

Type of Court	CRIMINAL	FAMILY (DIVORCE)	PROTECTIVE ORDER	JUVENILE	PERSONAL INJURY
Who brings the action?	The State through a prosecutor: City Prosecutor for a misdemeanor; County Attorney for a felony.	Spouse or Parent	The person who suffered the abuse. That person is called the Petitioner.	The Attorney General's office who represents the Division of Child and Family Services.	The person who was injured.
How does the court refer to the perpetrator?	Defendant	Petitioner if bringing the action, Respondent if replying to the Petitioner.	Respondent	There isn't a term. The action is entitled "In the matter of..." and the names of the children.	Respondent
Who are the people involved?	The prosecutor, victim advocates, the perpetrator, the victim.	Spouses, a mediator in most cases, possibly a private guardian ad litem, custody evaluator in some case, a Commissioner or Judge.	The victim advocate (sometimes helps with paperwork), the Petitioner/victim (either pro se, or represented by a pro bono or private attorney), The Respondent or abuser (either pro se or represented by a private attorney)	DCFS caseworkers, Assistant Attorney General, Guardian ad Litem, Parent's attorney if the parent is low-income and risks having the child removed.	The personal injury attorney who represents the injured party, the perpetrator, the respondent's attorney.
Who hears the case?	Misdemeanors are usually heard in Justice Court and felonies in District Court.	In the First through Fourth Districts, a Commissioner first hears the case and then goes to a Judge if there is an objection. In the Fifth through Eighth Districts, the case is heard by a District Court Judge.	In the First through Fourth Districts, a Commissioner first hears the case and then goes to a Judge if there is an objection. In the Fifth through Eighth Districts, the case is heard by a District Court Judge.	Juvenile Court Judge	District Court Judge
What is the victim's role?	A witness for the State.	A party in the action as either the Petitioner or Respondent.	Has the burden to show that there is a danger of further abuse.	Meet the terms of the treatment plan.	The victim, through counsel, takes lead of the case.
What is the burden of proof?	Beyond a reasonable doubt.	Best interests of the children.	Must show harm or threat of harm by a preponderance of the evidence.	Clear and convincing evidence.	Preponderance of the evidence, which is more than 50%.
What can the proceeding do for the victim?	Hold the perpetrator accountable by ordering treatment, jail time, fines, and/or restitution.	Grant an order that outlines custody, parent-time with possible restrictions, contact between the parties, and property division.	Can order Respondent not to harm Petitioner or children; have no guns; temp possession of home, car, essential property; temp child support and custody; temp spousal support.	State services that include treatment for both parents and children based on the needs.	Money and validation.
Who can help you?	Victim Advocate; Utah Crime Victim's Legal Center.	Utah Legal Services; Legal Aid Society of Salt Lake (if you live in SL county); Timpanogos Legal Center can give advice & prepare documents.	Victim Advocate; Utah Legal Services (After paperwork is done) or Legal Aid (for SL County) can provide free representation for victims.	A Parent's attorney will be appointed if you are low-income and if the children are at risk of being removed.	Must hire a private attorney.

Last updated by Lani Harris of Timpanogos Legal Center (TLC) on 1/30/23. *If you are aware of updates, please email laniharris@timplegal.com.* TLC attorneys are available at 801 649-8895 Monday through Friday between 9:00 a.m. and 2:00 p.m. Information on this page should not be construed as legal advice. Please call our hotline to get legal advice.

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