

Danielle Smith
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Online Court Assistance Program

Check your email. You will receive information and documents at this email address.

I am the Petitioner

In the District Court of Utah
Third Judicial District, Salt Lake County
West Jordan - Third District Court, 8080 S. Redwood Road, Suite 1701, West Jordan,
UT 84088

Danielle Smith Petitioner v. Nathan Smith Respondent	Divorce Decree and Judgment Case Number: 214900696 Judge: <u>Bates</u> Commissioner: <u>TACK</u>
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The court decrees:

Divorce

1. **Danielle Smith** is granted a divorce based on her Affidavit of Jurisdiction and Grounds. The divorce will become final upon entry of the divorce decree.

Children

2. **Danielle Smith** and **Nathan Smith** are the legal parents of the following children (Utah Code 78B-15-101 et seq.). This court has jurisdiction to make orders about these children.

- | | |
|-------------------------|------------------------|
| a. Kadence Smith | Born 05/14/2009 |
| b. Oliver Smith | Born 03/19/2011 |
| c. Gibson Smith | Born 02/10/2014 |

Children - custody

(Utah Code 30-3-35.1(6); Utah Code 30-3-10.7 through 30-3-10.10)

3. The parties are awarded joint legal custody, but **Danielle Smith** is awarded primary physical custody of the children. **Nathan Smith** will have the right to parent-time at reasonable times and places. The children will reside in **Danielle Smith's** home **220** overnights each year and in **Nathan Smith's** home **145** overnights each year. The court approves the following parenting plan

Parenting plan parent-time

4. The parents will follow the parent-time schedule in the statute(s).

The children will live with **Danielle Smith 220** overnights each year and will have parent-time with **Nathan Smith 145** overnights each year according to the statutory parent-time schedule. **Danielle Smith** will be the "custodial" parent:

A copy of the following statute(s) is attached to the Parenting Plan.

- Children 5-18 (Utah Code 30-3-35)
- Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

FOR CHILDREN 5 YEARS TO 18 YEARS OF AGE:

Midweek – School in Session: During the time a child's school is in session, one weekday evening to be specified by the noncustodial parent, or Wednesday evening if not specified, from 5:30 - 8:30 p.m.; or, at the election of the noncustodial parent, one weekday from the time the child's school is regularly dismissed until 8:30 p.m.

Midweek – School not in Session: During the time a child's school is not in session, one weekday from approximately 9:00 a.m., accommodating the custodial parent's work schedule, until 8:30 p.m., if the noncustodial parent is available to be with the child.

Changes to Midweek Schedule: Once the weekday is designated, it may not be changed except by mutual written agreement of the parents, or court order.

Alternate Weekends: Alternating weekend parent-time shall begin the first weekend after the entry of the decree. Weekends include any "snow" days, teacher development days, or other days when school is not scheduled and which are contiguous to the weekend period.

School in Session: During the time a child's school is in session alternating weekend parent-time shall be from 6:00 p.m. on Friday until 7:00 p.m. on Sunday, or, at the election of the non-custodial parent, from the time a child's school is regularly dismissed on Friday until 7:00 p.m. on Sunday, continuing each year.

School not in Session: During the time a child's school is not in session a noncustodial parent may elect alternating weekend parent-time to begin on Friday from approximately 9:00 a.m., accommodating the custodial parent's work schedule, until 7:00 p.m. on Sunday, if the noncustodial parent is available to be with the child.

Pick Up by Non-Parent: A step-parent, grandparent, or other responsible adult designated by the noncustodial parent, may pick up the child if the custodial parent is

aware of the identity of the individual, and the parent will be with the child by 7 p.m.

Changes to Weekends: Weekend parent-time elections shall be made by the noncustodial parent at the time of entry of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.

Holiday Parent-time: Holidays as specified below in the Special Occasion table.

Extended Parent-time: Extended parent-time with the non-custodial parent may be up to four consecutive weeks when school is not in session, at the option of the non-custodial parent including weekends normally exercised by the non-custodial parent, but not holidays;

- a. two weeks shall be uninterrupted time for the non-custodial parent;
- b. the remaining two weeks shall be subject to parent-time for the custodial parent for weekday parent-time but not weekends, except for a holiday to be exercised by the other parent; and
- c. the custodial parent shall have an identical two-week period of uninterrupted time when school is not in session for purposes of vacation.

Both parents shall provide notification of extended parent-time or vacation weeks with the child at least 30 days prior to the end of the child's school year to the other parent and if notification is not provided timely the complying parent may determine the schedule for extended parent-time for the noncomplying parent.

