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Domestic Relations Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

House Sponsor:

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LONG TITLE

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General Description:

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This bill addresses domestic relations.

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Highlighted Provisions:

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This bill:

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▸ defines terms;

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▸ provides that a party may bring a petition alleging that another party knowingly falsified certain information for the purpose of obtaining a protective order;

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▸ requires a court to sanction a party who knowingly falsified certain information for the purpose of obtaining a protective order;

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▸ 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;

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▸ requires a court, under certain circumstances, to consider the fault of the parties when determining:

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• property division in a separate maintenance or divorce action; or

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• alimony;

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▸ allows a court to close proceedings and seal court records when fault is at issue in a separate maintenance or divorce action; 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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78B-7-102, as last amended by Laws of Utah 2025, Chapters 212, 332

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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
 34 **81-9-208**, as last amended by Laws of Utah 2025, Chapter 426

35 ENACTS:

- 36 **78B-7-208**, Utah Code Annotated 1953
 37 **78B-7-610**, Utah Code Annotated 1953

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

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

41 **78B-7-102 . Definitions.**

42 As used in this chapter:

- 43 (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly
 44 causing or attempting to cause another individual physical harm or intentionally or
 45 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
 48 Section 78B-7-1201.
 49 (4) "Child" means an individual who is younger than 18 years old.
 50 (5) "Civil protective order" means an order issued, subsequent to a hearing on the petition,
 51 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
 58 Stalking Injunctions.
 59 (7)(a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an
 60 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,
 64 grandparent, sibling, or any other individual related to the individual by

- 65 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;
- 72 or
- 73 (ii) the relationship between natural, adoptive, step, or foster siblings who are under
- 74 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
- 77 Orders.
- 78 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9,
- 79 Criminal Stalking Injunctions.
- 80 (11) "Court clerk" means a district court clerk.
- 81 (12)(a) "Dating partner" means an individual who:
- 82 (i)(A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7,
- 83 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
- 88 nature, or a relationship which has romance or intimacy as a goal by one or both
- 89 parties, regardless of whether the relationship involves sexual intimacy.
- 90 (b) "Dating relationship" does not include casual fraternization in a business,
- 91 educational, or social context.
- 92 (c) In determining, based on a totality of the circumstances, whether a dating
- 93 relationship exists:
- 94 (i) all relevant factors shall be considered, including:
- 95 (A) whether the parties developed interpersonal bonding above a mere casual
- 96 fraternization;
- 97 (B) the length of the parties' relationship;
- 98 (C) the nature and the frequency of the parties' interactions, including

- 99 communications indicating that the parties intended to begin a dating
100 relationship;
- 101 (D) the ongoing expectations of the parties, individual or jointly, with respect to
102 the relationship;
- 103 (E) whether, by statement or conduct, the parties demonstrated an affirmation of
104 their relationship to others; and
- 105 (F) whether other reasons exist that support or detract from a finding that a dating
106 relationship exists; and
- 107 (ii) it is not necessary that all, or a particular number, of the factors described in
108 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
111 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
113 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
116 respondent under:
- 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
123 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
130 general police power and charged with making arrests in connection with enforcement
131 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

133 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
 136 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
 139 13, Peace Officer Classifications.

140 [~~(24)~~] (25) "Qualifying domestic violence offense" means the same as that term is defined in
 141 Section 77-36-1.1.

142 [~~(25)~~] (26) "Respondent" means the individual against whom enforcement of a protective
 143 order is sought.

144 [~~(26)~~] (27) "Stalking" means the same as that term is defined in Section 76-5-106.5.

145 Section 2. Section **78B-7-208** is enacted to read:

146 **78B-7-208 . Falsification of information.**

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

150 (2) If the court determines that a petitioner knowingly falsified a material statement or
 151 material information, as 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

156 (b) if the petitioner and respondent to the protective order proceeding are the child's
 157 parents, the court may order counseling for the child with a mental health therapist,
 158 as defined in Section 58-60-102, chosen by the respondent, for up to 20 sessions at
 159 the discretion of the mental health therapist.

160 (3) If a respondent has lost parent-time as a result of the petitioner's falsification of a
 161 material statement or material information, as described in Subsection (1), the parent
 162 may file a motion or petition with the court with jurisdiction to modify parent-time to
 163 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
 165 petitioner files the petition for the protective order until 90 days after the day on which
 166 the protective order expires, is dismissed, or is vacated.

