



### Access to Protective Orders

In Utah, minors can obtain Protective Orders (POs),<sup>1</sup> and courts can issue POs against minor abusers.<sup>2</sup> Utah's law excludes people in dating relationships from accessing POs.<sup>3</sup> This results in an automatic failing grade for Utah.

### Procedure

State law allows minors to petition for a PO on their own behalf at age sixteen.<sup>4</sup> Minors under the age of sixteen must have an interested person petition for a PO on the minor's behalf.<sup>5</sup> The law does not specify whether the parent or guardian of a minor petitioner must be notified when a PO is issued.

### Definition of Abuse

A judge may issue a PO when the respondent has damaged the petitioner's property, physically abused, sexually abused, threatened to physically abuse, stalked or harassed (including through electronic communication) the petitioner when the petitioner is sixteen years or older.<sup>6</sup> Utah fails to recognize harassment, stalking, and threats of physical abuse as forms of abuse that qualify for relief if the petitioner is under sixteen years old.<sup>7</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>8</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support and spousal support;
- not possess a gun; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protective Order is modifiable.<sup>9</sup>

### Minors' Access to Sensitive Services<sup>10</sup>

All minors can consent to:

- STI testing and treatment
- Prenatal care
- Adoption
- Medical care for child(ren)

Some minors may consent to contraceptive services. Parental notice and consent are required for abortion services.

### School Response to Dating Violence

Utah law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Utah's response to teen dating violence, the following changes are recommended:

- Allow individuals in dating relationships to access POs.
- Allow all minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow all victims of intimate partner stalking, harassment and threatened physical abuse to access POs.
- Allow all minors to access all sensitive services, including HIV services, without parental involvement.

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## State Law Report Card



### References

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<sup>1</sup> UTAH CODE ANN. 78B-7-103(1)§ 78B-7-103(1); 78B-7-202 (2009).

<sup>2</sup> *Id.* § 78B-7-103(1).

<sup>3</sup> *Id.* § 78B-7-102(2).

<sup>4</sup> *Id.* §§ 78B-7-102(2); 78B-7-103(1).

<sup>5</sup> *Id.* § 78B-7-202(1).

<sup>6</sup> *Id.* § 78B-7-102(5).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* § 78B-7-106(2) and (3).

<sup>9</sup> *Id.* § 78B-7-106(10).

<sup>10</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.



Empowering Youth to End  
Domestic Violence

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