

Agenda

Committee on Resources for Self-represented Parties

October 10, 2008
12:00 to 1:30 p.m.

Administrative Office of the Courts
Scott M. Matheson Courthouse
450 South State Street
Judicial Council Room, Suite N31

Approval of minutes	Tab 1	Judge John Baxter
Report on Court Solutions Conference		Mary Jane Ciccarello
Education Subcommittee		Judge John Baxter
Temporary Restraining Order	Tab 2	Mary Jane Ciccarello
Delegation of Powers by a Parent	Tab 3	Mary Jane Ciccarello
Voluntary Relinquishment of Parental Rights	Tab 4	Mary Jane Ciccarello
Miscellaneous Forms Answer Affidavit Memorandum of Costs and Attorney Fees Notice of Entry of Appearance Pro Se Request to Submit for Decision Proof of Service of Complaint and Summons	Tab 5	Tim Shea

Committee Web Page: <http://www.utcourts.gov/committees/ProSe/>

Meeting Schedule: Matheson Courthouse, 12:00 to 1:30, Judicial Council Room

December 12, 2008
February 13, 2009
April 10, 2009
June 12, 2009
August 14, 2009
October 9, 2009
December 11, 2009

Tab 1

**STANDING COMMITTEE ON
RESOURCES FOR SELF-REPRESENTED PARTIES
Meeting Minutes**

**August 8, 2008
Matheson Courthouse
Salt Lake City, Utah**

Members Present: Fred Anderson; Prof. James H. Backman; Pat Bartholomew; Mary Jane Ciccarello; Rep. Neil Hansen; Christine James; Christina Micken; Hon. Rodney Page; Stewart Ralphs; Hon. James Shumate; Prof. Linda Smith.

Members Excused: Hon. John L. Baxter, Chair; Hon. Christine S. Decker; Robert Jeffs; Jay Kessler; Jose Lazaro; Jessica Van Buren.

Staff Present: Marianne O'Brien; Tim Shea

Welcome and review of June meeting minutes

Judge Shumate, acting for Judge Baxter, welcomed all present. Mary Jane Ciccarello recommended some changes to the minutes of the June 13, 2008 meeting. A motion was made to approve the minutes as amended. The motion was seconded and carried unanimously.

Motion for Temporary Order

Tim Shea referred the group to the draft forms. He indicated Stewart Ralphs and Mary Jane Ciccarello evaluated the drafts and gave their input. The group viewed most of the forms at the last meeting. Mr. Shea asked the committee to raise any points.

The committee discussed the forms. Considerable discussion ensued about how it should be handled when a party opposes the motion.

- The instruction sheet can indicate that if a party wants to ask for his or her own relief, s/he needs to file a motion and statement of support.
- If one party puts an issue before the court the court can rule on it in the other party's favor.
- It should be one form not two.
- In response to the motion, there could be a check box that refers to that party's counter-motion.
- It is probably helpful for pro se litigants to actually file a separate motion. There is too much confusion in a counter motion.

Following discussion, Mr. Shea summarized: for each of the items in the statement opposing the original motion for temporary order, there should be something like "I request that my attached motion be granted," so the statement in opposition would refer to the other document. Mr. Shea will work on the language for this and reflect in each paragraph that the party opposing the motion has the opportunity to attach a motion granting their own relief.

Fred Anderson asked what the nature of the self-affirmation rule is. Mr. Shea responded that the statute says that whenever a rule requires an affidavit, a declaration is sufficient. That has been added to all the forms. The distinction is that if a statute requires an affidavit it has to be an affidavit; if a rule requires an affidavit, it can be a declaration.

James Backman asked if the temporary order is already in the OCAP forms. Mr. Shea responded that once this committee comes to closure on the packet, it will be presented to the Board of District Court Judges. When the Board comes to closure on it, it will be left to the discretion of the OCAP Board whether to develop the interview equivalent.

Judge Shumate indicated the Policy and Planning Committee is looking at public vs. private disclosure of information and issues of naming children, and giving dates of birth on the forms. Should this committee make any suggestions in looking at self-rep parties about disclosure?

Mr. Shea indicated that the Policy & Planning Committee is considering a rule change that has been out for comment and on which many comments have been received, that would treat as private a lot of identifying information: social security number, bank account numbers, and identification of children. They have decided that if this private information needs to be provided in an otherwise public document, some of the private information should be truncated or redacted, so that only the last 4 digits of a social security number, a bank account number, the initials and month and year of birth of children are in the document. If there is not a rule change, the form does not need to be this restrictive.

Chris James stated that in her district, many calls are received from people who want documents so they can come in post decree and get relief. She asked if there is something that says this applies to pre-divorce, because people are going to try to use this. Mr. Shea indicated this will need to be stated in the instructions.

Delegation of Powers by a Parent

Ms. Ciccarello distributed the instruction sheet for the Delegation of Powers by a Parent. The form is a basic power of attorney form that tracks the statute. The committee reviewed the form and instruction sheet and some suggestions were given, which were noted by Ms. Ciccarello.

Voluntary Relinquishment of Parental Rights

Ms. Ciccarello distributed the instruction sheet for Voluntary Relinquishment of Parental Rights. She noted that the issue arises enough to at least set out what the law allows in terms of voluntary relinquishment.

Judge Shumate noted there is a problem statewide with the general public and some judges not realizing that the only way a district judge can terminate parental rights is in an adoption. People think this can be done in divorces. It should be clarified in forms and instructions that Voluntary Relinquishment is only to be filed in the juvenile court or in the district court together with an adoption.

Mr. Shea stated that once this committee approves the final draft, it will be taken to both the Juvenile Board of Judges and the District Board of Judges for approval.

Upon review of the forms and instructions and following discussion, the committee made suggestions which were noted by Ms. Ciccarello.

Other Business

James Backman asked if the request to hire more attorneys for the self-help center has been made. Mr. Shea responded that the request will be put before the Judicial Council on August 25. Mr. Shea will keep the committee apprised of their decision.

The meeting was adjourned.

