

Domestic Violence Implementation Lab

Interjurisdictional Service in Utah

A Resource from the
Pandemic Rapid Response Team

August 2022



	Ex Parte Protective Order (Temporary/Emergency)	Final Protective Order
Statute	Utah Code 78B-7	
Terminology	Ex Parte Civil Protective Order/ Temporary Protective Order	Civil Protective Order
Length of Order	Up to 180 days, unless otherwise ordered by the court	Up to 3 years, unless otherwise ordered by the court
Available Relief	<p>For all protective order types:</p> <ul style="list-style-type: none"> • Prohibit the respondent from threatening to or committing violence (domestic violence, sexual violence, dating violence, stalking, or child abuse) or abuse; • Prohibit the respondent from telephoning, contacting, or otherwise communicating with the protected parties, directly or indirectly; • Order that the respondent be excluded from and stay away from the protected parties' residence, school, place of employment/worship etc. <p>For Cohabitant Abuse Protective Orders:</p> <ul style="list-style-type: none"> • Prohibit the respondent from being within a specified distance of the petitioner; • Upon finding that the respondent's use or possession of a weapon may pose a serious threat of harm to the petitioner, prohibit the respondent from purchasing, using, or possessing a firearm or other weapon specified by the court; 	<p>In addition to relief provided by a ex parte order:</p> <p>For Cohabitant Abuse Protective Orders:</p> <ul style="list-style-type: none"> • Grant long-term custody/visitation rights of a minor child of the parties <p>Order the respondent to transfer the wireless phone number and account to a protected party in accordance with Utah Code 78B -7-117</p> <p>For Dating Violence Protective Orders:</p> <ul style="list-style-type: none"> • prohibit the respondent from purchasing, using, or possessing a weapon specified by the court.

<p>Available Relief (continued)</p>	<ul style="list-style-type: none"> • Order possession and use of an automobile and other essential personal effects, • Order the respondent to maintain an existing wireless telephone contract or account; • Grant to the petitioner or someone other than the respondent temporary custody of a minor child of the parties; • Prohibit the respondent from physically injuring or threatening to injure a household animal owned or kept by the petitioner or respondent. Prohibit the respondent from taking possession of a household animal that is owned or kept by the petitioner; <p>For Child Protective Orders:</p> <ul style="list-style-type: none"> • Prohibit the respondent from purchasing, using, or possessing a firearm or other specified weapon; and • Determine ownership and possession of personal property; • Determine temporary custody of the child who is the subject of the petition; • Determine parent-time with the child who is the subject of the petition; • Determine support in accordance with Title 78B, Chapter 12, Utah Child Support Act; <p>For Dating Violence Protective Orders:</p> <ul style="list-style-type: none"> • Prohibit the respondent from being within a specified distance of the petitioner; • Prohibit the respondent from physically injuring or threatening to injure a household animal owned or kept by the petitioner or respondent. Prohibit the respondent from taking possession of a household animal that is owned or kept by the petitioner; 	
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<p>Available Relief (continued)</p>	<p>For Sexual Violence Protective Orders:</p> <ul style="list-style-type: none"> • Prohibit the respondent from being within a specified distance of the petitioner <p>For Civil Stalking Injunctions:</p> <ul style="list-style-type: none"> • If the petitioner and respondent have minor children, the court shall follow the provisions of Section 78B-7-603 and take into consideration the respondent's custody and parent-time rights while ensuring the safety of the victim and the minor children. • Otherwise communicating with the protected parties, directly or indirectly; • Order that the respondent be excluded from and stay away from the protected parties' residence, school, place of employment/worship etc.; • Prohibit the respondent from purchasing, using, or possessing a firearm or other weapon specified by the court; • Grant possession/use of an automobile and other essential personal effects to the petitioner; • Order the respondent to maintain/transfer an existing wireless telephone contract or account; • Grant temporary custody/visitation rights of a minor child of the parties; • Prohibit the respondent from physically injuring, threatening to injure, or taking possession of a household animal that is owned or kept by the petitioner; • Prohibit the respondent from physically injuring or threatening a household animal; • Grants child/other spousal support; • Other relief as ordered by the court. 	
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Protected Parties	<ul style="list-style-type: none"> • Spouse/former spouse; person living as if a spouse of the other party; • Parent/grandparent/sibling • Has children in common with other party (including pregnant) • Lives with other party • Is or was in a dating and/or consensual sexual relationship with the other party
Tribal Jurisdictions	<p>Federally Recognized Tribe:</p> <ul style="list-style-type: none"> • Confederated Tribes of the Goshute Reservation (Nevada and Utah) • Navajo Nation (Arizona, New Mexico, and Utah) • Northwestern Band of Shoshoni Nation • Paiute Indian Tribe of Utah <ul style="list-style-type: none"> ○ Cedar Band of Paiutes ○ Kanosh Band of Paiutes ○ Koosharem Ban of Paiutes ○ Indian Peaks Band of Paiutes ○ Shivwits Band of Paiutes • Skull Valley Band of Goshute Indians of Utah • Ute Indian Tribe of the Uintah and Ouray Reservation • Ute Mountain Ute Tribe (Colorado, New Mexico, and Utah) <p>State Recognized Tribes: None</p> <ul style="list-style-type: none"> • Processes on Tribal Jurisdictions: Unknown
Requirements for Service	<ul style="list-style-type: none"> • Court shall: <ul style="list-style-type: none"> ○ Deliver the order to the county sheriff for service of process as soon as possible ○ Transmit a copy of the order to the statewide domestic violence network • County sheriff/law enforcement shall: <ul style="list-style-type: none"> ○ Provide expedited service for protective orders • Transmit verification of service of process to the statewide domestic violence network
Registration Required for Enforcement	<ul style="list-style-type: none"> • Not required

Military Jurisdictions	<p>Military Bases:</p> <ul style="list-style-type: none"> • 151st ARW • Dugway Proving Ground • Hill AFB • USAREC (Salt Lake City Battalion) <p>• Processes on Military Bases: Unknown</p>
<p>Other Information</p>	<p>None</p>

Out of State Service Fees¹:

None

For more information, please contact State Point of Contact Amy Hernandez (amymh@utcourts.gov).

If you would like to provide suggestions/feedback on this Profile, visit:
https://ncsc2.iad1.qualtrics.com/jfe/form/SV_eQzzYCcGK38Q64C

¹ Courts should not charge a victim of domestic violence, dating violence, stalking, or sexual assault any costs associated with the filing, issuance, registration, or service of protection orders, whether issued by civil or criminal courts, including intra- and inter-jurisdictional orders. This no-cost provision also applies to any fees or costs associated with a criminal matter related to domestic violence, stalking, dating violence, and sexual assault (42 U.S.C. § 3796 hh(c)(4)). Charging any of these costs will render a jurisdiction ineligible for certain VAWA funds.