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**COHABITANT DEFINITION**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad R. Wilson**

Senate Sponsor: Jerry W. Stevenson

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**LONG TITLE**

**General Description:**

This bill modifies the Judicial Code by amending the definition of a cohabitant.

**Highlighted Provisions:**

This bill:

▶ includes in the definition of "cohabitant" a person who not only has one or more children in common with the other party, but also a person who had one or more children in common with the other party.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78B-7-102**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78B-7-102** is amended to read:

**78B-7-102. Definitions.**

As used in this chapter:

(1) "Abuse" means intentionally or knowingly causing or attempting to cause a



28 cohabitant physical harm or intentionally or knowingly placing a cohabitant in reasonable fear  
29 of imminent physical harm.

30 (2) "Cohabitant" means an emancipated person pursuant to Section 15-2-1 or a person  
31 who is 16 years of age or older who:

- 32 (a) is or was a spouse of the other party;
- 33 (b) is or was living as if a spouse of the other party;
- 34 (c) is related by blood or marriage to the other party;
- 35 (d) has or had one or more children in common with the other party;
- 36 (e) is the biological parent of the other party's unborn child; or
- 37 (f) resides or has resided in the same residence as the other party.

38 (3) Notwithstanding Subsection (2), "cohabitant" does not include:

- 39 (a) the relationship of natural parent, adoptive parent, or step-parent to a minor; or
- 40 (b) the relationship between natural, adoptive, step, or foster siblings who are under 18  
41 years of age.

42 (4) "Court clerk" means a district court clerk.

43 (5) "Domestic violence" means the same as that term is defined in Section 77-36-1.

44 (6) "Ex parte protective order" means an order issued without notice to the defendant in  
45 accordance with this chapter.

46 (7) "Foreign protection order" is as defined in Section 78B-7-302.

47 (8) "Law enforcement unit" or "law enforcement agency" means any public agency  
48 having general police power and charged with making arrests in connection with enforcement  
49 of the criminal statutes and ordinances of this state or any political subdivision.

50 (9) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace  
51 Officer Classifications.

52 (10) "Protective order" means an order issued pursuant to this chapter subsequent to a  
53 hearing on the petition, of which the petitioner and respondent have been given notice in  
54 accordance with this chapter.

**Legislative Review Note**  
**as of 2-4-13 12:26 PM**

**Office of Legislative Research and General Counsel**