Tab 2

Temporary Restraining Order (Child Custody)

Forms Checklist

Fill out these forms as instructed and file them with the Court Clerk:

- ☐ Motion for Temporary Restraining Order
- complete the entire form and sign and date it
- ☐ Affidavit in Support of Motion for Temporary Restraining Order
- complete the entire form and sign and date it before a notary public or the deputy court clerk
- ☐ Rule 65A Certification of Notice
- complete the entire form and sign and date it
- ☐ Temporary Restraining Order
- complete the heading only
- ☐ Writ of Assistance
- complete the heading only
- ☐ Service Assistance Form
- complete the entire form

Remember to keep copies of all paperwork for your records.

My Name _____

Address _____

City, State, Zip _____

Phone _____

E-mail _____

I am the ☐ Petitioner

☐ Respondent

☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

**Motion for Temporary Restraining
Order**

Case Number _____

Judge _____

Commissioner _____

COMES NOW _____ [your name], the

☐ Petitioner ☐ Respondent, and respectfully moves for a Temporary Restraining

Order that provides for the following.

(1) The ☐ Petitioner ☐ Respondent should be awarded the temporary care,
custody and control of the parties' minor child(ren):

Initials of Child	Month and Year of Birth

(2) The ☐ Petitioner ☐ Respondent should be ordered to immediately return the minor child(ren) to the custody of the ☐ Petitioner ☐ Respondent.

(3) ☐ Petitioner ☐ Respondent should be ordered to bring the child(ren) to _____ [location of the court] for the hearing if the child(ren) has/have not already been returned.

(4) This court should enter a Writ of Assistance directing the appropriate law enforcement officials to provide any assistance necessary to help the ☐ Petitioner ☐ Respondent regain custody of the minor child(ren) listed in paragraph (1).

(5) The court should grant any other relief that may be just and proper in this situation.

(6) The parties should be ordered to appear before the assigned judge within 10 days after the Temporary Restraining Order is issued and show cause, if any exists, why the Temporary Restraining Order issued should not be continued during this action.

(7) This Motion for Temporary Restraining Order is submitted pursuant to Utah Rules of Civil Procedure and is supported by the Petitioner's Verified Petition, Rule 65A Certification of Notice, and Affidavit(s) in support filed with this motion.

I declare under criminal penalty of Utah Code §78B-5-705 that this Motion for Temporary Restraining Order is true and correct.

Date _____ Sign here ► _____
Typed or printed name _____

My Name _____

Address _____

City, State, Zip _____

Phone _____

E-mail _____

I am the ☐ Petitioner

☐ Respondent

☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

**Affidavit in Support of Motion for
Temporary Restraining Order**

Case Number _____

Judge _____

Commissioner _____

Being first duly sworn, I state that:

(1) I am _____ [your name], the ☐ Petitioner ☐ Respondent.

(2) I am asking the court to issue a Temporary Restraining Order because

(3) Immediate and irreparable injury will result before ☐ Petitioner ☐ Respondent
can be heard in opposition.

I certify that _____, who is known to me or who
presented satisfactory identification, has, while in my presence and while under oath or
affirmation, voluntarily signed this document and declared that it is true.

Date: _____

Sign here ► _____

Typed or printed name: _____

Notary Seal:

My Name _____

Address _____

City, State, Zip _____

Phone _____

E-mail _____

I am the ☐ Petitioner

☐ Respondent

☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is

In the District Court of Utah, _____ Judicial District

_____ County

Court Address _____

Petitioner

v.

Respondent

Rule 65A Certification of Notice

Case Number _____

Judge _____

Commissioner _____

COMES NOW the ☐ Petitioner ☐ Respondent and certifies to the court as follows:

(1) That, based on the facts in the attached Verified Petition, the Motion for Temporary Restraining Order, and the supporting Affidavit(s), immediate and irreparable injury will result to ☐ Petitioner ☐ Respondent before the ☐ Petitioner ☐ Respondent or his/her attorney can be heard in opposition.

(2) That the following efforts have been made to give notice of this application for a Temporary Restraining Order:

a. _____

b. _____

(3) Notice to the ☐ Petitioner ☐ Respondent, or his/her attorney, should not be required for the following reasons:

a. _____

b. _____

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Rule 65A Certification of Notice is true and correct.

Date _____ Sign here ► _____

Typed or printed name _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Temporary Restraining Order

Case Number _____

Judge _____

Commissioner _____

THE COURT, having reviewed the Verified Petition, the Motion for Temporary Restraining Order, supporting Affidavit(s), and Rule 65A Certification of Notice, copies of which are to be served upon the ☐ Petitioner ☐ Respondent, it appears as follows:

(1) That the ☐ Petitioner ☐ Respondent has [state the conduct or omissions]:

(2) That this conduct constitutes a threat of immediate and irreparable harm to the ☐ Petitioner ☐ Respondent and to the parties' minor child(ren).

(3) That notice to the ☐ Petitioner ☐ Respondent may result in further harm.

IT IS HEREBY ORDERED:

(1) The ☐ Petitioner ☐ Respondent is awarded temporary care, custody, and control of the parties' minor child(ren):

Initials of Child	Month and Year of Birth

(2) The ☐ Petitioner ☐ Respondent is ordered to immediately return the minor child(ren) listed in paragraph (1) to the custody of the ☐ Petitioner ☐ Respondent.

(3) The ☐ Petitioner ☐ Respondent is ordered to bring the child(ren) to _____ [location of hearing] for the scheduled hearing if the child(ren) has/have not already been returned to the ☐ Petitioner ☐ Respondent.

(4) A Writ of Assistance shall be entered directing the appropriate law enforcement officials to provide any assistance necessary to help the ☐ Petitioner ☐ Respondent regain custody of the minor child(ren) listed in paragraph (1).

(5) The parties shall appear before the Honorable _____,
District Court Judge, on _____ [date] at _____ [time] at
the _____ Court at _____
[address] and show cause, if any exists, why the Temporary Restraining Order should not
be continued during this action.

(6) This Restraining Order is issued without notice and ex parte and expires ten days
from the date of its issuance unless amended by the Court.

BY THE COURT:

Date: _____ Sign here ► _____
Typed or printed name _____
District Court Judge/Judge's Appointee

Serve ☐ Petitioner ☐ Respondent at:

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Writ of Assistance

Case Number _____

Judge _____

Commissioner _____

TO THE _____ POLICE DEPARTMENT,

_____ COUNTY SHERIFF,

CONSTABLE, AND/OR OTHER APPROPRIATE PEACE OFFICER:

You are directed to provide any necessary assistance to the above-named ☐ Petitioner

☐ Respondent in immediately retrieving and returning to

☐ Petitioner ☐ Respondent physical custody of the parties' minor child(ren):

Initials of Child	Month and Year of Birth

Such actions include, but are not limited to, obtaining access to the child(ren) through locked doors and gates and restraining any persons who may attempt to prevent you from carrying out this Writ.

