

## **Checklist for Modifying Child Custody, Parent-time and Child Support**

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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 Child Custody, Parent-time and Child Support**

- 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 child custody, parent-time and child support 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 the 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 child custody, parent-time and child support 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): Print the number of minor children included in the controlling order and then print their names and dates of birth. You must provide more information about the children in the non-public information form.

- Paragraphs (3), (4) and (5): Check the boxes that are true. From your answers, the judge will decide whether court has jurisdiction.
- Paragraph (6): 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 (7): 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 (8): Print the name of anyone who claims rights of custody or parent-time with the children.
- Paragraph (9): Identify any case that could affect this case. Some examples are given, but include any other cases as well.
- Paragraph (10): For each child complete the appropriate boxes to describe the custody according to the controlling custody order.
- Paragraph (11): For each child complete the appropriate boxes to describe the custody you are proposing.
- Paragraph (12): Print the important (“material and substantial”) changes that have occurred concerning custody of the children since the controlling order was entered.
- Paragraph (13): Print why changing the current custody will serve the children’s best interests.
- Paragraph (14): Utah Code Section 30-3-10.4 requires that a petition for a change in joint legal or physical custody must provide information about whether the parents have complied in good faith with a dispute resolution procedure. Check the box that describes your situation.
  - Check the first box if the parties have agreed to the change in custody and are entering a stipulation.
  - Check the second box if the controlling order does not provide for either joint legal custody or joint physical custody.
  - Check the third box if you have complied with the dispute resolution provisions in your controlling order or parenting plan.
  - Check the fourth box if your controlling order does have a dispute resolution provision but you have not followed it.
- Paragraph (15):
  - An order of joint legal custody or joint physical custody must contain a provision for dispute resolution procedures that describes how the parents will attempt to resolve parenting disputes before going to court. Check the appropriate box to describe how you will resolve disputes under the new custody arrangement.

- Check (A) if you are not asking for an order of joint legal custody or joint physical custody.
- Check (B) if you are asking for an order of joint legal custody or joint physical custody and then check the appropriate box to describe your proposed dispute resolution procedure.
- Paragraph (16): Check the box that describes the parent-time schedule in the controlling court order.
- Paragraph (17): Print why changing the current parent-time schedule will serve the children's best interests.
- Paragraph (18): Check the appropriate box to describe the proposed parent-time schedule.
- Paragraph (19): Check the appropriate box to describe how the children should be exchanged for parent-time.
- Paragraph (20): Check the appropriate box to describe who should pay the children's travel costs and in what proportion.
- Paragraph (21): Check the box to indicate that you have read the paragraph. These provisions are automatic.
- Paragraph (22): Check the box to indicate that you have read the paragraph. These provisions are automatic.
- Paragraph (23): Check the box if you want the modified order to be effective immediately upon entry.
- Paragraphs (24) through (27): Check all of the boxes that describe your circumstances. The judge will be able to decide from your answers whether there are grounds to modify support.
- Paragraph (28): Check the box that describes the parent who is obligated to pay child support under the controlling order. Print the amount of the monthly child support payments established in that order.
- Paragraph (29): Check the box to describe the parent who should be obligated to pay child support under the new order. Print the amount of the monthly child support payments being requested.
- Paragraph (30): Check whether the requested child support is consistent with the child support guidelines. If it is not consistent, check the reasons why not.
- Paragraph (31): Check the box if the Utah Office of Recovery Services (ORS) is collecting child support payments on behalf of the children. By checking this box you are also asking that ORS continue to collect child support payments. Check which parent (Petitioner or Respondent) will receive child support payments through ORS.
- Paragraph (32): Check the box if you want child support payments to be made by the payor (the parent who must pay child support) directly to the payee (the parent or person who receives the child support payments on behalf of the

children). Then complete sections (A) **and** (B), choosing the sub-sections that describe the payment method you want.

- Paragraph (33): If you are requesting a change in the health insurance coverage in the controlling order, check which party you want to be responsible for the coverage in section (A). Sections (B) through (F) are automatic. Complete section (G) only if you are asking for any other order concerning the payment of the children's medical expenses.
- Paragraph (34): If you are requesting a change in the day-care or education-related costs, then check the box. Sections (A) through (E) are automatic. Complete section (F) only if you are asking for any other order concerning the payment of the children's day-care or education-related expenses.
- Paragraph (35): If you are requesting a change in the child tax exemption award, check the appropriate boxes and describe the terms of the controlling order and what you want the terms to be in the modified order.
- Paragraph (36): This is automatic.
- Paragraph (37): This is automatic.
- Paragraph (38): Print any other requests you have concerning child custody, child support, and parent time that were not already made in the Petition.
- Paragraph (39): If you are asking the court to order the other party pay your costs and attorney fees, check the box. You may ask for such an order only if you are unable to pay for requesting the modification.
- Paragraph (40): The parts of the earlier order that you do not ask to be changed automatically remain the same.
- Paragraph (41): If the other party has stipulated to what you have asked for, check the box and attach the Stipulation to Enter Judgment. Note that you can request a modification even if the other party does not stipulate. Note also that stipulating to the judgment is different from consenting to jurisdiction, which is part of Paragraphs (3), (4), and (5).
- 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) Affidavit about Child Support Services**

