



Utah Supreme Court
Advisory Committee on the Utah Rules of Civil Procedure
Meeting Agenda
Rod Andreason, Chair

Location: WebEx Webinar: [Link](#)

Date: March 18, 2026

Time: 4:00 – 6:00 p.m.

Welcome and approval of minutes	Tab 1	Rod Andreason
New Committee Staff – Sonia Sweeney		Stacy Haacke
New Rule 110 – Judicial Interviews of Children <i>(Discussion; Motion to approve for public comment)</i>	Tab 2	Judge Conklin
Rules back from public comment – Rules 62, 74, 76, and 102 <i>(Discussion; Motion to approve as final if no additional amendments)</i>	Tab 3	Rod Andreason
Discussion and scheduling of the in-person meeting		Rod Andreason

Reminder: Check style guide for conformity before rules are sent to the Supreme Court.

Upcoming Items:
- Subcommittees!

URCP Committee Website: [Link](#)

2026 Meeting Schedule:

Jan 28 • Feb 25 • Mar 25 • April 22 • May 27 • June 24 • Sep 23 • Oct 28 • Nov 18 • Dec 16

Tab 1

**UTAH SUPREME COURT ADVISORY COMMITTEE
ON RULES OF CIVIL PROCEDURE**

**Summary Minutes – Feb. 25, 2026
via Webex**

THIS MEETING WAS CONDUCTED ELECTRONICALLY VIA WEBEX

Committee members	Present	Excused	Guests/Staff Present
Rod N. Andreason, Chair	X		Stacy Haacke, Staff
Justin T. Toth, Vice Chair	X		Sonia Sweeney
Ash McMurray	X		Keri Sargent
Michael Stahler	X		Stephen Whiting
Loni Page	X		Michael Samantha Starks
Joshua Jewkes	X		
Meagan Rudd	X		
Laurel Hanks	X		
Tonya Wright		X	
Judge Rita Cornish	X		
Judge Catherine Conklin	X		
Jonas Anderson		X	
Heather Lester		X	
J. Brett Chambers	X		
Judge Blaine Rawson	X		
Judge Ronald Russell		X	
Judge Patrick Corum		X	
Rachel Sykes		X	
Michael Young		X	
Tyler Lindley	X		
Commissioner Marian Ito	X		
Judge Laura Scott, <i>Emeritus</i>	X		
James Hunnicutt, <i>Emeritus</i>	X		

(1) INTRODUCTIONS

The meeting began at 4:17 p.m. after forming a quorum. Mr. Rod Andreason welcomed the Committee Members.

(2) APPROVAL OF MINUTES

Mr. Andreason acknowledged proposed edits to the January 28, 2026 meeting minutes by Mr. Jim Hunnicutt that had been circulated via email. Judge Cornish moved to approve the minutes subject to Mr. Hunnicutt's proposed revisions. Justin Toth seconded the motion. The motion to approve the minutes passed unanimously with all members voting in favor.

(3) RULE 7 – RESPONDING TO OBJECTIONS TO PROPOSED ORDERS

Guest, Mr. Stephen Whiting, apologized and asked to withdraw his request to discuss Rule 7 - Responding to Objection to Proposed Order. He realized this issue is already provided for in the rule. The Committee did not think there was any confusion regarding the language in the rule. No action was taken by the Committee.

(4) RULE 64(C)(2) - SUPPLEMENTAL HEARINGS BEING CONDUCTED OUT OF THE PRESENCE OF THE COURT

Mr. Whiting introduced a request to clarify the term “hearing” within Rule 64(c)(2) regarding post-judgment supplemental proceedings. Judge Laura Scott provided historical context, explaining that even prior to the COVID-19 pandemic, district courts lacked the resources to actively monitor these proceedings, which function more like depositions than traditional hearings. Mr. Andreason observed that Rule 64(c)(2) contains broad language allowing for discovery and subpoenas outside of a formal court hearing. Mr. Joshua Jewkes expressed concern regarding the lack of a judge, noting that without judicial presence, there is little incentive for a debtor to be truthful under oath. Ms. Laurel Hanks indicated that self-represented parties find the current out-of-court process highly confusing and argued that formalizing the practice would provide much-needed clarity. Ultimately, Judge Scott suggested postponing major rule revisions, pointing out that pending legislation regarding debt collection and the potential creation of a separate debt collection court could soon alter the landscape entirely.

The committee decided to form a subcommittee to draft proposed language that clarifies the unwritten supplemental hearing practice for unrepresented parties without adding administrative burdens to district court judges. The subcommittee will be comprised of Ms. Hanks, Judge Scott, Ms. Loni Page, and Mr. Jewkes.

