

# HB0555S01 compared with HB0555

{Omitted text} shows text that was in HB0555 but was omitted in HB0555S01

inserted text shows text that was not in HB0555 but was inserted into HB0555S01

**DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.**

1 **Changes to Family Law Actions**  
2026 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Tracy J. Miller**  
Senate Sponsor:



2  
3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to family law actions.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ addresses an {order} award of {attorney} fees{,-costs,-} and {witness fees} costs in a family law action;and
- 9 ▶ {requires a court to consider the ability of the parties to pay the costs, attorney fees, and witness fees for a temporary order in a family law action;}
- 11 ▶ {requires the court to enter a specific finding as to the ability of the parties to pay costs, attorney fees, and witness fees for a temporary order in a family law action;}
- 13 ▶ {requires a court to enter a specific finding as to why the court did not award fees or limited fees in a family law action;}
- 15 ▶ {requires a court to award reasonable attorney fees and costs in an action to enforce custody, parent-time, child support, alimony, or division of property in a domestic case when the party prevails upon a claim or defense;}

HB0555

# HB0555 compared with HB0555S01

18       ▶ {~~amends the requirements for attorney fees for a petition to modify parent-time or custody;~~  
19       and }

20       ▶ makes technical and conforming changes.

## 10 Money Appropriated in this Bill:

11       None

## 12 Other Special Clauses:

13       None

## 14 Utah Code Sections Affected:

15 AMENDS:

16       **81-1-203** , as renumbered and amended by Laws of Utah 2024, Chapter 366

17       **81-4-501** , as enacted by Laws of Utah 2024, Chapter 366

18       **81-9-208** , as last amended by Laws of Utah 2025, Chapter 426

---

---

19  
20 *Be it enacted by the Legislature of the state of Utah:*

21       Section 1. Section **81-1-203** is amended to read:

22       **81-1-203. Award of costs and attorney and witness fees -- Temporary support and  
23 maintenance.**

35       (1)

[~~(a) In an action filed under Chapter 4, Dissolution of Marriage, Title 78B, Chapter 7, Part 6,  
Cohabitant Abuse Protective Orders, or in an action to establish an order of custody, parent-time,  
child support, alimony, or the division of property in a domestic case, the court may order a party  
to pay the costs, attorney fees, and witness fees, including expert witness fees, of the other party to  
enable the other party to prosecute or defend the action.]~~

41       (a) The court may order a party to pay the attorney fees, costs, and witness fees, including expert  
42 witness fees, of the other party to enable the other party to prosecute or defend:

44       (i) an action described in Chapter 4, Dissolution of Marriage;

45       (ii) an action described in Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders; or

47       (iii) an action to establish or modify custody, parent-time, child support, alimony, or the division of  
48 property in a domestic case.

49       (b) ~~1~~ The order under Subsection (1)(a) may include a provision for costs of the action.

50

## HB0555 compared with HB0555S01

(2)(c) For a temporary order in an action to establish or modify custody, parent-time The court may order a party to provide money under this Subsection (1), during the pendency of the action, {child} for the separate support{, alimony, or} and maintenance of the {division of property in} other party and of a {domestic case,} minor child in the custody of the {court shall} other party.

42 (2)

52 {(a)} {consider the ability of the parties to pay the costs, attorney fees, and witness fees, including expert witness fees; and}

{enter specific findings as to the ability of the parties to pay the costs described in Subsection (2) (a):}

56 {(2)}(3) {~~in~~ } {~~Except as provided in Subsection (4),~~ } In {in} {~~an action to~~ enforce an order of custody, parent-time, child support, alimony, or division of property in a domestic case, the court { } may award costs and attorney fees { } shall award reasonable attorney fees and costs} upon determining that the party { } substantially { } {~~in~~ } { } substantially { } {~~in~~ } prevailed upon the claim or defense.

45 (2) Upon a party's motion or the court's own motion, the court shall enter specific findings as to the ability of the parties to pay the costs, attorney fees, and witness fees, including expert witness fees, for a temporary order in an action to establish or modify custody, parent-time, child support, alimony, or the division of property in a domestic case.

