

I am the Petitioner

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

Petitioner  v.  Respondent	<b>Verified Petition for Divorce</b>  Case Number: _____  Judge: _____  Commissioner: _____
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I, \_\_\_\_\_, am the petitioner. I say:

**Three-month residency**

1. \_\_\_\_\_ and \_\_\_\_\_ were residents of \_\_\_\_\_ on the date this case was filed. \_\_\_\_\_ and \_\_\_\_\_ were residents for at least three months immediately before filing this case.

**Marriage**

2. \_\_\_\_\_ and \_\_\_\_\_ were married on \_\_\_\_\_ in \_\_\_\_\_. We are currently married.

**Grounds and divorce**

3. \_\_\_\_\_ asks for a divorce from \_\_\_\_\_ on the grounds of irreconcilable differences.

4. \_\_\_\_\_ and \_\_\_\_\_ separated on \_\_\_\_\_.

**Children**

5. \_\_\_\_\_ and \_\_\_\_\_ are the legal parents of the following children (Utah Code 78B-15-101 et seq.). This court has jurisdiction to make orders about these children.

- a. \_\_\_\_\_ **Born**
- b. \_\_\_\_\_ **Born**

**Children – Jurisdiction over custody and parent-time issues** (Utah Code 78B-13-102(7), 201(1), and 208)

6. Utah has jurisdiction over the custody and parent-time issues in this case because:

- Utah is the home state of the parties’ minor children under Utah Code 78B-13-102(7), or
- This case meets the criteria under Utah Code 78B-13-201(1), 207, and 208.

During the last five years, the minor children have lived at the following places and with the following people:

- a.
  - i. State: **UT**
  - Address: \_\_\_\_\_
  - Began living there: \_\_\_\_\_
  - Resided With: \_\_\_\_\_
  - Relationship to this child: \_\_\_\_\_
  - Current Address of \_\_\_\_\_ :

- b.
  - i. State: **UT**
  - Address: \_\_\_\_\_
  - Began living there: \_\_\_\_\_
  - Resided With: \_\_\_\_\_
  - Relationship to this child: \_\_\_\_\_
  - Current Address of \_\_\_\_\_ :

**Children – Other court proceedings**

(Utah Rule of Civil Procedure 100; Utah Uniform Child Custody Jurisdiction and Enforcement Act, UCCJEA, Utah Code 78B-13-101 et seq.; Utah Uniform Interstate Family support Act, UIFSA, Utah Code 78B-14-101 et seq.)

7. I say the following:

- a. There are no custody, child support, or parent-time cases about \_\_\_\_\_ and \_\_\_\_\_ minor children in any court or government agency. This

includes filed, pending, and completed cases.

b. \_\_\_\_\_ does not know of any criminal, delinquency, or protective order cases involving \_\_\_\_\_, \_\_\_\_\_, or their children.

c. \_\_\_\_\_ and \_\_\_\_\_ have physical custody of \_\_\_\_\_, our child. We are the only people who have custody, child support, and parent-time rights to \_\_\_\_\_.

d. \_\_\_\_\_ and \_\_\_\_\_ have physical custody of \_\_\_\_\_, our child. We are the only people who have custody, child support, and parent-time rights to \_\_\_\_\_.

### **Children - custody**

**Income:** \_\_\_\_\_ (Utah Code 78B-12-203)

8. \_\_\_\_\_ gross monthly income for child support purposes is \_\_\_\_\_.

a. \_\_\_\_\_ is employed at \_\_\_\_\_. He earns \_\_\_\_\_ gross (pre-tax) monthly income working a 40-hour a week job or less.

**Income:** \_\_\_\_\_ (Utah Code 78B-12-203)

9. \_\_\_\_\_ gross monthly income for child support purposes is \_\_\_\_\_.

a. \_\_\_\_\_ is employed at \_\_\_\_\_. She earns \_\_\_\_\_ gross (pre-tax) monthly income working a 40-hour a week job or less.

### **Child support** (Utah Code 78B-12-202 et seq.)

10. \_\_\_\_\_ should be ordered to pay child support to \_\_\_\_\_ as follows:

a. \_\_\_\_\_ per month base support. This amount complies with the Utah Child Support Act.

Unless the Court orders otherwise, support for each child ends when:

- a child turns 18 or has graduated from high school during the child's normal and expected year of graduation, whichever occurs later, or
- a child dies, marries, becomes a member of the United States armed forces, or is emancipated (Utah Code 78A-6-801).

11. Once a child is no longer eligible to receive child support, the support amount for the eligible children should be recalculated using the child support worksheet (Utah Code 78B-12-202 et seq.). The parties may not divide the base child support award by the number of children and subtract that amount from the prior child support amount.

