

Checklist for a Petition to Recognize a Relationship as a Marriage

- 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) Decide whether just getting married would be better for you.

The court order recognizing a relationship as a marriage is the same as getting married, and the only advantage is to give formal recognition to marriages informally entered into in the past. If there is no reason to “backdate” the marriage, it is cheaper, simpler and faster just to get married.

(2) 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 “Common Law/Marriage Adjudication.” If you are also filing a Petition for Divorce or Annulment, check the box next to “Divorce/Annulment.”

(3) Verified Petition to Recognize a Relationship as a Marriage

- Print your name and contact information at the top of the first page. If both partners to the relationship are filing as co-petitioners, then print the names and contact information for both.
- Print the judicial district number, the county name and the court address in the blank lines. Print the names of the partners in the relationship in the blank lines under “In re marriage of.” Court staff will assign a case number and judge when you file the petition.
- Paragraph (2): Check whether at least one of the parties resides in the county and/or whether at least one of the events giving rise to the case occurred in the county. The events giving rise to the case are described in Paragraphs (6) and (7).

- Paragraph (3): Check the box that describes your interest in the relationship. If your interest is not as a partner of the relationship, describe your interest in the blank line.
- Paragraph (4): Print the name of the petitioner and check the appropriate box.
- Paragraph (5): Print the name of the respondent / co-petitioner and check the appropriate box.
- Paragraph (6): Paragraph (6) must be true in order to prove your case. Make sure that it is true before signing the petition.
- Paragraph (7): Paragraph (7) must be true in order to prove your case. Make sure that it is true before signing the petition.
- Paragraph (8): Check the appropriate box and print the appropriate dates. Be as accurate as you can about the dates. The beginning date should be the earliest date in which all of the elements in Paragraphs (6) and (7) were true.
- Paragraph (9): Check the appropriate box.
- Paragraph (10): Check the box only if the other partner to the relationship stipulates to the petition. Do not check the box if the other partner opposes the petition, has died, cannot be found, or is a co-petitioner.
- Paragraph (11): Print the beginning date from Paragraph (8).
- Attach any required documents and forms.
- Date and sign the form before a notary public or court staff.
- If the other partner to the relationship opposes the petition, have the petition personally served on the other party. If the other partner cannot be found for service, file a motion for alternative service.
- File the original form with court staff.

(4) Stipulation to Enter Judgment

- If the other party agrees with the petition but is not a co-petitioner, they complete this form. You should file the stipulation with the petition, file it later when you receive it, or the other party can file it.
- If the other party does not agree with what you have asked for, they must file and serve you with an Answer.

(5) Request to Submit for Decision

This form tells the court that the case is ready for a decision. Complete and file this form only if both partners are co-petitioners or the other partner stipulates to the petition.

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner. If both partners to the relationship sign the petition, you are co-petitioners.

- Complete the heading exactly as it appears in the petition.
- Paragraph (1): Print the date the petition was filed.
- Paragraph (2): Check the appropriate box.
- Paragraph (3): Check whether a hearing has already been requested.
- Paragraph (4): Check whether you request a hearing. Contact the court staff to see if the judge will require a hearing even if you have not requested one.
- Date and sign the form.
- File the form with the petition **if**:
 - both partners are co-petitioners; or
 - the partner not filing the petition stipulates to the petition.

(6) 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. There are two documents: the Findings of Fact and Conclusions of Law; and the Order, and they are usually prepared at the same 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. If both partners signed the petition, you are Co-petitioners and there is no Respondent.
- Complete the heading exactly as it appears in the petition.
- **If** both partners are co-petitioners **or if** the partner not filing the petition stipulates to the petition, complete the rest of the Findings of Fact, Conclusions of Law, and Order so that they agree with the petition.
- If the petition is not stipulated, do not complete the rest of the Findings of Fact, Conclusions of Law, and Order unless you are told to do so. Either the judge will complete the rest of the documents or tell one of the parties to do so.
- Attach any required documents or forms.

If there is a hearing, the judge will decide the issues and will tell one of the parties to prepare the Findings of Fact, Conclusions of Law, and Order. Listen carefully to the judge's decision. The documents must agree with that decision, and you may have to prepare them.

- If you are told to prepare the Findings of Fact, Conclusions of Law, and Order, complete all of them except the judge's signature. What you write in the documents must agree with what the judge decided.
- Date and sign the proposed Findings of Fact, Conclusions of Law, and Order under the phrase: "approved as to form."

- Within 21 days after being told to prepare the documents, serve them on the other party by one of the methods described in the certificate of service. The other party has 7 days in which to object. **If** both partners are co-petitioners **or if** the partner not filing the petition stipulates to the petition, this step is not necessary.
- File the original Findings of Fact, Conclusions of Law, and Order and the Certificate of Service with the court after the time to object has ended.

(7) Notice of Judgment

The Notice of Judgment will not be prepared if both partners are co-petitioners or one or both partners have died. If the other partner did not file the petition but stipulated to it, you must still serve them with the Findings of Fact, Conclusions of Law, and Order and Notice of Judgment.

If you prepared the order, or if the judge says you have to serve the signed 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 the Findings of Fact, Conclusions of Law, and Order. Attach the Military Service Order if judgment was entered because of the other party's default.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and attachments on the other party by one of the methods described in the certificate of service.
- File the original form and attachments with the court.