
Name

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City, State, Zip

Phone

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In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

	Findings of Fact, Conclusions of Law, and Order
_____ Petitioner	_____ Case Number
V.	_____ Judge
_____ Respondent	_____ Commissioner

The matter before the court is a Petition to Modify Parent-time. This matter is being resolved by:

The default of Petitioner Respondent.

The stipulation of the parties.

The pleadings and other papers of the parties.

Communication with the court that entered the controlling order of which the parties have been informed. The parties were informed promptly of the communication and, if requested, granted access to the record of the communication. The parties:

participated in the communication.

were given the opportunity to present facts and legal arguments before a decision on jurisdiction was made.

A hearing held on _____ (date).

Petitioner

was present

was not present

was represented by _____

was not represented.

Respondent

was present

was not present

was represented by _____

was not represented.

Person Acting as Parent _____ (name)

was present

was not present

was represented by _____

was not represented.

Other _____ (name)

was present

was not present

was represented by _____

was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The Court Finds That:

(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 a 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: (Both must apply.)
- 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. The party requesting the change is 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 Non-public Information Form.

(6) Custody. Custody of the children currently is as follows:

Child's Initials (in the order listed on the Non-public Information Form)	Month & Year of Birth	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 _____

(7) Other cases.

- The parties have identified no cases as possibly affecting the children or affecting this case.

The parties have identified the following cases as possibly affecting the children or affecting 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
		Support
		Termination of parental rights
		Other: (describe)

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

as agreed by the parties in the attached Parenting Plan

as proposed in the attached Parenting Plan

according to the statutory parent-time schedule

described as follows in the controlling order: (Quote the order exactly.)

(9) **Best interest.** Changing parent-time is is not in the best interest of the children because:

(10) **Costs and attorney fees.**

The party requesting the change would be unable to bring this action if the other party does not pay the costs and attorney fees.

The party responding to the requested change would be unable to defend this action if the other party does not pay the costs and attorney fees.

The Court Concludes That:

(11) **Best interest.** Changing parent-time is is not in the best interest of the children.

The Court Orders That:

(12) The Petition to Modify Parent-time is denied.

The Petition to Modify Parent time is granted, and the order described in Paragraph (1) is modified as follows:

(13) **Parent-time schedule.** Parent-time for the non-custodial parent is to be: (Check one.)

as agreed by the parties in the attached Parenting Plan

as proposed in the 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.)

(14) Exchange. Exchange of the children for parent-time is to be:

as agreed by the parties in the attached Parenting Plan

as proposed in the attached Parenting Plan

at curbside by Petitioner Respondent at the following address:

Other (Describe.)

(15) [] Travel costs. The travel costs for exchanging the children for parent-time will be paid:

as agreed by the parties in the attached Parenting Plan

as proposed in the attached Parenting Plan

_____% by the Petitioner and _____% by the Respondent

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.

(16) [] Relocation. If either parent decides to move more than 150 miles from the residence specified in the court's decree:

(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.
- (17) **Future modifications.** The parties may 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.
- (18) **Immediate effective date.** The change to parent-time is effective immediately upon entry of the court order.
- (19) **Costs and attorney fees.** The Petitioner Respondent must pay the costs and attorney fees of the other party.
- (20) **Remainder of order unchanged.** The remainder of the order described in Paragraph (1) remains unchanged.

Approved as to form.

_____ Sign here ► _____
 Date

 Petitioner or Attorney

_____ Sign here ► _____
 Date

 Respondent or Attorney

_____ Sign here ► _____
 Date

 Recommended by Commissioner

_____ Sign here ► _____
 Date

 Approved by Judge

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact, Conclusions of Law, and Order on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ► _____

Printed Name _____