49 (3) Except as provided in Subsection (4), the court shall award reasonable attorney fees and costs to a party in an action to enforce an order of custody, parent-time, child support, alimony, or division of property in a domestic case if the court determines that the party substantially prevailed upon the claim or defense.

60 {(3)} (4)

{(a)} The court, in the court's discretion, may award no fees or limited fees against a party under this section if the court finds the party is indigent or enters in the record the reason for not awarding fees. enters a specific finding that:

63 (b){(a)} {If the court awards no fees or limited fees against a } the party {as described in Subsection (4)(a), the court shall enter a specific finding as to the reason why the court did not award fees or awarded limited fees.} is indigent; or

66 {(4)}(5) the party did not bring the action, petition, or motion to harass, cause unreasonable delay, needlessly increase the cost of litigation, or abuse the judicial process.

## HB0555 compared with HB0555S01

59 ~~[(4) In an action described in Subsection (1), the court may order a party to provide money, during the~~  
~~pendency of the action, for the separate support and maintenance of the other party and of a minor~~  
~~child in the custody of the other party.]~~

69 ~~{(5)}~~ ~~{(6)}~~ The court may amend an order entered in accordance with this section before the entry  
of the final order or judgment or in the final order or judgment.

64 Section 2. Section **81-4-501** is amended to read:

65 **81-4-501. Definitions for part.**

As used in this part:

74 (1) "Child support guidelines" means the same as that term is defined in Section 81-6-101.

75 (2) "Cohabit" means to live together, or to reside together on a regular basis, in the same residence and  
in a relationship of a romantic or sexual nature.

77 (3) "Fault" means any of the following wrongful conduct during the marriage that substantially  
contributed to the breakup of the marriage:

79 (a) engaging in sexual relations with an individual other than the party's spouse;

80 (b) knowingly and intentionally causing or attempting to cause physical harm to the other party or a  
minor child;

82 (c) knowingly and intentionally causing the other party or a minor child to reasonably fear life-  
threatening harm; or

84 (d) substantially undermining the financial stability of the other party or the minor child.

85 (4) "Length of the marriage" means, for purposes of alimony, the number of years from the day on  
which the parties are legally married to the day on which the petition for divorce is filed with the  
court.

88 (5) "Payee" means the party who is or would receive alimony from the other party.

89 (6) "Payor" means the party who is paying, or would pay, alimony to the other party.

90 (7) "Temporary alimony" means money that the court orders a party to pay during the pendency of  
an action under this chapter for the support and maintenance of a party as described in Subsection  
~~[81-1-203(4)]~~ 81-1-203(5).

86 Section 3. Section **81-9-208** is amended to read:

87 **81-9-208. Modification or termination of a custody or parent-time order -- Noncompliance**  
**with a parent-time order.**

96 (1) The court has continuing jurisdiction to make subsequent changes to modify:

## HB0555 compared with HB0555S01

- 97 (a) custody of a minor child if there is a showing of a substantial and material change in circumstances  
since the entry of the order; and
- 99 (b) parent-time for a minor child if there is a showing that there is a change in circumstances since the  
entry of the order.
- 101 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a showing by a  
parent that the other parent:
- 103 (a) resides with an individual or provides an individual with access to the minor child; and
- 105 (b) knows that the individual:
- 106 (i) is required to register as a sex offender, a kidnap offender, or a child abuse offender for an offense  
committed against a minor child under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender  
Registry; or
- 109 (ii) has been convicted of:
- 110 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-109.4, 76-5-114, or  
76-5-208;
- 112 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual Offenses, other than  
an offense under Section 76-5-417, 76-5-418, or 76-5-419;
- 114 (C) an offense for kidnapping or human trafficking of a minor child under Title 76, Chapter 5, Part 3,  
Kidnapping, Trafficking, and Smuggling;
- 116 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b, Sexual Exploitation  
Act; or
- 118 (E) an offense that is substantially similar to an offense under Subsections (2)(b)(ii)(A) through (D).
- 120 (3) On the petition of one or both of the parents, or the joint legal or physical custodians if they are not  
the parents, the court may, after a hearing, modify or terminate an order that established joint legal  
custody or joint physical custody if:
- 123 (a) the verified petition or accompanying affidavit initially alleges that admissible evidence will show  
that there has been a substantial and material change in the circumstances of the minor child or one  
or both parents or joint legal or physical custodians since the entry of the order to be modified;
- 127 (b) a modification of the terms and conditions of the order would be an improvement for and in the best  
interest of the minor child; and
- 129 (c)

