

Protection Order Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill enacts the Uniform Recognition of Canadian Domestic Violence Protection Orders Act.

Highlighted Provisions:

This bill:

- defines terms;
- enacts the Uniform Recognition of Canadian Domestic Violence Protection Orders Act;
- provides a severability clause; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-7-102, as last amended by Laws of Utah 2023, Chapter 170

78B-7-116, as renumbered and amended by Laws of Utah 2008, Chapter 3

ENACTS:

78B-7-1201, Utah Code Annotated 1953

78B-7-1202, Utah Code Annotated 1953

78B-7-1203, Utah Code Annotated 1953

78B-7-1204, Utah Code Annotated 1953

78B-7-1205, Utah Code Annotated 1953

78B-7-1206, Utah Code Annotated 1953

28 **78B-7-1207**, Utah Code Annotated 1953

29 **78B-7-1208**, Utah Code Annotated 1953

30 **78B-7-1209**, Utah Code Annotated 1953

31 **78B-7-1210**, Utah Code Annotated 1953

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

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

35 **78B-7-102 . Definitions.**

36 As used in this chapter:

37 (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly
38 causing or attempting to cause another individual physical harm or intentionally or
39 knowingly placing another individual in reasonable fear of imminent physical harm.

40 (2) "Affinity" means the same as that term is defined in Section 76-1-101.5.

41 (3) "Canadian domestic violence protection order" means the same as that term is defined in
42 Section 78B-7-1201.

43 ~~[(3)]~~ (4) "Civil protective order" means an order issued, subsequent to a hearing on the
44 petition, of which the petitioner and respondent have been given notice, under:

- 45 (a) Part 2, Child Protective Orders;
46 (b) Part 4, Dating Violence Protective Orders;
47 (c) Part 5, Sexual Violence Protective Orders;
48 (d) Part 6, Cohabitant Abuse Protective Orders; or
49 (e) Part 11, Workplace Violence Protective Orders.

50 ~~[(4)]~~ (5) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil
51 Stalking Injunctions.

52 ~~[(5)]~~ (6)(a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an
53 individual who is 16 years old or older who:

- 54 (i) is or was a spouse of the other party;
55 (ii) is or was living as if a spouse of the other party;
56 (iii) is related by blood or marriage to the other party as the individual's parent,
57 grandparent, sibling, or any other individual related to the individual by
58 consanguinity or affinity to the second degree;
59 (iv) has or had one or more children in common with the other party;
60 (v) is the biological parent of the other party's unborn child;
61 (vi) resides or has resided in the same residence as the other party; or

(vii) is or was in a consensual sexual relationship with the other party.

(b) "Cohabitant" does not include:

(i) the relationship of natural parent, adoptive parent, or step-parent to a minor; or

(ii) the relationship between natural, adoptive, step, or foster siblings who are under 18 years old.

~~[(6)]~~ (7) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.

~~[(7)]~~ (8) "Criminal protective order" means an order issued under Part 8, Criminal Protective Orders.

~~[(8)]~~ (9) "Criminal stalking injunction" means a stalking injunction issued under Part 9, Criminal Stalking Injunctions.

~~[(9)]~~ (10) "Court clerk" means a district court clerk.

~~[(10)]~~ (11)(a) "Dating partner" means an individual who:

(i)(A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7, Emancipation; or

(B) is 18 years old or older; and

(ii) is, or has been, in a dating relationship with the other party.

(b) "Dating partner" does not include an intimate partner.

~~[(11)]~~ (12)(a) "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship which has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy.

(b) "Dating relationship" does not include casual fraternization in a business, educational, or social context.

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

(i) all relevant factors shall be considered, including:

(A) whether the parties developed interpersonal bonding above a mere casual fraternization;

(B) the length of the parties' relationship;

(C) the nature and the frequency of the parties' interactions, including communications indicating that the parties intended to begin a dating relationship;

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

(E) whether, by statement or conduct, the parties demonstrated an affirmation of

96 their relationship to others; and

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

99 (ii) it is not necessary that all, or a particular number, of the factors described in

100 Subsection ~~[(11)(e)(i)]~~ (12)(c)(i) are found to support the existence of a dating
101 relationship.

102 ~~[(12)]~~ (13) "Domestic violence" means the same as that term is defined in Section 77-36-1.

103 ~~[(13)]~~ (14) "Ex parte civil protective order" means an order issued without notice to the
104 respondent under:

105 (a) Part 2, Child Protective Orders;

106 (b) Part 4, Dating Violence Protective Orders;

107 (c) Part 5, Sexual Violence Protective Orders;

108 (d) Part 6, Cohabitant Abuse Protective Orders; or

109 (e) Part 11, Workplace Violence Protective Orders.

110 ~~[(14)]~~ (15) "Ex parte civil stalking injunction" means a stalking injunction issued without
111 notice to the respondent under Part 7, Civil Stalking Injunctions.

