

Superseded 7/1/2020

78B-7-402 Definitions.

As used in this part:

- (1) "Abuse" means intentionally or knowingly:
 - (a) causing or attempting to cause physical harm to a dating partner; or
 - (b) placing a dating partner in reasonable fear of imminent physical harm.
- (2)
 - (a) "Dating partner" means a person who:
 - (i)
 - (A) is an emancipated person under Section 15-2-1 or Title 78A, Chapter 6, Part 8, Emancipation; or
 - (B) is 18 years of age 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, as defined in federal law in Title 18 U.S.C. Section 921.
- (3)
 - (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 mean 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 (3)(c)(i) are found to support the existence of a dating relationship.
- (4) "Dating violence" means:
 - (a) any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against a dating partner of the person; or
 - (b) any attempt, conspiracy, or solicitation by a person to commit a criminal offense involving violence or physical harm against a dating partner of the person.
- (5) "Dating violence protective order" means an order issued pursuant to this part subsequent to a hearing on the petition, as described in Section 78B-7-403.
- (6) "Ex parte dating violence protective order" means an order issued without notice to the respondent, in accordance with the requirements of this part.
- (7) "Protective order" means:
 - (a) a dating violence protective order; or
 - (b) an ex parte dating violence protective order.