

Utah Code § 78B-7-105 — Protective Orders — General Provisions

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78B-7-105. Forms for petitions, civil protective orders, and civil stalking injunctions -- Assistance
↪ -- Fees.

(1)

(a) The offices of the court clerk shall provide forms to an individual seeking any of the following
↪ under this chapter:

- (i) an ex parte civil protective order;
- (ii) a civil protective order;
- (iii) an ex parte stalking injunction; or
- (iv) a civil stalking injunction.

(b) The Administrative Office of the Courts shall:

- (i) develop and adopt uniform forms for petitions and the protective orders and stalking injunctions
↪ described in Subsection (1)(a) in accordance with the provisions of this chapter; and
- (ii) provide the forms to the clerk of each court authorized to issue the protective orders and
↪ stalking injunctions described in Subsection (1)(a).

(2) The forms described in Subsection (1)(b) shall include:

(a) for a petition for an ex parte civil protective order or a civil protective order:

- (i) a statement notifying the petitioner for an ex parte civil protective order that knowing
↪ falsification of any statement or information provided for the purpose of obtaining a civil
↪ protective order may subject the petitioner to felony prosecution;
- (ii) language indicating the criminal penalty for a violation of an ex parte civil protective order
↪ or a civil protective order under this chapter and language stating a violation of or failure
↪ to comply with a civil provision is subject to contempt proceedings;
- (iii) a space for information the petitioner is able to provide to facilitate identification of the
↪ respondent, including the respondent's social security number, driver license number, date of
↪ birth, address, telephone number, and physical description;
- (iv) a space for information the petitioner is able to provide related to a proceeding for a civil
↪ protective order or a criminal protective order, civil litigation, a proceeding in juvenile
↪ court, or a criminal case involving either party, including the case name, file number, the
↪ county and state of the proceeding, and the judge's name;
- (v) a space to indicate whether the party to be protected is an intimate partner to the respondent or
↪ a child of an intimate partner to the respondent; and
- (vi) a space for the date on which the provisions of the protective order expire;

(b) for a petition under Part 4, Dating Violence Protective Orders, a space to indicate whether an
↪ order under Subsection 78B-7-404(2)(e) or (f) regarding a household animal is requested; and

(c) for a petition under Part 6, Cohabitant Abuse Protective Orders:

- (i) a separate portion of the form for those provisions, the violation of which is a criminal offense,
↪ and a separate portion for those provisions, the violation of which is a civil violation;
- (ii) a statement advising the petitioner that when a child is included in an ex parte protective
↪ order or a protective order, as part of either the criminal or the civil portion of the
↪ order, the petitioner may provide a copy of the order to the principal of the school that the
↪ child attends;
- (iii) a statement advising the petitioner that if the respondent fails to return custody of a minor
↪ child to the petitioner as ordered in a protective order, the petitioner may obtain from the
↪ court a writ of assistance; and
- (iv) a space to indicate whether an order under Subsection 78B-7-603(2)(k) or (l) regarding a
↪ household animal is requested.

(3) If the individual seeking to proceed as a petitioner under this chapter is not represented by an
↪ attorney, the court clerk's office shall provide nonlegal assistance, including:

- (a) the forms adopted under Subsection (1)(b);
- (b) all other forms required to petition for a protective order or stalking injunction described in
↪ Subsection (1)(a), including forms for service;
- (c) clerical assistance in filling out the forms and filing the petition, or if the court clerk's
↪ office designates another entity, agency, or person to provide that service, oversight over
↪ the entity, agency, or person to see that the service is provided;
- (d) information regarding the means available for the service of process;

- (e) a list of legal service organizations that may represent the petitioner in an action brought under
 - ↳ this chapter, together with the telephone numbers of those organizations; and
- (f) written information regarding the procedure for transporting a jailed or imprisoned respondent to
 - ↳ the protective order hearing, including an explanation of the use of transportation order
 - ↳ forms when necessary.
- (4) A court clerk, constable, or law enforcement agency may not impose a charge for:
 - (a) filing a petition under this chapter;
 - (b) obtaining an ex parte civil protective order or ex parte civil stalking injunction;
 - (c) obtaining copies, either certified or uncertified, necessary for service or delivery to law
 - ↳ enforcement officials; or
 - (d) fees for service of:
 - (i) a petition under this chapter;
 - (ii) an ex parte civil protective order;
 - (iii) a civil protective order;
 - (iv) an ex parte civil stalking injunction; or
 - (v) a civil stalking injunction.
- (5) A petition for an ex parte civil protective order and a civil protective order shall be in writing
 - ↳ and verified.
- (6)
 - (a) The protective orders and stalking injunctions described in Subsection (1)(a) shall be issued in
 - ↳ the form adopted by the Administrative Office of the Courts under Subsection (1)(b).
 - (b) A civil protective order that is issued shall, if applicable, include the following language:
 - "Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to
 - ↳ this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796,
 - ↳ 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia,
 - ↳ tribal lands, and United States territories. This order complies with the Uniform Interstate
 - ↳ Enforcement of Domestic Violence Protection Orders Act.".
 - (c) An ex parte civil protective order and a civil protective order issued under Part 6, Cohabitant
 - ↳ Abuse Protective Orders, shall include the following language:
 - "NOTICE TO PETITIONER: The court may amend or dismiss a protective order after one year if it
 - ↳ finds that the basis for the issuance of the protective order no longer exists and the
 - ↳ petitioner has repeatedly acted in contravention of the protective order provisions to
 - ↳ intentionally or knowingly induce the respondent to violate the protective order,
 - ↳ demonstrating to the court that the petitioner no longer has a reasonable fear of the
 - ↳ respondent.".
 - (d) A child protective order issued under Part 2, Child Protective Orders, shall include:
 - (i) the date the order expires; and
 - (ii) a statement that the address provided by the petitioner will not be made available to the
 - ↳ respondent.
- (7)
 - (a)
 - (i) The court clerk shall provide, without charge, to the petitioner, one certified copy of a civil
 - ↳ stalking injunction issued by the court and one certified copy of the proof of service of the
 - ↳ civil stalking injunction on the respondent.
 - (ii) A charge may be imposed by the court clerk's office for any copies in addition to the copy
 - ↳ described in Subsection (7)(a)(i), certified or uncertified.
 - (b) An ex parte civil stalking injunction and civil stalking injunction shall include the following
 - ↳ statement:
 - "Attention: This is an official court order. If you disobey this order, the court may find you in
 - ↳ contempt. You may also be arrested and prosecuted for the crime of stalking and any other
 - ↳ crime you may have committed in disobeying this order.".

Amended by Chapter 142, 2022 General Session

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