BY THE COURT:

Date: _____ Sign here ► _____
Typed or printed name _____
District Court Judge/Judge's Appointee

Service Assistance Form
This is a Private Record (CJA 4-202.02)

Case Number		Document to be Served	
Court Address			

Information About You				Information About the Party to be Served			
<input type="checkbox"/> Plaintiff/Petitioner		<input type="checkbox"/> Defendant/Respondent		<input type="checkbox"/> Plaintiff/Petitioner		<input type="checkbox"/> Defendant/Respondent	
Name				Name			
Alias/Nickname				Alias/Nickname			
Home address				Home address			
Home phone				Home phone			
Best times to reach				Best times to reach			
Work name & address				Work name & address			
Work phone				Work phone			
Best times to reach				Best times to reach			
Cell phone				Cell phone			
SSN		DOB		SSN		DOB	
				Race		Sex	
				Weight		Height	
				Hair color		Eye color	
Special characteristics (tattoos, scars, etc.)							
Driver's license number							
Vehicle license number							
Make				Model			
Year				Color			
If this person is on probation or parole, list the name of the agency, officer, and telephone number.							
Has this person used weapons or been violent in the past? <input type="checkbox"/> Yes <input type="checkbox"/> No							

Temporary Restraining Order Packet (Child Custody)

Information and Instructions

A Temporary Restraining Order (TRO) is a request to the court to take immediate action to prevent "immediate and irreparable harm." A TRO is an emergency request and should not be used lightly.

You can ask the court to issue a TRO only if there is an underlying action (such as a divorce or parentage petition) pending before the court. For example, if you have filed for divorce and your spouse is threatening to take your minor children out of state or out of the country without your consent, then a TRO may be necessary to prevent immediate and irreparable harm before the divorce can be finalized.

Fill Out the Paperwork

If a TRO is necessary, then complete the forms in this packet and file them with the court where you are filing or have already filed your underlying action. If you have not already filed a divorce, parentage, or other related petition with the court, then you must file such a petition before requesting the TRO.

Use the Checklist to help you figure out which forms in this packet should be completely filled out, and which should only be partially filled out.

Use the same case number used in your underlying action if you have already filed a divorce, parentage, or related petition. If there is no existing divorce or parentage case, file your divorce or parentage petition with the court first to obtain a case number. Then use that case number to file the TRO.

You are the Petitioner in the TRO papers if you are the Petitioner in your original action. If you are the Respondent in the original action, you remain the Respondent in the TRO.

Make at least two copies of everything you file. The original documents are filed with the court, one set of copies is for the opposing party, and the second set of copies is for your records.

Next Steps

A judge will review your documents once you file them with the court. If the judge signs the TRO and the Writ of Assistance, then a hearing will be scheduled within 10 days to decide whether the TRO should remain in place for a longer period of time or if something else should happen. Write the hearing date on the original and all copies of the TRO.

Make arrangements with local law enforcement to serve all the documents on the opposing party and to use the Writ of Assistance to pick up the child(ren) if they are with the opposing party. If the children are not with the opposing party or if law enforcement cannot facilitate retrieval of the child(ren), the opposing party is ordered to bring the child(ren) to the TRO hearing.

File with the court the Return of Service (proof that the opposing party was served) once it is completed by law enforcement.

Appear at the scheduled TRO hearing. Present your request to the judge for the TRO provisions to stay in effect until there are further or final orders of the court.

Talk to an Attorney

A TRO can be complicated. Consider talking to an attorney to go over your options. One way to talk to an attorney is to visit a free legal clinic. Clinics provide general legal information and give brief legal advice.

References

Finding an Attorney:

<http://www.utcourts.gov/howto/legalassist/>

Free Legal Clinics:

<http://www.utcourts.gov/howto/legalclinics/>

Going to Court:

http://www.utcourts.gov/howto/pro_se/

Service:

http://www.utcourts.gov/howto/service/service_of_process.html

Utah Rules of Civil Procedure 65A:

<http://www.utcourts.gov/resources/rules/urcp/urcp065a.html>

Tab 3

Delegation of Powers by Parent or Guardian
(Under Utah Code Section 75-5-103)

I _____ [name of parent/guardian],
whose address and contact telephone number are:

_____ ,

appoint _____ [name of
person(s) being appointed], whose address and contact telephone number are:

_____ ,

as my attorney-in-fact to whom I delegate all power and authority regarding the care,
custody, or property of my ☐ minor child ☐ ward,
_____ [name of minor child or ward],

born on _____ [date], except the power to
consent to the marriage or adoption of a minor ward.

In addition, I delegate to my attorney-in-fact the specific authority to:

This power of attorney shall last for a period of not more than six months from the date I sign it, unless otherwise revoked by me or by law.

Date _____ Sign here ► _____
Typed or printed name _____

I certify that _____, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date: _____ Sign here ► _____
Typed or printed name: _____
Notary Seal:

Utah Code Section 75-5-103. Delegation of powers by parent or guardian.

A parent or a guardian of a minor or incapacitated person, by a properly-executed power of attorney, may delegate to another person, for a period not exceeding six months, any of his powers regarding care, custody, or property of the minor child or ward, except his power to consent to marriage or adoption of a minor ward.

Delegation of Powers by Parent or Guardian

Instructions

Utah law says a parent of a minor child or a court-appointed guardian of a minor child or an incapacitated adult can temporarily delegate parental or guardianship powers to another adult - a person 18 years of age or older.

The appointed person, or attorney-in-fact, must be capable of making responsible decisions on behalf of the minor child or incapacitated adult. The attorney-in-fact does not need to be related to the parent or guardian or the minor child or ward.

The Delegation of Powers form documents the delegation of decision making powers of a parent or a guardian to another adult. However, this delegation does not create a guardianship.

For example, a parent or a guardian who will be out of the country for several months can use this form to appoint another adult to take any necessary action concerning the care, custody or property of the minor child or ward while the parent or guardian is gone.

