

Modified Temporary Protective Order

Ex Parte Order
(Utah Code 78B-7-603)

Case Number: _____ District: _____

County: _____ State: Utah

Judge: _____

Commissioner: _____

Petitioner (*protected person*):

First Name Middle Last

Address and phone # (*to keep private, leave blank*):

Street

City --- State --- Zip

Phone #

Petitioner's date of birth: _____

Petitioner's attorney (if any): _____ Phone # _____

Other people protected by this order

Name	Age	Relationship to Petitioner
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Respondent

(*person Petitioner is protected from*):

First Name Middle Last

Other Names Used

Relationship to Petitioner: _____

Address (*street*): _____

City --- State --- Zip

Describe Respondent

Sex	Race	Date of Birth	Ht.	Wt.
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_____	_____	_____	_____	_____
Eyes	Hair	Social Security #		
		(only the last 4 numbers)		

Distinguishing features (*like scars, tattoos, limp, etc.*)

Driver's license issued by (*State*): _____ Expires: _____

Warning! ☐ Weapon involved (Box to be initialed by Court, if applicable)

Findings: The Court has reviewed the *Request to Modify the Temporary Protective Order* and finds it has continuing jurisdiction over the parties and this case; there is reason to believe the existing order listed immediately below should be modified; the Respondent will be served notice of his/her opportunity to be heard at the scheduled hearing, and there is a substantial likelihood that Respondent immediately threatens Petitioner's physical safety.

☐ The petitioner is an intimate partner of the respondent.

The term "intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person. 18 USC Sec. 921 (a) (32).

☐ The party to be protected is the child of an intimate partner of the respondent.

The Court orders the Respondent to obey all orders initialed on this form and to not abuse, or threaten to abuse, anyone protected by this order.

☐ **You must not have any contact with the Petitioner.**

<p>(The court fills out this section)</p> <p>This order lasts until the hearing on:</p> <p>_____</p> <p><i>Month – Day – Year</i></p> <p>Or later, if the Court extends time for service.</p>

Warnings to the Respondent:

- This is a court order. No one except the court can change it. You can tell your side when you go to court. If you do not obey this order, you can be arrested, fined, and face other charges.
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory or tribal land to violate this order, a federal judge can send you to prison.
- **No guns or firearms!** (See item 5.)

To: (Respondent's name): _____

Go to the court hearing on the date listed below. If you do not go to the hearing, the judge can make orders without hearing your side.

Date: _____ **Time:** _____ ☐ a.m. ☐ p.m. **Judicial Officer:** _____

Address: _____ **Room:** _____

Respondent must obey all orders marked below.

Criminal orders (you can be arrested for violating these)

If you (respondent) violate orders 1-6 it is a criminal Class A Misdemeanor, punishable by up to 364 days in jail and a fine. A second or subsequent violation can result in more severe penalties.

- 1 ☐ **Personal Conduct Order** Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on the first page of this form. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.
- 2 ☐ **No Contact Order** Do not contact, phone, mail, e-mail, or communicate in any way with the Petitioner and the people listed on the first page of this order either directly or indirectly except as allowed by the parent-time provisions of this order.
- 3 ☐ **Contact for Mediation** You are allowed to have contact with the Petitioner **only** during court mediation sessions for your divorce or custody case that are scheduled with a Court Qualified Mediator.
- 4 ☐ **Stay Away Order**
- ☐ a. Stay at least _____ (distance) from the Petitioner.
- ☐ b. Stay away from Petitioner's
- Home: _____ (address)
- Work : _____ (address)
- School: _____ (address)
- Place of worship: _____ (address)
- ☐ c. Must comply with the following restrictions while at Respondent's and Petitioner's
- Work : _____ (address)
- _____
- _____
- School: _____ (address)
- _____
- _____
- Place of worship: _____ (address)
- _____
- _____
- ☐ d. Stay away from the people listed on the first page of this form at their:
- Home: _____ (address)
- Work : _____ (address)
- The respondent ☐ does ☐ does not work at the same place as the people listed on the first page of this form.
- School: _____ (address)
- The respondent ☐ does ☐ does not go to the same school as the people listed on the first page of this form.

Place of worship: _____ (address)

The respondent ☐ does ☐ does not attend the same place of worship as the people listed on the first page of this form.