112 ~~[(15)]~~ (16) "Foreign protection order" means:

113 (a) the same as that term is defined in Section 78B-7-302[:]; or

114 (b) a Canadian domestic violence protection order.

115 ~~[(16)]~~ (17) "Household animal" means an animal that is tamed and kept as a pet.

116 ~~[(17)]~~ (18) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.

117 ~~[(18)]~~ (19) "Law enforcement unit" or "law enforcement agency" means any public agency
118 having general police power and charged with making arrests in connection with
119 enforcement of the criminal statutes and ordinances of this state or any political
120 subdivision.

121 ~~[(19)]~~ (20) "Peace officer" means those individuals specified in Title 53, Chapter 13, Peace
122 Officer Classifications.

123 ~~[(20)]~~ (21) "Qualifying domestic violence offense" means the same as that term is defined in
124 Section 77-36-1.1.

125 ~~[(21)]~~ (22) "Respondent" means the individual against whom enforcement of a protective
126 order is sought.

127 ~~[(22)]~~ (23) "Stalking" means the same as that term is defined in Section 76-5-106.5.

128 Section 2. Section **78B-7-116** is amended to read:

129 **78B-7-116 . Full faith and credit for foreign protection orders.**

- (1) A foreign protection order is enforceable in this state as provided in Title 78B, Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, and Title 78B, Chapter 7, Part 12, Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act.
- (2)(a) A person entitled to protection under a foreign protection order may file the order in any district court by filing with the court a certified copy of the order. A filing fee may not be required.
- (b) The person filing the foreign protection order shall swear under oath in an affidavit, that to the best of the person's knowledge the order is presently in effect as written and the respondent was personally served with a copy of the order.
- (c) The affidavit described in Subsection (2)(b) shall be in the form adopted by the Administrative Office of the Courts, consistent with its responsibilities to develop and adopt forms under Section 78B-7-105.
- (d) The court where a foreign protection order is filed shall transmit a copy of the order to the statewide domestic violence network described in Section 78B-7-113.
- (e) Upon inquiry by a law enforcement agency, the clerk of the district court shall make a copy of the foreign protection order available.
- (f) After a foreign protection order is filed, the district court shall furnish a certified copy of the order to the person who filed the order.
- (g) A filed foreign protection order that is inaccurate or is not currently in effect shall be corrected or removed from the statewide domestic violence network described in Section 78B-7-113.
- (3) Law enforcement personnel may:
- (a) rely upon a certified copy of any foreign protection order which has been provided to the peace officer by any source;
- (b) rely on the statement of the person protected by the order that the order is in effect and the respondent was personally served with a copy of the order; or
- (c) consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.
- (4) A violation in Utah of a foreign protection order is subject to the same penalties as the violation of a protective order issued in Utah.

Section 3. Section **78B-7-1201** is enacted to read:

Part 12. Uniform Recognition and Enforcement of Canadian Domestic Violence

Protection Orders Act

78B-7-1201 . Definitions.

As used in this part:

- (1) "Canadian domestic violence protection order" means a judgment or part of a judgment or order issued in a civil proceeding by a court of Canada under law of the issuing jurisdiction which relates to domestic violence and prohibits a respondent from:
- (a) being in physical proximity to a protected individual or following a protected individual;
- (b) directly or indirectly contacting or communicating with a protected individual or other individual described in the order;
- (c) being within a certain distance of a specified place or location associated with a protected individual; or
- (d) molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.
- (2) "Domestic protection order" means an injunction or other order issued by a tribunal which relates to domestic or family violence laws to prevent an individual from engaging in violent or threatening acts against, harassment of, direct or indirect contact or communication with, or being in physical proximity to another individual.
- (3) "Issuing court" means the court that issues a Canadian domestic violence protection order.
- (4) "Law enforcement officer" means an individual authorized by the law of this state other than this part to enforce a domestic protection order.
- (5) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.
- (6) "Protected individual" means an individual protected by a Canadian domestic violence protection order.
- (7) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (8) "Respondent" means an individual against whom a Canadian domestic violence protection order is issued.
- (9)(a) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the

jurisdiction of the United States.

(b) "State" includes a federally recognized Indian tribe.

(10) "Tribunal" means a court, agency, or other entity authorized by law of this state other than this part to establish, enforce, or modify a domestic protection order.

Section 4. Section **78B-7-1202** is enacted to read:

78B-7-1202 . Enforcement of Canadian domestic violence protection order by law enforcement officer.

(1) If a law enforcement officer determines under Subsection (3) or (4) that there is probable cause to believe a valid Canadian domestic violence protection order exists and the order has been violated, the officer shall enforce the terms of the Canadian domestic violence protection order as if the terms were in an order of a tribunal.

(2) Presentation to a law enforcement officer of a certified copy of a Canadian domestic violence protection order is not required for enforcement.

