

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

March 1, 2024 – 12:00 p.m. to 2:00 p.m.

**Webex**

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Chiara
12:05	<u>Rules back from public comment:</u> <ul style="list-style-type: none"> <li>• <b>CJA 3-108.</b> Judicial assistance</li> <li>• <b>CJA 4-202.02.</b> Records classification</li> <li>• <b>CJA 4-202.03.</b> Records access</li> <li>• <b>CJA 4-208.</b> Automated case processing procedures</li> </ul>	Action	Tab 2	Keisa Williams
12:25	<b>CJA 4-403.</b> Electronic signature and signature stamp use	Action	Tab 3	Meridith Mannebach
12:40	Manner of Appearance Rule	Action	TBD	Keisa Williams
1:00	Technology report <ul style="list-style-type: none"> <li>• Technology Emergency Response Plan</li> </ul>	Action	Tab 4	Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

**2024 Meetings:**

April 5, 2024	September 6, 2024
May 3, 2024 (12:00-4:00)	October 4, 2024
June 7, 2024	November 1, 2024 (12:00-4:00)
July 5, 2024	December 6, 2024
August 2, 2024	

# TAB 1

## Minutes

February 2, 2024

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

Webex video conferencing  
February 2, 2024 – 12 p.m.

**DRAFT**

**MEMBERS:**

**PRESENT**

**EXCUSED**

	PRESENT	EXCUSED
Judge Samuel Chiara, <i>Chair</i>	•	
Judge Suchada Bazzelle	•	
Judge Jon Carpenter	•	
Judge Michael DiReda	•	
Judge James Gardner	•	

**GUESTS:**

Senior Judge Appleby  
Neira Siaperas  
Nathanael Player  
Katsi Pena  
Jon Puente  
Jessica Leavitt  
Bart Olsen  
Jeremy Marsh  
Tucker Samuelson  
Todd Eaton  
Shane Bahr  
Keri Sargent  
Bryson King  
Stacey Snyder

**STAFF:**

Keisa Williams  
Minhvan Thach

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

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the January 5, 2024, meeting. With no changes, Judge DiReda moved to approve the minutes as presented. Judge Carpenter seconded the motion. The motion passed unanimously.

**(2) Rules back from public comment:**

- **CJA 3-104. Presiding Judges**

The proposed amendments to CJA 3-104 replace the definition of cases under advisement with a reference to criteria in CJA 3-101. The amendments also require state level administrators to report to the Management Committee if it is determined that a judge has willfully failed to submit a monthly case under advisement report.

Following a 45-day comment period, no comments were received. Additional amendments to CJA 3-104 related to senior judges have been recommended under Tab 3. The committee waited to take action until after considering those amendments.

- (3) CJA 1-305. Board of Senior Judges**
  - CJA 3-104. Presiding Judges**
  - CJA 3-108. Judicial assistance**
  - CJA 3-111. Performance evaluations**
  - CJA 3-113. Senior judges**
  - CJA 3-403. Judicial branch education**
  - CJA 3-501. Insurance benefits upon retirement**

The Code of Judicial Administration directs the work of senior judges, including the required qualifications, authority, terms, performance, compensation, and appointment procedures. The Board of Senior judges and the Administrative Office of the Courts (AOC) have been reviewing the program and court rules relevant to senior judges with the goal of improving the program and support for senior judges, streamlining processes, and clarifying and aligning court rules.

The most substantive proposed changes to court rules and the senior judge program are summarized below. The Management Committee, boards of judges, trial court executives, and senior judges have reviewed the proposed revisions and provided input.

*UCJA Rule 1-305 Board of Senior Judges*

- Expanded membership of the Board to include senior justice court judges
- Revised the term lengths and the required number of meetings of the Board

*UCJA Rule 3-104 Presiding Judges*

- Removed the section on executing the notice of senior judge appointment

*UCJA Rule 3-108 Judicial Assistance*

- Added water law cases to the criteria for transferring or assigning senior judges
- Clarified and simplified considerations for assigning senior judges

*UCJA Rule 3-111 Performance Evaluations*

- Removed references to senior judges as the processes to evaluate performance of senior judges were incorporated in rule 11-201

*UCJA Rule 3-113 Senior Judges*

- Added a requirement for the AOC to provide a new senior judge orientation
- Expanded responsibilities of the court executives in providing support for senior judges

*UCJA Rule 3-403 Judicial Branch Education*

- Clarified that “annually” refers to the fiscal rather than the calendar year
- Revised and simplified education requirements for active and inactive senior judges

*UCJA Rule 3-501 Insurance Benefits Upon Retirement*

- Revised qualifications for incentive benefits

Revisions to two additional court rules will be presented to the Supreme Court:

*UCJA Rule 11-201 Senior Judges (Supreme Court rule)*

- Revised qualifications for appointment and reappointment of senior judges
- Established qualifications and process for reappointment of senior judges
- Clarified requirements for an active bar license
- Incorporated and revised standards of performance and evaluation processes from UCJA Rule 3-111, and created performance improvement procedures
- Clarified the role of the Judicial Council in the appointment and reappointment of senior judges
- Revised the terms of office for senior judges and the authority of inactive senior judges

*UCJA Rule 11-203 Senior Justice Court Judges (Supreme Court rule)*

- Aligned the changes with Rule 11-201

**Senior Judge Program**

The most significant changes to the senior judge program involve increasing the support for senior judges by implementing a new senior judge orientation and expanding local training and support in districts. The new senior judge orientation will include information on judicial assignments, forms, compensation, training, and incentive benefits for senior judges. Local training in districts will include information on district practices, case management systems, and local expectations.

Additional changes to the program include:

- Revised performance evaluation and surveys of attorneys, presiding judges, and court staff
- New application for reappointment that will align with the revised rules and require active senior judges to declare whether they volunteered for a minimum of two cases per year
- New compensation structure for senior judges who participate on court committees and projects
- Implementation of electronic payment and reimbursement forms

Following a discussion, the committee did not make substantive changes to the proposed rule drafts. The committee noted that the term “Senior Judge” is a defined term and recommended that the term be consistent throughout each of the proposed rule drafts. All proposed amendments to rule 3-104 should be considered for final approval at the same time.

