Utah Reimbursement of Fees and Costs in Cases Involving Parental Alienating Behavior

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Legislator Cover Letter

Dear [Recipient Name],

I hope this letter finds you well. I am reaching out to respectfully request a 15 to 20 minute Zoom meeting with you to discuss a legislative proposal entitled *Reimbursement of Fees and Costs in Cases Involving Parental Alienating Behavior*. This legislation aims to provide targeted parents with access to justice by ensuring reimbursement of legal fees and court-ordered costs when courts find evidence of parental alienating behavior.

Utah families deserve protections that prioritize the well-being of children and promote accountability when one parent engages in conduct that deliberately damages the child's relationship with the other parent. This bill would create a statutory remedy for victims of such behavior, helping mitigate the financial and emotional toll of prolonged litigation and reunification processes.

Thank you in advance for considering this important proposal. I look forward to the opportunity to connect with you.

Respectfully,
[Sender Name]

Policy Background – Utah

Utah law prioritizes the best interest of the child in all matters concerning custody and parent-time, as codified in Utah Code § 30-3-10. However, current statutes do not provide a clear enforcement mechanism for cases where one parent engages in parental alienating behavior, such as manipulation, interference, or deliberate obstruction of the child's relationship with the other parent.

The Utah courts recognize parental alienating behavior as damaging to the parent-child relationship, yet the burden of litigation and court-ordered reunification services often falls unfairly on the targeted parent. Utah also allows for appointment of custody evaluators, parenting coordinators, and mental health professionals, which can create

significant expenses for the targeted parent without any statutory mechanism for cost recovery.

This proposal creates a much-needed statutory remedy within Utah's family law framework, modeled on successful provisions passed in other jurisdictions. It holds offending parties accountable and provides financial relief to the harmed parent when the court makes a finding of parental alienating behavior.

Proposed Amendment to the Utah Code

Reimbursement of Fees and Costs in Cases Involving Parental Alienating Behavior

Amended by: Robert Garza

Utah Code Title 30A – Family Law
Chapter 3 – Divorce

30A-3-36. Parental Alienating Behavior.

(1) **"Parental alienating behavior"** means intentional conduct by a parent that substantially interferes with a child's relationship with the other parent, including:

(a) repeated disparagement of the other parent;

(b) interference with court ordered parent time, communication, or access;

(c) encouraging the child to reject or fear the other parent without lawful justification;

(d) coaching or encouraging false allegations against the other parent;

(e) involving the child in adult disputes or litigation;

(f) creating guilt, fear, or anxiety in the child for expressing love or affection toward the other parent;

(g) withholding material information concerning the child's health, education, or welfare from the other parent; or

(h) engaging in other intentional conduct intended to substantially impair the parent child relationship.

(2) Conduct described in this section may contribute to recognized parent child relational problems described in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM 5 TR)*, including **Parent Child Relational Problem (ICD 10 CM Z62.820)** and **Child Affected by Parental Relationship Distress (ICD 10 CM Z62.898).** This section regulates conduct and does not create or recognize a mental health diagnosis.

30A-3-37. Reimbursement of Fees and Costs Upon Finding Evidence of Parental Alienating Behavior.

(1) In an action affecting custody, parent time, or the parent child relationship, if the court finds that a party has engaged in parental alienating behavior as defined in **Section 30A-3-36**, the court shall order that the targeted parent be reimbursed by the offending party for:

(a) all reasonable and necessary attorney fees incurred by the targeted parent as a direct result of litigating the issue of parental alienating behavior;

(b) all costs associated with supervised parent time, reunification therapy, parenting coordination, counseling, or other professional services ordered by the court to address or remedy the harm caused by the parental alienating behavior;

(c) all fees charged by court appointed professionals, including custody evaluators, guardians ad litem, parenting coordinators, reunification therapists, or other experts whose appointment was necessitated by the parental alienating behavior; and

(d) any other reasonable litigation expenses or remedial costs the court determines were directly caused by the parental alienating behavior.

(2) The court may not waive reimbursement under this section unless the court finds by clear and convincing evidence that reimbursement would result in an undue financial hardship on the party ordered to pay and that the hardship substantially outweighs the need for accountability and the best interest of the child.

(3) An order issued under this section is in addition to, and does not limit, any other remedy or sanction authorized under this title, including modification of legal custody,

physical custody, parent time, decision making authority, or any other order the court determines is in the best interest of the child.

(4) Nothing in this section limits the authority of the court to enter any additional order necessary to protect the best interest of the child or to restore and preserve the child's relationship with both parents when appropriate.