

**UTAH JUDICIAL COUNCIL
POLICY, PLANNING, & TECHNOLOGY COMMITTEE
MEETING AGENDA**

August 5, 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	<u>Rules back from public comment:</u> <ul style="list-style-type: none"> • CJA 4-202.03. Records access • CJA 6-501. Reporting requirements for guardians and conservators • <u>Effective 5/23/22 (expedited):</u> <ul style="list-style-type: none"> ○ CJA 4-508. Guidelines for ruling on motion to waive fees ○ CJA 1-204. Executive committees ○ CJA 1-205. Standing and ad hoc committees • <u>Effective 7/1/22 (expedited)</u> <ul style="list-style-type: none"> ○ CJA 9-109. Presiding judges 	Action	Tab 2	Keisa Williams Stacy Haacke Keri Sargent
12:10	CJA 4-202.02. Records classification	Action	Tab 3	Judge Michelle Christiansen Forster Nick Stiles
12:40	Appendix B. Justice Court Standards for Recertification	Action	Tab 4	Jim Peters
1:00	<u>Deferred Traffic Prosecution – Automated Orders:</u> <ul style="list-style-type: none"> • Automated Orders • Standing order • CJA 3-108. Judicial assistance • CJA 4-208. Automatic expungement of cases • CJA 4-403. Electronic signature and signature stamp use 	Action	Tab 5	Michael Drechsel Kristene Laterza
1:40	Technology report/proposals	Discussion /Action		Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

2022 Meetings:

September 2, 2022

October 7, 2022

November 4, 2022 (all day)

December 2, 2022

TAB 1

Minutes

July 8, 2022

**UTAH JUDICIALCOUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES**

Webex video conferencing
July 8, 2022: 12 pm -2 pm

DRAFT

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Judge Dennis Fuchs
Jim Peters
Keri Sargent
Paul Barron

STAFF:

Keisa Williams
Brody Arishita
Minhvan Brimhall

(1) Welcome and approval of minutes:

Judge Derek Pullan welcomed committee members and guests. The committee considered the minutes from the June 3, 2022 meeting. With no changes, Judge Heward moved to approve the minutes as presented. Judge Chin seconded the motion. The motion passed unanimously.

(2) Family Dependency, Mental Health, and Juvenile Drug Court Certification Checklist:

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.

Judge Heward expressed concern that family recovery court does not deal with arrests and convictions and moving the requirement to another section of the program is not best practice because it does not apply to the program. The proposed language would apply to the juvenile delinquency court but not to the family recovery court. The court does not have national data to suggest that the requirement would meet best practice standards and having it as part of the requirements may not bring the family recovery court into compliance. Judge Heward recommends moving the treatment requirements out of the presumed criteria section and into the recommendation section and that research be conducted to considered best practice standards from a national stand point. Judge Fuchs will make contact with the NCSC for research studies on best practices in the juvenile delinquency court. Judge Pullan noted that tracking recidivism rates of participants would be an important measure. Are juveniles in family recovery court more successful in the future for having participated?

Following further discussion, Judge Heward moved to place item #37 from the Presumed section to the non-certification best practice standard; with the direction that the new problem solving court coordinator research whether this is a national best practice and report back to the Committee and the Council on the best data to

inform the success of these courts. Judge Chin seconded the motion. The motion passed with a three to four vote, with Judge Pullan voting against the motion.

A second motion was made by Judge Chiara to amend the Juvenile Drug Court checklist to include adjudications. Judge Chin seconded the motion. The motion passed unanimously. The certification checklists will go to the Judicial Council for further discussion and approval.

(3) CJA 9-107. Justice court technology, security, and training account.

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. The proposed amendments codify a change in practice that was implemented a few years ago and brings the rule into current practice. The rule is ready for approval for a 45-day public comment period.

With no further discussion, Judge Chin moved to send CJA 9-107 to the Judicial Council for approval for a 45-day public comment period. Judge Heward seconded the motion. The motion passed unanimously.

(4) Automatic Expungement (Evictions).

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

New code section 78B-6-852, Automatic Expungement of Evictions, went into effect on July 1, 2022 and the code section governing automatic expungements in criminal cases changed during the 2022 session from 77-40-114 to 77-40a-2. The proposed rule amendments account for those changes. Several definitions were removed from rule 4-208 because those terms are not used in the rule. That change is not intended to be substantive.

The process of automatic expungement has already begun in criminal cases on dismissals without prejudice and clean slate cases. Stipulation and conviction cases will be worked on next. Judge Pullan expressed concern with the process by which cases are being identified for automatic expungement in all case types and the need for adequate data in evaluating the error rates and auditing the effectiveness of automated processes.

Following further discussion, Judge Chiara moved to send CJA 4-208 and 4-403 to the Judicial Council for approval for a 45-day public comment period and to recommend the adoption of the automated and standing orders as drafted. Judge Heward seconded the motion. The motion passed with a 3 to 4 vote. Judge Pullan opposed, citing his long-standing philosophical opposition to affixing judicial signatures to automated orders.

(5) Technology report/proposals.

The Policy and Planning Committee is now the Policy, Planning, and Technology Committee (PP&T). The committee is tasked with identifying technological issues and reviewing and prioritizing requests for new or additional technology or support services. Brody Arishita, Director of Information Technology, discussed how requests will be processed before they get to PP&T for consideration.

Ad Hoc Technology Committee:

Before technology proposals or requests are presented to the PP&T committee, they are to be reviewed by a small ad hoc committee to prioritize the level of the request. The requests are routed through the appropriate court

team and Mr. Arishita will coordinate an ad hoc committee meeting to complete the review. By the time the request reaches the PP&T committee for discussion, the ad hoc committee will have completed a detailed analysis of the request. The packet will detail the request, the timeframe needed in which to complete the project, and information regarding funding for the project. Once approved, the ad hoc committee will meet again to review the proposals and make any adjustments as needed.

Policy, Planning, and Technology Request Form:

The new Policy, Planning, and Technology Request Form is designed to streamline the review process, separating requests for rule/policy amendments from technology requests.

The committee did not have concerns regarding Mr. Arishita's proposals or the new request form. The committee recommended a rule amendment reflecting the expanded role of the Policy and Planning Committee and the creation of the Ad Hoc Technology Committee. Mr. Arishita will prepare a rule draft. The committee thanked Mr. Arishita and Ms. Williams for their work in creating a streamlined process and procedure for technology requests.

Old Business/New Business:

This meeting is the final meeting for Judge Heward prior to her retirement as a juvenile court judge.

Adjourn: With no further items for discussion, the meeting adjourned. The next meeting will be held on August 5, 2022 at 12 PM via Webex video conferencing.

TAB 2

Rules back from Public Comment

CJA 4-202.03. Records access (*no comments*)

CJA 6-501. Reporting requirements for guardians and conservators (*2 comments*)

CJA 4-508. Guidelines for ruling on motion to waive fees (*2 comments*)(*approved on expedited basis*)

CJA 1-204. Executive committees (*no comments*)(*approved on expedited basis*)

CJA 1-205. Standing and ad hoc committees (*no comments*)(*approved on expedited basis*)

CJA 9-109. Presiding judges (*no comments*)(*approved on expedited basis*)

Notes: The public comment period on the above rules closed on July 15, 2022. No comments were received on rules 4-202.03, 1-204, 1-205, and 9-109. Rules 1-204 and 1-205 were approved on an expedited basis with a May 23, 2022 effective date. Rule 9-109 was also approved on an expedited basis with a July 1, 2022 effective date. No further action is needed on those rules unless the committee makes additional changes.

Two (2) substantive comments were received on rule 4-508 and two (2) were received on rule 6-501 (see attached).

4-508:

Michael Drechsel's proposed amendment (adopted in the rule draft attached) may clear up Judge Westfall's concern.

I believe Judge Westfall's comment is resolved with "at the time of hearing the cause" in subsection (6), which I interpret to mean when the court actually "hears the cause" and considers the merits of the underlying cause of action. The court uses that opportunity to reassess the decision previously made under subsection (3).

"At the time of hearing the cause" is found in [78A-2-304\(3\)\(a\)](#): "In cases where an affidavit of indigency under Section 78A-2-302 is filed, the court shall question the individual who filed the affidavit at the time of hearing the cause as to the individual's ability to pay." From what I understand, my interpretation of that language is consistent with the legislature's intent. According to Michael Drechsel, the discussion of the bill with the sponsor before the session, the way the bill was

presented during the session, and the debate the legislature engaged in on SB 87 never included any indication that a new hearing would be required. In fact, that would be contrary to the stated intention behind the bill, which was to ease the process of finding individuals indigent for filing fee purposes.

6-501:

- Stacy Haacke and Keri Sargent will address both comments during the meeting.

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: May 31, 2022

Utah Courts

Code of Judicial Administration – Comment Period Closed July 15, 2022

The following rules are approved for a 45-day public comment period.

CJA04-020.03. Records access. (AMEND). Allows a petitioner in an expunged case to obtain a certified copy of the expungement order and case history upon request and in-person presentation of positive identification. This mirrors the process for adoptive parents in obtaining a certified copy of the adoption decree.

CJA06-0501. Reporting requirements for guardians and conservators. (AMEND). Incorporates changes related to H.B. 320 (Guardianship Bill of Rights), streamlines and clarifies exceptions to reporting requirements, outlines procedures and timelines for approval of and objection to reports, and requires the use of a Judicial Council-approved cover sheet and report forms that are substantially the same as Judicial Council-approved forms.

The following rules will go into effect *May 23, 2022*. Pursuant to **CJA Rule 2-205**, Expedited rulemaking procedure, the rules are subject to a 45-day comment period.

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

- [-Alternate Dispute Resolution](#)
- [-Code of Judicial Administration](#)
- [-Code of Judicial Conduct](#)
- [-Fourth District Court Local Rules](#)
- [-Licensed Paralegal Practitioners Rules of Professional Conduct](#)
- [-Rules Governing Licensed Paralegal Practitioner](#)
- [-Rules Governing the State Bar](#)

CJA04-0508. Guidelines for ruling on a motion to waive fees. (AMEND). The proposed amendments are in response to S.B. 87, effective May 4, 2022. Among other things, SB 87 amends provisions regarding affidavits of indigency and requires a court to find an individual indigent under certain circumstances.

CJA01-0204. Executive committees. (AMEND).

CJA01-0205. Standing and Ad Hoc Committees. (AMEND).

Creates a Standing Committee on Working Interdisciplinary Network of Guardianship Stakeholders (WINGS). Renames the Policy and Planning Committee to the “Policy, Planning, and Technology Committee.” In addition to its current responsibilities, the committee will now review and recommend technology policies and priorities. The Standing Technology Committee is dissolved.

The following rule will go into effect *July 1, 2022*. Pursuant to **CJA Rule 2-205, Expedited rulemaking procedure**, the rule is subject to a 45-day comment period.

CJA09-0109. Presiding Judges. (AMEND). Simplifies the leadership structure of justice courts and addresses the compensation disparity related to presiding and associate presiding judges by eliminating the position of Education Director. The Associate Presiding Judge will assume education duties.

This entry was posted in [-Code of Judicial Administration, CJA01-0204](#), [-Code of Judicial Administration, CJA01-0205](#), [CJA04-0202.03](#), [CJA04-0508](#), [CJA06-0501](#).

« [Code of Judicial Administration – Comment Period Closes August 11, 2022](#)

[Rules of Juvenile Procedure – Comment Period Closed July 2, 2022](#) »

UTAH COURTS

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- [CJA03-0111](#)
- [CJA03-0111.01](#)
- [CJA03-0111.02](#)

4 thoughts on “Code of Judicial Administration – Comment Period Closed July 15, 2022”

Michael Drechsel
May 31, 2022 at 10:42 am

Comment on CJA Rule 4-508:

I would recommend dividing subsection (5) into two parts, as follows:

(5) If the reason for the moving party’s inability to pay is insufficient income under paragraph (4)(D), the court must consider the moving party’s:

(5)(A) identity and residence;

(5)(B) amount of income, including any government financial support, alimony, or child support (but not government programs where it would be unlawful to do so, such as the Supplemental Nutrition Assistance Program under 7 CFR 272.1(a));

(5)(C) assets owned, including real and personal property;

(5)(D) business interests;

(5)(E) accounts receivable;

(5)(F) securities, checking and savings account balances;

(5)(G) debts; and

(5)(H) monthly expenses.

(6) At the time of hearing the cause, the court must question the moving party as to the moving party’s ability to pay.

The reason for dividing subsection (5) is that the inquiry regarding the “insufficient income” factors is always required at the time the court reviews the motion / affidavit (if “insufficient income” is the asserted basis for waiving fees). The second part of subsection (5) (the first sentence in the current version of Rule 4-508) reflects statutory language for inquiring about the inability to pay when the court actually hears the merits of the underlying legal matter (i.e., the divorce, etc.). Because that is a separate process that occurs later in the proceedings, it seems wise for the language in Rule 4-508 to reflect that difference.

G. Michael Westfall
May 31, 2022 at 3:20 pm

Most requests to waive fees are filed in domestic matters. A significant percentage of domestic matters are settled or

- CJA03-0111.03
- CJA03-0111.04
- CJA03-0111.05
- CJA03-0111.06
- CJA03-0112
- CJA03-0113
- CJA03-0114
- CJA03-0115
- CJA03-0116
- CJA03-0117
- CJA03-0201
- CJA03-0201.02
- CJA03-0202
- CJA03-0301
- CJA03-0301.01
- CJA03-0302
- CJA03-0303
- CJA03-0304
- CJA03-0304.01
- CJA03-0305
- CJA03-0306
- CJA03-0306.01
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- CJA03-0306.03
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- CJA04-0201
- CJA04-0202
- CJA04-0202.01
- CJA04-0202.02
- CJA04-0202.03
- CJA04-0202.04
- CJA04-0202.05
- CJA04-0202.06
- CJA04-0202.07

resolved by default and, therefore, resolved without a hearing. How are we expected to comply with subsection 5 in a divorce case if no hearing will ever be held?

Keri Sargent
June 16, 2022 at 11:47 am

RE: CJA Rule 6-501

Line 121, 128, 260: To more clearly define what the coversheet is, I suggest renaming it to "Order on Review of Annual Reports". This will help delineate it in the case history and mark it as a critical document in view of the retention records rule.
 Line 218: I would suggest not requiring a request to submit when an objection is filed. The annual report is not a motion, and the coversheet is to document that a judge has reviewed the report, not in response to a motion.

Michael A. Jensen
June 16, 2022 at 5:09 pm

Re CJA 6-501:

1. Line 62: Under Utah Code 75-5-2, there is NO "license" mentioned. The word is therefore inappropriate in the proposed amendment.

2. Lines 157, 176, 198, and 212: With respect to the judge approving a report or accounting, the words "in order" have no meaning defined. Further, in Lines 250-257, the term "Approving" is defined as meaning "the judge has reviewed it", and under Utah Code, the word "examined" is used. Accordingly, the words/terms should be consistent and better defined as to the obligation, duty and expectation of the judge. Currently, in practice, the judge is not expected to do anything more than to assure the report or accounting has been timely filed and no objections have been timely filed. Is the intent to require the judge to actually perform a cursory audit or make some calculations? I think not.

- CJA04-0202.08
- CJA04-0202.09
- CJA04-0202.10
- CJA04-0202.12
- CJA04-0203
- CJA04-0205
- CJA04-0206
- CJA04-0208
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- CJA04-0907
- CJA05-0101
- CJA05-201
- CJA06-0101
- CJA06-0102
- CJA06-0104
- CJA06-0303

Rule 4-508. Guidelines for Ruling on a Motion to Waive Fees.**Intent:**

To promote statewide consistency in deciding motions to waive fees in civil cases and in the expungement of criminal records in which the moving party is not incarcerated a prisoner.

