

Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Transfer from Justice Court to District Court on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

Name _____

Address _____

City, State, Zip _____

Phone _____

Email _____

Check your email. You will receive information and documents at this email address.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)

In the District Court of Utah _____

_____ Judicial District _____ County

Court Address _____

Commented [NP1]: There will be a different form number with a different heading and caption for juvenile court, but the substance of the form will be the same

Plaintiff/Petitioner _____

v. _____

Defendant/Respondent _____

Petition to Expunge Civil Protective Order or Civil Stalking Injunction
(Utah Code 78B-7-1003)

Case Number _____

Judge _____

1. I am the respondent **in** a civil protective order or civil stalking injunction **case**. I ask the court to expunge the records in this case.

2. The last protective order or stalking injunction in this case was: (choose one)

☐ a temporary order issued against me without notice, and ~~to me (ex parte)~~, and:

- was dismissed, dissolved, or expired after a hearing.
- the court did not issue a final order.
- at least 30 days have passed from the day on with the ex parte civil protective order or civil stalking injunction was issued.

☐ the petitioner did not attend the hearing.

☐ a final order ~~issued after a hearing~~, and:

- it has been dismissed, dissolved, vacated, or expired.

Commented [NP2]: The form only includes the substantive screening for 78B-7-1003(4)(a) and (5). The screening under (4)(b) does not present different criteria from (4)(a) because if Petitioner does not appear at the hearing, the court will dismiss, dissolve, or expire the temporary order. Furthermore, the waiting time for (4)(b) is longer than the waiting time at line for 4(a), so it is unclear why a party would ever choose to proceed under (4)(b), but by checking the option box, a party can signal to the court that they wish to proceed under both (4)(a) and (4)(b).

Commented [KT3]: Final civil stalking injunctions do not always involve a hearing. They can go into effect without one. POs require a hearing.

- three years have passed from the day of the dismissal, dissolution, vacation, or expiration.

3. I have not been arrested, charged, or convicted for violating the civil protective order or civil stalking injunction.

4. The history of this protective order case could be in these other cases:

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Person involved	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Person involved	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Commented [KT4]: This does not seem to be in the statute. Should it be removed?

Commented [NP5]: This is so the JA will know if there are other affected cases, like a DV or PA case

Does this information need to go in the order?

5. There are no criminal proceedings pending against me in Utah.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

 Date
 Signature ► _____
 Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

 Date
 Signature ► _____
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

**Order on Petition to Expunge Civil
Protective Order or Civil Stalking
Injunction**

Case Number

Judge

The matter before the court is a Petition to Expunge Civil Protective Order or Civil Stalking Injunction. This matter is being resolved by:

☐ The pleadings and other papers of the parties, or

☐ A hearing held on _____ (date). Notice of this hearing was served on all parties. ~~and at which the court considered the pleadings and evidence presented by the parties.~~

Having considered the documents filed with the court, the evidence, and the arguments, and now being fully informed,

The Court Finds that:

1. The statutory requirements for expungement of a civil protective order or civil stalking injunction:

- ☐ have been met.
- ☐ have not been met.

2. The petition:

- ☐ should be granted.
- ☐ should not be granted.

Commented [KT1]: Guy is not sure if #2 needs to be there.

The Court Orders:

3. The petition to expunge civil protective order or civil stalking injunction is:

- ☐ granted. This matter is expunged.
- ☐ not granted.

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

Date

Signature ► _____
Judge _____

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Petition to Expunge Eviction
(Utah Code 78B-6-853)

Case Number

Judge

1. I ask to expunge all records in this case. The eviction was for: (choose all that apply)
☐ remaining after the end of the lease (Utah Code 78B-6-802(1)(a).
☐ nonpayment of rent (Utah Code 78B-6-802(1)(c).
2. A satisfaction of judgment has been filed or there was no judgment **to pay money.**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

**Objection to Petition to Expunge
Eviction**

(Utah Code 78B-6-853)

Case Number

Judge

1. I am a party to this case.
2. I object to the Petition to Expunge Eviction.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.
Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the District Court of Utah

Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

**Order on Petition to Expunge
Eviction**

Case Number

Judge

The matter before the court is a Petition to Expunge Eviction. This matter is being resolved by:

☐ The pleadings and other papers of the parties, or

☐ A hearing held on _____ (date). Notice of this hearing was served on all parties. ~~and at which the court considered the pleadings and evidence presented by the parties.~~

Commented [KT1]: Does HB 359 even allow for a hearing?

Having considered the documents filed with the court, the evidence, and the arguments, and now being fully informed,

The Court Finds that:

1. The petition is sufficient.
2. The judgment **to pay money** in this case:

☐ was satisfied or there was never a judgment entered.
☐ has not been satisfied.

3. An objection to the petition:

☐ was not filed.
☐ was filed.

The Court Orders:

4. The petition is:

☐ granted. All records of this eviction case are expunged.
☐ denied.

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

Date

Signature ► _____
Judge _____

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Petition for Relief Under the Post-Conviction Remedies Act

Utah Code Section 78B-9-101 et seq.
Utah Rule of Civil Procedure 65C

Case Number

Judge

Notice to the Petitioner:

Before completing this form, please read it carefully. If you have any questions, contact an attorney. Court clerks are not allowed to give legal advice. Attach additional sheets of paper as necessary to complete your answers. Show the question number from this form on the additional sheet of paper.

I. Name of Respondent (check one)

☐ Conviction of Felony

☐ Conviction of Misdemeanor or Ordinance

☐ Conviction of Misdemeanor or Ordinance

State of Utah

County of: _____

Municipality of: _____

II. Identification of Current and Related Cases

1. (a) Name of court that entered the judgment being challenged:

- (b) Location of court: _____

- (c) Case number: _____

2. Date of judgment being challenged: _____

3. Sentence:

4. Nature of offense involved (all counts):

5. What was your plea? (check one)

- ☐ Not guilty
☐ Guilty
☐ No contest
☐ Guilty and mentally ill
☐ Not guilty by reason of insanity

6. If you entered a plea of guilty to some counts, and a not guilty plea to other counts, give your plea to each count:

7. If you plead not guilty or not guilty by reason of insanity, was the trial before a

☐ Jury ☐ Judge

8. Did you testify at the trial?

☐ Yes ☐ No

9. Did you appeal from the conviction or sentence?

☐ Yes ☐ No

10. If your answer is "yes," provide the following information:

(a) Name of Appellate Court: _____

(b) Case Number: _____

(c) Result:

(d) Date of result or citation of opinion: _____

(e) Grounds raised:

(f) Did you seek further review of this appeal?

☐ Yes ☐ No

(g) If your answer is "yes," provide the following information:

(1) Name of Reviewing Court: _____

(2) Case number: _____

(3) Result:

(4) Date of result or citation of opinion: _____

(5) Grounds raised:

11. If you did not appeal from your conviction or sentence, why not?

12. (a) Other than your direct appeal from your conviction or sentence, have you filed any petitions, applications, or motions with respect to this conviction or sentence in any court, state or federal?

☐ Yes ☐ No

(b) If your answer is "yes," provide the following information:

(1) Name of Court: _____

(2) Case number: _____

(3) Result:

(4) Date of result or citation of opinion: _____

(5) Grounds raised:

(c) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☐ No

(d) Did you appeal the decision on your petition, application, or motion?

☐ Yes ☐ No

(e) If your answer is "yes," provide the following information:

(1) Name of Court: _____

(2) Case number: _____

(3) Result:

(4) Date of result or citation of opinion: _____

(5) Grounds raised:

13. (a) Other than the case described in question 12, have you filed any further petitions, applications or motions with respect to this conviction or sentence in any court, state or federal?

☐ Yes ☐ No

(b) If your answer is "yes," provide the following information:

(1) Name of Court: _____

(2) Case number: _____

(3) Result:

(4) Date of result or citation of opinion: _____

(5) Grounds raised:

- (c) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☐ No

- (d) Did you appeal the decision on your petition, application, or motion?

☐ Yes ☐ No

- (e) If your answer is “yes,” provide the following information:

(1) Name of Court: _____

(2) Case number: _____

(3) Result:

(4) Date of result or citation of opinion: _____

(5) Grounds raised:

14. (a) Do you have any petition, appeal, or motion now pending in any court, state or federal, relating to the judgment being challenged?

☐ Yes ☐ No

- (b) If your answer is “yes,” provide the following information:

(1) Name of Court: _____

(2) Case number: _____

(3) Nature of Proceeding:

III. Grounds for Relief

Notice to the Petitioner: You may be barred from presenting additional grounds in a future post-conviction petition if you fail to present any grounds that you could present here but do not.

The following is a list of the most frequently raised grounds for relief in post-conviction proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You should raise in this petition any of these grounds that apply **and any other grounds not listed** that you may have available.

Do not merely check the grounds listed. If you believe any of these grounds apply to you, **you must allege facts.** The petition will be returned to you if you merely check a ground and fail to list necessary facts or attach supporting documentation.

- (a) Conviction or sentence obtained by plea of guilty that was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction or sentence obtained by use of coerced confession.
- (c) Conviction or sentence obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction or sentence obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction or sentence obtained by a violation of the privilege against self-incrimination.
- (f) Conviction or sentence obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction or sentence obtained by a violation of the protection against double jeopardy.
- (h) Conviction or sentence obtained by action of a grand or petit jury that was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Conviction or sentence under an unconstitutional statute or constitutionally protected conduct.
- (k) The prosecutor knowingly failed to correct false testimony at trial or at sentencing, and there is a reasonable likelihood the false testimony could have affected the judgment of the fact finder.