## HB0555 compared with HB0555S01

- 131 (i) both parents have complied in good faith with the dispute resolution procedure in accordance with Subsection 81-9-205(8); or
- 136 (ii) if no dispute resolution procedure is contained in the order that established joint legal custody or joint physical custody, the court orders the parents to participate in a dispute resolution procedure in accordance with Subsection 81-9-205(13) unless the parents certify that, in good faith, they have used a dispute resolution procedure to resolve their dispute.
- 136 (4)
- 142 (a) In determining whether the best interest of a minor child will be served by either modifying or terminating the joint legal custody or joint physical custody order, the court shall, in addition to other factors the court considers relevant, consider the factors described in Sections 81-9-204 and 81-9-205.
- 147 (b) A court order modifying or terminating an existing joint legal custody or joint physical custody order shall contain written findings that:
- 142 (i) a substantial and material change of circumstance has occurred; and
- 143 (ii) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the minor child.
- 145 (c) The court shall give substantial weight to the existing joint legal custody or joint physical custody order when the minor child is thriving, happy, and well-adjusted.
- 147 (5) The court shall, in every case regarding a petition for termination of a joint legal custody or joint physical custody order, consider reasonable alternatives to preserve the existing order in accordance with Section 81-9-204.
- 150 (6) The court may modify the terms and conditions of the existing order in accordance with this chapter and may order the parents to file a parenting plan in accordance with Section 81-9-203.
- 153 (7) A parent requesting a modification from sole custody to joint legal custody or joint physical custody or both, or any other type of shared parenting arrangement, shall file and serve a proposed parenting plan with the petition to modify in accordance with Section 81-9-203.
- 157 (8) If an issue before the court involves custodial responsibility in the event of deployment of one or both parents who are service members, and the service member has not yet been notified of deployment, the court shall resolve the issue based on the standards in Sections 81-10-306 through 81-10-309.

161

## HB0555 compared with HB0555S01

~~[(9) If the court finds that an action to modify custody or parent-time is filed or answered frivolously {f} and { } or}, in a manner, designed to harass the other party, the court shall assess attorney fees as costs against the offending party.]~~

164 ~~[(10) If a petition to modify custody or parent-time provisions of a court order is made and denied, the court shall order the {f} petitioner { } nonprevailing party } to pay the reasonable attorney fees expended by the prevailing party in that action if the court determines that the petition was {f} without merit and { } not asserted or defended against in good faith.]~~

161 (9) If a petition to modify custody or parent-time is denied by a court, the court shall order the petitioner to pay the respondent's reasonable attorney fees and costs if the court determines that:

164 (a) the petition was frivolous or has no reasonable basis in law or fact; and

165 (b) the petitioner brought the petition to harass, cause unreasonable delay, needlessly increase the cost of litigation, or abuse the judicial process.

168 ~~[(H)]~~ (10) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a visitation order by a grandparent or other member of the immediate family where a visitation or parent-time right has been previously granted by the court, the court:

171 (a) may award to the prevailing party:

172 (i) actual attorney fees incurred;

173 (ii) the costs incurred by the prevailing party because of the other party's failure to provide or exercise court-ordered visitation or parent-time, including:

175 (A) court costs;

176 (B) child care expenses;

177 (C) transportation expenses actually incurred;

178 (D) lost wages, if ascertainable; or

179 (E) counseling for a parent or a minor child if ordered or approved by the court; or

180 (iii) any other appropriate equitable remedy; and

181 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up parent-time is not in the best interest of the minor child.

183 Section 4. **Effective date.**

This bill takes effect on May 6, 2026.

2-26-26 5:09 PM