To promote statewide consistency in deciding motions to waive fees in juvenile court cases in which the moving party is not incarcerated a prisoner.

~~Nothing in this rule should be interpreted as limiting the discretion of the judge to decide a motion to waive fees.~~

Applicability:

This rule applies to all civil and small claims cases and in the expungement of criminal records in which the moving party is not incarcerated a prisoner.

This rule applies to all juvenile court cases in which the moving party is not incarcerated a prisoner.

As used in this rule “fee waiver” and similar phrases include waiving the court filing fee and any ancillary fees in full or in part, as may be ordered by the judge.

Statement of the Rule:

(1) The moving party must complete a ~~motion~~ Motion to waive ~~Waive fees~~ Fees ~~and a financial affidavit~~ approved by the Judicial Council’s Standing Committee on Court Forms. If requested by the court, the moving party must provide supporting documentation of the claims made in the affidavit. In juvenile court, the minor or a minor’s parent, guardian or authorized representative may move to waive fees.

(2) Upon the filing of a ~~motion~~ Motion to waive ~~Waive f~~ Fees and financial affidavit, the court, sheriff or any other provider of a service offered by or through a government entity shall do what is necessary and proper as promptly as if the fee had been fully paid.

(3) A motion to waive fees may be decided without notice to the other parties, requires no response, request to submit for decision or hearing. The court will review the affidavit and make an independent determination whether the fees should be waived. The court should apply a common sense standard to the information and evaluate whether the information is complete, consistent and true. Section 78A-2-304 requires a party to pay a full or partial fee if the financial affidavit and any further questioning demonstrate the party is reasonably able to pay a fee.

(4) ~~In general, a~~ party is reasonably unable to pay a fee if the moving party:

(4)(A) receives gross monthly income that exceeds is at or below 1050% of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2);

(4)(B) ~~the moving party has liquid assets that can be used to pay the fee without harming the party’s financial position~~ receives benefits from a means-tested government program, including the Family Employment Program, Temporary Assistance to Needy Families, Supplemental Security Income, the Supplemental Nutrition Assistance Program, or Medicaid;

~~(4)(C) (C) the moving party has credit that can be used to pay the fee without harming the party's financial position; receives legal services from a nonprofit provider or a pro bono attorney through the Utah State Bar; or~~

~~(4)(D) the moving party has assets that can be liquidated or borrowed against without harming the party's financial position; has insufficient income or other means to pay the necessary fees and costs or security without depriving the individual's family of food, shelter, clothing, or other necessities;~~

(5) If the reason for the moving party's inability to pay is insufficient income under paragraph (4)(D), the court must consider the moving party's:

(5)(A) identity and residence;

(5)(B) amount of income, including any government financial support, alimony, or child support (but not government programs where it would be unlawful to do so, such as the Supplemental Nutrition Assistance Program under 7 CFR 272.1(a));

(5)(C) assets owned, including real and personal property;

(5)(D) business interests;

(5)(E) accounts receivable;

(5)(F) securities, checking and savings account balances;

(5)(G) debts; and;

(5)(H) monthly expenses.

(6) At the time of hearing the cause, the court must question the moving party as to the moving party's ability to pay.

~~(4)(E) expenses are less than net income;~~

~~(4)(F) Section 30-3-3 applies and the court orders another party to pay the fee of the moving party; or~~

~~(4)(G) in the judge's discretion, the moving party is reasonably able to pay some part of the fee.~~

(7) If the moving party is represented by private counsel, the motion to waive fees may be granted in proportion to the attorney's discount of the attorney fee. The moving party's attorney must provide an affidavit describing the fee agreement and what percentage of the attorney's normal, full fee is represented by the discounted fee.

(8) A motion to waive fees should be ruled upon within ten days after being filed.

(8)(A) If the fee is fully waived, the court, sheriff or any other provider of a service offered by or through a government entity shall do what is necessary and proper as promptly as if the fee had been fully paid.

(8)(B) If the fee is not fully waived, the court, sheriff or any other provider of a service offered by or through a government entity may require payment of the fee before doing what is necessary and proper. If the service has already been performed, the court, sheriff or service provider may do what is necessary and proper to collect the fee, including dismissal of the case.

(86)(C) If the fee is not fully waived, the court shall notify the party in writing of the fee amount, the procedure to challenge the fee, and the consequences of failing to pay the fee.

(86)(D) If the motion is rejected because of a technical error, such as failure to complete a form correctly or to attach supporting documentation, the court shall notify the moving party, and the moving party may file a corrected motion and affidavit within 14 days after being notified of the decision.

(97) In addition to any statutory remedies, an order granting a fee waiver may be reviewed at any time if the court has jurisdiction of the case. If the court determines, after waiving a fee, that the moving party is reasonably able to pay the fee, including from the proceeds of a judgment, the court may modify its previous order. The court may allocate the fee among the parties under Utah Rule of Civil Procedure 54, Utah Code Section 30-3-3, or as otherwise provided by law.

Effective: ~~May 25~~ August 19, 2022

Rule 6-501. Reporting requirements for guardians and conservators.**Intent:**

To establish standards and procedures for annual reports and accountings that guardians and conservators are required to file under ~~the requirements sufficient to satisfy~~ the Utah Uniform Probate Code.

Applicability:

This rule applies to individuals seeking appointment as guardians and conservators and individuals who are appointed by the court as guardians and conservators. ~~with the following exceptions:~~

~~This rule does not apply if the conservator or guardian is the parent of the ward.~~

~~Paragraph (1) does not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school.~~

~~Paragraph (1) does not apply to a conservator licensed under the Title 7, Chapter 5, Trust Business, to a guardian licensed under §75-5-311(1)(a), or to the Office of Public Guardian.~~

~~Paragraphs (6)(A), (6)(B) and (6)(C) do not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school. A person interested in the minor may request a report under Utah Code Section 75-5-209.~~

~~Paragraph (6)(D) does not apply to the guardian of a minor if the minor's estate is deposited in an account requiring judicial approval for withdrawal or if there is no estate. A person interested in the minor may request an accounting under Utah Code Section 75-5-209.~~

Statement of the Rule:**(1) Definitions.**

(1)(A) "Accounting" means the annual accounting required by Utah Code Section 75-5-312 and Section 75-5-417 and the final accounting required by Utah Code Section 75-5-419.

(1)(B) "Interested person" means the respondent, if he or she is not a minor, the respondent's guardian and conservator, the respondent's spouse, adult children, parents and siblings, and any other person interested in the welfare, estate, or affairs of the respondent who requests notice under Utah Code Section 75-5-406. If no person is an interested person, then interested person includes at least one of the respondent's closest adult relatives, if any can be found. For purposes of minor guardianship, interested persons include the persons listed in Utah Code Section 75-5-207.

(1)(C) "Inventory" means the inventory required by Utah Code Section 75-5-418.

43 (1)(D) “Serve” means any manner of service permitted by Utah Rule of Civil Procedure 5.

44
45 (1)(E) “Protected person” means a minor or an incapacitated person for whom the court
46 appoints a guardian or a protected person for whom the court appoints a conservator.

47
48 (1)(F) “Report” means the inventory, accounting, or annual report on the status of the
49 protected person under Utah Code Sections 75-5-209 and 75-5-312, and the final accounting
50 under Sections 75-5-210 and 75-5-419

51
52 (1)(G) “Respondent” means a person who is alleged to be incapacitated and for whom the
53 appointment of a guardian or conservator is sought.

54
55 **(2) Exceptions.**

56 (2)(A) Paragraph (4) does not apply to the following:

57
58 (2)(A)(i) a guardian licensed under Utah Code Section 75-5-311(1)(a);

59
60 (2)(A)(ii) the Office of Public Guardian; or

61
62 (2)(A)(iii) a conservator licensed under Utah Code Section 7-5-2.

63
64 (2)(B) Paragraphs (6), (7), (8), (9), and (10) do not apply if the guardian or conservator is a
65 parent of the protected person.

66
67 (2)(C) Paragraph (7)(C) does not apply to the guardian of a minor if the minor’s estate consists
68 of funds that are deposited in a restricted account, which requires judicial approval for
69 withdrawal, or if there is no estate.

70
71 (2)(D) Paragraph (9) does not apply to a conservator who is appointed for the purpose of
72 receiving a personal injury settlement for a minor if 1) no funds are to be distributed until the
73 minor reaches the age of majority, or 2) no structured settlement payments are to be made
74 until the minor reaches the age of majority.

75
76 **(34) Examination and private information record.**

77 (34)(A) Before the court enters an order appointing a guardian or conservator, the **proposed**
78 guardian or conservator ~~shall~~**must** file a verified statement showing satisfactory completion of
79 a court-approved examination on the responsibilities of a guardian or conservator.

80
81 (34)(B) ~~After~~**Before** the court enters ~~an~~**the** order of appointment, the **proposed** guardian or
82 conservator ~~shall~~**must** file ~~within 7 days~~ a completed and verified Private Information Record
83 form provided by the Administrative Office of the Courts.

84
85 (3)(C) The guardian or conservator ~~shall~~**must** continue to keep the court apprised of any

changes to the guardian or conservator's contact information.

(42) Recordkeeping. The guardian ~~shall~~must keep contemporaneous records of significant events in the life of the ~~ward~~protected person and produce them if requested by the court. The conservator ~~shall~~must keep contemporaneous receipts, vouchers or other evidence of income and expenses and produce them if requested by the court. The guardian and conservator ~~shall~~must maintain the records until the appointment is terminated and then deliver them to the ~~ward~~protected person, if there is no successor, to the successor guardian or conservator, or to the personal representative of the ~~protected person~~ward's estate.

~~(3) Definitions.~~

~~(A) "Accounting" means the annual accounting required by Utah Code Section 75-5-312 and Section 75-5-417 and the final accounting required by Utah Code Section 75-5-419.~~

~~(B) "Interested persons" means the ward, if he or she is of an appropriate age and mental capacity to understand the proceedings, the ward's guardian and conservator, the ward's spouse, adult children, parents and siblings and anyone requesting notice under Utah Code Section 75-5-406. If no person is an interested person, then interested person includes at least one of the ward's closest adult relatives, if any can be found.~~

~~(C) "Inventory" means the inventory required by Utah Code Section 75-5-418.~~

~~(D) "Serve" means any manner of service permitted by Utah Rule of Civil Procedure 5.~~

~~(E) "Report" means the annual report on the status of the ward required by Utah Code Section 75-5-209 and Section 75-5-312.~~

~~(F) "Ward" means a minor or an incapacitated person for whom the court appoints a guardian or a protected person for whom the court appoints a conservator.~~

~~(54) Report forms.~~ Subject to the requirements of Paragraph ~~(65)~~:

~~(54)(A) forms substantially conforming to the Judicial Council-approved forms ~~produced by the Utah court website~~ are acceptable for content and format ~~for the report and accounting filed under the Utah Uniform Probate Code~~;~~

~~(54)(B) a corporate fiduciary may file its internal report or accounting; and~~

~~(54)(C) if the ward~~protected person~~'s estate is limited to a federal or state program requiring an annual accounting, the fiduciary may file a copy of that accounting.~~

~~(65) Information required in reports, cover sheet, and service.~~Report information.

~~(6)(A) The annual report, inventory, and annual accounting ~~shall~~must contain sufficient information to put interested persons on notice of all significant events and transactions during the reporting period. Compliance with Paragraph (4) is presumed sufficient, but the court may direct that a report or accounting be prepared with content and format as it deems necessary.~~

~~(6)(B) The annual report and annual accounting must include the Judicial Council-approved report coversheet, which must be filed as a proposed document.~~

(6)(C) The guardian, conservator, or both must serve a copy of the report, inventory, and accounting under Rule 5 of the Utah Rules of Civil Procedure on all interested persons. The annual report and annual accounting must include the following language at the top right corner of the first page, in bold type: **You have the right to object to ~~the~~is report or accounting within 28 days of service. If you do not object within that time, your objection may be waived.**

(7) Annual sStatus reports.

(67)(A) The guardian ~~shall~~must file with the appointing court a report on the status of the wardprotected person no later than 60 days after the anniversary of the appointment. The status report must be in substantially the same form as the status report form approved by the Utah Judicial Council, including the required attachments. The guardian ~~shall~~must file the report with the court that appointed the guardian unless that court orders a change in venue under Utah Code Section 75-5-313. The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the guardian. The guardian may not file the report before the close of the reporting period. For good cause the court may extend the time for filing the report, but a late filing does not change the reporting period.

~~(6)(B) The guardian shall serve a copy of the report on all interested persons with notice that the person may object within 30 days after the notice was served.~~

~~(7)(GB) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the report is in order, the judge shall approve it.~~

(67)(DC) If there is no conservator, the guardian ~~shall~~must file the inventory and accounting required of a conservator under Utah Code Section 75-5-312.

(87) Inventory reports.

(87)(A) Within 90 days after the appointment, the conservator ~~shall~~must file with the appointing court the inventory required by Utah Code Section 75-5-418. The inventory must be in substantially the same form as the inventory form approved by the Utah Judicial Council, including the required attachments. ~~For good cause t~~Ihe court may extend the time for filing the inventory for good cause.

~~(7)(B) The conservator shall serve a copy of the inventory on all interested persons with notice that the person may object within 30 days after the notice was served.~~

~~(87)(GB) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection~~

~~with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing.~~ The judge may conduct a hearing even though no objection is filed. If the judge finds that the inventory is in order, the judge ~~shall~~must approve it.

(98) Annual accounting reports.

(98)(A) The conservator ~~shall~~must file with the appointing court an accounting of the estate of the wardprotected person no later than 60 days after the anniversary of the appointment. The accounting must be in substantially the same form as the accounting form approved by the Utah Judicial Council, including the required attachments. The conservator ~~shall~~must file the accounting with the court that appointed the conservator unless that court orders a change in venue under Utah Code Section 75-5-403. The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the conservator. The conservator may not file the accounting before the close of the reporting period. For good cause the court may extend the time for filing the accounting, but a late filing does not change the reporting period.

~~(8)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that the person may object within 30 days after the notice was served.~~

~~(98)(CB) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing.~~ The judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in order, the judge ~~shall~~must approve it.

(109) Final accounting.

(109)(A) The conservator ~~shall~~must file with the court a final accounting of the estate of the wardprotected person with the motion to terminate the appointment.

~~(9)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that the person may object within 30 days after the notice was served.~~

~~(109)(CB) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing.~~ The ~~judge court~~ may conduct a hearing even though no objection is filed. If the ~~judge court~~ finds that the accounting is in order, the ~~judge court~~ ~~shall~~must approve it.

(11) Objections.

~~(11)(A) If an interested person objects to a report or accounting, the person must file a written objection with the court and serve a copy on all interested persons within 28 days from the date of service of the report or accounting. A request to submit must be included with the~~

objection. The court may for good cause, including in order to accommodate a person with a disability, waive the requirement of a writing and document the objection and request to submit in the court record.

(11)(B) The objection must specify in writing the entries to which the person objects and state the reasons for the objection.

(11)(C) An objection to a report or accounting may not contain a request to remove or substitute the guardian or conservator. Any request for removal or substitution of the guardian or conservator must be filed as a separate petition consistent with Utah Code Section 75-5-307 or 75-5-415.

(11)(D) If an objection is filed, the court must conduct a hearing unless the court determines that a hearing is not necessary. If the court determines that a hearing is not necessary, the court must issue a minute entry or order stating why a hearing is not necessary.