15. State concisely every ground on which you claim you are entitled to post-conviction relief. Summarize briefly the facts supporting each ground. If necessary, you may attach additional pages stating additional grounds and facts supporting same.

(a) Ground One: _____

Supporting facts for Ground One (state briefly without citing law or making argument):

(b) Ground Two: _____

Supporting facts for Ground Two (state briefly without citing law or making argument):

(c) Ground Three: _____

Supporting facts for Ground Three (state briefly without citing law or making argument):

(d) Ground Four: _____

Supporting facts for Ground Four (state briefly without citing law or making argument):

-
-
16. If any of the grounds listed above were not previously presented in any other court, state or federal, state briefly which grounds were not presented and your reasons for not presenting them:

17. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment being challenged:

- (a) Preliminary hearing: _____
- (b) Arraignment and plea: _____
- (c) Trial: _____
- (d) Sentencing: _____
- (e) Appeal: _____
- (f) Post-conviction proceeding: _____
- (g) Appeal from post-conviction proceeding: _____

18. (a) Do you have any future sentence to serve after you complete the sentence imposed by the judgment being challenged?

[] Yes [] No

- (b) If your answer is "yes," give the following information:

- (1) Name of Court: _____
- (2) Location: _____
- (3) Case number: _____

IV. Required Attachments

Notice to the Petitioner: If you do not attach the required copies or provide an explanation why you cannot provide them, this petition will not be filed and will be

returned to you. You may then lose your right to file a petition if the statute of limitations expires before you file another petition.

19. Attach a copy of the following documents to this petition or provide an explanation why you cannot provide the copies.
- (a) The judgment and commitment being challenged.
 - (b) Any decision issued by an appellate court from the direct appeal.
 - (c) Any previously-~~filed~~ petition for post-conviction relief, and any decision issued as a result.
 - (d) Affidavits, documents, or other ~~records, or other documentary~~ evidence that support your claim.
 - (e) ~~An affidavit of impecuniosity and~~ A certificate from the Inmate Accounting Office, if you are ~~requesting asking the court to waive your a waiver of the~~ filing fee.
 - (f) Memorandum of Points and Authorities.
 - (g) A Declaration of Financial Status (Criminal) if you are asking for a court-appointed lawyer.
20. [] I ~~request ask the court to appoint a lawyer a court-appointed attorney to help me with this petition for post-conviction relief represent me in this case. I am filing a Declaration of Financial Status (Criminal) with this petition.~~

V. Petitioner's Signature

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

VI. Certification of Attorney (If the petitioner is represented by an attorney)

I certify that I am the attorney for the petitioner, and that this petition complies with Rule 11, Utah Rules of Civil Procedure.

Date

Signature ► _____
Printed Name _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

**Acknowledgment of
Firearm Restriction**

(Utah Code 76-10-503.1)

Plaintiff _____

v. _____

Case Number _____

Defendant _____

Judge _____

1. ☐ **Firearm and ammunition restriction as a result of entering a plea.**

I acknowledge that before entering a guilty plea, guilty and mentally ill plea, no contest plea, or plea in abeyance, my attorney or the prosecuting attorney informed me that:

- my plea will classify me as a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, own, ~~or imply that I own or possess~~ a firearm (as defined by federal and state law) or ammunition;
- I will have to give up my firearms and ammunition;
- there will be additional criminal charges and penalties if I violate this restriction, which under state law can include (choose one, based on the charges):

(For a Category I restricted person)

- ☐ charges for a second degree felony: 1-15 years in prison, up to \$10,000 +90% surcharge; and

(For a Category II restricted person)

- ☐ charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge; and

- there can be additional penalties under federal law if I violate this restriction.

By pleading guilty, no contest, or entering a plea in abeyance:

- I will be a restricted person;

Commented [NP1]: General counsel says this clause should be omitted because it violates the First Amendment

- upon conviction, I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- I will be in violation of federal and state law if I violate this restriction.

2. ☐ Firearm and ammunition restriction as a result of a conviction from trial.

My conviction is the result of being found guilty at trial. I acknowledge that my attorney, the prosecuting attorney, or the court verbally informed me that:

- I am now a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, own, or ~~imply that I own or possess~~ a firearm (as defined by federal and state law) or ammunition;
- I will have to give up my firearms and ammunition;
- there will be additional criminal charges and penalties if I violate this restriction, which under state law can include (choose one, based on the charges):

(For a Category I restricted person)

- ☐ charges for a second degree felony: 1-15 years in prison, up to \$10,000 +90% surcharge; and

(For a Category II restricted person)

- ☐ charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge; and

- there can be additional penalties under federal law if I violate this restriction.

Now that I have been convicted, I acknowledge and understand that:

- I am a restricted person;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- I will be in violation of federal and state law if I violate this restriction.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date Signature ►

Printed Name

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)
 ☐ Prosecutor (Utah Bar #: _____)

 In the ☐ District ☐ Justice Court of Utah
 _____ Judicial District _____ County
 City of _____
Court Address _____

_____ Prosecution	Request for Pretrial Protective Order (Utah Code 78B-7-803)
v.	_____ Case Number
_____ Defendant	_____ Judge

1. Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

☐ I ask to protect additional victims. Attached is a sheet of paper that includes each additional victim's first and last name and relationship to the defendant.

2. Defendant:

First name:	
Middle name or initial (if any):	
Last name:	

3. Relationship with the defendant

The protected person (choose all that apply):

- ☐ is married to the defendant.
- ☐ is divorced from the defendant.
- ☐ lives with the defendant as a couple.
- ☐ used to live with the defendant as a couple.
- ☐ has or had a child or children with the defendant.
- ☐ is in a consensual sexual relationship with the defendant.
- ☐ used to be in a consensual sexual relationship with the defendant.
- ☐ lives in the same home as the defendant.
- ☐ used to live in the same home as the defendant.
- ☐ is related by blood, marriage or adoption as a child, parent, aunt, uncle, niece, nephew, grandparent, grandchild, or sibling of the defendant. (Specify the relationship):

☐ is expecting a child with the defendant. (Due date in mm/dd/yyyy):

☐ other (specify the relationship with the defendant):

☐ does not or did not have a relationship with the defendant.

4. Other Court Cases

There are:

☐ No other court cases involving the protected person, defendant, or their

children.

- ☐ The following court cases involving the protected person, defendant, or their children.

(If marked, list all court cases below to the best of your knowledge.)

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Request for Protective Orders

I ask the court for the following orders. (Choose all that apply.)

5. ☒ No domestic violence or abuse

Order the defendant not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name)	Relationship to the protected person

6. ☐ **No contact or limited contact**

Notice: The defendant will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH1]: Language approved by Policy and Planning Committee

☐ Order the defendant not to harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ The defendant and the protected person share custody of one or more minor children. Order the defendant to only contact the protected person to arrange visits with the children by the options below. Any approved communication must be civil and nonthreatening. (Choose the preferred method(s) of contact.)

☐ Phone: _____

☐ Text: _____

☐ Email: _____

☐ Third party person (name): _____

Contact information for third party person: _____

☐ Other (specify): _____

- ☐ For family related matters other than parent time, order the defendant to only communicate with the protected person through the person listed below:

First name:	
Middle name or initial (if any):	
Last name:	
Phone or other:	

7. ☐ **Defendant cannot live at protected person's residence**

Order the defendant to be removed from the protected person's residence and the premises. Order that the defendant cannot live at the protected person's residence and the premises.

8. ☐ **Stay away**

Notice: The defendant will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Order the defendant to stay away from:

- ☐ The protected person's residence;

Commented [AH2]: Language approved by Policy and Planning Committee

Commented [KT3]: (CJA 4-202.02(8)(E)(i) says that a crime victim's personal or business addresses are safeguarded);

- ☐ The protected person's school;
- ☐ The protected person's workplace;
- ☐ These other places frequented by the protected person and any designated family members (a judge can only order the defendant to stay away from a specific place with an address listed):

(Street, City, State, ZIP)

(Street, City, State, ZIP)

- ☐ Order the defendant to stay away from the protected person if they encounter them at any other location not listed in this order. The defendant must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at the defendant's place of employment or at a required court hearing), the defendant must move as far away as possible to avoid any confrontation.

Commented [AH4]: Approved by Policy and Planning as a check box

9. ☐ **Property Orders**

Order personal property to be transferred as follows:

To the defendant:	To the protected person:

Commented [KT5]: 78B-7-803(3). The Adult group interprets this statute differently than the juvenile group. The Juvenile group felt this was necessary, the adult group did not.

10. ☐ **Monitoring programs**

- ☐ Order the defendant to participate in and comply with an electronic monitoring program. (The defendant's location is monitored with a wearable tracking device.)

- ☐ Order the defendant to participate in and comply with a monitoring program (can include substance abuse testing, alcohol testing, supervised parent-time, etc.)

Requested program (describe):

11. ☐ Other orders

Other orders requested (List any other orders needed to protect the protected person and the protected person's immediate family or household members.)

12. ☐ Requested orders to agencies

Order a law enforcement officer from:

_____ (police agency) to enforce the orders checked below:

- ☐ Remove and require the defendant to stay away from the protected person's residence.
- ☐ Accompany the defendant one time to get their personal property.
- ☐ Accompany the protected person to get their personal property.

