

**This is a Tier 2 case.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

**Check your email.** You will receive information and documents at this email address.

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

<p>_____ Petitioner</p> <p>V.</p> <p>_____ Respondent</p>	<p><b>Petition to Modify Parent-Time</b></p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
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**Instructions:**

- You must complete this form before you file it. Court staff complete this form for you. Use the Checklist to help you understand and complete this form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Attach:
  - Additional pages as needed to complete paragraphs that don't have enough space. Write the paragraph number on the additional page.
  - Any documents referred to in this document.
  - Non-Public Information Form, more fully describing any non-public information referred to in this document.
  - A copy of the order controlling parent-time that you want the court to modify

- o Parenting Plan (A Parenting Plan is required if you have joint custody or any type of shared parenting arrangement. For other custody arrangements, a Parenting Plan is not required, but attach it if you have one.)

I say as follows:

**(1) Controlling order.** The order controlling parent-time 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:	

(At least one of Paragraphs (2), (3), or (4), must apply. If a Utah court entered the order to be modified, Paragraph (2) or (3) must apply. If the court of another state entered the order to be modified, Paragraph (4) must apply.)

**(2) [ ] Jurisdiction over Utah order – no intervening loss of jurisdiction.**  
 This court has jurisdiction because a Utah court entered the initial child custody order or has already modified the order of another state and has exclusive, continuing jurisdiction because: (At least one of (A) through (C) must apply, but choose all that do apply.)

[ ] (2)(A) the children, the children and one parent or the children and the person acting as parent have a significant connection with Utah other than mere physical presence.

**OR**

[ ] (2)(B) substantial evidence about the children's care, protection, training, and personal relationships is available in Utah.

**OR**

[ ] (2)(C) the children, or a parent, or a person acting as parent presently resides in Utah.

**(3) [ ] Jurisdiction over Utah order – intervening loss of jurisdiction.** This court has jurisdiction because a Utah court entered the initial child custody order or has already modified the order of another state but does not have exclusive,

continuing jurisdiction. However, a Utah court can modify the Utah order because: (At least one of (A) through (D) must apply, but choose all that do apply.)

(3)(A) the children lived with a parent or person acting as parent in Utah for at least 6 months before the date this petition was filed.

**OR**

(3)(B) the children lived with a parent or person acting as parent in Utah for at least 6 months within the 12 months before this petition was filed and a parent or a person acting as parent lives in Utah.

**OR**

(3)(C) the children have not lived with a parent or person acting as parent in any one state for at least 6 months before the petition was filed; and either the children have not lived with a parent or person acting as parent in any one state for at least 6 months within the 12 months before the petition was filed, or **if** the children have lived with a parent or person acting as parent in one state for at least 6 months within the 12 months before this petition was filed, the parents and person acting as parent no longer live in that state; and: (Both must apply.)

at least one parent or the children and a person acting as parent have a significant connection with Utah other than mere physical presence; and

substantial evidence about the children's care, protection, training, and personal relationships is available in Utah.

**OR**

(3)(D) the children have lived with a parent or person acting as parent in one state for at least 6 months before the petition was filed, or the children have lived with a parent or person acting as parent in one state for at least 6 months within the 12 months before this petition was filed, and a parent or person acting as parent lives in that state, but Utah is a more convenient location than the children's home state; and: (Both must apply.)

at least one parent or the children and a person acting as parent have a significant connection with Utah other than mere physical presence; and

substantial evidence about the children's care, protection, training, and personal relationships is available in Utah.

**(4)**  **Jurisdiction over non-Utah order.** This court has jurisdiction because a Utah court has **not** made an initial or a modified child custody order, and: (At least one of (A) through (C) must apply, and at least one of (D) through (H) must apply. Choose all that do apply.)

(4)(A) (Both must apply.)

neither the children, the children and a parent, nor the children and a person acting as parent have a significant connection with the state that entered the order; and

substantial evidence concerning the children's care, protection, training, and personal relationships is not available in the state that entered the order.

**OR**

(4)(B) Utah is a more convenient location.

**OR**

(4)(C) neither the children, nor a parent, nor any person acting as parent presently resides in the state that entered the order.

**AND** (At least one of (D) through (H) must apply, but choose all that do apply.)

(4)(D) the children lived with a parent or person acting as parent in Utah for at least 6 months immediately before the date this petition was filed.

**OR**

(4)(E) the children lived with a parent or person acting as parent in Utah for at least 6 months within 12 months before the date this petition was filed, and a parent or person acting as parent lives in Utah.

**OR**

(4)(F) the children did not live with a parent or person acting as parent in the state that entered the order for at least 6 months immediately before the date this petition was filed; and: (Both must apply.)

the children and at least one parent or the children and a person acting as parent have a significant connection with Utah other than mere physical presence; and

substantial evidence concerning the children's care, protection, training, and personal relationships is available in Utah.

**OR**

(4)(G) the children did not live with a parent or person acting as parent in the state that entered the order for at least 6 months within 12 months before the date this petition was filed, and: (Both must apply.)

the children and at least one parent or the children and a person acting as parent have a significant connection with Utah other than mere physical presence; and

substantial evidence concerning the children's care, protection, training, and personal relationships is available in Utah.