(11)(E) At the hearing, the court may require the guardian or conservator to supplement or amend the report or accounting if the court determines there is good cause for the objection.

(11)(F) If the court determines that the objection is unfounded or is filed in bad faith, the court may deny the objection and approve the report or accounting.

(12) **Waiver.** If an interested person does not object to a report or accounting within 28 days of service, the interested person waives any objection unless:

(12)(A) the objection relates to matters not fairly disclosed by the report or accounting; or

(12)(B) the time for objection is extended by the court under Rule 6 of the Utah Rules of Civil Procedure. If the request for an extension is made before the time has run, the court may extend the time for good cause. If the request is made after the time has run, the court may extend for excusable neglect.

(13) **Report approval.**

(13)(A) **Approval.** The court must examine and approve reports as required by Utah Code sections 75-5-312 and 75-5-417. Approving a report means the judge has reviewed it, to the court's knowledge notice has been given to every person entitled to notice, no objection has been received, the report meets the requirements set forth by the report form, and the court has not requested additional information or scheduled a hearing. Such approval does not foreclose a valid claim permitted under paragraphs (11)(A) or (11)(B), nor does it start an appeal time.

(13)(B) **Notice to interested persons.** When a court approves a report, the court must note that approval on the Judicial Council-approved coversheet and place the coversheet in the case file. When a court does not approve a report, the court must indicate on the coversheet,

258 or in an order, the reasons for non-approval, any additional actions required, and serve the
259 coversheet or order on all interested persons entitled to notice.

260
261 (14) **Report on a minor.** Under Utah Code Section 75-5-209, a person interested in the welfare
262 of a minor may petition the court for a report from the guardian on the minor's welfare or the
263 minor's estate. If the court orders a report from the guardian, the status report must be in
264 substantially the same form as the status report form for guardianships of adults approved by the
265 Utah Judicial Council, including the required attachments.

266
267 *Effective May/~~November~~ 1, 20~~22~~¹⁸*

Rule 1-204. Executive committees.**Intent:**

To establish executive committees of the Council.

To identify the responsibility and authority of the executive committees.

To identify the membership and composition of the executive committees.

To establish procedures for executive committee meetings.

Applicability:

This rule shall apply to the judiciary.

Statement of the Rule:

(1) **Executive Committees.** The following executive committees of the Council are hereby established:

(1)(a) the Management Committee;

(1)(b) the Policy, ~~and~~ Planning, and Technology Committee;

(1)(c) the Liaison Committee; and

(1)(d) the Budget and Fiscal Management Committee.

(2) **Management Committee.** The Management Committee shall be comprised of at least four Council members, one of whom shall be the Presiding Officer of the Council. Three Committee members constitute a quorum. The Presiding Officer of the Council or Presiding Officer's designee shall serve as the Chair. When at least three members concur, the Management Committee is authorized to act on behalf of the entire Council when the Council is not in session and to act on any matter specifically delegated to the Management Committee by the Council. The Management Committee is responsible for managing the agenda of the Council consistently with Rule 2-102 of this Code. The Management Committee is responsible for deciding procurement protest appeals.

(3) **Policy, ~~and~~ Planning, and Technology Committee.** The Policy, ~~and~~ Planning, and Technology Committee shall recommend to the Council new and amended rules for the Code of Judicial Administration. ~~The committee shall recommend to the Council,~~ new and amended policies, ~~or repeals,~~ for the Human Resource Policies and Procedures Manual, pursuant to Rule 3-402, and new or amended- technology policies and priorities. The committee shall recommend to the Council periodic and long term planning efforts as necessary for the efficient

43 administration of justice. ~~The committee, and~~ shall research and make recommendations
44 regarding any matter referred by the Council.

45
46 (4) **Liaison Committee.** The Liaison Committee shall recommend to the Council legislation to
47 be sponsored by the Council. The committee shall review legislation affecting the authority,
48 jurisdiction, organization or administration of the judiciary. When the exigencies of the legislative
49 process preclude full discussion of the issues by the Council, the Committee may endorse or
50 oppose the legislation, take no position or offer amendments on behalf of the Council.

51
52 (5) **Budget and Fiscal Management Committee.** The Budget and Fiscal Management
53 Committee shall review court budget proposals, recommend fiscal priorities and the allocation of
54 funds, and make recommendations to the Council regarding budget management and budget
55 development in accordance with Rule 3-406.

56
57 (6) **Members.** Members of the executive committees must be members of the Council. Each
58 executive committee shall consist of at least three members appointed by the Council to serve
59 at its pleasure. The members of the Policy, ~~and~~ Planning, ~~and Technology~~ Committee, the
60 Budget and Fiscal Management Committee, and the Liaison Committee shall elect their
61 respective chairs on a schedule deemed appropriate by each Committee. Chairs must be
62 members of the Council.

63
64 (7) **Meetings and Judicial Council Reports.** Each committee shall meet as often as necessary
65 to perform its responsibilities, but a minimum of four times per year. Each committee shall report
66 to the Council as necessary.

67
68 (8) **Staff.** The Administrative Office shall provide staff support to the executive committees.

69
70 *Effective: ~~November 1, 2021~~ May 25, 2022*

Rule 1-205. Standing and Ad Hoc Committees.**Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:**(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

~~(1)(A)(i) Technology Committee;~~

~~(1)(A)(ii)~~ (1)(A)(i) Uniform Fine Committee;

~~(1)(A)(iii)~~ (1)(A)(ii) Ethics Advisory Committee;

~~(1)(A)(iv)~~ (1)(A)(iii) Judicial Branch Education Committee;

~~(1)(A)(v)~~ (1)(A)(iv) Court Facility Planning Committee;

~~(1)(A)(vi)~~ (1)(A)(v) Committee on Children and Family Law;

~~(1)(A)(vii)~~ (1)(A)(vi) Committee on Judicial Outreach;

~~(1)(A)(viii)~~ (1)(A)(vii) Committee on Resources for Self-represented Parties;

~~(1)(A)(ix)~~ (1)(A)(viii) Language Access Committee;

~~(1)(A)(x)~~ (1)(A)(ix) Guardian ad Litem Oversight Committee;

~~(1)(A)(xi)~~ (1)(A)(x) Committee on Model Utah Civil Jury Instructions;

~~(1)(A)(xii)~~ (1)(A)(xi) Committee on Model Utah Criminal Jury Instructions;

~~(1)(A)(xiii)~~ (1)(A)(xii) Committee on Pretrial Release and Supervision; and

~~(1)(A)(xiv)~~ (1)(A)(xiii) Committee on Court Forms; and

~~(1)(A)(xiv)~~ Committee on Judicial Fairness and Accountability; and

(1)(A)(xv) Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

(1)(B) **Composition.**

~~(1)(B)(i) The **Technology Committee** shall consist of:~~

~~(1)(B)(i)(a) one judge from each court of record;~~

~~(1)(B)(i)(b) one justice court judge;~~

~~(1)(B)(i)(c) one lawyer recommended by the Board of Bar Commissioners;~~

~~(1)(B)(i)(d) two court executives;~~

~~(1)(B)(i)(e) two court clerks; and~~

~~(1)(B)(i)(f) two staff members from the Administrative Office.~~

~~(1)(B)(ii)(1)(B)(i)~~ The **Uniform Fine Committee** performs the duties described in rule 4-302 and shall consist of:

~~(1)(B)(ii)(a)(1)(B)(i)(a)~~ one district court judge who has experience with a felony docket;

~~(1)(B)(ii)(b)(1)(B)(i)(b)~~ three district court judges who have experience with a misdemeanor docket; and

~~(1)(B)(ii)(c)(1)(B)(i)(c)~~ four justice court judges.

~~(1)(B)(iii)(1)(B)(ii)~~ The **Ethics Advisory Committee** performs the duties described in rule 3-109 and shall consist of:

~~(1)(B)(iii)(a)(1)(B)(ii)(a)~~ one judge from the Court of Appeals;

~~(1)(B)(iii)(b)(1)(B)(ii)(b)~~ one district court judge from Judicial Districts 2, 3, or 4;

~~(1)(B)(iii)(c)(1)(B)(ii)(c)~~ one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

~~(1)(B)(iii)(d)(1)(B)(ii)(d)~~ one juvenile court judge;

~~(1)(B)(iii)(e)(1)(B)(ii)(e)~~ one justice court judge; and

~~(1)(B)(iii)(f)(1)(B)(ii)(f)~~ an attorney from either the Bar or a college of law.

~~(1)(B)(iv)(1)(B)(iii)~~ The **Judicial Branch Education Committee** performs the duties described in rule 3-403 shall consist of:

~~(1)(B)(iv)(a)(1)(B)(iii)(a)~~ one judge from an appellate court;

~~(1)(B)(iv)(b)(1)(B)(iii)(b)~~ one district court judge from Judicial Districts 2, 3, or 4;

~~(1)(B)(iv)(c)(1)(B)(iii)(c)~~ one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

~~(1)(B)(iv)(d)(1)(B)(iii)(d)~~ one juvenile court judge;

~~(1)(B)(iv)(e)(1)(B)(iii)(e)~~ the education liaison of the Board of Justice Court Judges;

~~(1)(B)(iv)(f)~~(1)(B)(iii)(f) one state level administrator;
~~(1)(B)(iv)(g)~~(1)(B)(iii)(g) the Human Resource Management Director;
~~(1)(B)(iv)(h)~~(1)(B)(iii)(h) one court executive;
~~(1)(B)(iv)(i)~~(1)(B)(iii)(i) one juvenile court probation representative;
~~(1)(B)(iv)(j)~~(1)(B)(iii)(j) two court clerks from different levels of court and
different judicial districts;
~~(1)(B)(iv)(k)~~(1)(B)(iii)(k) one data processing manager; and
~~(1)(B)(iv)(l)~~(1)(B)(iii)(l) one adult educator from higher education.
~~(1)(B)(iv)(m)~~(1)(B)(iii)(m) The Human Resource Management Director
and the adult educator shall serve as non-voting members. The
state level administrator and the Human Resource Management
Director shall serve as permanent Committee members.

~~(1)(B)(v)~~(1)(B)(iv) The **Court Facility Planning Committee** performs the duties
described in rule 3-409 and shall consist of:

~~(1)(B)(v)(a)~~(1)(B)(iv)(a) one judge from each level of trial court;
~~(1)(B)(v)(b)~~(1)(B)(iv)(b) one appellate court judge;
~~(1)(B)(v)(c)~~(1)(B)(iv)(c) the state court administrator;
~~(1)(B)(v)(d)~~(1)(B)(iv)(d) a trial court executive;
~~(1)(B)(v)(e)~~(1)(B)(iv)(e) two business people with experience in the
construction or financing of facilities; and
~~(1)(B)(v)(f)~~(1)(B)(iv)(f) the court security director.

~~(1)(B)(vi)~~(1)(B)(v) The **Committee on Children and Family Law** performs the
duties described in rule 4-908 and shall consist of:

~~(1)(B)(vi)(a)~~(1)(B)(v)(a) one Senator appointed by the President of the Senate;
~~(1)(B)(vi)(b)~~(1)(B)(v)(b) the Director of the Department of Human Services or
designee;
~~(1)(B)(vi)(c)~~(1)(B)(v)(c) one attorney of the Executive Committee of the Family
Law Section of the Utah State Bar;
~~(1)(B)(vi)(d)~~(1)(B)(v)(d) one attorney with experience in abuse, neglect and
dependency cases;
~~(1)(B)(vi)(e)~~(1)(B)(v)(e) one attorney with experience representing parents in
abuse, neglect and dependency cases;
~~(1)(B)(vi)(f)~~(1)(B)(v)(f) one representative of a child advocacy organization;
~~(1)(B)(vi)(g)~~(1)(B)(v)(g) the ADR Program Director or designee;

~~(1)(B)(vi)(h)~~(1)(B)(v)(h) one professional in the area of child development;

~~(1)(B)(vi)(i)~~(1)(B)(v)(i) one mental health professional;

~~(1)(B)(vi)(j)~~(1)(B)(v)(j) one representative of the community;

~~(1)(B)(vi)(k)~~(1)(B)(v)(k) the Director of the Office of Guardian ad Litem or

designee;

~~(1)(B)(vi)(l)~~(1)(B)(v)(l) one court commissioner;

~~(1)(B)(vi)(m)~~(1)(B)(v)(m) two district court judges; and

~~(1)(B)(vi)(n)~~(1)(B)(v)(n) two juvenile court judges.

~~(1)(B)(vi)(o)~~(1)(B)(v)(o) One of the district court judges and one of the juvenile

court judges shall serve as co-chairs to the committee. In its

discretion the committee may appoint non-members to serve on

its subcommittees.

~~(1)(B)(vii)~~(1)(B)(vi) The **Committee on Judicial Outreach** performs the duties described in rule 3-114 and shall consist of:

~~(1)(B)(vii)(a)~~(1)(B)(vi)(a) one appellate court judge;

~~(1)(B)(vii)(b)~~(1)(B)(vi)(b) one district court judge;

~~(1)(B)(vii)(c)~~(1)(B)(vi)(c) one juvenile court judge;

~~(1)(B)(vii)(d)~~(1)(B)(vi)(d) one justice court judge; one state level

administrator;

~~(1)(B)(vii)(e)~~(1)(B)(vi)(e) a state level judicial education representative;

~~(1)(B)(vii)(f)~~(1)(B)(vi)(f) one court executive;

~~(1)(B)(vii)(g)~~(1)(B)(vi)(g) one Utah State Bar representative;

~~(1)(B)(vii)(h)~~(1)(B)(vi)(h) one communication representative;

~~(1)(B)(vii)(i)~~(1)(B)(vi)(i) one law library representative;

~~(1)(B)(vii)(j)~~(1)(B)(vi)(j) one civic community representative; and

~~(1)(B)(vii)(k)~~(1)(B)(vi)(k) one state education representative.

~~(1)(B)(vii)(l)~~(1)(B)(vi)(l) Chairs of the Judicial Outreach Committee's

subcommittees shall also serve as members of the committee.

~~(1)(B)(viii)~~(1)(B)(vii) The **Committee on Resources for Self-represented Parties** performs the duties described in rule 3-115 and shall consist of:

~~(1)(B)(viii)(a)~~(1)(B)(vii)(a) two district court judges;

~~(1)(B)(viii)(b)~~(1)(B)(vii)(b) one juvenile court judge;

~~(1)(B)(viii)(c)~~(1)(B)(vii)(c) two justice court judges;

~~(1)(B)(viii)(d)~~(1)(B)(vii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;

~~(1)(B)(viii)(e)~~(1)(B)(vii)(e) one representative from a social services organization providing direct services to underserved communities;

~~(1)(B)(viii)(f)~~(1)(B)(vii)(f) one representative from the Utah State Bar;

~~(1)(B)(viii)(g)~~(1)(B)(vii)(g) two representatives from legal service organizations that serve low-income clients;

~~(1)(B)(viii)(h)~~(1)(B)(vii)(h) one private attorney experienced in providing services to self-represented parties;

~~(1)(B)(viii)(i)~~(1)(B)(vii)(i) two law school representatives;

~~(1)(B)(viii)(j)~~(1)(B)(vii)(j) the state law librarian; and

~~(1)(B)(viii)(k)~~(1)(B)(vii)(k) two community representatives.

