

## **Checklist to Oppose Motion to Waive 90-day Waiting Period**

---

- 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) See Utah Rule of Civil Procedure 7 governing motions**

**(2) Statement Opposing Motion to Waive 90-day Waiting Period**

- 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.
- Complete the heading exactly as it appears in the Petition.
- Describe why you oppose the Motion to Waive the 90-day Waiting Period.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form on the other party.
- File the form with the judicial services representative.

**(3) Request to Submit for Decision**

- If a court commissioner will decide the motion, a hearing will have been scheduled when the motion was filed, and a request to submit for decision is not necessary.
- The motion and other documents will not be given to the judge to decide until one of the parties completes and files a Request to Submit for Decision. Either party may file a Request, but someone must do so.
- Do not file the Request to Submit for Decision until after the Reply to the Statement Opposing the Motion has been filed or the time for filing has passed. (5 days after the Statement Opposing the Motion was served.)

- If the parties stipulate to the motion, file the Request to Submit for Decision with the Motion, Stipulation and proposed Findings of Fact, Conclusions of Law and Order.
- 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.
- Check the correct box to show whether the court is the District, Juvenile or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.
- If you want to ask for a hearing, check the box next to “hearing requested.” If there is no hearing, the judge will decide the motion based on the papers that have been filed. If one party requests a hearing and the other party does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.
- Paragraph (1): Print the name of the motion to be submitted for decision and the date the motion was served on the other party.
- Paragraphs (2) - (4): Check the correct boxes and print the dates to show which documents have been filed and served.
- Paragraph (5): Check the correct box to show whether you request a hearing.
- Date and sign the form.
- Attach the required documents.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form and certificate of service with the judicial services representative.

**(4) Notice of Hearing**

- If a court commissioner will decide the motion, a hearing will have been scheduled when the motion was filed, and a notice of hearing is not necessary.
- If you have requested a hearing, call the judge’s judicial assistant to find out whether your request has been granted. Schedule the hearing with the assistant and complete this form. Select a date that is convenient for you, the other party and the court. Otherwise, do not file this form.
- Print your name and contact information at the top of the first page.

- Check the correct box to show whether the court is the District, Juvenile or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.
- Identify Petitioner and Respondent by name and address.
- Print the name of the motion on the blank line. Print the date and time of the hearing. Print also the judge's name and courtroom number for the hearing.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form with the judicial services representative.

**(5) Attend the Hearing**

- If there is a hearing, be sure to attend.

**(6) Findings of Fact, Conclusions of Law and Order on the Motion**

- 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 together.
- 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.
- Check the correct box to show whether the court is the District, Juvenile or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.
- If the parties stipulate to the motion, or if the other party defaults on the motion, complete the rest of the Findings of Fact, Conclusions of Law and Order so that they agree with the motion.
- If the motion is not stipulated and not granted by default, do not complete the rest of the documents 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 15 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. [URCP 5](#) governs service.
- The other party has 5 days in which to object.
- File the original Findings of Fact, Conclusions of Law and Order and the Certificate of Service with the judicial services representative after the time to object has ended.

**(7) Notice of Order**

- 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 Order. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
  - Check the correct box to show whether the court is the District, Juvenile or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. 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 any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
  - File the original form and attachments with the judicial services representative.