Electronic communication: Telephone contact shall be at reasonable hours and for a reasonable duration. Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration the best interest of the child, each parent's ability to handle any additional expenses for virtual parent-time; and any other factors the court considers material.

For children 5-18:

Weekday parent-time will be Tuesday. (30-3-35.1)

On school days: Parent-time starts when school is out. (Utah Code 30-3-35.1)

On days when school is not in session: Parent-time starts at the morning time listed in the statute (depending on custodial parent's work schedule) if the noncustodial parent is able to be with the child: 8:00 a.m. (Utah Code 30-3-35.1)

Parent-time for special occasions

5. The parents will follow the schedule for special occasions below. If there is more than one child and the children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday, the children may remain together for the holiday period beginning the first evening that all children's schools are let out for the holiday and ending the evening before any child returns to

school. (Utah Code 30-3-32, 35)

Special Occasion	Parent-Time Schedule
<p>Labor Day Weekend (30-3-35)</p>	<p>Odd Years: School Days: Nathan Smith will have parent-time on the Labor Day Weekend in odd years beginning from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Nathan Smith will have parent-time on the Labor Day Weekend in odd years beginning from 9:00 a.m. on Friday until Monday at 7:00 p.m.</p> <p>Danielle Smith will <u>not</u> have parent-time in odd years on the Labor Day Weekend or holiday.</p> <p>Even Years: Nathan Smith will <u>not</u> have parent-time in even years on the Labor Day Weekend or holiday. School Days: Danielle Smith will have parent-time on the Labor Day Weekend in even years from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Danielle Smith will have parent-time on the Labor Day Weekend in even years from 9:00 a.m. on Friday until Monday at 7:00 p.m.</p>
<p>Columbus Day Weekend (30-3-35)</p>	<p>Odd Years: School Days: Danielle Smith will have parent-time on the Columbus Day Weekend in odd years beginning from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Danielle Smith will have parent-time on the Columbus Day Weekend in odd years beginning from 9:00 a.m. on Friday until Monday at 7:00 p.m. Nathan Smith will <u>not</u> have parent-time in odd years on the Columbus Day Weekend or holiday.</p> <p>Even Years: Danielle Smith will <u>not</u> have parent-time in even years on the Columbus Day Weekend or holiday. School Days: Nathan Smith will have parent-time on the Columbus Day Weekend in even years from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Nathan Smith will have parent-time on the Columbus Day Weekend in even years from 9:00 a.m. on Friday until Monday at 7:00 p.m.</p>
<p>Fall School Break (If applicable, commonly known as U.E.A. weekend) (30-3-35)</p>	<p>Odd Years: School Day: Nathan Smith will have parent-time on the Fall Break in odd years beginning from the time school is regularly dismissed on Wednesday until Sunday at 7:00 p.m. No School Day: Nathan Smith will have parent-time on the Fall Break in odd years beginning from 9:00 a.m. on Wednesday until Sunday at 7:00 p.m. Danielle Smith will <u>not</u> have parent-time in odd years on the Fall Break.</p>

Special Occasion	Parent-Time Schedule
	<p>Even Years: Nathan Smith will <u>not</u> have parent-time in even years on the Fall Break. School Day: Danielle Smith will have parent-time on the Fall Break in even years from the time school is regularly dismissed on Wednesday until Sunday at 7:00 p.m. No School Day: Danielle Smith will have parent-time on the Fall Break in even years from 9:00 a.m. on Wednesday until Sunday at 7:00 p.m.</p>
Halloween	<p>Odd Years: Danielle Smith will have parent-time on Halloween in odd years from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m. Nathan Smith will <u>not</u> have parent-time in odd years on Halloween.</p> <p>Even Years: Danielle Smith will <u>not</u> have parent-time in even years on Halloween. Nathan Smith will have parent-time on Halloween in even years from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.</p>
Veterans' Day (30-3-35)	<p>Odd Years: School Days: Nathan Smith will have parent-time on the Veterans' Day in odd years beginning from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Nathan Smith will have parent-time on the Veterans' Day in odd years beginning from 9:00 a.m. on Friday until Monday at 7:00 p.m. Danielle Smith will <u>not</u> have parent-time in odd years on the Veterans' Day holiday.</p> <p>Even Years: Nathan Smith will <u>not</u> have parent-time in even years on the Veterans' Day holiday. School Days: Danielle Smith will have parent-time on the Veterans' Day in even years from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Danielle Smith will have parent-time on the Veterans' Day in even years from 9:00 a.m. on Friday until Monday at 7:00 p.m.</p>
Thanksgiving Break (30-3-35)	<p>Odd Years: School Days: Danielle Smith will have parent-time on the Thanksgiving Break in odd years beginning from the time school is regularly dismissed on Wednesday until Sunday at 7:00 p.m. No School Days: Danielle Smith will have parent-time on the Thanksgiving Break in odd years beginning from 9:00 a.m. on Wednesday until Sunday at 7:00 p.m. Nathan Smith will <u>not</u> have parent-time in odd years on the Thanksgiving Break or holiday.</p> <p>Even Years: Danielle Smith will <u>not</u> have parent-time in even years on the Thanksgiving Break or holiday.</p>

