

**UTAH JUDICIAL COUNCIL  
POLICY, PLANNING, & TECHNOLOGY COMMITTEE  
MEETING AGENDA  
July 8, 2022 – 12:00 p.m. to 2:00 p.m.  
Webex**

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Pullan
12:05	Family Dependency, Mental Health, and Juvenile Drug Court Certification Checklists	Action	Tab 2	Judge Dennis Fuchs
12:15	<b>CJA 9-107.</b> Justice court technology, security, and training account	Action	Tab 3	Jim Peters
12:25	<u>Automated Expungement (Evictions):</u> <ul style="list-style-type: none"> <li>Automated expungement order for Evictions</li> <li>Standing order (Combined)</li> <li>CJA 4-208. Automatic expungement of cases</li> <li>CJA 4-403. Electronic signature and signature stamp use</li> <li>Correction to automated criminal orders</li> </ul>	Action	Tab 4	Keisa Williams
1:00	Technology report/proposals	Discussion /Action		Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

**2022 Meetings:**

August 5, 2022	November 4, 2022 (all day)
September 2, 2022	December 2, 2022
October 7, 2022	

# TAB 1

Minutes

June 3, 2022

**UTAH JUDICIAL COUNCIL  
POLICY, PLANNING and TECHNOLOGY COMMITTEE  
MEETING MINUTES**

Webex video conferencing  
June 3, 2022: 12 pm -2 pm

**DRAFT**

**MEMBERS:**

**PRESENT**

**EXCUSED**

**GUESTS:**

Judge Derek Pullan, <i>Chair</i>	•	
Judge Augustus Chin	•	
Judge Samuel Chiara	•	
Judge David Connors	•	
Judge Michelle Heward	•	

Bart Olsen  
Paul Barron  
Keri Sargent  
Stacy Haacke

**STAFF:**

Bryson King  
Minhvan Brimhall

**(1) Welcome and approval of minutes:**

Judge Derek Pullan welcomed committee members and guests. The committee considered the minutes from the June 6, 2022 meeting. With no changes, Judge Chiara moved to approve the minutes as presented. Judge Heward seconded the motion. The motion passed unanimously.

**(2) CJA 4-206. Evidence:**

Proposed amendments to CJA 4-206 add “biological evidence” to the list of exhibits that will remain in the custody of parties during trial in (2)(A) and a reference to Title 53, Chapter 20, Forensic Biological Evidence Preservation in (5). This amendment is in response to an inquiry from the AG’s office regarding courts’ retention of biological evidence (related to H.B. 65, effective May 4, 2022). Under (2)(A), courts may not take custody of exhibits that require law enforcement chain of custody. As such, courts should never have custody of biological evidence. Training on this issue will be provided to Judicial Assistants and clerks to ensure proper procedures, with respect to exhibits, are followed.

The committee did not express any concerns with the proposed amendments and did not recommend any changes to that which was presented.

***With no further discussion, Judge Connors moved to send CJA 4-206 to the Judicial Council for approval for a 45-day public comment period. Judge Heward seconded the motion. The motion passed unanimously.***

**(3) CJA 4-202.02. Records classification.**

Ms. Haacke presented a request on behalf of Judge Linda Jones for an amendment to CJA 4-202.02 to classify documents in sterilization cases as private. Sterilization cases can be initiated by petition under 62A-6-101 et seq., creating a separate action, or filed in an open Guardianship case under 75-5-101 et seq. Records in Title 75, Chapter 5 cases are classified as private under 4-202.02(4)(B)(iii). After reviewing a sampling of cases, it appears that sterilization cases filed under Title 62A, Chapter 6 (and associated documents) are classified as public, unless a party motions the court for a non-public classification under 4-202.04. To clarify, some records in public cases are classified as non-public (e.g., medical records), but the majority are not. The proposed amendment would classify

all records in Title 62A, Chapter 6 cases as private, except for “the case history, judgments, orders, decrees, letters of appointment, and the record of public hearings.” This would make the documents consistent with the same records in guardianship cases. Judge Jones is working with Michael Drechsel on potential legislation to make all sterilization proceedings closed to the public.

When a case is marked as public, but certain documents in the case are marked as private, a person who has access to the court’s XChange (court’s case search program) may be able to see the full case history and access any documents that are not marked as private. Documents marked as private will require a motion and approval from the court to gain access to those documents. Currently, under rule CJA 4-202.04, any interested party may file a motion to the court requesting access to records they are not authorized to access, or they can request records be marked as other than public. The court may decide upon proper findings to authorize access to records, or to mark records as other than public (private, sealed, protected).

