

Effective 5/12/2020

Superseded 7/1/2020

78B-7-102 Definitions.

As used in this chapter:

- (1) "Abuse" means intentionally or knowingly causing or attempting to cause a cohabitant physical harm or intentionally or knowingly placing a cohabitant in reasonable fear of imminent physical harm.
- (2) "Affinity" means the same as that term is defined in Section 76-1-601.
- (3)
 - (a) "Cohabitant" means an emancipated person pursuant to Section 15-2-1 or a person who is 16 years of age or older who:
 - (i) is or was a spouse of the other party;
 - (ii) is or was living as if a spouse of the other party;
 - (iii) is related by blood or marriage to the other party as the person's parent, grandparent, sibling, or any other person related to the person by consanguinity or affinity to the second degree;
 - (iv) has or had one or more children in common with the other party;
 - (v) is the biological parent of the other party's unborn child;
 - (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 of age.
- (4) "Consanguinity" means the same as that term is defined in Section 76-1-601.
- (5) "Court clerk" means a district court clerk.
- (6) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (7) "Ex parte protective order" means an order issued without notice to the respondent in accordance with this chapter.
- (8) "Foreign protection order" means the same as that term is defined in Section 78B-7-302.
- (9) "Law enforcement unit" or "law enforcement agency" means any public agency having general police power and charged with making arrests in connection with enforcement of the criminal statutes and ordinances of this state or any political subdivision.
- (10) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace Officer Classifications.
- (11) "Protective order" means:
 - (a) an order issued pursuant to this chapter subsequent to a hearing on the petition, of which the petitioner and respondent have been given notice in accordance with this chapter; or
 - (b) an order issued under Subsection 77-36-5.1(6).