Special Occasion	Parent-Time Schedule
	<p>School Days: Nathan Smith will have parent-time on the Thanksgiving Break in even years from the time school is regularly dismissed on Wednesday until Sunday at 7:00 p.m.</p> <p>No School Days: Nathan Smith will have parent-time on the Thanksgiving Break in even years from 9:00 a.m. on Wednesday until Sunday at 7:00 p.m.</p>
Winter Break (30-3-35)	<p>Odd Years: Nathan Smith will have parent-time in odd years the first portion of the Winter Break until 1 p.m. on the day halfway through the holiday period, if there are an odd number of days for the holiday period; or if there are an even number of days for the holiday period, until 8:00 a.m. the first day of the second half, so long as the entire holiday period is equally divided.</p> <p>Danielle Smith will have parent-time in odd years the second portion of the Winter Break beginning 1:00 p.m. on the day halfway through the holiday period until the morning school begins again when Danielle Smith delivers the child to school, if there are an odd number of days for the holiday period; or if there are an even number of days for the holiday period, beginning at 8:00 a.m. the first day of the second half until the morning school begins again when Danielle Smith delivers the child to school, so long as the entire Winter Break is equally divided.</p> <p>Even Years: Nathan Smith will have parent-time in even years the second portion of the Winter Break beginning 1:00 p.m. on the day halfway through the holiday period until the morning school begins again when Nathan Smith delivers the child to school, if there are an odd number of days for the holiday period; or if there are an even number of days for the holiday period, beginning at 8:00 a.m. the first day of the second half until the morning school begins again when Nathan Smith delivers the child to school, so long as the entire Winter Break is equally divided.</p> <p>Danielle Smith will have parent-time in even years the first portion of the Winter Break until 1 p.m. on the day halfway through the holiday period, if there are an odd number of days for the holiday period; or if there are an even number of days for the holiday period, until 8:00 a.m. the first day of the second half, so long as the entire holiday period is equally divided.</p>
Christmas Eve	<p>Odd Years: Nathan Smith will have parent-time in odd years Christmas Eve. Danielle Smith will <u>not</u> have parent-time in odd years Christmas Eve.</p> <p>Even Years: Nathan Smith will <u>not</u> have parent-time in even years Christmas Eve Danielle Smith will have parent-time in even years Christmas Eve</p>
Christmas Day	<p>Odd Years: Danielle Smith will have parent-time in odd years Christmas Day. Nathan Smith will <u>not</u> have parent-time in odd years Christmas Day.</p> <p>Even Years: Danielle Smith will <u>not</u> have parent-time in even years Christmas Day</p>

