

Effective 5/13/2014

78B-7-405 Hearings on ex parte dating violence protective orders.

- (1)
 - (a) Within 20 days after the day on which the court issues an ex parte protective order, the district court shall set a date for a hearing on the petition.
 - (b) If, at the hearing described in Subsection (1)(a), the district court does not issue a dating violence protective order, the ex parte dating protective order shall expire, unless it is extended by the district court. Extensions beyond the 20-day period may not be granted unless:
 - (i) the petitioner is unable to be present at the hearing;
 - (ii) the respondent has not been served; or
 - (iii) exigent circumstances exist.
 - (c) Under no circumstances may an ex parte order be extended beyond 180 days from the day on which the court issues the initial ex parte protective order.
 - (d) If, at the hearing described in Subsection (1)(a), the district court issues a dating violence protective order, the ex parte protective order shall remain in effect until service of process of the dating violence protective order is completed.
 - (e) A dating violence protective order issued after notice and a hearing shall remain in effect from 180 days after the day on which the order is issued.
 - (f) If the hearing on the petition is heard by a commissioner, either the petitioner or respondent may file an objection within 10 calendar days after the day on which the recommended order is entered, and the assigned judge shall hold a hearing on the objection within 20 days after the day on which the objection is filed.
- (2) Upon a hearing under this section, the district court may grant any of the relief permitted under Section 78B-7-404, except the district court shall not grant the relief described in Subsection 78B-7-404(3)(b) without providing the respondent notice and an opportunity to be heard.
- (3) If a district court denies a petition for an ex parte dating violence protective order or a petition to modify a dating violence protective order ex parte, the district court shall, upon the petitioner's request:
 - (a) set the matter for hearing; and
 - (b) notify and serve the respondent.

Amended by Chapter 263, 2014 General Session