- ☐ e. Must comply with the following restrictions while at Respondent's and the people listed on the first page of this form's:

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

- ☐ f. Other (specify): _____

- 5 ☐ **No Guns or Other Weapons** The Court finds that your use or possession of a weapon poses a serious threat of harm to the Petitioner. You cannot possess, have, or buy a gun or firearm or any of these weapons: _____

***Warning!** If a final protective order is issued against you after the hearing, you will then become subject to the federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.*

- 6 ☐ **Property Orders** Until the hearing, only the Petitioner can use, control and possess the following property and things, but cannot dispose of this property without court approval:

- ☐ a. Home at (address):

- ☐ b. Car, truck or other property (describe):

Civil orders (you can be held in contempt of court for violating these)

If you (respondent) violate orders 7-15, you will be in contempt of court and may be punished with jail time and fines.

- 7 ☐ **Property Orders**

- ☐ You cannot interfere with or change Petitioner's phone, utility or other services.

☐ You must maintain Petitioner's existing wireless phone contracts or accounts.

- 8 ☐ **No Harming Pets** Do not physically injure or threaten to injure a pet that is:
☐ a. Owned or kept by the Petitioner. Do not take possession of the Petitioner's pet.
☐ b. Owned or kept by you.

9 ☐ **Transfer Wireless Phone Number(s)**

You must transfer the Petitioner's current wireless phone number(s) to a new account of their choice.

The court will issue a separate order to the wireless service provider to transfer Petitioner's wireless phone number(s) to a new account.

- 10 ☐ **Proof of Income** You and Petitioner must bring the following proof of income to the hearing: pay stubs or employer statements for this year, and complete tax returns for the most recent year.

11 ☐ **Child Custody & Parent-time Orders**

☐ The Petitioner (the person asking for protection)

☐ _____ (name)

will have temporary custody of the minor children of the parties listed below. The person with custody may give a copy of this order to the principal or director of the child's school or daycare. If you do not obey the custody and parent-time orders listed here, the person with custody may ask for the court's help by filing a motion to enforce the order:

☐ You will have parent-time as follows: _____

If there is a "No Contact" order, you can communicate with the Petitioner or the person with custody only about parent-time matters through:

- 12 ☐ **No Parent Time** No parent time is allowed until the scheduled hearing.

- 13 ☐ **No Alcohol or Illegal Drugs** Do not use alcohol or illegal drugs before or during visitation.

- 14 ☐ **No Travel with Children** Do not take the children listed above out of the state of Utah.

- 15 ☐ **Other Orders** (*List below*): _____

Orders to Agencies

- 16 ☐ **Law Enforcement to Assist** A law enforcement officer from: _____
will enforce the orders checked below:

- ☐ a. Help the Petitioner gain and keep control over home, car or other personal belongings.
- ☐ b. Help the Petitioner obtain custody of the children.
- ☐ c. Help the ☐ Respondent or ☐ Petitioner remove essential personal belongings from the home.

"Essential personal belongings" means daily use items, such as clothing, medications, jewelry, toiletries, financial or personal records solely in one person's name, or items needed to work at a job or go to school.

Warning to the Respondent: Do not go to the home or other protected places without the officer. Law enforcement can evict you or keep you away from protected places, if needed.

17 ☐

Investigate Possible Child Abuse

This matter will be referred to the Division of Child and Family Services for review and possible investigation of child abuse.

18 ☐

Guardian for your children

The court appoints an attorney to speak for the best interests of the children in this case.

Notice to the Petitioner: The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent. (Utah Code 78B-7-105(6)(c)).

Date: _____ Time: _____ ☐ a.m. ☐ p.m. _____

Judge (printed name) _____

Attendance

You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

Evidence

Bring with you any evidence that you want the court to consider.

Interpretation

If you do not speak or understand English, the court will provide an

Asistencia

Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.

Pruebas

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

Interpretación

Si usted no habla ni entiende el Inglés el tribunal le proveeré un intérprete. Contacte

<p>interpreter. Contact court staff immediately to ask for an interpreter.</p> <p>ADA Accommodation If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.</p> <p>Finding help The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.</p>	<p>a un empleado del tribunal inmediatamente para pedir un intérprete.</p> <p>Adaptación o Arreglo en Caso de Discapacidad Si usted requiere una adaptación o arreglo, que incluye un intérprete de la lengua de signos americana, contacte a un empleado del tribunal inmediatamente para pedir una adaptación.</p> <p>Cómo encontrar ayuda legal La página de la internet del tribunal Cómo encontrar ayuda legal (www.utcourts.gov/howto/legalassist/index-sp.html/) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.</p>
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