

# Utah Divorce Process

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Regardless of the instigating factors, [divorce](#) is a stressful and draining situation for all parties involved. With a ***divorce rate higher than the national average—3.6% for Utahns*** versus 3.4% for all Americans, according to a U.S. Census Bureau study—Utahns face this potentially complicated and often overwhelming process more than most. ***To help remove some of the confusion and anxiety*** surrounding getting divorced in Utah, ***here is a step-by-step overview of the divorce process in the state.***

Because divorce can easily get messy and contentious, ***hiring a knowledgeable divorce attorney is often in your best interests to help protect your assets and child custody concerns.*** Utah divorce attorney [Eric M. Swinyard](#) specializes in all aspects of [family law](#), serving Utahns from his offices in Salt Lake City and Provo. To schedule a ***free consultation***, please [contact Eric M. Swinyard](#) today.

## Part 1: File for Divorce

As you begin the process of filing for [divorce](#), be aware that ***Utah allows for divorce based both on fault and no-fault grounds.*** You should also know that Utah's courts impose a residency requirement on divorce proceedings; this means that ***either you or your spouse must have lived in the state for a minimum of three months prior to the filing date.*** When custody of minor children will be an issue in the divorce proceedings, your children generally must have resided in Utah for a minimum of six months before you can file.

### Consult an Attorney

You aren't required to use an attorney in order to file for divorce in Utah. However, the legal issues surrounding divorce are often complicated, and you may face obstacles representing yourself if there are any complex matters such as [child custody](#) or [division of significant assets](#). ***A qualified divorce attorney can help you navigate the process and help safeguard against critical mistakes.***

### Prepare Your Divorce Documents

If you are using a lawyer, ***your attorney will prepare your documents for you.*** If not, you may use the state's [Online Court Assistance Program](#) (OCAP) to prepare the divorce petition and related documents; there is a \$20 fee

for using this service. Completed forms must be **notarized by a notary public before they can be filed.**

## File Your Divorce Documents

**Your divorce case is only open once you've filed all forms** in the office of the court clerk in your home county and paid the filing fee of \$310.

## Serve Your Spouse

After filing your divorce petition, you have **120 days to serve** this petition, a summons and any other filed documents to your spouse. Service can be completed **via certified mail** or by the **sheriff's department** or a **private company**. **Proof of service** is required to have the court act on your divorce petition.

## Wait for Your Spouse's Answer

**After being served, your spouse will have 21 days—or 30 days if they are out of state—to respond** . If they do respond, both parties will have to submit a Financial Declaration form to each other outlining all relevant financial items.

**If your spouse does not respond**, you can request that the court issue a **default judgment** which will grant you everything you requested in your petition.

**If your spouse agrees with all issues** as presented in your divorce petition, they can file a **stipulation** instead of a response. At this point, the OCAP Divorce Stipulation questions can be used to prepare the necessary documents and proceed to a final divorce decree.

## Part 2: Complete Required Divorce Education Classes and Mediation

After your spouse has been given a chance to respond to your divorce petition, several steps must be taken before a trial will be scheduled. **Many Utah divorce issues are resolved during this stage in the process, eliminating the need for a trial in front of a judge.**

### Complete a 90-Day Waiting Period

Utah law stipulates that **judges must wait 90 days after the date that the divorce petition was initially filed to sign the final divorce order**. This is true even if both spouses agree on all issues.

### Attend Required Divorce Education Classes if Necessary

All divorcing couples in Utah **who have minor children** are **required** to take **both a [divorce education class](#) and a [divorce orientation class](#) before the final divorce decree will be signed** . Both classes can be taken online or in person; the orientation class covers alternatives to divorce, while the education class seeks to provide information on how divorce affects children and how parents can make the process easier.

### Take Part in Mandatory Mediation for any Contested Issues

**If your spouse responds to your divorce filing**, Utah statute requires that both parties take part in a **mediation session before a divorce will be granted**. The parties are jointly responsible for locating and paying for a mediator.

### Ask for Temporary Order if Necessary

Sometimes there are issues that must be addressed before the divorce order is final, such as **who can use the marital home** or who has **custody of any minor children during the pending divorce**. In these cases, either party can request that the judge issue a **temporary order** on the matter that will be effective through the final divorce decree.

## Complete Name Restoration

If you had your name changed upon getting married, **you can return to your pre-marriage legal name at this stage** in the divorce process. To do so, simply include a statement along with your divorce petition to indicate the name change.

## Part 3: Go to Trial (If Necessary)

If you and your spouse are **unable to reach an agreement** about any issues in your divorce decree, the next step in the Utah divorce process is going to trial.

### Seek a Child Custody Evaluation

**If you disagree** with your spouse regarding **child custody** or **child support** issues, you can request that a professional evaluator conduct a custody evaluation. During this evaluation, **the evaluator will observe both parties and the children**; the evaluator will then **submit a report** to the court on all factors that pertain to the **child's best interests**.

### Appear at Pre-Trial Conferences

You will be **required to attend a conference prior to your trial** being scheduled **to make a final attempt to settle the case**. If this fails, the trial date will be set and the list of issues to be addressed at trial will be determined.