Petitioner

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Or

Prosecutor or attorney (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

In the [] District [] Justice Court of Utah
Judicial District County
City of
Court Address

	Pretrial Protective Order (Utah Code 78B-7-803)
Prosecution	Case Number
v.	
Defendant	Judge

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

First name:	
Middle name or initial (if any):	
Last name:	

Defendant:

First name:	
Middle name or initial (if any):	
Last name:	

2. The court finds

The defendant represents a credible threat to the physical safety of the protected person.

The protected person is:

- ☐ an intimate partner of the defendant. (The defendant and the protected person are or were married, are the parents of a shared child, cohabitate or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).
- ☐ the child of an intimate partner of the defendant.
- ☐ not an intimate partner of the defendant, but is a cohabitant under Utah law.
- ☐ not an intimate partner or cohabitant, but is an alleged victim.

Commented [KT1]: 78B-7-803(1)(b)

The court orders:

You, the defendant, must obey all orders marked below.

3. ☒ No domestic violence or abuse

You must not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

4. ☐ **No contact or limited contact**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH2]: Language approved by Policy and Planning Committee

☐ You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ You and the protected person share custody of one or more minor children. You must only contact the protected person to arrange visits with the children by the methods checked below. Any approved communication must be civil and respectful.

☐ Phone

☐ Text

☐ Email

☐ Third party person (name): _____

☐ Other: _____

Commented [KT3]: Actual numbers and addresses left of f for privacy reasons I assume. How does the defendant get this info?

☐ For family related matters other than parent time, you must only communicate with the protected person through the person listed below:

First name:	
Middle name or initial (if any):	
Last name:	
Phone or other:	

5. ☐ **Defendant cannot live at protected person's residence**

You **must not** go to the protected person's residence or premises without an officer. You must remove yourself from and stay away from the protected person's residence and premises.

Warning to defendant: Law enforcement can remove you or keep you away from the protected person's residence or premises if needed.

6. ☐ **Stay away**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH4]: Language approved by Policy and Planning Committee

Warning to defendant: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

☐ The protected person's residence;

☐ The protected person's school;

☐ The protected person's workplace;

☐ These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

☐ You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or have contact with the protected person and must leave. If leaving is not

an option (such as at your place of employment or at a required court hearing), you must move as far away as possible to avoid any confrontation.

Commented [AH5]: Language approved by the Policy and Planning Committee as a checkbox

6. ☐ **Personal property is transferred as follows:**

To you	To the protected person

Warning to defendant: You **must not** go to the residence of the protected person or other protected places without an officer. Law enforcement can evict you or keep you away from the places frequented by the protected person if needed.

7. ☐ **Monitoring programs**

☐ You must participate in and comply with an electronic monitoring program.
(Your location is monitored with a wearable tracking device.)

☐ You must participate in and comply with these monitoring programs:

8. ☐ **Other orders**

9. ☐ **Orders to agencies**

A law enforcement officer from:

_____ (police agency) will enforce the orders checked below:

- ☐ Remove and require you to stay away from the protected person's residence.
- ☐ Accompany you one time to get your personal property.
- ☐ Accompany the protected person to get their personal property.

Notices to defendant:

This order is in effect until further order of the court, trial, or other resolution of the case.

Penalties for violating this order (Utah Code 78B-7-806(2))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were charged of committing a felony in this case.
- Class A misdemeanor, if you were charged of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

"The defendant 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))

Notice to defendant, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court completes this section —

Expiration date for National Crime Information Center purposes only: 01/01/3000

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

Date

Signature ►

Judge

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)
 ☐ Prosecutor (Utah Bar #: _____)

 In the ☐ District ☐ Justice Court of Utah

 Judicial District _____ County
City of _____

Court Address _____

Prosecution

v.

Defendant

**Request for Sentencing Protective
Order**
(Utah Code 78B-7-804, 78B-7-805, 78B-7-117)

Case Number

Judge

1. Case Information

The defendant has been placed on probation or entered into a plea in abeyance agreement after the court issued a formal decision.

2. Victim needing protection (protected person):

First name:

Middle name or initial (if any):

Last name:	
------------	--

☐ I ask to protect additional victims. Attached is a sheet of paper that includes each additional victim's first and last name and relationship to the defendant.

3. Defendant:

First name:	
Middle name or initial (if any):	
Last name:	

4. Relationship with the defendant

The protected person (choose all that apply):

- ☐ is married to the defendant.
- ☐ is divorced from the defendant.
- ☐ lives with the defendant as a couple.
- ☐ used to live with the defendant as a couple.
- ☐ has or had a child or children with the defendant.
- ☐ is in a consensual sexual relationship with the defendant.
- ☐ used to be in a consensual sexual relationship with the defendant.
- ☐ lives in the same home as the defendant.
- ☐ used to live in the same home as the defendant.
- ☐ is related by blood, marriage or adoption as a child, parent, aunt, uncle, niece, nephew, grandparent, grandchild, or sibling of the defendant. (Specify the relationship):
- _____
- ☐ is expecting a child with the defendant. (Due date in mm/dd/yyyy):
- _____
- ☐ other (specify the relationship with the defendant):
- _____
- ☐ does not or did not have a relationship with the defendant.

5. Other Court Cases

There are:

☐ No other court cases involving the protected person, defendant, or their children.

☐ The following court cases involving the protected person, defendant, or their children.

(If marked, list all court cases below to the best of your knowledge.)

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Request for Protective Orders

I ask the court for the following orders. (Choose all that apply.)

6. ☒ No domestic violence or abuse

Order the defendant not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name)	Relationship to the protected person

7. ☐ No contact or limited contact

Notice: The defendant will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH1]: Language approved by Policy and Planning Committee

- ☐ Order the defendant not to harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).
- ☐ The defendant and the protected person share custody of one or more minor children. Order the defendant to only contact the protected person to arrange visits with the children by the options below. Any approved communication must be civil and nonthreatening. (Choose the preferred method(s) of contact.)
- ☐ Phone: _____
- ☐ Text: _____
- ☐ Email: _____
- ☐ Third party person (name): _____
- Contact information for third party person: _____
- ☐ Other (specify): _____

8. ☐ **Defendant cannot live at protected person's residence**

Order the defendant to be removed from the protected person's residence and the premises. Order that the defendant cannot live at the protected person's residence and the premises.

Commented [KT2]: This section is provided for in the pre-trial protective order statute, 78B-7-803(2)(c), but it does not appear in the sentencing protective order statute.

9. ☐ **Stay away**

Notice: The defendant will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH3]: Language approved by Policy and Planning Committee

Order the defendant to stay away from:

- ☐ The protected person's residence;
- ☐ The protected person's school;
- ☐ The protected person's workplace;

Commented [KT4]: (CJA 4-202.02(8)(E)(i) says that a crime victim's personal or business addresses are safeguarded);

- ☐ These other places frequented by the protected person and any designated family members (a judge can only order the defendant to stay away from a specific place with an address listed):

(Street, City, State, ZIP)

(Street, City, State, ZIP)

- ☐ Order the defendant to stay away from the protected person if they encounter them at any other location not listed in this order. The defendant must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at the defendant's place of employment or at a required court hearing), the defendant must move as far away as possible to avoid any confrontation.

Commented [AH5]: Language approved by Policy and Planning Committee as a checkbox

10. ☐ Property Orders

Order personal property to be transferred as follows:

To the defendant:	To the protected person:

10. ☐ Monitoring programs

- ☐ Order the defendant to participate in and comply with an electronic monitoring program. (The defendant's location is monitored with a wearable tracking device.)
- ☐ Order the defendant to participate in and comply with a monitoring program (can include substance abuse testing, alcohol testing, supervised parent-time, etc.)

Requested program (describe):

11. [] No guns or weapons:

[] Order the defendant not to use, possess, have, or buy a gun or firearm.

[] Order the defendant not to use, possess, have, or buy any of these weapons (list weapons):

[] Order the defendant to hand in any guns or firearms that the defendant owns or possesses.

[] Order the defendant to hand in any of these weapons the defendant owns or possesses (list weapons):

12. [] Restitution

Order the defendant to pay restitution to the protected person in accordance with the Crime Victims Restitution Act (Title 77, Chapter 38b).

13. [] Transfer Wireless Phone Numbers

Order the defendant and the wireless service provider to transfer the protected person's current wireless phone numbers to a new account of the protected person's choice.

- The defendant is the account holder for the following wireless phone numbers:

- The numbers are assigned to phones that are primarily used by the protected person, or by people who will live with the protected person while the protective order is in effect.
- The protected person will have full financial responsibility for each wireless phone number, beginning on the day of transfer. This includes

monthly service costs and costs for any mobile device associated with the wireless phone numbers.

- A wireless service provider may apply standard requirements for account establishment to the protected person when transferring financial responsibility.

14. ☐ Other orders

Other orders requested. (List any other orders needed to protect the protected person and the protected person's immediate family or household members.)

15. ☐ Requested orders to agencies

Order a law enforcement officer from:

_____ (police agency) to enforce the orders checked below:

- ☐ Remove and require the defendant to stay away from the protected person's residence.
- ☐ Accompany the defendant one time to get their personal property.
- ☐ Accompany the protected person to get their personal property.

Petitioner

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Signature ►

_____ Date

Printed Name

Or

Prosecutor or attorney (if applicable)

Signature ►

_____ Date

Printed Name

In the [] District [] Justice Court of Utah
____ Judicial District _____ County
City of _____
Court Address _____

Prosecution

v.

