

Protective 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 |
|-------|-------|----------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

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.

Eyes Hair Social Security #
(only the last 4 numbers)

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

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

Phone Number: _____

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

There was a hearing on (date): _____. The Respondent was given notice and an opportunity to be heard in the hearing that gave rise to this order. The following people were present at the hearing:

Petitioner Petitioner's attorney (name): _____

Respondent Respondent's attorney (name): _____

Other (name) _____

The Court reviewed the Request for Protective Order and received argument and evidence, accepted the stipulation of the parties, entered the default of the Respondent for failure to appear,

finds that domestic violence or abuse has occurred or there is substantial likelihood of abuse or domestic violence by the Respondent, finds that a minor child witnessed the abuse or domestic violence, and makes the orders initialed below.

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 to the respondent.

Mutual Protective Order (Utah Code 78B-7-108)

The court is entering a mutual protective order because:

- each party filed an independent petition against the other for a protective order and both petitions are served
- each party has made a showing at a due process protective order hearing because of abuse or domestic violence committed by the other party; and
- each party demonstrates the abuse or domestic violence did not occur in self-defense.

Warnings:

- This is a court order. No one except the court can change it. 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 paragraph 5.)

Violence Against Women Act of 1994, 18 U.S.C. Sec. 2265, 2262, 18 U.S.C. 922(g)(8)

Respondent must obey all provisions initialed 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 during Mediation** -- You are allowed to have contact with the Petitioner **only** during 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 further court order, 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 in held contempt of court for violating these)

If you (respondent) violate orders 7-14, 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 **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 person with custody only about parent-time matters through:

11 [] **No Alcohol or Illegal Drugs** -- Do not use alcohol or illegal drugs before or during visitation.

12 [] **No Travel with Children** -- Do not take the children listed above out of Utah.

13 [] **Child Support, Spousal Support and other Expenses** -- The Respondent will:

- a. Pay \$ _____ / month in child support.
- b. Have child support withheld from the Respondent's earnings. (*Utah Code 62A-11, Parts 4 and 5*)
- c. Pay \$ _____ / month in spousal support.
- d. Pay 50% of the minor children's childcare expenses.
- e. Pay 50% of the minor children's medical expenses, including premiums, deductibles and co-payments.
- f. Pay \$ _____ for the minor children's medical expenses related to the abuse and
\$ _____ for the Petitioner's medical expenses related to the abuse.

14 [] **Other Assistance Needed** (*List below any other orders needed to protect you and other protected people listed on page 1 of this form*): _____

Orders to Agencies

15 [] **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 into the home or other protected places without the officer.. Law enforcement can evict you or keep you away from protected places, if needed.

16 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.

Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. (Utah Code 78B-7-105.5(4)).

| |
|---|
| <p>Paragraphs 1-6 of this protective order expires in three years, on</p> <p>_____ (date)</p> <p>(Utah Code 78B-7-606)</p> |
| <p>Paragraphs 7-14 of this protective order expire in 150 days, on</p> <p>_____ (date)</p> <p>(Utah Code 78B-7-606)</p> <p>The court could extend the expiration date for paragraphs 7-13.</p> |

Notice to 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)).

The respondent can ask to dismiss the **criminal provisions** of this protective order **within two years** of the date the order is issued, but only if the petitioner agrees to the dismissal. (Utah Code 78B-7-603(10)).

If you receive services from the Office of Recovery Services (ORS) and want to keep your address confidential, you must give ORS a copy of your current Protective Order.

— The Court fills out below —

Judge or commissioner's signature may instead appear at the top of the first page of this document.

| | | |
|-------|--------------|-------|
| _____ | Signature ► | _____ |
| Date | Commissioner | _____ |
| _____ | Signature ► | _____ |
| Date | Judge | _____ |

— The Respondent fills out below —

By signing here, the Respondent approves the form, and accepts service of this Protective Order and waives the right to be personally served.

Respondent's Address

| | | | |
|---------------|-------------|--------------|------------|
| <i>Street</i> | <i>City</i> | <i>State</i> | <i>Zip</i> |
|---------------|-------------|--------------|------------|

Respondent's Signature _____