

PROTECTIVE ORDER AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Ken Ivory

LONG TITLE

General Description:

This bill addresses cohabitant abuse protective orders.

Highlighted Provisions:

This bill:

► clarifies when a court may amend or dismiss the criminal provisions of a cohabitant abuse protective order.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-7-605, as last amended by Laws of Utah 2021, Chapter 159

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

Section 1. Section **78B-7-605** is amended to read:

78B-7-605. Dismissal.

(1) [The] Except as otherwise provided in Subsection **78B-7-603**(10) concerning the criminal provisions of a cohabitant abuse protective order, the court may amend or dismiss a protective order issued in accordance with this part that has been in effect for at least one year



28 if the court finds that:

29 (a) the basis for the issuance of the protective order no longer exists;

30 (b) the petitioner has repeatedly acted in contravention of the protective order
31 provisions to intentionally or knowingly induce the respondent to violate the protective order;
32 and

33 (c) the petitioner's actions demonstrate that the petitioner no longer has a reasonable
34 fear of the respondent.

35 (2) The court shall enter sanctions against either party if the court determines that
36 either party acted:

37 (a) in bad faith; or

38 (b) with intent to harass or intimidate the other party.

39 (3) If a divorce proceeding is pending between parties to a protective order action, the
40 court shall dismiss the protective order when the court issues a decree of divorce for the parties
41 if:

42 (a) the respondent files a motion to dismiss a protective order in both the divorce
43 action and the protective order action and personally serves the petitioner; and

44 (b) (i) the parties stipulate in writing or on the record to dismiss the protective order; or

45 (ii) based on evidence at the divorce trial, the court determines that the petitioner no
46 longer has a reasonable fear of future harm, abuse, or domestic violence.

47 (4) When the court dismisses a protective order, the court shall immediately:

48 (a) issue an order of dismissal to be filed in the protective order action; and

49 (b) transmit a copy of the order of dismissal to the statewide domestic violence

50 network as described in Section [78B-7-113](#).

51 Section 2. **Effective date.**

52 This bill takes effect on May 1, 2024.