

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

January 6, 2023 – 12:00 p.m. to 1:00 p.m.

**Webex**

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Chiara
12:05	<b>CJA 3-403.</b> Judicial branch education	Action	Tab 2	Lauren Anderson Justice Hagen
12:20	<u>Back from public comment:</u> <ul style="list-style-type: none"> <li>• <b>CJA 6-501.</b> Reporting requirements for guardians and conservators.</li> <li>• <b>CJA 3-406.</b> Budget and fiscal management.</li> <li>• <b>CJA 3-104.</b> Presiding judges.</li> </ul>	Action	Tab 3	Keisa Williams
12:30	Technology report/proposals	Discussion		Brody Arishita
12:45	Old Business/New Business			
1:00	Adjourn			

**2023 Meetings:**

February 3, 2023	August 4, 2023
March 3, 2023	September 1, 2023
April 7, 2023	October 6, 2023
May 5, 2023 (all day)	November 3, 2023 (all day)
June 2, 2023	December 1, 2023
July 7, 2023	

# TAB 1

Minutes

December 2, 2022

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

Webex video conferencing  
December 2, 2022: 9 am

**DRAFT**

**MEMBERS:**

**PRESENT**

**EXCUSED**

**GUESTS:**

Judge Samuel Chiara, <i>Chair</i>	•	
Judge Suchada Bazzelle	•	
Judge Augustus Chin	•	
Judge David Connors		•
Judge James Gardner	•	

Paul Barron  
Keri Sargent

**STAFF:**

Keisa Williams  
Brody Arishita  
Minhvan Brimhall

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

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the November 4, 2022 meeting. With no changes, Judge Bazzelle moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

**(2) Email filings by Self-Rep litigants:**

- CJA 4-503. Mandatory electronic filing (civil and probate)
- CJA 4-603. Mandatory electronic filing (criminal/district)
- CJA 4-801. Filing small claims cases
- CJA 4-901. Mandatory electronic filing in juvenile court
- CJA 9-302. Mandatory electronic filing (criminal/justice court)

The proposed amendments reflect the Judicial Council's decision to ensure self-represented litigants may continue to file by email until the MyCase system is available. The committee recommended minor, non-substantive changes to the rules. The committee also noted that Licensed Paralegal Practitioners currently do not have the ability to electronically file in juvenile court matters.

***With no further discussion, Judge Gardner moved to approve rules CJA 4-503, 4-603, 4-801, 4-901, and 9-302 as amended with a recommendation to the Judicial Council that they be approved on an expedited basis with a December 17, 2022 effective date, followed by a 45-day comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.***

**Technology report/proposals:**

Brody Arishita is meeting with TCEs and clerks of court to finalize membership of the advisory group. The amendments to rule CJA 1-204 will go into effect on January 1, 2023. The group will discuss various technology needs of the court, including reducing the court's internet bandwidth by prohibiting non-court-related activities and streaming. The group will also look at whether the court should continue using the Google platform for email service.

**Old Business/New Business:** None

Calendar invites for the 2023 PPT meetings will be sent to committee members within the next week. The calendar dates for 2023 dates are listed below.

January 6, 2023

February 3, 2023

March 3, 2023

April 7, 2023

May 5, 2023 (all day)

June 2, 2023

July 7, 2023

August 4, 2023

September 1, 2023

October 6, 2023

November 3, 2023 (all day)

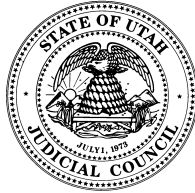
December 1, 2023

**Adjourn:** With no further items for discussion, the meeting adjourned. The next meeting will be held on January 6, 2023 at 12:00 PM via Webex video conferencing, unless otherwise noted.

# TAB 2

**CJA 3-403. Judicial branch education**

**Notes:** See attached memo



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

January 3, 2023

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy Court Administrator

## MEMORANDUM

**TO:** Policy and Planning Committee

**FROM:** Justice Diana Hagen & Lauren Andersen/Standing Education Committee

**RE:** Required training under UCJA Rule 3-403(4). Judicial branch education.

In February 2022, the Office of Fairness and Accountability (OFA) made a policy recommendation to Judicial Council to address workplace and judicial climate. One of the recommendations directly addressed the judicial branch education rule 3-403. The OFA recommended that judicial officers and state court employees receive training on ethics, diversity and inclusion, harassment and elimination of bias training. Judicial Council discussed the recommendations with the OFA, and the OFA asked the Standing Education Committee to discuss whether training on ethics, harassment, elimination of bias and diversity and inclusion should be required.

The Standing Education Committee met in June and November 2022 to discuss this matter. Draft language was then reviewed by Trial Court Executives, Clerks of Court and Chief Probation Officers. Each group provided feedback and the feedback was incorporated into the draft language that has been approved by the Standing Education Committee.

The proposed changes to Rule 3-403 will:

- Annually require judicial officers and court employees to complete training on harassment and abusive conduct; ethics; and elimination of bias and inclusion.
- Change references of “judges, commissioners” to “judicial officers” throughout the rule.
- Update language in Rule 3-403(A)(4)(A)(ii) to better reflect current onboarding and orientation practices of court employees.