167 Section 3. Section **78B-7-610** is enacted to read:

168 **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
 170 a petition with the court alleging that the petitioner knowingly falsified a material
 171 statement or material information for the purpose of obtaining a protective order.
 172 (2) If the court determines that a petitioner knowingly falsified a material statement or
 173 material information, as described in Subsection (1), the court shall enter sanctions
 174 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) A respondent may file the petition described in Subsection (1) from the time the
 179 petitioner files the petition for the protective order until 90 days after the day on which
 180 the protective order expires, is dismissed, or is vacated.

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

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

- 184 (1) As used in this section, "fault" means the same as that term is defined in Section
 185 81-4-501.
 186 [(+)] (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
 189 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
 192 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
 194 or acquired by the spouses during the marriage;
 195 (d) specify which party is responsible for the payment of joint debts, obligations, or
 196 liabilities of the parties contracted or incurred during marriage in accordance with
 197 Section 15-4-6.5;
 198 (e) require the parties to notify respective creditors or obligees regarding the court's
 199 division of debts, obligations, or liabilities and regarding the parties' separate and
 200 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
 202 (e).

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
 209 circumstances; or

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

212 (5)(a) The court shall consider the fault of the parties in determining an award of real or
 213 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
 215 records.

216 ~~[(4)]~~ (6) An order or decree of support or maintenance described in this part is valid only
 217 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.**

220 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 --
 230 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
 232 affidavit in the case of default as described in Subsection (1)(b).

233 (b) A court may not grant a divorce upon default, unless there is evidence to support a
 234 decree of divorce upon an affidavit by the petitioner as provided by Rule 104 of the

235 Utah Rules of Civil Procedure.

- 236 (2) Unless the requirement is waived by the court under Subsection [~~81-4-402(5)~~
237 ~~81-4-402(7)~~], a court may not grant a decree of divorce for parties with a minor child
238 until:
- 239 (a) both parties have attended the mandatory courses described in Sections 81-4-105 and [
240 ~~81-4-106~~] 81-9-103; and
- 241 (b) both parties have presented a certificate of course completion for each course to the
242 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
245 liabilities of the parties contracted or incurred during marriage in accordance with
246 Section 15-4-6.5;
- 247 (b) require the parties to notify respective creditors or obligees, regarding the court's
248 division of debts, obligations, or liabilities and regarding the parties' separate and
249 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
252 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
255 after the divorce becomes final; and
- 256 (iii) understands that, if no changes are made to the policy or contract, the
257 beneficiaries currently listed will receive any funds paid by the insurance
258 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
261 Support;
- 262 (ii) a provision in the child support order that requires payment of an ongoing
263 expense for child care subject to the procedures and requirements of Section
264 81-6-209.5; and
- 265 (iii) a statement providing notice that the Office of Recovery Services provides
266 services to individuals who are seeking assistance in the collection or enforcement
267 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
 270 Part 5, Spousal Support;

271 [(b)] (ii) a child of the parties; and

272 [(c)] (iii) any property, debts, or obligations.

273 (b) The court shall consider the fault of the parties when making a determination related
 274 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
 276 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
 280 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
 283 orders.

284 (6) The court, upon application or on the court's own motion for good cause shown, may
 285 waive, alter, or extend a designated period of time before the decree becomes absolute,
 286 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
 288 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,
 290 parent-time, and other matters related to a minor child born to the parties after the decree
 291 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
 295 proceeding to modify alimony, the court shall consider at least the following factors in
 296 determining alimony:

297 (a) the standard of living existing during the marriage, which factors shall include the
 298 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
 302 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
304 financial needs by itemizing expenses present during the marriage rather than by
305 itemizing post petition expenses;
- 306 (c) the payee's earning capacity or ability to produce income, including the impact of
307 diminished workplace experience resulting from primarily caring for a minor child of
308 the payor;
- 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
314 for education received by the payor or enabling the payor to attend school during the
315 marriage.
- 316 (2)(a) The court [~~may~~] shall consider the fault of the parties in determining whether to
317 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
319 records.
- 320 (3)(a) Except as otherwise provided by this section, the court shall consider the standard
321 of living, existing at the time of separation, in determining alimony in accordance
322 with this section.
- 323 (b) In considering all relevant facts and principles, the court may, in the court's
324 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
327 significantly diminished workplace experience resulting from an agreement
328 between the spouses that the payee reduce the payee's workplace experience to
329 care for a minor child of the payor, [~~it shall be the~~] there is a rebuttable
330 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
332 cause, and the court shall enter specific findings of fact as to the evidentiary basis
333 for its determination.
- 334 (c) This Subsection (4) may not be applied to or used as the basis to modify an alimony
335 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

337 born during the marriage, the court may consider the standard of living that existed at
338 the time of the marriage.

