

1 **Rule 37. Child protective orders.**

2 (a) Child protective order proceedings are governed by Section 78B-7-201 et seq. Protective
3 order proceedings may be commenced as an independent action by filing a petition. Any
4 interested person may file a petition for a protective order on behalf of a child as provided by
5 statute. The petitioner shall first make a referral to the division. If an immediate ex parte
6 protective order is requested pending a hearing, the petition or an accompanying affidavit shall
7 set forth the facts constituting good cause for issuance of the ex parte order.

8 (b) If the petitioner is the agent of a public or private agency, including a law enforcement
9 agency, the petition shall set forth the agent's title and the name of the agency that the petitioner
10 represents.

11 (c) Petitions for protective orders by a public agency shall not be accepted by the clerk unless
12 reviewed and approved by the attorney for the public agency, whose office shall represent the
13 petitioner in such cases.

14 (d) The petitioner, if a private person or agency, and the respondent may be represented by
15 retained counsel. Subject to the limitations in Section 78A-6-1111, the Court may appoint
16 counsel ~~may be appointed by the court~~ for an indigent respondent who is a parent, guardian or
17 custodian of the child alleged to be abused or threatened with abuse. If the court finds in the
18 hearing that the allegations of the petition have been established, the court may assess petitioner's
19 costs and attorney fees against the respondent. If the court finds that the petition is without merit,
20 the respondent's costs and attorney fees may be assessed against petitioner.

21 (e) If an ex parte order has been issued, the hearing must be held within 20 days excluding
22 Saturdays, Sundays and legal holidays.