~~(1)(B)(ix)~~(1)(B)(viii) The **Language Access Committee** performs the duties described in rule 3-306.02 and shall consist of:

~~(1)(B)(ix)(a)~~(1)(B)(viii)(a) one district court judge;

~~(1)(B)(ix)(b)~~(1)(B)(viii)(b) one juvenile court judge;

~~(1)(B)(ix)(c)~~(1)(B)(viii)(c) one justice court judge;

~~(1)(B)(ix)(d)~~(1)(B)(viii)(d) one trial court executive;

~~(1)(B)(ix)(e)~~(1)(B)(viii)(e) one court clerk;

~~(1)(B)(ix)(f)~~(1)(B)(viii)(f) one interpreter coordinator;

~~(1)(B)(ix)(g)~~(1)(B)(viii)(g) one probation officer;

~~(1)(B)(ix)(h)~~(1)(B)(viii)(h) one prosecuting attorney;

~~(1)(B)(ix)(i)~~(1)(B)(viii)(i) one defense attorney;

~~(1)(B)(ix)(j)~~(1)(B)(viii)(j) two certified interpreters;

~~(1)(B)(ix)(k)~~(1)(B)(viii)(k) one approved interpreter;

~~(1)(B)(ix)(l)~~(1)(B)(viii)(l) one expert in the field of linguistics; and

~~(1)(B)(ix)(m)~~(1)(B)(viii)(m) one American Sign Language representative.

~~(1)(B)(x)~~(1)(B)(ix) The **Guardian ad Litem Oversight Committee** performs the duties described in rule 4-906 and shall consist of:

~~(1)(B)(x)(a)~~(1)(B)(ix)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

~~(1)(B)(xi)~~(1)(B)(x) The **Committee on Model Utah Civil Jury Instructions**

performs the duties described in rule 3-418 and shall consist of:

~~(1)(B)(xi)(a)~~(1)(B)(x)(a) two district court judges;

~~(1)(B)(xi)(b)~~(1)(B)(x)(b) four lawyers who primarily represent plaintiffs;

~~(1)(B)(xi)(c)~~(1)(B)(x)(c) four lawyers who primarily represent defendants; and

~~(1)(B)(xi)(d)~~(1)(B)(x)(d) one person skilled in linguistics or communication.

~~(1)(B)(xii)~~(1)(B)(xi) The **Committee on Model Utah Criminal Jury Instructions**

performs the duties described in rule 3-418 and shall consist of:

~~(1)(B)(xii)(a)~~(1)(B)(xi)(a) two district court judges;

~~(1)(B)(xii)(b)~~(1)(B)(xi)(b) one justice court judge;

~~(1)(B)(xii)(c)~~(1)(B)(xi)(c) four prosecutors;

~~(1)(B)(xii)(d)~~(1)(B)(xi)(d) four defense counsel; and

~~(1)(B)(xii)(e)~~(1)(B)(xi)(e) one person skilled in linguistics or
communication.

~~(1)(B)(xiii)~~(1)(B)(xii) The **Committee on Pretrial Release and Supervision**

performs the duties described in rule 3-116 and shall consist of:

~~(1)(B)(xiii)(a)~~(1)(B)(xii)(a) two district court judges;

~~(1)(B)(xiii)(b)~~(1)(B)(xii)(b) two justice court judges;

~~(1)(B)(xiii)(c)~~(1)(B)(xii)(c) one prosecutor;

~~(1)(B)(xiii)(d)~~(1)(B)(xii)(d) one defense attorney;

~~(1)(B)(xiii)(e)~~(1)(B)(xii)(e) one county sheriff;

~~(1)(B)(xiii)(f)~~(1)(B)(xii)(f) one representative of counties;

~~(1)(B)(xiii)(g)~~(1)(B)(xii)(g) one representative of a county pretrial services
agency;

~~(1)(B)(xiii)(h)~~(1)(B)(xii)(h) one representative of the Utah Commission on
Criminal and Juvenile Justice;

~~(1)(B)(xiii)(i)~~(1)(B)(xii)(i) one commercial surety agent;

~~(1)(B)(xiii)(j)~~(1)(B)(xii)(j) one state senator;

~~(1)(B)(xiii)(k)~~(1)(B)(xii)(k) one state representative;

~~(1)(B)(xiii)(l)~~(1)(B)(xii)(l) the Director of the Indigent Defense
Commission or designee;

~~(1)(B)(xiii)(m)~~(1)(B)(xii)(m) one representative of the Utah Victims'
Council;

~~(1)(B)(xiii)(n)~~(1)(B)(xii)(n) one representative of a community
 organization actively engaged in pretrial justice issues;
~~(1)(B)(xiii)(o)~~(1)(B)(xii)(o) one chief of police; and
~~(1)(B)(xiii)(p)~~(1)(B)(xii)(p) the court's general counsel or designee.
~~(1)(B)(xiv)~~(1)(B)(xiii) The **Committee on Court Forms** performs the duties
 described in rule 3-117 and shall consist of:
~~(1)(B)(xiv)(a)~~(1)(B)(xiii)(a) two district court judges;
~~(1)(B)(xiv)(b)~~(1)(B)(xiii)(b) one court commissioner;
~~(1)(B)(xiv)(c)~~(1)(B)(xiii)(c) one juvenile court judge;
~~(1)(B)(xiv)(d)~~(1)(B)(xiii)(d) one justice court judge;
~~(1)(B)(xiv)(e)~~(1)(B)(xiii)(e) one court clerk;
~~(1)(B)(xiv)(f)~~(1)(B)(xiii)(f) one appellate court staff attorney;
~~(1)(B)(xiv)(g)~~(1)(B)(xiii)(g) one representative from the Self-Help Center;
~~(1)(B)(xiv)(h)~~(1)(B)(xiii)(h) the State Law Librarian;
~~(1)(B)(xiv)(i)~~(1)(B)(xiii)(i) the district court administrator or designee;
~~(1)(B)(xiv)(j)~~(1)(B)(xiii)(j) one representative from a legal service
 organization that serves low-income clients;
~~(1)(B)(xiv)(k)~~(1)(B)(xiii)(k) one paralegal;
~~(1)(B)(xiv)(l)~~(1)(B)(xiii)(l) one educator from a paralegal program or law
 school;
~~(1)(B)(xiv)(m)~~(1)(B)(xiii)(m) one person skilled in linguistics or
 communication;
~~(1)(B)(xiv)(n)~~(1)(B)(xiii)(n) one representative from the Utah State Bar;
 and
~~(1)(B)(xiv)(o)~~(1)(B)(xiii)(o) the LPP administrator.
~~(1)(B)(xv)~~(1)(B)(xiv) The **Committee on Fairness and Accountability** performs
 the duties described in rule 3-420. The committee shall include members who
 demonstrate an interest in, or who have experience with, issues of diversity, equity,
 and inclusion and shall consist of:
~~(1)(B)(xv)(a)~~(1)(B)(xiv)(a) one sitting judge;
~~(1)(B)(xv)(b)~~(1)(B)(xiv)(b) three current or former judicial officers;
~~(1)(B)(xv)(c)~~(1)(B)(xiv)(c) the General Counsel or designee; and
~~(1)(B)(xv)(d)~~(1)(B)(xiv)(d) the Director of the Office of Fairness and
 Accountability.

(1)(B)(xv) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in rule 3-421, and shall consist of:

(1)(B)(xv)(a) **Judiciary** representatives:

- (i) two or more district court judges;
- (ii) two or more district court judicial support staff with experience in guardianship matters;
- (iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP)
- (iv) one representative from the Court Visitor Program; and
- (v) the General Counsel or designee.

(1)(B)(xv)(b) **Community stakeholder** representatives:

- (i) one representative from Adult Protective Services;
- (ii) one representative from Disability Law Center;
- (iii) one representative from Adult and Aging Services;
- (iv) one representative from Office of Public Guardian;
- (v) one representative from the Utah State Bar;
- (vi) one representative from Office of the Attorney General;
- (vii) one representative from the Utah legislature;
- (viii) one representative from the Utah Commission on Aging;
- (ix) one representative from Utah Legal Services; and
- (x) the Long-Term Care Ombudsman or designee.

(1)(B)(xv)(c) **Individual community** representatives:

- three or more community stakeholders representing:
- (i) mental health community;
 - (ii) medical community;
 - (iii) private legal community that specializes in guardianship matters;
 - (iv) aging-adult services community;
 - (v) educator from a legal program or law school;
 - (vi) organization serving low-income, minorities, or marginalized communities;
 - (vii) citizens under or involved in guardianship; and

(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Except for the Committee on Judicial Fairness and Accountability, council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's committees.

Rule 4-202.03. Records Access.**Intent:**

To identify who may access court records.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Public Court Records.** Any person may access a public court record.

(2) **Sealed Court Records.** An adoptive parent or adult adoptee may obtain a certified copy of the adoption decree upon request and presentation of positive identification. A petitioner in an expunged case may obtain certified copies of the expungement order and the case history upon request and in-person presentation of positive identification. Otherwise, no one may access a sealed court record except by order of the court. A judge may review a sealed record when the circumstances warrant.

(3) **Private Court Records.** The following may access a private court record:

(3)(A) the subject of the record;

(3)(B) the parent or guardian of the subject of the record if the subject is an unemancipated minor or under a legal incapacity;

(3)(C) a party, attorney for a party, or licensed paralegal practitioner for a party to litigation in which the record is filed;

(3)(D) an interested person to an action under the Uniform Probate Code;

(3)(E) the person who submitted the record;

(3)(F) the attorney or licensed paralegal practitioner for a person who may access the private record or an individual who has a written power of attorney from the person or the person's attorney or licensed paralegal practitioner;

(3)(G) an individual with a release from a person who may access the private record signed and notarized no more than 90 days before the date the request is made;

(3)(H) anyone by court order;

(3)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(3)(J) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(3)(K) a governmental entity with which the record is shared under Rule 4-202.10.

(4) Protected Court Records. The following may access a protected court record:

(4)(A) the person or governmental entity whose interests are protected by closure;

(4)(B) the parent or guardian of the person whose interests are protected by closure if the person is an unemancipated minor or under a legal incapacity;

(4)(C) the person who submitted the record;

(4)(D) the attorney or licensed paralegal practitioner for the person who submitted the record or for the person or governmental entity whose interests are protected by closure or for the parent or guardian of the person if the person is an unemancipated minor or under a legal incapacity or an individual who has a power of attorney from such person or governmental entity;

(4)(E) an individual with a release from the person who submitted the record or from the person or governmental entity whose interests are protected by closure or from the parent or guardian of the person if the person is an unemancipated minor or under a legal incapacity signed and notarized no more than 90 days before the date the request is made;

(4)(F) a party, attorney for a party, or licensed paralegal practitioner for a party to litigation in which the record is filed;

(4)(G) anyone by court order;

(4)(H) court personnel, but only to achieve the purpose for which the record was submitted;

(4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(4)(J) a governmental entity with which the record is shared under Rule 4-202.10.

(5) Juvenile Court Social Records. The following may access a juvenile court social record:

(5)(A) the subject of the record, if 18 years of age or over;

(5)(B) a parent or guardian of the subject of the record if the subject is an unemancipated minor;

(5)(C) an attorney or person with power of attorney for the subject of the record;

(5)(D) a person with a notarized release from the subject of the record or the subject's legal representative dated no more than 90 days before the date the request is made;

(5)(E) the subject of the record's therapists and evaluators;

(5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

(5)(G) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and Juvenile Justice Services;

(5)(H) the Department of Human Services, school districts and vendors with whom they or the courts contract (who shall not permit further access to the record), but only for court business;

(5)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(5)(J) a governmental entity with which the record is shared under Rule 4-202.10;

(5)(K) the person who submitted the record;

(5)(L) public or private individuals or agencies providing services to the subject of the record or to the subject's family, including services provided pursuant to a nonjudicial adjustment, if a probation officer determines that access is necessary to provide effective services; and

(5)(M) anyone by court order.

(5)(N) Juvenile court competency evaluations, psychological evaluations, psychiatric evaluations, psychosexual evaluations, sex behavior risk assessments, and other sensitive mental health and medical records may be accessed only by:

(5)(N)(i) the subject of the record, if age 18 or over;

(5)(N)(ii) an attorney or person with power of attorney for the subject of the record;

(5)(N)(iii) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

(5)(N)(iv) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and Juvenile Justice Services;

(5)(N)(v) court personnel, but only to achieve the purpose for which the record was submitted;

(5)(N)(vi) anyone by court order.

(5)(O) When records may be accessed only by court order, a juvenile court judge will permit access consistent with Rule 4-202.04 as required by due process of law in a manner that serves the best interest of the child.

(6) Juvenile Court Legal Records. The following may access a juvenile court legal record:

(6)(A) all who may access the juvenile court social record;

(6)(B) a law enforcement agency;

(6)(C) a children's justice center;

(6)(D) public or private individuals or agencies providing services to the subject of the record or to the subject's family;

(6)(E) the victim of a delinquent act may access the disposition order entered against the minor; and

(6)(F) the parent or guardian of the victim of a delinquent act may access the disposition order entered against the minor if the victim is an unemancipated minor or under legal incapacity.

(7) Safeguarded Court Records. The following may access a safeguarded record:

(7)(A) the subject of the record;

(7)(B) the person who submitted the record;

(7)(C) the attorney or licensed paralegal practitioner for a person who may access the record or an individual who has a written power of attorney from the person or the person's attorney or licensed paralegal practitioner;

(7)(D) an individual with a release from a person who may access the record signed and notarized no more than 90 days before the date the request is made;

(7)(E) anyone by court order;

(7)(F) court personnel, but only to achieve the purpose for which the record was submitted;

(7)(G) a person provided the record under Rule 4-202.04 or Rule 4-202.05;

(7)(H) a governmental entity with which the record is shared under Rule 4-202.10; and

(7)(I) a person given access to the record in order for juvenile probation to fulfill a probation responsibility.

(8) Court personnel shall permit access to court records only by authorized persons. The court may order anyone who accesses a non-public record not to permit further access, the violation of which may be contempt of court.

(9) If a court or court employee in an official capacity is a party in a case, the records of the party and the party's attorney are subject to the rules of discovery and evidence to the same extent as any other party.

Effective: ~~11/1/2019~~ November 1, 2022

Rule 9-109. Presiding judges.**Intent:**

To establish the procedure for election, term of office, role, responsibilities, and authority of presiding judges, and associate presiding judges, ~~and education directors~~ for Justice Courts.

Applicability:

This rule shall apply to presiding judges, and associate presiding judges, ~~and education directors~~ in the Justice Courts.

Statement of the Rule:**(1) Election and term of office.****(1)(A) Presiding judge.**

(1)(A)(i) A presiding judge in each judicial district shall be elected by a majority vote of the active judges present at the district meetings held at the ~~2018~~ Justice Court Conference. ~~Thereafter, regular elections shall take place at the annual conference~~ in odd years for odd-numbered districts and in even years for even-numbered districts. In the event that a majority vote cannot be obtained, the presiding judge shall be determined by the Board of Justice Court Judges. Interim elections, if necessary, shall take place as provided in this rule. A presiding judge shall be an active judge, currently appointed to at least one court within the district. Senior judges are ineligible to hold or vote for the office of presiding judge.

(1)(A)(ii) The presiding judge's term of office shall commence on July 1 following his or her election ~~be from the time of his or her election~~ or immediately upon appointment, as applicable, and run until he or she resigns or until June 30 of an odd year for odd-numbered districts or of an even year for even-numbered districts ~~the next regular election~~, whichever occurs first. A presiding judge may serve successive terms.

(1)(B) Associate presiding judge.

(1)(B)(i) The active judges of a district ~~may, at their discretion, shall~~ elect one judge of the district to the office of associate presiding judge. An associate presiding judge shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A). An associate presiding judge shall be an active judge, currently appointed to at least one court within the district. Senior judges are ineligible to hold or vote for the office of associate presiding judge.