Pursuant to CJA 4-202.02(4)(B) certain cases are marked private except for certain documents and the case history. It appears that a Petition for Sterilization could fall within the same category as other cases listed in CJA 4-202.02(4)(B).

The committee did not express concerns regarding the proposed amendments to the rule, however, they wanted to be sure individuals not a party to the case could gain access or at least find a case had been filed on the court’s XChange program. For example, would a concerned family member who did not file the petition be able to search the vulnerable person’s name on XChange to see there was an action or filings pending?

The committee recommended Ms. Haacke discuss the committee’s recommendations with Judge Jones to identify procedures that may be afforded to allow a non-party to determine whether there was a filing for a vulnerable person. The committee also recommends that the forms for these types of petitions to list the person of record, the one being sterilized, as the respondent.

No action is taken on this item. Ms. Haacke will speak with Judge Jones and return at another meeting for further discussion.

#### **(4) HR Resource Policies.**

- HR 15-3, 15-4, 15-6. Workplace Harassment.
- HR 16-2, 1-3, 16-4. Abusive Conduct.
- CJA 3-301.01. State Court Administrator – Complaints and Performance Review; Complaints Regarding Judicial Officers and State Court Employees.

The proposed amendments incorporate the Committee’s recommendations at the May 6, 2022 meeting.

Mr. Olsen stated that the HR materials in the meeting packet contain all items that were discussed and amended from last month’s meeting. HR 15-3 clarifies the complaint procedure process for judicial and non-judicial officers. HR 15-4 clarifies the investigative procedures of allegations against a non-judicial officer and HR 15-5 clarifies the preliminary inquiry procedures of allegations against a judicial officer.

HR 15-3: An employee who has been the subject of assault in the workplace will be reassigned to a different position or job responsibility to ensure they will not be in the same workplace as the assailant. Paragraph (2)(a), line 20, was amended to clarify all those to whom a court employee can report their complaint of harassment. HR 15-5: The amendments provide a procedure for the preliminary inquiry process when an allegation has been made against a judicial officer. The preliminary inquiry is completed by a member of the HR department in determining whether further investigative proceedings should be recommended to the Management Committee. The preliminary inquiry is not a fact finding process and is only intended for the purpose of providing recommendations to the Management Committee as to whether additional action is needed on the complaint. The amendments also identify the differences in the preliminary inquiry process for non-judicial personnel to that

of a judicial officer.

The committee recommended several additional amendments to the policies. The amendments clarify those who may receive a copy of the investigative report and the role of the HR department during the preliminary inquiry process. Other minor grammatical corrections were made to the rule.

HR 16-2, 16-3, and 16-4: The committee did not express concerns regarding the proposed amendments to those policies and made no recommendation for changes. The investigative and preliminary inquiry procedures outlined in 16-4 will be similar to those in 15-5.

Following further discussion, Mr. Olsen indicated he will draft a memo that summarizes the discussion and recommendations made by this committee for the Judicial Council's review. Mr. Olsen will send the draft memo via electronic communication for the committee members to review prior to submission to the Judicial Council.

***With no further discussion, Judge Heward moved to forward HR 15-3, 15-4, 15-5, 16—2, 16-3, and 16-4 to the Judicial Council for final approval, with inclusion of Mr. Olsen's memorandum. Judge Connors seconded the motion. The motion passed unanimously.***

CJA 3-301.01: The amendment clarifies that nothing the rule "prevents an individual from filing a complaint directly with the Judicial Conduct Commission." Because complaints and requests for investigation are made to the JCC by the Judicial Council, the committee determined that CJA 3-301.01 should be placed on hold until amendments to the HR 15 series policies have been decided by the Judicial Council, and a rule draft for investigative referrals can be presented to the JCC.

No action was taken on rule 3-301.01.

**(5) Reschedule July 1 meeting to July 8.**

The committee agreed to move the July meeting to July 8, 2022, due to the Independence Day weekend. Judge Connors will be out of town but may be able to call in. Judge Chiara has a trial scheduled that day and will join in when he is able.

**Old Business/New Business: None**

Mr. Barron noted that Brody Arishita will have new forms for review and discussion by the committee at the next meeting, and will need to be on the meeting agenda.

July's meeting will be Judge Heward's last meeting with the committee due to her retirement. Judge Heward will continue to serve as a senior judge.

**Adjourn:** With no further items for discussion, the meeting adjourned without a motion. The next meeting will be held on July 8, 2022 at 12 PM via Webex video conferencing.

# TAB 2

## Problem-Solving Court Certification Checklists

**Notes:** Under Presumed Certification Criteria #37, treatment courts are required to track new arrests, new convictions, and new incarcerations for at least three years following each participant's entry into the program.

