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IN THE FIRST JUDICIAL DISTRICT COURT  
IN AND FOR CACHE COUNTY, STATE OF UTAH

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GOOD CLIENT,

Petitioner,

vs.

OPPOSING PARTY,

Respondent.

**VERIFIED PETITION FOR CHILD  
CUSTODY**

Case Number:

Judge:

Commissioner:

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Petitioner, Good Client (hereinafter referred to as "Petitioner"), by and through his counsel of record, hereby files this Petition for Child Custody against Respondent, Opposing Party (hereinafter referred to as "Respondent"), as follows:

**THREE-MONTH RESIDENCY**

1. Respondent is, as of the date this action was filed, a bona fide resident of Cache County, State of Utah.
2. Respondent has been a resident of Cache County for at least three months immediately prior to the filing of this action.

**MILITARY SERVICE STATUS**

3. Neither party is serving in, nor has served, in the United States military.

## **CHILDREN**

4. Petitioner and Respondent never married; however, they engaged in a relationship that resulted in the birth of one child, D.A.C. (hereinafter referred to as the “child”), whose date of birth is January 8, 2015.

5. The parties are the legal mother and legal father of the child under Utah’s Uniform Parentage Act—Utah Code § 78B-15-101 *et seq.*

6. This court has jurisdiction to determine the issues related to the parties’ child in this custody action, as the child was born of the parties’ relationship, and, therefore, the parties became the legal parents of the child.

7. Venue is proper in this court because the child is a resident of Cache County, State of Utah.

### **UCCJEA Jurisdiction**

8. Utah has jurisdiction over the custody and parent-time issues in this case pursuant to Utah’s Uniform Child Custody Jurisdiction and Enforcement Act, as Utah is the home state of the parties’ child under Utah Code § 78B-13-102(7) and/or this case meets the criteria under Utah Code §§ 78B-13-201(1), 207, and 208.

### **URCP Rule 100 Information**

9. Pursuant to Rule 100 of the Utah Rules of Civil Procedure, The Uniform Child Custody Jurisdiction and Enforcement Act, Utah Code § 78B-13-101 *et seq.*, The Uniform Interstate Family Support Act, and Utah Code § 78B-14-101 *et seq.*, Petitioner states that:

- a. upon information and belief, there are no proceedings in a court of law or governmental agency for custody, child support, parent-time, or visitation

concerning the child that have been filed, are pending, or have been completed with an order;

- b. Petitioner is unaware of any criminal, delinquency, or protective order cases involving a party or the child; and
- c. Petitioner is unaware of any person who is not a party to these proceedings who has physical custody of the child or who claims to have custody, child support, and/or parent-time or visitation rights with respect to the child.

### **Physical Custody**

10. Petitioner and Respondent are fit and proper parents to be awarded the joint physical custody of the child.

11. Furthermore, it is in the best interest of the child that the parties be awarded with joint physical custody.

12. Therefore, Petitioner and Respondent should be awarded the joint physical custody of the child, in accordance with the Parent-Time and Holiday Schedule contained hereinbelow.

### **Legal Custody**

13. Petitioner and Respondent should be awarded the joint legal custody over the child.

### **Parent-Time and Holiday Schedule**

14. While the child is attending school during the year, he should reside with Respondent in Utah.

15. While the child is on break from school during the year—including summer break, winter break, and any other breaks from school—he should reside with Petitioner in Arizona.

16. If Petitioner relocates to Utah and resides reasonably close to the child, he should be awarded parent-time on a 50/50 basis with the child.

17. The Holidays and special dates the parties wish to observe for the purposes of this Petition are Thanksgiving, Christmas, New Year's Eve, the Fourth of July, Memorial Day, Labor Day, Father's Day, Mother's Day, and the child's birthday.

