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First Substitute HB555: Changes to Family Law Actions

This document analyzes proposed 2026 General Session legislation that amends provisions of Utah's family law statutes. The bill modifies how courts award attorney fees and costs in family law cases and requires specific findings about a party's ability to pay for certain temporary orders.

Policy Analysis

This section summarizes key provisions of HB555 and is not intended to be comprehensive.

Attorney Fees and Costs in Family Law Cases (Lines 30–37)

The bill clarifies a court's existing authority to order one party to pay the other party's attorney fees, costs, and witness fees in certain family law cases, including allowing a court to order fees and costs for a motion to modify.

Required Findings for Temporary Orders (Lines 45–48)

For temporary orders in cases concerning custody, parent-time, support, alimony, or property division, the court must make specific findings about each party's ability to pay attorney fees and costs. This requirement applies if either a party requests such an order or the court raises the issue on its own.

Fees for Enforcement Actions (Lines 49–58)

Under current law, a court has discretion to award fees in actions to enforce custody, parent-time, support, alimony, or property division orders. This bill instead requires a court to award reasonable attorney fees and costs to a party who substantially prevails in such an enforcement action, except when the court makes a specific finding that the non-prevailing party is indigent or that the action was not brought to harass, delay, increase litigation costs, or abuse the judicial process. The court may modify the fee award before or as part of the final judgment.

Fees for Frivolous Custody or Parent-Time Modification Petitions (Lines 161-166)

If a petition to modify custody or parent-time is denied, the court must order the petitioner to pay the respondent's reasonable attorney fees and costs if the court finds that (a) the petition was frivolous or lacked a reasonable basis in law or fact, and (b) the petitioner filed it to harass, cause unreasonable delay, needlessly increase litigation costs, or abuse the judicial process. This replaces the prior standard, which required fees if the petition was "without merit" or not "in good faith," with clearer criteria.