339 (b) In determining alimony when a marriage of short duration dissolves and a minor
340 child has not been conceived or born during the marriage, the court may consider
341 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
343 the income of one of the parties due to the collective efforts of both parties, the court
344 shall consider the change when dividing the marital property and in determining the
345 amount of alimony.

346 (b) If a party's earning capacity has been greatly enhanced through the efforts of both
347 parties during the marriage, the court may make a compensating adjustment in
348 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
350 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
352 action, the court shall count the period of time that the party pays temporary alimony
353 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
355 circumstances or good cause that justify the payment of alimony for a longer period
356 of time than the length of the marriage.

357 Section 8. Section **81-9-208** is amended to read:

358 **81-9-208 . Modification or termination of a custody or parent-time order --**

359 **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
362 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
364 circumstances since the entry of the order.

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

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

369 (b) knows that the individual:

370 (i) is required to register as a sex offender, a kidnap offender, or a child abuse

- 371 offender for an offense committed against a minor child under Title 53, Chapter 29,
372 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,
375 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
377 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
379 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
- 380 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
381 Sexual Exploitation Act; or
- 382 (E) an offense that is substantially similar to an offense under Subsections
383 (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
385 they are not the parents, the court may, after a hearing, modify or terminate an order that
386 established joint legal custody or joint physical custody if:
- 387 (a) the verified petition or accompanying affidavit initially alleges that admissible
388 evidence will show that there has been a substantial and material change in the
389 circumstances of the minor child or one or both parents or joint legal or physical
390 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
392 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
394 in accordance with Subsection 81-9-205(8); or
- 395 (ii) if no dispute resolution procedure is contained in the order that established joint
396 legal custody or joint physical custody, the court orders the parents to participate
397 in a dispute resolution procedure in accordance with Subsection 81-9-205(13)
398 unless the parents certify that, in good faith, they have used a dispute resolution
399 procedure to resolve their dispute.
- 400 (4)(a) In determining whether the best interest of a minor child will be served by either
401 modifying or terminating the joint legal custody or joint physical custody order, the
402 court shall, in addition to other factors the court considers relevant, consider the
403 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

- 405 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
- 408 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
- 410 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
- 412 custody or joint physical custody order, consider reasonable alternatives to preserve the
- 413 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
- 415 this chapter and may order the parents to file a parenting plan in accordance with
- 416 Section 81-9-203.
- 417 (7) A parent requesting a modification from sole custody to joint legal custody or joint
- 418 physical custody or both, or any other type of shared parenting arrangement, shall file
- 419 and serve a proposed parenting plan with the petition to modify in accordance with
- 420 Section 81-9-203.
- 421 (8) If an issue before the court involves custodial responsibility in the event of deployment
- 422 of one or both parents who are service members, and the service member has not yet
- 423 been notified of deployment, the court shall resolve the issue based on the standards in
- 424 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
- 426 frivolously and, in a manner, designed to harass the other party, the court shall assess
- 427 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
- 429 denied, the court shall order the petitioner to pay the reasonable attorney fees expended
- 430 by the prevailing party in that action if the court determines that the petition was without
- 431 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
- 433 visitation order by a grandparent or other member of the immediate family where a
- 434 visitation or parent-time right has been previously granted by the court, the court:
- 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
- 438 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
- 446 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

448 from the parent, if:

- 449 (i) the parent can show that a court determined the other parent knowingly falsified a
- 450 material statement or material information as described in Section 78B-7-208; and
- 451 (ii) the parent lost parent-time as a result of the other parent's falsification of a
- 452 material statement or material information under Section 78B-7-208.

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

456 denied; and

457 (B) that the make-up parent-time occur within two years from the day on which

458 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

460 that was denied to the parent.

461 (c) Subject to Subsection (12)(b)(i), the parent denied parent-time is entitled to decide

462 the time of the make-up parent-time.

463 **Section 9. Effective Date.**

464 This bill takes effect on May 6, 2026.