Defendant

Sentencing Protective Order
(Utah Code 78B-7-804, 78B-7-805, 78B-7-117)

Case Number

Judge

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Defendant:

First name:	
Middle name or initial (if any):	
Last name:	

2. The court finds

The defendant has been placed on probation or entered into a plea in abeyance agreement after the court issued a formal decision. The defendant represents a credible threat to the physical safety of the protected person.

The protected person is:

- ☐ an intimate partner of the defendant. (The defendant and the protected person are or were married, are the parents of a shared child, cohabitate or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).
- ☐ the child of an intimate partner of the defendant.
- ☐ not an intimate partner of the defendant, but is a cohabitant under Utah law.
- ☐ not an intimate partner or cohabitant, but is a victim.

The court orders:

You, the defendant, must obey all orders marked below.

3. ☒ No domestic violence or abuse

You must not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

4. ☐ **No contact or limited contact**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH1]: Language approved by Policy and Planning Committee

☐ You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ You and the protected person share custody of one or more minor children. You must only contact the protected person to arrange visits with the children by the methods checked below. Any approved communication must be civil and nonthreatening.

☐ Phone

☐ Text

☐ Email:

☐ Third party person (name): _____

☐ Other (specify): _____

5. ☐ **Defendant cannot live at protected person's residence**

You **must not** go to the protected person's residence or premises without an officer. You must remove yourself from and stay away from the protected person's residence and premises.

Warning to defendant: Law enforcement can remove you or keep you away from the protected person's residence or premises if needed.

Commented [KT2]: This section is provided for in the pre-trial protective order statute, 78B-7-803(2)(c), but it does not appear in the sentencing protective order statute.

6. ☐ **Stay away**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH3]: Language approved by Policy and Planning Committee

Warning to defendant: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

- ☐ The protected person's residence;
- ☐ The protected person's school;
- ☐ The protected person's workplace;
- ☐ These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

Commented [KT4]: (CJA 4-202.02(8)(E)(i) says that a crime victim's personal or business addresses are safeguarded);

- ☐ You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at your place of employment or at a required hearing), you must move as far away as possible to avoid any confrontation.

Commented [AH5]: Language approved by the Policy and Planning Committee as a checkbox

6. ☐ **Personal property is transferred as follows:**

To you	To the protected person

--	--

Warning to defendant: You **must not** go to the residence of the protected person or other protected places without an officer. Law enforcement can evict you or keep you away from the places frequented by the protected person if needed.

7. ☐ **Monitoring programs**

☐ You must participate in and comply with an electronic monitoring program. (Your location is monitored with a wearable tracking device.)

☐ You must participate in and comply with this monitoring program(s):

8. ☐ **No guns or weapons:**

☐ You must not use, possess, have, or buy a gun or firearm.

☐ You must not use, possess, have, or buy any of these weapons:

☐ You must turn over any guns or firearms that you own or possess by:

_____ to:
(date: mm/dd/yyyy)

☐ A law enforcement agency _____
(law enforcement agency)

☐ A family member who does not live with you. The family member must agree to keep the gun or firearms from you in a sworn affidavit submitted to the courts for this option.
(name): _____

☐ Other (specify): _____

☐ You must turn over any of these weapons you own or possess:

by:_____.
(date: mm/dd/yyyy)

You must turn over these weapons listed above to:

☐ A law enforcement agency _____
(law enforcement agency)

☐ A family member who does not live with you. The family member must agree to keep these weapons from you in a sworn affidavit submitted to the courts for this option. A family member (name):_____

☐ Other (specify):_____

9. ☐ Restitution

You must pay restitution to the protected person in accordance with the Crime Victims Restitution Act (Title 77, Chapter 38b).

10. ☐ Transfer Wireless Phone Number(s)

You and the wireless service provider must transfer the protected person's current wireless phone numbers to a new account of the protected person's choice.

11. ☐ Other orders

12. ☐ Orders to agencies

A law enforcement officer from:

_____ (police agency) will enforce the orders checked below:

☐ Remove and require you to stay away from the protected person's residence.

☐ Accompany you one time to get your personal property.

- [] Accompany the protected person to get their personal property.
- [] Receive and hold your guns or firearms for safekeeping until further order of the court.

Commented [AH6]: https://le.utah.gov/xcode/Title53/Chapter5C/53-5c-S201.html?v=C53-5c-S201_2017050920180101

Notices to defendant:

This order is in effect until further order of the court.

Penalties for violating this order (Utah Code 78B-7-806(3))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were convicted of committing a felony in this case.
- Class A misdemeanor, if you were convicted of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

"The defendant 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)).

Notice to defendant, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court fills out below —

Expiration date for National Crime Information Center purposes only: 01/01/3000

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

Signature ► _____
Date _____ Judge _____

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)
 ☐ Prosecutor (Utah Bar #: _____)

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

City of _____

Court Address _____

Prosecution

v. _____

Defendant

**Request for Continuous Protective
Order**
(Utah Code 78B-7-804, 78B-7-805, 78B-7-117)

Case Number

Judge

1. Case Information

The defendant has been convicted of an offense and sentenced to imprisonment in jail or prison. The sentence of imprisonment will be or has been served after conviction. This offense is:

- ☐ A domestic violence offense.
☐ An offense that is not domestic violence.

2. Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

☐ I ask to protect additional victims. Attached is a sheet of paper that includes each additional victim's first and last name and relationship to the defendant.

3. Defendant:

First name:	
Middle name or initial (if any):	
Last name:	

4. Relationship with the defendant

The protected person (choose all that apply):

- ☐ is married to the defendant.
- ☐ is divorced from the defendant.
- ☐ lives with the defendant as a couple.
- ☐ used to live with the defendant as a couple.
- ☐ has or had a child or children with the defendant.
- ☐ is in a consensual sexual relationship with the defendant.
- ☐ used to be in a consensual sexual relationship with the defendant.
- ☐ lives in the same home as the defendant.
- ☐ used to live in the same home as the defendant.
- ☐ is related by blood, marriage or adoption as a child, parent, aunt, uncle, niece, nephew, grandparent, grandchild, or sibling of the defendant. (Specify the relationship):

☐ is expecting a child with the defendant. (Due date in mm/dd/yyyy):

☐ other (specify the relationship with the defendant):

☐ does not or did not have a relationship with the defendant.

5. Other Court Cases

There are:

☐ No other court cases involving the protected person, defendant, or their children.

☐ The following court cases involving the protected person, defendant, or their children.

(If marked, list all court cases below to the best of your knowledge.)

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding	

	<input type="checkbox"/> Criminal case	<input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person	Did the judge make an order?	<input type="checkbox"/> Yes
	<input type="checkbox"/> Defendant		<input type="checkbox"/> No

Request for Protective Orders

I ask the court for the following orders. (Choose all that apply.)

6. ☒ No domestic violence or abuse

Order the defendant not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name)	Relationship to the protected person

7. ☐ No contact or limited contact

Notice: The defendant will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.

- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH1]: Language approved by Policy and Planning Committee

Order the defendant not to harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

8. ☐ Stay away

Notice: The defendant will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH2]: Language approved by Policy and Planning Committee

Order the defendant to stay away from:

- ☐ The protected person's residence;
- ☐ The protected person's school;
- ☐ The protected person's workplace;
- ☐ These other places frequented by the protected person and any designated family members (a judge can only order the defendant to stay away from a specific place with an address listed):

Commented [KT3]: (CJA 4-202.02(8)(E)(i) says that a crime victim's personal or business addresses are safeguarded);

(Street, City, State, ZIP)

(Street, City, State, ZIP)

- ☐ Order the defendant to stay away from the protected person if they encounter them at any other location not listed in this order. The defendant must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at the defendant's place of employment or at a required court hearing), the defendant must move as far away as possible to avoid any confrontation.

Commented [AH4]: Language approved by Policy and Planning Committee as a checkbox

9. [] Restitution

Order the defendant to pay restitution to the protected person in accordance with the Crime Victims Restitution Act (Title 77, Chapter 38b).

10. [] Transfer Wireless Phone Numbers

Order the defendant and the wireless service provider to transfer the protected person's current wireless phone numbers to a new account of the protected person's choice.

- The defendant is the account holder for the following wireless phone numbers:

- The numbers are assigned to phones that are primarily used by the protected person, or by people who will live with the protected person while the protective order is in effect.
- The protected person will have full financial responsibility for each wireless phone number, beginning on the day of transfer. This includes monthly service costs and costs for any mobile device associated with the wireless phone numbers.
- A wireless service provider may apply standard requirements for account establishment to the protected person when transferring financial responsibility.

11. [] Other orders

Other orders requested. (List any other orders needed to protect the protected person and the protected person's immediate family or household members.)

Petitioner

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Signature ►

_____ Date

_____ Printed Name

or

Prosecutor or attorney (if applicable)

Signature ►

Date

Printed Name

In the [] District [] Justice Court of Utah
____ Judicial District _____ County
City of _____
Court Address _____

Prosecution

v.

Defendant

Continuous Protective Order
(Utah Code 78B-7-804, 78B-7-805, 78B-7-117)

Case Number

Judge

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Defendant:

First name:	
Middle name or initial (if any):	
Last name:	

2. The court finds

The defendant has been convicted of an offense and sentenced to imprisonment in jail or prison. The sentence of imprisonment will be or has been served after conviction. The defendant represents a credible threat to the physical safety of the protected person.

The protected person is:

- ☐ an intimate partner of the defendant. (The defendant and the protected person are or were married, are the parents of a shared child, cohabitate or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).
- ☐ the child of an intimate partner of the defendant.
- ☐ not an intimate partner of the defendant, but is a cohabitant under Utah law.
- ☐ not an intimate partner or cohabitant, but is a victim.