(5) RULE 45 – SUBPOENAS SUBJECT TO DISCOVERY LIMITATIONS

Mr. Whiting requested clarification on whether subpoenas are subject to fact discovery limitations, noting conflicting rulings from various judges when parties attempt to serve subpoenas after discovery limits have expired. Mr. Andreason addressed the inquiry by referencing Rule 26(c)(1), which explicitly defines “subpoenas other than for a court hearing or trial” as a method of discovery, thereby subjecting them to the limits outlined in Rule 26(c)(5). Ms. Meagan Rudd initially questioned if this limitation negatively impacted family law cases where updated financial documents are routinely subpoenaed near the time of trial but subsequently agreed that the rule's specific exception for trial subpoenas resolves that concern. Judge Rita Cornish noted she has previously ruled that subpoenas are indeed part of discovery in the Business and Chancery Court. The committee achieved consensus that the existing rules adequately address the issue without requiring further amendment.

The committee decided that no amendments to Rule 45 are necessary at this time because Rule 26 already governs the scope and limitations of discovery subpoenas.

(6) NEW RULE 103 – CHILD PROTECTIVE ORDERS TRANSFERRED TO DISTRICT COURT

Ms. Haacke provided an update on proposed Rule 103 following a public comment period that generated significant feedback, primarily from Children's Justice Center (CJC) directors. She detailed a January meeting involving CJC directors, prosecutors, Assistant Attorney General David Fureigh, and members of the juvenile rules committee aimed at addressing concerns regarding the recording of child statements and the requirement for forensic interviewers to testify. Ms. Haacke informed the committee that the proposed rule directly mirrors the existing juvenile court procedural rule and acts as a necessary stopgap for cases transferred to the district court. She reported that the stakeholders were afforded time to be heard and after being provided more explanation, ultimately, understood that their broader systemic concerns could not be resolved within this specific civil rule. Judge Catherine Conklin highly commended Ms. Haacke's efforts in managing the stakeholder concern, noting that the communication successfully de-escalated the situation.

Judge Conklin moved to send the proposed Rule 103 to the Supreme Court for final approval. Commissioner Marian Ito seconded the motion. The motion passed unanimously.

(7) RULE 65A – TEMPORARY RESTRAINING ORDERS THAT ALLOW USE OF FORCE BY LAW ENFORCEMENT

Ms. Hanks presented a proposal to amend Rule 65A(b) to require that temporary restraining orders allowing the use of force be served by a law enforcement officer, aiming to align the procedural rule with Utah Code 78B-8-302(5). Commissioner Ito raised practical

concerns about unintended consequences and the potential burden on police, questioning what constitutes the “use of force” in varied civil scenarios. Mr. Andreason pointed out that Rule 5(b) governs service generally and questioned if the cited statute pertained more to the initial service of process rather than subsequent orders. Mr. Hunnicutt advised against duplicating statutory requirements within the rules of civil procedure to prevent unnecessary clutter and ambiguity. Ms. Hanks conceded the points raised and agreed to monitor the issue further before pushing for a formal rule amendment.

(8) RULE 105 – REQUEST TO REPEAL

Ms. Hanks introduced a request from the Self-Help Center to repeal Rule 105, operating under the assumption that it was outdated as the underlying family law statute had been repealed. Mr. Hunnicutt clarified that the replacement statute, Utah Code 81-4-402, still explicitly mandates a 30-day waiting period unless the court finds extraordinary circumstances. Judge Cornish and Judge Conklin emphasized the rule's ongoing necessity, noting that the required affidavit provides the evidentiary basis for the court to legally waive the waiting period. Recognizing the rule's relevance but acknowledging its outdated terminology, Mr. Andreason proposed amending the text to replace “A motion for a hearing” with “A request to enter a decree of divorce.” This change reflects the modern practice of submitting stipulated proposed findings rather than holding actual hearings. Mr. Andreason also suggested changing “setting forth” to “stating,” as a plain language improvement. Mr. Ash McMurray also suggested updating the word “shall” to “must” to comply with current plain language drafting standards.

Judge Cornish moved to forward the amended rule to the Supreme Court for consideration. Mr. Justin Toth and Mr. Michael Stahler seconded the motion. The motion passed unanimously.

(9) RULES 7 AND 37 – WORD AND PAGE LIMITS

Mr. Andreason presented a proposal on behalf of Ms. Tonya Wright to reconcile an inconsistency between Rule 7(q) and Rule 37(a)(2). Rule 7(q) allows a Statement of Discovery Issues to be “4 pages or 1500 words,” while the specific text of Rule 37(a)(2) only states “four pages.” The committee debated whether to streamline the text by referring entirely back to Rule 7 or to explicitly add the word count to Rule 37. Mr. Hunnicutt advocated for keeping the strict page limit explicit in Rule 37 to prevent attorneys from assuming they are entitled to the standard 15 pages for motions. Mr. Stahler agreed that the rule's underlying intent is to promote efficiency and limit length. The committee ultimately favored explicitly adding “or 1500 words” to Rule 37(a)(2) while retaining the existing language regarding permitted attachments to avoid any confusion among practitioners.

