

How to File for an Uncontested Divorce Without a Lawyer in Utah

Posted by [Tommy](#) On 05/22/2020

What is an uncontested divorce?

An uncontested divorce is when both parties in the marital relationship agree on all the major issues of their separation allowing them to avoid a court trial. They both have the option to appoint an attorney to handle the terms of their settlement agreement.

Another form of an uncontested divorce is when one spouse files for a divorce and the other spouse is either not present or doesn't want to be involved in the divorce process. This is also known as a divorce by default.

The main issues when it comes to discussing a divorce settlement agreement include:

- How [child custody](#) and parental responsibilities will be split
- The duration and amount of child support
- The duration and amount of alimony (spousal support)
- The division of debts and properties

Once these issues have been resolved and written into a signed settlement agreement, there is no need to go to the court. All the parties have to do is file their divorce forms along with the settlement agreement and wait for a judge to review and approve their case.

Who is allowed? Requirements

To file for an uncontested divorce, the case should qualify as per Utah's terms of divorce.

Couples who have agreed on basic issues, can file for an uncontested divorce. Or one party can initiate the process with the help of streamlined paperwork, mentioning child custody and property information as well as the reason and statement for divorce.

In the case of an agreement to the divorce from the other side (i.e. uncontested) or failure to appear in the hearing (default), the court holds the right of grant. However, if the other party disagrees with the terms and provides necessary proof, then the divorce will not be granted.

Note: Couples with substantial assets or minor children can only proceed with an uncontested divorce if they show consent to all the issues mentioned above. Couples experiencing minor disagreements on one or more aspects will have to negotiate out of the court in order to avoid having to go through a contested divorce process. If negotiations between the two parties are not productive, the couple can go for mediation or appoint attorneys to negotiate on their behalf. Just keep in mind that this step will increase the cost of the divorce.

Do you need a lawyer?

While many parties can handle their uncontested divorce on their own, they may still need lawyers to help with the paperwork or to review their settlement agreement. This is especially true for couples with substantial assets and/or children. In Utah, couples with no minor child and few assets that have been married for only a short time can complete their divorce without the help of an attorney.

There are also other situations that may require hiring a professional to assist in the process. If there are disagreements between the partners, hiring a mediator is a good way to settle important issues such as child custody and property division without having to go to trial. If either spouse possesses retirement benefits or complicated finances, then appointing an actuary or financial expert might be important.

Couples with complicated situations can still proceed without lawyers but they should be cautious of such a choice because they might have to give up substantial legal rights. By consulting an attorney, it would be easy for them to do the required paperwork and create a settlement agreement while avoiding future mistakes and misunderstandings.

Note: In Utah, couples have the choice to apply for divorce jointly.

Starting an uncontested divorce process in Utah

When filing for divorce in Utah, parties have to go through the following process:

1. Make sure you meet the Utah residency requirements to file for divorce in the state. To file for divorce in Utah, you must be a resident of the state for at least 3 months. If you have minor children, you must be a resident of the state for 6 months.
2. Reach an agreement on all issues in the divorce including division of debts and property, spousal and child support, and child custody and visitation.
3. Put your settlement agreement in writing and have both parties sign it in the presence of a Notary.

As soon as the above criteria has been met, a couple can apply for an uncontested divorce with the help of the required forms discussed below.

Note: If a couple has minor children, they might have to take the Divorce Education Course. This course must be completed before applying for a divorce.

Preparing the divorce forms

When a person wants to apply for divorce in Utah, he/she can either use an [online divorce service](#) to assist with the divorce forms or they can get their own copies from the local courthouses and complete the forms themselves. In either case, the following paperwork items are required:

- Petition for divorce
- Civil cover sheet
- Stipulation
- Acceptance of service
- Certificate of Dissolution/ Vital Statistics Form
- Decree of divorce
- Military Service Declaration and Order
- Affidavit of Jurisdiction and Grounds
- Fact findings and conclusion

If the couple has minor children, then the following documents are necessary:

- Financial declarations
- Child Support Worksheet
- Child Support Locator
- Affidavit of Income and Compliance plus Child Support Guidelines

It is worth mentioning that the process of divorce differs for different areas of Utah. Couples might have to provide other documents besides the ones listed above. Therefore, you should always accept help from the local court clerk in order to be sure you have everything you need to file for the divorce.

While applying for a DIY divorce, it's necessary to file using the right documents at the right court. There are eight judicial district courts of Utah that handle divorce cases, with around 70 judges to review the cases. So couples have to file at the district where they live. They will also have to do the paperwork according to the requirements of that district. If the two partners are living separately in different counties or different districts, then you can follow the requirements for the place where either of the two partners lived for 3 months.

Finishing your divorce

When getting a divorce in Utah, there is a mandatory waiting period of 90 days before a divorce can be finalized. However, this time period can be waived in light of exceptional conditions.

In Utah, no court hearing is necessary before the judge finalizes an uncontested divorce. If the couple has provided all the necessary paperwork and a settlement agreement that the judge considers reasonable and fair for all parties involved including the children, then the court will give its judgement and sign the Findings and Decree of Divorce, thereby completing the divorce process.