

# SB0304S01 compared with SB0304

{Omitted text} shows text that was in SB0304 but was omitted in SB0304S01

inserted text shows text that was not in SB0304 but was inserted into SB0304S01

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1                    **{Domestic Relations Modifications} Protective Order Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

House Sponsor:



2

3 **LONG TITLE**

4 **General Description:**

5        This bill addresses {domestic relations} protective orders.

6 **Highlighted Provisions:**

7        This bill:

8            ▶ defines terms;

9            ▶ provides that a party may {bring-} file a {petition-} motion alleging that another party knowingly falsified certain information for the purpose of obtaining a protective order;

11           ▶ {requires-} allows a court to sanction a party {who-} after determining whether a party knowingly falsified certain information for the purpose of obtaining a protective order;

13           ▶ addresses make-up parent-time when a parent has been denied parent-time due to the other parent's falsification of certain information for the purpose of obtaining a protective order;and

16           ▶ {requires a court, under certain circumstances, to consider the fault of the parties when determining:}

18                • {property division in a separate maintenance or divorce action; or}

19                • {alimony;}

**SB0304**

## SB0304 compared with SB0304S01

20           ▶ { ~~allows a court to close proceedings and seal court records when fault is at issue in a  
separate maintenance or divorce action; and~~ }

22           ▶ makes technical and conforming changes.

### 17 Money Appropriated in this Bill:

18           None

### 19 Other Special Clauses:

20           None

### 21 Utah Code Sections Affected:

22 AMENDS:

23           **78B-7-102** , as last amended by Laws of Utah 2025, Chapters 212, 332

30           ~~{81-4-204 , as renumbered and amended by Laws of Utah 2024, Chapter 366}~~

31           ~~{81-4-401 , as enacted by Laws of Utah 2024, Chapter 366}~~

32           ~~{81-4-406 , as last amended by Laws of Utah 2025, Chapter 479}~~

33           ~~{81-4-502 , as enacted by Laws of Utah 2024, Chapter 366}~~

24           **81-9-208** , as last amended by Laws of Utah 2025, Chapter 426

25 ENACTS:

26           **78B-7-208** , Utah Code Annotated 1953

27           **78B-7-610** , Utah Code Annotated 1953

28

29 *Be it enacted by the Legislature of the state of Utah:*

30           Section 1. Section **78B-7-102** is amended to read:

31           **78B-7-102. Definitions.**

          As used in this chapter:

43 (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly causing or  
          attempting to cause another individual physical harm or intentionally or knowingly placing another  
          individual in reasonable fear of imminent physical harm.

46 (2) "Affinity" means the same as that term is defined in Section 76-1-101.5.

47 (3) "Canadian domestic violence protection order" means the same as that term is defined in Section  
          78B-7-1201.

49 (4) "Child" means an individual who is younger than 18 years old.

50

## SB0304 compared with SB0304S01

- (5) "Civil protective order" means an order issued, subsequent to a hearing on the petition, of which the petitioner and respondent have been given notice, under:
- 52 (a) Part 2, Child Protective Orders;
- 53 (b) Part 4, Dating Violence Protective Orders;
- 54 (c) Part 5, Sexual Violence Protective Orders;
- 55 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 56 (e) Part 11, Workplace Violence Protective Orders.
- 57 (6) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil Stalking Injunctions.
- 59 (7)
- (a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an individual who is 16 years old or older who:
- 61 (i) is or was a spouse of the other party;
- 62 (ii) is or was living as if a spouse of the other party;
- 63 (iii) is related by blood or marriage to the other party as the individual's parent, grandparent, sibling, or any other individual related to the individual by consanguinity or affinity to the second degree;
- 66 (iv) has or had one or more children in common with the other party;
- 67 (v) is the biological parent of the other party's unborn minor child;
- 68 (vi) resides or has resided in the same residence as the other party; or
- 69 (vii) is or was in a consensual sexual relationship with the other party.
- 70 (b) "Cohabitant" does not include:
- 71 (i) the relationship of natural parent, adoptive parent, or step-parent to a minor child; or
- 73 (ii) the relationship between natural, adoptive, step, or foster siblings who are under 18 years old.
- 75 (8) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.
- 76 (9) "Criminal protective order" means an order issued under Part 8, Criminal Protective Orders.
- 78 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9, Criminal Stalking Injunctions.
- 80 (11) "Court clerk" means a district court clerk.
- 81 (12)
- (a) "Dating partner" means an individual who:

## SB0304 compared with SB0304S01

- 82 (i)
- (A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7, Emancipation; or
- 84 (B) is 18 years old or older; and
- 85 (ii) is, or has been, in a dating relationship with the other party.
- 86 (b) "Dating partner" does not include an intimate partner.
- 87 (13)
- (a) "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship which has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy.
- 90 (b) "Dating relationship" does not include casual fraternization in a business, educational, or social context.
- 92 (c) In determining, based on a totality of the circumstances, whether a dating relationship exists:
- 94 (i) all relevant factors shall be considered, including:
- 95 (A) whether the parties developed interpersonal bonding above a mere casual fraternization;
- 97 (B) the length of the parties' relationship;
- 98 (C) the nature and the frequency of the parties' interactions, including communications indicating that the parties intended to begin a dating relationship;
- 101 (D) the ongoing expectations of the parties, individual or jointly, with respect to the relationship;
- 103 (E) whether, by statement or conduct, the parties demonstrated an affirmation of their relationship to others; and
- 105 (F) whether other reasons exist that support or detract from a finding that a dating relationship exists; and
- 107 (ii) it is not necessary that all, or a particular number, of the factors described in Subsection (13)(c)(i) are found to support the existence of a dating relationship.
- 109 (14) "Dating violence" means:
- 110 (a) a criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by an individual against a dating partner; or
- 112 (b) an attempt, a conspiracy, or a solicitation by an individual to commit a criminal offense involving violence or physical harm against a dating partner of the individual.
- 114 (15) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 115 (16) "Ex parte civil protective order" means an order issued without notice to the respondent under:

## SB0304 compared with SB0304S01

- 117 (a) Part 2, Child Protective Orders;
- 118 (b) Part 4, Dating Violence Protective Orders;
- 119 (c) Part 5, Sexual Violence Protective Orders;
- 120 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 121 (e) Part 11, Workplace Violence Protective Orders.
- 122 (17) "Ex parte civil stalking injunction" means a stalking injunction issued without notice to the  
respondent under Part 7, Civil Stalking Injunctions.
- 124 (18) "Foreign protection order" means:
- 125 (a) the same as that term is defined in Section 78B-7-302; or
- 126 (b) a Canadian domestic violence protection order.
- 127 (19) "Household animal" means an animal that is tamed and kept as a pet.
- 128 (20) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- 129 (21) "Law enforcement unit" or "law enforcement agency" means any public agency having general  
police power and charged with making arrests in connection with enforcement of the criminal  
statutes and ordinances of this state or any political subdivision.
- 132 (22) "Material statement or material information" means a statement made or information given by a  
party:
- 134 (a) to support an allegation of abuse or domestic violence; and
- 135 (b) that could influence a court's decision to issue a protective order, as defined in Section 78B-7-601 or  
78B-7-201.
- 137 [~~(22)~~] (23) "Minor child" means the same as that term is defined in Section 81-1-101.
- 138 [~~(23)~~] (24) "Peace officer" means those individuals [~~specified~~] described in Title 53, Chapter 13, Peace  
Officer Classifications.
- 140 [~~(24)~~] (25) "Qualifying domestic violence offense" means the same as that term is defined in Section  
77-36-1.1.
- 142 [~~(25)~~] (26) "Respondent" means the individual against whom enforcement of a protective order is  
sought.
- 144 [~~(26)~~] (27) "Stalking" means the same as that term is defined in Section 76-5-106.5.
- 135 Section 2. Section 2 is enacted to read:
- 136 **78B-7-208. Falsification of information.**
- 147

