

**This is a private record.**

**This is a Tier 2 case.**

\_\_\_\_\_  
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 \_\_\_\_\_

	<b>Petition to Modify Child Support</b>
_____ Petitioner	_____ Case Number
V.	_____ Judge
_____ Respondent	_____ Commissioner

**Instructions:**

Attach:

- o Additional pages as needed to complete paragraphs that don't have enough space. Write the paragraph number on the additional page.
- o Any documents referred to in this document.
- o Non-Public Information Form, more fully describing any non-public information referred to in this document.
- o Cover Sheet
- o Summons
- o The controlling child support order to be modified
- o Non-public Information – Parent Information and Location
- o Non-public Information – Minors
- o Non-public Information – Safeguarded Address (if applicable)
- o 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, Consent to Jurisdiction, Stipulation to Enter Judgment)
- Proposed Findings of Fact, Conclusions of Law and Order Modifying Child Support (if Stipulation to Enter Judgment is also being filed)

I swear or affirm that the following is true.

**(1) Controlling order.** The order controlling 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:	
Payor:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Monthly Amount	\$

**(2) Jurisdiction**

- (A) The controlling order was entered by a court or agency in \_\_\_\_\_ (state).
- (B) The controlling order: (Check one.)  
 has not been changed.  
 was last changed by a court or agency in \_\_\_\_\_ (state).
- (C) If the controlling order was entered or last changed by a court or agency in another state, has it been registered and confirmed in Utah? (Applies only if the controlling order was entered or last changed by a court of another state.)  
 Yes     No     Does not apply
- (D) I reside in \_\_\_\_\_ (state).
- (E) The other party resides in \_\_\_\_\_ (state).
- (F) The children reside in \_\_\_\_\_ (state).

(G) Do petitioner and respondent consent to have the Utah district court modify the controlling order that was entered or last changed by a Utah court? (Applies only if the controlling order was entered or last changed by a Utah court, and petitioner, respondent and the children do not reside in Utah.)

Yes (Attach the consent.)  No  Does not apply

(H) Do petitioner and respondent consent to have the Utah district court modify the controlling order that was entered or last changed by a court of a state other than Utah? (Applies only if the controlling order was entered or last changed by a court of a state other than Utah, petitioner and respondent do not reside in Utah, and

- the children reside in Utah, or
- Utah has personal jurisdiction over at least one party.)

Yes (Attach the consent and file it in the court in which the order was entered or last changed.)  No  Does not apply

(I) 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, but check all that do 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.

**(3) Relationship to children.** I am the: (Check all that apply.)

- 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.

## SUPPORT

(Grounds (reasons) to modify child support: Paragraphs (4), through (7) 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.)

(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, 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.

(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.** 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.

- (8) **Current support order.** The controlling order directs  Petitioner  Respondent to pay \$\_\_\_\_\_ each month to support our children.
- (9) **Request for change in monthly child support payment.** I request that the court order that  Petitioner  Respondent pay \$\_\_\_\_\_ each month to support our children.
- (10) **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 (11) if the Office of Recovery Services (ORS) is collecting child support payments.  
Choose (12) if not.)

**(11) [ ] 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.

**(12) [ ] 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 5<sup>th</sup> day of each month and one-half by the 20<sup>th</sup> 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:

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### **OTHER SUPPORT REQUESTS**

**(13)**  **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:

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**(14) [ ] Request for change in day-care or education-related costs.** (Complete this section 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:

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**(15) [ ] Change in child tax exemption award.** (Complete this section only if you are asking to change the award of the child tax exemption.) The controlling order awards the child tax exemption to [ ] Petitioner [ ] Respondent under the following terms:

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The controlling order should be modified to award  Petitioner   
Respondent the child tax exemption under the following terms:

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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.

- (16) **Child support arrears.** Child support arrears may be determined by further judicial or administrative process.
  - (17) **Change in income.** Each party must notify the other within ten days of any change in monthly income.
  - (18) **Other.** I request that the court enter the following other orders related to my request for modification of child support:
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- 

- (19)  **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.
- (20)  **Stipulation.** The other party has stipulated to the requested child support amount. (Attach Stipulation to Enter Judgment.)
- (21) **Remainder of order unchanged.** The remainder of the order described in Paragraph (1) should remain unchanged.

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Sign here ►

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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