How do I get a Dating Violence Protective Order?

Utah law provides that a dating violence protective order may prohibit the abuser from threatening to commit or commit any form of violence or abuse against you and any named family or household member. The abuser can be ordered not to harass, telephone, contact, or otherwise communicate with you, directly or indirectly. In addition, the abuser can be ordered to stay away from your home and property, your school, or place of employment and the location of any of these, or any specified place frequented by you and any named family or household member.

However, take special note, if the abuser goes to the same school or has the same place of employment, the district court MAY NOT keep the abuser from your school or place of employment. The court MAY enter an order about the abuser's conduct at your school or place of employment.

Some questions about dating violence protective orders are:

Who may file a dating violence protective order?

In order to file a dating violence protective order, you must meet the following requirements:

- Be emancipated or at least 18 years old,
- Be a victim of abuse or dating violence by a dating partner, or there is good likelihood you will be subjected to abuse or dating violence by a dating partner,
- Have one or more of the following relationships with the abuser:
    - The "dating partner" must be emancipated or at least 18 years of age,
    - There must be a dating relationship with the other party,
    - The "dating partner" cannot be a spouse, former spouse, parent, or an individual who lives or has lived with you. If your "dating partner" fits one of these categories, please see the section "Protective Orders" above.

If you are a minor under 18 years of age or a parent of a minor, please see the section on Stalking Injunctions.

If the abuser is a spouse, former spouse, parent, or an individual who lives or has lived with you, see our section on Cohabitant Abuse Protective Orders.

Note: A dating relationship does not require sexual intimacy. However, the dating relationship must rise above mere casual friendship in a business, educational, or social context.

Where do I file a dating violence protective order?

If you are filing a dating violence protective order for yourself, you should file it in the district court of the county where you or the other party lives or in the county where the abuse happened.

The petition can be filed regardless of whether you have taken action to end the relationship with the abuser.

What about my children? Are they protected?

You may include another person in your petition for a protective order if:

- The other person is a family or household member, and
- There is a good chance the other person will be abused by your dating partner/abuser.

Note: If you know of or suspect abuse to any child (even if they are not your own), you MUST report the abuse to the Division of Child and Family Services (DCFS). In addition, a child who has been abused or who is suspected of having been abused may be given an attorney (called a “guardian ad litem”). This attorney’s job is to represent the child, not you or the alleged abuser.

What is abuse and dating violence?

- ”Abuse” means intentionally or knowingly:
  - Causing or trying to cause physical harm to a dating partner or,
  - Placing a dating partner in reasonable fear of immediate physical harm.
- ”Dating violence” means:
  - 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,
  - 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.

Do I need more than one incident of dating violence?

No. A dating violence protective order may be filed after one incident of abuse or dating violence between parties in a dating relationship.

How long does a dating violence protective order last?

You may ask for an immediate temporary order without giving notice to the abuser. If the court issues a temporary dating violence protective order it lasts until a hearing is set. (The hearing will be set within 20 days after the temporary dating violence protective order has been issued.)

A dating violence protective order issued by the court after proper notice has been given to the abuser and a hearing shall be in force for **180 days** after the dating violence protective order is signed.

If you are in immediate danger, call 911.

The information in this site is not intended as legal advice.

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