The court orders:

You, the defendant, must obey all orders marked below.

3. ☒ No domestic violence or abuse

You must not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

4. ☐ **No contact or limited contact**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH1]: Language approved by Policy and Planning Committee

You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

5. ☐ **Stay away**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH2]: Language approved by Policy and Planning Committee

Warning to defendant: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

- ☐ The protected person's residence;
- ☐ The protected person's school;
- ☐ The protected person's workplace;

Commented [KT3]: (CJA 4-202.02(8)(E)(i) says that a crime victim's personal or business addresses are safeguarded);

- ☐ These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

- ☐ You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at your place of employment or at a required court hearing), you must move as far away as possible to avoid any confrontation.

Commented [AH4]: Language approved by the Policy and Planning Committee as a checkbox

6. ☐ **Restitution**

You must pay restitution to the protected person in accordance with the Crime Victims Restitution Act (Title 77, Chapter 38b).

7. ☐ **Transfer Wireless Phone Numbers**

You and the wireless service provider must transfer the protected person's current wireless phone numbers to a new account of the protected person's choice.

8. ☐ **Other orders**

Notices to defendant:

This order does not expire.

Penalties for violating this order (Utah Code 78B-7-806(3))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were convicted of committing a felony in this case.
- Class A misdemeanor, if you were convicted of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

"The defendant 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)).

Right to request hearing

You have the right to request a hearing to ask the court to change or dismiss this order (Utah Code 78B-7-804(3)(c)). Only the court can change or dismiss this order. Until that time, you must obey all orders.

Notice to defendant, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court fills out below —

Expiration date for National Crime Information Center purposes only: 01/01/3000

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

_____	Signature ►	_____
Date	Judge	_____

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)
 ☐ Prosecutor (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

_____	Request for Criminal Stalking Injunction and Hearing (Utah Code 78B-7-902)
Prosecution	_____
v.	Case Number
Defendant	_____
	Judge

1. Case Information

This case was filed in:

☐ Justice court and I am the victim. I am filing this request with the district court.

I am attaching a certified copy of:

☐ the judgment and conviction.

☐ the plea in abeyance.

☐ District court and I am the prosecuting attorney

For stalking or attempted stalking, the defendant has:

- been convicted,
- agreed to a plea in abeyance, or
- entered a guilty plea, a guilty and mentally ill plea, or a plea of no contest.

2. Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

☐ I ask to protect additional victims. Attached is a sheet of paper that includes each additional victim's first and last name and relationship to the defendant.

3. Defendant:

First name:	
Middle name or initial (if any):	
Last name:	

4. Relationship with the defendant

The protected person (choose all that apply):

- ☐ is married to the defendant.
- ☐ is divorced from the defendant.
- ☐ lives with the defendant as a couple.
- ☐ used to live with the defendant as a couple.
- ☐ has or had a child or children with the defendant.
- ☐ is in a consensual sexual relationship with the defendant.
- ☐ used to be in a consensual sexual relationship with the defendant.
- ☐ lives in the same home as the defendant.
- ☐ used to live in the same home as the defendant.
- ☐ is related by blood, marriage or adoption as a child, parent, aunt, uncle, niece, nephew, grandparent, grandchild, or sibling of the defendant. (Specify the relationship):

☐ is expecting a child with the defendant. (Due date in mm/dd/yyyy):

☐ other (specify the relationship with the defendant):

☐ does not or did not have a relationship with the defendant.

5. Other Court Cases

There are:

☐ No other court cases involving the protected person, defendant, or their children.

☐ The following court cases involving the protected person, defendant, or their children.

(If marked, list all court cases below to the best of your knowledge.)

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		

Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Criminal case	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Order of protection	
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Defendant	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Request for Orders

I ask the court for the following orders. (Choose all that apply.)

6. ☒ No stalking by the defendant

Order the defendant not to stalk the protected person. This means that the defendant must not:

- stalk the protected person directly, indirectly or through another person; and
- do any of the following in a way that would cause a reasonable person to feel emotional distress, fear for their safety, or fear for the safety of another person:
 - follow, monitor, observe, photograph, surveil, or threaten the protected person by any action, method, device, or means;
 - approach or confront the protected person;
 - appear at the protected person's workplace or school;
 - appear at the protected person's residence, enter the protected person's home or property, or interfere with a protected person's property;
 - send material by any means to the protected person or for the purpose of obtaining or distributing information about or communicating with the protected person to a family or household member, employer, coworker, friend, or associate of the protected person;
 - communicate with or contact the protected person or the protected person's family, household, employer, employees, coworkers, friends, neighbors, or associates of the person;

Commented [KT1]: This definition comes from 76-5-106.5. We omitted "two or more times" from the definition here, although it is in the code.

- place an object on or deliver an object to property owned, leased, or occupied by a person, or to the person's place of employment with the intent that the object be delivered to the person; or
- use a computer, the internet, text messaging, or any other electronic means to do any of the above.

Notice: The defendant will not violate the stalking injunction by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH2]: Language approved by the Policy and Planning Committee

7. ☐ ☐ No contact or limited contact (choose one)

☐ Order the defendant not to contact the protected person, directly or indirectly, in a way that is likely to cause annoyance or alarm. They also must not contact others about the protected person. The defendant must not contact the protected person or others about the protected person through email, text, social media, social media messaging or posts, mail, or other methods of contact. ("Others" includes the protected person's employers, employees, coworkers, friends, associates, any other person.)

☐ The defendant and the protected person have one or more minor children together. Order the defendant to only contact the protected person to arrange visits with the children by the options below. Any approved communication must not cause annoyance or alarm to the protected person. (Choose the preferred methods of contact.)

☐ Phone: _____

☐ Text: _____

☐ Email: _____

☐ Third party person (name): _____

Contact information for third party person:

☐ Other (specify): _____

8. ☐ **Stay away**

Order the defendant to stay away from:

- ☐ The protected person's residence;
- ☐ The protected person's property;
- ☐ The protected person's school;
- ☐ The protected person's workplace;
- ☐ These other places frequented by the protected person (a judge can only order the defendant to stay away from a specific place with an address listed):

(Street, City, State, ZIP)

(Street, City, State, ZIP)

- ☐ Order the defendant to stay away from the protected person if they encounter them at any other location not listed in this order. The defendant must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at the defendant's place of employment or at a required court hearing), the defendant must move as far away as possible to avoid any confrontation.

Commented [KT3]: (CJA 4-202.02(8)(E)(i) says that a crime victim's personal or business addresses are safeguarded);

Commented [AH4]: Approved by Policy and Planning as a check box

9. ☐ **Child custody**

Give custody of the minor children listed below:

☐ to the protected person.

☐ to _____
(name of person other than the defendant):

Child's name (include first and last name):

Commented [KT5]: The court has some authority to make custody decisions in 78B-7-902(3)(a). The statute does not explicitly say that the court can give custody to someone other than defendant. Compare 78B-7-603(2)(i). This criminal stalking injunction lasts forever, while a cohabitant protective order only lasts for 150 days. The continuous protective order does not have a custody provision. See 78B-7-804.

10. ☐ **Parent-time:**

The defendant should have parent-time as follows: (choose one)

☐ Statutory parent-time schedule (Utah Code 30-3-35; Utah Code 30-3-35.5; Utah Code 30-3-35.1)

☐ The defendant should have the following parent-time schedule: (Describe in detail.)

☐ The defendant should have supervised parent-time as follows:

Name of supervisor/agency:

Phone: _____

Supervised parent-time schedule:

☐ The defendant should have no parent-time because:

11. ☐ **Other orders**

Other orders requested. (List any other orders needed to protect the protected person and the protected person's immediate family or household members.)

Petitioner

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____
or		_____

Prosecutor or attorney (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

In the District Court of Utah	
_____ Judicial District _____ County	
Court Address _____	
Petitioner _____	Criminal Stalking Injunction (Utah Code 78B-7-902)
v. _____	Case Number _____
Defendant _____	Judge _____

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Defendant:

First name:	
Middle name or initial (if any):	
Last name:	

2. The court finds

For stalking or attempted stalking, the defendant has:

- been convicted,
- agreed to a plea in abeyance, or
- entered a guilty plea, a guilty and mentally ill plea, or a plea of no contest.

The protected person is:

- ☐ an intimate partner of the defendant. The defendant represents a credible threat to the physical safety of the protected person. (The defendant and the protected person are or were married, are the parents of a shared child, cohabit or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).
- ☐ the child of an intimate partner of the defendant. The defendant represents a credible threat to the physical safety of the protected person.
- ☐ not an intimate partner of the defendant, but is a cohabitant under Utah law.
- ☐ not an intimate partner or cohabitant, but is a victim of stalking or attempted stalking.

Commented [AH1]: We placed the credible threat language into this to balance BCT's needs, survivor needs, and defendant's needs.

The court orders:

You, the defendant, must obey all orders marked below.

3. ☒ No stalking

You must not stalk the protected person. This means that you must not:

- stalk the protected person directly, indirectly or through another person; and
- do any of the following in a way that would cause a reasonable person to feel emotional distress, fear for their safety, or fear for the safety of another person:
 - follow, monitor, observe, photograph, surveil, or threaten the protected person by any action, method, device, or means;
 - approach or confront the protected person;
 - appear at the protected person's workplace or school;
 - appear at the protected person's residence, enter the protected person's home or property, or interfere with a protected person's property;
 - send material by any means to the protected person or for the purpose of obtaining or distributing information about or

Commented [KT2]: This definition comes from 76-5-106.5. We omitted "two or more times" from the definition here, although it is in the code.

communicating with the protected person to a family or household member, employer, coworker, friend, or associate of the protected person;

- communicate with or contact the protected person or the protected person's family, household, employer, employees, coworkers, friends, neighbors, or associates of the person;
- place an object on or deliver an object to property owned, leased, or occupied by a person, or to the person's place of employment with the intent that the object be delivered to the person; or
- use a computer, the internet, text messaging, or any other electronic means to do any of the above.

