

PROTECTION ORDER AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill enacts the Uniform Recognition of Canadian Domestic Violence Protection Orders Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ enacts the Uniform Recognition of Canadian Domestic Violence Protection Orders Act;
- ▶ provides a severability clause; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-7-102, as last amended by Laws of Utah 2023, Chapter 170

78B-7-116, as renumbered and amended by Laws of Utah 2008, Chapter 3

ENACTS:

78B-7-1201, Utah Code Annotated 1953



- 28 [78B-7-1202](#), Utah Code Annotated 1953
- 29 [78B-7-1203](#), Utah Code Annotated 1953
- 30 [78B-7-1204](#), Utah Code Annotated 1953
- 31 [78B-7-1205](#), Utah Code Annotated 1953
- 32 [78B-7-1206](#), Utah Code Annotated 1953
- 33 [78B-7-1207](#), Utah Code Annotated 1953
- 34 [78B-7-1208](#), Utah Code Annotated 1953
- 35 [78B-7-1209](#), Utah Code Annotated 1953
- 36 [78B-7-1210](#), Utah Code Annotated 1953



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **78B-7-102** is amended to read:

40 **78B-7-102. Definitions.**

41 As used in this chapter:

42 (1) "Abuse" means, except as provided in Section [78B-7-201](#), intentionally or
43 knowingly causing or attempting to cause another individual physical harm or intentionally or
44 knowingly placing another individual in reasonable fear of imminent physical harm.

45 (2) "Affinity" means the same as that term is defined in Section [76-1-101.5](#).

46 (3) "Canadian domestic violence protection order" means the same as that term is
47 defined in Section [78B-7-1201](#).

48 (4) "Civil protective order" means an order issued, subsequent to a hearing on the
49 petition, of which the petitioner and respondent have been given notice, under:

- 50 (a) Part 2, Child Protective Orders;
- 51 (b) Part 4, Dating Violence Protective Orders;
- 52 (c) Part 5, Sexual Violence Protective Orders;
- 53 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 54 (e) Part 11, Workplace Violence Protective Orders.

55 [~~4~~] (5) "Civil stalking injunction" means a stalking injunction issued under Part 7,
56 Civil Stalking Injunctions.

57 [~~5~~] (6) (a) "Cohabitant" means an emancipated individual under Section [15-2-1](#) or an
58 individual who is 16 years old or older who:

- 59 (i) is or was a spouse of the other party;
- 60 (ii) is or was living as if a spouse of the other party;
- 61 (iii) is related by blood or marriage to the other party as the individual's parent,
- 62 grandparent, sibling, or any other individual related to the individual by consanguinity or
- 63 affinity to the second degree;
- 64 (iv) has or had one or more children in common with the other party;
- 65 (v) is the biological parent of the other party's unborn child;
- 66 (vi) resides or has resided in the same residence as the other party; or
- 67 (vii) is or was in a consensual sexual relationship with the other party.
- 68 (b) "Cohabitant" does not include:
- 69 (i) the relationship of natural parent, adoptive parent, or step-parent to a minor; or
- 70 (ii) the relationship between natural, adoptive, step, or foster siblings who are under 18
- 71 years old.
- 72 ~~[(6)]~~ (7) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.
- 73 ~~[(7)]~~ (8) "Criminal protective order" means an order issued under Part 8, Criminal
- 74 Protective Orders.
- 75 ~~[(8)]~~ (9) "Criminal stalking injunction" means a stalking injunction issued under Part 9,
- 76 Criminal Stalking Injunctions.
- 77 ~~[(9)]~~ (10) "Court clerk" means a district court clerk.
- 78 ~~[(10)]~~ (11) (a) "Dating partner" means an individual who:
- 79 (i) (A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7,
- 80 Emancipation; or
- 81 (B) is 18 years old or older; and
- 82 (ii) is, or has been, in a dating relationship with the other party.
- 83 (b) "Dating partner" does not include an intimate partner.
- 84 ~~[(11)]~~ (12) (a) "Dating relationship" means a social relationship of a romantic or
- 85 intimate nature, or a relationship which has romance or intimacy as a goal by one or both
- 86 parties, regardless of whether the relationship involves sexual intimacy.
- 87 (b) "Dating relationship" does not include casual fraternization in a business,
- 88 educational, or social context.
- 89 (c) In determining, based on a totality of the circumstances, whether a dating

90 relationship exists:

91 (i) all relevant factors shall be considered, including:

92 (A) whether the parties developed interpersonal bonding above a mere casual
93 fraternization;

94 (B) the length of the parties' relationship;

95 (C) the nature and the frequency of the parties' interactions, including communications
96 indicating that the parties intended to begin a dating relationship;

97 (D) the ongoing expectations of the parties, individual or jointly, with respect to the
98 relationship;

99 (E) whether, by statement or conduct, the parties demonstrated an affirmation of their
100 relationship to others; and

101 (F) whether other reasons exist that support or detract from a finding that a dating
102 relationship exists; and

103 (ii) it is not necessary that all, or a particular number, of the factors described in
104 Subsection ~~[(11)(c)(i)]~~ (12)(c)(i) are found to support the existence of a dating relationship.

105 ~~[(12)]~~ (13) "Domestic violence" means the same as that term is defined in Section
106 [77-36-1](#).

107 ~~[(13)]~~ (14) "Ex parte civil protective order" means an order issued without notice to the
108 respondent under:

109 (a) Part 2, Child Protective Orders;

110 (b) Part 4, Dating Violence Protective Orders;

111 (c) Part 5, Sexual Violence Protective Orders;

112 (d) Part 6, Cohabitant Abuse Protective Orders; or

113 (e) Part 11, Workplace Violence Protective Orders.

114 ~~[(14)]~~ (15) "Ex parte civil stalking injunction" means a stalking injunction issued
115 without notice to the respondent under Part 7, Civil Stalking Injunctions.

116 ~~[(15)]~~ (16) "Foreign protection order" means:

117 (a) the same as that term is defined in Section [78B-7-302](#)~~[-];~~ and

118 (b) a Canadian domestic violence protection order.

119 ~~[(16)]~~ (17) "Household animal" means an animal that is tamed and kept as a pet.

120 ~~[(17)]~~ (18) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec.

121 921.

122 [~~(18)~~] (19) "Law enforcement unit" or "law enforcement agency" means any public
123 agency having general police power and charged with making arrests in connection with
124 enforcement of the criminal statutes and ordinances of this state or any political subdivision.

125 [~~(19)~~] (20) "Peace officer" means those individuals specified in Title 53, Chapter 13,
126 Peace Officer Classifications.

127 [~~(20)~~] (21) "Qualifying domestic violence offense" means the same as that term is
128 defined in Section [77-36-1.1](#).

129 [~~(21)~~] (22) "Respondent" means the individual against whom enforcement of a
130 protective order is sought.

131 [~~(22)~~] (23) "Stalking" means the same as that term is defined in Section [76-5-106.5](#).
132 Section 2. Section **78B-7-116** is amended to read:

133 **78B-7-116. Full faith and credit for foreign protection orders.**

134 (1) A foreign protection order is enforceable in this state as provided in Title 78B,
135 Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders
136 Act, and Title 78B, Chapter 7, Part 12, Uniform Recognition and Enforcement of Canadian
137 Domestic Violence Protection Orders Act.

138 (2) (a) A person entitled to protection under a foreign protection order may file the
139 order in any district court by filing with the court a certified copy of the order. A filing fee may
140 not be required.

141 (b) The person filing the foreign protection order shall swear under oath in an affidavit,
142 that to the best of the person's knowledge the order is presently in effect as written and the
143 respondent was personally served with a copy of the order.

144 (c) The affidavit described in Subsection (2)(b) shall be in the form adopted by the
145 Administrative Office of the Courts, consistent with its responsibilities to develop and adopt
146 forms under Section [78B-7-105](#).

147 (d) The court where a foreign protection order is filed shall transmit a copy of the order
148 to the statewide domestic violence network described in Section [78B-7-113](#).

149 (e) Upon inquiry by a law enforcement agency, the clerk of the district court shall make
150 a copy of the foreign protection order available.

151 (f) After a foreign protection order is filed, the district court shall furnish a certified

152 copy of the order to the person who filed the order.

153 (g) A filed foreign protection order that is inaccurate or is not currently in effect shall
154 be corrected or removed from the statewide domestic violence network described in Section
155 78B-7-113.

156 (3) Law enforcement personnel may:

157 (a) rely upon a certified copy of any foreign protection order which has been provided
158 to the peace officer by any source;

159 (b) rely on the statement of the person protected by the order that the order is in effect
160 and the respondent was personally served with a copy of the order; or

161 (c) consider other information in determining whether there is probable cause to
162 believe that a valid foreign protection order exists.

163 (4) A violation in Utah of a foreign protection order is subject to the same penalties as
164 the violation of a protective order issued in Utah.