18. The parties should alternate holiday parent-time with the child in the following manner:

- a. **Thanksgiving:** Starting on the year 2020, Respondent should be entitled to have the child, and on the year 2021, Petitioner should be entitled to have the child. The parties should, thereafter, alternate, on a yearly basis, who is entitled to have the child for the Thanksgiving holiday.
- b. **Christmas:** Starting on the year 2020, Respondent should be entitled to have the child, and on the year 2021, Petitioner should be entitled to have the child. The parties should, thereafter, alternate, on a yearly basis, who is entitled to have the child for the Christmas holiday.
- c. **New Year's Eve:** Starting on the year 2020, Respondent should be entitled to have the child, and on the year 2021, Petitioner should be entitled to have the child. The parties should, thereafter, alternate, on a yearly basis, who is entitled to have the child for the New Year's holiday.
- d. **Fourth of July:** Starting on the year 2021, Petitioner should be entitled to have the child, and on the year 2022, Respondent should be entitled to have the child. The

parties should, thereafter, alternate, on a yearly basis, who is entitled to have the child for the Fourth of July holiday.

- e. **Memorial Day:** Starting on the year 2021, Petitioner should be entitled to have the child, and on the year 2022, Respondent should be entitled to have the child. The parties should, thereafter, alternate, on a yearly basis, who is entitled to have the child for the Memorial Day holiday.
- f. **Labor Day:** Starting on the year 2021, Petitioner should be entitled to have the child, and on the year 2022, Respondent should be entitled to have the child. The parties should, thereafter, alternate, on a yearly basis, who is entitled to have the child for the Labor Day holiday.
- g. **Father's Day:** Petitioner, as the child's father, should be entitled to have the child for the Father's Day holiday every year.
- h. **Mother's Day:** Respondent, as the child's mother, should be entitled to have the child for the Mother's Day holiday every year.
- i. **The Child's Birthday:** Starting on the year 2021, Respondent should be entitled to have the child, and on the year 2022, Petitioner should be entitled to have the child. The parties should, thereafter, alternate, on a yearly basis, who is entitled to have the child for the child's birthday.

#### **Additional Child Custody and Parent-time Provisions**

19. Each parent should permit and encourage reasonable and uncensored communications between the child and the other parent in the form of mail privileges, telephone,

and virtual parent-time, at reasonable hours and for a reasonable duration when the child is with him or her.

20. Special consideration should be given by each parent to make the child available to attend family functions, including funerals, weddings, family reunions, religious holidays, important ceremonies, and other such significant events in the life of the child or in the life of either parent, which may inadvertently conflict with the parent-time schedule.

21. The parties should bear equally the burdens and responsibilities of the transportation of the child associated with custody sharing and parent-time.

22. Unless the parties agree in advance and in writing, regular school hours may not be interrupted for the exercise of parent-time by either parent.

23. Each parent should be responsible for staying apprised of all significant school, social, sports, community functions, and other activities in which the child is participating or being honored, and each parent should be entitled to attend and participate fully in such activities.

24. Each parent should cooperate with one another so that they can stay apprised of all significant school, social, sports, community functions, and other activities in which the child is participating or being honored.

25. The court should order that all dates, times, and places for the child's school-related, athletic, social, club, religious, community, and significant family activities, as well as health care appointments, are to be promptly and clearly entered into a shared Google (or similar) calendar as soon as a parent learns of the activity, so as to ensure that each parent is aware of the child's activities as soon as possible.

26. Each parent should be fully and accurately identified as the child's parent in the child's school records, medical records, and healthcare records, and all other records that request the identification of the child's parents.

27. Each parent should have direct access to all of the child's school reports, including preschool and daycare reports, as well as all medical and healthcare records.

28. Each parent should provide the other with his or her current address, telephone number, e-mail address, and other virtual parent-time access information within 24 hours of any change thereof.

### **Relocation**

29. For the purposes of this section, "relocation" refers to moving such that the relocating parent's residence is, after the relocation, 150 miles or more from the residence of the other parent.

30. In the event of a parent's intent to relocate, the provisions of Utah Code § 30-3-37 should apply.

### **CHILD SUPPORT**

31. Petitioner is employed full-time at [COMPANY] and has a gross monthly income of \$3,888.00.

32. Upon information and belief, Respondent is employed full-time at [COMPANY] and has a gross monthly income of approximately \$2,000.00.

33. Petitioner is currently paying child support to Respondent in the amount of \$913.00 per month, under the State of California.

34. Petitioner desires to move the current child support order from the State of California to the State of Utah, and so Petitioner is filing, contemporaneously with this Petition, a Request to Register Foreign Child Support Order.

