

1 **Rule 7B. Motion to enforce order and for sanctions in domestic law matters.**

2 **(a) Motion.** To enforce a court order or to obtain a sanctions order for violation of an
3 order, a party must file an ex parte motion to enforce order and for sanctions (if
4 requested), pursuant to this rule and [Rule 7](#). The motion must be filed in the same case
5 in which that order was entered. The timeframes set forth in this rule, rather than those
6 set forth in [Rule 7](#), govern motions to enforce orders and for sanctions. If the motion is
7 to be heard by a commissioner, the motion must also follow the procedures of [Rule 101](#).
8 For purpose of this rule, an order includes a decree.

9 **(b) Affidavit.** The motion must state the title and date of entry of the order that the
10 moving party seeks to enforce. The motion must be verified, or must be accompanied
11 by at least one supporting affidavit that is based on personal knowledge and shows that
12 the affiant is competent to testify on the matters set forth. The verified motion or
13 affidavit must set forth facts that would be admissible in evidence and that would
14 support a finding that the party has violated the order.

15 **(c) Proposed order.** The motion must be accompanied by a request to submit for
16 decision and a proposed order to attend hearing, which must:

17 (1) state the title and date of entry of the order that the motion seeks to enforce;

18 (2) state the relief sought in the motion;

19 (3) state whether the motion is requesting that the other party be held in contempt
20 and, if so, state that the penalties for contempt may include, but are not limited to, a
21 fine of up to \$1000 and confinement in jail for up to 30 days;

22 (4) order the other party to appear personally or through counsel at a specific place
23 (the court's address) and date and time (left blank for the court clerk to fill in) to
24 explain whether the nonmoving party has violated the order; and

25 (5) state that no written response to the motion is required, but is permitted if filed
26 at least 14 days before the hearing, unless the court sets a different time, and that

27 any written response must follow the requirements of [Rule 7](#), and [Rule 101](#) if the
28 hearing will be before a commissioner.

29 **(d) Service of the order.** If the court issues an order to attend a hearing, the moving
30 party must have the order, motion, and all supporting affidavits served on the
31 nonmoving party at least 28 days before the hearing. Service must be in a manner
32 provided in [Rule 4](#) if the nonmoving party is not represented by counsel in the case. If
33 the nonmoving party is represented by counsel in the case, service must be made on the
34 nonmoving party's counsel of record in a manner provided in [Rule 5](#). For purposes of
35 this rule, a party is represented by counsel if, within the last 120 days, counsel for that
36 party has served or filed any documents in the case and has not withdrawn. The court
37 may shorten the 28 day period if:

38 (1) the motion requests an earlier date; and

39 (2) it clearly appears from specific facts shown by affidavit that immediate and
40 irreparable injury, loss, or damage will result to the moving party if the hearing is
41 not held sooner.

42 **(e) Opposition.** A written opposition is not required, but if filed, must be filed at least
43 14 days before the hearing, unless the court sets a different time, and must follow the
44 requirements of Rule 7, and Rule 101 if the hearing will be before a commissioner.

45 **(f) Reply.** If the nonmoving party files a written opposition, the moving party may file a
46 reply at least 7 days before the hearing, unless the court sets a different time. Any reply
47 must follow the requirements of Rule 7, and Rule 101 if the hearing will be before a
48 commissioner.

49 **(g) Hearing.** At the hearing the court may receive evidence, hear argument, and rule
50 upon the motion, or may request additional briefing or hearings. The moving party
51 bears the burden of proof on all claims made in the motion. At the court's discretion, the
52 court may convene a telephone conference before the hearing to preliminarily address

53 any issues related to the motion, including whether the court would like to order a
54 briefing schedule other than as set forth in this rule.

55 **(h) Counter Motions.** A responding party may request affirmative relief only by filing a
56 counter motion, to be heard at the same hearing. A counter motion need not be limited
57 to the subject matter of the original motion. All of the provisions of this rule apply to
58 counter motions except that a counter motion must be filed and served with the
59 opposition. Any opposition to the counter motion must be filed and served no later
60 than the reply to the motion. Any reply to the opposition to the counter motion must be
61 filed and served at least 3 business days before the hearing in a manner that will cause
62 the reply to be actually received by the party responding to the counter motion (i.e.
63 hand-delivery, fax or other electronic delivery as allowed by rule or agreed by the
64 parties). The party who filed the counter motion bears the burden of proof on all claims
65 made in the counter motion. A separate proposed order is required only for counter
66 motions to enforce a court order or to obtain a sanctions order for violation of an order,
67 in which case the proposed order for the counter motion must:

68 (1) state the title and date of entry of the order that the counter motion seeks to
69 enforce;

70 (2) state the relief sought in the counter motion;

71 (3) state whether the counter motion is requesting that the other party be held in
72 contempt and, if so, state that the penalties for contempt may include, but are not
73 limited to, a fine of up to \$1000 and confinement in jail for up to 30 days;

74 (4) order the other party to appear personally or through counsel at the scheduled
75 hearing to explain whether that party has violated the order; and

76 (5) state that no written response to the countermotion is required, but that a written
77 response is permitted if filed at least 7 days before the hearing, unless the court sets
78 a different time, and that any written response must follow the requirements of [Rule](#)
79 [7](#), and [Rule 101](#) if the hearing will be before a commissioner.

80 **(i) Limitations.** This rule does not apply to an order that is issued by the court on its
81 own initiative. This rule applies only to domestic relations actions, including divorce;
82 temporary separation; separate maintenance; parentage; custody; child support;
83 adoptions; cohabitant abuse protective orders; child protective orders; civil stalking
84 injunctions; grandparent visitation; and modification actions. Nothing in this rule is
85 intended to limit or alter the inherent power of the court to initiate order to show cause
86 proceedings to assess whether cases should be dismissed for failure to prosecute or to
87 otherwise manage the court's docket, or to limit the authority of the court to hold a
88 party in contempt for failure to appear pursuant to a court order.

89 **(j) Orders to show cause.** The process set forth in this rule replaces and supersedes the
90 prior order to show cause procedure. An order to attend hearing serves as an order to
91 show cause as that term is used in Utah law.