

Effective 5/7/2025

81-4-406 Decree of divorce -- When decree becomes absolute -- Remarriage -- Jurisdiction to modify a decree for a child born after the decree.

- (1)
 - (a) The court shall enter a decree of divorce upon the evidence or the petitioner's affidavit in the case of default as described in Subsection (1)(b).
 - (b) A court may not grant a divorce upon default, unless there is evidence to support a decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the Utah Rules of Civil Procedure.
- (2) Unless the requirement is waived by the court under Subsection 81-4-402(5), a court may not grant a decree of divorce for parties with a minor child until:
 - (a) both parties have attended the mandatory courses described in Sections 81-4-105 and 81-4-106; and
 - (b) both parties have presented a certificate of course completion for each course to the court.
- (3) In a decree of divorce, the court shall:
 - (a) specify which party is responsible for the payment of joint debts, obligations, or liabilities of the parties contracted or incurred during marriage in accordance with Section 15-4-6.5;
 - (b) require the parties to notify respective creditors or obligees, regarding the court's division of debts, obligations, or liabilities and regarding the parties' separate and current addresses in accordance with Section 15-4-6.5;
 - (c) provide for the enforcement of the orders described in Subsections (1)(a) and (b);
 - (d) if a party owns a life insurance policy or an annuity contract, include an acknowledgment by the court that the party:
 - (i) has reviewed and updated, where appropriate, the list of beneficiaries;
 - (ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries after the divorce becomes final; and
 - (iii) understands that, if no changes are made to the policy or contract, the beneficiaries currently listed will receive any funds paid by the insurance company under the terms of the policy or contract; and
 - (e) if the parties have a child as defined in Section 81-6-101, include:
 - (i) an order for child support and medical expenses as described in Chapter 6, Child Support;
 - (ii) a provision in the child support order that requires payment of an ongoing expense for child care subject to the procedures and requirements of Section 81-6-209.5; and
 - (iii) a statement providing notice that the Office of Recovery Services provides services to individuals who are seeking assistance in the collection or enforcement of child support orders.
- (4) The court may include in the divorce decree any equitable orders relating to:
 - (a) the parties, including any alimony to be awarded to a party in accordance with Part 5, Spousal Support;
 - (b) a child of the parties; and
 - (c) any property, debts, or obligations.
- (5) A decree of divorce becomes absolute:
 - (a) on the date it is signed by the court and entered by the clerk in the register of actions;
 - (b) at the expiration of a period of time the court may specifically designate, unless an appeal or other proceedings for review are pending;
 - (c) if an appeal is taken, when the decree is affirmed; or
 - (d) when the court, before the decree becomes absolute, for sufficient cause otherwise orders.

- (6) The court, upon application or on the court's own motion for good cause shown, may waive, alter, or extend a designated period of time before the decree becomes absolute, but not to exceed six months from the signing and entry of the decree.
- (7) A party to a divorce proceeding may not marry another individual other than the other party for whom the divorce was granted until the party's divorce becomes absolute.
- (8) The court has jurisdiction to modify a decree of divorce to address child support, parent-time, and other matters related to a minor child born to the parties after the decree of divorce is entered.

Amended by Chapter 479, 2025 General Session