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge. The associate presiding judge shall serve on the justice court Education Committee and shall work with the Education Department of the Administrative Office in developing, planning and presenting relevant judicial training at the district level. In addition, the associate presiding judge shall perform other duties assigned by the presiding judge.

~~(1)(C) District education director.~~

~~(1)(C)(i) The active judges of a district may, at their discretion, elect one judge of the district to the office of education director. An education director shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A). Senior judges are ineligible to vote for the office of district education director but may hold the office. If a district does not elect an education director, the associate presiding judge, if there is one, shall serve as the education director. If the district elects neither an education director nor an associate presiding judge, the presiding judge shall serve as the education director.~~

~~(1)(C)(ii) The education director shall serve on the justice court education committee and shall work with the Education Department of the Administrative Office in developing, planning and presenting relevant judicial training at the district level.~~

(1)(C) Compensation. Presiding judges and associate presiding judges shall be compensated for their service at the end of each fiscal year, in proportion to the percentage of the year they served in office, and as otherwise contemplated by Section 78A-7-209.5 of the Utah Code.

(1)(D) Removal and Other Vacancies of Office.

~~(1)(D)(i) If the office of presiding judge becomes vacant, then the associate presiding judge shall serve the rest of the presiding judge's term. If there is no associate presiding judge, the district education director shall, if the education director is an active judge, serve the unexpired term. Otherwise, the Chair of the Board of Justice Court Judges shall appoint a judge to serve until the next district meeting.~~

(1)(D)(ii) A presiding judge may appoint, on an interim basis, an eligible judge of the district to fill an unexpired term of the associate presiding judge ~~or education director~~ until the next district meeting. At the district meeting, the active judges present shall ratify the appointment by majority vote. If they do not ratify the appointment, or if the presiding judge does not make an interim appointment, nominations and an election shall then be held at that meeting to fill the unexpired term.

(1)(D)(iii) A presiding judge, or associate presiding judge ~~or education director~~ may be removed from that office by a two-thirds vote of the active justice court judges in the district. A successor presiding judge or associate presiding judge shall, ~~or an associate presiding judge or education director may,~~ then be elected to fill the unexpired term of the vacant office.

(1)(D)(iv) In extraordinary circumstances, to preserve confidence in the fair administration of justice, the Presiding Officer of the Judicial Council may remove a judge from any office described in this rule. Vacancies shall be filled as provided in this rule.

(2) District meetings.

(2)(A) Each district shall have regular meetings to discuss and decide district business, receive training, or address issues and concerns specific to the district.

(2)(A)(i) The presiding judge shall call and preside over a meeting of other justice court judges in the district at the annual Justice Court Conference.

(2)(A)(ii) Each district shall have at least one other meeting during the calendar year in which a majority of active justice court judges is present, including the presiding judge or associate presiding judge.

(2)(B) In addition to regular meetings, the presiding judge or a majority of the active judges may call additional meetings as necessary.

(2)(C) An agenda shall be circulated among the judges in advance of any meeting with a known method on how matters may be placed on the agenda.

(2)(D) Other than judges and the Justice Court Administrator, attendance at district meetings shall be by invitation of the presiding judge only.

(2)(E) The issues on which judges vote shall be left to the sound discretion and judgment of each district and the applicable sections of the Utah Constitution, statutes, and this Code.

(3) Administrative responsibilities and authority of presiding judge and associate presiding judge.

(3)(A) **Generally.** The presiding judge is charged with the responsibility for the effective operation of the justice courts within a district. He or she is responsible for the implementation and enforcement of statutes, rules, policies, and directives of the Judicial Council and the Board of Justice Court Judges as they pertain to the administration of the courts. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

(3)(B) Coordination of required training.

(3)(B)(i) The ~~presiding judge~~, associate presiding judge, ~~or education director~~ shall: (a) be responsible to see that judges in his or her district are appropriately trained, (b) assist in planning statewide trainings as part of the Education Committee, (c) plan district training to be held in connection with the meetings required by section (2), (d) recommend mentors for new judges, and (e) arrange for individual training, as needed.

(3)(B)(ii) Presiding judges ~~are encouraged to~~ shall occasionally observe ~~the~~ hearings of judges within the district to assess training needs.

(3)(C) **Court committees.** The presiding judge shall, where appropriate, make use of committees composed of other judges and court personnel to investigate problem areas and improve the administration of justice.

(3)(D) Outside agencies and the media.

(3)(D)(i) The presiding judge shall be available to meet with outside agencies, such as prosecuting attorneys, city attorneys, county attorneys, public defenders or associations of defense counsel, sheriffs, police chiefs, bar association leaders, probation providers, government officials of cities or counties located within the district, civic organizations, and other state agencies.

(3)(D)(ii) The presiding judge shall be the primary judicial representative of the justice court judges in the district.

(3)(D)(iii) Nothing in this rule shall replace or interfere with the statutory and administrative responsibilities of an appointed judge to the appointing authority of a court.

(3)(E) **Judicial officers.** The presiding judge shall discuss significant concerns, problems or complaints regarding the judges in his or her district with the Justice Court Administrator, who shall work together to resolve the concern. In the event that another judge in the district fails to comply with a reasonable administrative directive of the presiding judge, interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment, or violates the Code of Judicial Conduct, the presiding judge may, depending on the severity of the issue and consistent with legal and ethical obligations:

(3)(E)(i) Consult with appropriate staff at the Administrative Office of the Courts and/or discuss the issue with other presiding judges;

(3)(E)(ii) Meet with the judge to explain the reasons for the directive given or the position taken, consult with the judge about alternative solutions and reevaluate the directive or position, as appropriate;

(3)(E)(iii) Present the problem to the Board of Justice Court Judges for input;

(3)(E)(iv) Require the judge to participate in appropriate counseling, therapy, education or treatment; or

(3)(E)(v) Refer the problem to the Judicial Council, the Chief Justice, or the Judicial Conduct Commission, as appropriate.

(3)(F) **Liaison.** The presiding judge or his or her designee shall serve as a liaison between the justice courts of the district and (i) the Board of Justice Court Judges and (ii) the presiding judges of Juvenile Court and District Court.

(3)(G) **Reassignment.**

(3)(G)(i) In the event that a motion to disqualify a judge or judges is filed and no appointed judge of the court is available or empowered to hear the motion, the presiding judge shall consider the motion and, if necessary, assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.

(3)(G)(ii) In the event that all of the appointed judges of a court recuse themselves from a matter, the presiding judge shall assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.

(3)(H) **Compliance with standards.** The presiding judge shall monitor and ensure that judges are complying with performance standards established by the Council or as otherwise required by law.

(3)(l) **Performance evaluations.** Pursuant to Utah Code 78A-12-203, the presiding judge shall receive the midterm reports prepared by the Judicial Performance Evaluation Commission for the other justice court judges in his or her district. The presiding judge shall consult with the evaluated judge and the Justice Court Administrator to develop a plan for addressing the issues resulting in less than satisfactory scores.

Effective: ~~August 21, 2020~~ May 25, 2022

TAB 3

CJA 4-202.02. Records classification

Notes: See attached memo

Michele M. Christiansen Forster
Presiding Judge

Jill M. Pohlman
Associate Presiding Judge

Greg Orme
Judge

David N. Mortensen
Judge

Ryan M. Harris
Judge

Ryan Tenney
Judge

Utah Court of Appeals

450 South State Street
P.O. Box 140230
Salt Lake City, Utah 84114-0230

Appellate Clerks' Office
Telephone: (801) 578-3900
Utah Relay: (800) 346-4128
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Nicholas Stiles
Appellate Court Administrator

Lisa A. Collins
Clerk of Court

To: Policy and Planning Committee
From: Nick Stiles, Judge Michele Christiansen Forster
Re: Proposed Amendments to CJA 4-202.02(3)
Date: July 21, 2021

This memo will address the expansion of [CJA 4-202.02\(3\)](#) to designate as “sealed court records,” any records on appeal previously designated as sealed by a lower court.

Currently, the rules are unclear as to what happens to a record previously designated as sealed if it is included in the overall record on appeal. The concern is highlighted in a scenario where sealed records are included in the overall record on appeal, and by default are likely classified as “private records,” resulting in for example, all parties to the action having access.¹

This rule modification will allow the sealed records to remain sealed even if included in the record on appeal. The records may be unsealed by court order.²

Respectfully Submitted,

Nick Stiles
Appellate Court Administrator

Judge Michele Christiansen Forster
Presiding Judge, Utah Court of Appeals

¹ CJA 4-202.03(4) identifies all people/groups that have access to records classified as “private.”

² CJA 4-202.03(3)

Rule 4-202.02. Records Classification.

Intent:

To classify court records as public non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the rule:

(1) **Presumption of Public Court Records.** Court reports are public unless otherwise classified by this rule.

(2) **Public Court Records.** Public court records include but are not limited to:

- (2)(A) abstract of a citation that redacts all non-public information;
- (2)(B) aggregate records without non-public information and without personal identifying information;
- (2)(C) appellate filings, including briefs;
- (2)(D) arrest warrants, but a court may restrict access before service;
- (2)(E) audit reports;
- (2)(F) case files;
- (2)(G) committee reports after release by the Judicial Council or the court that requested the study;
- (2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a contract;
- (2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;
- (2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;
- (2)(K) financial records;
- (2)(L) indexes approved by the Management Committee of the Judicial Council, including the following, in courts other than the juvenile court; an index may contain any other index information:
 - (2)(L)(i) amount in controversy;
 - (2)(L)(ii) attorney name;
 - (2)(L)(iii) licensed paralegal practitioner name;
 - (2)(L)(iv) case number;
 - (2)(L)(v) case status;
 - (2)(L)(vi) civil case type or criminal violation;
 - (2)(L)(vii) civil judgment or criminal disposition;
 - (2)(L)(viii) daily calendar;
 - (2)(L)(ix) file date;
 - (2)(L)(x) party name;
- (2)(M) name, business address, business telephone number, and business email address of an adult person or business entity other than a party or a victim or witness of a crime;
- (2)(N) name, address, telephone number, email address, date of birth, and last four digits of the following: driver's license number; social security number; or account number of a party;

- (2)(O) name, business address, business telephone number, and business email address of a lawyer or licensed paralegal practitioner appearing in a case;
- (2)(P) name, business address, business telephone number, and business email address of court personnel other than judges;
- (2)(Q) name, business address, and business telephone number of judges;
- (2)(R) name, gender, gross salary and benefits, job title and description, number of hours worked per pay period, dates of employment, and relevant qualifications of a current or former court personnel;
- (2)(S) unless classified by the judge as private or safeguarded to protect the personal safety of the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury is discharged;
- (2)(T) opinions, including concurring and dissenting opinions, and orders entered in open hearings;
- (2)(U) order or decision classifying a record not as public;
- (2)(V) private record if the subject of the record has given written permission to make the record public;
- (2)(W) probation progress/violation reports;
- (2)(X) publications of the administrative office of the courts;
- (2)(Y) record in which the judicial branch determines or states an opinion on the rights of the state, a political subdivision, the public, or a person;
- (2)(Z) record of the receipt or expenditure of public funds;
- (2)(AA) record or minutes of an open meeting or hearing and the transcript of them;
- (2)(BB) record of formal discipline of current or former court personnel or of a person regulated by the judicial branch if the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained;
- (2)(CC) record of a request for a record;
- (2)(DD) reports used by the judiciary if all of the data in the report is public or the Judicial Council designates the report as a public record;
- (2)(EE) rules of the Supreme Court and Judicial Council;
- (2)(FF) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;
- (2)(GG) statistical data derived from public and non-public records but that disclose only public data; and
- (2)(HH) notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary shall contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of these offenses.

(3) Sealed Court Records. The following court records are sealed:

- (3)(A) records in the following actions:

- 99 (3)(A)(i) Title 78B, Chapter 9, Part 1 – Utah Adoption Act
100 six months after the conclusion of proceedings,
101 which are private until sealed;
102 (3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational
103 Agreement, six months after the conclusion of
104 proceedings, which are private until sealed;
105 (3)(A)(iii) Section 76-7-304.5 – Consent required for
106 abortions performed on minors; and
107 (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;
108 (3)(B) expunged records;
109 (3)(C) orders authorizing installation of pen register or trap and trace device
110 under Utah Code Section 77-23a-15;
111 (3)(D) records showing the identity of a confident informant;
112 (3)(E) records relating to the possession of a financial institution by the
113 commissioner of financial institutions under Utah Code Section 7-2-6;
114 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;
115 (3)(G) records designated as sealed by rule of the Supreme Court;
116 (3)(H) record of a Children’s Justice Center investigative interview after the
117 conclusion of any legal proceedings; ~~and~~
118 (3)(I) on appeal, any record previously designated as sealed by another
119 court; and
120 (3)(J) other records as ordered by the court under Rule 4-202.04.
121
122 (4) **Private Court Records.** The following court records are private:
123 (4)(A) records in the following actions;
124 (4)(A)(i) Section 62A-15-631, Involuntary commitment
125 under court order;
126 (4)(A)(ii) Section 76-10-532, Removal from the National
127 Instant Check System database;
128 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act,
129 until the records are sealed;
130 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational
131 Agreement, until the records are seals; and
132 (4)(A)(v) cases initiated in the district court filing an abstract
133 of a juvenile court restitution judgment.
134 (4)(B) records in the following actions, except that the case history, judgments,
135 orders, and decrees, letters of appointment, and the record of public
136 hearings are public record:
137 (4)(B)(i) Title 30, Husband and Wife, including qualified
138 domestic relations orders, except that an action for
139 consortium due to personal injury under Section 30-
140 2-11 is public;
141 (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;
142 (4)(B)(iii) Title 75, Chapter 5, Protection of
143 Persons Under Disability and their Property;
144 (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;
145 (4)(B)(v) Title 78B, Chapter 13, Utah Uniform Child Custody
146 Jurisdiction and Enforcement Act;
147 Child Support Act;
148 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family
149 Support Act;

150 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act;
 151 and
 152 (4)(B)(ix) an action to modify or enforce a judgment in any of
 153 the actions in this subparagraph (B);
 154 (4)(C) records related to determinations of indigency;
 155 (4)(D) an affidavit supporting a motion to waive fees;
 156 (4)(E) aggregate records other than public aggregate records under subsection
 157 (2);
 158 (4)(F) alternative dispute resolution records;
 159 (4)(G) applications for accommodation under the Americans with Disabilities Act;
 160 (4)(H) jail booking sheets;
 161 (4)(I) citation, but an abstract of a citation that redacts all non-public information
 162 is public;
 163 (4)(J) judgment information statement;
 164 (4)(K) judicial review of final agency action under Utah Code Section 62A-4a-
 165 1009;
 166 (4)(L) the following personal identifying information about a party: driver's
 167 license, social security number, account description and number,
 168 password, identification number, maiden name and mother's maiden
 169 name, and similar personal identifying information;
 170 (4)(M) the following personal identifying information about a person other than a
 171 party or a victim or witness of a crime: residential address, personal email
 172 address, personal telephone number, date of birth, driver's license
 173 number, social security number, account description and number,
 174 password, identification number, maiden name, mother's maiden name,
 175 and similar personal identifying information;
 176 (4)(O) name of a minor, except that the name of a minor party is public in the
 177 following district and justice court proceedings:
 178 (4)(O)(i) name change of a minor;
 179 (4)(O)(ii) guardianship or conservatorship for a minor;
 180 (4)(O)(iii) felony, misdemeanor, or infraction;
 181 (4)(O)(iv) protective orders and stalking injunctions; and
 182 (4)(O)(v) custody orders and decrees;
 183 (4)(P) nonresident violator notice of noncompliance;
 184 (4)(Q) personnel file of a current or former court personnel or applicant for
 185 employment;
 186 (4)(R) photograph, film, or video of a crime victim;
 187 (4)(S) record of a court hearing closed to the public or of a child's testimony
 188 taken under URCrP 15.5:
 189 (4)(S)(i) permanently if the hearing is not traditionally open
 190 to the public and public access does not play a
 191 significant positive role in the process: or
 192 (4)(S)(ii) if the hearing is traditionally open to the public,
 193 until the judge determines it is possible to release
 194 the record without prejudice to the interests that
 195 justified the closure;
 196 (4)(T) record submitted by a senior judge or court commissioner regarding
 197 performance evaluation and certification;
 198 (4)(U) record submitted for in camera review until its public availability is
 199 determined;
 200 (4)(V) reports of investigations by Child Protective Services;