The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.

Date of  
Request

\*

MM DD YYYY

12 / 19 / 2022

Name of  
Requester

\*

Lauren Andersen & Justice Diana Hagen

Requester Phone  
Number

\*

3157960577


Name of Requester's  
Supervisor

\*

Neira Siaperas

Please attach all required documents as outlined  
above.

 UCJA Rule 3-40...

 Memo to Policy ...

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 \*

3-403

Brief Description of  
Proposal \*

Include annual training requirement of harassment and abusive conduct; ethics; elimination of bias and inclusion in rule. Update made to requirements for judicial officers and court employees.

Reason Amendment is  
Needed \*

Update rule to meet current needs.



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: Chief Probation Officers, Standing Education Committee

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

.....

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

Judicial officers (justices, judges, commissioners, active senior judges) and court employees.

### 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.

.....

Select each entity that has approved this proposal. \*

- ☐ Juvenile Core Team
- ☐ District/Justice Courts Core Team
- ☐ Appellate Court Core Team
- ☐ Accounting Manual Committee
- ☐ Board of Appellate Court Judges
- ☐ Board of District Court Judges
- ☐ Board of Justice Court Judges
- ☐ Board of Juvenile Court Judges
- ☐ Clerks of Court
- ☐ TCE's
- ☐ None of the Above

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

.....

Thank you, form completed. Click the button to submit.

**Rule 3-403. Judicial branch education.****Intent:**

To establish the Judicial Branch Education Committee's responsibility to develop and evaluate a comprehensive education program for all ~~judges, commissioners~~ **judicial officers** and court staff.

To establish education standards for ~~judges, commissioners~~ **judicial officers** and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

**Applicability:**

This rule shall apply to all ~~judges, commissioners~~ **judicial officers** and court staff, except seasonal employees and law clerks.

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

(1)(A) **Judicial branch education committee.** The Judicial Branch Education Committee shall submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It shall evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) **Responsibilities of members.** Committee members shall propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

**(1)(C) Committee meetings.**

(1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

**(2) Administration.**

**Judicial Education Officer.** The Judicial Education Officer, under the direction of the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

**(3) ~~Education S~~standards for ~~judges and court commissioners~~ judicial officers.**

**(3)(A) ~~Program r~~Requirements for Judicial Officers (Judges, Court Commissioners, Active Senior Judges and Active Senior Justice Court Judges).**

~~(3)(A)(i) All judges and court commissioners~~ new judicial officers shall participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee.

All ~~judges, court commissioners, active senior judges, and active senior justice court judges~~ judicial officers shall complete 30 hours of pre-approved education annually, to be implemented on a schedule coordinated by the Committee. ~~To satisfy annual program requirements judicial officers will complete training on harassment and abusive conduct prevention; ethics; and elimination of bias and inclusion.~~

~~Judges of courts of record and court commissioners~~ Judicial officers may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual Utah Judicial Conference, but an inactive senior judge or retired judge must pay all expenses.

**(3)(A)(ii) Active senior judge.** If an active senior judge applies to be reappointed and will have completed at least 60 total education hours in the two years preceding the effective date of reappointment, the Management Committee may, for good cause shown, excuse the judge from having to complete the annual 30 hour education requirement.

**(3)(A)(iii) Inactive senior judges and retired judges.** If an inactive senior judge or a retired judge applies to be an active senior judge, the judge shall demonstrate that:

(3)(A)(iii)(a) less than three years has passed since he or she last complied with the continuing education requirements of an active senior judge;

(3)(A)(iii)(b) he or she has complied with the MCLE requirements of the Utah State Bar for at least three years before the application;

(3)(A)(iii)(c) he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(A)(iii)(d) he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(B) **Program components.** Education programs for ~~judges and court commissioners~~ **judicial officers** shall include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of ~~judges and court commissioners over the long term.~~ **judicial officers.**

(3)(C) **Annual conferences.** Justice court judges and active senior justice court judges shall attend the annual justice court conference unless excused by the Board of Justice Court Judges for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect their representatives, ~~judges, active senior judges and court commissioners of the courts of record~~ **judicial officers** are strongly encouraged to attend that conference.

#### (4) **Standards for court staff.**

##### (4)(A) **State employees.**

(4)(A)(i) **Program requirements.** All court staff employed by the state shall complete 20 hours of approved coursework annually. ~~To satisfy annual program requirements state employees must complete training on harassment and abusive conduct prevention; ethics; and elimination of bias and inclusion.~~

(4)(A)(ii) **Program components.** Education programs for court staff employed by the state shall include: ~~on-the-job orientation onboarding~~ for new employees as well as ~~semi-annual Orientation Academies~~ **New Employee Orientation**; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.



(4)(B) **Local government employees.**

(4)(B)(i) **Program requirements.** All court staff employed by the justice courts shall complete 10 hours of approved coursework annually. ~~All other court staff employed by local government shall complete 20 hours of approved coursework annually.~~

(4)(B)(ii) **Program components.** Education programs for court staff employed by local government shall include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth. ~~Professional and personal development programs may include ethics, elimination of bias, harassment prevention and diversity and inclusion.~~

(5) **Reporting.**

(5)(A) ~~Judges, commissioners~~ **Judicial officers** and court staff governed by these standards shall report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards shall be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory performance evaluation in the education criterion.

(5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.

(6) **Credit.** Judicial education procedures shall include guidelines for determining which programs qualify as approved education within the meaning of these standards.

(7) **Funding.**

(7)(A) **Budget.** In preparing its annual request for legislative appropriations, the Council shall receive and consider recommendations from the Committee. The Committee's annual education plan shall be based upon the Council's actual budget allocation for judicial education.

(7)(B) **In-state education programs.** Judicial branch funds allocated to in-state judicial education shall first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

(7)(C) **Out-of-state education programs.** To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan shall include out-of-state education opportunities. The Committee shall approve national education providers and shall include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria shall include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

(7)(D) **Tuition, fees, and travel.** The Committee shall develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

**(8) Mentoring.**

(8)(A) Within seven business days after a new district or juvenile judge has been sworn in, the Presiding Judge shall appoint a mentor to the new judge.

(8)(B) Within fourteen business days after a new district or juvenile judge has been sworn in, the mentor and the new judge shall meet and review the Judicial Mentoring Guidelines and Best Practices Recommendations, complete the Mentors' Checklist contained therein and the mentor, within that same fourteen business day period, shall provide the completed Mentor's Checklist to the Judicial Education Officer.

*Effective: November 1, 2020*

# TAB 3

## **Back from Public Comment:**

CJA 6-501. Reporting requirements for guardians and conservators.

CJA 3-406. Budget and fiscal management.

CJA 3-104. Presiding judges.

**Notes:** No comments were received on rules 3-406 and 3-104. I recommend sending those rules to the Judicial Council with a recommendation that they be approved as final with a May 1, 2023 effective date. Three substantive public comments were received on rule 6-501. I recommend sending that rule back to the Probate Subcommittee for consideration.

## 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: November 21, 2022

### Utah Courts



#### Code of Judicial Administration – Comment Period Closes January 5, 2023

**CJA06-0501. Reporting requirements for guardians and conservators.** Proposed amendments clarify that a corporate fiduciary must attach its own internal reports and accountings to court approved forms.

**CJA03-0406. Budget and fiscal management.** Proposed amendments incorporate the role of the Budget and Fiscal Management Committee and make other improvements to clarify the budget process.

**CJA03-0104. Presiding judges.** Proposed amendments require presiding judges to notify the appropriate state level administrator when a judge fails to submit a required case under advisement statement. If a judge fails to submit a required statement for two consecutive months, the state level administrator must notify the Management Committee.

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This entry was posted in [-Code of Judicial Administration](#), [CJA03-0104](#), [CJA03-0406](#), [CJA06-0501](#).

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](#)

« Utah Rules of Civil Procedure – Comment Period Closes January 21, 2023

Rules Governing the Utah State Bar – Mandatory Continuing Education – Comment Period Closed December 24, 2022 »

## UTAH COURTS

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3 thoughts on “Code of Judicial Administration – Comment Period Closes January 5, 2023”

**Kent Hansen**  
November 21, 2022 at 4:34 pm

For CJA06-0501, should the proposed amendment to (5)(A)(ii) indicate whether the accounting should be attached to the court approved form (similar to (A)(i))?

[Reply](#)

**Tracy Olson**  
November 22, 2022 at 10:17 am

With the changes already made to guardianship and conservatorship reporting, I have found that these rules are put in place, but the court approved forms are not been updated. Additionally, there is no reason why a corporate fiduciary “shall” file its internal report or accounting, changing the language from “may.” These internal reports often need to be modified or edited for filing because they are not kept in the same form as the court approved format. Additionally, these “internal reports” often have confidential information that exceeds what is required in the statute and rules and may violate the recent amendments to the guardianship code. See 75-5-301.5 (2) “Except as otherwise provided by this chapter or any other law, an incapacitated person for whom a guardian is appointed has right to:(n) maintain privacy and confidentiality in personal

- [-Rules of Appellate Procedure](#)
- [-Rules of Civil Procedure](#)
- [-Rules of Criminal Procedure](#)
- [-Rules of Evidence](#)
- [-Rules of Juvenile Procedure](#)
- [-Rules of Professional Conduct](#)
- [-Rules of Professional Practice](#)
- [-Rules of Small Claims Procedure](#)
- [ADR101](#)
- [ADR103](#)
- [Appendix B](#)
- [Appendix F](#)
- [CJA Appendix F](#)
- [CJA01-0201](#)
- [CJA01-0204](#)
- [CJA01-0205](#)
- [CJA01-0205](#)
- [CJA01-0302](#)
- [CJA01-0303](#)
- [CJA01-0304](#)
- [CJA01-0305](#)
- [CJA010-01-0404](#)
- [CJA010-1-020](#)
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matters.” These internal reports may also include attorney-client privileged communication. It is not clear why the change in the language was needed. Please explain.

