

26 **78B-7-115. Dismissal of protective order.**

27 (1) ~~§~~ **→ Except as provided in Subsection (6), [A] a** ~~←~~ **§** protective order that has been in  
27a effect for at least two years may be dismissed if  
28 the court determines that the petitioner no longer has a reasonable fear of future abuse. In  
29 determining whether the petitioner no longer has a reasonable fear of future abuse, the court  
30 shall consider the following factors:

31 (a) whether the respondent has complied with treatment recommendations related to  
32 domestic violence, entered at the time the protective order was entered;

33 (b) whether the protective order was violated during the time it was in force;

34 (c) claims of harassment, abuse, or violence by either party during the time the  
35 protective order was in force;

36 (d) counseling or therapy undertaken by either party;

37 (e) impact on the well-being of any minor children of the parties, if relevant; and

38 (f) any other factors the court considers relevant to the case before it.

39 (2) ~~§~~ **→ Except as provided in Subsection (6), [The] the** ~~←~~ **§** court may amend or dismiss a  
39a protective order issued in accordance with this

40 part that has been in effect for at least one year if it finds that:

41 (a) the basis for the issuance of the protective order no longer exists;

42 (b) the petitioner has repeatedly acted in contravention of the protective order  
43 provisions to intentionally or knowingly induce the respondent to violate the protective order;

44 (c) the petitioner's actions demonstrate that the petitioner no longer has a reasonable  
45 fear of the respondent; and

46 (d) the respondent has not been convicted of a protective order violation or any crime  
47 of violence subsequent to the issuance of the protective order, and there are no unresolved  
48 charges involving violent conduct still on file with the court.

49 (3) The court shall enter sanctions against either party if the court determines that  
50 either party acted:

51 (a) in bad faith; or

52 (b) with intent to harass or intimidate either party.

53 (4) Notice of a motion to dismiss a protective order shall be made by personal service  
54 on the petitioner in a protective order action as provided in Rules 4 and 5, Utah Rules of Civil  
55 Procedure.

56 (5) If a divorce proceeding is pending between ~~[the]~~ parties to a protective order action,

57 the protective order ~~H→~~ [f] shall [f] ~~may~~ ~~←H~~ be dismissed when the court issues a decree  
 57a of divorce for the  
 58 parties if:

59 (a) the petitioner in the protective order action is present or has been given notice in  
 60 both the divorce and protective order action of the hearing; and

61 (b) the court ~~H→~~ [f] specifically finds that the order need not continue [f] ~~←H~~ [:] .

61a ~~H→~~ [~~after making specific~~

62 ~~findings on each factor described~~] and as provided ~~←H~~ in Subsection (1), ~~H→~~ [~~determines that~~] ~~←H~~  
 62a the petitioner no longer has  
 63 a reasonable fear of future abuse.

63a ~~S→~~ **(6) (a) Notwithstanding Subsection (1) or (2), a protective order that has been entered**  
 63b **under this chapter concerning a petitioner and a respondent who are divorced shall**  
 63c **automatically expire, subject to Subsections (6)(b) and (c), 10 years from the day on which one**  
 63d **of following occurs:**

63e **(i) the decree of divorce between the petitioner and respondent became absolute; or**

63f **(ii) the protective order was entered.**

63g **(b) The protective order shall automatically expire, as described in Subsection (6)(a), unless:**

63h **(i) the petitioner demonstrates that the petitioner has a reasonable fear of future abuse, as**  
 63i **described in Subsection (1); or**

63j **(ii) the respondent has been convicted of a protective order violation or any crime of violence**  
 63k **subsequent to the issuance of the protective order.**

63l **(c) The 10 years described in Subsection (6)(a) is tolled for any period of time that the**  
 63m **respondent is incarcerated.** ~~←S~~

64 ~~S→~~ [~~(6)~~] **(7)** ~~←S~~ When the court dismisses a protective order, the court shall immediately:

65 **(a)** issue an order of dismissal to be filed in the protective order action; and

66 **(b)** transmit a copy of the order of dismissal to the statewide domestic violence

67 network as described in Section [78B-7-113](#).