The delegation of powers is effective for up to six months. The delegation of powers is effective when the parent or guardian has completed the Delegation of Powers form and signed it in front of a notary. The parent or guardian can revoke the delegation of powers at any time. Written notice of the revocation should be given to the appointed attorney-in-fact, and may be required to be given to anyone who has been given notice of the delegation of powers.

Instructions

- ☐ Complete two original copies of this document – one for your records, and one for the records of the attorney-in-fact.
- ☐ Provide your name (the name of the parent or guardian making the delegation of powers) and your current address and contact telephone number where indicated.
- ☐ Provide the name of the person to whom parental or guardianship powers are being delegated and their current address and telephone contact number where indicated.
- ☐ Indicate whether the delegation is for a minor child or a ward.
 - If you are a parent, check “child.”
 - If you are a guardian, check “ward.” A ward can be either a minor child or an

incapacitated adult.

- ☐ Provide the name and birth date of the minor child or ward where indicated.
- ☐ Leave the next lines blank unless there are specific powers you want to delegate. For example, you may want the attorney-in-fact to enroll the minor child or ward in school or extra-curricular activities, or to authorize medical or dental treatment of the minor child or ward.
- ☐ You must sign and date both original copies of the form in the presence of the notary. The delegation of authority is effective as of the date they are signed and notarized.
- ☐ Give one original copy of the completed form to the attorney-in-fact. You keep the other original copy.
- ☐ You may revoke the delegation of authority at any time by notifying the attorney-in-fact of the revocation. Written notice of the revocation should be given to the appointed attorney-in-fact, and may be required to be given to anyone who has been given notice of the delegation of powers. Destroy the originals and all copies of the document when the delegation of authority is revoked or at the end of the time period of the delegation of authority.
- ☐ Give copies of the document to any person or entity that may need them. For example, if the attorney-in-fact needs to make a medical treatment decision on behalf of the minor child or ward, the attorney-in-fact should provide the medical care provider with a copy of the form.

Tab 4

Voluntary Relinquishment of Parental Rights

Forms Checklist

Fill out these forms as instructed and file them with the court clerk:

- ☐ Civil Cover Sheet
- ☐ Petition for Termination of Parental Rights Upon Voluntary Relinquishment
- complete and sign
- ☐ Voluntary Relinquishment of Parental Rights
- complete but **do not sign** until the judge tells you to do so
- ☐ Findings of Fact & Conclusions of Law
- complete the information on the first page but **do not sign** – the judge signs this form
- ☐ Order Terminating Parental Rights
- complete but **do not sign** – the judge signs this form

If you cannot pay the filing fee, complete and file these forms to ask the judge to waive the filing fee. The judge will consider your request and may grant a total waiver, a partial waiver, or no waiver of fees.

- ☐ Affidavit and Application for Waiver of Court Fees (In the Matter Of)
- ☐ Court Order on Motion for Waiver of Court Fees

These forms are available on the court's website: <http://www.utcourts.gov/resources/forms/> under the *Waiver of Court Fees* heading.

Remember to keep copies of all paperwork for your records.

My Name _____

Address _____

City, State, Zip _____

Phone _____

E-mail _____

I am the ☐ Petitioner

☐ Attorney for the Petitioner and my Utah Bar number is _____

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

IN THE MATTER OF

_____,
(child's initials)

A MINOR CHILD.

**Petition for Termination of Parental
Rights Upon Voluntary
Relinquishment**

Case Number _____

Judge _____

Commissioner _____

I, _____, allege as follows:

(1) I am the natural ☐ father ☐ mother of _____ (name
of minor child).

(2) My place of residence is:

_____.

(3) My minor child is a ☐ male ☐ female, who was born on _____,
and whose residence is _____.

(4) It is in my minor child's best interest that my parental rights be terminated.

(5) The reason I am asking the court to terminate my parental rights is:

(6) I am not seeking to terminate my parental rights to avoid my financial support obligations to my minor child.

I ask the court to:

(1) Schedule a date and time for the court for hearing on this petition.

(2) Provide notice of the petition and hearing to the following people and/or agencies
if so required by the judge:

Name	Address	Relationship to Petitioner or Child
		Mother
		Father
		Legal guardian of child or person
		Guardian ad Litem
		Utah Attorney General

(3) Accept my voluntary relinquishment of parental rights signed or confirmed under oath before the judge or a public officer appointed by the court for the purpose of taking consents or relinquishments as provided in Utah Code Section 78B-6-124.

(4) Determine that it is in my minor child's best interests for my parental rights to be terminated.

(5) Grant a voluntary relinquishment of my parental rights.

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Petition for Termination of Parental Rights Upon Voluntary Relinquishment is true and correct.

Date _____ Sign here ► _____

Typed or printed name _____

Certificate of Service

I certify that I served a copy of this Petition for Termination of Parental Rights Upon Voluntary Relinquishment on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____

Sign here ► _____

Typed or printed name _____

My Name _____

Address _____

City, State, Zip _____

Phone _____

E-mail _____

I am the ☐ Petitioner

☐ Attorney for the Petitioner and my Utah Bar number is _____

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

IN THE MATTER OF

_____,
(child's initials)

A MINOR CHILD.

**Voluntary Relinquishment of
Parental Rights**

Case Number _____

Judge _____

Commissioner _____

Being first duly sworn, and under oath, I say as follows:

(1) I am the natural ☐ father ☐ mother of _____ (minor
child's name).

(2) My place of residence is:

_____.

(3) My minor child is a ☐ male ☐ female, who was born on _____,
and whose residence is _____.

(4) By my signature below I voluntarily relinquish my parental rights to this minor child and consent to the court's termination of those parental rights.

(5) It is in my minor child's best interest that my parental rights be terminated.

(6) The reason I am asking the court to terminate my parental rights is:

(7) I am not seeking to terminate my parental rights to avoid my financial support obligations to my minor child.

(8) I understand that by signing this document my parental rights over my minor child will be terminated and that I will no longer have any rights or obligations of a parent to this child.

(9) The parental rights I am voluntarily relinquishing include, but are not limited to, the rights of custody, visitation, and any other physical contact with this child, whether in

person, by mail, or any electronic means whatsoever, and any input regarding decisions made about this child.

(10) The parental obligations that I am voluntarily relinquishing include, but are not limited to, obligations to provide for the care, support, education, and moral training of this child from the date the order terminating my parental rights is entered and forward.

