

How to File for Divorce in Utah

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Getting a divorce in Utah or any other state is for two purposes — dissolving the marital agreement and dividing financial assets and obligations. In the course of the divorce, alimony may be granted to one of the parties, depending on the length of the marriage and the financial circumstances of the parties. Child custody and child support may also need to be decided by the court if there are minor children at the time of the divorce.

In this blog we will discuss:

The multiple difficult issues together make divorce a highly complex legal undertaking. You will need to work with an experienced Utah divorce attorney. Your lawyer will help ensure that *all* your rights are *fully* protected and make sure you receive *everything* to which you are legally entitled.

Grounds for Divorce in Utah

The grounds for divorce are the legal reasons why you are petitioning the court to grant you a divorce. In other words, the *grounds* are your legal justification for ending the marriage, which is a legal union. As in the majority of states, Utah courts accept both fault-based and no-fault grounds for divorce.

- *No-fault divorce*: The petition to the court can claim grounds for divorce such as “irreconcilable differences,” or “legal separation” for over 3 years.
- *Fault-based divorce*: The petition to the court can claim grounds for divorce such as adultery, habitual drunkenness, “cruel treatment causing bodily injury or great mental distress.” There are a number of other reasons recognized by the court as legally acceptable grounds for divorce.

Claims of one of these grounds for divorce can significantly complicate the case because they require producing proof.

Where to File for a Divorce in Utah

To be legally allowed to file for divorce in Utah, you must be a resident of the State, and of the County in which you file for a minimum of 3 months. Your divorce petition must be filed with the District Court of that county where you meet the residency requirement.

Your spouse must be provided with copies of all documentation throughout the divorce process, as required by Utah law.

The Divorce Process in Utah

The basic Utah divorce process includes these two primary parts, among many smaller steps that your divorce attorney will manage for you throughout the legal proceedings in the District Court.

- *File the Complaint:* The divorce process begins by filing a Complaint for Divorce with the District Court, along with all required supporting documents. In an uncontested divorce, the documents must include a settlement agreement detailing the division of assets. It can also include a custody agreement and other major agreements.
- *Attend the Hearing:* Attend the divorce hearing in the District Court. At this time, the judge will examine all the documents submitted, to ensure they are all in proper order. He or she may also ask you some questions. Then, the judge will enter the divorce decree.

Keep in mind that a divorce in Utah may not be granted by the court before 90 days from the date the Complaint is filed.

Property Division

In Utah, divorce law holds that all property owned by the parties is marital property. The law does not consider when or how the property was acquired. In a divorce, the couple's debts and assets are divided between them. If the parties are unable to reach an agreement on the division of property on their own, the judge is required under Utah law to divide their property as he or she finds equitable.

Alimony in Utah

Ideally, the two parties to a divorce reach an agreement regarding alimony. If they do not, then the judge is directed under Utah law to weigh these considerations in deciding whether to award alimony and how much to grant:

- The length of the marriage
- Needs and financial condition of the party seeking the alimony award
- Ability of the party seeking alimony to produce income

- Ability of the other party to provide financial support
- The couple's standard of living
- Either party's fault for the divorce
- Other considerations the court finds relevant

Child Custody in Utah

The State of Utah prefers joint custody, except in cases in which it has been shown that sharing custody may not be in the child's best interest. In those cases, a case must be made for sole custody. Or, if there is a long physical distance between the parents' home's that makes shared decision-making impractical, the judge might not grant shared custody.

The court's custody decision includes a parent-time schedule that dictates how the minor child's time will be spent with each parent during odd-numbered and even-numbered years. It also dictates how major decisions regarding the child will be made.

If you and your spouse do reach a custody agreement, the judge may find that the arrangement is in your child's best interest. Otherwise, the judge will determine the custody arrangements, taking into consideration these and multiple other relevant factors:

- Each parent's history of conduct and exhibited moral standards
- Any history of a parent abusing the child or the spouse
- Each parent's ability to prioritize the child's welfare
- Each parent's ability to share decision-making
- The degree of bonding between each parent and the child
- Each parent's capability of encouraging the other parent's relationship with the child
- Other important considerations

Child Support in Utah

The amount of child support awarded in a divorce is determined by the judge, based on considerations outlined in the Utah Child Support Guidelines. The child support calculation is ultimately the outcome of a formula that factors all these considerations. For more information about how the child support amount is determined, see the Child Support page at the Utah Courts website.

Collaborative Divorce

Divorce can be a long and complex undertaking. Start by reaching out for some sound legal advice or help with filing for divorce. Talk to an experienced Salt Lake City divorce lawyer about the details of your situation.

The simplest approach to divorce in Utah is to engage in a collaborative divorce process with your spouse, if possible, to move forward with an uncontested divorce. If you and your spouse can come to agreements on property division, or alimony, or child custody

arrangements, this can speed up the process.

You and your spouse can both sign any agreements you make and submit them to the judge to have them included in the court's decree or judgment. Your lawyer will ensure that *all* necessary inclusions are prepared for you and formally submit the agreements to the court for you. Your divorce lawyer will also ensure that all District Court rules are obeyed during the process, so that the case can move forward with each step as expected.

If you and your spouse are unable to work together to reach agreement, the judge will make the determinations of what is appropriate in each area of conflict and issue orders accordingly.

For Help Filing For Divorce in Utah

Attorney David Pedrazas has been helping people through the difficulties of divorce in Utah for over 20 years. He has been recognized as a top Salt Lake City divorce lawyer by the National Academy of Family Law Association, the American Institute of Family Law, and the American Academy of Trial Attorneys.

For more information on how to file for divorce in Utah, or to schedule an appointment, call the Law Office of David Pedrazas, PLLC, Salt Lake City UT at (801) 263-7078, or use our online contact option.