[Reply](#)

**Michael A. Jensen**

**December 6, 2022 at 9:53 am**

I object to the change in (5)(A)(i). The Court seems uninterested in conserving funds of the protected person. Requiring a corporate fiduciary to prepare and submit the “court approved form” in addition to its internal accounting form will absolutely increase the cost of submitting the annual and final accountings. There is no justifiable reason for requiring this change. For more than 20 years I have been submitting accountings for a corporate fiduciary and never have I had an objection to the form of the accounting by any court or any interested person. This is an unnecessary proposed change. Furthermore, the accounting prepared by a corporate fiduciary is generally far more easily comprehended and understood than any court approved form since it follows the general accounting standards accepted and approved by CPAs. The court approved form does not meet that standard. In effect, the corporate form shows “Beginning Assets”, “Income”, “Expenditures”, and “Ending Assets” in a logical sequence. Also, on the “Forms” page of the Utah Courts website, there is no approved form for a conservator! See <https://www.utcourts.gov/en/forms/forms/court-forms.html>. This is a change when there is and has been no problem.

[Reply](#)

## Leave a Reply

Your email address will not be published. Required fields are marked \*

**Comment \***

**Name \***

- [CJA03-0111.02](#)
- [CJA03-0111.03](#)
- [CJA03-0111.04](#)
- [CJA03-0111.05](#)
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- [CJA04-0202.04](#)
- [CJA04-0202.05](#)
- [CJA04-0202.06](#)

**Rule 3-104. Presiding judges****Intent:**

To establish the procedure for election, term of office, role, responsibilities and authority of presiding judges and associate presiding judges.

**Applicability:**

This rule shall apply to presiding judges and associate presiding judges in the District and Juvenile Courts.

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

(1)(A) **Presiding judge.** The presiding judge in multi-judge courts shall be elected by a majority vote of the judges of the court. The presiding judge's term of office shall be at least two years. A district, by majority vote of the judges of the court, may re-elect a judge to serve successive terms of office as presiding judge. In the event that a majority vote cannot be obtained, the presiding judge shall be appointed by the presiding officer of the Council to serve for two years.

**(1)(B) Associate presiding judge.**

(1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court 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).

(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 perform other duties assigned by the presiding judge or by the court.

(1)(C) **Removal.** A presiding judge or associate presiding judge may be removed as the presiding judge or associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or associate presiding judge shall then be selected as provided in this rule.

**(2) Court organization.****(2)(A) Court en banc.**

(2)(A)(i) Multi-judge courts shall have regular court en banc meetings, including all judges of the court and the court executive, to discuss and decide court business. The presiding judge has the discretion to excuse the attendance of the court executive from court en banc meetings called for the purpose of discussing the performance of the court executive. In single-judge courts, the judge shall meet with the court executive to discuss and decide court business.

(2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither the presiding judge nor associate presiding judge, if any, is present, the presiding judge's designee shall preside.

(2)(A)(iii) Each court shall have a minimum of four meetings each year.

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

(2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a majority of the judges may call additional meetings as necessary.

(2)(A)(vi) Minutes of each meeting shall be taken and preserved.

(2)(A)(vii) Other than judges and court executives, those attending the meeting shall be by court invitation only.

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

(2)(B) **Absence of presiding judge.** When the presiding judge and the associate presiding judge, if any, are absent from the court, an acting presiding judge shall be appointed. The method of designating an acting presiding judge shall be at the discretion of the presiding judge. All parties that must necessarily be informed shall be notified of the judge acting as presiding judge.

### (3) **Administrative responsibilities and authority of presiding judge.**

#### (3)(A) **General—Caseload—Appeals**

(3)(A)(i) **Generally.** The presiding judge is charged with the responsibility for the effective operation of the court. He or she is responsible for the implementation and enforcement of statutes, rules, policies and directives of the Council as they pertain to the administration of the courts, orders of the court en banc and supplementary rules. The presiding judge has the authority to delegate the performance of non-judicial duties to the court executive. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

(3)(A)(ii) **Caseload.** Unless the presiding judge determines it to be impractical, there is a presumption that the judicial caseload of the presiding judge shall be adjusted to provide the presiding judge sufficient time to devote to the management and administrative duties of the office. The extent of the caseload reduction shall be determined by each district.

(3)(A)(iii) **Appeals.** Any judge of the judicial district may ask the Chief Justice or Judicial Council to review any administrative decision made by the presiding judge of that district.

#### (3)(B) **Coordination of judicial schedules.**



(3)(B)(i) The presiding judge shall be aware of the vacation and education schedules of judges and be responsible for an orderly plan of judicial absences from court duties.

(3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence to the presiding judge consistent with Rule 3-103(4).

**(3)(C) Authority to appoint senior judges.**

(3)(C)(i) The presiding judge is authorized to assign a senior judge for judicial assistance consistent with Rule 3-108.

(3)(C)(ii) The presiding judge will notify the State Court Administrator or designee when a senior judge assignment has been made.

**(3)(D) Court committees.** The presiding judge shall, where appropriate, make use of court committees composed of other judges and court personnel to investigate problem areas, handle court business and report to the presiding judge and/or the court en banc.

**(3)(E) Outside agencies and the media.**

(3)(E)(i) The presiding judge or court executive shall be available to meet with outside agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police chief, bar association leaders, probation and parole officers, county governmental officials, civic organizations and other state agencies. The presiding judge shall be the primary representative of the court.

(3)(E)(ii) Generally, the presiding judge or, at the discretion of the presiding judge, the court executive shall represent the court and make statements to the media on matters pertaining to the total court and provide general information about the court and the law, and about court procedures, practices and rulings where ethics permit.

**(3)(F) Docket management and case and judge assignments.**

(3)(F)(i) The presiding judge shall monitor the status of the dockets in the court and implement improved methods and systems of managing dockets.

(3)(F)(ii) The presiding judge shall assign cases and judges in accordance with supplemental court rules to provide for an equitable distribution of the workload and the prompt disposition of cases.

(3)(F)(iii) Individual judges of the court shall convey needs for assistance to the presiding judge. The presiding judge shall, through the State Court Administrator, request assistance of visiting judges or other appropriate resources when needed to handle the workload of the court.

(3)(F)(iv) The presiding judge shall discuss problems of delay with other judges and offer necessary assistance to expedite the disposition of cases.

151 (3)(G) **Court executives.**

152  
153 (3)(G)(i) The presiding judge shall review the proposed appointment of the court  
154 executive made by the State Court Administrator and must concur in the  
155 appointment before it will be effective. The presiding judge shall obtain the  
156 approval of a majority of the judges in that jurisdiction prior to concurring in the  
157 appointment of a court executive.

158  
159 (3)(G)(ii) The presiding judge for the respective court level and the state level  
160 administrator shall jointly develop an annual performance plan for the court  
161 executive.

162  
163 (3)(G)(iii) Annually, the state level administrator shall consult with the presiding  
164 judge in the preparation of an evaluation of the court executive's performance for  
165 the previous year, also taking into account input from all judges in the district.

166  
167 (3)(G)(iv) The presiding judge shall be aware of the day-to-day activities of the  
168 court executive, including coordination of annual leave.

169  
170 (3)(G)(v) Pursuant to Council policy and the direction of the state level  
171 administrator, the court executive has the responsibility for the day-to-day  
172 supervision of the non-judicial support staff and the non-judicial administration of  
173 the court. The presiding judge, in consultation with the judges of the jurisdiction,  
174 shall coordinate with the court executive on matters concerning the support staff  
175 and the general administration of the court including budget, facility planning,  
176 long-range planning, administrative projects, intergovernmental relations and  
177 other administrative responsibilities as determined by the presiding judge and the  
178 state level administrator.

179  
180 (3)(H) **Courtrooms and facilities.** The presiding judge shall direct the assignment of  
181 courtrooms and facilities.

182  
183 (3)(I) **Recordkeeping.** Consistently with Council policies, the court executive, in  
184 consultation with the presiding judge, shall:

185  
186 (3)(I)(i) coordinate the compilation of management and statistical information  
187 necessary for the administration of the court;

188  
189 (3)(I)(ii) establish policies and procedures and ensure that court personnel are  
190 advised and aware of these policies;

191  
192 (3)(I)(iii) approve proposals for automation within the court in compliance with  
193 administrative rules.

194  
195 (3)(J) **Budgets.** The court executive, in consultation with the presiding judge, shall  
196 oversee the development of the budget for the court. In contract sites, the court  
197 executive shall supervise the preparation and management of the county budget for the  
198 court on an annual basis and in accordance with the Utah Code.

199  
200 (3)(K) **Judicial officers.** In the event that another judge or commissioner of the court  
201 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:

(3)(K)(i) Meet with and explain to the judge or commissioner the reasons for the directive given or the position taken and consult with the judge or commissioner.

(3)(K)(ii) Discuss the position with other judges and reevaluate the position.

(3)(K)(iii) Present the problem to the court en banc or a committee of judges for input.

(3)(K)(iv) Require the judge or commissioner to participate in appropriate counseling, therapy, education or treatment.

(3)(K)(v) Reassign the judge or commissioner to a different location within the district or to a different case assignment.

(3)(K)(vi) Refer the problem to the Judicial Council or to the Chief Justice.

(3)(K)(vii) In the event that the options listed above in subsections (i) through (vi) do not resolve the problem and where the refusal or conduct is willful, continual, and the presiding judge believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall refer the problem to the Council or the Judicial Conduct Commission.

**(3)(L) Cases under advisement.**

(3)(L)(i) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge for final determination. For purposes of this rule, "submitted to the judge" is defined as follows:

(3)(L)(i)(a) When a matter requiring attention is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent;

(3)(L)(i)(b) If a hearing or oral argument is set, at the conclusion of all hearings or oral argument held on the specific motion or matter; or

(3)(L)(i)(c) If further briefing is required after a hearing or oral argument, when all permitted briefing is completed, a request to submit is filed, if required, and the matter is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent.

A case is no longer under advisement when the judge makes a decision on the issue that is under advisement or on the entire case.

The final determination occurs when the judge resolves the pending issue by announcing the decision on the record or by issuing a written decision, regardless of whether the parties are required to subsequently submit for the judge's signature a final order memorializing the decision.

(3)(L)(ii) Once a month, each judge shall submit a statement on a form to be provided by the State Court Administrator notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.

(3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under advisement for more than two months to the appropriate state level administrator and indicate the reasons why the case or issue continues to be held under advisement.

(3)(L)(iv) If a case or issue is held under advisement for an additional 30 days, the state level administrator shall report that fact to the [Management Committee Council](#).

(3)(L)(v) If a judge fails to submit a statement required under (3)(L)(ii), the presiding judge shall notify the appropriate state level administrator. If a judge fails to submit a statement for two consecutive months, the state level administrator shall notify the [Management Committee Council](#).

(3)(M) **Board of judges.** The presiding judge shall serve as a liaison between the court and the Board for the respective court level.

(3)(N) **Supervision and evaluation of court commissioners.** The presiding judge is responsible for the development of a performance plan for the Court Commissioner serving in that court and shall prepare an evaluation of the Commissioner's performance on an annual basis. A copy of the performance plan and evaluation shall be maintained in the official personnel file in the Administrative Office.

(3)(O) **Magistrate availability.** The presiding judge in a district court shall consult with the justice court administrator to develop a rotation of magistrates that ensures regular availability of magistrates within the district. The rotation shall take into account each magistrate's caseload, location, and willingness to serve.

Effective May/November 1 June 28, 202\_1

**Rule 3-406. Budget and fiscal management.****Intent:**

To ~~develop and maintain~~accomplish the ~~policies and programs~~mission of the judiciary through sound fiscal management.

To provide ~~for~~ sound fiscal management ~~through the coordinated and cooperative effort of central and local authorities within~~by financially supporting both existing programs and working with the judiciary; to create new programs that enable the Courts to effectively provide an open, fair, efficient and independent system for advancement of justice under the law.

To maintain accountability for appropriated funds, and to maintain a balanced budget.

To cooperate with the Governor and the Legislature in managing the fiscal resources of the state.

**Applicability:**

This rule shall apply to the management of all funds appropriated by the state to the judiciary; as well as grant funds used by the judiciary.

**Statement of the Rule:**

(1) ~~Fiscal offices and programs and program directors established.~~ For purposes of fiscal management, the judiciary is divided into offices (which generally provide services to other areas within the judiciary) and ~~programs (which generally provide services to court patrons).~~ Each office and program budget is managed by a ~~program director~~budget manager who has approval authority from the Administrative Office of the Courts finance group ("AOC Finance") to authorize disbursements. This approval authority is granted based on AOC Finance's periodic review to ensure adequate separation of duties (as defined by generally accepted accounting principles) for each budget manager. The budget manager is designated by the state court administrator ~~and approved by their~~designee. AOC Finance periodically reports to the Budget and Fiscal Management Committee ("BFMC") on the adequacy of separation of duties. The budget of a geographic division shall be managed by the court executive subject to the general supervision of the program director.

**(2) Budget management.**

(2)(A) Responsibility of the councilJudicial Council ("Council"). The responsibility of the Council is to:

(2)(A)(i) cooperate with the Governor and the Legislature in managing the fiscal resources of the state;

(2)(A)(ii) assure that the budget of the judiciary remains within the limits of the appropriation set by the Legislature; and

(2)(A)(iii) allocate funds as required to maintain approved programs and to assure a balanced judicial budget.

**(2)(B) Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(2)(B)(i) implement the directives of the Council;

(2)(B)(ii) ~~direct the management of~~manage the judiciary's budget, ~~including recommendations to reduce or redirect allocations~~; and

(2)(B)(iii) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches.

**(2)(C) Responsibility of ~~the administrative office~~. AOC Finance.** It is the responsibility of ~~the administrative office~~AOC finance to:

(2)(C)(i) ~~clear all warrants and other authorizations for the~~ensure timely payment of all accounts payable ~~for the availability of funds~~;

(2)(C)(ii) monitor all expenditures and collections versus budget;

(2)(C)(iii) provide monthly ~~expenditure~~financial reports ~~by court to court executives, program directors, the state court administrator, Boards of Judges~~budget managers and the ~~Council~~BFMC; and

(2)(C)(iv) develop a manual of procedures ("Accounting Manual") to govern ~~the payment of accounts receivable, accounts payable, trust accounts, the audit thereof, and the audit thereof of administrative procedures generally.~~ The procedures shall be in conformity with generally accepted principles of budgeting and accounting and budget management shall, at a minimum, conform to the requirements of this Code and state law.

**(2)(D) Responsibility of the ~~program directors~~. budget managers.** Within their respective ~~programs~~areas of responsibility, it is the responsibility of the ~~program directors~~budget managers to:

(2)(D)(i) comply with the directives of the Council and the state court administrator;

(2)(D)(ii) administer the reduction or redirection of allocations;

(2)(D)(iii) monitor all expenditures and collections versus budget;

(2)(D)(iv) supervise and manage ~~court~~ budgets in accordance with the ~~manual of procedures~~ Accounting Manual; and

(2)(D)(v) develop recommendations for ~~fiscal~~ judicial priorities, ~~to be funded by the allocation of funds~~ legislature, and ~~the reduction changes to programs and/or redirection of offices that create efficiencies that reduce or redirect~~ allocations.