Special Occasion	Parent-Time Schedule
	Nathan Smith will have parent-time in even years Christmas Day
New Year's Eve	<p>Odd Years: Nathan Smith will have parent-time in odd years New Year's Eve. Danielle Smith will <u>not</u> have parent-time in odd years New Year's Eve.</p> <p>Even Years: Nathan Smith will <u>not</u> have parent-time in even years New Year's Eve Danielle Smith will have parent-time in even years New Year's Eve</p>
New Year's Day	<p>Odd Years: Nathan Smith will have parent-time in odd years New Year's Day. Danielle Smith will <u>not</u> have parent-time in odd years New Year's Day.</p> <p>Even Years: Nathan Smith will <u>not</u> have parent-time in even years New Year's Day Danielle Smith will have parent-time in even years New Year's Day</p>
Dr. Martin Luther King Jr. Day Weekend (30-3-35)	<p>Odd Years: School Days: Nathan Smith will have parent-time on the Dr. Martin Luther King Jr. Day Weekend in odd years beginning from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Nathan Smith will have parent-time on the Dr. Martin Luther King Jr. Day Weekend in odd years beginning from 9:00 a.m. on Friday until Monday at 7:00 p.m. Danielle Smith will <u>not</u> have parent-time in odd years on the Dr. Martin Luther King Jr. Day Weekend or holiday.</p> <p>Even Years: Nathan Smith will <u>not</u> have parent-time in even years on the Dr. Martin Luther King Jr. Day Weekend or holiday. School Days: Danielle Smith will have parent-time on the Dr. Martin Luther King Jr. Day Weekend in even years from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Danielle Smith will have parent-time on the Dr. Martin Luther King Jr. Day Weekend in even years from 9:00 a.m. on Friday until Monday at 7:00 p.m.</p>
Presidents' Day Weekend (30-3-35)	<p>Odd Years: School Days: Danielle Smith will have parent-time on the Presidents' Day Weekend in odd years beginning from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Danielle Smith will have parent-time on the Presidents' Day Weekend in odd years beginning from 9:00 a.m. on Friday until Monday at 7:00 p.m. Nathan Smith will <u>not</u> have parent-time in odd years on the Presidents' Day Weekend or holiday.</p> <p>Even Years: Danielle Smith will <u>not</u> have parent-time in even years on the Presidents' Day Weekend or holiday. School Days: Nathan Smith will have parent-time on the Presidents' Day Weekend in even years from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Nathan Smith will have parent-time on the</p>

Special Occasion	Parent-Time Schedule
	Presidents' Day Weekend in even years from 9:00 a.m. on Friday until Monday at 7:00 p.m.
Spring School Break (30-3-35)	<p>Odd Years: School Days: Nathan Smith will have parent-time on the Spring School Break in odd years beginning from the time school is regularly dismissed on Wednesday until Sunday at 7:00 p.m. No School Days: Nathan Smith will have parent-time on the Spring School Break in odd years beginning from 9:00 a.m. on Wednesday until Sunday at 7:00 p.m. Danielle Smith will <u>not</u> have parent-time in odd years on the Spring School Break.</p> <p>Even Years: Nathan Smith will <u>not</u> have parent-time in even years on the Spring School Break. School Days: Danielle Smith will have parent-time on the Spring School Break in even years from the time school is regularly dismissed on Wednesday until Sunday at 7:00 p.m. No School Days: Danielle Smith will have parent-time on the Spring School Break in even years from 9:00 a.m. on Wednesday until Sunday at 7:00 p.m.</p>
Mother's Day	<p>Danielle Smith will have parent-time each year Mother's Day from 9 a.m. until 7 p.m.. Nathan Smith will <u>not</u> have parent-time Mother's Day.</p>
Memorial Day Weekend (30-3-35)	<p>Odd Years: School Days: Danielle Smith will have parent-time on the Memorial Day Weekend in odd years beginning from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Danielle Smith will have parent-time on the Memorial Day Weekend in odd years beginning from 9:00 a.m. on Friday until Monday at 7:00 p.m. Nathan Smith will <u>not</u> have parent-time in odd years on the Memorial Day Weekend or holiday.</p> <p>Even Years: Danielle Smith will <u>not</u> have parent-time in even years on the Memorial Day Weekend or holiday. School Days: Nathan Smith will have parent-time on the Memorial Day Weekend in even years from the time school is regularly dismissed on Friday until Monday at 7:00 p.m. No School Days: Nathan Smith will have parent-time on the Memorial Day Weekend in even years from 9:00 a.m. on Friday until Monday at 7:00 p.m.</p>
Father's Day	<p>Nathan Smith will have parent-time each year Father's Day from 9 a.m. until 7 p.m. Danielle Smith will <u>not</u> have parent-time Father's Day.</p>