12. Child support payments will start the month immediately following entry of the order. The payment schedule will be:

- one half by the 5<sup>th</sup> day of each month, and
- the other half by the 20<sup>th</sup> day of each month.

Child support not paid by the 5<sup>th</sup> day of the month is past due on the 6<sup>th</sup> day of the month. Child support not paid by the 20<sup>th</sup> day of the month is past due on the 21<sup>st</sup> day of the month. If the Office of Recovery Services is used to collect support, their payment schedule will be followed.

13. \_\_\_\_\_ will give \_\_\_\_\_ the information needed to set up direct deposit through \_\_\_\_\_ employer. Once \_\_\_\_\_ has the information, he will have his employer set up direct deposit to an account of choice. One half of the child support is due by the 5<sup>th</sup> of each month, and the other half is due by the 20<sup>th</sup> of each month.

14. The person ordered to receive child support can request mandatory income withholding (Utah Code 62A-11 parts 4 and 5). If support is past due, the State of Utah may take federal or state tax refunds or rebates and apply the amounts to the child support owed.

Withheld income will be sent to the Office of Recovery Services (ORS) until all past-due support is paid. Child support payments will be sent to:

Office of Recovery Services  
PO Box 45011  
Salt Lake City, Utah 84145-0011

unless ORS gives notice that payments should be sent elsewhere.

If ORS begins mandatory income withholding, child support is due on the first day of each month and will be past due on the first day of the next month.

15. \_\_\_\_\_ and \_\_\_\_\_ will each pay half of any ORS fee.

If a fee is withheld from payments to \_\_\_\_\_, \_\_\_\_\_ will reimburse \_\_\_\_\_ for half the fee.

If a fee is withheld from payments to \_\_\_\_\_, \_\_\_\_\_ will reimburse \_\_\_\_\_ for half the fee.

16. The issue of past-due child support may be decided by future court or administrative action.

17. The parties must notify each other within 30 days of any change in their income.

a. The parties can ask to change this child support order by motion after three years from the date of its entry if:

- there is a difference of 10% or more between the amount previously ordered and the new amount of child support under the Utah child support guidelines,
- the difference is not temporary, and
- the amount previously ordered was not a deviation from the child support guidelines.

(Utah Code 78B-12-210(8)).

If the children receive TANF funds at the time an adjustment is sought, ORS will review the order and ask the court to adjust the amount if appropriate. (Utah Code 62A-11-306.2).

18. The parties can ask to change this child support order at any time by petition if there has been a substantial change in circumstances because of material changes in:

- custody;

- the relative wealth or assets of the parties;
- income of a parent of 30% or more;
- the employment potential and ability of a parent to earn;
- the medical needs of the child; or
- the legal responsibilities of either parent for the support of others.

(Utah Code 78B-12-210(7) and (9)).

The change must result in a difference of 15% or more between the amount previously ordered and the new amount of child support under the Utah child support guidelines.

The difference may not be temporary.

The court can consider natural or adoptive children born after the entry of the decree other than those in common to both parties as part of a request to modify an existing award subject to limitations in the law. (Utah Code 78B-12-210(7)).

### **Dependent children for tax purposes**

19. \_\_\_\_\_ may claim the parties' children as dependents/exemptions for tax purposes in odd numbered years. \_\_\_\_\_ may claim the parties' children as dependents/exemptions for tax purposes in even numbered years.

### **Child health care** (Utah Code 78B-12-212)

20. Both parents must maintain medical, hospital, and dental insurance for the dependent children if it is available at reasonable cost.

a. If, at any time, a dependent child is covered by the medical, hospital, or dental insurance plans of both parents, the coverage will be as follows:

- \_\_\_\_\_ insurance will be primary coverage.
- \_\_\_\_\_ insurance will be secondary coverage.

b. If a parent remarries and that parent's dependent child is not covered by that parent's health, hospital, or dental insurance plan but is covered by a step-parent's plan, the coverage will be as follows:

- **spouse's** insurance will be primary coverage.

- **spouse's** insurance will be secondary coverage.
- c. Both parties will equally share the out-of-pocket costs of the insurance premium.
  - d. Both parties will equally share all uninsured and unreimbursed medical and dental expenses that are reasonable and necessary. This includes deductibles, co-insurance, and co-payments paid by a party for the dependent children.
  - e. The party who pays health care expenses must provide the other party written verification of the cost and payment within 30 days.
  - f. If a party does not follow this order and provide written verification, they may not be able to receive credit for health care expenses or recover the other party's share of the expenses.
  - g. On or before January 2 of each year, the party ordered to maintain coverage must provide verification of coverage to the other party, and ORS, if they are involved.
  - h. If there is any change in coverage, within 30 days of the change the party ordered to maintain coverage must notify the other party and ORS, if they are involved.

