

Effective 5/4/2022

78B-7-105 Forms for petitions, civil protective orders, and civil stalking injunctions -- Assistance -- Fees.

- (1)
 - (a) The offices of the court clerk shall provide forms to an individual seeking any of the following under this chapter:
 - (i) an ex parte civil protective order;
 - (ii) a civil protective order;
 - (iii) an ex parte stalking injunction; or
 - (iv) a civil stalking injunction.
 - (b) The Administrative Office of the Courts shall:
 - (i) develop and adopt uniform forms for petitions and the protective orders and stalking injunctions described in Subsection (1)(a) in accordance with the provisions of this chapter; and
 - (ii) provide the forms to the clerk of each court authorized to issue the protective orders and stalking injunctions described in Subsection (1)(a).
- (2) The forms described in Subsection (1)(b) shall include:
 - (a) for a petition for an ex parte civil protective order or a civil protective order:
 - (i) a statement notifying the petitioner for an ex parte civil protective order that knowing falsification of any statement or information provided for the purpose of obtaining a civil protective order may subject the petitioner to felony prosecution;
 - (ii) language indicating the criminal penalty for a violation of an ex parte civil protective order or a civil protective order under this chapter and language stating a violation of or failure to comply with a civil provision is subject to contempt proceedings;
 - (iii) a space for information the petitioner is able to provide to facilitate identification of the respondent, including the respondent's social security number, driver license number, date of birth, address, telephone number, and physical description;
 - (iv) a space for information the petitioner is able to provide related to a proceeding for a civil protective order or a criminal protective order, civil litigation, a proceeding in juvenile court, or a criminal case involving either party, including the case name, file number, the county and state of the proceeding, and the judge's name;
 - (v) a space to indicate whether the party to be protected is an intimate partner to the respondent or a child of an intimate partner to the respondent; and
 - (vi) a space for the date on which the provisions of the protective order expire;
 - (b) for a petition under Part 4, Dating Violence Protective Orders, a space to indicate whether an order under Subsection 78B-7-404(2)(e) or (f) regarding a household animal is requested; and
 - (c) for a petition under Part 6, Cohabitant Abuse Protective Orders:
 - (i) a separate portion of the form for those provisions, the violation of which is a criminal offense, and a separate portion for those provisions, the violation of which is a civil violation;
 - (ii) a statement advising the petitioner that when a child is included in an ex parte protective order or a protective order, as part of either the criminal or the civil portion of the order, the petitioner may provide a copy of the order to the principal of the school that the child attends;
 - (iii) a statement advising the petitioner that if the respondent fails to return custody of a minor child to the petitioner as ordered in a protective order, the petitioner may obtain from the court a writ of assistance; and

- (iv) a space to indicate whether an order under Subsection 78B-7-603(2)(k) or (l) regarding a household animal is requested.
- (3) If the individual seeking to proceed as a petitioner under this chapter is not represented by an attorney, the court clerk's office shall provide nonlegal assistance, including:
 - (a) the forms adopted under Subsection (1)(b);
 - (b) all other forms required to petition for a protective order or stalking injunction described in Subsection (1)(a), including forms for service;
 - (c) clerical assistance in filling out the forms and filing the petition, or if the court clerk's office designates another entity, agency, or person to provide that service, oversight over the entity, agency, or person to see that the service is provided;
 - (d) information regarding the means available for the service of process;
 - (e) a list of legal service organizations that may represent the petitioner in an action brought under this chapter, together with the telephone numbers of those organizations; and
 - (f) written information regarding the procedure for transporting a jailed or imprisoned respondent to the protective order hearing, including an explanation of the use of transportation order forms when necessary.
- (4) A court clerk, constable, or law enforcement agency may not impose a charge for:
 - (a) filing a petition under this chapter;
 - (b) obtaining an ex parte civil protective order or ex parte civil stalking injunction;
 - (c) obtaining copies, either certified or uncertified, necessary for service or delivery to law enforcement officials; or
 - (d) fees for service of:
 - (i) a petition under this chapter;
 - (ii) an ex parte civil protective order;
 - (iii) a civil protective order;
 - (iv) an ex parte civil stalking injunction; or
 - (v) a civil stalking injunction.
- (5) A petition for an ex parte civil protective order and a civil protective order shall be in writing and verified.
- (6)
 - (a) The protective orders and stalking injunctions described in Subsection (1)(a) shall be issued in the form adopted by the Administrative Office of the Courts under Subsection (1)(b).
 - (b) A civil protective order that is issued shall, if applicable, include the following language:

"Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act."
 - (c) An ex parte civil protective order and a civil protective order issued under Part 6, Cohabitant Abuse Protective Orders, shall include the following language:

"NOTICE TO PETITIONER: The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent."
 - (d) A child protective order issued under Part 2, Child Protective Orders, shall include:
 - (i) the date the order expires; and

(ii) a statement that the address provided by the petitioner will not be made available to the respondent.

(7)

(a)

(i) The court clerk shall provide, without charge, to the petitioner, one certified copy of a civil stalking injunction issued by the court and one certified copy of the proof of service of the civil stalking injunction on the respondent.

(ii) A charge may be imposed by the court clerk's office for any copies in addition to the copy described in Subsection (7)(a)(i), certified or uncertified.

(b) An ex parte civil stalking injunction and civil stalking injunction shall include the following statement:

"Attention: This is an official court order. If you disobey this order, the court may find you in contempt. You may also be arrested and prosecuted for the crime of stalking and any other crime you may have committed in disobeying this order."

Amended by Chapter 142, 2022 General Session