## SB0304 compared with SB0304S01

- (1) If a petitioner files a petition with a court for a protective order, the respondent may file a {petition} motion with the court alleging that the petitioner knowingly falsified a material statement or material information for the purpose of obtaining the protective order.
- 140 (2) A respondent may only make the motion described in Subsection (1) within 60 days after the day of the hearing on the petition for the protective order.
- 150 (2){(3)} ~~{If the-} The~~ court ~~{determines-}~~ may award reasonable attorney fees and costs to the party that {a petitioner knowingly falsified a material statement or material information, as-} prevails on the motion described in Subsection (1){:}.
- 152 ~~{(a) {the court shall enter sanctions against the petitioner, including:-}}~~
- 153 ~~{(i) {a monetary penalty to be awarded to the respondent;-}}~~
- 154 ~~{(ii) {an award of reasonable attorney fees and costs; and-}}~~
- 155 ~~{(iii) {any other sanction that the court considers appropriate; and-}}~~
- 144 (4) If the respondent prevails on the motion described in Subsection (1) and the petitioner and respondent to the protective order proceeding are the child's parents:
- 156 (b){(a)} ~~{if the petitioner and respondent to the protective order proceeding are the child's parents,-}~~ the court may order counseling for the child with a mental health therapist, as defined in Section 58-60-102, chosen by the respondent, for up to 20 sessions at the discretion of the mental health therapist{-}; and
- 160 (3){(b)} ~~{If a-} the~~ respondent ~~{has lost parent-time as a result of the petitioner's falsification of a material statement or material information, as described in Subsection (1), the parent-}~~ may file a motion or petition with the court with jurisdiction to modify parent-time to award make-up parent-time in accordance with Subsection 81-9-208(12).
- 164 ~~{(4) {A respondent may file the petition described in Subsection (1) from the time the petitioner files the petition for the protective order until 90 days after the day on which the protective order expires, is dismissed, or is vacated.-}}~~
- 152 Section 3. Section 3 is enacted to read:
- 153 **78B-7-610. Falsification of information.**
- 169 (1) If a petitioner files a petition with a court for a protective order, the respondent may file a {petition} motion with the court alleging that the petitioner knowingly falsified a material statement or material information for the purpose of obtaining {a-} the protective order.

172

## SB0304 compared with SB0304S01

{(2) {If the court determines that a petitioner knowingly falsified a material statement or material information, as described in Subsection (1), the court shall enter sanctions against the petitioner, including: } }

175 {(a) {a monetary penalty to be awarded to the respondent; } }

176 {(b) {an award of reasonable attorney fees and costs; and } }

177 {(c) {any other sanction that the court considers appropriate. } }

178 (3){(2)} A respondent may {file} only make the {petition} motion described in Subsection (1) {from the time the petitioner files the petition for the protective order until 90} within 60 days after the day of the hearing on {which} the petition for the protective order {expires, is dismissed, or is vacated} .

159 (3) The court may award reasonable attorney fees and costs to the party that prevails on the motion described in Subsection (1).

181 {Section 4. Section **81-4-204** is amended to read: }

182 **81-4-204. Custody and maintenance of children -- Property and debt division -- Support payments.**

184 (1) As used in this section, "fault" means the same as that term is defined in Section 81-4-501.

186 [(1)] (2) In an action under this part, the court may by order or decree:

187 (a) provide for the care, custody, and maintenance of a minor child of the parties[-];

188 (b)

(i) provide for support of a spouse and the support of a minor child remaining with that spouse;

190 (ii) provide how and when support payments are made; and

191 (iii) provide that a spouse have a lien upon the property of the other spouse to secure payment of the support or maintenance obligation;

193 (c) award to a spouse the possession of any real or personal property of the other spouse or acquired by the spouses during the marriage;

195 (d) 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;

198 (e) 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; or

201 (f) provide for the enforcement of the orders described in Subsections [(1)(a)] (2)(a) and (e).

