

**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.