

# What is a Divorce Decree?

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Divorce can be a very unsettling process. Even when it seems like it will be a smooth and quick matter, divorce proceedings can take unexpected turns. People rarely know entirely what the outcome, in all of its various parts, will be. There's a lot of information published about the divorce process, but there are some points you need to know that are less often covered. Below is some information about four things you should be aware of about getting a Divorce Decree in Utah that you may not know.

A divorce decree is the final document issued by the court in a divorce case in Utah. It formally ends your marriage. The decree is proof that the divorce is finalized. The Divorce Decree specifies who will own various marital assets, responsibility for marital debts, child custody decisions, parent-time schedule, child support, alimony, etc.

## How to Get a Divorce Decree

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To obtain a divorce decree in Utah, you must first file a petition with the court. Then, you'll attend hearings as necessary to present your case fully and respond to the other party's arguments. Issues to be addressed in the hearings will include child custody, child support, alimony, disposition of marital assets, and any other matters you ask the court to consider in your case. Any allegations of child abuse or spousal abuse that should be raised are also presented in these hearings.

Depending on particular factors in your divorce, you may be required to attend a divorce orientation class. You may also be required to attend *divorce mediation* if there are contested issues. A *jury trial* may become necessary, depending on the nature of the

issues in your divorce case, such as spousal or child abuse. You and your ex may both be required to undergo a custody evaluation in that situation.

In a more typical circumstance, after the judge hears and considers all the matters of your case, he/she will determine the most appropriate orders to resolve them.

Finally, the judge will issue the Divorce Decree, which is the final judgment of the court in your case, deeming your divorce final and making all the orders in the decree legally enforceable.

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## 4 Things You May Not Know About a Utah Divorce Decree

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With facts you've gathered from talking to people, from your own research, and from your divorce lawyer, you probably know more than you did before the start of your divorce process. But, of course, divorce is a broad area of education in civil law. So, there's always more information to learn that may help you understand the ins and outs of divorce in your case. Here are four important things to know that may apply to the process of obtaining a decree of divorce in your case:

### **You must attend a divorce education course before you can get a Divorce Decree.**

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Utah has a mandatory divorce education class that you and your spouse must complete before you can obtain a final Divorce Decree. The requirement only applies to divorcing couples who have minor children. The class covers:

- Resources for custody issues
- Resources for child support issues
- Clarification of the divorce process
- Consequences of divorce
- Other information about divorce in Utah

### **Having custody granted to you in the Divorce Decree does not give you full rights to make all decisions regarding your child.**

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You may seem to have complete control of parenting once you receive the Divorce Decree or court order granting you custody of your child. But, physical custody means only that you are the parent that the child will live with full time. Sole legal custody means you can make important decisions such as where your child will go to school, which medical doctor he or she will see, etc.

You will still need to work cooperatively with your ex to co-parent your child. Doing so, for example, allows your child to share as many holidays, birthdays, and other special occasions with you as possible. It prevents your child from being forced to have his or her time split between parents on those special days, have one parent absent, or duplicate all of his/her holidays to accommodate both parents.

## **If your ex becomes unemployed, child support and alimony may be affected.**

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Even though it is ordered in the Divorce Decree, child support or alimony cannot be collected from your ex-spouse if he or she is unemployed and does not have an income. But, the unpaid child support or alimony will continue to accrue and be owed to you. Your divorce attorney will probably suggest that you contact the Utah Office of Recovery Services (ORS) for help collecting the court judgment amount.

## **If a Utah Divorce Decree is violated, the penalties can be severe.**

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After both parties have signed the necessary documentation and the judge has handed down the Divorce Decree, the divorce has been finalized. You and your ex-spouse are then legally required to obey the terms imposed by the Divorce Decree. Violating some part of the decree can cause you to be in contempt of court. Some violations of Utah Divorce Decrees include these, among others:

- Non-payment of court-ordered child support
- Non-payment of court-ordered alimony
- Failure to comply with the court-ordered visitation schedule
- Withholding court-ordered child visitation

If your ex-spouse violates the order, it's not a problem the police can help you with, it's a civil matter. Your family law attorney can file a contempt motion, submit it to the court for action, and schedule a court hearing. If your ex is determined to be in contempt of court, he/she may be allowed some amount of time to correct the problem or be subject to time in jail until the violation is resolved.

## **For Help With Divorce Decree Issues – Attorney David Pedrazas, PLLC**

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During and after divorce, you may find yourself struggling with issues regarding child custody, domestic violence, child support, alimony, parent-time, etc. For more than 20 years, Attorney David Pedrazas has helped people in Utah resolve the problems of divorce and move on to happier years.

**If you're dealing with Divorce Decree issues, call the Law Office of David Pedrazas, or contact us here on our website for an appointment to discuss your situation.**

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