## SB0304 compared with SB0304S01

203 [(2)] (3) A court may enforce an order or decree under this section:

204 (a) by sale of any property of the spouse;

205 (b) by contempt proceedings; or

206 (c) as is otherwise necessary.

207 [(3)] (4) The court may:

208 (a) change the support or maintenance of a party from time to time according to circumstances; or

210 (b) terminate altogether any obligation upon satisfactory proof of voluntary and permanent  
reconciliation.

212 (5)

(a) The court shall consider the fault of the parties in determining an award of real or personal property under this section if a party alleges fault.

214 (b) The court may, when fault is at issue, close the proceedings and seal the court records.

216 [(4)] (6) An order or decree of support or maintenance described in this part is valid only during the  
joint lives of the parties.

218 {Section 5. Section 81-4-401 is amended to read: }

219 **81-4-401. Definitions for part.**

As used in this part:

221 (1) "Cohabitation" means the same as the term, "cohabit," is defined in Section 81-4-501.

222 (2) "Fault" means the same as that term is defined in Section 81-4-501.

223 [(2)] (3) "Mandatory courses" means:

224 (a) the mandatory divorce orientation course described in Section 81-4-105; and

225 (b) the mandatory parenting course described in Section 81-9-103.

226 [(3)] (4) "Petitioner" means the individual who brings a petition for divorce.

227 [(4)] (5) "Respondent" means the individual against whom a petition for divorce is brought.

228 {Section 6. Section 81-4-406 is amended to read: }

229 **81-4-406. Decree of divorce -- When decree becomes absolute -- Remarriage -- Jurisdiction  
to modify a decree for a child born after the decree.**

231 (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).

233

## SB0304 compared with SB0304S01

- (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.
- 236 (2) Unless the requirement is waived by the court under Subsection [~~81-4-402(5)~~] 81-4-402(7), a court may not grant a decree of divorce for parties with a minor child until:
- 239 (a) both parties have attended the mandatory courses described in Sections 81-4-105 and [~~81-4-106~~] 81-9-103; and
- 241 (b) both parties have presented a certificate of course completion for each course to the court.
- 243 (3) In a decree of divorce, the court shall:
- 244 (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;
- 247 (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;
- 250 (c) provide for the enforcement of the orders described in Subsections (1)(a) and (b);
- 251 (d) if a party owns a life insurance policy or an annuity contract, include an acknowledgment by the court that the party:
- 253 (i) has reviewed and updated, where appropriate, the list of beneficiaries;
- 254 (ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries after the divorce becomes final; and
- 256 (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
- 259 (e) if the parties have a child as defined in Section 81-6-101, include:
- 260 (i) an order for child support and medical expenses as described in Chapter 6, Child Support;
- 262 (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
- 265 (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.
- 268 (4)
- (a) The court may include in the divorce decree any equitable orders relating to:
- 269 [~~(a)~~] (i) the parties, including any alimony to be awarded to a party in accordance with Part 5, Spousal Support;