- 201 (4)(W) victim impact statements;
- 202 (4)(X) name of a prospective juror summoned to attend court, unless by the
- 203 judge as safeguarded to protect the personal safety of the prospective
- 204 juror or the prospective juror's family;
- 205 (4)(Y) records filed pursuant to Rules 52-59 of the Utah Rules of Appellate
- 206 Procedure, except briefs filed pursuant to court order;
- 207 (4)(Z) records in a proceeding under Rule 60 of the Utah Rules of Appellate
- 208 Procedure; and
- 209 (4)(AA) other records as order by the court under Rule 4-202.04.
- 210

211 **(5) Protected Court Records.** The following court records are protected:

- 212 (5)(A) attorney's work product, including the mental impressions of legal
- 213 theories of an attorney or other representative of the courts concerning
- 214 litigation, privileged communication between the courts and an attorney
- 215 representing, retained, or employed by the courts, and records prepared
- 216 solely in anticipation of litigation or a judicial, quasi-judicial, or
- 217 administrative proceeding;
- 218 (5)(B) records that are subject to the attorney client privilege;
- 219 (5)(C) bids or proposals until the deadline for submitting them has closed;
- 220 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed
- 221 legislation before issuance of the final recommendations in these areas;
- 222 (5)(E) budget recommendations, legislative proposals, and policy statements,
- 223 that if disclosed would reveal the court's contemplated policies or
- 224 contemplated courses of action;
- 225 (5)(F) court security plans;
- 226 (5)(G) investigation and analysis of loss covered by the risk management fund;
- 227 (5)(H) memorandum prepared by staff for a member of any body charged by
- 228 law with performing a judicial function and used in the decision-making
- 229 process;
- 230 (5)(I) confidential business records under Utah Code Section 63G-2-309;
- 231 (5)(J) record created or maintained for civil, criminal, or administrative
- 232 enforcement purposes, audit or discipline purposes, or licensing,
- 233 certification or registration purposes, if the record reasonably could be
- 234 expected to:
 - 235 (5)(J)(i) interfere with an investigation;
 - 236 (5)(J)(ii) interfere with a fair hearing or trial;
 - 237 (5)(J)(iii) disclose the identity of a confidential source; or
 - 238 (5)(J)(iv) concern the security of a court facility;
- 239 (5)(K) record identifying property under consideration for sale or acquisition by
- 240 the court or its appraised or estimated value unless the information has
- 241 been disclosed to someone not under a duty of confidentiality to the
- 242 courts;
- 243 (5)(L) record that would reveal the contents of settlement negotiations other
- 244 than the final settlement agreement;
- 245 (5)(M) record the disclosure of which would impair governmental procurement or
- 246 give an unfair advantage to any person;
- 247 (5)(N) record the disclosure of which would interfere with supervision of an
- 248 offender's incarceration, probation, or parole;
- 249 (5)(O) record the disclosure of which would jeopardize life, safety, or property;
- 250 (5)(P) strategy about collective bargaining or pending litigation;
- 251 (5)(Q) test questions and answers;

- (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
- (5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;
- (5)(T) presentence investigation report;
- (5)(U) except for those filed with the court, records maintained and prepared by juvenile probation; and
- (5)(V) other records as ordered by the court under Rule 4-202.04.
- (6) **Juvenile Court Social Records.** The following are juvenile court social records:
- (6)(A) correspondence relating to juvenile social records;
- (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;
- (6)(C) medical, psychological, psychiatric evaluations;
- (6)(D) pre-disposition and social summary reports;
- (6)(E) probation agency and institutional reports or evaluations;
- (6)(F) referral reports;
- (6)(G) report of preliminary inquiries; and
- (6)(H) treatment or service plans.
- (7) **Juvenile Court Legal Records.** The following are juvenile court legal records:
- (7)(A) accounting records;
- (7)(B) discovery filed with the court;
- (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, order, decrees;
- (7)(D) name of a party or minor;
- (7)(E) record of a court hearing;
- (7)(F) referral and offense histories
- (7)(G) and any other juvenile court record regarding a minor that is not designated as a social record.
- (8) **Safeguarded Court Records.** The following court records are safeguarded:
- (8)(A) upon request, location information, contact information, and identity information other than name of a petitioner and other persons to be protected in an action filed under Title 77, Chapter 3a, Stalking Injunctions or Title 78B, Chapter 7, Protective Orders;
- (8)(B) upon request, location information, contact information and identity information other than name of a party or the party's child after showing affidavit that the health, safety, or liberty of the party of child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title 78B, Chapter 15, Utah Parentage Act;
- (8)(C) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;
- (8)(D) location information, contact information, and identity information other than name of a prospective juror summoned to attend court;
- (8)(E) the following information about a victim or witness of a crime:
- (8)(E)(i) business or personal address, email address, telephone number, and similar information from which the person can be located or contacted;

302 (8)(E)(ii) date of birth, driver's license number, social
303 security number, account description and number,
304 password, identification number, maiden name,
305 mother's maiden name, and similar personal
306 identifying information.
307

308 *Effective December 5, 2020*
309

Requester Phone Number *

3853033305

Name of Requester's Supervisor *

Neira

Please attach all required documents as outlined above.

Rule 4-202 Edits ...

Type of Request *

☒ Policy & Planning☐ Technology

Policy & Planning Section

Location of the Rule *

Code of Judicial Administration ▼

CJA Rule Number, HR/Accounting Section Name, Court Form Name *

4-202

Brief Description of Proposal *

Providing clarity for the treatment of sealed records on appeal

Reason Amendment is Needed *

The rule doesn't provide any direction for the treatment of sealed records on appeal.

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, Planning, and Technology Committee 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
- ☐ Uniform Fine Committee
- ☐ WINGS Committee
- ☐ None of the Above
- ☐ Justice Court Reform Task Force
- ☐ Appellate Representation Committee
- ☐ Deputy State Court Administrator
- ☐ Judicial Fairness and Accountability Committee
- ☐ Other:

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. *

Supreme Court, Court of Appeals

Technology

Brief Description of Technology Request *

Reason Technology request is Needed *

Is this technology request urgent? *

☐

Yes

☐

No

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

Rule 4-202.02. Records Classification.

Intent:

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Presumption of Public Court Records.** Court records are public unless otherwise classified by this rule.

(2) **Public Court Records.** Public court records include but are not limited to:

(2)(A) abstract of a citation that redacts all non-public information;

(2)(B) aggregate records without non-public information and without personal identifying information;

(2)(C) appellate filings, including briefs;

(2)(D) arrest warrants, but a court may restrict access before service;

(2)(E) audit reports;

(2)(F) case files;

(2)(G) committee reports after release by the Judicial Council or the court that requested the study;

(2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a contract;

(2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;

(2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;

(2)(K) financial records;

(2)(L) indexes approved by the Management Committee of the Judicial Council, including the following, in courts other than the juvenile court; an index may contain any other index information:

(2)(L)(i) amount in controversy;

(2)(L)(ii) attorney name;

(2)(L)(iii) licensed paralegal practitioner name;

(2)(L)(iv) case number;

(2)(L)(v) case status;

(2)(L)(vi) civil case type or criminal violation;

(2)(L)(vii) civil judgment or criminal disposition;

(2)(L)(viii) daily calendar;

(2)(L)(ix) file date;

(2)(L)(x) party name;

(2)(M) name, business address, business telephone number, and business email address of an adult person or business entity other than a party or a victim or witness of a crime;

(2)(N) name, address, telephone number, email address, date of birth, and last four digits of the following: driver's license number; social security number; or account number of a party;

(2)(O) name, business address, business telephone number, and business email address of a lawyer or licensed paralegal practitioner appearing in a case;

(2)(P) name, business address, business telephone number, and business email address of court personnel other than judges;

(2)(Q) name, business address, and business telephone number of judges;

(2)(R) name, gender, gross salary and benefits, job title and description, number of hours worked per pay period, dates of employment, and relevant qualifications of a current or former court personnel;

(2)(S) unless classified by the judge as private or safeguarded to protect the personal safety of the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury is discharged;

(2)(T) opinions, including concurring and dissenting opinions, and orders entered in open hearings;

(2)(U) order or decision classifying a record as not public;

(2)(V) private record if the subject of the record has given written permission to make the record public;

(2)(W) probation progress/violation reports;

(2)(X) publications of the administrative office of the courts;

(2)(Y) record in which the judicial branch determines or states an opinion on the rights of the state, a political subdivision, the public, or a person;

(2)(Z) record of the receipt or expenditure of public funds;

(2)(AA) record or minutes of an open meeting or hearing and the transcript of them;

(2)(BB) record of formal discipline of current or former court personnel or of a person regulated by the judicial branch if the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained;

(2)(CC) record of a request for a record;

(2)(DD) reports used by the judiciary if all of the data in the report is public or the Judicial Council designates the report as a public record;

(2)(EE) rules of the Supreme Court and Judicial Council;

(2)(FF) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;

(2)(GG) statistical data derived from public and non-public records but that disclose only public data; and

(2)(HH) notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be

a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary shall contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.

(3) Sealed Court Records. The following court records are sealed:

(3)(A) records in the following actions:

(3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on minors; and

(3)(A)(iv) Section 78B-8-402 – Actions for disease testing;

(3)(B) expunged records;

(3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code Section 77-23a-15;

(3)(D) records showing the identity of a confidential informant;

(3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code Section 7-2-6;

(3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;

(3)(G) records designated as sealed by rule of the Supreme Court;

(3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings; ~~and~~

(3)(I) on appeal, any record previously designated as sealed by another court; and

(3)(~~J~~) other records as ordered by the court under Rule 4-202.04.

(4) Private Court Records. The following court records are private:

(4)(A) records in the following actions:

(4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;

(4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System database;

(4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed;

(4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are sealed; and

(4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court restitution judgment.

(4)(B) records in the following actions, except that the case history, judgments, orders, decrees, letters of appointment, and the record of public hearings are public records:

(4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations orders, except that an action for consortium due to personal injury under Section 30-2-11 is public;

(4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;

(4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;

(4)(B)(iv) Title 78B, Chapter 7, Protective Orders;

(4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;

(4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;

(4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and

(4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph (B);

(4)(C) records related to determinations of indigency;

- (4)(D) an affidavit supporting a motion to waive fees;
- (4)(E) aggregate records other than public aggregate records under subsection (2);
- (4)(F) alternative dispute resolution records;
- (4)(G) applications for accommodation under the Americans with Disabilities Act;
- (4)(H) jail booking sheets;
- (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;
- (4)(J) judgment information statement;
- (4)(K) judicial review of final agency action under Utah Code Section 62A-4a-1009;
- (4)(L) the following personal identifying information about a party: driver's license number, social security number, account description and number, password, identification number, maiden name and mother's maiden name, and similar personal identifying information;
- (4)(M) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number; date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;
- (4)(N) medical, psychiatric, or psychological records;
- (4)(O) name of a minor, except that the name of a minor party is public in the following district and justice court proceedings:
- (4)(O)(i) name change of a minor;
- (4)(O)(ii) guardianship or conservatorship for a minor;
- (4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party [\[KW1\]](#);
- (4)(O)(iv) protective orders and stalking injunctions; and
- (4)(O)(v) custody orders and decrees;
- (4)(P) nonresident violator notice of noncompliance;

(4)(Q) personnel file of a current or former court personnel or applicant for employment;

(4)(R) photograph, film, or video of a crime victim;

(4)(S) record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5:

(4)(S)(i) permanently if the hearing is not traditionally open to the public and public access does not play a significant positive role in the process; or

(4)(S)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to release the record without prejudice to the interests that justified the closure;

(4)(T) record submitted by a senior judge or court commissioner regarding performance evaluation and certification;

(4)(U) record submitted for in camera review until its public availability is determined;

(4)(V) reports of investigations by Child Protective Services;

(4)(W) statement in support of petition to determine competency[\[KW2\]](#);

(4)(X) victim impact statements;

(4)(Y) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

(4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;

(4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure; and

(4)(BB) other records as ordered by the court under Rule 4-202.04.

(5) Protected Court Records. The following court records are protected:

(5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the courts concerning litigation, privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;

(5)(B) records that are subject to the attorney client privilege;

(5)(C) bids or proposals until the deadline for submitting them has closed;

(5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the court's contemplated policies or contemplated courses of action;

(5)(F) court security plans;

(5)(G) investigation and analysis of loss covered by the risk management fund;

(5)(H) memorandum prepared by staff for a member of any body charged by law with performing a judicial function and used in the decision-making process;

(5)(I) confidential business records under Utah Code Section 63G-2-309;

(5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be expected to:

(5)(J)(i) interfere with an investigation;

(5)(J)(ii) interfere with a fair hearing or trial;

(5)(J)(iii) disclose the identity of a confidential source; or

(5)(J)(iv) concern the security of a court facility;

(5)(K) record identifying property under consideration for sale or acquisition by the court or its appraised or estimated value unless the information has been disclosed to someone not under a duty of confidentiality to the courts;

(5)(L) record that would reveal the contents of settlement negotiations other than the final settlement agreement;

(5)(M) record the disclosure of which would impair governmental procurement or give an unfair advantage to any person;

(5)(N) record the disclosure of which would interfere with supervision of an offender's incarceration, probation, or parole;

(5)(O) record the disclosure of which would jeopardize life, safety, or property;

(5)(P) strategy about collective bargaining or pending litigation;

(5)(Q) test questions and answers;

(5)(R) trade secrets as defined in Utah Code Section 13-24-2;

(5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;

(5)(T) presentence investigation report;

(5)(U) except for those filed with the court, records maintained and prepared by juvenile probation; and

(5)(V) other records as ordered by the court under Rule 4-202.04.

(6) Juvenile Court Social Records. The following are juvenile court social records:

(6)(A) correspondence relating to juvenile social records;

(6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;

(6)(C) medical, psychological, psychiatric evaluations;

(6)(D) pre-disposition and social summary reports;

(6)(E) probation agency and institutional reports or evaluations;

(6)(F) referral reports;

(6)(G) report of preliminary inquiries; and

(6)(H) treatment or service plans.

(7) Juvenile Court Legal Records. The following are juvenile court legal records:

(7)(A) accounting records;

(7)(B) discovery filed with the court;

(7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees;

(7)(D) name of a party or minor;

(7)(E) record of a court hearing;

(7)(F) referral and offense histories

(7)(G) and any other juvenile court record regarding a minor that is not designated as a social record.

(8) Safeguarded Court Records. The following court records are safeguarded:

(8)(A) upon request, location information, contact information, and identity information other than name of a petitioner and other persons to be protected in an action filed under [KW3](#) Title 78B, Chapter 7, Protective Orders;

(8)(B) upon request, location information, contact information and identity information other than name of a party or the party's child after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;

(8)(C) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;

(8)(D) location information, contact information, and identity information other than name of a prospective juror summoned to attend court;

(8)(E) the following information about a victim or witness of a crime:

(8)(E)(i) business and personal address, email address, telephone number, and similar information from which the person can be located or contacted;

(8)(E)(ii) date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information.