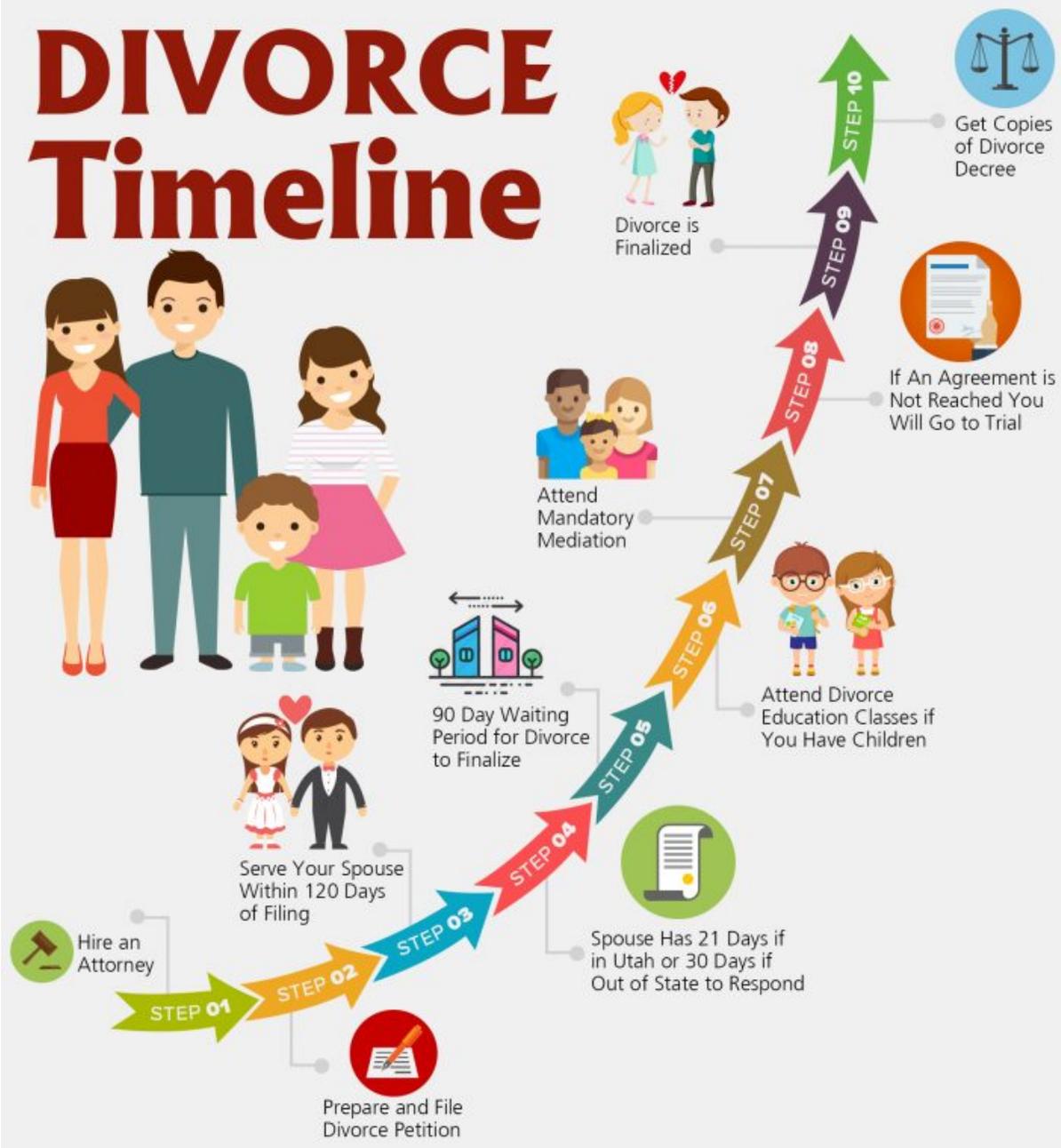
### Attend Your Trial

If you have hired a **divorce lawyer**, they can **help you prepare** for the trial, including **assembling any documents** and **necessary evidence** to be presented to the court. Arrive at the courtroom **early** on the day of your trial, **dressed professionally** and with **any witnesses** that you intend to call upon. Remember to **treat the judge respectfully** and **never interrupt your spouse** when they are testifying.

### Get Copies of Your Divorce Decree

Once the **judge has signed the final decree** following **mediation** or trial, you are **legally divorced**. At this point, you should obtain a copy of the finalized decree for your records. Note that you must **file any appeals to the judge's decision within 30 days**.

# DIVORCE Timeline



In america there is 1 divorce every 13 seconds.  
Let an experienced divorce attorney help you every  
step of the way.

**ERIC M. SWINYARD**  
ATTORNEY AT LAW

For any questions related to divorce  
contact attorney Eric M. Swinyard.  
Salt Lake City and Provo Locations  
**801-872-4978**  
[Ericswinyardlaw.com](http://Ericswinyardlaw.com)

Contact Utah Divorce Attorney Eric M. Swinyard Today

Divorce can be complicated. **The best way to safeguard your interests** throughout the process is to **choose a qualified divorce attorney to represent you**. Based in Salt Lake City, **experienced divorce attorney Eric M.**

**Swinyard** has helped hundreds of Utahns navigate the divorce process. His broad range of experience allows him to provide **personalized and high-quality legal support** regarding all **family law-related legal issues**. To schedule your **free 30-minute consultation**, please **contact Eric Swinyard** at (801) 850-9740.

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Contact Eric M. Swinyard

Call: [\(801\) 850-9740](tel:(801)850-9740) or Submit this form:

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