

1 **Rule 37. Child protective orders.**

2 (a) Child protective order proceedings are governed by ~~Section~~ Utah Code section 78B-7-
3 201 et seq. Protective order proceedings may be commenced as an independent action by
4 filing a petition. Any interested person may file a petition for a protective order on behalf
5 of a child as provided by statute. The petitioner shall first make a referral to the division.
6 If an immediate ex parte protective order is requested pending a hearing, the petition or
7 an accompanying affidavit shall set forth the facts constituting good cause for issuance of
8 the ex parte order.

9 (b) If the petitioner is the agent of a public or private agency, including a law enforcement
10 agency, the petition shall set forth the agent's title and the name of the agency that the
11 petitioner represents.

12 (c) Petitions for protective orders by a public agency shall not be accepted by the clerk
13 unless reviewed and approved by the attorney for the public agency, whose office shall
14 represent the petitioner in such cases.

15 (d) The petitioner, if a private person or agency, and the respondent may be represented
16 by retained counsel. Subject to the limitations ~~in Section 78A-6-1111~~ under the law, the
17 Court may appoint counsel for an indigent respondent who is a parent, guardian or
18 custodian of the child alleged to be abused or threatened with abuse. If the court finds in
19 the hearing that the allegations of the petition have been established, the court may assess
20 petitioner's costs and attorney fees against the respondent. If the court finds that the
21 petition is without merit, the respondent's costs and attorney fees may be assessed against
22 petitioner.

23 (e) If an ex parte order has been issued, the hearing must be held within 21 days
24 ~~excluding Saturdays, Sundays and legal holidays.~~