- 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.
- Check one of the two boxes to say whether the Office of Recovery Services (ORS) has ever provided child support services.
- Date and sign the form in front of the judicial services representative or notary public.
- Attach the form to the Petition.

**(9) Notice to the Child Support Division of the Attorney General’s Office**

- If you checked the first box in the Affidavit about Child Support Services, indicating that ORS has never provided child support services, then do not complete this form.
- Complete this form if ORS has provided child support services.
- 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.
- Paragraph 1: Print the amount of child support you are requesting.
- Date and sign the form.
- Attach the form to the Petition.

**(10) [Child Support Calculator](#) or [Child Support Worksheets](#)**

- Make sure to select the correct worksheet.

- Follow the instructions that accompany the worksheets. (<https://orpscsc.dhs.utah.gov/orpscscapp-hs/orpscscweb/action/public/custodyWorksheet/show>) or ([http://www.utcourts.gov/resources/forms/#Child\\_Support](http://www.utcourts.gov/resources/forms/#Child_Support))
- Attach the form to the Petition.

**(11) [Insurance Premium and Child Care Adjustment Worksheet](#)**

- Follow the instructions that accompany the worksheets. ([http://www.utcourts.gov/resources/forms/ch\\_support/insurance.pdf](http://www.utcourts.gov/resources/forms/ch_support/insurance.pdf))
- Attach the form to the Petition.

**(12) Stipulation to Enter Judgment**

- If the other party agrees with what you have asked 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.

**(13) Notice of [URCP 26.1](#) requirements**

- If the other party does not stipulate to enter judgment, the party requesting the modification must serve the other party, with notice of the requirements of [URCP 26.1](#).
- 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.
- 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.
- Date and sign the form.
- Attach the form to the Petition.

**(14) [Notice of URCP 26.1 requirements](#)**

- Follow the instructions that accompany the form.

**(15) [Financial Declaration](#)**

- This form is required only if the responding party files an answer or if the court needs it. If the financial declaration form is required, both parties must complete a form and serve it on the other party.
- The party requesting the modification must serve the financial declaration form and its attachments on the responding party within 14 days after the responding party serves their answer. The responding party must serve the financial declaration for and its attachments on the requesting party within 28 days after the requesting party's financial declaration form. The parties are required to serve amendments to the financial declaration if the information changes or if new information is discovered. Service is governed by [URCP 5](#).

- For more information, instructions and forms for completing the financial declaration form, see our webpage on [Financial Declaration](#).
- Each party must file a certificate of service with the court stating that he or she has provided the financial declaration form and its attachments to the other party. But normally the parties do not file the financial declaration for itself or its attachments with the court until the court needs the documents. For example, the court will need the documents before any pretrial conference or trial. The court will also need the documents if a party asks for a temporary order. For more information and forms see our webpage [How to get a Temporary Order](#).
- The parties will also have to provide to the court the child support worksheet and other financial information required by [Utah Code Section 78B-12-201](#). See the next section. Although the information required by the statute is similar to the financial declaration form, both are required. Also see our webpage on [Child Support](#).

#### **(16) Findings of Fact and Conclusions of Law**

The Findings of Fact and Conclusions of Law 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 21 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 21 days after being told to prepare the order.
- The other party has 7 days in which to object.

#### **(17) Order**

The Order accompanies the Findings of Fact and Conclusions of Law. It 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 21 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 21 days after being told to prepare the order.
- The other party has 7 days in which to object.

### **(18) 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.

### **(19) Notice of Modification**

If the support order being modified was entered by a court outside Utah:

- 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 Motion.
- Attach any required documents and forms.
- Print the name and address of the court that entered the order.
- Print the name and address of the court in which that order has been registered. If you need more room, complete another form.
- Date and sign the form.

- Complete the Certificate of Service.
- Serve the form on the other parties.
- File the original form with the judicial services representative.
- Mail the form and a certified copy of the Findings of Fact, Conclusions of Law, and Order to the courts of the other states.