

Effective 9/1/2021

78B-7-202 Abuse or danger of abuse -- Child protective orders -- Ex parte child protective orders -- Guardian ad litem -- Referral to division.

- (1)
 - (a) Any interested person may file a petition for a protective order:
 - (i) on behalf of a child who is being abused or is in imminent danger of being abused by any individual; or
 - (ii) on behalf of a child who has been abused by an individual who is not the child's parent, stepparent, guardian, or custodian.
 - (b) Before filing a petition under Subsection (1)(a), the interested person shall make a referral to the division.
- (2) Upon the filing of a petition described in Subsection (1), the clerk of the court shall:
 - (a) review the records of the juvenile court, the district court, and the management information system of the division to find any petitions, orders, or investigations related to the child or the parties to the case;
 - (b) request the records of any law enforcement agency identified by the petitioner as having investigated abuse of the child; and
 - (c) identify and obtain any other background information that may be of assistance to the court.
- (3) If it appears from a petition for a protective order filed under Subsection (1)(a)(i) that the child is being abused or is in imminent danger of being abused, or it appears from a petition for a protective order filed under Subsection (1)(a)(ii) that the child has been abused, the court may:
 - (a) without notice, immediately issue an ex parte child protective order against the respondent if necessary to protect the child; or
 - (b) upon notice to the respondent, issue a child protective order after a hearing in accordance with Subsection 78B-7-203(5).
- (4) The court may appoint an attorney guardian ad litem under Sections 78A-2-703 and 78A-2-803.
- (5) This section does not prohibit a protective order from being issued against a respondent who is a child.

Amended by Chapter 262, 2021 General Session