165 Section 3. Section 78B-7-1201 is enacted to read:

166 **Part 12. Uniform Recognition and Enforcement of Canadian Domestic Violence**
167 **Protection Orders Act**

168 **78B-7-1201. Definitions.**

169 As used in this part:

170 (1) "Canadian domestic violence protection order" means a judgment or part of a
171 judgment or order issued in a civil proceeding by a court of Canada under law of the issuing
172 jurisdiction which relates to domestic violence and prohibits a respondent from:

173 (a) being in physical proximity to a protected individual or following a protected
174 individual;

175 (b) directly or indirectly contacting or communicating with a protected individual or
176 other individual described in the order;

177 (c) being within a certain distance of a specified place or location associated with a
178 protected individual; or

179 (d) molesting, annoying, harassing, or engaging in threatening conduct directed at a
180 protected individual.

181 (2) "Domestic protection order" means an injunction or other order issued by a tribunal
182 which relates to domestic or family violence laws to prevent an individual from engaging in

183 violent or threatening acts against, harassment of, direct or indirect contact or communication
184 with, or being in physical proximity to another individual.

185 (3) "Issuing court" means the court that issues a Canadian domestic violence protection
186 order.

187 (4) "Law enforcement officer" means an individual authorized by the law of this state
188 other than this part to enforce a domestic protection order.

189 (5) "Person" means an individual, estate, business or nonprofit entity, public
190 corporation, government or governmental subdivision, agency, or instrumentality, or other
191 legal entity.

192 (6) "Protected individual" means an individual protected by a Canadian domestic
193 violence protection order.

194 (7) "Record" means information that is inscribed on a tangible medium or that is stored
195 in an electronic or other medium and is retrievable in perceivable form.

196 (8) "Respondent" means an individual against whom a Canadian domestic violence
197 protection order is issued.

198 (9) (a) "State" means a state of the United States, the District of Columbia, Puerto
199 Rico, the United States Virgin Islands, or any territory or insular possession subject to the
200 jurisdiction of the United States.

201 (b) "State" includes a federally recognized Indian tribe.

202 (10) "Tribunal" means a court, agency, or other entity authorized by law of this state
203 other than this part to establish, enforce, or modify a domestic protection order.

204 Section 4. Section **78B-7-1202** is enacted to read:

205 **78B-7-1202. Enforcement of Canadian domestic violence protection order by law**
206 **enforcement officer.**

207 (1) If a law enforcement officer determines under Subsection (3) or (4) that there is
208 probable cause to believe a valid Canadian domestic violence protection order exists and the
209 order has been violated, the officer shall enforce the terms of the Canadian domestic violence
210 protection order as if the terms were in an order of a tribunal.

211 (2) Presentation to a law enforcement officer of a certified copy of a Canadian
212 domestic violence protection order is not required for enforcement.

213 (3) Presentation to a law enforcement officer of a record of a Canadian domestic

214 violence protection order that identifies both a protected individual and a respondent, and on its
215 face is in effect, constitutes probable cause to believe that a valid order exists.

216 (4) If a record of a Canadian domestic violence protection order is not presented as
217 provided in Subsection (3), a law enforcement officer may consider other information in
218 determining whether there is probable cause to believe that a valid Canadian domestic violence
219 protection order exists.

220 (5) If a law enforcement officer determines that an otherwise valid Canadian domestic
221 violence protection order cannot be enforced because the respondent has not been notified of or
222 served with the order, the officer shall notify the protected individual that the officer will make
223 reasonable efforts to contact the respondent, consistent with the safety of the protected
224 individual.

225 (6) After notice to the protected individual and consistent with the safety of the
226 individual, the officer shall make a reasonable effort to inform the respondent of the order,
227 notify the respondent of the terms of the order, provide a record of the order, if available, to the
228 respondent, and allow the respondent a reasonable opportunity to comply with the order before
229 the officer enforces the order.

230 (7) If a law enforcement officer determines that an individual is a protected individual,
231 the officer shall inform the individual of available local victim services.

232 Section 5. Section **78B-7-1203** is enacted to read:

233 **78B-7-1203. Enforcement of Canadian domestic violence protection order by**
234 **tribunal.**

235 (1) A tribunal may issue an order enforcing or refusing to enforce a Canadian domestic
236 violence protection order on application of:

237 (a) a person authorized by the law of this state other than this part to seek enforcement
238 of a domestic protection order; or

239 (b) a respondent.