Special Occasion	Parent-Time Schedule
Summer School Break / Vacation	<p>Nathan Smith will have up to two weeks of uninterrupted Extended summer Parent-time when school is not in session, at the option of Nathan Smith. Nathan Smith will have an additional two weeks of Extended Summer Parent-time at the option of Nathan Smith, subject to weekday parent-time and holidays for Danielle Smith, but not weekends normally exercised by Danielle Smith. Nathan Smith will notify Danielle Smith of the summer break extended parent-time at least 30 days before the end of a child's school year. If the notification is not timely, Danielle Smith may determine the schedule for extended parent-time for Nathan Smith, so long as Danielle Smith has provided timely notice.</p> <p>Danielle Smith will have up to two weeks of uninterrupted Extended summer Parent-time when school is not in session, at the option of Danielle Smith. Danielle Smith will have an additional two weeks of Extended Summer Parent-time at the option of Danielle Smith, subject to weekday parent-time and holidays for Nathan Smith, but not weekends normally exercised by Nathan Smith. Danielle Smith will notify Nathan Smith of the summer break extended parent-time at least 30 days before the end of a child's school year. If the notification is not timely, Nathan Smith may determine the schedule for extended parent-time for Danielle Smith, so long as Nathan Smith has provided timely notice.</p>
Independence Day	<p>Odd Years: Nathan Smith will have parent-time in odd years Independence Day from 6 p.m. the day before the holiday, until 11 p.m. on the holiday, or no later than 6 p.m. on the day following the holiday at the option of Nathan Smith. Danielle Smith will <u>not</u> have parent-time in odd years Independence Day.</p> <p>Even Years: Nathan Smith will <u>not</u> have parent-time in even years Independence Day Danielle Smith will have parent-time in even years Independence Day from 6 p.m. the day before the holiday, until 11 p.m. on the holiday, or no later than 6 p.m. on the day following the holiday at the option of Danielle Smith.</p>
Pioneer Day	<p>Odd Years: Nathan Smith will have parent-time in odd years Pioneer Day from 6 p.m. the day before the holiday, until 11 p.m. on the holiday, or no later than 6 p.m. on the day following the holiday at the option of Nathan Smith. Danielle Smith will <u>not</u> have parent-time in odd years Pioneer Day.</p> <p>Even Years: Nathan Smith will <u>not</u> have parent-time in even years Pioneer Day Danielle Smith will have parent-time in even years Pioneer Day from 6 p.m. the day before the holiday, until 11 p.m. on the holiday, or no later than 6 p.m. on the day following the holiday at the option of Danielle Smith.</p>

Special Occasion	Parent-Time Schedule
Children's Birthdays	<p>Odd Years: Nathan Smith will have parent-time in odd years on the day before or after the actual birth date from 3:00 p.m. until the following morning when Nathan Smith delivers the child to school, or 8:00 a.m. if there is no school. Danielle Smith will have parent-time in odd years on the actual birth date from 3:00 p.m. until the following morning when Danielle Smith delivers the child to school, or 8:00 a.m. if there is no school.</p> <p>Even Years: Danielle Smith will have parent-time in even years on the day before or after the actual birth date from 3:00 p.m. until the following morning when Danielle Smith delivers the child to school, or 8:00 a.m. if there is no school. Nathan Smith will have parent-time in even years on the actual birth date from 3:00 p.m. until the following morning when Nathan Smith delivers the child to school, or 8:00 a.m. if there is no school.</p>
Danielle Smith's Birthday	<p>Danielle Smith will have parent-time each year on Danielle Smith's birthday from 3:00 p.m. until the following morning when Danielle Smith delivers the child to school, or 8:00 a.m. if there is no school. Birthdays take precedence over holidays and extended parent-time, except Mother's Day and Father's Day. Birthdays do not take precedence over uninterrupted parent-time if the parent exercising uninterrupted time takes the child away from that parent's residence for the uninterrupted extended parent-time.</p>
Nathan Smith's Birthday	<p>Nathan Smith will have parent-time each year on Nathan Smith's birthday from 3:00 p.m. until the following morning when Nathan Smith delivers the child to school, or 8:00 a.m. if there is no school. Birthdays take precedence over holidays and extended parent-time, except Mother's Day and Father's Day. Birthdays do not take precedence over uninterrupted parent-time if the parent exercising uninterrupted time takes the child away from that parent's residence for the uninterrupted extended parent-time.</p>

Parent-time transfers

6. Pick-up and drop-off ("transfers") of the children for parent-time will be as described below:

Decision-making

7. The following applies to the Parenting Plan:

- Each parent will make day-to-day decisions for the children during the time they are caring for the children.
- Either parent may make emergency decisions affecting the health or safety of the children. A parent who makes an emergency decision must share the decision with the other parent as soon as reasonably possible.

Joint decision-making. The parents will share responsibility for making major decisions about the children. If there is a disagreement, the parents will resolve the dispute as provided in the Resolving disputes section below.

Education Plan

8. The school the children will attend is based on **Danielle Smith's** home residence.
9. **Danielle Smith** has authority to check the children out of school.
10. **Nathan Smith** has authority to check the children out of school.
11. **Danielle Smith** has access to the children during school.
12. **Nathan Smith** has access to the children during school.

Communication with each other

13. Parents will communicate with each other by any method.

Communication with the children

14. The parents agree they will:
 - provide age-appropriate help to the children to communicate with the other parent.
 - give the children privacy during their communication with the other parent. The parents will not interfere with or monitor communication between the children and the other parent.

