sign here ►
Approved by Judge _____