## SB0304 compared with SB0304S01

- 271 [(b)] (ii) a child of the parties; and  
272 [(e)] (iii) any property, debts, or obligations.
- 273 (b) The court shall consider the fault of the parties when making a determination related to the division  
of property if a party alleges fault.
- 275 (c) The court may, when fault is at issue, close the proceedings and seal the court records.
- 277 (5) A decree of divorce becomes absolute:
- 278 (a) on the date it is signed by the court and entered by the clerk in the register of actions;
- 279 (b) at the expiration of a period of time the court may specifically designate, unless an appeal or other  
proceedings for review are pending;
- 281 (c) if an appeal is taken, when the decree is affirmed; or
- 282 (d) when the court, before the decree becomes absolute, for sufficient cause otherwise orders.
- 284 (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.
- 287 (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.
- 289 (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.
- 292 ~~{Section 7. Section 81-4-502 is amended to read: }~~
- 293 **81-4-502. Determination of alimony.**
- 294 (1) For a proceeding under [~~Chapter 4, Dissolution of Marriage~~] this chapter, or in a proceeding to  
modify alimony, the court shall consider at least the following factors in determining alimony:
- 297 (a) the standard of living existing during the marriage, which factors shall include the following:
- 299 (i) income;
- 300 (ii) the approximate value of real and personal property; and
- 301 (iii) any other factor that the court determines to be appropriate to enable the court to make a  
determination of the standard of living existing during the marriage;
- 303 (b) the financial condition and needs of the payee, provided that the payee may show financial needs by  
itemizing expenses present during the marriage rather than by itemizing post petition expenses;
- 306 (c) the payee's earning capacity or ability to produce income, including the impact of diminished  
workplace experience resulting from primarily caring for a minor child of the payor;

## SB0304 compared with SB0304S01

- 309 (d) the ability of the payor to provide support;
- 310 (e) the length of the marriage;
- 311 (f) whether the payee has custody of a minor child requiring support;
- 312 (g) whether the payee worked in a business owned or operated by the payor; and
- 313 (h) whether the payee directly contributed to any increase in the payor's skill by paying for education  
received by the payor or enabling the payor to attend school during the marriage.
- 316 (2)
- (a) The court [~~may~~] shall consider the fault of the parties in determining whether to award alimony and  
the terms of the alimony if there is an allegation of fault.
- 318 (b) The court may, when fault is at issue, close the proceedings and seal the court records.
- 320 (3)
- (a) Except as otherwise provided by this section, the court shall consider the standard of living, existing  
at the time of separation, in determining alimony in accordance with this section.
- 323 (b) In considering all relevant facts and principles, the court may, in the court's discretion, base alimony  
on the standard of living that existed at the time of trial.
- 325 (4)
- (a) The court may attempt to equalize the parties' respective standards of living.
- 326 (b)
- (i) If a marriage has been in effect for 10 years or more, and if the payee has significantly diminished  
workplace experience resulting from an agreement between the spouses that the payee reduce  
the payee's workplace experience to care for a minor child of the payor, [~~it shall be the~~] there is a  
rebuttable presumption that the court equalize the parties' standard of living.
- 331 (ii) The presumption under Subsection (4)(b)(i) can be rebutted by a showing of good cause, and the  
court shall enter specific findings of fact as to the evidentiary basis for its determination.
- 334 (c) This Subsection (4) may not be applied to or used as the basis to modify an alimony award if the  
petition for divorce was filed before May 1, 2024.
- 336 (5)
- (a) If the marriage is short in duration and a minor child has not been conceived or born during the  
marriage, the court may consider the standard of living that existed at the time of the marriage.
- 339

## SB0304 compared with SB0304S01

(b) In determining alimony when a marriage of short duration dissolves and a minor child has not been conceived or born during the marriage, the court may consider restoring each party to the condition which existed at the time of the marriage.

342 (6)

(a) When a marriage of long duration dissolves on the threshold of a major change in the income of one of the parties due to the collective efforts of both parties, the court shall consider the change when dividing the marital property and in determining the amount of alimony.

346 (b) If a party's earning capacity has been greatly enhanced through the efforts of both parties during the marriage, the court may make a compensating adjustment in dividing the marital property and awarding alimony.

349 (7)

(a) Except as provided in Subsection (7)(c), the court may not order alimony for a period of time longer than the length of the marriage.

351 (b) If a party is ordered to pay temporary alimony during the pendency of a divorce action, the court shall count the period of time that the party pays temporary alimony towards the period of time for which the party is ordered to pay alimony.

354 (c) At any time before the termination of alimony, the court may find extenuating circumstances or good cause that justify the payment of alimony for a longer period of time than the length of the marriage.