240 (2) In a proceeding under Subsection (1), the tribunal shall follow the procedures of
241 this state for enforcement of a domestic protection order.

242 (3) An order entered under this section is limited to the enforcement of the terms of the
243 Canadian domestic violence protection order as described in Subsection [78B-7-1201\(1\)](#).

244 (4) A Canadian domestic violence protection order is enforceable under this section if:

- 245 (a) the order identifies a protected individual and a respondent;
246 (b) the order is valid and in effect;
247 (c) the issuing court had jurisdiction over the parties and the subject matter under law
248 applicable in the issuing court; and
249 (d) the order was issued after:
250 (i) the respondent was given reasonable notice and had an opportunity to be heard
251 before the court issued the order; or
252 (ii) in the case of an ex parte order, the respondent was given reasonable notice and had
253 or will have an opportunity to be heard within a reasonable time after the order was issued, in a
254 manner consistent with the right of the respondent to due process.
255 (5) A Canadian domestic violence protection order valid on its face is prima facie
256 evidence of its enforceability under this section.
257 (6) A claim that a Canadian domestic violence protection order does not comply with
258 Subsection (4) is an affirmative defense in a proceeding seeking enforcement of the order.
259 (7) If a tribunal determines that a Canadian domestic violence protection order is not
260 enforceable, the tribunal shall issue an order that the Canadian domestic violence protection
261 order is not enforceable under this section and Section [78B-7-1202](#), and may not be registered
262 under Section [78B-7-1204](#).
263 (8) This section applies to enforcement of a provision of a Canadian domestic violence
264 protection order against a party to the order in which each party is a protected individual and
265 respondent only if:
266 (a) the party seeking enforcement of the order filed a pleading requesting the order
267 from the issuing court; and
268 (b) the court made specific findings that entitled the party to the enforcement sought.
269 Section 6. Section **78B-7-1204** is enacted to read:
270 **78B-7-1204. Registration of Canadian domestic violence protection order.**
271 (1) An individual may register a Canadian domestic violence protection order in this
272 state.
273 (2) To register the order, the individual must file a certified copy of the order in
274 accordance with Section [78B-7-116](#).
275 (3) Registration in this state or filing under the law of this state other than this part of a

276 Canadian domestic violence protection order is not required for its enforcement under this part.

277 Section 7. Section **78B-7-1205** is enacted to read:

278 **78B-7-1205. Immunity.**

279 The state, state agency, local governmental agency, law enforcement officer,
280 prosecuting attorney, clerk of court, and state or local governmental official acting in an official
281 capacity are immune from civil and criminal liability for an act or omission arising out of the
282 registration or enforcement of a Canadian domestic violence protection order or the detention
283 or arrest of an alleged violator of a Canadian domestic violence protection order if the act or
284 omission was a good faith effort to comply with this part.

285 Section 8. Section **78B-7-1206** is enacted to read:

286 **78B-7-1206. Other remedies.**

287 An individual who seeks a remedy under this part may seek other legal or equitable
288 remedies.

289 Section 9. Section **78B-7-1207** is enacted to read:

290 **78B-7-1207. Uniformity of application and construction.**

291 In applying and construing this uniform act, consideration must be given to the need to
292 promote uniformity of the law with respect to its subject matter among states that enact it.

293 Section 10. Section **78B-7-1208** is enacted to read:

294 **78B-7-1208. Relation to electronic signatures in global and national commerce**
295 **act.**

296 This part modifies, limits, or supersedes the Electronic Signatures in Global and
297 National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede
298 Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the
299 notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

300 Section 11. Section **78B-7-1209** is enacted to read:

301 **78B-7-1209. Application.**

302 (1) This part applies to a Canadian domestic violence protection order issued before,
303 on, or after May 1, 2024, and to a continuing action for enforcement of a Canadian domestic
304 violence protection order commenced before, on, or after May 1, 2024.

305 (2) A request for enforcement of a Canadian domestic violence protection order made
306 on or after May 1, 2024, for a violation of the order occurring before, on, or after May 1, 2024,

307 is governed by this part.

308 Section 12. Section **78B-7-1210** is enacted to read:

309 **78B-7-1210. Severability.**

310 If any provision of this part or its application to any person or circumstance is held
311 invalid, the invalidity does not affect other provisions or applications of this part which can be
312 given effect without the invalid provision or application, and to this end the provisions of this
313 part are severable.

314 Section 13. **Effective date.**

315 This bill takes effect on May 1, 2024.