***Following further discussion, Judge Gardner moved to recommend to the Judicial Council that the proposed amendments to CJA rules 1-305, 3-104 (including the amendments recently back from public comment), 3-108, 3-111, 3-113, 3-403, and 3-501 be approved for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.***

**(4) CJA 1-205. Standing and ad hoc committees**

The proposed amendments to CJA 1-205 add community representatives to the following standing committees of the Judicial Council:

- Judicial Branch Education Committee
- Court Facility Planning Committee
- Committee on Children and Family Law
- Committee on Judicial Outreach
- Committee on Resources for Self-represented Parties
- Language Access Committee
- Guardian ad Litem Oversight Committee
- Committee on Pretrial Release and Supervision

- Committee on Court Forms
- Committee on Fairness and Accountability

Community representatives will provide an outside perspective on the processes and procedures of the court. Representatives would be added to the standing committees in quarterly phases and representatives may or may not have a voting seat on the committees. Though staff have received positive feedback and support to include community representatives on standing committees, the proposed amendments have not been approved by each of the impacted committees.

The GAL Oversight Committee expressed appreciation for the idea of having community representatives on standing committees, however, due to the sensitive nature of the items often discussed by the GAL Oversight Committee, the committee does not feel a community representative would be an appropriate fit. The GAL Oversight Committee requested that the decision to add a community representative to its committee be placed on hold until the committee has had more time to consider the issue.

The PP&T committee noted that certain standing committees, such as the Judicial Branch Education Committee, would not benefit from a community representative member, as discussion topics regarding judicial education would not require input from an outside source. The committee supports the idea of adding community representatives to standing committees where it makes sense. The committee would appreciate input from each of the standing committees before considering a rule amendment and asked that the issue be placed on a future agenda with each committees' recommendation.

The committee recommended that the term "two community representatives" be used consistently throughout the rule.

***Following discussion, Judge Bazzelle moved to recommend that the proposed amendments to CJA 1-205 be discussed with each of the impacted standing committees for further feedback and recommendations. Judge Direda seconded the motion. The motion passed unanimously. The proposed amendments will be returned for further consideration at another meeting.***

#### **(5) CJA 306.04. Interpreter appointment, payment, and fees**

The Language Access Program would like to hire court staff interpreters to serve the 5th, 7th, and 8th districts. Currently, rule 3-306.04(2)(A) appears to prohibit the AOC's ability to hire staff interpreters, stating "A court may hire an employee interpreter..." When reviewing the language access rules, Ms. Williams identified several concerns and recommended the following additional amendments:

Rule 3-306.05:

Rule 3-306.05 should be repealed in its entirety. Interpreters on the statewide court roster are independent contractors and the procedures outlined in rule 3-306.05 conflict with contract provisions. The contract states that interpreters serve at the will and pleasure of the AOC and the contract may be terminated at any time, with or without cause. Court employees, including career service employees, do not have the rights contemplated in rule 3-306.05.

Rule 3-306.02:

Removes the reference to rule 3-306.05.

Rule 3-306.03:

The proposed amendments clarify that the rule does not apply to staff interpreters employed by the court, adds clarifying language consistent with standard contract provisions, and gives the Language Access Program Manager the authority to grant a rare language exemption without having to get approval from the Language Access Committee.

**Rule 3-306.04:**

The proposed amendments would remove all language in (2)(A) and (2)(B) related to employment and employee benefits. The AOC's authority to manage personnel is statutory (78A-2-107(1)) and employee benefits are outlined in HR policy. Those issues do not belong in rule. In paragraph (1), judicial officers would have the authority to appoint "approved" interpreters without having to first exhaust the list of certified interpreters, which would deepen the pool of available interpreters. Additional proposed amendments include removing the requirement to conduct a market survey and prohibiting court employees not hired as staff interpreters from interpreting in court proceedings.

Following a discussion, the committee made minor language amendments to the rules. "Administrative Office" is a defined term and should be consistent throughout each rule.

Mr. Puente requested approval of the proposed amendments to rule 3-306.04 on an expedited basis, and Ms. Williams recommended amending the entire packet of rules at the same time. Ms. Williams proposed a February 27, 2024 effective date.

***Following further discussion, Judge Carpenter moved to recommend to the Judicial Council that the proposed amendments to CJA rules 3-306.02, 3-306.03, 3-306.04, and 3-306.05 be approved as final with an expedited effective date of February 27, 2024. Judge DiReda seconded the motion. The motion passed unanimously.***

**(6) CJA 6-304. Grand jury panel**

The proposed amendments change all member terms to 5 years, with no member serving more than 2 consecutive terms, and eliminate the requirement to publish procedures under paragraph (8). Retiring members would be allowed to finish out a term as an active senior judge.

The committee did not recommend additional amendments.

***Following a discussion, Judge Carpenter moved to recommend to the Judicial Council that CJA rule 6-304 be approved for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.***

**(7) HR Policies:**

- **HR07-03. Hour annual leave accrual**
- **HR07-20(3)(a). Leave bank definition**
- **HR Definitions (45), HR13-1. Volunteering**
- **HR08-2. Teleworking**
- **HR03-4, 06-9, 17-5, 17-6, 17-7. Grievance period update**
- **HR08-7. FLSA exempt time reporting**

The Human Resources Policy Review Committee approved the proposed amendments to HR policies. The amendments:

- extend the 7-hour leave accrual benefit to new hires in the Judicial Research and Data Department, consistent with similar IT positions;
- amend the definition of “leave bank” to loosen eligibility requirements for the Leave Bank, allowing greater utilization;
- bring transparency to the compensation structure for ERG involvement while complying with the FLSA;
- delete a reference to the Division of Human Resources Utah Performance Management System, which the judicial branch does not use;
- reduce the grievance period from 60 days to 10 days; and
- clarify the reporting of absences for FLSA employees.

The committee did not recommend additional amendments. As the HR policies are internal policies, they do not go out for public comment.