Mr. Stahler moved to amend Rule 37(a)(2) by inserting the phrase “or 1500 words” immediately after the phrase “four pages.” Judge Conklin seconded the motion. The motion

passed unanimously, with Ash McMurray noting an abstention. Stacy Haacke is the person responsible for this task. The deadline for completion is immediate.

(10) SJR05 – AMENDMENTS TO RULES 1, 42, 63, AND 63A FINALIZED BY CONSTITUTIONAL TWO-THIRDS VOTE

Mr. Andreason provided an informational update regarding Senate Joint Resolution 005 (SJR05), detailing how the Utah Legislature utilized its constitutional two-thirds majority power to directly amend Utah Rules of Civil Procedure 1, 42, 63, and 63A. He explained that these substantial legislative changes relate to the transfer of legal actions to the newly created Business and Chancery Court and establish procedures for convening three-judge district court panels upon notice from the Attorney General, Governor, or Legislature. The committee briefly discussed the resulting changes, recognizing that while the committee continues its standard role of proposing rules to the Supreme Court, the judicial branch must now operate within the framework of these legislatively mandated procedural amendments.

(11) OLD/NEW BUSINESS

Mr. Andreason concluded the meeting by thanking the committee and subcommittees for their ongoing dedication and work between sessions. He suggested scheduling an upcoming meeting as an in-person or hybrid event to foster better interpersonal connection among the members, proposing the May 27th meeting date as a suitable option. Mr. Toth supported the idea of an in-person gathering. The committee agreed to explore holding a hybrid in-person meeting for the May session. Ms. Haacke offered to survey the members to finalize the logistics and ensure virtual options remain available for those outside the Salt Lake area.

(12) ADJOURNMENT

The meeting was adjourned at 5:02 p.m. The next meeting will be March 18, 2026, at 4:00 p.m.

Tab 2

1 **Rule 110. Uniform Judicial Interview of Children Rule.**

2 (a) **Scope.**

3 (1) This rule applies to a district court proceeding in which the court is permitted to
4 interview a minor child who is the subject of the covered proceeding.

5 (2) This rule does not apply to:

6 (A) testimony by a minor child; or

7 (B) an interview conducted by a person other than a judge or commissioner.

8 (b) **Decision to Conduct Judicial Interview.**

9 (1) Unless prohibited by other law, the minor child, attorney guardian ad litem, or a
10 party may request an interview by the court. The decision to conduct an interview is
11 within the court's discretion and may be at the court's own initiative.

12 (2) The court may conduct a judicial interview if the court determines:

13 i. extenuating circumstances exist that would necessitate the interview;

14 ii. there is no other reasonable method to obtain information from the minor child;

15 iii. the interview is in the minor child's best interest; and

16 iv. the requirements of other laws are satisfied.

17 (3) Except as provided by other law, in deciding whether an interview is in the minor
18 child's best interest, the court shall consider the minor child's expressed desire to
19 communicate or not communicate with the court and, to the extent applicable and
20 readily ascertainable:

21 (A) the likelihood that the interview will assist the court in adjudicating the
22 covered proceeding;

23 (B) the minor child's age, maturity, and capacity to formulate and communicate
24 the minor child's views to the court;

25 (C) the likely benefit to the minor child from the interview;

26 (D) the potential harm to the minor child from the interview, including
27 embarrassment, harassment, retaliation, and breach of a relationship, and the
28 court's ability to mitigate harm while eliciting the minor child's views;

29 (E) the availability and suitability of other processes to elicit the minor child's
30 views;

31 (F) the likelihood that conducting the interview may facilitate recognition or
32 enforcement in another state or foreign court of the decision in the covered
33 proceeding; and

34 (G) any other relevant factor.

35 (4) A judge or commissioner who conducts a judicial interview must have training in
36 interviewing a minor child

37 **(c) Judicial Interview Procedure.**

38 (1) The court shall permit a party and attorney guardian ad litem to propose questions
39 in a record for the judicial interview. The court shall determine the questions asked of
40 the minor child.

41 (2) The court shall require an interview record to be made.

42 (3) The court shall permit the attorney guardian ad litem to attend the judicial
43 interview in person.

44 (4) The court may not permit a party or the party's attorney to attend the judicial
45 interview.

46 (5) If all parties agree, the parties may stipulate on the record that they waive access
47 to the interview record. A stipulation is not valid unless approved by the judicial
48 officer. The judicial officer may not approve a stipulation unless each party stipulates
49 that the party waives any right to access the interview record, to be informed of
50 communication by the minor child during the interview, and to respond to the minor
51 child's communication. Unless otherwise stated in the stipulation, a stipulation under

52 this section precludes access to the interview record by the parties in any covered
53 proceeding relating to the minor child, including an appeal.