Parents and children may communicate with each other whenever the children choose.

Records and information sharing

15. Both parents will have access to records and the ability to consult with providers regarding education, child care, and health care.

Travel by the children

16. During their parent-time, the parent may consent for the children to travel with a sports team, religious group, school group, relatives, friends, by themselves, or with others. If the children will be travelling for more than **5** days, the parent arranging the travel will notify the other parent at least **2** days in advance. That parent will give the

other parent the travel schedule, locations and phone numbers at least 1 days in advance. In case of emergency, the parent will provide as much notice as possible.

Relocation of a parent (Utah Code 30-3-37)

17. If either parent moves more than 149 miles from the other, the moving parent must give the non-moving parent a written Notice of Relocation. The notice must be sent at least 60 days before the planned move.

The written Notice of Relocation must include:

- Information about the move;
- A proposed parent-time schedule; and
- A statement that the parents will not interfere with the other parent's parent-time.

If the moving parent does not give the non-moving parent a Notice of Relocation, the moving parent will be in contempt of the Court's order.

18. If either parent lives more than 149 miles away from the other, or if the parents live a different countries, parent-time will be as the parties agree. If they are unable to agree, the following will be the minimum parent-time for the noncustodial parent:

Relocation Schedule (Utah Code 30-3-37)

- a. in years ending in odd number, the minor children will spend the following holidays with the noncustodial parent:
 - i. Thanksgiving holiday beginning Wednesday until Sunday; and
 - ii. spring break, if applicable, beginning the last day of school before the holiday until the day before school resumes;
- b. in years ending in an even number, the minor children will spend the following holidays with the noncustodial parent:
 - i. the entire winter school break period; and
 - ii. the fall school break beginning the last day of school before the holiday until the day before school resumes; and
- c. extended parent-time equal to $\frac{1}{2}$ of the summer or off-track time for consecutive weeks. The children will be returned to the custodial home no later than seven days before school begins. This week will be counted when determining the amount of parent-time to be divided between the parents for the summer or off-track period. The parties will mutually agree on this extended time each year. If they are unable to agree, the noncustodial parent will select the dates for the extended time period.

d. One weekend per month at the option and expense of the noncustodial parent. The noncustodial parent's monthly weekend entitlement is subject to the following restrictions.

i. If the noncustodial parent has not designated a specific weekend for parent-time, the noncustodial parent will receive the last weekend of each month unless a holiday assigned to the custodial parent falls on that particular weekend. If a holiday assigned to the custodial parent falls on the last weekend of the month, the noncustodial parent will be entitled to the next to the last weekend of the month.

ii. If a noncustodial parent's extended parent-time or parent-time over a holiday extends into or through the first weekend of the next month, that weekend will be considered the noncustodial parent's monthly weekend entitlement for that month.

iii. If a child is out of school for teacher development days or snow days after the children begin the school year, or other days not included in the list of holidays in Subsection (5) and those days are contiguous with the noncustodial parent's monthly weekend parent-time, those days will be included in the weekend parent-time.

e. The custodial parent is entitled to all parent-time not specifically allocated to the noncustodial parent.

19. If either parent lives more than 149 miles away from the other or the parents live in separate countries, costs for the children's travel expenses for parent-time will be paid by the parent who moved.

If a parent has been found in contempt for not being current on all support obligations, and they do not have primary physical care of the child, they will be responsible for the child's related travel expenses.

Reimbursement for the child's travel expenses must be made within 30 days of receipt of documents detailing those expenses.

Changing the plan

20. This plan remains in effect until changed. A change must be agreed to by both parents and in the following manner:

- Major or permanent changes must be in writing, but minor or temporary changes can be made orally.

Resolving disputes

21. If the parents need to resolve a dispute regarding the children, they will discuss the issues in good faith and try to reach an agreement based on what is best for their children. If the parents are unable to agree, they will go to the following before bringing the issue to the court: **Mediation**

Additional parenting responsibilities, expectations or commitments

22. **No additional provisions**

23. A joint physical custody arrangement may result in denial of cash assistance under the Employment Support Act, Title 35A, Chapter 3, of the Utah Code.