**Child care expenses** (Utah Code 78B-12-214)

21. Both parties will equally share all reasonable work, career, or occupational training-related child care expenses.

- a. The party who pays child care expenses must provide the other party written verification of the cost and identity of the child care provider. This must be done when a provider is first hired, and any time the other party asks for the information. The party incurring or paying child care expenses must notify the other party of any change of a child care provider or monthly expense. This must

be done within 30 calendar days of the change.

b. The party not directly paying for child care must pay their share of child care expenses as soon as they receive verification of the expenses.

c. If a party does **not** follow the order and provide written verification, they may not receive credit for work, career, or occupational training-related child care expenses or recover the other party's share of the expenses.

**Personal property** (Utah Code 30-3-5)

23. The following vehicles should be divided as indicated:

a. \_\_\_\_\_ should receive the following vehicles:

i. Make: \_\_\_\_\_, Model: \_\_\_\_\_, Year: \_\_\_\_\_  
Estimated current value: \_\_\_\_\_  
Owner (before divorce): \_\_\_\_\_

24. Bank and credit union accounts will be divided as follows:

a. Account number:  
Name of Institution:  
Address:

Account Balance:  
Names on Account:  
Divide as follows:

25. The stock, bond, securities, or money market fund accounts will be divided as follows:

a. Account number:  
Name of Institution:  
Address:

Account Balance:  
Names on Account:



Divide as follows:

**Money owed to**

26. The money owed to \_\_\_\_\_ will be divided as follows:

- a. Person who owes money:  
Address:  
Phone:  
Email:  
Amount:  
Divide as follows:

**Cash owned by**

27. The cash owned by \_\_\_\_\_ will be divided as follows:

- a. Person who owes money:  
Address:  
Phone:  
Email:  
Amount:  
Divide as follows:

**Life insurance policies owned by**

28. The life insurance policies owned by \_\_\_\_\_ will be divided as follows:

- a. Life Insurance Company:  
Account Number:  
Address:  
Face Value:  
Cash Value:  
Divide as follows:

**Other financial assets**

29. These other financial assets will be divided as follows:

- a. Account number:  
Name of Institution:  
Address:  
  
Account Balance:  
Names on Account:  
Divide as follows:

**Other personal property**

30. This other personal property will be divided as follows:

31. \_\_\_\_\_ will receive the following property:

32. \_\_\_\_\_ will receive the following property:

33. All other personal property will be divided as the parties have already divided it.

### **Debts**

34. Each party will be ordered to assume and pay debts as follows. The party assuming the debt must put the debt in their name and pay it. If they can't put the debt in their name, they must still pay it. If a party pays a debt they are not responsible for, they can recover that amount from the responsible party.

#### **Credit card debt**

- a. Credit Card:  
Credit Card Number:  
Purchases:  
Amount owed on debt:  
Credit Card Owner:  
\_\_\_\_\_ will pay:  
Person to provide creditor divorce decree:

#### **Medical debt**

- b. Health Care Provider:  
Street:  
Medical Services:  
Amount owed on debt:  
Debt in name of:  
\_\_\_\_\_ will pay:  
Person to provide creditor divorce decree:

#### **Installment loan debt**

- c. Debt owed to:  
Street:  
City, State, Zip:  
Loan Description:

Amount owed on debt:  
will pay:  
Person to provide creditor divorce decree:

**Other debt**

d. Debt owed to:  
Street:  
City, State, Zip:  
Description of debt:  
Amount owed on debt:  
will pay:  
Person to provide creditor divorce decree:

**Real property**

35. The parties acquired the following real property during the marriage:

- a. \_\_\_\_\_ :
  - i. Address:
  - ii. Tax Identification Number:
  - iii. Legal description:
  - iv. Mortgage information and payments:
    - This mortgage is:
    - Lender:
    - Address:
    - Amount Owed:
    - Monthly Payment:
    - \_\_\_\_\_ will pay this mortgage after the divorce.
    - \_\_\_\_\_ will provide a copy of the divorce decree to the lender.
  
- b. \_\_\_\_\_ This property will be:

### **Business interests**

36. The parties' ownership interests in business will be divided as follows:

- a. Business name:
- Address:
- Phone:
- Nature of business:
- Ownership percent:
- Ownership percent:
- Total value parties own together:
- Ownership of business after divorce:

### **Alimony**

37. \_\_\_\_\_ will pay \_\_\_\_\_ per month alimony.

- a. \_\_\_\_\_ alimony obligation will end:
  - on \_\_\_\_\_ .
  - if \_\_\_\_\_ remarries.
  - if \_\_\_\_\_ dies.
  - if \_\_\_\_\_ cohabits. Cohabitation must be proven in court before stops paying alimony.