35. Once the child support order is moved from California to Utah, the order should be modified according to the parent-time schedule and incomes alleged herein. Petitioner should pay child support according to the Utah Child Support Guidelines.

36. Under Utah Code § 78B-12-210(8), the parties have a right to adjust the child support order by motion after three years from the date of its entry if, (1) upon review, 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, calculated using the appropriate child support worksheet; (2) the difference is not of a temporary nature; and (3) the amount previously ordered does not deviate from the child support guidelines. Under Utah Code § 62A-11-306.2, if the child receives TANF funds at the time an adjustment is sought, ORS shall review the order, and if appropriate, move the court to adjust the amount.

37. Under Utah Code § 78B-12-210(7) and (9), the parties have a right to modify the child support order at any time by petition if there has been a substantial change in circumstances because of (1) material changes in custody; (2) material changes in the relative wealth or assets of the parties; (3) material changes of 30% or more in the income of a Party; (4) material changes in the employment potential and ability of a parent to earn; (5) material changes in the medical needs of the child; or (6) material changes in the legal responsibilities of either Party for the support of others. The change in (1) through (6) must result in a 15% or more difference between the amount previously ordered and the new amount of child support, calculated using the appropriate child



support worksheet, and the difference must not be of a temporary nature. In a proceeding to modify an existing award, consideration of natural or adoptive children other than those in common to both parties may be applied to mitigate an increase in the child support award, but may not be applied to justify a decrease in the award.

38. The party receiving the child support should have the right to cause the income of the party paying the child support to be withheld via the State of Utah Office Of Recovery Services (“ORS”). If at any time either parent desires to use ORS to collect and/or enforce child support, the obligee or payee parent should be entitled to immediate and automatic income withholding under Utah Code §§30-3-5.1 and 62A-11-101 *et seq.* If ORS collects child support, ORS should also collect insurance premiums on behalf of the parties.

39. Child support for the child should terminate when they become 18 years of age or have graduated from high school during their normal and expected year of graduation, whichever occurs later, or when they die, marry, become members of the armed forces of the United States, or become emancipated pursuant to Utah Code § 78A-6-801.

40. Pursuant to Utah Code § 78B-12-210(10), the parties are on notice of the opportunity to adjust a support order under Subsections (8) and (9) of Utah Code § 78B-12-210.

#### **CLAIMING DEPENDENT CHILD FOR INCOME TAX PURPOSES**

41. The parties should alternate, on a yearly basis, who has the right to claim the child as a child tax credit, as well as any other lawful applicable tax savings or benefits for state and federal income tax purposes.

## **CHILD CARE AND CHILD CARE EXPENSES**

42. Each parent should provide all surrogate care providers with the name, current address, and telephone number of the other parent.

43. Each parent should provide the other parent with the name, current address, and telephone number of any and all surrogate care providers.

44. Each party should be solely responsible for any employment-related childcare expenses that he or she may incur.

45. Pursuant to Utah Code § 78B-12-214, the parties should equally be responsible for the reasonable out-of-pocket work-related child care expenses incurred on behalf of the parties' child, subject to verification thereof.

46. If an actual expense for child care is incurred, a parent shall begin paying his or her share on a monthly basis immediately upon presentation of proof of the child care expense; however, if the child care expense ceases to be incurred, that parent may suspend making monthly payment of that expense while it is not being incurred, without obtaining a modification of the child support order.

47. A parent who incurs a child care expense shall provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a provider, and thereafter on the request of the other parent.

48. A parent shall notify the other parent of any change of child care provider or the monthly expense of child care, within 30 calendar days of the date of the change.

49. A party incurring and/or paying for child care expenses may be denied the right to receive credit for the expenses or to recover the other party's share of the expenses if the party incurring and/or paying for the expenses fails to comply with the above-referenced items.

#### **CHILD HEALTHCARE**

50. The child's health insurance provider is United Healthcare.

51. Petitioner is currently paying for the child's health insurance.

52. Petitioner should continue to pay for the child's health insurance.

53. Both parties should equally bear all reasonable and necessary uninsured and unreimbursed medical and dental expenses, including deductibles, co-insurance and co-payments, incurred for the child and actually paid by a party.

