

## Protective Orders

As a victim in a domestic violence case, you may request a protective order (sometimes referred to as a “no-contact order”) be issued by the court. There are two general types of protective orders—criminal and civil:

**Criminal Protective Orders:** A criminal protective order may be issued in any criminal case involving domestic violence. This is usually addressed at the defendant’s first court hearing, but a request for a protective order can be made at any stage of the case. These orders may remain in place as long as the criminal case is open and are automatically dismissed when a criminal case is closed, which may occur after a defendant completes probation, charges are dismissed, or if the defendant is found not guilty at a trial.

**Civil Protective Orders:** A civil protective order is not related to a criminal case and can only be ordered by a district court. An individual who has been the victim of domestic violence can file paperwork with the court requesting a civil protective order. Once a civil protective order is issued, the order must be served on the individual listed in the order and the court may hold additional hearings to amend or modify the terms of the order. There are no fees for filing a civil protective order or to have the order served.

### Protective Orders Online:

1. Go to [www.utcourts.gov/ocap/](http://www.utcourts.gov/ocap/)
2. Create an OCAP account.
3. Look under “Case Types” and click Protective Orders/Stalking.
4. Fill out the forms and save your information.
5. E-file forms with Provo 4<sup>th</sup> District Court at [provofiling@utcourts.gov](mailto:provofiling@utcourts.gov) or print and deliver the forms to the Provo 4<sup>th</sup> District Court at 137 N Freedom Blvd. Provo, UT 84601.

Contact the victim advocate if you need assistance with filing for a protective order.

## Community Resources

### For Emergencies Call 911

**The Refuge**  
**Domestic Violence/Sexual Assault Services**  
- Emergency Shelter  
24 hours/ 7 days a week  
(801) 377-5500

**Utah Legal Services**  
(800) 662-4245

**Timpanogos Legal Center**  
(801) 649-8895

**VINE**  
**(Custody Changes/Release Notification)**  
(877) 884-8463  
[www.vinelink.com](http://www.vinelink.com)

**Crime Victim Reparations**  
(801) 238-2360  
[www.crimevictim.utah.gov](http://www.crimevictim.utah.gov)  
Assists victims of violent crime with medical/ dental expenses, therapy/counseling, funeral/ burial expenses, wage loss etc.

**Payson Police Department**  
**Non-Emergency Number**  
(801) 465-5240

### Fire Arm Safekeeping– House Bill 199

**Utah’s Safe Harbor Law allows adults to contact the police and request that firearms be temporarily removed from the residence if someone they live with is a danger to themselves or others. Please contact your local law enforcement agency for assistance.**

## Victim Services Information & Resource Guide



**Victim Services Office**  
439 W Utah Ave  
Payson, UT 84651  
**(801) 465-5224**

This brochure is not intended to replace formal legal counsel.

## Victims' Rights

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Victims have the right "to be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process."

Victims have the right to be informed as to the level of protection available to protect them from intimidation and harm.

Victims have the right, upon request, to be informed of all important criminal justice hearings.

Victims have the right to be present and to be heard at important criminal justice hearings including preliminary hearings, arraignments, any court proceeding involving the disposition of charges or the delay of a previously scheduled trial date, a court proceeding relating to release of the defendant from custody, trial, sentencing, and parole hearings.

Victims have the right to a secure waiting area that does not require them to be in close proximity to defendants.

Victims have a right to privacy and should not be forced to disclose their address, telephone number, place of employment, or other locating information without a compelling reason.

Victims have the right to have a sentencing judge, for the purpose of imposing an appropriate sentence, receive and consider reliable information concerning the background, character and conduct of those convicted.

Victims have the right to have personal property obtained in an investigation returned to them when it is no longer needed by the court or prosecution.

Victims have the right to reasonable employer intercession services.

Victims have the right to request restitution.

Victims have a right to a speedy trial and disposition of charges.

Please see Utah Criminal Code 77-37, 77-38 and 77-38a for a full description of victim rights and additional rights for children and victims of sexual offenses.

## Police Response

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When a police officer responds to a call and they have probable cause to believe a domestic violence crime has been committed, the officer **MUST** begin the criminal charging process against the suspect. The officer **MUST** arrest and take the suspect into custody if the officer has probable cause to believe the suspect:

- Used a Weapon
- Violated a Protective Order
- May Continue to Harm the Victim

## Criminal Justice Process

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**Investigation:** When police are called to respond to a domestic violence case, they are required to initiate a criminal case if they find probable cause to believe that a domestic violence crime has occurred. When the investigation is complete, the police send a report to the prosecutor to screen for formal charges.

**Jail release/bail:** If a suspect is arrested, a judge will review a probable cause statement and typically set a bail amount within 24 hours. If a suspect is released from jail, he/she will be assigned the next available court date for an initial court hearing and will be required to sign a jail release agreement (JRA) which prohibits the suspect from having contact with the victim until the assigned court appearance. The JRA remains in effect until midnight on the day of the first court appearance. Utah Code 78B-7-802 requires that victims be made aware of their right to waive conditions (A) and (C) of the Jail Release Agreement. Victims may do so in writing by:

- Appearing in person to the jail that released the arrested individual from custody
- Appearing in person to the law enforcement agency that arrested the individual
- Appearing in person to the clerk of the court where charges have been filed in the case

**Initial Court Appearance:** At this hearing, the judge will advise the defendant of the formal charges that have been filed. The defendant will typically be given the option to request a public defender or ask for time to hire a private attorney. The judge can issue a criminal protective order if requested by the prosecution.

**Pretrial Conference:** The prosecutor and defense attorney (or defendant if not represented by an attorney) will have a chance to discuss the case to see if a plea agreement can be reached. The prosecutor will consider any victim input when negotiating a potential plea agreement. If an agreement is reached, the case can typically be resolved at this hearing. If the parties are unable to reach an agreement, the case may be continued or a trial date may be set.

**Trial (if necessary):** The defendant has the right to elect whether to have a bench trial or a jury trial. The victim and other witnesses will generally be subpoenaed to testify at the trial.

**Sentencing:** If a defendant pleads guilty or is found guilty at trial, they have a right to be sentenced immediately or may choose to be sentenced at a later date. At sentencing, a victim may present a verbal or written victim impact statement for the judge to consider when imposing sentence. The judge determines what the sentence will be. In most domestic violence cases, the judge can order jail time, fines and restitution, and can place the defendant on probation with an order to complete a domestic violence evaluation and comply with any recommended treatment and other standard terms of probation.

## Victim Advocate

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**Role:** The victim advocate provides crisis intervention and emotional support to victims and referrals to appropriate resources. They help victims through the criminal justice system by providing information, education, and notification about what is happening on the criminal case and communicating information on behalf of the victim to the prosecutor and to the court. The victim advocate also assists victims with safety planning and filing for protective orders as well as a wide range of other services.

**Confidentiality:** Communication with the Payson City victim advocate has limited confidentiality. The victim advocate works with and shares information with the Payson City Police Department and the prosecutor.