Military service by a parent (Utah Code 78B-20-4)

24. Neither parent is a servicemember.

Income: Danielle Smith (Utah Code 78B-12-203)

25. **Danielle Smith's** gross monthly income for child support purposes is **\$1,257.00**. She receives the following gross monthly income:

26. **Danielle Smith's** gross monthly income for child support purposes is **\$1,257.00**. her base child support amount using the sole custody calculation is **\$231.00** per month. She receives the following gross monthly income:

- a. **Danielle Smith** has no recent work history. **Danielle Smith's** wage is imputed to be the federal minimum wage of **\$7.25 an hour**. This is a gross monthly income of **\$1,257.00**. (Utah Code 78B-12-203(8)(c)) The adjusted gross monthly income for **Danielle Smith** is **\$1,257.00**.

Income: Nathan Smith

27. **Nathan Smith's** gross monthly income for child support purposes is **\$10,000.00**. He receives the following gross monthly income:

28. **Nathan Smith's** gross monthly income for child support purposes is **\$10,000.00**. He receives the following gross monthly income:

- a. **Nathan Smith** is employed at **ConexEd**. He earns **\$10,000.00** gross (pre-tax) monthly income working a 40-hour a week job or less.

Child support

29. **Nathan Smith** is ordered to pay child support to **Danielle Smith** as follows:

a. **\$1,465.00** per month base support. This amount complies with the Utah Child Support Act.

Support for each child ends when:

- a child turns 18 or has graduated from high school during the child's normal and expected year of graduation, whichever occurs later (Utah Code 78B-12-219(1)), or
- a child dies, marries, becomes a member of the United States armed forces, or is emancipated (Utah Code 78B-12-219(1), Utah Code 78A-6-801).

30. Once a child is no longer eligible to receive child support, the support amount for the eligible children should be recalculated using the child support worksheet (Utah Code 78B-12-202 et seq.). The parties may not divide the base child support award by the number of children and subtract that amount from the prior child support amount.

31. Child support payments will start the month immediately following entry of the order.

The payment schedule will be:

- one half by the 5th day of each month, and
- the other half by the 20th day of each month.

Child support not paid by the 5th day of the month is past due on the 6th day of the month. Child support not paid by the 20th day of the month is past due on the 21st day of the month. If the Office of Recovery Services is used to collect support, their payment schedule will be followed.

32. The issue of past-due child support may be decided by future court or administrative action.

33. The parties must notify each other within 30 days of any change in their income.

34. The parties can ask to change this child support order by motion after three years from the date of its entry if:

- 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,
- the difference is not temporary, and
- the amount previously ordered was not a deviation from the child support guidelines.

(Utah Code 78B-12-210(8)).

If the children receive TANF funds at the time an adjustment is sought, ORS will review the order and ask the court to adjust the amount if appropriate. (Utah Code 62A-11-306.2).

35. The parties can ask to change this child support order at any time by petition if there has been a substantial change in circumstances because of material changes in:

- custody;
- the relative wealth or assets of the parties;
- income of a parent of 30% or more;
- the employment potential and ability of a parent to earn;
- the medical needs of the child; or
- the legal responsibilities of either parent for the support of others.

(Utah Code 78B-12-210(7) and (9)).

The change must result in a difference of 15% or more between the amount previously ordered and the new amount of child support under the Utah child support guidelines. The difference may not be temporary.

The court can consider natural or adoptive children born after the entry of the decree other than those in common to both parties as part of a request to modify an existing award subject to limitations in the law. (Utah Code 78B-12-210(7)).

Dependent children for tax purposes

36. The parents may claim the parties' children as dependents/exemptions for tax purposes as follows:

Nathan and Danielle will switch off even and odd years. Nathan will claim 2 children on odd years and Danielle will claim 1 child. Nathan will claim 1 child on even years and Danielle will claim 2 children.

Child health care (Utah Code 78B-12-212)

37. The parent who is able to obtain the most affordable medical, hospital, and dental insurance for the dependent children must provide that insurance.

a. If, at any time, a dependent child is covered by the medical, hospital, or dental insurance plans of both parents, the coverage will be as follows:

- **Danielle Smith's** insurance will be primary coverage.
- **Nathan Smith's** insurance will be secondary coverage.

b. If a parent remarries and that parent's dependent child is not covered by that parent's health, hospital, or dental insurance plan but is covered by a step-parent's plan, the coverage will be as follows:

- **Danielle Smith spouse's** insurance will be primary coverage.
- **Nathan Smith spouse's** insurance will be secondary coverage.

c. Both parties will equally share the out-of-pocket costs of the insurance premiums.

d. Both parties will equally share all uninsured and unreimbursed medical and dental expenses that are reasonable and necessary. This includes deductibles, co-insurance, and co-payments paid by a party for the dependent children.

e. The party who pays health care expenses must provide the other party written verification of the cost and payment within 30 days.

f. If a party does not follow this order and provide written verification, they may not be able to receive credit for health care expenses or recover the other party's share of the expenses.

g. On or before January 2 of each year, the party ordered to maintain coverage must provide verification of coverage to the other party, and ORS, if they are involved.

h. If there is any change in coverage, within 30 days of the change the party ordered to maintain coverage must notify the other party and ORS, if they are involved.