#### **EXTRACURRICULAR ACTIVITIES AND SCHOOL COSTS**

54. Each party should be responsible for one-half of the expenses related to the child's extracurricular activities, including things such as but not limited to sports and summer camps, so long as the parties agree in advance that the child can participate in such extracurricular activities.

55. A party who incurs an extracurricular activity expense on behalf of the child, in which he or she is entitled to reimbursement, shall provide written verification of the expense and/or payment of the expense to the non-incurring party within thirty (30) days of incurring the expense or making a payment towards the expense. The non-incurring party who receives such written verification should remit his or her one-half share of the expense to the other party who incurred the expense, within thirty (30) days of receiving written verification of the cost and/or payment.

56. Each party should be responsible for one-half of the school costs associated with the child. School costs include, but are not limited to, registration fees, uniform fees, lunch fees, etc.

57. School costs incurred by a party who is entitled to reimbursement as described herein shall provide written verification of such costs to the non-incurring party within thirty days of incurring the expense or making a payment towards the expense. The non-incurring party who receives such written verification should remit his or her one-half share of the expense to the other party within thirty days of receiving written verification of the cost and/or payment.

#### **RESTRAINING ORDERS**

58. Neither party may transfer, encumber, conceal, or dispose of any property of either party without the written consent of the other party or a court order, except in the usual course of business or to provide for the necessities of life.

59. Neither party may, through electronic or any other means, disturb the peace of, harass, or intimidate the other party.

60. Neither party may commit domestic violence or abuse against the other party or the parties' child.

61. Neither party may use the other party's name, likeness, image, or identification to obtain credit, open an account for service, or obtain a service.

62. Neither party may cancel, modify, terminate, change the beneficiary, or allow to lapse for voluntary nonpayment of premiums, any policy of health insurance, homeowner's or renter's insurance, automobile insurance, or life insurance without the written consent of the other party or a court order.

63. Neither party may engage in non-routine travel with the child without the written consent of the other party or a court order.

64. Neither party may demean or disparage the other party, attempt to influence their child's preference regarding custody or parent-time, say or do anything that would tend to diminish the love and affection of the child for the other party, or involve the child in the issues of this petition or of the parties' relationship generally.

65. Both parties should restrain and refrain from the use or consumption of any illegal and/or non-prescribed prescription drugs or medications during any period of time in which the child is in a party's respective care and custody, including but not limited to any extended or holiday parent-time, or twenty-four hours prior to the child being in a party's respective care and custody, including but not limited to any extended or holiday parent-time, and they shall shield the child from witnessing the use or abuse of non-prescription drugs or any other type of illegal or illicit substance.

66. Both parties should be restrained and enjoined from being inebriated while exercising parent-time with the child or while communicating with the child, and they shall shield the child from witnessing the inebriation of third parties.

67. Neither party shall discuss this action with the child.

#### **MISCELLANEOUS**

68. Neither parent-time nor child support is to be withheld due to either parent's failure to comply with a court-ordered parent-time schedule.

69. Each parent should immediately provide the other with his or her current address and telephone number, email address, and other virtual parent-time access information and keep the other party apprised with any changes to such information within 24 hours of any change.

**DUTY TO SIGN DOCUMENTS WHICH IMPLEMENT PARENTAGE DECREE**

70. Both parties should be ordered to sign and fully execute whatever documents are necessary for the implementation of the provisions of their parentage decree. Should a party fail to execute a document within 60 days of the entry of their parentage decree, the other party may bring an Order to Show Cause at the expense of the disobedient party and ask that the Court appoint some other person to execute the document pursuant to Rule 70 of the Utah Rules of Civil Procedure. Any document executed pursuant to Rule 70 has the same effect as if executed by the disobedient party.

WHEREFORE, Petitioner, Good Client, petitions the court that he be granted a parentage decree pursuant to the terms of this Petition for Child Custody, and for any such other relief as the court deems proper, just, and equitable under the circumstances.

DATED November 23, 2020.

Altioirem Legal Services

/s/ Saul Goodman

Saul Goodman,

*Attorney for Petitioner*

VERIFICATION

I verify under criminal penalty under the law of the State of Utah that the foregoing is true and correct.

Executed on: November 23, 2020.

Executed at: [COUNTY], [STATE]

/s/ Good Client

Good Client

SAMPLE  
Altioem Legal Services