

Checklist for Responding to a Petition to Modify Child Custody, Parent-time and Child Support

- 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) Stipulate or Answer?

- Carefully and thoroughly read the Petition to Modify Child Custody, Parent-time and Child Support and its supporting documents. If the Petition is granted, your future rights and responsibilities will be governed by the modified order.
- You have 21 days in which to file an Answer or otherwise appear in the case (30 days if you were served outside Utah).
- If you do not Answer or otherwise appear within that time, the other party can ask for a default judgment, which means the Petition will be granted even if you have a good case for opposing it.
- Decide whether you want to stipulate to (agree with) the requested change or oppose it. You may want to seek the advice of a lawyer.

(2) Stipulation to Enter Judgment

- If you agree with the requested change and do not want to oppose it, complete the Stipulation to Enter Judgment.
- 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 Petitioner in the earlier case, you will be the Petitioner in the modification, even if you are the party responding to the request that child custody, parent-time and child support be modified.
- Complete the heading exactly as it appears in the Petition.
- Carefully and thoroughly read the Petition to Modify Child Custody, Parent-time and Child Support and its supporting documents.

- If you agree with the requested change and do not want to oppose it, check the boxes on the Stipulation to Enter Judgment, making sure that each is true.
- If you file the form, judgment may be entered as requested in the Petition. Your future rights and obligations will be governed by the modified order.
- Attach any required documents and forms.
- Date and sign the form.
- You may return the original form to the other party to file with the petition or you may file it with the court. If you file the stipulation yourself:
 - File the original form and attachments with the judicial services representative.
 - Complete the Certificate of Service.
 - Serve the form and attachments on the other party.

(3) Answer

- If you do not agree with the requested change and want to oppose it, file an Answer.
- 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 Petitioner in the earlier case, you will be the Petitioner in the modification, even if you are the party responding to the request that child custody, parent-time and child support be modified.
- Complete the heading exactly as it appears in the Petition.
- If you agree with a statement in the Petition, print that paragraph number in Paragraph (1) in the Answer. If the statements in the Petition do not have paragraph numbers, describe the statement. For example, "Respondent claims that"
- If you disagree with a statement in the Petition, print that paragraph number in Paragraph (2) in the Answer. If the statements in the Petition do not have paragraph numbers, describe the statement. For example, "Petitioner claims that"
- If you do not have enough information to agree or disagree with a statement in the Petition, print that paragraph number in Paragraph (3) in the Answer. If the statements in the Petition do not have paragraph numbers, describe the statement. For example, "The other party claims that"
- Respond to paragraphs in the Petition that are not completely true or false in Paragraphs (4) and (5). For each paragraph from the Petition that falls into this category, explain what part of the other party's claim is true and what part is not.

(a) To add an affirmative defense

- An affirmative defense is a reason that the other party should lose even if all of the claims are true. For example, the other party made a procedural mistake, like not serving you properly, or the court does not have jurisdiction. You might not have any affirmative defenses.
- If you have any affirmative defenses, state them in Paragraphs (6) and (7). Each defense should be in a separately numbered paragraph.
- See [URCP 8\(b\)](#) about affirmative defenses.

(b) To add a counterclaim

- A counterclaim is a claim that you have against the Petitioner. You might not have any counterclaims. See [URCP 13](#) about counterclaims.
- If you have a counterclaim, state each of the elements of that claim separately in Paragraphs (8) and (9).
- If the party who files the Petition decides not to proceed with the case, you may be able to modify child custody, parent-time and child support to your satisfaction only if you include a counterclaim.
- There is no fee for filing an Answer, but there is a fee for a counterclaim. For more information, see our webpage on [Fees](#).

(c) Date, sign and file your Answer.

- Omit any private and protected information. When filed, this document becomes a public record. Code of Judicial Administration [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records and data that are classified as public, private, and protected, see [Rule 4-202.02](#). If there is private information that you must file with the court, do so on a Confidential Information Form and omit the information from the Answer.
- Attach any required documents.
- 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.

(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 Answer.

(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 Answer.

(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 Answer.

(7) Parenting Plan (Required if you are requesting joint legal or physical 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/)
- Attach the form to the Answer.

(8) 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-https/orpscscweb/action/public/custodyWorksheet/show>) or
(http://www.utcourts.gov/resources/forms/#Child_Support)
- Attach the form to the Answer.

(9) Insurance Premium and Child Care Adjustment Worksheet

- Follow the instructions that accompany the worksheets.
(http://www.utcourts.gov/resources/forms/ch_support/insurance.pdf)
- Attach the form to the Answer.

(10) 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](#).

(11) 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.

(12) 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.

(13) 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.