

Keven J. Stratton proposes the following substitute bill:

Protective Order Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

House Sponsor:

LONG TITLE

General Description:

This bill addresses protective orders.

Highlighted Provisions:

This bill:

- defines terms;
- provides that a party may file a motion alleging that another party knowingly falsified certain information for the purpose of obtaining a protective order;
- allows a court to sanction a party after determining whether a party knowingly falsified certain information for the purpose of obtaining a protective order;
- 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
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

78B-7-208, Utah Code Annotated 1953

78B-7-610, Utah Code Annotated 1953

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.**

32 As used in this chapter:

- 33 (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly
34 causing or attempting to cause another individual physical harm or intentionally or
35 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
38 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,
41 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
48 Stalking Injunctions.
- 49 (7)(a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an
50 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,
54 grandparent, sibling, or any other individual related to the individual by
55 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;
- 62 or

- 63 (ii) the relationship between natural, adoptive, step, or foster siblings who are under
64 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
67 Orders.
- 68 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9,
69 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,
73 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
78 nature, or a relationship which has romance or intimacy as a goal by one or both
79 parties, regardless of whether the relationship involves sexual intimacy.
- 80 (b) "Dating relationship" does not include casual fraternization in a business,
81 educational, or social context.
- 82 (c) In determining, based on a totality of the circumstances, whether a dating
83 relationship exists:
- 84 (i) all relevant factors shall be considered, including:
- 85 (A) whether the parties developed interpersonal bonding above a mere casual
86 fraternization;
- 87 (B) the length of the parties' relationship;
- 88 (C) the nature and the frequency of the parties' interactions, including
89 communications indicating that the parties intended to begin a dating
90 relationship;
- 91 (D) the ongoing expectations of the parties, individual or jointly, with respect to
92 the relationship;
- 93 (E) whether, by statement or conduct, the parties demonstrated an affirmation of
94 their relationship to others; and
- 95 (F) whether other reasons exist that support or detract from a finding that a dating
96 relationship exists; and

- 97 (ii) it is not necessary that all, or a particular number, of the factors described in
98 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
101 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
103 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
106 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
113 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
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
120 general police power and charged with making arrests in connection with enforcement
121 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
123 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
126 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
129 13, Peace Officer Classifications.
- 130 [~~24~~] (25) "Qualifying domestic violence offense" means the same as that term is defined in

131 Section 77-36-1.1.

132 [~~(25)~~] (26) "Respondent" means the individual against whom enforcement of a protective
133 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 **78B-7-208** 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
138 a motion with the court alleging that the petitioner knowingly falsified a material
139 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
141 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
143 motion described in Subsection (1).

144 (4) If the respondent prevails on the motion described in Subsection (1) and the petitioner
145 and respondent to the protective order proceeding are the child's parents:

146 (a) the court may order counseling for the child with a mental health therapist, as defined
147 in Section 58-60-102, chosen by the respondent, for up to 20 sessions at the
148 discretion of the mental health therapist; and

149 (b) the respondent may file a motion or petition with the court with jurisdiction to
150 modify parent-time to award make-up parent-time in accordance with Subsection
151 81-9-208(12).

152 Section 3. Section **78B-7-610** 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
155 a motion with the court alleging that the petitioner knowingly falsified a material
156 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
158 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
160 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 --**
163 **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
166 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
168 circumstances since the entry of the order.
- 169 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a
170 showing by a parent that the other parent:
- 171 (a) resides with an individual or provides an individual with access to the minor child;
172 and
- 173 (b) knows that the individual:
- 174 (i) is required to register as a sex offender, a kidnap offender, or a child abuse
175 offender for an offense committed against a minor child under Title 53, Chapter 29,
176 Sex, Kidnap, and Child Abuse Offender Registry; or
- 177 (ii) has been convicted of:
- 178 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,
179 76-5-109.4, 76-5-114, or 76-5-208;
- 180 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
181 Offenses, other than an offense under Section 76-5-417, 76-5-418, or 76-5-419;
- 182 (C) an offense for kidnapping or human trafficking of a minor child under Title
183 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
- 184 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
185 Sexual Exploitation Act; or
- 186 (E) an offense that is substantially similar to an offense under Subsections
187 (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
189 they are not the parents, the court may, after a hearing, modify or terminate an order that
190 established joint legal custody or joint physical custody if:
- 191 (a) the verified petition or accompanying affidavit initially alleges that admissible
192 evidence will show that there has been a substantial and material change in the
193 circumstances of the minor child or one or both parents or joint legal or physical
194 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
196 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
198 in accordance with Subsection 81-9-205(8); or

199 (ii) if no dispute resolution procedure is contained in the order that established joint
200 legal custody or joint physical custody, the court orders the parents to participate
201 in a dispute resolution procedure in accordance with Subsection 81-9-205(13)
202 unless the parents certify that, in good faith, they have used a dispute resolution
203 procedure to resolve their dispute.

204 (4)(a) In determining whether the best interest of a minor child will be served by either
205 modifying or terminating the joint legal custody or joint physical custody order, the
206 court shall, in addition to other factors the court considers relevant, consider the
207 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
209 physical custody order shall contain written findings that:

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
212 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
214 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
216 custody or joint physical custody order, consider reasonable alternatives to preserve the
217 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
219 this chapter and may order the parents to file a parenting plan in accordance with
220 Section 81-9-203.

221 (7) A parent requesting a modification from sole custody to joint legal custody or joint
222 physical custody or both, or any other type of shared parenting arrangement, shall file
223 and serve a proposed parenting plan with the petition to modify in accordance with
224 Section 81-9-203.

225 (8) If an issue before the court involves custodial responsibility in the event of deployment
226 of one or both parents who are service members, and the service member has not yet
227 been notified of deployment, the court shall resolve the issue based on the standards in
228 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
230 frivolously and, in a manner, designed to harass the other party, the court shall assess
231 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

233 denied, the court shall order the petitioner to pay the reasonable attorney fees expended
234 by the prevailing party in that action if the court determines that the petition was without
235 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
237 visitation order by a grandparent or other member of the immediate family where a
238 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
242 provide or exercise court-ordered visitation or parent-time, including:

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
250 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
252 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
255 material information during a protective order proceeding as described in
256 Section 78B-7-208; and

257 (B) dismissed the underlying protective order on the merits after providing the
258 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
260 material statement or material information during the protective order proceeding;
261 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
266 denied; and

267 (B) that the make-up parent-time occur within two years after the day on which
268 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
270 that was denied to the parent.

271 Section 5. **Effective Date.**

272 This bill takes effect on May 6, 2026.