

DOMESTIC VIOLENCE AND DATING VIOLENCE

AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for the issuance, modification, and enforcement of protective orders between individuals who are, or have been, in a dating relationship.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for the issuance, modification, and enforcement of protective orders

between parties who are, or have been, in a dating relationship when:

- the parties are emancipated or ~~H~~→ [18] 19 ←~~H~~ years of age or older;
- the parties are, or have been, in a dating relationship with each other; and
- a party commits abuse or dating violence against the other party;

▶ requires the Administrative Office of the Courts to develop and adopt uniform forms for petitions and orders for protection relating to dating violence;

- ▶ describes the restrictions that a court may include in a protective order;
- ▶ describes the conditions that may be placed on an alleged perpetrator of dating

violence:

- in a protective order;
- in an order for probation for violation of a protective order relating to dating

violence; or

H.B. 315



834 (b) the relationship between [~~natural~~] biological, adoptive, step, or foster siblings who
835 are under 18 years of age.

836 [~~(4)~~] (3) "Court clerk" means a district court clerk.

837 (4) "Dating partner" means a person who:

838 (a) (i) is an emancipated person under Section 15-2-1 or Title 78A, Chapter 6, Part 8,
839 Emancipation; or

840 (ii) is ~~18~~ **19** ~~18~~ years of age or older;

841 (b) is, or has been, in a dating relationship with the other party; and

842 (c) is not, and has not been, a cohabitant of the other party.

843 (5) (a) "Dating relationship" means a social relationship of romantic or intimate nature,
844 regardless of whether the relationship involves sexual intimacy.

845 (b) "Dating relationship" does not include:

846 (i) a casual relationship; or

847 (ii) casual fraternization between two individuals in a business, educational, or social
848 context.

849 (c) In determining, based on a totality of the circumstances, whether a dating
850 relationship exists:

851 (i) all relevant factors should be considered, including:

852 (A) whether the parties developed interpersonal bonding over and above a mere casual
853 fraternization;

854 (B) the length of the parties' relationship;

855 (C) the nature and frequency of the parties' interactions;

856 (D) the ongoing expectations of the parties, individual or jointly, with respect to the
857 relationship;

858 (E) whether, by statement or conduct, the parties demonstrated an affirmation of their
859 relationship before others; and

860 (F) whether other reasons exist that support or detract from a finding that a dating
861 relationship exists; and

862 (ii) it is not necessary that all, or a particular number, of the factors described in
863 Subsection (5)(c)(i) are found to support the existence of a dating relationship.

864 (6) "Dating violence" means: