

How to File for Divorce in Utah

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Facing [divorce](#) can be emotionally devastating. You put the hopes and dreams of your future into a partnership with someone you thought would last a lifetime. But when ***normal everyday disagreements between a married couple grow to be the rule and not the exception, it's time to make a change and establish a new life for yourself.*** And although divorce is a difficult process, you can come out on the other side with a renewed lease on life and happier future. Like most states, Utah has a series of technical steps that you will be required to undertake, and the attorneys at [Schmidt & Gladstone](#) can get you through the process with minimal stress.

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Establish Residency

Before filing for divorce in Utah, you will need to meet certain criteria to establish residency and standing. ***Utah requires that you live in one county for a minimum of three months before filing.*** This also applies to military personnel stationed in Utah. If you have children, you may have to live within the county for as long as six months prior to filing. The court will require documentation of your residency. You are not required to remain within the county after a divorce is filed. However, it can become a factor in a judge's decision-making process.

Grounds for Divorce

Utah is a [no-fault divorce](#) state. This means that only ***one spouse needs to file for divorce, and you do not need consent from your spouse to proceed.*** If you move forward with a no-fault divorce it can be based simply on "irreconcilable differences." However, Utah allows for faulted divorces as well and these can be based on:

- Adultery
- Cruelty
- Desertion
- Felony Conviction
- Impotency
- Neglect

It's important to work with a law firm experienced in divorce cases, such as Schmidt & Gladstone, when ***proving fault in a divorce.*** The results can influence a judge's decision with regards to alimony, child support and custody.

Paperwork

Your attorney can file documents with a court in the county of residency. ***The other spouse must then be legally served within 120 days*** of filing your divorce petition.

Waiting Period

The State of Utah has a ***90-day waiting period once a petition is filed*** before it will issue a divorce decree.

Divorce Education

If there are minor children involved, ***the state requires both people attend educational classes.***

Spousal Response

Should your spouse file a response to your divorce petition, ***both people are required to attend a class*** to try and resolve existing marital differences.

Going to Court

Uncontested divorces do not necessarily require your presence in court. An attorney may be able to navigate the paperwork and proceedings. However, **contested divorces will likely mean a trial to prove fault**. If child custody, support or alimony cannot be agreed upon through legal representatives, **you may face a judicial hearing**.

Appeals and Errors

If you feel the judge's ruling was unfair or an error occurred, **your attorney can file an appeal within 30 days**. Clerical errors are not uncommon in divorce decrees, and your attorney can file a motion to correct.

Post-Divorce

If you have minor children, you will likely be managing aspects of the divorce decree that involve [child support](#), [custody](#) and [visitation](#) until they reach 18 years old. Should things such as work schedule or salary change significantly, **your attorney can file a motion to modify the divorce decree** in line with your current circumstances.

Schmidt & Gladstone Can Help Step by Step

Divorce can be a tremendously taxing process and it's imperative that you have experienced legal representation on your side. The attorneys at Schmidt & Gladstone have more than 18 years of experience and are here to help you. [Contact us today](#) for a free legal consultation at (801) 895-3113.