

**Effective 9/1/2024**

**81-4-402 Petition for divorce -- Divorce proceedings -- Temporary orders.**

- (1) An individual may bring a petition for divorce if:
  - (a) the individual or the individual's spouse is an actual and bona fide resident of the county where the petition is filed for at least 90 days before the day on which the petition is filed;
  - (b) the individual is a member of the armed forces of the United States and the individual is stationed under military orders in this state for at least 90 days before the day on which the petition is filed; or
  - (c) both parties to the marriage have consented to personal jurisdiction for divorce or annulment under Subsection 81-2-303(5)(a)(ii).
- (2) A divorce action shall be commenced and conducted in accordance with this chapter and the Utah Rules of Civil Procedure.
- (3)
  - (a) The court may not enter a decree of divorce until 30 days after the day on which the petition is filed, unless the court finds that extraordinary circumstances exist.
  - (b) The court may make interim orders as the court considers just and equitable before the expiration of the 30-day period described in Subsection (3)(a).
- (4)
  - (a) If the parties to the divorce action have a minor child, the parties shall attend the mandatory courses:
    - (i) for the petitioner, within 60 days after the day on which the petition is filed; and
    - (ii) for the respondent, within 30 days after the day on which the respondent is served.
  - (b) If the parties to a divorce action do not have a minor child, the parties may choose to attend the mandatory divorce orientation course described in Section 81-4-105.
  - (c) The clerk of the court shall provide notice to a petitioner of the requirement for the mandatory courses.
  - (d) A petition shall include information regarding the mandatory courses when the petition is served on the respondent.
- (5) For a party that is unable to pay the costs of the mandatory courses, and before the court enters a decree of divorce in the action, the court shall:
  - (a) make a final determination of indigency; and
  - (b) order the party to pay the costs of the mandatory courses if the court determines the party is not indigent.
- (6)
  - (a) Except for a temporary restraining order under Rule 65A of the Utah Rules of Civil Procedure, a party may file, but the court may not hear, a motion for an order related to the divorce until the moving party completes the mandatory courses.
  - (b) It is an affirmative defense in a divorce action that a party has not completed the mandatory courses and the action may not continue until a party has complied with the mandatory courses.
- (7)
  - (a) Notwithstanding Subsections (4) and (6)(b), the court may waive the requirement that the parties attend the mandatory courses, on the court's own motion or on the motion of one of the parties, if the court determines course attendance and completion are not necessary, appropriate, or feasible, or in the best interest of the parties.
  - (b) If the requirement is waived, the court may permit the divorce action to proceed.
- (8) The use of counseling, mediation, and education services provided under this part may not be construed as condoning or promoting divorce.

Enacted by Chapter 366, 2024 General Session