

78B-7-303 Judicial enforcement of order.

- (1) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.
- (2) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.
- (3) A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.
- (4) A foreign protection order is valid if it:
 - (a) identifies the protected individual and the respondent;
 - (b) is currently in effect;
 - (c) was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and
 - (d) was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.
- (5) A foreign protection order valid on its face is prima facie evidence of its validity.
- (6) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.
- (7) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:
 - (a) the respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and
 - (b) the tribunal of the issuing state made specific findings in favor of the respondent.
- (8)
 - (a) The juvenile court has jurisdiction to enforce foreign protection orders under this section over which the juvenile court would have had jurisdiction if the order had been originally sought in this state.
 - (b) The district court has jurisdiction to enforce foreign protection orders under this section:
 - (i) over which the district court would have had jurisdiction if the order had been originally sought in this state; or
 - (ii) that are not under the jurisdiction of the juvenile court under Subsection (8)(a).

Renumbered and Amended by Chapter 3, 2008 General Session