

## **Checklist for Responding to a Petition to Recognize a Relationship as a Marriage**

- You must complete a form before you file it. These instructions will help you complete the forms.
- Court staff cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Contact the Self-Help Center if you need more help:  
<http://www.utcourts.gov/selfhelp/contact/>.

### **(1) Stipulate or Answer?**

- Carefully and thoroughly read the petition and its supporting documents. If the petition is granted, your future rights and responsibilities will be governed by the order.
- You have 21 days in which to file an Answer or otherwise appear in the case—30 days if you were served outside Utah.
- If you do not Answer or otherwise appear within that time, the other party can ask for a default judgment, which means the Petition will be granted even if you have a good case for opposing it.
- Decide whether you want to stipulate to (agree with) the requested change or oppose it. You may want to seek the advice of a lawyer.

### **(2) Stipulation to Enter Judgment**

- If you agree with the petition and do not want to oppose it, complete the Stipulation to Enter Judgment.
- Print your name and contact information at the top of the first page. Check whether you are the Respondent or the attorney for the Respondent.
- Complete the heading exactly as it appears in the petition.
- Carefully and thoroughly read the petition and its supporting documents.
- If you agree with the petition and do not want to oppose it, check the boxes on the Stipulation to Enter Judgment, making sure that each is true.
- If you file the form, judgment may be entered as requested in the petition. Your future rights and obligations will be governed by the order.
- Attach any required documents and forms.

- Date and sign the form.
- You may return the original form to the other party to file with the petition or you may file it with the court. If you file the stipulation yourself:
  - File the original form with the court.
  - Complete the Certificate of Service.
  - Serve the form on the other party by one of the methods described in the certificate of service.

### **(3) Answer**

- If you do not agree with the requested change and want to oppose it, file an Answer.
- Print your name and contact information at the top of the first page. Check whether you are the Respondent or the attorney for the Respondent.
- Complete the heading exactly as it appears in the petition.
- If you agree with a statement in the petition, print that paragraph number in Paragraph (1) in the Answer. If the statements in the petition do not have paragraph numbers, describe the statement. For example, “The other party claims that ....”
- If you disagree with a statement in the petition, print that paragraph number in Paragraph (2) in the Answer. If the statements in the petition do not have paragraph numbers, describe the statement. For example, “The other party claims that ....”
- If you do not have enough information to agree or disagree with a statement in the petition, print that paragraph number in Paragraph (3) in the Answer. If the statements in the petition do not have paragraph numbers, describe the statement. For example, “The other party claims that ....”
- Respond to paragraphs in the petition that are not completely true or false in Paragraphs (4) and (5). For each paragraph from the petition that falls into this category, explain what part of the other party’s claim is true and what part is not.

#### **(a) To add an affirmative defense**

- An affirmative defense is a reason that the other party should lose even if all of the claims are true. For example, the other party made a procedural mistake, like not serving you properly, or the court does not have jurisdiction. You might not have any affirmative defenses.
- If you have any affirmative defenses, state them in Paragraphs (6) and (7). Each defense should be in a separately numbered paragraph.
- See [URCP 8\(b\)](#) about affirmative defenses.

**(b) To add a counterclaim**

- A counterclaim is a claim that you have against the Petitioner. You might not have any counterclaims. See [URCP 13](#) about counterclaims.
- If you have a counterclaim, state each of the elements of that claim separately in Paragraphs (8) and (9).
- There is no fee for filing an Answer, but there is a fee for a counterclaim. For more information, see our webpage on [Fees](#).

**(c) Date, sign and file your Answer.**

- Omit any private and protected information. When filed, this document becomes a public record. Code of Judicial Administration [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records and data that are classified as public, private, and protected, see [Rule 4-202.02](#). If there is private information that you must file with the court, do so on a Confidential Information Form and omit the information from the Answer.
- Attach any required documents.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and attachments on the other party by one of the methods described in the certificate of service.
- File the original form and attachments with the court.

**(4) Findings of Fact, Conclusions of Law, and Order**

The Findings of Fact, Conclusions of Law, and Order might be completed at different times, depending on how the case is decided. There are two documents: the Findings of Fact and Conclusions of Law; and the Order, and they are usually prepared at the same time.

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent. If both partners signed the petition, you are Co-petitioners and there is no Respondent.
- Complete the heading exactly as it appears in the petition.
- **If both partners are co-petitioners or if the partner not filing the petition stipulates to the petition, complete the rest of the Findings of Fact, Conclusions of Law, and Order so that they agree with the petition.**
- If the petition is not stipulated, do not complete the rest of the Findings of Fact, Conclusions of Law, and Order unless you are told to do so. Either the judge will complete the rest of the documents or tell one of the parties to do so.
- Attach any required documents or forms.

If there is a hearing, the judge will decide the issues and will tell one of the parties to prepare the Findings of Fact, Conclusions of Law, and Order. Listen carefully to the judge's decision. The documents must agree with that decision, and you may have to prepare them.

- If you are told to prepare the Findings of Fact, Conclusions of Law, and Order, complete all of them except the judge's signature. What you write in the documents must agree with what the judge decided.
- Date and sign the proposed Findings of Fact, Conclusions of Law, and Order under the phrase: "approved as to form."
- Within 21 days after being told to prepare the documents, serve them on the other party by one of the methods described in the certificate of service. The other party has 7 days in which to object. **If** both partners are co-petitioners **or if** the partner not filing the petition stipulates to the petition, this step is not necessary.
- File the original Findings of Fact, Conclusions of Law, and Order and the Certificate of Service with the court the time to object has ended.

#### **(5) Notice of Judgment**

If you prepared the order, or if the judge says you have to serve the signed order:

- Print your name and contact information at the top of the Notice of Judgment. Check whether you are the Petitioner or Respondent or the attorney for the Petitioner or Respondent.
- Complete the heading exactly as it appears in the petition.
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and attachments on the other party by one of the methods described in the certificate of service..
- File the original form and attachments with the court.