Judge Fuchs is requesting that Presumed Certification Criteria #37 be moved under the Non-Certification Related Best Practice Standards in the certification checklists for the Family Dependency, Mental Health, and Juvenile Drug Courts. It would remain a requirement for Adult Drug Courts. Adult Drug Courts can meet this criteria, but Mental Health Courts, Juvenile Courts, and Family Drug Courts cannot. In most cases, those courts are not dealing with criminal offenses.

*\*The packet includes the Family Dependency checklist only. The proposed amendment to the other checklists is identical.*

**UTAH JUDICIAL COUNCIL**  
**FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** \_\_\_\_\_

**COURT NUMBER:** \_\_\_\_\_

**JUDGE NAME:** \_\_\_\_\_

**REVIEW DATE:** \_\_\_\_\_

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high-risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
<input type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Family dependency court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Family dependency court.	III.C.
<input type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Family dependency court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
<input type="checkbox"/>	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
<input type="checkbox"/>	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input type="checkbox"/>	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input type="checkbox"/>	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Family dependency court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input type="checkbox"/>	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Family dependency court participants and team members.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	22	The Family dependency court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
<input type="checkbox"/>	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
<input type="checkbox"/>	<input type="checkbox"/>	28	Drug testing utilized by the Family dependency court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.



YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
<input type="checkbox"/>	<input type="checkbox"/>	30	Upon entering the Family dependency court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input type="checkbox"/>	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
<input type="checkbox"/>	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
<input type="checkbox"/>	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	36	Participants are not terminated from the Family dependency court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	37	If a participant is terminated from the Family dependency court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input type="checkbox"/>	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
<input type="checkbox"/>	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
<input type="checkbox"/>	<input type="checkbox"/>	43	Participants complete a final phase of the Family dependency court focusing on relapse prevention and continuing care.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	44	Participants are not excluded from participation in Family dependency court because they lack a stable place of residence.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Family dependency court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input type="checkbox"/>	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of family dependency court.	VI.I.*
<input type="checkbox"/>	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each staffing meeting.	VIII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each Family dependency court session.	VIII.A.*
<input type="checkbox"/>	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
<input type="checkbox"/>	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input type="checkbox"/>	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Family dependency court must be reasonably related to the costs of testing or other services.	
<input type="checkbox"/>	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
<input type="checkbox"/>	<input type="checkbox"/>	53	The Family dependency court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input type="checkbox"/>	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	The Family dependency court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
<input type="checkbox"/>	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
<input type="checkbox"/>	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
<input type="checkbox"/>	<input type="checkbox"/>	5	The judge presides over the Family dependency court for no less than two consecutive years.	III.B.
<input type="checkbox"/>	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
<input type="checkbox"/>	<input type="checkbox"/>	7	The Family dependency court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.

YES	NO	PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
<input type="checkbox"/>	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
<input type="checkbox"/>	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Family dependency court population.	VII.D.
<input type="checkbox"/>	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Family dependency court's programmatic phase structure.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
<input type="checkbox"/>	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
<input type="checkbox"/>	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
<input type="checkbox"/>	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Family dependency court.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Family dependency court and continuing as necessary throughout their enrollment in the program.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	27	All Family dependency court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Family dependency court.	VI.I.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
<input type="checkbox"/>	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
<input type="checkbox"/>	<input type="checkbox"/>	31	Team members are assigned to Family dependency court for no less than two years.	
<input type="checkbox"/>	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency court issues.	
<input type="checkbox"/>	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Family dependency courts.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	35	The Family dependency court has more than 15 but less than 125 active participants.	IX.A.*
<input type="checkbox"/>	<input type="checkbox"/>	36	The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input type="checkbox"/>	<input type="checkbox"/>	37	<del>New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.</del>	<del>X.C.</del>
<input type="checkbox"/>	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input type="checkbox"/>	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input type="checkbox"/>	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	The Family dependency court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.

YES	NO	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS		BPS
		#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input type="checkbox"/>	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input type="checkbox"/>	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input type="checkbox"/>	<input type="checkbox"/>	13	The Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.
<input type="checkbox"/>	<input type="checkbox"/>	17	<u>New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.</u>	<u>X.C.</u>

# TAB 3

## **CJA 9-107. Justice court technology, security, and training account**

**Notes:** Following the creation of the Budget and Fiscal Management Committee, the approval process for allocations from the Justice Court Technology, Security and Training Account was modified. These amendments codify a change in practice that was implemented a few years ago.

## Policy and Planning - Rule Amendment Request Form

The respondent's email ([jamesp@utcourts.gov](mailto:jamesp@utcourts.gov)) was recorded on submission of this form.