(2)(E) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(2)(E)(i) comply with the directives of the Council, the state court administrator, ~~and the program director or designee~~, and to consult with the presiding judge and the individual judges of that jurisdiction concerning budget management;

(2)(E)(ii) develop work programs that encumber no more funds than may be allocated, including any reduction in allocation;

(2)(E)(iii) amend work programs as necessary to reflect changes in priorities, spending patterns, or allocation;

(2)(E)(iv) credit and debit accounts that most accurately reflect the nature of the planned expenditure;

(2)(E)(v) authorize expenditures;

(2)(E)(vi) prepare warrants and other authorizations for payment of accounts payable for submission to the ~~Administrative Office~~ AOC finance;

(2)(E)(vii) monitor all expenditures; and ~~revenues versus budget; and~~

(2)(E)(viii) develop recommendations for ~~fiscal~~ judicial priorities, ~~to be funded by the allocation of funds~~ legislature, and ~~the reduction changes to programs and/or redirection of offices that create efficiencies that reduce or redirect~~ allocations.

(2)(F) **Process.** After the legislative general session the ~~BFMC and~~ state court administrator shall consider all sources of funds and all obligated funds and develop a recommended spending plan that most closely achieves the priorities established by the Council at the prior annual planning meeting. The ~~state court administrator~~ BFMC shall ~~review~~ present the recommended spending plan ~~with the Management Committee and present it~~ to the ~~Judicial~~ Council for approval.

### (3) **Budget development.**

(3)(A) **Responsibility of the Council.** It is the responsibility of the Council to:

(3)(A)(i) establish responsible ~~fiscal~~judicial priorities that best enable the judiciary to achieve the goals of its policies;

(3)(A)(ii) develop the budget of the judiciary based upon the needs of organizations and the priorities established by the Council;

(3)(A)(iii) communicate the budget of the judiciary to the executive and legislative branches; and

(3)(A)(iv) allocate funds to the ~~geographic divisions of courts~~budget managers in accordance with priorities established by the Council.

**(3)(B) Responsibility of the juvenile, district, and appellate boards (“Boards”).** It is the responsibility of the Boards to:

(3)(B)(i) develop recommendations for ~~funding~~judicial priorities; and

(3)(B)(ii) review, modify, and approve program budgets for submission to the ~~Council~~BFMC.

**(3)(C) Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(3)(C)(i) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches; ~~and~~

(3)(C)(ii) implement the Council’s fiscal priorities and allocation of funds; ~~and~~

(3)(C)(iii) ~~work with the BFMC and the Boards of judges to manage the judiciary's budget, including recommending (1) judicial priorities to be funded by the legislature, (2) changes to programs and/or offices that create efficiencies that reduce or redirect allocations.~~

**(3)(D) Responsibility of ~~the administrative office~~AOC Finance.** It is the responsibility of ~~the Administrative Office~~AOC Finance to:

(3)(D)(i) develop a schedule for the timely completion of the budget process, including the completion of all intermediate tasks;

(3)(D)(ii) assist program ~~directors~~managers and court executives in the preparation of budget requests; and

(3)(D)(iii) compile the budget of the judiciary.



(3)(E) **Responsibility of the ~~program directors~~ budget managers.** Within their respective ~~programs~~ areas of responsibility, it is the responsibility of ~~program directors~~ budget managers to review, modify, and approve budget requests.

(3)(F) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(3)(F)(i) work closely with presiding judges, judges, and staff to determine the needs of the organization; and

(3)(F)(ii) develop a budget request that adequately and appropriately meets those needs.

**(3)(G) Process.**

(3)(G)(i) Each Board of Judges, each court and committee and each department of the administrative office of the courts may develop, prioritize and justify a budget request. The courts shall submit their requests to the appropriate Board ~~of Judges~~. The committees and the departments of the AOC shall submit their requests to the state court administrator.

(3)(G)(ii) The Boards shall consolidate and prioritize the requests from the courts ~~and the requests originated by the Board. The state court administrator shall consolidate and prioritize the requests from the~~ committees and departments. AOC Finance shall consolidate all of the Boards' prioritized lists for review by the BFMC.

(3)(G)(iii) The ~~state court administrator~~ BFMC shall review and analyze all prioritized budget requests and develop a recommended budget request and funding plan. The ~~state court administrator~~ BFMC shall review the analysis and the recommended budget request and funding plan with the Council.

(3)(G)(iv) At its annual planning meeting the Council shall consider all prioritized requests and the analysis and recommendations of the ~~state court administrator~~ BFMC and approve a prioritized budget request and funding plan for submission to the governor and the legislature.

**(4) General provisions.**

(4)(A) Appropriations dedicated by the Legislature or allocations dedicated by the Council shall be expended in accordance with the stated intent.

(4)(B) All courts and the ~~Administrative Office~~ AOC shall comply with the provisions of state law and the ~~manual of procedures~~ Accounting Manual.

(4)(C) Reductions in allocations, reductions in force, and furloughs may be ordered by the state court administrator with notice to the Council. In amending the work program to reflect a budget cut, reductions in force and furloughs shall be used only when absolutely necessary to maintain a balanced budget. If reductions in force are necessary, they shall be made in accordance with approved personnel procedures. If furloughs are necessary, they should occur for no more than two days per pay period.