Child care expenses (Utah Code 78B-12-214)

38. Both parties will equally share all reasonable work, career, or occupational training-related child care expenses.

a. The party who pays child care expenses must provide the other party written verification of the cost and identity of the child care provider. This must be done when a provider is first hired, and any time the other party asks for the information. The party incurring or paying child care expenses must notify the other party of any change of a child care provider or monthly expense. This must be done within 30 calendar days of the change.

b. The party not directly paying for child care must pay their share of child care expenses as soon as they receive verification of the expenses.

c. If a party does **not** follow the order and provide written verification, they may not receive credit for work, career, or occupational training-related child care expenses or recover the other party's share of the expenses.

Public assistance statement – Office of Recovery Services (ORS)

(Utah Code 78B-12-113)

39. Neither party has received or is receiving public assistance from the State of Utah.

Personal property (Utah Code 30-3-5)

40. All personal property not addressed in the divorce should be divided as the parties have already divided it.

41. The following vehicles will be divided as indicated:

a. **Nathan Smith** will receive the following vehicles:

i. Make: **Toyota**, Model: **Corolla**, Year: **2009**
Estimated current value: **\$3,000.00**
Owner (before divorce): **Danielle Smith**
Nathan Smith

b. **Danielle Smith** will receive the following vehicles:

i. Make: **Subaru**, Model: **Outback**, Year: **2020**
Estimated current value: **\$20,000.00**
Owner (before divorce): **Danielle Smith**
Nathan Smith

Lien 1

This vehicle is security for the following loans

Lender: **Chase Bank**
Address: **1890 W Traverse Pkwy**
Lehi, UT 84043

Amount Owed: **\$10,000.00**

Monthly Payment: **\$389.17**

Danielle Smith will pay: **The entire debt.**

Person to provide creditor divorce decree: **Danielle Smith**

Debts

42. The parties are not aware of any debts from the marriage. If any debts exist, each debt will be the responsibility of the party who incurred the debt.

Real property

43. The parties do not have any real property that is marital property. The parties do not need a court order about real property.

Alimony

44. **Nathan Smith** will pay **Danielle Smith \$1,535.00** per month alimony.

45. **Nathan Smith's** alimony obligation will end:

- on **12/31/2030**.
- if **Danielle Smith's** remarries.
- if **Danielle Smith's** dies.
- if **Danielle Smith's** cohabits. Cohabitation must be proven in court before **Nathan Smith** stops paying alimony.

a. Alimony will start the month immediately following entry of the order. The payment schedule will be:

- one half by the 5th day of each month, and
- the other half by the 20th day of each month.

Alimony not paid by the 5th day of the month is past due on the 6th day of the month. Alimony not paid by the 20th day of the month is past due on the 21st day of the month. If the Office of Recovery Services is used to collect alimony, their payment schedule will be followed.

Retirement money

46. The parties do not need a court order about retirement money.

Duty to sign documents

47. The parties will sign all documents necessary to comply with the divorce decree within 60 days from entry of the decree. If a party fails to sign a document within 60 days, the other party may ask the court to appoint someone to sign the document. (Utah Rule of Civil Procedure 70)

Name after divorce

48. **Danielle Smith** changed her name when the parties married. Her name will be **Danielle Smith** after the divorce.

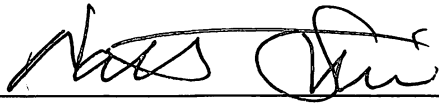
Judge's signature may instead appear at the top of the first page of this document.

DATED March 11, 2021


District Court Judge

DATED _____


District Court Commissioner



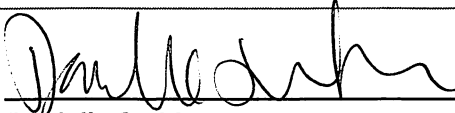
Nathan Smith
Approved as to Form

Certificate of Service

I certify that I filed with the court and am serving a copy of this Divorce Decree and Judgment on the following people.

Person's Name	Service Method	Service Address	Service Date
Nathan Smith Respondent	Email	nate@natesdesign.com	February 2, 2021

Date 2/9/2021

Sign here 
Danielle Smith