***With no further discussion, Judge Gardner moved to recommend to the Judicial Council that HR policies 07-03, 07-20, Definition (45), 13-1, 13-2, 13-3, 13-4, 08-02, 03-4, 06-9, 17-5, 17-6, 17-7, and 08-7 be approved as proposed. Judge Carpenter seconded the motion. The motion passed unanimously.***

#### **Technology report/proposals:**

The Technology Advisory Committee will be meeting in March to discuss the courts’ emergency response plan, specifically addressing steps that will be taken if a cyber security event takes out Information Technology infrastructure. The committee will be reviewing the current procedural plan and updating it to include a list of key internal contacts, vendors, and local law enforcement support.

The committee will also be conducting a final review of the device standard for court-owned laptops and meeting with the Education Department to develop an internal cyber security awareness training for all judicial branch employees. The current cyber security awareness training is created by the Department of Technology Services, much of which does not apply to the judiciary. The internal training will be made available to judicial branch employees through the Learning Management System.

#### **Old Business/New Business:**

Judge Gardner noted that, at its last meeting, the Judicial Council discussed creating a Code of Judicial Administration rule for holding virtual and in-person hearings. The rule would address when it is appropriate to hold virtual, hybrid, or in-person hearings, factoring in the parties’ unique situation. A draft rule may be coming to PP&T for review at a future meeting.

**Adjourn:** With no further items for discussion, the meeting adjourned at 1:50 p.m. The next meeting will be held on March 1, 2024, at noon via Webex video conferencing.



# TAB 2

## **Back from Public Comment:**

### **CJA 3-108. Judicial assistance**

### **CJA 4-202.02. Records classification**

### **CJA 4-202.03. Records access**

### **CJA 4-208. Automated case processing procedures**

#### **Notes:**

#### **CJA 3-108. Judicial assistance.**

The proposed amendments authorize the presiding officer of the Council to appoint a juvenile court presiding judge as the signing judge for automatic expungements in juvenile court cases within the district.

- No public comments were received

#### **CJA 4-208. Automated case processing procedures**

The proposed amendments 1) extend the application of the rule to automated expungement in juvenile courts and 2) prohibit automatic expungement orders from being manually issued by judges outside of the automated processes approved by the Judicial Council in Rule 4-208.

- No public comments were received

#### **CJA 4-202.02. Records classification**

#### **CJA 4-202.03. Records access**

The proposed amendments are intended to clarify the classification of and access to juvenile court records for both court staff and patrons.

- No public comments were received on rule 4-202.02.
- Two public comments were received on rule 4-202.03 (see attached)
- Received additional feedback from staff regarding a perceived conflict between (5)(L) and (5)(O). Added clarifying language to line 147.

Response to comment #1: Added the highlighted language in lines 17-18

Response to comment #2: The definition of “adoption documents” in [78B-6-103](#) expressly includes a “decree of adoption” and we are only allowed to provide “adoption documents” as outlined in [78B-6-141](#). The proposed amendments to (2)(A)(i-vi) encompass the circumstances under which we can do so. A person can file a petition for access and the court may grant access “after good cause has been shown” (78B-6-141(3)(c)). I have referred the question about URCP 107(a) to the Advisory Committee on the Rules of Civil Procedure and will speak with staff about updates to the court form referenced in the comment.

Relevant code provisions:

Definitions in [78B-6-103](#):

- “**Adoptee**” means a person who 1) is the subject of an adoption proceeding, or 2) has been legally adopted.
- “**Adoption documents**” means an adoption-related document filed with the office, a petition for adoption, **decree of adoption**, an original birth certificate, or evidence submitted in support of a supplementary birth certificate.
- “**Adult adoptee**” means an adoptee who is 18 years of age or older and was adopted as a minor.
- “**Mature adoptee**” means an adoptee who is adopted when the adoptee is an adult.

[78B-6-141](#):

- (2) An **adoption document** and any other documents filed in connection with a petition for adoption are sealed.
- (3) The documents described in (2) may only be open to inspection and copying:
  - (a) in accordance with (5)(a)[*re motions to intervene*], by a party to the adoption proceeding while the proceeding is pending or within 6 months after the day on which the adoption decree is entered
  - (c) upon order of the court expressly permitting inspection or copying, after good cause has been shown
  - (d) as provided in [78B-6-144](#) [*mutual consent, etc*]
  - (e) when the adoption document becomes public on the 100<sup>th</sup> anniversary of the date the final decree of adoption was entered

- (f) when the birth certificate becomes public on the 100th anniversary of the date of birth
  - (h) to an adult adoptee, to the extent permitted under (4)
- (4)(a) an adult adoptee born in UT may access an adoption document associated with the adult adoptee's adoption without a court order: (i) to the extent that a birth parent consents under (4)(b), or (ii) if the birth parents listed on the original birth certificate are deceased.
- (4)(b) A birth parent may: (i) provide consent to allow access ...

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Posted: December 20, 2023

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## Code of Judicial Administration – Comment Period Closed February 3, 2024

**CJA03-0108. Judicial assistance (AMEND).** Authorizes the presiding officer of the Judicial Council to appoint a juvenile court presiding judge as the signing judge for automatic expungement orders in juvenile court cases within the presiding judge’s district.

**CJA04-0202.02. Records classification (AMEND)**

**CJA04-0202.03. Records access (AMEND)**

*\*Note: Rule drafts include amendments approved by the Judicial Council on November 20, 2023, also effective January 1, 2024. Amends records classification and access to certain juvenile court social records, juvenile court legal records, and adoption records to align with rules of procedure and Utah code. Amendments also allow attorneys representing individuals authorized access to adoption, expungement, and juvenile court social records to obtain copies of the records with a signed and notarized release.*

**CJA04-0208. Automated case processing procedures (AMEND).** Expands the rule to encompass an automated expungement process for successful nonjudicial adjustments in juvenile court cases and prohibits judges from manually issuing automatic expungement orders outside of automated processes approved by the Judicial Council.

This entry was posted in [-Code of Judicial Administration, CJA03-0108, CJA04-0202.02, CJA04-0202.03, CJA04-0208.](#)

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.

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February 1, 2024 »

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2 thoughts on “Code of Judicial Administration – Comment Period Closed February 3, 2024”

Keri Sargent  
January 23, 2024 at 9:19 am

In re the possible changes to CJA 4-202.03(2)(A)(vi) – if the records requester indicates that they have met these qualifications to access the adoption record, would judicial assistants need to verify that they do? Currently, there is not a way for court staff to independently verify what the requester is saying. Could language be added to this portion of the rule indicating that, if needed, the records requester will provide that information?

Mikelle Ostler  
January 25, 2024 at 4:08 pm

In conferring with another Clerk of Court, we wondered if requiring a birth certificate might create an unintended barrier. In most of the cases we see in Juvenile Court, the certified copy of the adoption decree is requested so that they can obtain the birth certificate. Is there a provision that the person could move for the court to grant their request if they are unable to provide these documents?

Would this new rule supersede URCP 107 that currently only requires presentation of positive identification? URCP 107(a) is referenced in the title of the document available on the Self Help page for this requests.

[https://legacy.utcourts.gov/howto/family/adoption/records/docs/01\\_Request\\_for\\_Certified\\_Copy\\_of\\_Adoption\\_Decree.pdf](https://legacy.utcourts.gov/howto/family/adoption/records/docs/01_Request_for_Certified_Copy_of_Adoption_Decree.pdf)

- -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
- CJA02-0101
- CJA02-0103
- CJA02-0104
- CJA02-0106.01
- CJA02-0106.02
- CJA02-0106.03
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- CJA02-0204
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- CJA03-0114
- CJA03-0115
- CJA03-0116
- CJA03-0117
- CJA03-0201
- CJA03-0201.02
- CJA03-0202
- CJA03-0301
- CJA03-0301.01

1 **Rule 3-108. Judicial assistance.**

2

3 **Intent:**

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

5

6 **Applicability:**

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

9

10 **Statement of the Rule:**

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

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

15

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

17

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

20

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

24

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

26

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

31

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

34

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

37

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

39

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

41

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

43 (2)(A) Unless exigent circumstances occur, a presiding judge shall seek assistance  
44 under the priorities listed in paragraph (3) before assigning a senior judge.  
45

46 (2)(B) If the assignment of a senior judge shall be for more than 14 judicial days, the  
47 presiding judge shall seek approval from the Management Committee, and present to  
48 the Management Committee a plan for meeting the needs of the court and a budget to  
49 implement the plan. The plan should describe the calendars to be covered by judges of  
50 the district, judges of other districts, and senior judges. The budget should estimate the  
51 funds needed for travel by the judges and senior judges.  
52

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

55 (3)(A) experience and familiarity with the subject matter, including, in district court cases  
56 involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial  
57 Administration, knowledge of the theory and practice of ad valorem, excise, income,  
58 sales and use, and corporate taxation;  
59

60 (3)(B) active judges before active senior judges with consideration of the following:  
61

62 (3)(B)(i) active judges from a court of equal jurisdiction in a different geographical  
63 division than the court in need, and who are in close proximity to that court;  
64

65 (3)(B)(ii) active senior judges from a court of equal jurisdiction to the court in  
66 need and who are in close proximity to that court;  
67

68 (3)(B)(iii) active judges from a court of different jurisdiction than the court in need  
69 whose subject matter jurisdiction is most closely related to that court and who are  
70 in close proximity to that court;  
71

72 (3)(B)(iv) active judges from a court of equal jurisdiction in a different  
73 geographical division than the court in need who are far removed from that court;  
74

75 (3)(B)(v) active or active senior judges from a court of different jurisdiction than  
76 the court in need whose subject matter jurisdiction is similar to that court and who  
77 are not in close proximity to that court;  
78

79 (3)(C) availability;  
80

81 (3)(D) expenses and budget.  
82

83 **(4) Assignment of active judges.**

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

86 judge of the district in which the judge to be assigned normally sits or, in district court  
87 cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial  
88 Administration, assignment by the supervising tax judge with the approval of the  
89 presiding officer of the Council.  
90

91 (4)(B) Any active judge of a court of record may serve temporarily as the judge of a court  
92 with different jurisdiction in the same or a different judicial district upon assignment by  
93 the presiding officer of the Council or assignment by the state court administrator or  
94 designee with the approval of the presiding officer of the Council.  
95

96 (4)(C) The presiding officer of the Council may appoint a district or juvenile court  
97 presiding judge as the signing judge for automatic expungements and deferred traffic  
98 prosecution orders in all district or juvenile courts within the presiding judge's district with  
99 jurisdiction over eligible cases. The length of the assignment may coincide with the  
100 judge's term as presiding judge.  
101

102 (4)(D) The assignment shall be made only after consideration of the judge's calendar.  
103 The assignment may be for a special or general assignment in a specific court or  
104 generally within that level of court and shall be for a specific period of time, or for the  
105 duration of a specific case. Full time assignments in excess of 30 days in a calendar  
106 year shall require the concurrence of the assigned judge. The state court administrator  
107 or designee shall report all assignments to the Council on an annual basis.  
108

109 (4)(E) Requests for the assignment of a judge shall be conveyed, through the presiding  
110 judge, to the person with authority to make the assignment under paragraphs (A) and  
111 (B). A judge who is assigned temporarily to another court shall have the same powers as  
112 a judge of that court.  
113

114 (5) **Notice of assignments.** Notice of assignments made under this rule shall be made in  
115 writing, a copy of which shall be sent to the state court administrator or designee.  
116

117 (6) **Schedule of trials or court sessions.** The state court administrator or designee, under the  
118 supervision of the presiding officer of the Council, may schedule trials or court sessions and  
119 designate a judge to preside, assign judges within courts and throughout the state, reassign  
120 cases to judges, and change the county for trial of any case if no party to the litigation files  
121 timely objections to the change.  
122

123 *Effective: ~~October 1, 2022~~ January 1, 2024*



1 **Rule 4-202.02. Records Classification.**

2

3 **Intent:**

4 To classify court records as public or non-public.

5

6 **Applicability:**

7 This rule applies to the judicial branch.

8

9 **Statement of the Rule:**

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

12

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

14

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

16

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

19

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

21

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

23

24 (2)(E) audit reports;

25

26 (2)(F) case files;

27

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

30

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

33

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

36

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

39

40 (2)(K) financial records;

41

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

45

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

47

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

49

- 50 (2)(L)(iii) licensed paralegal practitioner name;  
51  
52 (2)(L)(iv) case number;  
53  
54 (2)(L)(v) case status;  
55  
56 (2)(L)(vi) civil case type or criminal violation;  
57  
58 (2)(L)(vii) civil judgment or criminal disposition;  
59  
60 (2)(L)(viii) daily calendar;  
61  
62 (2)(L)(ix) file date;  
63  
64 (2)(L)(x) party name;  
65  
66 (2)(M) name, business address, business telephone number, and business email  
67 address of an adult person or business entity other than a party or a victim or witness of  
68 a crime;  
69  
70 (2)(N) name, address, telephone number, email address, date of birth, and last four  
71 digits of the following: driver's license number; social security number; or account  
72 number of a party;  
73  
74 (2)(O) name, business address, business telephone number, and business email  
75 address of a lawyer or licensed paralegal practitioner appearing in a case;  
76  
77 (2)(P) name, business address, business telephone number, and business email  
78 address of court personnel other than judges;  
79  
80 (2)(Q) name, business address, and business telephone number of judges;  
81  
82 (2)(R) name, gender, gross salary and benefits, job title and description, number of  
83 hours worked per pay period, dates of employment, and relevant qualifications of a  
84 current or former court personnel;  
85  
86 (2)(S) unless classified by the judge as private or safeguarded to protect the personal  
87 safety of the juror or the juror's family, the name of a juror empaneled to try a case, but  
88 only 10 days after the jury is discharged;  
89  
90 (2)(T) opinions, including concurring and dissenting opinions, and orders entered in open  
91 hearings;  
92  
93 (2)(U) order or decision classifying a record as not public;  
94  
95 (2)(V) private record if the subject of the record has given written permission to make the  
96 record public;  
97  
98 (2)(W) probation progress/violation reports;  
99  
100 (2)(X) publications of the administrative office of the courts;

101  
102 (2)(Y) record in which the judicial branch determines or states an opinion on the rights of  
103 the state, a political subdivision, the public, or a person;

104  
105 (2)(Z) record of the receipt or expenditure of public funds;

106  
107 (2)(AA) record, ~~or minutes, or transcript~~ of an open meeting; ~~or hearing and the~~  
108 ~~transcript of them;~~

109  
110 (2)(BB) official audio record, minutes, or transcript of an open hearing;

111  
112 (2)(~~CCBB~~) record of formal discipline of current or former court personnel or of a person  
113 regulated by the judicial branch if the disciplinary action has been completed, and all  
114 time periods for administrative appeal have expired, and the disciplinary action was  
115 sustained;

116  
117 (2)(~~DDGG~~) record of a request for a record;

118  
119 (2)(~~EEDD~~) reports used by the judiciary if all of the data in the report is public or the  
120 Judicial Council designates the report as a public record;

121  
122 (2)(~~FFEE~~) rules of the Supreme Court and Judicial Council;

123  
124 (2)(~~GGFF~~) search warrants, the application and all affidavits or other recorded testimony  
125 on which a warrant is based are public after they are unsealed under Utah Rule of  
126 Criminal Procedure 40;

127  
128 (2)(~~HHGG~~) statistical data derived from public and non-public records but that disclose  
129 only public data; and

130  
131 (2)(~~IIHH~~) notwithstanding subsections (6) and (7), if a petition, indictment, or information  
132 is filed charging a person 14 years of age or older with a felony or an offense that would  
133 be a felony if committed by an adult, the petition, indictment or information, the  
134 adjudication order, the disposition order, and the delinquency history summary of the  
135 person are public records. The delinquency history summary shall contain the name of  
136 the person, a listing of the offenses for which the person was adjudged to be within the  
137 jurisdiction of the juvenile court, and the disposition of the court in each of those  
138 offenses. Upon a finding of good cause on the record, the juvenile court may reclassify  
139 these records as non-public.

140  
141 **(3) Sealed Court Records.** The following court records are sealed:

142  
143 (3)(A) records in the following actions:

144  
145 (3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the  
146 conclusion of proceedings, which are private until sealed;

147  
148 (3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after  
149 the conclusion of proceedings, which are private until sealed;

150

- 151 (3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on  
152 minors; and  
153  
154 (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;  
155  
156 (3)(B) expunged records;  
157  
158 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah  
159 Code Section 77-23a-15;  
160  
161 (3)(D) records showing the identity of a confidential informant;  
162  
163 (3)(E) records relating to the possession of a financial institution by the commissioner of  
164 financial institutions under Utah Code Section 7-2-6;  
165  
166 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;  
167  
168 (3)(G) records designated as sealed by rule of the Supreme Court;  
169  
170 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of  
171 any legal proceedings;  
172  
173 (3)(I) on appeal, any record previously designated as sealed by another court; ~~and~~  
174  
175 (3)(J) video record of a court proceeding, other than security video; and  
176  
177 (3)(~~K~~~~J~~) other records as ordered by the court under Rule 4-202.04.

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

- 180 (4)(A) records in the following actions:  
181  
182 (4)(A)(i) Section 26B-5-332, Involuntary commitment under court order;  
183  
184 (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System  
185 database;  
186  
187 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are  
188 sealed;  
189  
190 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records  
191 are sealed;  
192  
193 (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court  
194 restitution judgment; and  
195  
196 (4)(A)(vi) Section 26B-8-111, Sex designation changes, and name changes  
197 combined with sex designation changes for both minors and adults, except that:  
198  
199 (4)(A)(vi)(a) the case history is public for minors; and  
200  
201

202 (4)(A)(vi)(b) the case history and record of public hearings are public for  
203 adults.  
204

205 (4)(B) records in the following actions, except that the case history, judgments, orders,  
206 decrees, letters of appointment, and the record of public hearings are public records:  
207

208 (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations  
209 orders, except that an action for consortium due to personal injury under Section  
210 30-2-11 is public;  
211

212 (4)(B)(ii) Title 75, Chapter 5, Protection of Persons Under Disability and their  
213 Property;  
214

215 (4)(B)(iii) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;  
216

217 (4)(B)(iv) Title 78B, Chapter 12, Utah Child Support Act;  
218

219 (4)(B)(v) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and  
220 Enforcement Act;  
221

222 (4)(B)(vi) Title 78B, Chapter 14, Uniform Interstate Family Support Act;  
223

224 (4)(B)(vii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and  
225

226 (4)(B)(viii) an action to modify or enforce a judgment in any of the actions in this  
227 subparagraph (B);  
228

229 (4)(C) records related to determinations of indigency;  
230

231 (4)(D) an affidavit supporting a motion to waive fees;  
232

233 (4)(E) aggregate records other than public aggregate records under subsection (2);  
234

235 (4)(F) alternative dispute resolution records;  
236

237 (4)(G) applications for accommodation under the Americans with Disabilities Act;  
238

239 (4)(H) jail booking sheets;  
240

241 (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;  
242

243 (4)(J) judgment information statement;  
244

245 (4)(K) judicial review of final agency action under Utah Code Section 80-2-707;  
246

247 (4)(L) the following personal identifying information about a party: driver's license  
248 number, social security number, account description and number, password,  
249 identification number, maiden name and mother's maiden name, and similar personal  
250 identifying information;  
251

- 252 (4)(M) the following personal identifying information about a person other than a party or  
253 a victim or witness of a crime: residential address, personal email address, personal  
254 telephone number; date of birth, driver's license number, social security number,  
255 account description and number, password, identification number, maiden name,  
256 mother's maiden name, and similar personal identifying information;  
257
- 258 (4)(N) medical, psychiatric, or psychological records;  
259
- 260 (4)(O) name of a minor, except that the name of a minor party is public in the following  
261 district and justice court proceedings:  
262
- 263 (4)(O)(i) name change of a minor, unless the name change is combined with a  
264 sex designation change;  
265
- 266 (4)(O)(ii) guardianship or conservatorship for a minor;  
267
- 268 (4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;  
269
- 270 (4)(O)(iv) protective orders and stalking injunctions; and  
271
- 272 (4)(O)(v) custody orders and decrees;  
273
- 274 (4)(P) nonresident violator notice of noncompliance;  
275
- 276 (4)(Q) personnel file of a current or former court personnel or applicant for employment;  
277
- 278 (4)(R) photograph, film, or video of a crime victim;  
279
- 280 (4)(S) record of a court hearing closed to the public or of a child's testimony taken under  
281 URCrP 15.5:  
282
- 283 (4)(S)(i) permanently if the hearing is not traditionally open to the public and  
284 public access does not play a significant positive role in the process; or  
285
- 286 (4)(S)(ii) if the hearing is traditionally open to the public, until the judge  
287 determines it is possible to release the record without prejudice to the interests  
288 that justified the closure;  
289
- 290 (4)(T) record submitted by a senior judge or court commissioner regarding performance  
291 evaluation and certification;  
292
- 293 (4)(U) record submitted for in camera review until its public availability is determined;  
294
- 295 (4)(V) reports of investigations by Child Protective Services;  
296
- 297 (4)(W) statement in support of petition to determine competency;  
298
- 299 (4)(X) victim impact statements;  
300

- 301 (4)(Y) name of a prospective juror summoned to attend court, unless classified by the  
302 judge as safeguarded to protect the personal safety of the prospective juror or the  
303 prospective juror's family;  
304  
305 (4)(Z) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure,  
306 except briefs filed pursuant to court order;  
307  
308 (4)(AA) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;  
309  
310 (4)(BB) records related to Court Commissioner Conduct Committee and Council actions  
311 under Rule 3-201.02, other than a public censure by the Council, and  
312  
313 (4)(CC) other records as ordered by the court under Rule 4-202.04.  
314

315 **(5) Protected Court Records.** The following court records are protected:  
316

- 317 (5)(A) attorney's work product, including the mental impressions or legal theories of an  
318 attorney or other representative of the courts concerning litigation, privileged  
319 communication between the courts and an attorney representing, retained, or employed  
320 by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-  
321 judicial, or administrative proceeding;  
322  
323 (5)(B) records that are subject to the attorney client privilege;  
324  
325 (5)(C) bids or proposals until the deadline for submitting them has closed;  
326  
327 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation  
328 before issuance of the final recommendations in these areas;  
329  
330 (5)(E) budget recommendations, legislative proposals, and policy statements, that if  
331 disclosed would reveal the court's contemplated policies or contemplated courses of  
332 action;  
333  
334 (5)(F) court security plans;  
335  
336 (5)(G) investigation and analysis of loss covered by the risk management fund;  
337  
338 (5)(H) memorandum prepared by staff for a member of any body charged by law with  
339 performing a judicial function and used in the decision-making process;  
340  
341 (5)(I) confidential business records under Utah Code Section 63G-2-309;  
342  
343 (5)(J) record created or maintained for civil, criminal, or administrative enforcement  
344 purposes, audit or discipline purposes, or licensing, certification or registration purposes,  
345 if the record reasonably could be expected to:  
346  
347 (5)(J)(i) interfere with an investigation;  
348  
349 (5)(J)(ii) interfere with a fair hearing or trial;  
350  
351 (5)(J)(iii) disclose the identity of a confidential source; or

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(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, dispositional, and social summary reports;

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

(6)(F) referral reports;

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



403 (6)(H) treatment or service plans;

404  
405 (6)(I) nonjudicial adjustment records; and

406  
407 (6)(J) documents filed with the court that were received pursuant to the Utah Interstate  
408 Compact for Juveniles.

409  
410 **(7) Juvenile Court Legal Records.** The following are juvenile court legal records:

411 (7)(A) accounting records;

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

413  
414 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,  
415 findings, orders, decrees, probable cause statements;

416  
417  
418 (7)(D) name of a party or minor;

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

420  
421 (7)(F) referral and offense histories; and

422  
423  
424 (7)(G) ~~and~~ any other juvenile court record regarding a minor that is not designated as a  
425 social record.  
426

427  
428 **(8) Safeguarded Court Records.** The following court records are safeguarded:

429  
430 (8)(A) upon request, location information, contact information, and identity information,  
431 other than the name of a petitioner and other persons to be protected, in an action filed  
432 under Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

433  
434 (8)(B) upon request, location information, contact information and identity information,  
435 other than the name of a party or the party's child, after showing by affidavit that the  
436 health, safety, or liberty of the party or child would be jeopardized by disclosure in a  
437 proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and  
438 Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title  
439 78B, Chapter 15, Utah Uniform Parentage Act;

440  
441 (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or  
442 (8)(B), location information, contact information and identity information, other than the  
443 name of a party or the party's child, in a proceeding under Title 30, Husband and Wife.

444  
445 (8)(D) location information, contact information, and identity information of prospective  
446 jurors on the master jury list or the qualified jury list;

447  
448 (8)(E) location information, contact information, and identity information other than name  
449 of a prospective juror summoned to attend court;

450  
451 (8)(F) the following information about a victim or witness of a crime:  
452

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

455  
456 (8)(F)(ii) date of birth, driver's license number, social security number, account  
457 description and number, password, identification number, maiden name,  
458 mother's maiden name, and similar personal identifying information.

459  
460 *Effective: January 1, 2024*

1 **Rule 4-202.03. Records Access.**

2  
3 **Intent:**

4 To identify who may access court records.

5 **Applicability:**

6 This rule applies to the judicial branch.

7 **Statement of the Rule:**

8  
9 (1) **Public Court Records.** Any person may access a public court record.

10  
11 (2) **Sealed Court Records.** No one may access a sealed court record except as authorized  
12 ~~under (2)(A) and (2)(B)~~ below or by order of the court. A judge may review a sealed record when  
13 the circumstances warrant.

14  
15 (2)(A) **Adoption ~~decree~~ records.** ~~An adoptive parent or adult adoptee may obtain a~~  
16 ~~certified copy of the adoption decree upon request and presentation of positive~~  
17 ~~identification. Upon request, presentation of positive identification, and evidence that the~~  
18 ~~requester qualifies for access, an adoption petition, and any other documents filed in~~  
19 ~~connection with the adoption, may be open to inspection and copying:~~

20  
21 ~~(2)(A)(i) by a party to the adoption proceeding while the proceeding is pending or~~  
22 ~~within six months after the day on which the adoption decree is entered;~~

23  
24 ~~(2)(A)(ii) when the adoption document becomes public on the one hundredth~~  
25 ~~anniversary of the date of the final decree of adoption was entered;~~

26  
27 ~~(2)(A)(iii) when the birth certificate becomes public on the one hundredth~~  
28 ~~anniversary of the date of birth;~~

29  
30 ~~(2)(A)(iv) by an attorney who is not the attorney of record with a release from an~~  
31 ~~individual authorized access under this rule that is signed and notarized not more~~  
32 ~~than 90 days before the date of the request for the records;~~

33  
34 ~~(2)(A)(v) by an individual who was 18 years of age or older at the time of~~  
35 ~~adoption or their adoptive parent, without a court order, unless the final decree of~~  
36 ~~adoption was entered by the juvenile court; and~~

37  
38 ~~(2)(A)(vi) by an individual who was a minor at the time of adoption, if the~~  
39 ~~individual is 18 years of age or older and was born in the state of Utah, but only~~  
40 ~~to the extent the birth parent consented to access under the Utah Adoption Act or~~  
41 ~~if the birth parents listed on the original birth certificate are deceased.~~

42  
43 (2)(B) **Expunged records.**

44  
45 (2)(B)(i) The following may obtain certified copies of the expungement order and  
46 the case history upon request and ~~in-person~~ presentation of positive  
47 identification:  
48

49 (2)(B)(i)(a) the petitioner or an individual who receives an automatic  
50 expungement under Utah Code Chapter 40a or Section 77-27-5.1;

51  
52 (2)(B)(i)(b) a law enforcement officer involved in the case, for use solely in  
53 the officer's defense of a civil action arising out of the officer's  
54 involvement with the petitioner in that particular case; ~~and~~

55  
56 (2)(B)(i)(c) parties to a civil action arising out of the expunged incident, if  
57 the information is kept confidential and utilized only in the action; ~~and-~~

58  
59 (2)(B)(i)(d) an attorney who is not the attorney of record with a release  
60 from an individual authorized access under this rule that is signed and  
61 notarized not more than 90 days before the date of the request.

62  
63 (2)(B)(ii) Information contained in expunged records may be accessed by  
64 qualifying individuals and agencies under Utah Code Section 77-40a-403 upon  
65 written request and approval by the state court administrator in accordance with  
66 Rule 4-202.05. Requests must include documentation proving that the requester  
67 meets the conditions for access and a statement that the requester will comply  
68 with all confidentiality requirements in Rule 4-202.05 and Utah Code.

69  
70 (2)(C) Video records. An official court transcriber may obtain a video record of a court  
71 proceeding for the purposes outlined in Rule 5-202. A court employee may obtain a  
72 video record of a court proceeding if needed to fulfill official court duties.