54 (6) Before starting the interview, the court shall explain to the minor child in an age-
55 appropriate manner information about the judicial interview, including:

56 (A) that the minor child is not required to answer the court's questions;

57 (B) that the minor child's views will be considered but the court is the decision-
58 maker;

59 (C) that an interview record will be made;

60 (D) whether any individual will be observing or listening to the judicial interview
61 in real time;

62 (E) whether the interview record will be provided to the parties; and

63 (F) that the court may be required in some circumstances to share with another
64 person the minor child's communication.

65 **(d) Post-Interview Procedure.**

66 (1) Unless otherwise prohibited by a stipulation approved under subsection (c)(5) and
67 except as provided under subparagraph (2) of this subsection, if a party appeals the
68 final decision in the covered proceeding, on request of a party and after payment of
69 required costs, the court shall grant access to the interview record.

70 (2) Unless otherwise prohibited by a stipulation approved under subsection (c)(5), if
71 the minor child makes a factual allegation in the judicial interview, other than
72 communication of the minor child's views, that is or may be contested and is
73 potentially dispositive in the covered proceeding, the court shall disclose the
74 allegation to the parties and provide the parties an opportunity to submit evidence
75 and legal argument in response before making a final decision in the covered
76 proceeding.

77 (3) The right of the minor child and attorney guardian ad litem to access the interview
78 record and participate in the covered proceeding is governed by other law.

79 (4) The court shall determine appropriate restrictions on the disclosure of the contents
80 of the interview and the interview record to nonparties during the covered proceeding
81 and after its conclusion.

82 (5) The decision whether to permit the minor child to provide testimony in a covered
83 proceeding is governed by other law.

84 (6) After conducting a judicial interview, if the court has reasonable cause to believe
85 that the minor child is the victim of abuse or neglect, the court shall inform the
86 Division of Child and Family Services or take any other appropriate action to protect
87 the minor child.]

88 (e) **Effective Date.**

89 This rule applies to a judicial interview requested or initiated on or after the effective date
90 of this rule.

Tab 3

UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on “Continue Reading.” To submit a comment, scroll down to the “Leave a Reply” section, and type your comment in the “Comment” field. Type your name and email address in the designated fields and click “Post Comment.”

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

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Posted: January 26, 2026

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Rules of Civil Procedure – Comment Period Closes March 12, 2026

URCP062. Stay of proceedings to enforce a judgment or order. AMEND. The proposed amendments to this rule adds a new subparagraph (j) specifically addressing stays in domestic relations actions, with other amendments to add clarity and conform to the style guide for the rules.

URCP074. (Updated) Withdrawal of counsel. AMEND. The proposed amendments to this rule address the withdrawal of counsel when there may be ongoing obligations to the court, notice, and the contact information that must be included for a party, as well as amendments to conform with the style guide for the rules.

URCP076. Notice of contact information change. AMEND. The proposed amendments to this rule address notice and disclosure of contact information by an attorney or self represented parties and when disclosure may be prohibited.

URCP102. Motion and order for payment of costs and fees. AMEND. The proposed amendments to this rule clarify the granting of a motion for costs and fees in whole or in part, make

To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

CATEGORIES

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amendments to conform with statutory renumbering and the style guide for the rules.

This entry was posted in [Uncategorized](#), [URCP062](#), [URCP074](#), [URCP076](#), [URCP102](#).

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[Rules of Appellate Procedure – Comment Period Closed March 9, 2026](#) »

UTAH COURTS

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4 thoughts on “[Rules of Civil Procedure – Comment Period Closes March 12, 2026](#)”

Leslie Slaugh
January 26, 2026 at 9:49 am

The existing Rule 74, and the proposed amendment, require cautionary notices to the client (Rule 74(b)(3,4)) if the attorney files a motion for leave to withdraw, but does not require similar cautions if the attorney files a notice of withdrawal (Rule 74(a)). That should be fixed; there is no good reason for requiring the cautions in one situation and not the other. The cautionary language should be mandated in a notice of withdrawal.

[Reply](#)

Leslie Slaugh
January 26, 2026 at 9:52 am

In Rule 102(c), line 18, the “will” should be “must”: The order must specify the amount of costs and fees to be paid.

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Reply

Jamie Leonard
February 17, 2026 at 11:47 am

I respectfully submit that the version of Utah Rule of Civil Procedure 74 currently posted on the Utah Courts website (<https://legacy.utcourts.gov/rules/view.php?type=urcp&rule=74>) does not match the version shown in the redlined draft circulated for public comment. The discrepancies between the two documents make it unclear which text reflects the intended amendments. I request clarification regarding which version is authoritative for purposes of review and comment.

Reply

Utah Courts
February 18, 2026 at 1:43 pm

The redline has been updated. Thank you.

Reply

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