38. Alimony will be paid as follows:

### **Retirement money – pensions and plans**

39. The parties have retirement money. The owner of the retirement money (Plan Participant) must do whatever is necessary for both parties to have full access to information about the pension plan, retirement account, money and benefits. This includes signing any forms needed for release of the information to the other party (Alternate Payee).

In the Plan Participant receives any retirement money awarded to the Alternate Payee, the Plan Participant receives that money in a constructive trust for the Alternate Payee.

The Plan Participant is ordered to pay the benefit directly to the Alternate Payee within 5 days of its receipt. Information on the pension plans and how they are to be divided is listed below:

- a. Company:
  - i. Plan Name:
  - ii. Street:  
City, State, Zip:
  - iii. Plan Administrator
  - iv. Account Number
  - v. This plan is in the name of
  - vi. Plan Value:
  - vii. The entire account should be awarded to .

#### **Retirement money – retirement accounts**

40. The parties have retirement money. The owner of the retirement money (Plan Participant) must do whatever is necessary for both parties to have full access to information about the pension plan, retirement account, money and benefits. This includes signing any forms needed for release of the information to the other party (Alternate Payee).

In the Plan Participant receives any retirement money awarded to the Alternate Payee, the Plan Participant receives that money in a constructive trust for the Alternate Payee. The Plan Participant is ordered to pay the benefit directly to the Alternate Payee within 5 days of its receipt. Information on the pension plans and how they are to be divided is listed below:

- a. Company:
  - i. Account Type:
  - ii. Street:  
City, State, Zip:
  - iii. Plan Administrator
  - iv. Account Number
  - v. This plan is in the name of
  - vi. Plan Value:
  - vii. The entire account should be awarded to .

#### **Retirement money - annuities**

41. The parties have retirement money. The owner of the retirement money (Annuity Participant) must do whatever is necessary for both parties to have full access to information about the pension plan, retirement account, money and benefits. This includes signing any forms needed for release of the information to the other party (Alternate Payee).

In the Annuity Participant receives any retirement money awarded to the Alternate Payee, the Annuity Participant receives that money in a constructive trust for the Alternate Payee. The Annuity Participant is ordered to pay the benefit directly to the Alternate Payee within 5 days of its receipt. Information on the pension plans and how they are to be divided is listed below:

- a. Company:
  - i. Annuity Name:
  - ii. Street:  
City, State, Zip:
  - iii. Annuity Administrator
  - iv. Account Number
  - v. This annuity is in the name of
  - vi. Annuity Value:
  - vii. The entire account should be awarded to .

**Railroad retirement money** (45 U.S.C. 231, et seq.)

42. earned retirement benefits as a railroad employee. These benefits divided following the Railroad Retirement Act (45 U.S.C. 231, et seq.).

is awarded, and the Railroad Retirement Board is directed to pay, an interest in the portion of benefits under the Railroad Retirement Act (45 U.S.C. 231-231v) which may be divided as provided by section 14 of that Act (45 U.S.C. 231m). share will be computed by multiplying the divisible portion of monthly benefit by a fraction the numerator of which is the number of months worked for a railroad employer during the period of the marriage from to the date of entry of the final divorce decree, and the denominator of which will be total number of months employed by a railroad employer at retirement, and then dividing the product by two.

a. \_\_\_\_\_ is ordered to provide \_\_\_\_\_ with \_\_\_\_\_ social security number within ten days of the entry of the divorce decree. As soon as \_\_\_\_\_ receives \_\_\_\_\_ social security number, she must send a certified copy of the divorce decree, \_\_\_\_\_ social security number, and the current address of both parties to:

Deputy General Counsel  
U.S. Railroad Retirement Board  
844 North Rush Street  
Chicago, IL 60611-2092

Email: \_\_\_\_\_  
Fax: (312) 751-7102  
Phone: (312) 751-4948

b. Deductions from \_\_\_\_\_ annuity pursuant to the divorce decree should begin the first month in which \_\_\_\_\_ is entitled to benefits from the Board, or the month the Office of General Counsel receives the divorce decree, whichever is later. (20 CFR 295.5).

### **Duty to sign documents**

44. The parties will sign all documents necessary to comply with the divorce decree within 60 days from entry of the decree. If a party fail to signs a document within 60 days, the other party may ask the Court to appoint someone to sign the document. (Utah Rule of Civil Procedure 70)

### **Name after divorce**

45. \_\_\_\_\_ changed her name when the parties married. Her name will be \_\_\_\_\_ after the divorce.

**Other relief if equitable and just**

46. The Court should grant such other and further relief as it may deem just and appropriate in this matter.

**Tomas Madson** asks that he be granted a divorce pursuant to the terms of this petition, and for such other relief as the court deems equitable and just.

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

\_\_\_\_\_  
Date

Signature \_\_\_\_\_