Notice: You will not violate the stalking injunction by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to an injunction when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH3]: Language approved by Policy and Planning Committee

4. ☐ **No contact or limited contact**

☐ You must not to contact the protected person, directly or indirectly, in a way that is likely to cause annoyance or alarm. You must not contact others about the protected person. You must not contact the protected person or others about the protected person through email, text, social media, social media messaging or posts, mail, or other methods of contact. ("Others" includes the protected person's employers, employees, coworkers, friends, associates, any other person.)

☐ You and the protected person share custody of one or more minor children. You must only contact the protected person to arrange visits with the children by the methods checked below. Any approved communication must not cause annoyance or alarm to the protected person.

☐ Phone

☐ Text

☐ Email

☐ Third party person (name): _____

☐ Other (specify): _____

Commented [KT4]: This information has to be safe guarded under CJA 4-202(8)(E)

5. ☐ **Stay away**

Warning to defendant: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

☐ The protected person's residence;

☐ The protected person's property;

☐ The protected person's school;

☐ The protected person's workplace;

☐ These other places frequented by the protected person:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

Commented [KT5]: (CJA 4-202.02(8)(E)(i) says that a crime victim's personal or business addresses are safeguarded);

☐ You must stay away from the protected person if they encounter them at any other location not listed in this order. The defendant You must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at the defendant's your place of employment or at a required court hearing), the defendant you must move as far away as possible to avoid any confrontation.

Commented [AH6]: Language approved by the Policy and Planning Committee as a checkbox

6. ☐ **Child Custody and Parent time Orders**

☐ The court declines to address custody and parent time provisions in this order. A copy of this order must be filed in any court action where these provisions are being considered.

☐ Custody of the minor children listed below are given to:

☐ to the protected person.

☐ to

(name of person other than the defendant):

Child's name (include first and last name):

Commented [KT7]: The court has some authority to make custody decisions in 78B-7-902(3)(a). The statute does not explicitly say that the court can give custody to someone other than defendant. Compare 78B-7-603(2)(i). This criminal stalking injunction lasts forever, while a cohabitant protective order only lasts for 150 days. The continuous protective order does not have a custody provision. See 78B-7-804.

☐ You have parent-time as follows: (choose one)

☐ Statutory parent-time schedule (Utah Code 30-3-35; Utah Code 30-3-35.5; Utah Code 30-3-35.1)

☐ You will have the following parent-time schedule: (Describe in detail.)

☐ You will have supervised parent-time as follows:

Name of supervisor/agency:

--

Phone:

--

Supervised parent-time schedule:

--

--

--

☐ You will have no parent-time because:

7. ☐ **Other orders**

Notices to defendant:

This order is permanent and does not expire.

Penalties for violating this order (Utah Code 78B-7-903(1))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Permanent Criminal Stalking Injunction, which is a third degree felony.

You may become subject to federal law because this criminal stalking injunction was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

"The defendant 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)).

Notice to defendant and protected person:

Only the court has the authority to change or dismiss this order. Only the protected party can file a request to ask the court to change or dismiss this order.

— The Court fills out below —

Expiration date for National Crime Information Center purposes only: 01/01/3000

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

Date

Signature ► _____
Judge _____

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)
 ☐ Prosecutor (Utah Bar #: _____)

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

**Request for a Juvenile Pretrial
Protective Order**
(Utah Code 78B-7-803)

Petitioner **(person asking for protection)**

v.

Case Number _____

Accused minor _____

Judge _____

Commented [KT1]: Is this the right caption for a delinquency case?

1. Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

☐ I ask to protect additional victims. Attached is a sheet of paper that includes each additional victim's first and last name and relationship to the accused minor.

2. Accused minor:

First name:	
-------------	--

Middle name or initial (if any):	
Last name:	

4. Relationship with the accused minor

The protected person (choose all that apply):

- ☐ is married to the accused minor.
- ☐ is divorced from the accused minor.
- ☐ lives with the accused minor as a couple.
- ☐ used to live with the accused minor as a couple.
- ☐ has or had a child or children with the accused minor.
- ☐ is in a consensual sexual relationship with the accused minor.
- ☐ used to be in a consensual sexual relationship with the accused minor.
- ☐ lives in the same home as the accused minor.
- ☐ used to live in the same home as the accused minor.
- ☐ is related by blood, marriage or adoption as a child, parent, aunt, uncle, niece, nephew, grandparent, grandchild, or sibling of the accused minor. (Specify the relationship):

☐ is expecting a child with the accused minor. (Due date in mm/dd/yyyy):

☐ other (specify the relationship with the accused minor):

☐ does not or did not have a relationship with the accused minor.

5. Other Court Cases

There are:

- ☐ No other court cases involving the protected person, accused minor, or their children.
- ☐ The following court cases involving the protected person, accused minor, or their children.

(If marked, list all court cases below to the best of your knowledge.)

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Accused minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Accused minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Accused minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Accused minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Request for Protective Orders

I ask the court for the following orders. (Choose all that apply.)

6. ☒ No domestic violence or abuse

Order the accused minor not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name)	Relationship to the protected person

7. ☐ **No contact or limited contact**

Notice: The accused minor will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH2]: Language approved by Policy and Planning Committee

☐ Order the accused minor not to harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ The accused minor and the protected person share custody of one or more minor children. Order the accused minor to only contact the protected person to arrange visits with the children by the options below.

Any approved communication must be civil and nonthreatening. (Choose the preferred method(s) of contact.)

☐ Phone: _____

☐ Text: _____

☐ Email: _____

☐ Third party person (name): _____

Contact information for third party person: _____

☐ Other (specify): _____

- ☐ For family related matters other than parent time, order the accused minor to only communicate with the protected person through the person listed below:

First name:	
Middle name or initial (if any):	
Last name:	
Phone or other:	

8. ☐ **Accused minor cannot live at protected person's residence**

Order the accused minor to be removed from the protected person's residence and the premises. Order that the accused minor cannot live at the protected person's residence and the premises.

9. ☐ **Stay away**

Notice: The accused minor will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH3]: Language approved by Policy and Planning Committee

☐ Order the accused minor to participate in and comply with an electronic monitoring program. (The accused minor's location is monitored with a wearable tracking device.)

☐ Order the accused minor to participate in and comply with a monitoring program (can include substance abuse testing, alcohol testing, supervised parent-time, etc.)

Requested program (describe):

12. ☐ Other orders

Other orders requested. (List any other orders needed to protect the protected person and the protected person's immediate family or household members.)

13. ☐ Requested orders to agencies

Order a law enforcement officer from:

_____ (police agency) to enforce the orders checked below:

☐ Remove and require the accused minor to stay away from the protected person's residence.

☐ Accompany the accused minor one time to get their personal property as described in paragraph 10.

☐ Accompany the protected person to get their personal property as described in paragraph 10.

Petitioner

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

or

Prosecutor or attorney (if applicable)

Date

Signature ► _____
Printed Name _____

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

A minor

☐ under ☐ over 18 years of age, and
☐ represented ☐ not represented.

Pretrial Criminal Protective Order
(Utah Code 78B-7-803)

Case Number

Judge

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Accused minor:

First name:	
Middle name or initial (if any):	
Last name:	

2. The court finds

The accused minor represents a credible threat to the physical safety of the protected person.

The protected person is:

- ☐ an intimate partner of the accused minor. (The accused minor and the protected person are or were married, are the parents of a shared child, cohabitate or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).
- ☐ the child of an intimate partner of the accused minor.
- ☐ not an intimate partner of the accused minor, but is a cohabitant under Utah law.
- ☐ not an intimate partner or cohabitant, but is an alleged victim.

Commented [KT1]: 78B-7-803(1)(b)

The court orders

You, the accused minor, must obey all orders marked below.

3. ☒ No domestic violence or abuse

You must not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

4. ☐ **No contact or limited contact**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH2]: Language approved by Policy and Planning Committee

☐ You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ You and the protected person share custody of one or more minor children. You must only contact the protected person to arrange visits with the children by the methods checked below. Any approved communication must be civil and respectful.

☐ Phone

☐ Text

☐ Email

☐ Third party person (name): _____

☐ Other: _____

☐ For family related matters other than parent time, you must only communicate with the protected person through the person listed below:

First name:	
Middle name or initial (if any):	
Last name:	

Phone or other:

5. ☐ **Accused minor cannot live at protected person's residence**

You **must not** go to the protected person's residence or premises without an officer. You must remove yourself from and stay away from the protected person's residence and premises.

Warning to accused minor: Law enforcement can remove you or keep you away from the protected person's residence or premises if needed.

6. ☐ **Stay away**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH3]: Language approved by Policy and Planning Committee

Warning to accused minor: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

☐ The protected person's residence;

☐ The protected person's school;

☐ The protected person's workplace;

☐ These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

☐ You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or

have contact with the protected person and must leave. If leaving is not an option (such as at your place of employment or at a required court hearing), you must move as far away as possible to avoid any confrontation.