Effective: May 1, 2022

TAB 4

Appendix B. Justice Court Standards for Recertification

Notes: Rule [9-108](#) requires that justice court standards be reviewed and updated every two years. After review, the Board of Justice Court Judges is recommending the attached revisions.

Policy and Planning - Rule Amendment Request Form

The respondent's email (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.

Date of Request *

MM DD YYYY

07 / 30 / 2022

Name of Requester *

Jim Peters

Requester Phone Number *

(801) 372-3333

Name of Requester's Supervisor *

Ron Gordon

Location of the Rule *

Code of Judicial Administration ▼

CJA Rule Number or HR/Accounting Section Name *

Appendix B

Brief Description of Rule Proposal *

After reviewing the operating standards for justice courts, the Board of Justice Court Judges is recommending several revisions.

Reason Amendment is Needed *

Rule 9-108 of the Code of Judicial Administration requires that these standards be reviewed and updated every two years.

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. *

All cities and counties that operate a justice court.

.....

This form was created inside of Utah State Courts.

Google Forms

Appendix B. Justice Court Standards For Recertification

Instructions to applicant for recertification

As part of the application process, each entity should carefully review all requirements for the operation of Justice Courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operations of ~~its Justice the~~ Court, the governing body of each entity must request a written opinion from its attorney advising the entity of all requirements for the operation of a Justice Court, and the feasibility of maintaining a Justice Court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for the operation of the Justice Court during the period of certification. A copy of the attorney's opinion and the resolution must accompany the application.

A representative of the entity may appear before the ~~Committee~~ Board of Justice Court Judges to present the application and may present any additional information which the applicant desires to present to the Board Committee. In the event that additional information is deemed necessary, the ~~Committee Board~~ may request such additional information from the applicant.

Certification will ~~certify-authorize~~ the court to process all cases which come within the jurisdiction of the Justice eCourt including criminal, civil and small claims cases pursuant to Section 78A-7-106 of the Utah Code.

(1) Statutory Requirements. Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:

(1)(A) All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (Section 78A-7-213).

(1)(B) Each court shall be ~~opened~~ and judicial business shall be transacted every day as provided by law (Section 78A-7-213), although the judge is not required to be present during all hours that the court is open.

(1)(C) The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (Section 78A-7-213).

(1)(D) The judge and the clerk of the court shall attend the court at regularly scheduled times (Section 78A-7-213).

(1)(E) The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (Section 78A-7-206 and Section 78A-7-207~~14~~).

(1)(F) The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and

training (Section 78A-7-205).

(1)(G) The entity **creating** a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (Section 78A-7-~~103244~~).

(1)(H) The entity **creating** the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (Section 78A-7-~~103209~~).

(1)(I) The entity **creating** the court shall provide adequate funding for attorneys where persons are indigent as provided by law (Section 78A-7-~~103209~~).

(1)(J) The entity **creating** the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (Section 78A-7-~~103209~~).

(1)(K) Witnesses and jury fees as required by law shall be paid by the entity which creates the Court (~~Section 10-7-76 and 17-50-319~~).

(1)(L) Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (Section ~~78A-7-120 and 78A-7-121 and Section 78A-7-119~~).

(1)(M) Every entity **creating** a court shall pay the judge of that court a fixed compensation ~~within the range provided by statute~~ (Section 78A-7-206).

(1)(N) Court shall be held within the jurisdiction of the court, except as provided by law (Section 78A-7-212).

(1)(O) The entity **creating** the court shall provide and keep current for the court a copy of the Motor Vehicle Laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference material (Section 78A-7-~~103244~~).

(1)(P) All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to Section 78A-7-215.

~~(1)(Q) An audio recording system shall maintain the verbatim record of all court proceedings. Section 78A-7-103.~~

~~(1)(Q)(i) For Class I and Class II justice courts, the system must:~~

~~(1)(Q)(i)(a) be a stand-alone unit that records and audibly plays back the recording;~~

~~(1)(Q)(i)(b) index, back-up and archive the recording and enable the record to be retrieved.~~

~~(1)(Q)(i)(c) have at least four recording channels;~~

(1)(Q)(i)(d) have a one-step "on" and "off" recording function;

(1)(Q)(i)(e) have conference monitoring of recorded audio;

(1)(Q)(i)(f) have external record archiving from the unit with local access;

(1)(Q)(i)(g) be capable of being integrated with the courts public address system; and (1)(Q)(ii) For Class III and Class IV justice courts, the system must, at a minimum:

(1)(Q)(ii)(a) be a stand-alone unit that records and audibly plays back the recording;

(1)(Q)(ii)(b) index, back-up and archive the recording and enable the record to be retrieved; and

(1)(Q)(ii)(c) have at least two recording channels.

(1)(Q)(iii) The Board of Justice Court Judges may create a list of products that meet these criteria.

(2) Judicial Council Minimum Requirements. In addition to those requirements which are directly imposed by statute, ~~Section 78A-7-103 directs~~ the Judicial Council has established additional to promulgate minimum requirements for the creation and certification of Justice Courts, as follows. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

(2)(A) ~~That the Court be opened~~ A clerk shall be available for at least one hour each day that the court is required to be open- and during court hearings, as required by the judges provided by law (Section 78A-7-213). These hours shall be posted on the court's website.

(2)(B) ~~That the judge~~ shall be available to ~~attend court and~~ conduct court business as needed, performing all duties required and exercising ultimate responsibility for the administration of justice as an independent branch of government.

(2)(C) All court hearings shall be conducted in the courtroom or online, as permitted by the Judicial Council, or in another location authorized by the Presiding Judge.

(2)(~~DC~~) ~~That~~ the minimum furnishings for a courtroom shall include: a desk and chair for the judge (on a ~~six-inch~~ at least six inches above the well), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public, as well as a- ~~(A suggested courtroom configuration is attached).~~

~~(2)(D) A~~ judicial robe, a gavel, ~~current fine schedules, a copy of the Code of Judicial~~

~~Administration~~, and necessary forms and supplies.

(2)(E) Office space for the judge and clerk shall be appropriate (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box for each clerk performing cashiering duties, a ~~typewriter or computer with~~ word processing ~~software~~, and access to a scanner and copy machine.

~~(2)(F) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.~~

(2)(F) The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration.

(2)(G) The entity ~~must~~ shall have at least one peace officer (which may be contracted).

(2)(H) A court security plan ~~must~~ shall be submitted and approved consistent with C.J.A. as required by Rule 3-414 of the Code of Judicial Administration.

(2)(I) Each court ~~must~~ shall have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.

(2)(J) Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in ~~number 9-~~ Section (2)(I) above.

(2)(K) Clerks' education hours shall be reported to the AOC on an annual basis.

(2)(L) The appointment of the clerk(s) assigned to serve the court shall be subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion.

(2)(M) Court staff shall be certified as contemplated by Rule 3-303 of the Code of Judicial Administration.

(2)(N) Any interlocal agreement relating to court operations, as amended to date, shall be provided to the Justice Court Administrator.

(2)(O) The court shall accept credit and debit cards through a system that integrates with CORIS.

(2)(P) The court shall have access to UCJIS.

(2)(Q) An audio recording system shall maintain a digital recording of all court proceedings (Section 78A-7-103).

(2)(Q)(i) For Class I and Class II justice courts, the system must:

(2)(Q)(i)(a) be a stand-alone unit that records and audibly plays back the recording;

(2)(Q)(i)(b) index, back-up and archive the recording and enable the record to be retrieved.

(2)(Q)(i)(c) have at least four recording channels;

(2)(Q)(i)(d) have a one-step "on" and "off" recording function;

(2)(Q)(i)(e) have conference monitoring of recorded audio;

(2)(Q)(i)(f) have external record archiving from the unit with local access;

(2)(Q)(i)(g) be capable of being integrated with the court's public address system; and

(2)(Q)(ii) For Class III and Class IV justice courts, the system must, at a minimum:

(2)(Q)(ii)(a) be a stand-alone unit that records and audibly plays back the recording;

(2)(Q)(ii)(b) index, back-up and archive the recording and enable the record to be retrieved; and

(2)(Q)(ii)(c) have at least two recording channels.

(2)(Q)(iii) The Board of Justice Court Judges may create a list of products that meet these criteria.

(3) Classification of Courts Based on Case Filings. In establishing minimum requirements, the Judicial Council has determined that Justice Courts with higher case filings require greater support services. To accommodate the great differences in judicial activity between Justice Courts within the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification.

(3)(A) Class IV Courts. Courts which have an average of less than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court ~~are stated above. (These requirements are also attached as Class IV minimum requirements).~~ These requirements include both the statutory requirements

and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

(3)(B) **Class III Courts.** Courts which have an average of more than 60 but less than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week ~~(see attached Class III minimum requirements)~~, and court must be scheduled at least twice per month every other week.

(3)(C) **Class II Courts.** Courts which have an average of more than 200 but less than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours ~~(see attached Class II minimum requirements)~~, the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his own use, clerical space may not be shared, at least one full-time clerk must be provided ~~(see attached Class II minimum requirements)~~, and the courtroom, judge's chamber and clerk's office must be in the same building.

(3)(D) **Class I Courts.** Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three full-time clerks, at least one of whom is available it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and which meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

(4) Waivers. The State Legislature has provided that any Justice Court which continues to meet the minimum requirements for its class is entitled to be recertified. However, the Judicial Council also has authority to waive any minimum requirement which has not been specifically imposed by the Legislature (i.e. requirements ~~(1)(A) -- (1)(Q)~~ above, ~~which have been adopted by the Judicial Council pursuant to Section 78A-7-103~~). Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified and, the fact that a waiver has been previously granted, will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the Justice Courts. The needs of a particular Court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the Court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the Court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions. In order to adequately function, it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; ~~and~~ in such circumstances a waiver may be requested.

297
298 **(5) Extensions.** The statute also provides that the Judicial Council may grant an extension
299 of time for any requirement which is not specifically required by statute. An extension may
300 be granted at the discretion of the Judicial Council where individual circumstances
301 temporarily prevent the entity from meeting a minimum requirement. An extension will be
302 for a specific period of time and the certification of the court will terminate at the end of the
303 extension period. In order for the court to continue to operate beyond the extension period,
304 the court must be certified as meeting all requirements, obtain an additional extension, or
305 obtain a waiver as provided above.
306

307 **(6) Judge Certificate.** Applications for existing courts for recertification shall be accompanied
308 by a certificate of the judge, on a form approved by the Judicial Council, certifying that the
309 operational standards for the court have been met during the prior year. Any exceptions to
310 compliance with the minimum requirements or operational standards shall be noted on the
311 above form. In addition, individual Justice Court Judges must meet with the governing body
312 of the entity which created the court at least once a year to review the budget of the court,
313 review compliance with the requirements and operational standards of the court, and discuss
314 other items of common concern and shall certify that this meeting has been held, and that the
315 operational standards for the court have been met during the prior year.
316

317 **(7) Justice Court Standards Committee.** Upon submission of an application, the Board of
318 Justice Court ~~Judges Standards Committee~~ will conduct an appropriate independent
319 investigation and notify the entity of its initial recommendations, whether in favor or against
320 certification. If the ~~Committee Board~~ intends to recommend against certification, it shall
321 specify the minimum requirements which have not been met. The entity may then present
322 additional information to the ~~Committee Board~~, request an extension, or request a waiver.
323 After making an appropriate investigation based upon any additional information or request
324 made by the entity, the ~~Committee Board~~ will then submit its recommendations to the Judicial
325 Council. The recommendations shall specify whether or not a waiver or extension should be
326 granted, if either has been requested. If the recommendation is against recertification, or
327 against waiver, or against extension, the entity may request that it be allowed to make an
328 appearance before the Judicial Council. Any request to appear before the Judicial Council
329 must be filed within 15 days of notification of the ~~Committee's Board's~~ recommendations.
330

331 If you have any questions concerning this application, please contact James Peters, Justice
332 Court Administrator, by calling counsel to the Justice Court Standards Committee, at P. O.-
333 Box 140241, Salt Lake City, Utah 84114-0241, telephone: (801) 578-3824 or emailing
334 jamesp@utcourts.gov.

TAB 5

Automated Deferred Traffic Prosecution

- Automated deferred traffic prosecution orders
- Standing order authorizing automatic PJ signatures
- CJA 3-108. Judicial assistance
- CJA 4-208. Automatic expungement of cases
- CJA 4-403. Electronic signature and signature stamp use

Notes: [HB 139 \(77-2-4.2\)](#), deferred traffic prosecution, goes into effect on October 1, 2022. The proposed rule amendments and orders authorize the AOC to implement automated processes and automatically affix signatures without judicial review, similar to the clean slate expungement process.

Attached is a detailed outline of how the system would work. The code contemplates an administrative fee to be paid by participants to cover costs associated with the development and implementation of the system. Under 77-2-4.2(5)(h)(i), the “Judicial council shall set and periodically adjust the fee...in an amount that the judicial council determines to be necessary to cover the cost to implement, operate, and maintain the deferred prosecution program...” The use of automated orders will help keep the administrative fee lower and more cost effective for court patrons.

Regardless of whether the Judicial Council approves the use of an automated or manual system, the Council will need to set an initial administrative fee to cover costs associated with administering the program and rely on AOC staff to provide periodic (annual?) reports and recommendations on necessary adjustments.

Deferred Traffic Prosecution Outline

- 1) QR code or URL given to users will take them to the Deferred Traffic Prosecution (DP) webpage
- 2) Users will click on the “Get Started” button which will redirect them to a modified MyCase registration page
- 3) Users will be asked to enter the information listed below to register. This information is needed for two reasons: to create/login to a MyCase account and to validate their personal information with CORIS and the Department of Public Safety for initial eligibility check
 - a) First, Middle, and Last name
 - b) Citation number OR court case number
 - c) Citation date
 - d) Court location
 - e) Driver License number
 - f) Email address
 - g) User will be emailed a PIN to enter. Once the PIN is entered, a password will be generated and emailed to the user.
- 4) A warning will display if validation fails for any of the information entered

The information you entered doesn't match our records.

Here are your options:


- Please contact the court listed on your citation for help.
 - Visit [Court Directory](https://www.utcourts.gov/directory) for the court's contact information (<https://www.utcourts.gov/directory>)
- Contact the Self-Help Center for additional assistance with account registration
 - Visit [Self-Help](https://www.utcourts.gov/selfhelp/contact/) to contact the Self-Help Center (<https://www.utcourts.gov/selfhelp/contact/>)
- Visit our [Information Page](#) for details about Deferred Traffic Prosecution

BackExit

- a)
- 5) CORIS will determine eligibility at the time an eCitation is filed. If a user with an eligible TN or TC case type enters from the modified registration page or from the existing MyCase registration/login page, the message below will display

Your case is eligible to resolve through a new program called Deferred Traffic Prosecution.

- The process is completely voluntary.
- You can choose to not participate in deferred prosecution and instead handle your citation through the normal processes including paying the fine, going to court to challenge the ticket, speaking with the prosecutor, and speaking with the judge.
- Visit our [Information Page](#) for more details about Deferred Traffic Prosecution

 Visit [Guided Interview](#) to begin

a)

- b) Existing users with an eligible TN or TC case type will have the option to begin the DP guided interview by clicking on "File an eDocument" and selecting "Guided Interview"
 - c) For eligible cases, the gavel icon will also display next to the case type on the main MyCase screen and will display the message above upon click
- 6) The description of DP will display once the guided interview begins

Your case is eligible to resolve through a new program called "deferred traffic prosecution."

