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78B-7-102 Definitions.

As used in this chapter:

- (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly causing or attempting to cause another individual physical harm or intentionally or knowingly placing another individual in reasonable fear of imminent physical harm.
- (2) "Affinity" means the same as that term is defined in Section 76-1-101.5.
- (3) "Canadian domestic violence protection order" means the same as that term is defined in Section 78B-7-1201.
- (4) "Child" means an individual who is younger than 18 years old.
- (5) "Civil protective order" means an order issued, subsequent to a hearing on the petition, of which the petitioner and respondent have been given notice, under:
 - (a) Part 2, Child Protective Orders;
 - (b) Part 4, Dating Violence Protective Orders;
 - (c) Part 5, Sexual Violence Protective Orders;
 - (d) Part 6, Cohabitant Abuse Protective Orders; or
 - (e) Part 11, Workplace Violence Protective Orders.
- (6) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil Stalking Injunctions.
- (7)
 - (a) "Cohabitant" means an emancipated individual under Section 15-2-1 or an individual who is 16 years old 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 individual's parent, grandparent, sibling, or any other individual related to the individual 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 minor 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 child; or
 - (ii) the relationship between natural, adoptive, step, or foster siblings who are under 18 years old.
- (8) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.
- (9) "Criminal protective order" means an order issued under Part 8, Criminal Protective Orders.
- (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9, Criminal Stalking Injunctions.
- (11) "Court clerk" means a district court clerk.
- (12)
 - (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.

- (13)
- (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 their relationship to others; and
 - (F) whether other reasons exist that support or detract from a finding that a dating relationship exists; and
 - (ii) it is not necessary that all, or a particular number, of the factors described in Subsection (13)(c)(i) are found to support the existence of a dating relationship.
- (14) "Dating violence" means:
- (a) a criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by an individual against a dating partner; or
 - (b) an attempt, a conspiracy, or a solicitation by an individual to commit a criminal offense involving violence or physical harm against a dating partner of the individual.
- (15) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (16) "Ex parte civil protective order" means an order issued without notice to the respondent under:
- (a) Part 2, Child Protective Orders;
 - (b) Part 4, Dating Violence Protective Orders;
 - (c) Part 5, Sexual Violence Protective Orders;
 - (d) Part 6, Cohabitant Abuse Protective Orders; or
 - (e) Part 11, Workplace Violence Protective Orders.
- (17) "Ex parte civil stalking injunction" means a stalking injunction issued without notice to the respondent under Part 7, Civil Stalking Injunctions.
- (18) "Foreign protection order" means:
- (a) the same as that term is defined in Section 78B-7-302; or
 - (b) a Canadian domestic violence protection order.
- (19) "Household animal" means an animal that is tamed and kept as a pet.
- (20) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- (21) "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.
- (22) "Minor child" means the same as that term is defined in Section 81-1-101.
- (23) "Peace officer" means those individuals specified in Title 53, Chapter 13, Peace Officer Classifications.
- (24) "Qualifying domestic violence offense" means the same as that term is defined in Section 77-36-1.1.
- (25) "Respondent" means the individual against whom enforcement of a protective order is sought.

(26) "Stalking" means the same as that term is defined in Section 76-5-106.5.