Commented [AH4]: Language approved by the Policy and Planning Committee as a checkbox

☐ 6. Personal property is transferred as follows:

To you	To the protected person

Warning to accused minor: You **must not** go to the residence of the protected person or other protected places without an officer. Law enforcement can evict you or keep you away from the places frequented by the protected person if needed.

7. ☐ **Monitoring programs**

☐ You must participate in and comply with an electronic monitoring program.
(Your location is monitored with a wearable tracking device.)

☐ You must participate in and comply with these monitoring programs:

8. ☐ **Other orders**

9. ☐ **Orders to agencies**

A law enforcement officer from:

_____ (police agency) will enforce the orders checked below:

- ☐ Remove and require you to stay away from the protected person's residence.
- ☐ Accompany you one time to get your personal property.
- ☐ Accompany the protected person to get their personal property.

Notices to accused minor:

This order is in effect until further order of the court, trial, or other resolution of the case.

Penalties for violating this order (Utah Code 78B-7-806(3))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were charged of committing a felony in this case.
- Class A misdemeanor, if you were charged of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

The accused minor 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))

Notice to accused minor, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court completes this section —

Expiration date for National Crime Information Center purposes only: 01/01/3000

Date Signature ► _____
Judge _____

— Accused minor fills out below —

Commented [KT5]: Is this section needed?

Accused minor accepts service of this protective order.

Date Signature ► _____
Accused minor _____

The parent, guardian or custodian of the accused minor accepts service of this protective order on behalf of the accused minor, or the accused minor has consulted with legal counsel prior to accepting service.

Date Signature ► _____
Parent, guardian or custodian _____

Date Signature ► _____
Legal counsel _____

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)
 ☐ Prosecutor (Utah Bar #: _____)

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

	Request for Sentencing (Dispositional) Protective Order (Utah Code 78B-7-804 and 78B-7-805)
Petitioner (person asking for protection)	
v.	Case Number _____
Adjudicated minor	Judge _____

Commented [KT1]: Is this the appropriate caption?

1. Case Information

The adjudicated minor has been placed on probation or entered into a plea in abeyance agreement after the court issued a formal decision.

2. Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

☐ I ask to protect additional victims. Attached is a sheet of paper that includes each additional victim's first and last name and relationship to the adjudicated minor.

3. Adjudicated minor:

First name:	
Middle name or initial (if any):	
Last name:	

4. Relationship with the adjudicated minor

The protected person (choose all that apply):

- ☐ is married to the adjudicated minor.
- ☐ is divorced from the adjudicated minor.
- ☐ lives with the adjudicated minor as a couple.
- ☐ used to live with the adjudicated minor as a couple.
- ☐ has or had a child or children with the adjudicated minor.
- ☐ is in a consensual sexual relationship with the adjudicated minor.
- ☐ used to be in a consensual sexual relationship with the adjudicated minor.
- ☐ lives in the same home as the adjudicated minor.
- ☐ used to live in the same home as the adjudicated minor.
- ☐ is related by blood, marriage or adoption as a child, parent, aunt, uncle, niece, nephew, grandparent, grandchild, or sibling of the adjudicated minor. (Specify the relationship):

☐ is expecting a child with the adjudicated minor. (Due date in mm/dd/yyyy):

☐ other (specify the relationship with the adjudicated minor):

☐ does not or did not have a relationship with the adjudicated minor.

5. Other Court Cases

There are:

☐ No other court cases involving the protected person, adjudicated minor, or

their children.

- ☐ The following court cases involving the protected person, adjudicated minor, or their children.

(If marked, list all court cases below to the best of your knowledge.)

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Adjudicated minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Adjudicated minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Adjudicated minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Civil litigation <input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case <input type="checkbox"/> Order of protection		
Person involved	<input type="checkbox"/> Protected person <input type="checkbox"/> Adjudicated minor	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Request for Protective Orders

I ask the court for the following orders. (Choose all that apply.)

6. ☒ **No domestic violence or abuse**

Order the adjudicated minor not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name)	Relationship to the protected person

7. ☐ **No contact or limited contact**

Notice: The adjudicated minor will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

☐ Order the adjudicated minor not to harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

Commented [AH2]: Language approved by Policy and Planning Committee

☐ The adjudicated minor and the protected person share custody of one or more minor children. Order the adjudicated minor to only contact the protected person to arrange visits with the children by the options below. Any approved communication must be civil and nonthreatening. (Choose the preferred method(s) of contact.)

☐ Phone: _____

☐ Text: _____

☐ Email: _____

☐ Third party person (name): _____

Contact information for third party person: _____

☐ Other (specify): _____

8. ☐ **Adjudicated minor cannot live at protected person's residence**

Order the adjudicated minor to be removed from the protected person's residence and the premises. Order that the adjudicated minor cannot live at the protected person's residence and the premises.

9. ☐ **Stay away**

Notice: The adjudicated minor will not violate the protective order by:

- attending a hearing with the protected person. But they must be a party to the case or a required witness.
- serving documents they file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH3]: Language approved by Policy and Planning Committee

Order the adjudicated minor to stay away from:

☐ The protected person's residence;

☐ The protected person's school;

☐ The protected person's workplace;

☐ These other places frequented by the protected person and any designated family members (a judge can only order the adjudicated minor to stay away from a specific place with an address listed):

Commented [KT4]: (CJA 4-202.02(8)(E)(i) says that a crime victim's personal or business addresses are safeguarded);

(Street, City, State, ZIP)

(Street, City, State, ZIP)

- [] Order the adjudicated minor to stay away from the protected person if they encounter them at any other location not listed in this order. The adjudicated minor must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at the adjudicated minor's place of employment), the adjudicated minor must move as far away as possible to avoid any confrontation.

Commented [AH5]: Language approved by Policy and Planning Committee

10. [] Property Orders

Order personal property to be transferred as follows:

To the accused minor:	To the protected person:

11. [] Monitoring programs

- [] Order the adjudicated minor to participate in and comply with an electronic monitoring program. (The adjudicated minor's location is monitored with a wearable tracking device.)
- [] Order the adjudicated minor to participate in and comply with a monitoring program (can include substance abuse testing, alcohol testing, supervised parent-time, etc.)

Requested program (describe):

11. [] No guns or weapons:

[] Order the adjudicated minor not to use, possess, have, or buy a gun or firearm.

[] Order the adjudicated minor not to use, possess, have, or buy any of these weapons (list weapons):

[] Order the adjudicated minor to hand in any guns or firearms that the adjudicated minor owns or possesses.

[] Order the adjudicated minor to hand in any of these weapons the adjudicated minor

owns or possesses (list weapons):

13. [] Restitution

Order the adjudicated minor to pay restitution to the protected person in accordance with the Crime Victims Restitution Act (Title 77, Chapter 38b).

14. [] Transfer Wireless Phone Numbers

Order the adjudicated minor and the wireless service provider to transfer the protected person's current wireless phone numbers to a new account of the protected person's choice.

- The adjudicated minor is the account holder for the following wireless phone numbers:

- The numbers are assigned to phones that are primarily used by the protected person, or by people who will live with the protected person while the protective order is in effect.
- The protected person will have full financial responsibility for each wireless phone number, beginning on the day of transfer. This includes monthly service costs and costs for any mobile device associated with the wireless phone numbers.

- A wireless service provider may apply standard requirements for account establishment to the protected person when transferring financial responsibility.

10. ☐ Other orders

Other orders requested (List any other orders needed to protect the protected person and the protected person's immediate family or household members.)

13. ☐ Requested orders to agencies

Order a law enforcement officer from:

_____ (police agency) to enforce the orders checked below:

- ☐ Remove and require the adjudicated minor to stay away from the protected person's residence.
- ☐ Accompany the adjudicated minor one time to get their personal property.
- ☐ Accompany the protected person to get their personal property.

Petitioner

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Signature ►

Date

Printed Name

or

Prosecutor or attorney (if applicable)

Signature ►

Date

Printed Name

In the Juvenile Court of Utah

_____ Judicial District, _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

A minor

☐ under ☐ over 18 years of age, and
☐ represented ☐ not represented.

Sentencing (Dispositional) Protective Order
(Utah Code 78B-7-804 and 78B-7-805)

Case Number

Judge

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Adjudicated minor:

First name:	
Middle name or initial (if any):	
Last name:	

The court finds

The adjudicated minor has been placed on probation or entered into a plea in abeyance agreement after the court issued a formal decision. The adjudicated minor represents a credible threat to the physical safety of the protected person.

The protected person is:

- ☐ an intimate partner of the adjudicated minor. (The adjudicated minor and the protected person are or were married, are the parents of a shared child, cohabit or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).
- ☐ the child of an intimate partner of the adjudicated minor.
- ☐ not an intimate partner of the adjudicated minor, but is a cohabitant under Utah law.
- ☐ not an intimate partner or cohabitant, but is a **Victim**.

Commented [KT1]: 78B-7-803(1)(b)

The court orders

You, the adjudicated minor must obey all orders marked below.

3. ☒ No domestic violence or abuse

You must not do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

4. ☐ No contact or limited contact

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.

- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH2]: Language approved by Policy and Planning Committee

- ☐ You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).
- ☐ You and the protected person share custody of one or more minor children. You must only contact the protected person to arrange visits with the children by the methods checked below. Any approved communication must be civil and respectful.

☐ Phone

☐ Text

☐ Email

☐ Third party person (name): _____

☐ Other: _____

5. ☐ Adjudicated minor cannot live at protected person's residence

You **must not** go to the protected person's residence or premises without an officer. You must remove yourself from and stay away from the protected person's residence and premises.