(11) I understand that any obligation for support of this child incurred prior to the date of my signing this document will remain and I will still be obligated to pay for that support.

(12) I understand that termination of my parental rights following my voluntary relinquishment does not extinguish my child's right to inherit from my estate upon my death, nor does it remove eligibility from my child for entitlements from state or federal governments or Indian Tribes that my child may be entitled to as a result of my being the child's natural parent.

(13) I understand that once I sign this document I may not change my mind and that my parental rights and obligations will be terminated.

Having read this document, I fully understand that by signing below I will permanently relinquish all my rights and obligations as a parent to my minor child. Knowing this, I am signing this document voluntarily, of my own choice, without any pressure, coercion, or promises having been made to me by any person for any purpose whatsoever.

Date _____ Sign here ► _____
Typed or printed name _____

This document was signed before me on _____. Petitioner's
identity was proven to me in the following way:

Prior to petitioner signing this document I placed petitioner under oath and asked
petitioner whether petitioner had read this document and understood that the result of
petitioner's signing this document would be that petitioner would relinquish permanently
all parental rights and obligations over petitioner's minor child, and that once petitioner
had signed the document, petitioner could not change petitioner's mind and reinstate
petitioner's parental rights and obligations.

After being sworn and while under oath, petitioner stated that petitioner had read this
document, fully understood its contents, and that the contents were true of petitioner's
own personal knowledge.

Petitioner further stated that petitioner understood that petitioner was relinquishing all
parental rights and obligations to petitioner's minor child and that petitioner understood

that the rights petitioner was relinquishing included custody, visitation, and the right to be involved in any decision regarding the child whatsoever.

Petitioner stated that petitioner understood that petitioner could not change petitioner's mind once this document was signed and that petitioner's relinquishment would be irrevocable. Petitioner then signed the document in my presence.

Judge

or a public officer appointed by the court for the purpose of taking consents or relinquishments as provided in Utah Code §78B-6-124

Certificate of Service			
I certify that I served a copy of this Voluntary Relinquishment of Parental Rights on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

Typed or printed name _____

<p>In the Juvenile Court of Utah</p> <p>_____ Judicial District _____ County</p> <p>Court Address _____</p>	
<p>IN THE MATTER OF</p> <p>_____,</p> <p>(child's initials)</p> <p>A MINOR CHILD.</p>	<p>Findings of Fact and Conclusions of Law</p> <p>Case Number _____</p> <p>Judge _____</p> <p>Commissioner _____</p>

This matter came before the court on petitioner's Petition for Termination of Parental Rights upon Voluntary Relinquishment. A hearing was held on _____ (date), before the Honorable _____, Judge, or before _____, a public officer appointed by the court for the purpose of taking consents or relinquishments as provided in Utah Code Section 78B-6-124. The petitioner was placed under oath and the court made inquiries of the petitioner. The petitioner then signed the document entitled Voluntary Relinquishment of Parental Rights. The court, having received petitioner's voluntary relinquishment, makes the following:

FINDINGS OF FACT

(1) Petitioner is the natural ☐ father ☐ mother of _____ (name of minor child).

(2) Petitioner's minor child is a ☐ male ☐ female, who was born on

_____, and whose residence is

_____.

(3) The reason petitioner voluntarily relinquished parental rights is:

(4) Petitioner is not voluntarily relinquishing petitioner's parental rights for the purpose of avoiding petitioner's financial support obligations to petitioner's minor child.

(5) Petitioner understands that by signing the Voluntary Relinquishment of Parental Rights that petitioner's parental rights over petitioner's minor child will be terminated and that petitioner will no longer have any rights or obligations of a parent to this child.

(6) Petitioner understands that the parental rights petitioner is voluntarily relinquishing include, but are not limited to, the rights of custody, visitation, and any

other physical contact with this child, whether in person, by mail, or any electronic means whatsoever, and any input regarding decisions made about this child.

(7) Petitioner understands that the parental obligations that petitioner is voluntarily relinquishing include, but are not limited to, obligations to provide for the care, support, education, and moral training of this child.

(8) Petitioner understands that any obligation for support of this child incurred prior to the date of petitioner signing the document entitled Voluntary Relinquishment of Parental Rights remain and that petitioner is still obligated to pay that support.

(9) Petitioner understands that termination of petitioner's parental rights following petitioner's voluntary relinquishment does not extinguish the child's right to inherit from petitioner's estate, nor does it remove eligibility from petitioner's child for entitlements from state or federal governments or Indian Tribes that this child may be entitled to as a result of petitioner being the child's natural parent.

(10) Petitioner understands that once petitioner has signed the document entitled Voluntary Relinquishment of Parental Rights, petitioner may not change petitioner's mind and that petitioner's parental rights will be terminated.

The Court having entered its Findings of Fact, now makes its:

CONCLUSIONS OF LAW

The court concludes that it is in the best interest of the above named minor child that petitioner's parental rights be permanently terminated. The court further concludes that petitioner freely and voluntarily signed the document entitled Voluntary Relinquishment of Parental Rights and that the primary purpose for petitioner relinquishing petitioner's parental rights was other than to avoid support obligations for the child.

Dated: _____
Judge

Certificate of Service			
I certify that I served a copy of this Findings of Fact and Conclusions of Law on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

Typed or printed name _____

In the Juvenile ct Court of Utah _____ Judicial District _____ County Court Address _____	
IN THE MATTER OF _____, (child's initials) A MINOR CHILD.	Order Terminating Parental Rights Case Number _____ Judge _____ Commissioner _____

This matter came before the court on petitioner's Petition for Termination of Parental Rights upon Voluntary Relinquishment. A hearing was held on _____ [date], before the Honorable _____, Judge, or before _____, a public officer appointed by the court for the purpose of taking consents or relinquishments as provided in Utah Code Section 78B-6-124. Petitioner was placed under oath and the court made inquiries of the petitioner. The petitioner then signed or confirmed under oath the document entitled Voluntary Relinquishment of Parental Rights. The court having received petitioner's voluntary relinquishment and having previously entered its Findings of Fact and Conclusions of Law, orders as follows:

(1) Petitioner is:

Name: _____

Date of Birth: _____

Residence: _____

- (2) Petitioner is the natural ☐ father ☐ mother of the minor child, identified as:

Name: _____

☐ Male ☐ Female

Date of Birth: _____

Residence: _____

- (3) Pursuant to Utah Code Section 78A-6-513, petitioner's parental rights and obligations are permanently terminated over the minor child named above. The parental rights and obligations which are terminated by this order include, but are not limited to, the rights of custody, visitation, and any other physical contact with this child, whether in person, by mail, or any electronic means whatsoever, and any input regarding decisions made about this child; and the obligations to provide for the care, support, education, and moral training of this child from the date the relinquishment was entered. This order does not terminate any support obligations incurred prior to the date the relinquishment was entered. This order does not extinguish this child's right to inherit from petitioner's estate, nor does it remove eligibility from this child for entitlements from state or federal governments or Indian tribes that this child may be entitled to as a result of petitioner being the child's natural parent.

