

SB0304S02 compared with SB0304S01

~~{Omitted text}~~ shows text that was in SB0304S01 but was omitted in SB0304S02

inserted text shows text that was not in SB0304S01 but was inserted into SB0304S02

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1 **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 protective orders.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms;

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

11 ▶ allows a court to sanction a party 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 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

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20 This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

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

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:

- 33 (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.
- 36 (2) "Affinity" means the same as that term is defined in Section 76-1-101.5.
- 37 (3) "Canadian domestic violence protection order" means the same as that term is defined in Section
78B-7-1201.
- 39 (4) "Child" means an individual who is younger than 18 years old.
- 40 (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:
- 42 (a) Part 2, Child Protective Orders;
- 43 (b) Part 4, Dating Violence Protective Orders;
- 44 (c) Part 5, Sexual Violence Protective Orders;
- 45 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 46 (e) Part 11, Workplace Violence Protective Orders.
- 47 (6) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil Stalking
Injunctions.
- 49 (7)

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(a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an individual who is 16 years old or older who:

- 51 (i) is or was a spouse of the other party;
- 52 (ii) is or was living as if a spouse of the other party;
- 53 (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;
- 56 (iv) has or had one or more children in common with the other party;
- 57 (v) is the biological parent of the other party's unborn minor child;
- 58 (vi) resides or has resided in the same residence as the other party; or
- 59 (vii) is or was in a consensual sexual relationship with the other party.

60 (b) "Cohabitant" does not include:

- 61 (i) the relationship of natural parent, adoptive parent, or step-parent to a minor child; or
- 63 (ii) the relationship between natural, adoptive, step, or foster siblings who are under 18 years old.
- 65 (8) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.
- 66 (9) "Criminal protective order" means an order issued under Part 8, Criminal Protective Orders.
- 68 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9, Criminal Stalking Injunctions.

70 (11) "Court clerk" means a district court clerk.

71 (12)

(a) "Dating partner" means an individual who:

- 72 (i)
- (A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7, Emancipation; or
- 74 (B) is 18 years old or older; and
- 75 (ii) is, or has been, in a dating relationship with the other party.

76 (b) "Dating partner" does not include an intimate partner.

77 (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.

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- (b) "Dating relationship" does not include casual fraternization in a business, educational, or social context.
- 82 (c) In determining, based on a totality of the circumstances, whether a dating relationship exists:
- 84 (i) all relevant factors shall be considered, including:
- 85 (A) whether the parties developed interpersonal bonding above a mere casual fraternization;
- 87 (B) the length of the parties' relationship;
- 88 (C) the nature and the frequency of the parties' interactions, including communications indicating that the parties intended to begin a dating relationship;
- 91 (D) the ongoing expectations of the parties, individual or jointly, with respect to the relationship;
- 93 (E) whether, by statement or conduct, the parties demonstrated an affirmation of their relationship to others; and
- 95 (F) whether other reasons exist that support or detract from a finding that a dating relationship exists; and
- 97 (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.
- 99 (14) "Dating violence" means:
- 100 (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
- 102 (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.
- 104 (15) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 105 (16) "Ex parte civil protective order" means an order issued without notice to the respondent under:
- 107 (a) Part 2, Child Protective Orders;
- 108 (b) Part 4, Dating Violence Protective Orders;
- 109 (c) Part 5, Sexual Violence Protective Orders;
- 110 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 111 (e) Part 11, Workplace Violence Protective Orders.
- 112 (17) "Ex parte civil stalking injunction" means a stalking injunction issued without notice to the respondent under Part 7, Civil Stalking Injunctions.
- 114 (18) "Foreign protection order" means:
- 115 (a) the same as that term is defined in Section 78B-7-302; or

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- 116 (b) a Canadian domestic violence protection order.
- 117 (19) "Household animal" means an animal that is tamed and kept as a pet.
- 118 (20) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- 119 (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.
- 122 (22) "Material statement or material information" means a statement made or information given by a
party:
- 124 (a) to support an allegation of abuse or domestic violence; and
- 125 (b) that could influence a court's decision to issue a protective order, as defined in Section 78B-7-601 or
78B-7-201.
- 127 [~~(22)~~] (23) "Minor child" means the same as that term is defined in Section 81-1-101.
- 128 [~~(23)~~] (24) "Peace officer" means those individuals [~~specified~~] described in Title 53, Chapter 13, Peace
Officer Classifications.
- 130 [~~(24)~~] (25) "Qualifying domestic violence offense" means the same as that term is defined in Section
77-36-1.1.
- 132 [~~(25)~~] (26) "Respondent" means the individual against whom enforcement of a protective order is
sought.
- 134 [~~(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.**
- 137 (1) If a petitioner files a petition with a court for a protective order, the respondent may file a 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.
- 142 (3) The court may award reasonable attorney fees and costs to the party that prevails on the motion
described in Subsection (1).
- 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:
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(a) 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

149 (b) the respondent 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).

152 Section 3. Section 3 is enacted to read:

153 **78B-7-610. Falsification of information.**

154 (1) If a petitioner files a petition with a court for a protective order, the respondent may file a motion with the court alleging that the petitioner knowingly falsified a material statement or material information for the purpose of obtaining the protective order.

157 (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.

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

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.**

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

165 (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

167 (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.

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

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

173 (b) knows that the individual:

174 (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

177 (ii) has been convicted of:

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- 180 (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;
- 182 (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;
- 184 (C) an offense for kidnapping or human trafficking of a minor child under Title 76, Chapter 5, Part 3,
Kidnapping, Trafficking, and Smuggling;
- 186 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b, Sexual Exploitation
Act; or
- 188 (E) an offense that is substantially similar to an offense under Subsections (2)(b)(ii)(A) through (D).
- 188 (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:
- 191 (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;
- 195 (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
- 197 (c)
- (i) both parents have complied in good faith with the dispute resolution procedure in accordance with
Subsection 81-9-205(8); or
- 199 (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.
- 204 (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
other factors the court considers relevant, consider the factors described in Sections 81-9-204 and
81-9-205.
- 208 (b) A court order modifying or terminating an existing joint legal custody or joint physical custody
order shall contain written findings that:

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- 210 (i) a substantial and material change of circumstance has occurred; and
211 (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.
- 213 (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.
- 215 (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.
- 218 (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.
- 221 (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.
- 225 (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.
- 229 (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.
- 232 (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.
- 236 (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:
- 239 (a) may award to the prevailing party:
240 (i) actual attorney fees incurred;
241 (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:

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- 243 (A) court costs;
- 244 (B) child care expenses;
- 245 (C) transportation expenses actually incurred;
- 246 (D) lost wages, if ascertainable; or
- 247 (E) counseling for a parent or a minor child if ordered or approved by the court; or
- 248 (iii) any other appropriate equitable remedy; and
- 249 (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.
- 251 (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:
- 254 (A) 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;
- 259 (ii) the parent lost parent-time as a result of the other parent's falsification of a material statement or material information during the protective order proceeding; and
- 262 (iii) there has not been a finding of abuse or neglect against the parent.
- 263 (b) When a court orders make-up parent-time under Subsection (12)(a):
- 264 (i) the court shall order:
- 265 (A) parent-time that is the same type and duration of the parent-time that was denied; and
- 267 (B) that the make-up parent-time occur within two years after the day on which the court enters the order for make-up parent-time; and
- 269 (ii) the court may include weekend or holiday parent-time or extended parent-time that was denied to the parent.

271 Section 5. **Effective date.**

Effective Date.

This bill takes effect on May {6, 2026} 5, 2027.

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