161 Section 4. Section **81-9-208** is amended to read:

162 **81-9-208. Modification or termination of a custody or parent-time order -- Noncompliance with a parent-time order.**

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

361 (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

363 (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.

365 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a showing by a parent that the other parent:

367 (a) resides with an individual or provides an individual with access to the minor child; and

369 (b) knows that the individual:

## SB0304 compared with SB0304S01

- 370 (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
- 373 (ii) has been convicted of:
- 374 (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;
- 376 (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;
- 378 (C) an offense for kidnapping or human trafficking of a minor child under Title 76, Chapter 5, Part 3,  
Kidnapping, Trafficking, and Smuggling;
- 380 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b, Sexual Exploitation  
Act; or
- 382 (E) an offense that is substantially similar to an offense under Subsections (2)(b)(ii)(A) through (D).
- 384 (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:
- 387 (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;
- 391 (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
- 393 (c)
- (i) both parents have complied in good faith with the dispute resolution procedure in accordance with  
Subsection 81-9-205(8); or
- 395 (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.
- 400 (4)
- (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

## SB0304 compared with SB0304S01

other factors the court considers relevant, consider the factors described in Sections 81-9-204 and 81-9-205.

- 404 (b) A court order modifying or terminating an existing joint legal custody or joint physical custody  
order shall contain written findings that:
- 406 (i) a substantial and material change of circumstance has occurred; and
- 407 (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.
- 409 (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.
- 411 (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.
- 414 (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.
- 417 (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.
- 421 (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.
- 425 (9) If the court finds that an action to modify custody or parent-time is filed or answered frivolously  
and, in a manner, designed to harass the other party, the court shall assess attorney fees as costs  
against the offending party.
- 428 (10) If a petition to modify custody or parent-time provisions of a court order is made and denied, the  
court shall order the petitioner to pay the reasonable attorney fees expended by the prevailing party  
in that action if the court determines that the petition was without merit and not asserted or defended  
against in good faith.
- 432 (11) 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:

## SB0304 compared with SB0304S01

- 435 (a) may award to the prevailing party:
- 436 (i) actual attorney fees incurred;
- 437 (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:
- 439 (A) court costs;
- 440 (B) child care expenses;
- 441 (C) transportation expenses actually incurred;
- 442 (D) lost wages, if ascertainable; or
- 443 (E) counseling for a parent or a minor child if ordered or approved by the court; or
- 444 (iii) any other appropriate equitable remedy; and
- 445 (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.
- 447 (12)
- (a) The court shall award make-up parent-time to a parent, upon a motion or petition from the parent{~~;~~}  
if:
- 253 (i) the parent can show that a court:
- 449 (i){(A)} {~~the parent can show that a court~~} determined the other parent knowingly falsified a  
material statement or material information during a protective order proceeding as described in  
Section 78B-7-208; and
- 257 (B) dismissed the underlying protective order on the merits after providing the parties to the protective  
order with notice and an opportunity to be heard;
- 451 (ii) the parent lost parent-time as a result of the other parent's falsification of a material statement or  
material information {~~under Section 78B-7-208.~~} during the protective order proceeding; and
- 262 (iii) there has not been a finding of abuse or neglect against the parent.
- 453 (b) When a court orders make-up parent-time under Subsection (12)(a):
- 454 (i) the court shall order:
- 455 (A) parent-time that is the same type and duration of the parent-time that was denied; and
- 457 (B) that the make-up parent-time occur within two years {~~from~~} after the day on which the court enters  
the order for make-up parent-time; and
- 459 (ii) the court may include weekend or holiday parent-time or extended parent-time that was denied to  
the parent.

## SB0304 compared with SB0304S01

461    {~~(c)~~} {~~Subject to Subsection (12)(b)(i), the parent denied parent-time is entitled to decide the time of~~  
          ~~the make-up parent-time.~~}

271           Section 5. **Effective date.**

          Effective Date.

This bill takes effect on May 6, 2026.

2-24-26 2:52 PM