(3) Presentation to a law enforcement officer of a record of a Canadian domestic violence protection order that identifies both a protected individual and a respondent, and on its face is in effect, constitutes probable cause to believe that a valid order exists.

(4) If a record of a Canadian domestic violence protection order is not presented as provided in Subsection (3), a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid Canadian domestic violence protection order exists.

(5) If a law enforcement officer determines that an otherwise valid Canadian domestic violence protection order cannot be enforced because the respondent has not been notified of or served with the order, the officer shall notify the protected individual that the officer will make reasonable efforts to contact the respondent, consistent with the safety of the protected individual.

(6) After notice to the protected individual and consistent with the safety of the individual, the officer shall make a reasonable effort to inform the respondent of the order, notify the respondent of the terms of the order, provide a record of the order, if available, to the respondent, and allow the respondent a reasonable opportunity to comply with the order before the officer enforces the order.

(7) If a law enforcement officer determines that an individual is a protected individual, the officer shall inform the individual of available local victim services.

Section 5. Section **78B-7-1203** is enacted to read:

78B-7-1203 . Enforcement of Canadian domestic violence protection order by

tribunal.

(1) A tribunal may issue an order enforcing or refusing to enforce a Canadian domestic violence protection order on application of:

(a) a person authorized by the law of this state other than this part to seek enforcement of a domestic protection order; or

(b) a respondent.

(2) In a proceeding under Subsection (1), the tribunal shall follow the procedures of this state for enforcement of a domestic protection order.

(3) An order entered under this section is limited to the enforcement of the terms of the Canadian domestic violence protection order as described in Section 78B-7-1201.

(4) A Canadian domestic violence protection order is enforceable under this section if:

(a) the order identifies a protected individual and a respondent;

(b) the order is valid and in effect;

(c) the issuing court had jurisdiction over the parties and the subject matter under law applicable in the issuing court; and

(d) the order was issued after:

(i) the respondent was given reasonable notice and had an opportunity to be heard before the court issued the order; or

(ii) in the case of an ex parte order, the respondent was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.

(5) A Canadian domestic violence protection order valid on its face is prima facie evidence of the order's enforceability under this section.

(6) A claim that a Canadian domestic violence protection order does not comply with Subsection (4) is an affirmative defense in a proceeding seeking enforcement of the order.

(7) If a tribunal determines that a Canadian domestic violence protection order is not enforceable, the tribunal shall issue an order that the Canadian domestic violence protection order is not enforceable under this section and Section 78B-7-1202, and may not be registered under Section 78B-7-1204.

(8) This section applies to enforcement of a provision of a Canadian domestic violence protection order against a party to the order in which each party is a protected individual and respondent only if:

(a) the party seeking enforcement of the order filed a pleading requesting the order from the issuing court; and

(b) the court made specific findings that entitled the party to the enforcement sought.

Section 6. Section **78B-7-1204** is enacted to read:

78B-7-1204 . Registration of Canadian domestic violence protection order.

(1) An individual may register a Canadian domestic violence protection order in this state.

(2) To register the order, the individual must file a certified copy of the order in accordance with Section 78B-7-116.

(3) Registration in this state or filing under the law of this state other than this part of a Canadian domestic violence protection order is not required for enforcement of the order under this part.

Section 7. Section **78B-7-1205** is enacted to read:

78B-7-1205 . Immunity.

The state, state agency, local governmental agency, law enforcement officer, prosecuting attorney, clerk of court, and state or local governmental official acting in an official capacity are immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a Canadian domestic violence protection order or the detention or arrest of an alleged violator of a Canadian domestic violence protection order if the act or omission was a good faith effort to comply with this part.

Section 8. Section **78B-7-1206** is enacted to read:

78B-7-1206 . Other remedies.

An individual who seeks a remedy under this part may seek other legal or equitable remedies.

Section 9. Section **78B-7-1207** is enacted to read:

78B-7-1207 . Uniformity of application and construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Section 10. Section **78B-7-1208** is enacted to read:

78B-7-1208 . Relation to Electronic Signatures in Global and National Commerce Act.

This part modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

Section 11. Section **78B-7-1209** is enacted to read:

78B-7-1209 . Application.

- (1) This part applies to a Canadian domestic violence protection order issued before, on, or after May 7, 2025, and to a continuing action for enforcement of a Canadian domestic violence protection order commenced before, on, or after May 7, 2025.
- (2) A request for enforcement of a Canadian domestic violence protection order made on or after May 7, 2025, for a violation of the order occurring before, on, or after May 7, 2025, is governed by this part.

Section 12. Section **78B-7-1210** is enacted to read:

78B-7-1210 . Severability.

If any provision of this part or its application to any person or circumstance is held invalid, the remainder of this part shall be given effect without the invalid provision or application. The provisions of this part are severable.

Section 13. **Effective Date.**

This bill takes effect on May 7, 2025.