

## Checklist for Modifying Parent-time

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- You must complete a form before you file it. These instructions will help you complete the forms.
- The judicial services representative 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.
  - Check with your court about local requirements.

### (1) Coversheet

- Print your name and address and those of the other parties and lawyers (if known).
- You are not claiming damages, so leave that line blank or print “none.” A jury trial is not permitted in this type of case, so check “no.”
- On page 2, check the box next to “Domestic Modification.” If you are also filing a Petition to Register a Foreign Order, check “Foreign Domestic Decree” as well. This determines your filing fee. If you are filing both types of petitions simultaneously, you must pay the higher filing fee.

### (2) Petition to Modify Parent-time

- 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 parent-time 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 order be modified.
- Complete the heading exactly as it appears in the order that you are asking the court to modify, including the case number.
- Paragraph (1): Print the title of the earlier parent-time 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.
- Paragraph (2), (3) and (4): Check the boxes that are true. From your answers, the judge will decide whether court has jurisdiction.
- Paragraph (5): Check the appropriate boxes to show how you are related to the children. You must provide more information about the children in the non-public information form.

- Paragraph (6): For each child, print the state in which the child has lived for the previous 5 years, the dates the child lived there, the name of the person the child lived with and the relation of that person to the child. You must provide more information about the children in the non-public information form.
- Paragraph (7): Print the name of anyone who claims rights of custody or visitation with the children.
- Paragraph (8): Identify any case that could affect this case. Some examples are given, but include any other cases as well.
- Paragraph (9): For each child check the appropriate boxes to describe the current custody.
- Paragraph (10): Check the appropriate box to describe the current parent-time schedule.
- Paragraph (11): Print why changing the current parent-time schedule will serve the children's best interests.
- Paragraph (12): Check the appropriate box to describe the proposed parent-time schedule.
- Paragraph (13): Check the appropriate box to describe how the children should be exchanged for parent-time.
- Paragraph (14): Check the appropriate box to describe who should pay the children's travel costs and in what proportion.
- Paragraph (15): Check the box to indicate that you have read the paragraph. These provisions are automatic.
- Paragraph (16): Check the box to indicate that you have read the paragraph. These provisions are automatic.
- Paragraph (17): Check the box if you want the modified order to be effective immediately upon entry.
- Paragraph (18): If you are asking the court to order the other party to pay your costs and attorney fees, check the box. You may ask for such an order only if you are unable to pay.
- Paragraph (19): If the other party has stipulated to what you have asked for, check the box and attach the Stipulation to Enter Judgment. You can request a modification even if the other party does not stipulate.
- Paragraph (20): The parts of the earlier order that you do not ask to be changed automatically remain the same.
- Attach any required documents and forms.
- Date and sign the form in front of a judicial services representative or notary public.
- Prepare a separate Petition, attachments and Summons for:
  - the children's parents;

- the person who has physical custody of the children;
  - the person who had physical custody for 6 consecutive months, within 1 year immediately before the commencement this action;
  - the person who has been awarded legal custody by a court; and
  - any person who claims a right to custody or visitation.
- .File the original form and attachments with the judicial services representative.

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

- 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 visitation 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 order be modified.
- Complete the heading exactly as it appears in the Petition.
- Print the name of the person who is going to be served on the “To” line. Date and sign the Summons. Prepare a separate Petition, attachments and Summons to be served on:
  - the children’s parents;
  - the person who has physical custody of the children;
  - the person who had physical custody for 6 consecutive months, within 1 year immediately before the commencement this action;
  - the person who has been awarded legal custody by a court; and
  - any person who claims a right to custody or visitation.
- You may not serve the documents yourself. Deliver the documents to the person who will serve them. For more information see our website at: [http://www.utcourts.gov/howto/service/service\\_of\\_process.html](http://www.utcourts.gov/howto/service/service_of_process.html)
- The person who serves the documents must complete and file proof of service. Professional process servers, like deputy sheriffs, constables and private investigators usually have their own form. If the person serving the documents uses the court’s Proof of Service form, use the forms and follow the instructions found at: [http://www.utcourts.gov/howto/service/service\\_of\\_process.html#Forms](http://www.utcourts.gov/howto/service/service_of_process.html#Forms)

### **(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. (<http://www.utcourts.gov/howto/filing/non-public/#forms>)

- Attach the form to the Petition.

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

- This is required information about the children.
- Follow the instructions that accompany the form.  
(<http://www.utcourts.gov/howto/filing/non-public/#forms>)
- Attach the form to the Petition.

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

- If you have asked that your residential address or that of your children be safeguarded, print it here and do not include it on any other documents or forms.
- Follow the instructions that accompany the form.  
(<http://www.utcourts.gov/howto/filing/non-public/#forms>)
- Attach the form to the Petition.

**(7) Parenting Plan** (Required if you have joint custody or any type of shared parenting arrangement. Optional in other cases.)

- Follow the instructions that accompany the form.  
([http://www.utcourts.gov/howto/family/parenting\\_plans/](http://www.utcourts.gov/howto/family/parenting_plans/))
- Attach the form to the Petition.

**(8) Notice of URCP 26.1 requirements**

- Follow the instructions that accompany the form.

**(9) Financial Declaration** (Required only if you are asking that the other party pay your attorney or costs.)

- Follow the instructions that accompany the form.

**(10) Stipulation to Enter Judgment**

- If the other party agrees with what you have asked they complete and file this form.

**(11) 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 Petition.
- 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 trial, 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 15 days after being told to prepare the order.
- Complete the Certificate of Service.
- File the original unsigned order and the Certificate of Service with the judicial services representative within 15 days after being told to prepare the order.
- The other party has 5 days in which to object.

### **(12) 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 Petition.
- 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.
- File the original form and attachments with the judicial services representative.