### Instructions

Unless the proposal is coming directly from the Utah Supreme Court, Judicial Council, or Management Committee, this Request Form must be submitted along with a draft of the proposed rule amendment before it will be considered by the Policy and Planning Committee.

To be considered, you must e-mail your proposed rule draft to Keisa Williams at [keisaw@utcourts.gov](mailto:keisaw@utcourts.gov).

Date of Request \*

MM DD YYYY

06 / 24 / 2022

Name of Requester \*

Jim Peters

Requester Phone Number \*

8015783824

Name of Requester's Supervisor \*

Ron Gordon

Location of the Rule \*

Code of Judicial Administration ▼

CJA Rule Number or HR/Accounting Section Name \*

9-107

Brief Description of Rule Proposal \*

These amendments would codify a change in practice that was implemented a few years ago.

Reason Amendment is Needed \*

Following the creation of the Budget and Fiscal Management Committee, the approval process for allocations from the Justice Court Technology, Security and Training Account was modified.

Is the proposed amendment urgent? \*

☐ Yes

☒ No

If urgent, please provide an estimated deadline date and explain why it is urgent.



Select each entity that has approved this proposal. \*

- ☐ Accounting Manual Committee
- ☐ ADR Committee
- ☐ Board of Appellate Court Judges
- ☐ Board of District Court Judges
- ☒ Board of Justice Court Judges
- ☐ Board of Juvenile Court Judges
- ☐ Board of Senior Judges
- ☐ Budget and Fiscal Management Committee
- ☐ Children and Family Law Committee
- ☐ Clerks of Court
- ☐ Court Commissioner Conduct Committee
- ☐ Court Facility Planning Committee
- ☐ Court Forms Committee
- ☐ Ethics Advisory Committee
- ☐ Ethics and Discipline Committee of the Utah Supreme Court
- ☐ General Counsel
- ☐ Guardian Ad Litem Oversight Committee
- ☐ HR Policy and Planning Committee
- ☐ Judicial Branch Education Committee
- ☐ Judicial Outreach Committee
- ☐ Language Access Committee
- ☐ Law Library Oversight Committee
- ☐ Legislative Liaison Committee
- ☐ Licensed Paralegal Practitioner Committee
- ☐ Model Utah Civil Jury Instructions Committee

- ☐ Model Utah Criminal Jury Instructions Committee
- ☐ Policy and Planning member
- ☐ Pretrial Release and Supervision Committee
- ☐ Resources for Self-Represented Parties Committee
- ☐ Rules of Appellate Procedure Advisory Committee
- ☐ Rules of Civil Procedure Advisory Committee
- ☐ Rules of Criminal Procedure Advisory Committee
- ☐ Rules of Evidence Advisory Committee
- ☐ Rules of Juvenile Procedure Advisory Committee
- ☐ Rules of Professional Conduct Advisory Committee
- ☐ State Court Administrator
- ☐ TCE's
- ☐ Technology Committee
- ☐ Uniform Fine Committee
- ☐ WINGS Committee
- ☐ None of the Above

If the approving entity (or individual) is not listed above, please list it (them) here.

List all stakeholders who would be affected by this proposed amendment. \*

Judicial Council, Management Committee, Budget and Fiscal Management Committee, AOC and Justice Courts

This form was created inside of Utah State Courts.

**Rule 9-107. Justice court technology, security, and training account.****Intent:**

To establish the process for allocation of funds from the Justice Court Technology, Security, and Training restricted account.

**Applicability:**

This rule shall apply to all applications for and allocations from the account.

**Statement of the Rule:**

(1) Any governmental entity that operates or has applied to operate a justice court may apply for funds from the account for qualifying projects. Local governmental entities may only use the funds for one-time purposes, and preference will be given to applications that propose to use the funds for new initiatives rather than for supplanting existing efforts.

(2) The Board of Justice Court Judges, through the Administrative Office of the Courts, may apply for funds from the account for qualifying projects.

(3) The Administrative Office of the Courts may apply for funds from the account for qualifying projects, and may use the funds for ongoing support of those projects.

(4) Qualifying projects are those that meet the statutory requirements for the use of the account funds.

(5) Funds will be distributed on or about July 1 of each year in which funds are available, and applications for those funds must be made by April 15 of the same year on forms available from the Administrative Office of the Courts. All applications for funds shall be first reviewed and prioritized by the Board of Justice Court Judges. ~~The Board's, and that~~ recommendations, ~~along with all timely applications~~ shall then be forwarded to the Budget and Fiscal Management Committee of the Judicial Council. The ~~Management Committee~~ Judicial Council will then make the final awards.