Warning to adjudicated minor: Law enforcement can remove you or keep you away from the protected person's residence or premises if needed.

6. ☐ Stay away

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Commented [AH3]: Language approved by Policy and Planning Committee

Warning to adjudicated minor: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

☐ The protected person's residence;

☐ The protected person's school;

☐ The protected person's workplace;

☐ These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

☐ You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at your place of employment or at a required court hearing), you must move as far away as possible to avoid any confrontation.

Commented [AH4]: Language approved by the Policy and Planning Committee as a checkbox

☐ 6. Personal property is transferred as follows:

To you	To the protected person

Warning to accused minor: You **must not** go to the residence of the protected person or other protected places without an officer. Law enforcement can evict you or keep you away from the places frequented by the protected person if needed.

7. ☐ **Monitoring programs**

☐ You must participate in and comply with an electronic monitoring program.
(Your location is monitored with a wearable tracking device.)

☐ You must participate in and comply with these monitoring programs:

8. ☐ **No guns or weapons:**

☐ You must not use, possess, have, or buy a gun or firearm.

☐ You must not use, possess, have, or buy any of these weapons:

☐ You must turn over any guns or firearms that you own or possess by:

_____ to:

(date: mm/dd/yyyy)

☐ A law enforcement agency _____
(law enforcement agency)

☐ A family member who does not live with you. The family member must agree to keep the gun or firearms from you in a sworn affidavit submitted to the courts for this option.
(name): _____

☐ Other (specify): _____

☐ You must turn over any of these weapons you own or possess:

by: _____

(date: mm/dd/yyyy)

You must turn over these weapons listed above to:

☐ A law enforcement agency _____
(law enforcement agency)

☐ A family member who does not live with you. The family member must agree to keep these weapons from you in a sworn affidavit submitted to the courts for this option. A family member
(name): _____

☐ Other (specify): _____

9. ☐ Restitution

You must pay restitution to the protected person in accordance with the Crime Victims Restitution Act (Title 77, Chapter 38b).

10. ☐ Transfer Wireless Phone Number(s)

You and the wireless service provider must transfer the protected person's current wireless phone numbers to a new account of the protected person's choice.

11. ☐ Other orders

12. ☐ Orders to agencies

A law enforcement officer from:

_____ (police agency) will enforce the orders checked below:

- ☐ Remove and require you to stay away from the protected person's residence.
- ☐ Accompany you one time to get your personal property.
- ☐ Accompany the protected person to get their personal property.
- ☐ Receive and hold your guns or firearms for safekeeping until further order of the court.

Commented [AH5]: https://le.utah.gov/xcode/Title53/Chapter53C/53-5c-S201.html?v=C53-5c-S201_2017050920180101

Notices to adjudicated minor:

This order is in effect until further order of the court.

Penalties for violating this order (Utah Code 78B-7-806(3))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were adjudicated of committing a felony in this case.
- Class A misdemeanor, if you were adjudicated of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

The adjudicated minor 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))

Notice to adjudicated minor, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court completes this section —

Expiration date for National Crime Information Center purposes only: 01/01/3000

Date

Signature ► _____
Judge _____

— Adjudicated minor fills out below —

Commented [KT6]: Is this section needed?

Adjudicated minor accepts service of this protective order and waives the right to be personally served.

Date

Signature ► _____
Adjudicated minor _____

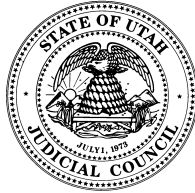
The parent, guardian or custodian of the adjudicated minor accepts service of this protective order, or the adjudicated minor has consulted with legal counsel prior to accepting service.

Date

Signature ► _____
Parent, guardian or custodian _____

Date

Signature ► _____
Legal counsel _____



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

June 7, 2022

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Forms Committee

FROM: Nathanael Player, on behalf of OCAP and the Self-Help Center

RE: Temporary Separation provisions in OCAP

Previously, this committee approved provisions for a temporary separation interview in OCAP. The current provisions are largely the same as the provisions approved for a motion for temporary order in the divorce interview. When a user completes an interview in OCAP for temporary separation, depending on their choices, OCAP can generate a petition, stipulation, findings of fact and conclusions of law, and an order. Due to some confusion with these pleadings, and some deficiencies, I recommend the following changes to these OCAP provisions for temporary separation:

1. Cite to Utah Code 30-3-4.5 in the caption of all of the relevant documents (petition, motion, stipulation, order, etc.);
2. Retitle the order, currently called "Order on Motion for Temporary Order," to "Temporary Separation Order;"
3. Add to the caption of the order, a note that says the order expires in one year;
4. Add a provision to the order that says that the order expires one year, to make this consistent with Utah Code 30-3-4.5(2).

The Committee is asked to authorize OCAP to make these changes.

The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Intervenor

☐ Attorney for intervenor (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Adoption of

(child's name)

Indian Child Welfare Act – Motion to Intervene

(25 USC 1911 and **URCP 24(e)**)

Case Number

Judge

The _____ (name of tribe), a federally recognized tribe, asks to intervene in this proceeding as the Indian tribe of the child or children named above.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Signature ►

Date

Printed Name

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Intervene on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Date _____ Signature ► _____
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Intervenor

☐ Attorney for intervenor (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Adoption of

(child's name)

Plaintiff/Petitioner

v.

Defendant/Respondent

**Indian Child Welfare Act – Order
Granting Motion to Intervene**
(25 USC 1911 and URCP 24(e))

Case Number

Judge

The court grants the Motion to Intervene filed by the _____
(name of tribe), a federally recognized Indian tribe.

Date

Signature ►

Judge

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion to Intervene on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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 Date

 Signature ►

 Printed Name

Name

Address

City, State, Zip

Phone

Email

I am ☐ Intervenor
☐ Attorney for intervenor (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Adoption of

(child's name)

Plaintiff/Petitioner

v.

Defendant/Respondent

**Notice of Designated Tribal
Representative in a Court
Proceeding Involving an Indian
Child**

URCP 24(e))

Case Number(s)

Judge

(Choose one)

☐ I have been designated by the _____ (tribe name) as the tribal representative.

☐ _____ (Name of office) has been designated by the _____ (tribe name) as the tribal representative.

Here is the contact information:

Name: _____

Title:	
Address:	
City, State & Zip Code	
Telephone:	Email:

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Designated Tribal Representative in a Court Proceeding Involving an Indian Child on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Date _____ Signature ► _____
 Printed Name _____

Name _____

Address _____

City, State, Zip _____

Phone _____

Email _____

Check your email. You will receive information and documents at this email address.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Motion for Leave to Amend
(Utah Rule of Civil Procedure 15)

Commented [KT1]: We will prepare a standard version of this form as well as Family Law versions (judge and commissioner) and a probate version.

Plaintiff/Petitioner _____

v. _____

Defendant/Respondent _____

Case Number _____

Judge _____

Commissioner (domestic cases) _____

1. I ask the court for permission to amend my _____ (name of document).

2. I make this request because: (choose all that apply)

☐ more than 21 days have passed since I was served with the other party's answer, counterclaim, or motion to dismiss the document named in paragraph 1.

☐ I have previously amended the document in paragraph 1.

☐ more than 21 days have passed since I served the document named in paragraph 1 on the other party.

3. This motion is timely because (choose all that apply):

- ☐ Discovery in this case has not closed
- ☐ Trial has not been scheduled yet
- ☐ An order of dismissal has not been entered
- ☐ This case has not been pending for several years

Commented [KT2]: The factors below come from *Evans v. B&E Pace Investment LLC*, 424 P.3d 963

4. This motion will not prejudice the other party because they will still have time to prepare a response to the new information in my pleading because (explain):

5. I did not raise these issues before because (explain):

6. ☐ The other party agrees with this motion and a stipulation is being filed.

7. I have attached a copy of the amended document.

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date
Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date
Signature ► _____
Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms: utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) 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.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span)

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.



Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion for Leave to Amend on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Signature ►

Date

Printed Name

Name
Address
City, State, Zip
Phone
Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

	Order on Motion for Leave to Amend
_____	_____
Plaintiff/Petitioner	(name of motion)
v.	_____
_____	Case Number
Defendant/Respondent	_____
	Judge

	Commissioner

The matter before the court is ☐ plaintiff/petitioner's ☐ defendant/respondent's
Motion to _____ (name of motion).

This matter is being resolved by (Choose all that apply.):

- ☐ The default of ☐ plaintiff/petitioner ☐ defendant/respondent.
☐ The stipulation of the parties.
☐ The pleadings and other papers of the parties.
☐ A hearing held on _____ (date).

Plaintiff/Petitioner

☐ was ☐ was not present.

☐ was represented by _____.

☐ was not represented.

Defendant/Respondent

☐ was ☐ was not present.

☐ was represented by _____.

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments,
and now being fully informed,

The court finds:

☐ the proposed amendment is not untimely, unjustified, or prejudicial.

☐ the proposed amendment is untimely, unjustified, or prejudicial because:

The court orders:

☐ the motion is granted.

☐ the motion is denied.

The court further orders:

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

Date

Signature ►

Commissioner

Date

Signature ►

Judge

Approved as to form.

_____	Signature ►	_____
Date	Plaintiff/Petitioner, Attorney or Licensed Paralegal Practitioner	_____

_____	Signature ►	_____
Date	Defendant/Respondent, Attorney or Licensed Paralegal Practitioner	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
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Signature ►

Date

Printed Name