(4) Other orders relating to the minor child's care and welfare that are in the minor child's best interests:

Dated: _____

Judge

Certificate of Service			
I certify that I served a copy of this Order Terminating Parental Rights on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

Typed or printed name _____

Voluntary Relinquishment of Parental Rights

Information, Instructions, and Forms

IMPORTANT!

This packet has forms for a parent to voluntarily give up their parental rights and obligations.

Relinquishing your parental rights is a serious, permanent action.

Consider talking to an attorney before starting the process.

The relinquishment is effective when it is signed and cannot be revoked.

Be sure that you want to give up all your parental rights and obligations before you sign;
you cannot change your mind later.

Figure Out Which Court Has Jurisdiction

Relinquishment of parental rights involves ending custody and visitation rights. The court where the petition is filed must have jurisdiction under the state¹ and federal² statutes that determine where custody and visitation cases may be filed.

If a court has previously entered a custody or visitation order and has not relinquished jurisdiction, the Petition for Relinquishment of Parental Rights should be filed in the state where that court is located. If the child is in the custody of a state agency or otherwise under the jurisdiction of the juvenile court, then the relinquishment of parental rights must occur in juvenile court.

If no court has ever entered a custody or visitation order, then the petition should be filed in the state where the child has lived the most recent six months or where the child has lived since birth if under six months of age. If the child has not lived in any one state for six months or longer, then the petition should be filed in the state which is the most convenient.

Consider contacting an attorney if you are unsure which court has jurisdiction.

Fill Out the Paperwork

Use the Checklist to help you figure out which forms in this packet should be completely filled out, and which should only be partially filled out.

¹ Utah's statute is called the Utah Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), Utah Code §78B-13-101 et seq.

² The federal statute is called the Parental Kidnapping Prevention Act (PKPA), 28 U.S. Code §1738A.

File the Paperwork

Once you figure out which state has jurisdiction, file the Petition for Relinquishment of Parental Rights in the juvenile court in the county that has jurisdiction over the child. If an adoption case has been filed in a Utah district court, file your petition in that adoption case in the district court. If you file in juvenile court, use only the child's initials and not the child's full name on the paperwork. For example, if the child's name is "John Doe," refer to the child only as "J.D."

You will have to pay a fee when you file the paperwork. If you cannot afford the filing fee, you can ask the judge to waive the filing fee by filing an Application and Affidavit for Waiver of Court Fees (In the Matter Of). The judge will consider your request and may grant a total waiver, a partial waiver, or no waiver of fees.

Once the petition is filed, the judge will schedule a hearing. If you do not receive notice of the hearing within a week or so of filing the petition, you should contact the judge's clerk.

The judge may require that notice of the petition and hearing be served on other people such as another parent, guardian, or caregiver of the child as well as any state agency that may be involved with the child. In that case, the court clerk will send notice of the petition and hearing to these people.

The Hearing

At the hearing, the judge will call the parent asking to relinquish parental rights to the witness stand and ask some questions. If the judge thinks it is in the child's best interest to grant the request, and that the parent is not asking to do this to try to avoid paying child support, the judge will ask the parent to sign the Voluntary Relinquishment before leaving the witness stand.

The judge will then fill out the Findings of Fact and Conclusions of Law and the Order forms and sign them. You can get a certified copy of the Order from the court clerk for your records. If the judge required you to provide notice of the petition and hearing to other people, the court clerk will send a copy of the final order to these people.

What If I Can't Come to the Hearing?

If you can't travel to the hearing, you can sign the Voluntary Relinquishment before a judge in Utah, or another state, or before a public officer appointed by such a judge. The judge or appointed officer must certify that you have read the document, understand it, and have signed it freely and voluntarily. Once the Voluntary Relinquishment is signed properly, then it is your responsibility to file the original with the court in Utah where you filed the initial petition.

Talk to an Attorney

Relinquishing your parental rights is a serious decision. Consider talking to an attorney to go over your options. One way to talk to an attorney is to visit a free legal clinic. Clinics provide general legal information and give brief legal advice.

References

Fees:

<http://www.utcourts.gov/resources/fees.htm>

Waiver of Fees:

http://www.utcourts.gov/resources/forms/#Waiver_of_Court_Fees

Finding an Attorney:

<http://www.utcourts.gov/howto/legalassist/>

Free Legal Clinics:

<http://www.utcourts.gov/howto/legalclinics/>

Going to Court:

http://www.utcourts.gov/howto/pro_se/

Service:

http://www.utcourts.gov/howto/service/service_of_process.html

Statutes:

See Utah Code §78A-6-514 for the state's voluntary relinquishment of parental rights law:

<http://le.utah.gov/~code/TITLE78A/htm/78A06072.htm>

See Utah Code §78B-6-124 for persons who may take consents and relinquishments:

<http://le.utah.gov/~code/TITLE78B/htm/78B06025.htm>

Tab 5

My Name _____

Address _____

City, State, Zip _____

Phone _____

E-mail _____

I am the ☐ Defendant/Respondent

☐ Attorney for the Defendant/Respondent/ and my Utah Bar number is

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Answer

Case Number _____

Judge _____

Commissioner _____

Defendant/Respondent answers the Complaint as follows:

- (1) Defendant/Respondent admits all the allegations contained in the following paragraphs in the Complaint:

- (2) Defendant/Respondent denies all the allegations contained in the following paragraphs in the Complaint:

- (3) Referring to paragraph _____ in the Complaint, Defendant/Respondent states that [add more paragraphs if needed]:

- (4) Referring to paragraph _____ in the Complaint, Defendant/Respondent states that:

- (5) Referring to paragraph _____ in the Complaint, Defendant/Respondent states that:

Defenses

[If you know any reason why the plaintiff/petitioner should not win the case, other than what you have already stated in your answers above, write it here. Add more paragraphs if needed.]

