

PROTECTIVE ORDER AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Terry R. Spencer

This act modifies provisions regarding protective orders to allow either party to a hearing to object to an order recommended by a commissioner and have the matter heard by a judge.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

30-6-4.3, as last amended by Chapter 83, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **30-6-4.3** is amended to read:

30-6-4.3. Hearings on ex parte orders.

(1) (a) When a court issues an ex parte protective order the court shall set a date for a hearing on the petition within 20 days after the ex parte order is issued.

(b) If at that hearing the court does not issue a protective order, the ex parte protective order shall expire, unless it is otherwise [~~modified~~] extended by the court.

(c) If at that hearing the court issues a protective order, the ex parte protective order remains in effect until service of process of the protective order is completed.

(d) A protective order issued after notice and a hearing is effective until further order of the court.

(e) If the hearing on the petition is heard by a commissioner, either the petitioner or respondent may file an objection within ten days of the entry of the recommended order and the assigned judge shall hold a hearing within 20 days of the filing of the objection.

(2) Upon a hearing under this section, the court may grant any of the relief described in Section 30-6-4.2.

(3) When a court denies a petition for an ex parte protective order or a petition to modify an order for protection ex parte, the court shall set the matter for hearing upon notice to the respondent.

(4) A respondent who has been served with an ex parte protective order may seek to vacate

the ex parte protective order prior to the hearing scheduled pursuant to Subsection (1)(a) by filing a verified motion to vacate. The respondent's verified motion to vacate and a notice of hearing on that motion shall be personally served on the petitioner at least two days prior to the hearing on the motion to vacate.