



# House of Representatives *State of Utah*

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February 3, 2006

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **H.B. 290**, PROTECTIVE ORDER AMENDMENTS, by Representative L. Fowlke, with the following amendments:

1. *Page 5, Line 139 through Page 6, Line 155:*

139 30-6-4.3. Hearings on ex parte orders.  
140 (1) (a) When a court issues an ex parte protective order the court shall set a date for a  
141 hearing on the petition within 20 days after the ex parte order is issued.  
142 (b) If at that hearing the court does not issue a protective order, the ex parte  
protective  
143 order shall expire, unless it is otherwise extended by the court. { Extensions beyond  
the 20-day  
144 period may not be granted unless:  
145 — (i) the respondent has had the opportunity to present a defense at the hearing;  
or  
146 — (ii) the respondent requests that the ex parte order be extended;  
147 — (c) Under no circumstances may an ex parte order be extended beyond 180 days  
from  
148 the date of initial issuance.} (c) At the hearing, and after service of the ex parte  
protection order, an extension may not be granted unless the respondent has had the  
opportunity to present a defense.  
(d) If the petitioner requests an extension for the admission of additional evidence  
from a Guardian Ad Litem, police reports, medical reports, or other relevant  
evidence, the court may extend the ex parte protective order, so long as it complies  
with Subsection (1)(c).  
(e) An ex parte protective order may be extended upon the stipulation of both parties.  
(f) Under no circumstances may an ex parte protective order be extended beyond 120  
days from the date of service upon the respondent.

149 [ (c ) ] { ~~(d)~~ } (g) If at { ~~that~~ } the hearing the court issues a protective  
order, the ex parte protective

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150 order remains in effect until service of process of the protective order is completed.  
151 ~~[(d)]~~ ~~{(e)}~~ (h) A protective order issued after notice and a hearing is  
effective until further  
152 order of the court.  
153 ~~[(e)]~~ ~~{(f)}~~ (i) If the hearing on the petition is heard by a commissioner,  
either the petitioner  
154 or respondent may file an objection within ten days of the entry of the recommended order  
and  
155 the assigned judge shall hold a hearing within 20 days of the filing of the objection.

Respectfully,

James A. Ferrin  
Committee Chair

Voting: 9-0-4

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