

Uncontested Divorce in Utah

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What is uncontested Divorce in Utah

An uncontested divorce in Utah is a divorce in which both spouses agree to divorce, and are able to settle divorce agreements outside of court. Uncontested divorces, also known as Flat Rate Divorces, are often preferable to contested divorce because they are less expensive and are often quicker. Uncontested divorces are not for everyone, but because they offer advantages, most divorces are uncontested. Though disagreements are settled outside of court, it does not mean that there are no disagreements, instead that these disagreements are resolved by the spouses themselves, or through a mediator. No divorce is finalized without a court order, but because uncontested divorces are already agreed upon by both spouses, the paperwork can typically be filed without a court appearance.



Additional Benefits of an Uncontested Divorce in Utah:

- More Control Over Decision Process (i.e. Property Division, Child Custody, Child Support, Visitation)
- Avoid Stress and Preserve Relationships
- Less Information Made Public Through The Court
- Easier For Children And Family Members
- Faster Resolution Time

Cost of Uncontested Divorce

- Un-Contested Divorce without Children – \$1000
- Un-Contested Divorce with Child(ren) – \$1500

Instructions For Uncontested Divorce in Utah

This information is provided to those persons who are interested in obtaining from Wall & Wall, attorneys, a simple, uncontested divorce in Utah. Our fee is based upon the representation by you to us that you do not need to consult with an attorney and obtain advice or counsel, but rather, you and your spouse have agreed upon all issues and merely need the various documents prepared. To that end, the following instructions are provided to you.

Divorce Questionnaire:

This document provides us with the basic information necessary to prepare the court papers necessary to commence and conclude your divorce.

Child Support Location Information Form:

If you have children from this marriage, this form must be filed with the court at the time the final papers are completed. Please print clearly the information requested.

Divorce Education Class:

If you have children from this marriage, each spouse must attend the Divorce Education Class for Parents. This is mandatory unless one spouse lives out of state, or is incapacitated in some way from attending, in which event a motion must be filed with the court to waive the requirement. There is an additional charge for this service. After you and your spouse have completed the course, which need not be taken together, you both need to send to us the certificate they provide to you proving that you have attended the class.

Service of Papers:

The law requires that the spouse who is not filing for divorce be served with papers, or, that he or she sign an acknowledgement that he or she has received a copy of the Petition for Divorce and the Summons. If your spouse will sign the acknowledgement, termed an "Acceptance of Service, Waiver, and Consent to Default", he or she will not need to be actually served by a constable or the sheriff's office. If such service can be avoided it will save you approximately \$20.00. You need to notify us if your spouse will sign the acceptance and make arrangements with us as to how that is to be handled. Your spouse needs to sign nothing else.

Affidavit:

The only thing you, as the filing party, need to sign is an affidavit verifying your residency and briefly describing the grounds for divorce. This can be prepared any time, but must be presented along with the final papers before the court can sign the Decree of Divorce. You need to make arrangements to sign this affidavit.

Proof of Income:

If you have children from this marriage, both you and your spouse must submit to us proof of your current income. The court requires that you each submit a copy of the last Federal Income Tax return submitted by you. If you filed jointly you only need submit one copy. In addition, you will each need to submit a recent pay stub (provided each of you are employed), or a statement from your employer on their letterhead stationery, verifying your gross monthly income, and including your monthly withholdings.

Time schedule for completing divorce:

Under Utah law you must wait 90 days from the date you file your divorce action until the final papers can be submitted to the court. However, if you have children from this marriage, the divorce can be completed as soon as you and your spouse complete the

divorce education class, and provide us with your income verification information and copies of the certificates from the divorce education class.

Visitation and Child Support Payments:

Whether the Decree of Divorce results from a contested or uncontested case, the rules governing the interpretation and enforcement of terms of the Decree remain identical. Very often one party is awarded the sole custody of the child or children. The other party is usually awarded reasonable rights of visitation. The Utah Legislature has established MINIMUM visitation rights if the parties are unable to agree, and these can be provided to you.

Child support and visitation are independent as far as the court is concerned. That is, a parent has the right to see his children regardless of making child support payments. The other parent does not have the right to withhold visitation from the other parent whether or not the child support and/or alimony payments are being made properly. The appropriate way to deal with these problems is to bring the party into court where he/she will be ordered to obey the divorce decree or face punishment for contempt of court. This applies to both failure to pay child support as well as failure to allow the other parent proper access to the children.

Alimony:

If a party who could request alimony payments chooses to waive (give up his/her rights to) alimony and the court does not grant alimony in its decree, that party probably cannot later petition the court for alimony. There are exceptions, but these are extremely rare and very unusual. If you want alimony, now or in the future, now is the time to ask for some amount. If you may need it in the future but don't need it now, you should ask for a minimal amount, but even in these situations seeking an increase in the future is very difficult.

Parenting Plan:

In either a contested or uncontested divorce in Utah, if either parent seeks or is awarded joint legal or joint physical custody—they are different—then a parenting plan must be filed with the court along with the other necessary papers. This is required under a new law that went into effect in May, 2002. There is an added cost to prepare such a plan, and that cost depends on how complex the plan must be.

ADDITIONAL REMARKS

This system is designed to enable you to complete your divorce in the most economical manner possible, and is provided to those who do not feel they need the assistance or counsel of an attorney for other than preparing the various legal documents necessary for the divorce. The fee quoted to you does not include time for counseling with an attorney. This service is available, as are other services, all of which we are happy to provide to anyone requesting them. The costs involved will depend upon what your attorney charges and the question of costs should be discussed with him.

Fill out our form to the right, or call us today to learn more about uncontested divorce in Utah!

