

# How do I get a Stalking Injunction?

A civil stalking injunction is a legal document that is meant to protect a victim of stalking. It may include orders that prevent your stalker from contacting you, harassing you in any way, and staying away from your home and/or place of employment.

Although a civil stalking injunction is a civil order, if the provisions are violated, it may be enforced by the police, because the violation is a crime.

## Who may file a civil stalking injunction?

Anyone who has been a victim of at least two (2) incidents of stalking may file for a civil stalking injunction. However, if you are a minor child (younger than 18), you will have to file with a parent or guardian. In addition, a parent or guardian may file a civil stalking injunction on behalf of a minor child even if the minor child does not want to file.

## Where do I file for a civil stalking injunction?

Stalking injunctions are filed in the District court in the county where you live or where the stalking occurred.

## What is stalking?

In general, stalking is any intentional conduct which would cause a reasonable person to:

- Have or fear bodily harm to either themselves or their close family; or
- Suffer emotional distress themselves or cause their close family to suffer emotional distress.

Stalking can include behaviors where the wrongdoer follows, monitors, observes, photographs, watches, communicates to or about a person or interferes with a

person's property.

## **How long does a civil stalking injunction last?**

A civil stalking injunction may last up to three (3) years but the person who filed may ask that it be dismissed at any time.

## **Is a civil stalking injunction valid statewide?**

In short, yes. A civil stalking injunction issued in the state of Utah is valid and enforceable statewide. In addition, it may be enforceable in other states.

## **If I got a stalking injunction from another state, is it valid in Utah?**

Yes. Local police departments should enforce an order from another state. However, if you plan on staying in Utah, you should go through the process of getting it recognized by Utah.

## **May I get help preparing the forms for a civil stalking injunction?**

Yes. The Utah Courts have forms on their Online Court Assistance Program (OCAP) ([www.utcourts.gov/ocap](http://www.utcourts.gov/ocap)). After having you add all the needed information, this program will prepare all the paperwork needed to file a civil stalking injunction.

## **What happens after I fill out & file the paperwork?**

After filling out and filing the paperwork, the judge will decide whether to sign an order to protect you from further stalking. In addition, the person you are filing against must be "served", meaning s/he must get a copy of the paperwork and any orders signed so they are aware of what you are asking for. "Service" is generally done by the sheriff's and/or a constable.

## **Do I have to go to a hearing?**

After being served with the paperwork, the other side may ask for a hearing. If a hearing is requested, you will have to go to the Court to explain why a stalking injunction is needed.

## **What will happen at the hearing?**

At the hearing, you will get a chance to tell the judge why you think a stalking injunction is needed. You should be prepared with anything you have to support your side, such as police reports, witnesses, etc. After you are done, the other side will get a chance to ask you questions about what you said. Then, the other side will get a chance to tell the judge why a stalking injunction is not proper and present any evidence they have to support their reasons. You will then get to ask them questions about what they said. Then the judge will decide if a stalking injunction is needed and either enter the order or dismiss the case.

## **Do I need an attorney at the hearing?**

After being served with the paperwork, the other side may ask for a hearing, so long as they do so within ten days. If a hearing is requested, you will have to go to the Court to explain why a stalking injunction is needed.

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**The information in this site is not intended as legal advice.**

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