

Contested Divorce Utah

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What is Contested Divorce Utah?



Contested divorce Utah is a divorce where some aspect of the divorce is disputed by one of the spouses. Often these disputes are over the division of property, debt, or other marital assets; however, the dispute can be over the divorce itself. **Contested divorce is much more complicated than uncontested divorce** because an entire trial is needed in order for the court to resolve disputes. Contested divorce comes with other consequences such as a much longer divorce period, higher legal fees and court fees, and increased stress. Whenever possible, it is recommended that spouses try to resolve conflicts out of court through an Uncontested Divorce. In any event the attorneys at Wall & Wall provide high quality legal representation so their clients' best interests are protected.

Contested Divorce Utah Instructions

Much of the same basic information provided for uncontested divorce applies to divorce cases that are “contested”. That is, a divorce **petition is filed** by one spouse and served upon the other spouse by a constable or the Sheriff’s office. **Along with that petition is a document called a Summons**. The Summons gives directions to the person being served about what they need to do if they do not agree with what is in the petition served upon him or her. If that person does not agree they must file a written **“Answer” to the petition** with the court clerk and send a copy to the attorney for the person filing the petition.

Moving Into Discovery

After you file for divorce, the divorce papers have been served and the appropriate spouse has responded to the divorce petition — which is typically required within 30 days — the next step is to move into the stages of discovery during the contested divorce process.

In order for discovery to go smoothly, it is crucial to have meticulously prepared a significant amount of paperwork beforehand, detailing your shared assets, incomes, documentation of children parented by the spouses, shared debt, and any other relevant details.

With this information in hand, it will be much easier for each spouse's attorney to get a clear idea of the previous marital situation and therefore determine what each spouse is entitled to.

Each party has a specific amount of time to carry out discovery proceedings. Ensure that your attorney remains vigilant and stays in constant contact with your spouse's attorney — this will prevent him or her from attempting to hide assets or generally slowing down the process to delay the divorce. You need to trust that you have the best divorce attorney in Utah, as your attorney could have a significant impact on the outcome of your settlement.

Temporary Orders

Between the time the divorce action is commenced and the time it is completed the court has the authority to **make and enforce Temporary Orders** regarding such matters as **child support, child custody, alimony, possession of the house, visitation, payment of bills, possession of personal property, etc.** These orders are temporary because such matters will be reviewed again at the time of the divorce hearing or trial. Final orders regarding these matters will be entered as part of the divorce decree.

Child Custody

If you want to seek custody of your child or children, the time of the divorce action is the time to seek custody, as opposed to seeking custody later after the divorce is completed. The fundamental basis for determining custody is what is in the **“best interest of the child”**. This can involve numerous elements, and quite often it is necessary to obtain a “Custody Evaluation”.

This is almost always required by the court in custody cases. These evaluations are generally performed by psychologists, usually with a Ph.D. degree in psychology. The prices can vary depending upon the evaluator, the number of children involved, the amount of time to be spent, etc.. The cost can range from around \$1,800.00 up to \$5,000.00, with the average running between \$3,000.00 to \$3,500.00. Obviously, they are expensive, but they are an essential part of a custody case.

Settlement

Once all temporary orders are taken care of and each divorce attorney in Utah has gone through discovery, both parties will be encouraged to reach a settlement. Though the spouses have the possibility of attending divorce court, it is preferable to reach an

agreement beforehand, whether on their own terms or with the help of a third-party mediator.

Reaching a settlement independently increases the likelihood that the spouses will have a mutually satisfactory compromise when it comes to assets, custody, debt distribution and more. However, as is to be expected, a peaceful settlement is not always possible between the spouses as negotiated by the Utah divorce lawyers. If that is the case, each attorney will continue the discovery phase and await a court date for their clients. How quickly the case goes to trial is determined by numerous factors, including how busy the divorce courts are at that particular time.

Going To Trial

Although the idea of going to court can be daunting, the next step to resolve a contested divorce is to attend a trial date in divorce court.

Trial is the time for each spouse's legal team to present witnesses, cross-examine the other party's witnesses, and finally, make convincing closing arguments for why each spouse deserves what they are asking. Witnesses may be chosen for their ability to attest to a spouse's character, which could be beneficial regarding custody struggles.

After hearing each side's legal arguments, the presiding judge will write a final order that states the resolution of all of the issues presented during the hearing. The length of time that it takes for the judge to make his or her final decision is directly correlated to how complicated the case is.

Making Post-Trial Motions and Appeals

Even after the trial date and the issuance of the judge's final order, either spouse can fight to continue the divorce trial if they so choose. If he or she is dissatisfied with the judge's decision, either party can file a post-trial motion in an attempt to re-try their case and potentially gain more in a future settlement. Post-trial motions should be filed within 30 days of the judge's recent decision and the other spouse will have 30 days to respond to said motion. If the motion is granted by a judge, either attorney can present their arguments as to why the final order was or was not fair for their client.

However, if the post-trial motion is not granted, the final route is to file an appeal within 30 days of the final order or the denied post-trial motion. Once oral arguments are presented by each spouse's legal representation, the court will make its ultimate decision. At that point, the case will either be reversed and go back to court, or it can be affirmed, reaching its end.

Costs:

Our contested divorce Utah is handled on an hourly basis. A retainer, or down payment on the attorney's fee is generally required. Contested divorces can be costly, so please be aware of this at the outset. While we do everything we reasonably can to avoid adding to

your costs, there are many things your attorney must do to properly represent you, many of which things you are not aware of as they take place. You will receive a regular, periodic bill setting forth the status of your account. Should you not receive one please ask for one from your attorney.

Learn more about contested divorce Utah, or sign up for a free consultation today by filling out our form to the right



Watch Video At: <https://youtu.be/2b3GxEXRh8>

Contested Divorce FAQ

What is the Difference Between a Contested Divorce and Uncontested Divorce?

A **contested divorce** takes place when the two spouses are **unable to come to an agreement** on one or more issues surrounding their divorce. This might include child custody, division of property, division of assets, or more. If the **spouses agree on everything** and do not need the court to divide assets or make determinations about spousal or child support or custody, then it is an **uncontested divorce**. An uncontested divorce generally proceeds more quickly through the system, is less complicated, and there is less of a financial burden.

Why Would Someone Contest a Divorce?

Why is a Contested Divorce So Complicated?

How Does the Court Get Involved?

How can an Attorney Help with a Contested Divorce?

What is the Process for Contested Divorce?

How Long Until a Contested Divorce is Final?

Trust the Professionals at Wall & Wall Attorneys in Salt Lake City, UT

Everyone deserves to have access to someone who will help them through their divorce proceedings with care and compassion. That is where the team at Wall & Wall Attorneys from Salt Lake City, UT can be of assistance. We offer free consultations, speak both English and Spanish, and even provide military discounts. Our office has a tremendous amount of experience with the contested divorce process and will be with you every step of the way. Our job is to advocate for you and your interests. To learn more about our services, please call us today.

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