- The process is completely voluntary.
- You can choose to not participate in deferred prosecution and instead handle your citation through the normal processes including going to court to challenge the ticket, speak with the prosecutor, and speak with the judge.

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a)

Participation in deferred traffic prosecution will result in your case being dismissed if you complete the following steps:

1. Answer questions to determine your eligibility
2. Plead "no contest" to all offenses on the eligible citation ("no contest" means the driver does not want to contest — or challenge — the citation);
3. Pay a total fine of \$___ for the offenses on the eligible citation in full today or by MM/DD/YYYY;
4. Pay a \$___ administration fee in full today or by MM/DD/YYYY; and
5. Have no new traffic convictions in the 12-month period following your application for deferred prosecution.

[Go Back](#) [Next](#)

b)

If you successfully complete all the steps: (use ADA green)	If you don't successfully complete all the steps because you are convicted of a new traffic offense during the 12-month period: (use ADA red)
<ol style="list-style-type: none"> 1. Your "no contest" plea will be automatically withdrawn at the end of the 12-month period. 2. Your case will be dismissed. 3. The fine and administration fee are non-refundable. 	<ol style="list-style-type: none"> 1. Your "no contest" plea will be AUTOMATICALLY entered as a conviction on your driving record. You will NOT have an opportunity to appear in court. 2. Your case will be closed without any further court-imposed consequence. 3. The fine and administration fee are non-refundable.

[Go Back](#) [Next](#)

c)

7) Verification steps

- a) User will be asked to verify their name and date of birth as listed on the citation

(1)

Is this your name as listed on your citation?

First name*

Last name*

If your information is listed incorrectly on your citation, you can contact the [court](#) to correct it.

(2)

Is this your date of birth as listed on your citation?

Date of Birth* Month Day Year

If your information is listed incorrectly on your citation, you can contact the [court](#) to correct it.

- 8) After the user verifies their information they will be taken through a series of slides outlining what DP means for them
- 9) User will be asked to choose whether they want to participate in DP
- 10) If user chooses to participate in DP they will be asked to agree to each term and the application/order will generate for signature

i)

Do you agree to the following terms?

☐ Terms of agreement

☐ Terms of agreement

☐ Terms of agreement

- 11) Once the application/order is electronically signed, the user will be asked for payment
 - a) Courts using ePayments app (Heartland): users can pay with a Visa or Mastercard
 - b) Courts not using ePayments or users without a Visa or Mastercard: payment will need to be made via the court's web page or in-person at the courthouse
- 12) When payment is successful
 - a) Case type will change from to DP
 - b) Plea = No Contest
 - c) Plea disposition = Deferred Traffic Prosecution (DT)
 - d) Case history note & Critical Message = Deferred Prosecution Automation
 - e) Application/order is eFiled
 - f) Information is reported to DLD (including the new plea disposition code)
- 13) An automated report will be run daily to check for dismissals/convictions
 - a) If DP is successful after 12 mos
 - i) Plea = removed
 - ii) Plea disposition = Dismissed with Prejudice
 - iii) Case disposition = Dismissed with Prejudice

- iv) Order dismissing case is eSigned and eFiled
 - v) Information is reported to DLD
- b) If DP isn't successful at any point
 - i) Plea = remains No Contest
 - ii) Plea disposition = changes to No Contest
 - iii) Case Disposition = Charges all disposed
 - iv) Order entering conviction is eSigned and eFiled
 - v) Information is reported to DLD

In the District / Justice Court of Utah
[district_number] Judicial District, [county_name] County / [city_name] City

[prosecuting_entity],

Plaintiff,

vs.

[defendant_name]

[defendant_dob]

Defendant.

Application and Order of Deferred Traffic Prosecution

Case Number: [case_number]

CHARGES

1. Charge, plea, and disposition
2. Charge, plea, and disposition
3. Charge, plea, and disposition

The matter before the court is the application and order of deferred traffic prosecution for the case pursuant to Utah Code § 77-2-4.2.

1. Terms of order (pay fine(s) and admin fee in full by specific date or agreement is null)
2. Terms of order
3. Terms of order
4. Terms of order
5. Terms of order (12 mos deferral)

The successful completion of the terms of this order will result in this case being dismissed with prejudice. A conviction for the charge(s) will be entered if any of the terms of this order aren't completed successfully.

Defendant's eSignature

Date eSigned

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],

Plaintiff,

vs.

[defendant_name]

[defendant_dob]

Defendant.

**Order of Dismissal with Prejudice -
Deferred Traffic Prosecution**

Case Number: [case_number]

CHARGES

1. Charge, plea, and disposition
2. Charge, plea, and disposition
3. Charge, plea, and disposition

The matter before the court is the automated order of dismissal with prejudice - deferred traffic prosecution of the case pursuant to Utah Code § 77-2-4.2.

This case has been identified by the Judiciary's automated deferred traffic prosecution review process as one meeting the requirements for an automated order of dismissal with prejudice - deferred traffic prosecution. The defendant completed the terms of the application/order of deferred traffic prosecution successfully.

Issuance of this order is authorized by standing order and Utah Code of Judicial Administration Rules 3-108, 4-208, and 4-403.

The Court Orders the charge(s) and case dismissed with prejudice.

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],

Plaintiff,

vs.

[defendant_name]

[defendant_dob]

Defendant.

Order Entering Conviction - Deferred
Traffic Prosecution

Case Number: [case_number]

CHARGES

1. Charge, plea, and disposition
2. Charge, plea, and disposition
3. Charge, plea, and disposition

The matter before the court is the order entering conviction - deferred traffic prosecution of the case pursuant to Utah Code § 77-2-4.2.

This case has been identified by the Judiciary's automated deferred traffic prosecution review process as one meeting the requirements for an automated order entering conviction - deferred traffic prosecution. The defendant failed to complete the terms of the application/order of deferred traffic prosecution successfully.

Issuance of this order is authorized by standing order and Utah Code of Judicial Administration Rules 3-108, 4-208, and 4-403.

The Court Orders the conviction of the charge(s) entered and this case closed with no further action.

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

In the [district number] Judicial District
State of Utah

In Re: Deferred Traffic Prosecution Cases

STANDING ORDER

TO THE [DISTRICT] [JUSTICE] COURTS IN THE [district number] JUDICIAL DISTRICT:

IT IS HEREBY ORDERED that the Administrative Office of the Courts may prepare automated deferred traffic prosecution orders and automatically affix the presiding judge's signature to such orders, pursuant to the provisions in Utah Code Section 77-2-4.2 and Code of Judicial Administration Rules 3-108, 4-208, and 4-403.

IT IS FURTHER ORDERED that the Administrative Office of the Courts may automatically issue signed orders only when the requirements of Utah Code Sections 77-2-4.2, Utah Rules of Procedure, and Code of Judicial Administration have been met.

Dated this day of , 20

[Name], Presiding Judge
[district number] Judicial District

Rule 3-108. Judicial assistance.**Intent:**

To establish the authority, procedure and criteria for judicial assistance.

Applicability:

This rule shall apply to judicial assistance provided by active senior judges and judges of courts of record.

Statement of the Rule:

(1) **Criteria for requesting assistance.** Judicial assistance shall be provided only for the following reasons:

(1)(A) when assistance is needed because of a judicial vacancy or an absence due to an illness, accident, or disability;

(1)(B) to prevent the occurrence of or to reduce a critical accumulated backlog;

(1)(C) to handle a particular case involving complex issues and extensive time which would have a substantial impact on the court's calendar;

(1)(D) to replace a sitting judge who is absent because of assignment as a tax judge, illness or to replace the judges in that location because of disqualification in a particular case;

(1)(E) to mentor a newly appointed judge;

(1)(F) to handle cases during vacation periods or during attendance at education programs by the sitting judge, following every effort by that judge to adjust the calendar to minimize the need for assistance and only to handle those matters which cannot be accommodated by the other judges of the court during the absence;

(1)(G) to provide education and training opportunities to judges of one court level in the disposition of cases in another court level;

(1)(H) in district court, to handle cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration;

(1)(I) to handle automatic expungement cases; and

(1)(J) to serve on a grand jury panel.

(2) **Assigning a senior judge for judicial assistance.**

(2)(A) Unless exigent circumstances occur, a presiding judge shall seek assistance under the priorities listed in paragraph (3) before assigning a senior judge.

(2)(B) If the assignment of a senior judge shall be for more than 14 judicial days, the presiding judge shall seek approval from the Management Committee, and present to the Management Committee a plan for meeting the needs of the court and a budget to implement the plan. The plan should describe the calendars to be covered by judges of the district, judges of other districts, and senior judges. The budget should estimate the funds needed for travel by the judges and senior judges.

(3) Criteria for transferring or assigning judges. The transfer or assignment of judges for judicial assistance under this rule, shall, in general, be based upon the following priorities:

(3)(A) experience and familiarity with the subject matter, including, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, knowledge of the theory and practice of ad valorem, excise, income, sales and use, and corporate taxation;

(3)(B) active judges before active senior judges with consideration of the following:

(3)(B)(i) active judges from a court of equal jurisdiction in a different geographical division than the court in need, and who are in close proximity to that court;

(3)(B)(ii) active senior judges from a court of equal jurisdiction to the court in need and who are in close proximity to that court;

(3)(B)(iii) active judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is most closely related to that court and who are in close proximity to that court;

(3)(B)(iv) active judges from a court of equal jurisdiction in a different geographical division than the court in need who are far removed from that court;

(3)(B)(v) active or active senior judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is similar to that court and who are not in close proximity to that court;

(3)(C) availability;

(3)(D) expenses and budget.

(4) Assignment of active judges.

(4)(A) Any active judge of a court of record may serve temporarily as the judge of a court with equal jurisdiction in a different judicial district upon assignment by the presiding

judge of the district in which the judge to be assigned normally sits or, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, assignment by the supervising tax judge with the approval of the presiding officer of the Council.

(4)(B) Any active judge of a court of record may serve temporarily as the judge of a court with different jurisdiction in the same or a different judicial district upon assignment by the presiding officer of the Council or assignment by the state court administrator or designee with the approval of the presiding officer of the Council.

(4)(C) The presiding officer of the Council may appoint a district court presiding judge as the signing judge for automatic expungements and deferred traffic prosecution orders in all district courts within the presiding judge's district with jurisdiction over eligible cases. The length of the assignment may coincide with the judge's term as presiding judge.

(4)(D) The assignment shall be made only after consideration of the judge's calendar. The assignment may be for a special or general assignment in a specific court or generally within that level of court and shall be for a specific period of time, or for the duration of a specific case. Full time assignments in excess of 30 days in a calendar year shall require the concurrence of the assigned judge. The state court administrator or designee shall report all assignments to the Council on an annual basis.

(4)(E) Requests for the assignment of a judge shall be conveyed, through the presiding judge, to the person with authority to make the assignment under paragraphs (A) and (B). A judge who is assigned temporarily to another court shall have the same powers as a judge of that court.

(5) Notice of assignments. Notice of assignments made under this rule shall be made in writing, a copy of which shall be sent to the state court administrator or designee.

(6) Schedule of trials or court sessions. The state court administrator or designee, under the supervision of the presiding officer of the Council, may schedule trials or court sessions and designate a judge to preside, assign judges within courts and throughout the state, reassign cases to judges, and change the county for trial of any case if no party to the litigation files timely objections to the change.

Effective: October 1, 2022~~6/28/2021~~

Rule 4-208. ~~Automatic expungement of cases~~Automated case processing procedures.**Intent:**

The intent of this rule is to govern the Administrative Office of the Court's development and implementation of ~~an~~ automated expungement and deferred traffic prosecution processes.

This rule applies to cases in district and justice courts.

Statement of the Rule:**(1) Definitions.**

~~(1)(A) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety.~~

~~(1)(B) "Clean slate eligible case" means the same as defined in Utah Code §77-40-102.~~

~~(1)(C) "Conviction" means a judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.~~

~~(1)(D) "Expunge" means to seal or otherwise restrict access to the individual's court record when the record includes a criminal investigation, detention, arrest, or conviction.~~

(2) Automated expungement and deferred traffic prosecution processes

(2)(A) The Administrative Office of the Courts shall develop and implement an automated process for expunging eligible court records expungement and deferred traffic prosecution processes.

(2)(B) Automated processes must comply with the requirements outlined in the Utah Rules of ~~Criminal~~ Procedure and the Utah ~~Expungement Act~~ Code.

(2)(C) All automated ~~expungement~~ processes developed by the Administrative Office of the Courts shall be approved by the Utah Judicial Council.

(3) Standing and automated orders ~~and orders of expungement~~

(3)(A) The presiding officer of the Judicial Council may appoint a district court presiding judge as a signing judge for automatic expungements in all district courts within the presiding judge's district in accordance with Rule 3-108.

(3)(B) The presiding officer of the Judicial Council may appoint a district court presiding judge as a signing judge for automated deferred traffic prosecution orders in all district courts within the presiding judge's district with jurisdiction over eligible cases in accordance with Rule 3-108.

(3)(~~CB~~) A justice court presiding judge may act as a signing judge for automatic expungements and automated deferred traffic prosecution orders in all justice courts within the presiding judge's district. The length of the assignment must coincide with the judge's term as a presiding judge.

(3)(C) If the district or justice court presiding judge determines that the requirements under the Utah Code, Utah Rules of ~~Criminal~~ Procedure, and this rule have been met, the presiding judge shall issue a standing order authorizing the Administrative Office of the Courts to prepare and automatically affix the presiding judge's judicial signature to orders of expungements and deferred traffic prosecution issued in relation to cases from that judicial district.

(3)(D) The form and content of automated orders ~~of expungement~~ must be approved by the Utah Judicial Council.

(4) Notice of action taken.

~~(4)(A)~~ The Administrative Office the Courts shall send notice that an order of expungement or deferred traffic prosecution has been issued in accordance with the Utah Rules of ~~Criminal~~ Procedure.

Effective: ~~5/1/2022~~ October 1, 2022

Rule 4-403. Electronic signature and signature stamp use.**Intent:**

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

This rule shall apply to all trial courts of record and not of record.

Statement of the Rule:

(1) A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following:

(1)(A) bail bonds from approved bondsmen;

(1)(B) bench warrants;

(1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4(b);

(1)(E) orders to show cause and orders to appear/attend under URCP 7A(c)(4) and URCP 7B(c)(4);

(1)(F) orders to take into custody;

(1)(G) summons;

(1)(H) supplemental procedure orders;

(1)(I) orders setting dates for hearing and for notice;

(1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;

(1)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; and

(1)(L) orders appointing a court visitor.

(2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

(3) The electronic signature of a judge may be automatically affixed to the following documents without the need for specific direction from the assigned judge when issued using a form approved by the Judicial Council;

(3)(A) a domestic relations injunction issued under URCP 109;

~~and~~

(3)(B) an automatic expungement order issued under Utah Code ~~§ 77-40-114; and~~

(3)(C) automated orders related to deferred traffic prosecution cases under Utah Code § 77-2-4.2.

(4) All other documents requiring the judge's or commissioner's signature shall be personally signed by the judge or commissioner, unless the judge or commissioner, on a document by document basis, authorizes the clerk to use the judge's or commissioner's electronic signature or signature stamp in lieu of the judge's or commissioner's signature. On such documents, the clerk shall indicate in writing that the electronic signature or signature stamp was used at the direction of the judge or commissioner and shall sign his or her name directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

Effective: ~~5/24/2021~~ October 1, 2022