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Divorce Amendments
 2026 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Doug Owens
 Senate Sponsor:

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LONG TITLE

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General Description:

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This bill amends statutory provisions related to divorce.

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Highlighted Provisions:

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This bill:

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▸ defines "marital property" for statutory provisions related to divorce;

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▸ provides the requirements for the equitable distribution of marital property in a divorce;

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and

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▸ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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81-4-401, as enacted by Laws of Utah 2024, Chapter 366

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81-4-406, as last amended by Laws of Utah 2025, Chapter 479

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

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Section 1. Section **81-4-401** is amended to read:

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81-4-401 . Definitions for part.

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As used in this part:

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

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(2) "Mandatory courses" means:

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

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

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(3)(a) "Marital property" means any property, debt, or obligation acquired by a spouse,

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or both spouses, during the marriage.

- 31 (b) "Marital property" includes:
- 32 (i) any property, debt, or obligation that was acquired before the marriage by a
- 33 spouse and the property, debt, or obligation has become mixed in with a property,
- 34 debt, or obligation acquired during the marriage, to the extent that it is no longer
- 35 reasonably possible to distinguish between the property, debt, or obligation that
- 36 was acquired before the marriage; or
- 37 (ii) a spouse's property, debt, or obligation that was acquired before the marriage for
- 38 which the other spouse has augmented, maintained, or protected and acquired an
- 39 equitable interest in the property, debt, or obligation.
- 40 (c) "Marital property" does not include:
- 41 (i) except as provided in Subsection (3)(b), any property, debt, or obligation acquired
- 42 before the marriage;
- 43 (ii) any property acquired by gift, bequest, devise, or descent;
- 44 (iii) any property acquired in exchange for property acquired before the marriage or
- 45 in exchange for property acquired by gift, bequest, devise, or descent;
- 46 (iv) any property, debt, or obligation excluded by valid agreement of the spouses; or
- 47 (v) any increase in value of property described in Subsection (3)(c)(i) through (iv).

48 [~~3~~] (4) "Petitioner" means the individual who brings a petition for divorce.

49 [~~4~~] (5) "Respondent" means the individual against whom a petition for divorce is brought.

50 Section 2. Section **81-4-406** is amended to read:

51 **81-4-406 . Decree of divorce -- When decree becomes absolute -- Remarriage --**
 52 **Jurisdiction to modify a decree for a child born after the decree.**

- 53 (1)(a) The court shall enter a decree of divorce upon the evidence or the petitioner's
- 54 affidavit in the case of default as described in Subsection (1)(b).
- 55 (b) A court may not grant a divorce upon default, unless there is evidence to support a
- 56 decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the
- 57 Utah Rules of Civil Procedure.
- 58 (2) Unless the requirement is waived by the court under Subsection 81-4-402(5), a court
- 59 may not grant a decree of divorce for parties with a minor child until:
- 60 (a) both parties have attended the mandatory courses described in Sections 81-4-105 and
- 61 81-4-106; and
- 62 (b) both parties have presented a certificate of course completion for each course to the
- 63 court.
- 64 (3) In a decree of divorce, the court shall:

- 65 (a) specify which party is responsible for the payment of joint debts, obligations, or
66 liabilities of the parties contracted or incurred during marriage in accordance with
67 Section 15-4-6.5;
- 68 (b) require the parties to notify respective creditors or obligees, regarding the court's
69 division of debts, obligations, or liabilities and regarding the parties' separate and
70 current addresses in accordance with Section 15-4-6.5;
- 71 (c) provide for the enforcement of the orders described in Subsections (1)(a) and (b);
- 72 (d) if a party owns a life insurance policy or an annuity contract, include an
73 acknowledgment by the court that the party:
- 74 (i) has reviewed and updated, where appropriate, the list of beneficiaries;
- 75 (ii) has affirmed that those listed as beneficiaries are in fact the intended beneficiaries
76 after the divorce becomes final; and
- 77 (iii) understands that, if no changes are made to the policy or contract, the
78 beneficiaries currently listed will receive any funds paid by the insurance
79 company under the terms of the policy or contract; and
- 80 (e) if the parties have a child as defined in Section 81-6-101, include:
- 81 (i) an order for child support and medical expenses as described in Chapter 6, Child
82 Support;
- 83 (ii) a provision in the child support order that requires payment of an ongoing
84 expense for child care subject to the procedures and requirements of Section
85 81-6-209.5; and
- 86 (iii) a statement providing notice that the Office of Recovery Services provides
87 services to individuals who are seeking assistance in the collection or enforcement
88 of child support orders.
- 89 (4) [The] Subject to Subsection (5), the court may include in the divorce decree any
90 equitable orders relating to:
- 91 (a) the parties, including any alimony to be awarded to a party in accordance with Part 5,
92 Spousal Support;
- 93 (b) a child of the parties; and
- 94 (c) any ~~[property, debts, or obligations]~~ marital property.
- 95 (5)(a) The court shall presume under Subsection (4) that marital property be divided
96 equally between the parties.
- 97 (b) A party may overcome the presumption described in Subsection (5)(a) by
98 establishing that there is an exceptional circumstance that warrants marital property

99 be divided unequally between the parties.

100 (c) An exceptional circumstance under Subsection (5)(b) includes:

101 (i) a party substantially undermining the financial stability of the other party or a
102 minor child of the parties; or

103 (ii) the wasteful, irresponsible, or intentional depletion of marital property by a party
104 in anticipation of a divorce.

105 ~~[(5)]~~ (6) A decree of divorce becomes absolute:

106 (a) on the date it is signed by the court and entered by the clerk in the register of actions;

107 (b) at the expiration of a period of time the court may specifically designate, unless an
108 appeal or other proceedings for review are pending;

109 (c) if an appeal is taken, when the decree is affirmed; or

110 (d) when the court, before the decree becomes absolute, for sufficient cause otherwise
111 orders.

112 ~~[(6)]~~ (7) The court, upon application or on the court's own motion for good cause shown,
113 may waive, alter, or extend a designated period of time before the decree becomes
114 absolute, but not to exceed six months from the signing and entry of the decree.

115 ~~[(7)]~~ (8) A party to a divorce proceeding may not marry another individual other than the
116 other party for whom the divorce was granted until the party's divorce becomes absolute.

117 ~~[(8)]~~ (9) The court has jurisdiction to modify a decree of divorce to address child support,
118 parent-time, and other matters related to a minor child born to the parties after the decree
119 of divorce is entered.

120 Section 3. **Effective Date.**

121 This bill takes effect on May 6, 2026.