

Divorce FAQs – Frequently Asked Questions for A Utah Divorce

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Do I Really Need to Hire a Family Law Attorney?

Even if you and your spouse agree that [divorce](#) is best for you, it will be beneficial to have an expert guide you through the process. Even if a divorce is amicable, an attorney can take the necessary actions to advise you on things and situations that may come up in the future. An [attorney can also help](#) educate you about what you're legally entitled to, make strategy recommendations, and help prepare documents. **Having a [Utah Divorce attorney](#) is especially important if children are involved.**



Getting a divorce can be an emotional roller coaster. At [Wall Legal Solutions](#) *we understand how difficult a divorce can be and are here to help you navigate the legal proceedings.* Listed below are answers to some of the most common divorce-related questions.

How Much Will a Divorce Cost?

Like so many things in life, the answer to this is that it depends. There is a fee to file the petition for divorce, there are fees for the court assistance program, fees for the Office of Vital Records and Statistics, fees to have the petition and summons filed, copying fees, and then if children are involved, there are also [Divorce Education classes](#) and Divorce Orientation classes. Then, there is the attorney fee which can vary depending on how long the entire process lasts.

How Long Will My Utah Divorce Take to Be Finalized?

According to Utah law, the time between the dates of the petition was filed for the [divorce](#) and the final decree must be at least 90 days. That time can be altered for situations such as [child custody](#), arbitration and/or mediation. The more disagreements, the more likely a divorce is to be extended. Once the [divorce](#) is final, neither party can remarry for at least 30 days.

Under Utah law, the length it will take to divorce is determined by the individual divorce situations.

- **Contested Divorce** – These types of divorces can take months or years depending on how long it takes for the parties to come to an agreement.
- **Uncontested Divorces** – A divorce where all parties agree to the terms will require a 90 day waiting period before it can be finalized. Additionally, if children are involved, the divorce will require that both parties complete a Divorce Education for Parents Class and a Divorce Orientation.

Can I Get an Annulment in Utah?

In certain circumstances when a married couple decides to end their union, an [annulment](#) can be obtained. When

an [annulment](#) is granted, it is as though the marriage never happened in a legal sense. Some considerations for an annulment:

- There is no time frame or time limit before a Utah couple can file for an annulment.
- Annulments are allowed for two people who are not legally allowed to get married due to their relationship, i.e. a brother and sister.
- If a couple married prior to May 3, 1999 and one was under 14 years of age, or if married after May 3, 1999 and one party was under 16 an annulment may be granted.
- If a person was married while still legally married to a second person, therefore creating a bigamous marriage they may be granted an annulment.
- If one party in the marriage was under 18 and did not have parental consent.

How are Legal Separations, Annulments, and Divorces Different?

Referred to as a separate maintenance in the state of Utah, a legal separation involves living separately while remaining married to your spouse. Even though you are still married, you may still file for custody, child support, and other division of property.

An annulment will terminate a marriage by proving that the marriage was void under Utah law. You can also file for an annulment if you can prove that your spouse withheld information that would have affected your decision to marry them. In an annulment, the court can order child support, property and debt division, set alimony, and determine custody and visitation.

A divorce is a termination of a marriage where the court can determine custody and visitation issues as well as property, debt, and asset division.

What is Divorce Mediation in Utah?

[Mediation](#) is a step required for couples filing divorce to attempt to come to an agreement regarding issues of a divorce with the help of a neutral 3rd party divorce mediator. If both people in the divorce can agree on issues such as the [division of assets/debts](#), the [child support](#) agreement, [custody of children](#), alimony, then a judge will sign off on a divorce, and neither party will need to go to court. If an agreement cannot be reached in mediation, then a trial will be set.

Can My Spouse and I be Represented by the Same Lawyer?

Representing two parties in the same case is considered a legal conflict of interest, but the respondent to the divorce does not need to have legal counsel for the divorce to proceed.

Should I be the One to File First?

There is no real advantage to filing for divorce first unless you live in different areas of the state and want the proceedings to be held by your area's court system.

Am I Able to Move?

Legally you can move, but if children are involved, it is always best to notify your spouse before making a move. Additionally, the cost of transportation required for visitation can fall on the person who moved the children away

once a schedule has been established.

Will Adultery Affect a Settlement Amount?

The state of Utah is a no-fault divorce state, so cases of adultery can not lead to higher compensation.

How Soon Can I Remarry?

There is no waiting period before remarriage in Utah. After your divorce has been finalized, you are free to remarry.

Can I Continue on My Spouse's Insurance After a Divorce?

You can not continue on your spouse's health insurance after your divorce but will be able to continue it with Cobra payments for a short period if necessary.

If I Am Not on the Title, Do I Still Have an Interest in the House or the Car?

Even if your name is not on the title, you may still have rights to the car or house as they can both be considered marital assets.

If My Spouse Handled our Finances, How Can I Ensure I get My Fair Share?

The discovery process will gather the financial information from your spouse so that your lawyer will have a full view of the financial situation.

My Spouse Moved into the Home I Owned when we Married. Do they have an Interest in the Home?

If the property stayed solely in your name and was owned by you before the marriage, it is often not considered marital property and therefore not subject to part of the settlement. It becomes a gray area if it can be proven that the value was increased due to a marital effort.

What if I Want to Change an Order Made in my Divorce Judgement?

You will have the ability to try and change an order by appealing the judge's decision to a higher court to overturn.

How Do I Get Certified Copies of my Divorce Papers?

To get a certified copy of your divorce papers, you will need to contact the court that handled the divorce and usually pay a processing fee.

What if I am a Victim of Domestic Violence?

If you are the victim of domestic violence, you should file for a protective order. The court will often provide an interim order protecting you until the protection order can be fully processed as the accuser will have a right to defend themselves in court.

Can I File for a Restraining Order in the Divorce?

If you feel you are being harassed during divorce proceedings, you can file for a restraining order, but it is important to realize that violating a restraining order is a violation of court and not the same as the criminal violation of a protective order.

What Happens Next After I File the Divorce Paperwork?

Your spouse will be served, typically by the sheriff's office or a constable, with the divorce papers. If they are served within the state of Utah, they will have 21 days to respond, if served outside of the state they will have 30.

May I File for an Immediate Order to Survive Financially?

You may request temporary orders to help get you through the divorce proceedings, but they will require a hearing to be processed. They will try to schedule these hearing as soon as they can, but they are not always immediate.

Where do I File for a Divorce?

In the state of Utah, there is a residency requirement for divorce proceedings. You will be required to be a state resident for at least six months before filing if you have children and three months in the county if you don't.

Will I Have to Go to Court for a Divorce?

Many cases are resolved without requiring a court appearance. You will only be required to attend court if the terms can not be agreed on.

If you live in Utah and need more information on divorce proceedings or require legal representation, contact the divorce attorneys at [Wall Legal Solutions](#) today for a consultation.

Should I Move Out During My Divorce?

If you and your spouse cannot come to an agreement regarding who will be staying in the house during the divorce proceedings, you need to do three things. [Click here](#) to learn more.

For Any Other Divorce Questions, Contact the Utah Divorce Attorneys at Wall & Wall

Often people find that the only thing more difficult than divorce is a complicated divorce. For experienced help from professional [family law attorneys](#), complete the contact form on this page to book a free, no-obligation 30 consultations to discuss your case.

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