(6) An entity receiving funds shall file with the Board of Justice Court Judges an accounting, including proof of acquisition of the goods or services for which the award was granted. The accounting shall be filed no later than July 15 for activity during the previous fiscal year.

*Effective: ~~September 6, 2005~~ November 1, 2022*

# TAB 4

## **Automatic Expungements – Evictions**

- New automated expungement order for Evictions
- Standing order authorizing signatures (Combined)
- CJA 4-208. Automatic expungement of cases
- CJA 4-403. Electronic signature and signature stamp use
- Correction to automated criminal orders

**Notes:** New code section [78B-6-852](#), automatic expungement of evictions, goes into effect on July 1, 2022 and the code section governing automatic expungements in criminal cases changed during the 2022 session. The proposed rule amendments and orders account for those changes.

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**DISTRICT COURT**  
**[county\_name], STATE OF UTAH**

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[Petitioner],

Petitioner,

vs.

[respondent\_name]

Respondent.

**Order on Automatic  
Expungement of Eviction**

Case Number: [case\_number]

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The matter before the court is the automatic expungement of the case pursuant to Utah Code § 78B-6-852.

This case has been identified by the Judiciary's automated expungement review process as one meeting the requirements for automated expungement. Expunging the records associated with case number [case\_number] is statutorily mandated.

Issuance of this order is authorized by standing order and Utah Code of Judicial Administration Rules 3-108 and 4-403.

**The Court Orders** that the records of respondent's eviction related to court case number [case\_number] are hereby expunged.

**Judge's signature will appear at the top of the first page of this document.**

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**In the District / Justice Court of Utah**  
**[district\_number] Judicial District, [county\_name] County / [city\_name] City**

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[prosecuting\_entity – usually “State of Utah”],

Plaintiff,

vs.

[defendant\_name]

[defendant\_dob]

Defendant.

**Order on Automatic  
Expungement of  
Acquittal / Dismissal with Prejudice**

Case Number: [case\_number]

---

The matter before the court is the automatic expungement of the case pursuant to Utah Code § 77-40~~a~~-~~201~~~~44~~.

This case has been identified by the Judiciary’s automated expungement review process as one meeting the requirements for automated expungement. Expunging the records associated with case number [case\_number] is statutorily mandated.

Issuance of this order is authorized by standing order and Utah Code of Judicial Administration Rules 3-108, and 4-403.

**The Court Orders** that the records of defendant’s arrest, investigation, detention, and prosecution related to court case number [case\_number] are hereby expunged.

**Judge’s signature will appear at the top of the first page of this document.**

---

**In the District / Justice Court of Utah**  
**[district\_number] Judicial District, [county\_name] County / [city\_name] City**

---

[prosecuting\_entity – usually “State of Utah”],

Plaintiff,

vs.

[defendant\_name]

[defendant\_dob]

Defendant.

**Order on Automatic  
Expungement of Conviction**

Case Number: [case\_number]

The matter before the court is the automatic expungement of the case pursuant to Utah Code § 77-40~~a~~  
201+44.

This case has been identified by the Judiciary’s automated expungement review process as one meeting the requirements for automated expungement. Notice was sent to the prosecuting agency as provided by law and no objection was received within the time allowed. Expunging the records associated with case number [case\_number] is statutorily mandated.

Issuance of this order is authorized by standing order and Utah Code of Judicial Administration Rules 3-108, and 4-403.

**The Court Orders** that the records of defendant’s arrest, investigation, detention, prosecution, and conviction related to court case number [case\_number] are hereby expunged.

**Judge’s signature will appear at the top of the first page of this document.**

---

In the [district\_number] Judicial District  
State of Utah

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**In Re: Automatic Expungements**

**STANDING ORDER**

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TO THE [DISTRICT] [JUSTICE] COURTS IN THE [district\_number] JUDICIAL DISTRICT:

IT IS HEREBY ORDERED that the Administrative Office of the Courts may prepare orders of expungement and automatically affix the presiding judge's signature to such orders, pursuant to the automatic expungement provisions in Utah Code Sections 77-40a-2 and the Utah Expungement Act 78B-6-8a and Code of Judicial Administration Rules 3-108, 4-403.

IT IS FURTHER ORDERED that the Administrative Office of the Courts may automatically issue signed orders of expungement only when the requirements of Utah Code Sections 77-40a-2 and 78B-6-8a the Utah Expungement Act, Utah Rules of ~~Criminal~~ Procedure, and Code of Judicial Administration have been met.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

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[Name], Presiding Judge  
[district\_number] Judicial District