Prayer

[Explain each of the things you want the court to do. For example, "I ask the court to dismiss the Complaint." Add more paragraphs if needed.]

(1)

(2)

(3)

Defendant/Respondent also asks for such other relief as the court finds equitable and just.

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Answer is true and correct.

Date _____ Sign here ► _____
Typed or printed name _____

<p align="center">Certificate of Service</p> <p align="center">I certify that I served a copy of this Answer on the following people.</p>			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

Typed or printed name _____

Answering a Summons and Complaint

Information & Instructions

Answering a Summons and Complaint

The person who has filed a legal action against you is the **plaintiff** or **petitioner**. You are the **defendant** or **respondent**. This packet provides information and sample forms to help you respond to the legal action the plaintiff has filed against you. The plaintiff has notified you about their legal action by serving a summons and complaint on you.

Read the papers you received carefully. The summons tells you how many days from the date you were served you have to answer the complaint. The complaint tells you what the plaintiff wants the court to order.

Don't ignore the summons and complaint!

If you do not answer within the specified time, the plaintiff can ask for a "default judgment," which means they win the case and you may never have a chance to tell the court your side of the story.

Utah Rule of Civil Procedure 6 explains how to count days:

- You **do not** count the day the time period begins to run
- You **do** count the last day, **unless** it is a Saturday, Sunday or a legal holiday

There are other requirements, so be sure to read the rule carefully.

If you need more time to answer the complaint, contact the other party's attorney or the other party (if they don't have an attorney).

- If they agree to allow you more time, send them a letter describing what you agreed to. Keep a copy for yourself.
- If they do not agree, you must file an answer within the time or risk a default judgment.

Fill Out the Paperwork

Read carefully the complaint, and then provide the following information, as appropriate:

- Write your name and contact information in the upper left hand corner of the Answer form.
- From the Complaint, copy the name and address of the court. Write in the plaintiff's name and the defendant's name (your name) and copy the case number, judge, and commissioner (if any) from the Complaint.
- Admit the truth of the paragraphs where the allegations are true.

- Deny the truth of the paragraphs where the allegations are incorrect.
- Respond to paragraphs that are not completely true or false. Write out an explanation of what is true and what is not for each paragraph that falls into this category.
- Raise any defenses, such as the plaintiff made a procedural mistake, like not serving you properly. Each defense should be a separately numbered paragraph. See Rule of Civil Procedure 8(b) for a list of defenses that **must** be included in an answer if you want to use them later in court. An example of an affirmative defense would be that you were not properly served.
- The Prayer section is where you ask the court to do something. For example, you could ask the court to dismiss the plaintiff's complaint. The word "Prayer" in this situation is not a religious prayer. It's a request to the court.
- Date and sign your Answer.

File the Paperwork

Once you have completed in writing the Answer, file it in the court. To “file” papers with the court is the process of giving them to the clerks’ office. You can file papers with the court in person or by mail. If you file by mail, make sure you give yourself enough time to meet the filing deadline. Papers are not considered filed until the court receives them – not when you mail them.

Make two copies of everything you file: one copy for you, and one for the other party. Send a copy of the Answer to the party, or the party’s attorney, who filed the action against you.

A Certificate of Service is included with the Answer. Complete the Certificate of Service and file the original Answer and Certificate of Service in the court. You must make sure the plaintiff, or plaintiff’s attorney, receives a copy of the completed Answer and Certificate of Service and you should keep a copy for your files.

Going to Trial

After you have filed your Answer, the plaintiff will send you other papers or have a date scheduled for trial. You should respond in writing to all papers that you receive and file any original with the court, provide a copy to the plaintiff, and keep a copy for yourself. You should appear in court any time you receive a notice to do so.

If a date is set for a trial, be prepared to present any witnesses or evidence you have. You may also receive written documents called “Interrogatories,” “Request for Production of Documents,” or “Admissions.” You must respond to these by answering the questions asked or sending copies of the documents requested. In many cases, the court will require you and the plaintiff to try to reach a settlement before any hearings or trial may take place.

Talk to an Attorney

Answering a complaint and/or going to trial can be complicated. Consider talking to an attorney to go over your options. One way to talk to an attorney is to visit a free legal clinic. Clinics provide general legal information and give brief legal advice.

References

Finding an Attorney:

<http://www.utcourts.gov/howto/legalassist/>

Free Legal Clinics:

<http://www.utcourts.gov/howto/legalclinics/>

Going to Court:

http://www.utcourts.gov/howto/pro_se/

Mediation:

<http://www.utcourts.gov/mediation/>

Service:

http://www.utcourts.gov/howto/service/service_of_process.html

Utah Rules of Civil Procedure

<http://www.utcourts.gov/resources/rules/>

My Name _____

Address _____

City, State, Zip _____

Phone _____

E-mail _____

I am the ☐ Plaintiff/Petitioner
☐ Defendant/Respondent
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my
Utah Bar number is _____

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Affidavit of _____
(name)

Case Number _____

Judge _____

Commissioner _____

(1) Being under oath, I swear or affirm that:

(2) I am the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent ☐ Other [describe]
_____ in this matter.

(3) I am making this affidavit for the purpose of:

(4) I further swear or affirm that:

Typed or printed name _____

Notary Seal

Certificate of Service			
I certify that I served a copy of this Affidavit on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

Typed or printed name _____

My Name _____

Address _____

City, State, Zip _____

Phone _____

E-mail _____

I am the ☐ Plaintiff/Petitioner
☐ Defendant/Respondent
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my
Utah Bar number is _____

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District, _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Memorandum of Costs and Attorney Fees

Case Number _____

Judge _____

Commissioner _____

Instructions: Use this form for claims for costs pursuant to URCP 54 (d). The Memorandum of Costs must be filed with the court and served on the party against whom costs are being claimed within five days after the entry of judgment. Add continuation pages if any are needed to complete the list of costs.

(1) These costs are necessary to this case, and the amounts are correct.