**OR**

(4)(H) Utah is a more convenient location than the court that entered the order, and: (Both must apply.)

the children and at least one parent or the children and a person acting as parent have a significant connection with Utah other than mere physical presence; and

substantial evidence concerning the children's care, protection, training, and personal relationships is available in Utah.

**(5) Relationship to children.** I am the: (Check one.)

mother of

father of

legal guardian of

other person who has been acting as a parent to

the children who are more fully described in the attached Non-public Information Form.

**(6) Residence of children.** The children have resided in the following states for the 5 years before this petition (or since birth if the child is younger than 5):

Child's Name (in the order listed on the Non-public Information Form)	Date of Birth	State	From (Mo/Yr)	To (Mo/Yr)	Name and relationship to child of person the child lived with
(1)					
(2)					
(3)					
(4)					
(5)					

The child's full residential address and name and address of person the child lived with are in the attached Non-public Information Form.

**(7) People claiming custody or parent-time.** The following people (other than Petitioner and Respondent) claim a right to custody or parent-time with the children:

Name of Person	Current Address	Claims
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time

**(8) Other cases.** Identify **any** case (pending or closed, civil or criminal, in this court or in any other court, in this state or in any other state) that could affect this case. Include **any** case that affects the children. (Each party has a continuing duty to notify the court of any case (past, current or future) that could affect this case.)

There are no other cases that affect the children or this case.

The following cases might affect the children or this case:

Court (Name, Address, Phone)	Case number	Type of case
		Adoption
		Custody
		Delinquency
		Divorce
		Enforcement of an order
		Grandparent visitation
		Guardianship
		Modification of an order
		Parentage
		Protective order

Court (Name, Address, Phone)	Case number	Type of case
		Support
		Termination of parental rights
		Other: (describe)

**(9) Current custody.** Custody of the children currently is as follows:

Child's Name (in the order listed on the Non-public Information Form)	Physical custody is with:	Legal custody is with
(1)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other
(2)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other
(3)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other
(4)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other
(5)	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Both <input type="checkbox"/> Other

**(10) Current parent-time schedule.** The parent-time schedule currently is: (Check one.)

- as we agree in the attached Parenting Plan
- as proposed in my attached Parenting Plan
- according to the statutory parent-time schedule
- described as follows in the controlling order: (Quote the order exactly.)

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**(11) Best interest.** Changing parent-time is in the best interest of the children because:

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**(12) Proposed parent-time schedule.** I request that the court order parent-time for the non-custodial parent: (Check one.)

as we agree in the attached Parenting Plan

as proposed in my attached Parenting Plan

according to the attached statutory parent-time schedule (Utah Code Section 30-3-35 or Section 30-3-35.1 for children between 5 and 18 years old, and Section 30-3-35.5 for children less than 5 years old.)

according to the attached statutory parent-time schedule for a parent who has relocated (Utah Code Section 30-3-37)

Other (Describe the parent-time schedule you want.)

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**(13) Exchange.** I request that the court order exchange of the children for parent-time: (Check one.)

as we agree in the attached Parenting Plan

as proposed in my attached Parenting Plan

at curbside by  petitioner  respondent at the following address:

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Other (Describe the method of exchange you want.)

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**(14)**  **Travel costs.** I request that the court order the travel costs for exchanging the children for parent-time be paid: (Check one.)

as we agree in the attached Parenting Plan

as proposed in my attached Parenting Plan

\_\_\_\_\_% by the petitioner and \_\_\_\_\_% by the respondent

I request that the court order that reimbursement for the children's travel expenses by the responsible party to the other be made within 30 days after receiving a statement of those expenses.

**(15)**  **Relocation.** I request that the court order that if either parent decides to move more than 150 miles from the residence decree of the other parent:

(A) The moving parent will provide to the other parent, if possible, 60 days advance written notice of the intended move, affirming that:

(i) the parent-time provisions in Utah Code Section 30-3-37 or a schedule agreed to by the parties will be followed; and

(ii) the moving parent will not interfere with the other's parent-time rights.

(B) If the moving parent fails to notify the other parent of the intended move, then the moving parent can be found in contempt of court.

(C) The parties will modify the parent-time plan, including transportation costs, in light of the best interests of the children, considering also the provisions of Utah Code Sections 30-3-33, 30-3-35, 30-3-35.5, and 30-3-37.

**(16)**  **Future parent-time modifications.** I request that the court permit the parties to modify the parent-time schedule by mutual agreement. If the parties cannot agree on a parent-time schedule, before filing a petition to modify parent-time, they will mediate the dispute in good faith with a mediator qualified to mediate domestic disputes under criteria established by Code of Judicial Administration Rule 4-510.

- (17)  **Immediate effective date.** I request that the change to parent-time be effective immediately upon entry of the court order.
  
- (18)  **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. (Attach Financial Declaration.)
  
- (19)  **Stipulation.** The other party has stipulated to the requested modification. (Attach Stipulation to Enter Judgment.)
  
- (20) **Remainder of order unchanged.** The remainder of the order described in Paragraph (1) should remain unchanged.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_ Signature ► \_\_\_\_\_  
 Date Printed Name \_\_\_\_\_