**Effective:** ~~5/1/2020~~ May 1, 2023

**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 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.

**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.

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

(1)(E) "Protected person" 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.

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

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

**(2) Exceptions.**

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

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

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

(2)(A)(iii) a conservator issued a permit ~~licensed~~ under Utah Code Section 7-5-2.

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

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

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

**(3) Examination and private information record.**

(3)(A) Before the court enters an order appointing a guardian or conservator, the proposed guardian or conservator must file a verified statement showing satisfactory completion of a court-approved examination on the responsibilities of a guardian or conservator.

(3)(B) Before the court enters an order of appointment, the proposed guardian or conservator must file a completed and verified Private Information Record form provided by the Administrative Office of the Courts.

(3)(C) The guardian or conservator must continue to keep the court apprised of any changes to the guardian or conservator's contact information.

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

~~**(5) Report forms.** Subject to the requirements of Paragraph (6):~~

~~(5)(A) forms substantially conforming to the Judicial Council approved forms are acceptable for content and format;~~

~~(5)(B) a corporate fiduciary may file its internal report or accounting; and~~

~~(5)(C) if the 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.~~

**(56) Information required in reports, Order on Review ~~cover sheet~~, and service.**

(5)(A) Forms substantially conforming to the Judicial Council-approved forms are acceptable for content and format.

(5)(A)(i) A corporate fiduciary shall file its internal report or accounting, if any, as an attachment to the court approved form; and

(5)(A)(ii) If the 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.

~~(56)(A)(B)~~ The annual report and annual accounting must contain sufficient information to put interested persons on notice of all significant events and transactions during the reporting period. Compliance with this provision Paragraph (54) is presumed sufficient, but the court may direct that a report or accounting be prepared with content and format as it deems necessary.

~~(56)(B)(C)~~ The annual report and annual accounting must include the Judicial Council-approved Order on Review of Guardian or Conservator Report ("Order on Review"), which must be filed as a proposed document.

~~(56)(C)(D)~~ 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 report or accounting within 28 days of service. If you do not object within that time, your objection may be waived.**

**(67) Annual status reports.**

~~(67)~~(A) The guardian must file with the appointing court a report on the status of the protected 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 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.

~~(67)~~(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the report is in order, the judge must approve it.

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

**(78) Inventory.**

(78)(A) Within 90 days after the appointment, the conservator 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. The court may extend the time for filing the inventory for good cause.

(78)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the inventory is in order, the judge must approve it.

**(89) Annual accounting.**

(89)(A) The conservator must file with the appointing court an accounting of the estate of the protected 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 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.

(89)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in order, the judge must approve it.

**(949) Final accounting.**

(949)(A) The conservator must file with the court a final accounting of the estate of the protected person with the motion to terminate the appointment.

(949)(B) The court may conduct a hearing even though no objection is filed. If the court finds that the accounting is in order, the court must approve it.

**(104) Objections.**

(104)(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

171 in the court record.

172  
173 (104)(B) The objection must specify in writing the entries to which the person objects and state  
174 the reasons for the objection.

175  
176 (104)(C) An objection to a report or accounting may not contain a request to remove or  
177 substitute the guardian or conservator. Any request for removal or substitution of the guardian  
178 or conservator must be filed as a separate petition consistent with Utah Code Section 75-5-  
179 307 or 75-5-415.

180  
181 (104)(D) If an objection is filed, the court must conduct a hearing unless the court determines  
182 that a hearing is not necessary. If the court determines that a hearing is not necessary, the  
183 court must issue a minute entry or order stating why a hearing is not necessary.

184  
185 (104)(E) At the hearing, the court may require the guardian or conservator to supplement or  
186 amend the report or accounting if the court determines there is good cause for the objection.

187  
188 (104)(F) If the court determines that the objection is unfounded or is filed in bad faith, the court  
189 may deny the objection and approve the report or accounting.

190  
191 (112) **Waiver.** If an interested person does not object to a report or accounting within 28 days of  
192 service, the interested person waives any objection unless:

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

194  
195 (112)(B) the time for objection is extended by the court under Rule 6 of the Utah Rules of Civil  
196 Procedure. If the request for an extension is made before the time has run, the court may  
197 extend the time for good cause. If the request is made after the time has run, the court may  
198 extend for excusable neglect.

199  
200 (123) **Report approval.**

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

208  
209 (123)(B) **Notice to interested persons.** When a court approves a report, the court must note  
210 that approval on the Judicial Council-approved Order on Review and place the Order on  
211 Review in the case file. When a court does not approve a report, the court must indicate on  
212 the Order on Review, or in an order, the reasons for non-approval, any additional actions  
213 required, and serve the Order on Review or order on all interested persons entitled to notice.

214

|215 (1~~3~~<sup>4</sup>) **Report on a minor.** Under Utah Code Section 75-5-209, a person interested in the welfare  
216 of a minor may petition the court for a report from the guardian on the minor's welfare or the  
217 minor's estate. If the court orders a report from the guardian, the status report must be in  
218 substantially the same form as the status report form for guardianships of adults approved by the  
219 Utah Judicial Council, including the required attachments.

220

|221 *Effective May November 1, 202\_2*