(2) Costs Amount

<input type="checkbox"/> Filing fees	\$
<input type="checkbox"/> Jury fee	\$
<input type="checkbox"/> Service of process or subpoena fees	\$
<input type="checkbox"/> Mediation fees	\$

(2) Costs Amount

<input type="checkbox"/> Discovery fees	\$
<input type="checkbox"/> Appraisal fees	\$
<input type="checkbox"/> Witness fees	\$
<input type="checkbox"/> Preparation of exhibit fees	\$
<input type="checkbox"/> Interpreter fees	\$
<input type="checkbox"/> Certification fees	\$
<input type="checkbox"/> Transcript fees	\$
<input type="checkbox"/> Other costs (Please itemize.)	\$
Total costs	\$

- (3) ☐ Attorney fees. I am admitted to the practice of law in Utah and represent the
☐ Plaintiff/Petitioner ☐ Defendant/Respondent. Attorney fees are allowed under:

☐ the contract between the parties.
☐ Utah Code Section _____.

- (4) ☐ This claim for attorney fees is according to the schedule in URCP 73(d) The amount of the judgment is \$_____. The attorney fees are \$_____.

For claims not in accordance with URCP 73(d), file a separate claim and supporting affidavit or declaration under URCP 73(b).

NOTICE TO THE PARTY AGAINST WHOM COSTS AND ATTORNEY FEES ARE CLAIMED. If you disagree with the amounts claimed, file a motion opposing the award within 7 days after being served with the Memorandum of Costs and Attorney Fees.

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Memorandum of Costs and Attorney Fees is true and correct.

Date _____ Sign here ► _____

Typed or printed name _____

Certificate of Service			
I certify that I served a copy of this Memorandum of Costs and Attorney Fees on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

Typed or printed name _____

My Name _____

Address _____

City, State, Zip _____

Phone _____

E-mail _____

I am the ☐ Plaintiff/Petitioner
☐ Defendant/Respondent

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Notice of Entry of Appearance Pro Se

Case Number _____

Judge _____

Commissioner _____

(1) _____ [name of your former attorney], who was my attorney of record in this matter, withdrew. I now represent myself.

(2) I will comply with the existing hearing schedule and deadlines. I will inform the court and all parties of my current address and contact information.

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Notice of Entry of Appearance Pro Se is true and correct.

Date _____ Sign here ► _____

Typed or printed name _____

Certificate of Service			
I certify that I served a copy of this Notice of Entry of Appearance Pro Se on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
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	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

Typed or printed name _____

My Name _____

Address _____

City, State, Zip _____

Phone _____

E-mail _____

I am the ☐ Plaintiff/Petitioner

☐ Defendant/Respondent

☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my
Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Request to Submit for Decision

☐ **Request for Hearing**

Case Number _____

Judge _____

Commissioner _____

(1) I request that ☐ Plaintiff/Petitioner's ☐ Defendant/Respondent's Motion to
_____ (name of motion) be submitted for decision.

(2) The motion was served on _____ (date).

(3) ☐ The memorandum in opposition was served on _____ (date).
☐ There was no memorandum in opposition.

(4) ☐ The reply to the memorandum in opposition was served on
_____ (date).
☐ There was no reply to the memorandum in opposition.

(5) The motion is ready for the court to review.

- (6) ☐ A hearing ☐ has ☐ has not been requested.
☐ I request a hearing.

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Request to Submit for Decision is true and correct.

Date _____ Sign here ► _____

Typed or printed name _____

Certificate of Service			
I certify that I served a copy of this Request to Submit for Decision on the following people.			
Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date _____ Sign here ► _____

Typed or printed name _____

My Name _____
Address _____
City, State, Zip _____
Phone _____
E-mail _____

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Proof of Service of Complaint and Summons

Case Number _____

Judge _____

Commissioner _____

- (1) ☐ I am over the age of 18. I am not a party to this action. I am not an attorney for a party to this action.
- (2) ☐ (If applicable) The person to be served refused service, so I stated the name of the process and offer to deliver a copy to the person.
- (3) ☐ On _____ (date), I served the Defendant/Respondent with the Complaint and Summons by delivering a copy of the complaint and summons to _____ (name), who is:

Serving an individual by delivery

☐ the Defendant/Respondent, at _____
(address).

Serving an individual by leaving at home	<input type="checkbox"/> a person of suitable age and discretion residing at _____ (address), the Defendant/Respondent's dwelling house or usual place of abode.
Serving an individual by delivery to an agent	<input type="checkbox"/> an agent authorized by appointment or by law to receive service of process, at _____ (address).
Serving a minor	<input type="checkbox"/> the minor Defendant/Respondent at _____ (address), and also to _____ (name), the minor's parent or guardian, at _____ (address).
Serving an incapacitated person	<input type="checkbox"/> the Defendant/Respondent, who has been judicially declared to be of unsound mind or incapable of conducting his/her own affairs, at _____ (address), and also to _____ (name), the person's legal representative, at _____ (address).
Serving an incarcerated or committed person	<input type="checkbox"/> the Defendant/Respondent, who is incarcerated or committed at a facility operated by the state or any of its political subdivisions, at _____ (address), and also to _____ (name), who is <input type="checkbox"/> the person who has the care, custody, or control of Defendant/Respondent's or that person's designee, <input type="checkbox"/> the Defendant/Respondent's guardian or conservator, at _____ (address).

Serving a corporation, partnership, or an unincorporated association	<input type="checkbox"/> an officer, a managing agent, general agent <input type="checkbox"/> an agent authorized by appointment or by law to receive service of process and by also mailing a copy of the complaint and summons to the Defendant/Respondent, which the statute requires, at _____ (address).
Serving a municipality	<input type="checkbox"/> the municipal the recorder, at _____ (address).
Serving a county	<input type="checkbox"/> the county clerk, at _____ (address).
Serving a school district or board of education	<input type="checkbox"/> the superintendent or business administrator of the board, at _____ (address).
Serving a irrigation or drainage district	<input type="checkbox"/> the president or secretary of the board, at _____ (address).
Serving the state	<input type="checkbox"/> the attorney general, at _____ (address), and to _____ (name of any other person or agency required by statute to be served) at _____ (address).
Serving a department of agency of the state	<input type="checkbox"/> a member of its governing board, executive employee or secretary, at _____ (address).

I declare under criminal penalty of Utah Code Section 78B-5-705 that this Proof of Service of Complaint and Summons is true and correct.

Date _____ Sign here ► _____

Typed or printed name _____