73  
74 (3) **Private Court Records.** The following may access a private court record:

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

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

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

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

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

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

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

87 (3)(H) anyone by court order;

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

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

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

92

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

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

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

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

98 (4)(D) the attorney or licensed paralegal practitioner for the person who submitted the  
99 record or for the person or governmental entity whose interests are protected by closure  
100 or for the parent or guardian of the person if the person is an unemancipated minor or  
101 under a legal incapacity or an individual who has a power of attorney from such person  
102 or governmental entity;103 (4)(E) an individual with a release from the person who submitted the record or from the  
104 person or governmental entity whose interests are protected by closure or from the  
105 parent or guardian of the person if the person is an unemancipated minor or under a  
106 legal incapacity signed and notarized no more than 90 days before the date the request  
107 is made;108 (4)(F) a party, attorney for a party, or licensed paralegal practitioner for a party to  
109 litigation in which the record is filed;

110 (4)(G) anyone by court order;

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

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

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

115

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

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

118 (5)(B) a parent or guardian of the subject of the record, or their attorney, if the subject is  
119 an unemancipated minor;

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

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

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

124 (5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian  
125 ad Litem, and an Attorney General involved in the litigation in which the record is filed;126 (5)(G) a governmental entity charged with custody, guardianship, protective supervision,  
127 probation or parole of the subject of the record including juvenile probation, Division of  
128 Child and Family Services and Juvenile Justice Services;

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

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

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

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

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

140 (5)(M) anyone by court order.

141 (5)(N) Dispositional reports on delinquency cases may be accessed by the minor's  
142 counsel, the prosecuting attorney, the guardian ad litem, and the counsel for the parent,  
143 guardian, or custodian of a child. When a minor or minor's parent, guardian, or custodian  
144 is not represented by counsel the court may limit inspection of reports by the minor or  
145 the minor's parent, guardian, or custodian if the court determines it is in the best interest  
146 of the minor.

147 (5)(~~ON~~) Except as provided in (5)(L), juvenile court competency evaluations,  
148 psychological evaluations, psychiatric evaluations, psychosexual evaluations, sex  
149 behavior risk assessments, and other sensitive mental health and medical records may  
150 be accessed only by:

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

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

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

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

160 (5)(~~ON~~)(iv) court personnel, but only to achieve the purpose for which the record  
161 was submitted; and

162 (5)(~~ON~~)(vi) anyone by court order.

163 (5)(P) When releasing records under (5)(P)(iv), the court should consider whether  
164 releasing the records to the subject of the record would be detrimental to the subject's  
165 mental health or the safety of any individual, or would constitute a violation of normal  
166 professional practice and medical ethics.

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

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**(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) Records prepared and maintained by juvenile court probation that are not filed in a juvenile court case are not open for inspection except by order of the court.

~~(98)~~ 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.

~~(109)~~ 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: January 1, 2024*

1 **Rule 4-208. Automated case processing procedures.**

2 **Intent:**

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

5

6 This rule applies to cases in district, juvenile, and justice courts.

7 **Statement of the Rule:**

8 (1) **Definitions.** "Expunge" means to seal or otherwise restrict access to the individual's court  
9 record.

10 (2) **Automated expungement and deferred traffic prosecution processes**

11 (2)(A) The Administrative Office of the Courts shall develop and implement automated  
12 expungement and deferred traffic prosecution processes.

13 (2)(B) Automated processes must comply with the requirements outlined in the Utah  
14 Rules of Procedure and the Utah Code.

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

17 (2)(D) No automatic expungement orders under Utah Code Title 77, Chapter 40a, Part  
18 2 shall issue outside of the automated processes approved by the Utah Judicial  
19 Council.

20 (3) **Standing and automated orders**

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

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

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



- 33 (3)(D) If the district, juvenile, or justice court presiding judge determines that the  
34 requirements under the Utah Code, Utah Rules of Procedure, and this rule have  
35 been met, the presiding judge shall issue a standing order authorizing the  
36 Administrative Office of the Courts to prepare and automatically affix the  
37 presiding judge's judicial signature to orders of expungement and deferred traffic  
38 prosecution issued in relation to cases from that judicial district.
- 39 (3)(E) The form and content of automated orders must be approved by the Utah  
40 Judicial Council.
- 41 (4) **Notice of action taken.** The Administrative Office the Courts shall send notice that an  
42 order of deferred traffic prosecution has been issued in accordance with the Utah Rules of  
43 Procedure. Notifications and orders may be sent electronically.

44 *Effective ~~May/November 1, 20~~ January 1, 2024*

# TAB 3

## **CJA 4-403. Electronic signature and signature stamp use**

**Notes:** See attached request form

Date of Request \*

MM DD YYYY

02 / 26 / 2024

Name of Requester \*

Meredith Mannebach on behalf of the Board of District Court Judges


Requester Phone Number \*

8015419027

Name of Requester's Supervisor \*

Shane Bahr

Please attach all required documents as outlined above.

 Rule 4 403 signa...

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 \*

4-403

Brief Description of Proposal \*

expanding the list of documents a clerk can use a Judge's signature stamp. This proposal has been taken and approved by the Justice, Juvenile and District court boards

Reason Amendment is Needed \*

Due to audits, there has been discussion on what is required if not listed in this rule. If not listed in the Rule, then permission to use the judge signature stamp has to be kept on a document by document basis. So make some frequently used documents allowable, they are added to the list in the Rule

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. \*

District, Juvenile, and Justice Judges and JA's

.....

Technology

1 **Rule 4-403. Electronic signature and signature stamp use.**

2

3 **Intent:**

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

6 **Applicability:**

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

8 **Statement of the Rule:**

9 (1) **Approved list.**

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

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

14 (1)(~~AB~~)(ii) bench warrants;

15 (1)(~~AC~~)(iii) civil orders for dismissal when submitted by the plaintiff in  
16 uncontested cases or when stipulated by both parties in contested cases;

17 (1)(~~AD~~)(iv) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP  
18 4(b);

19 (1)(~~AE~~)(v) orders to show cause and orders to appear/attend under URCP  
20 7A(c)(4) and URCP 7B(c)(4);

21 (1)(~~AF~~)(vi) orders to take into custody;

22 (1)(~~AG~~)(vii) summons;

23 (1)(~~AH~~)(viii) supplemental procedure orders;

24 (1)(~~AI~~)(ix) orders setting dates for hearing and for notice;

25 (1)(~~AJ~~)(x) orders on motions requesting the Department of Workforce Services  
26 (DWS) to release information concerning a debtor, where neither DWS nor the  
27 debtor opposes the motion;

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

30 (1)(~~AL~~)(xii) orders appointing a court visitor;

31 (1)(A)(xiii) orders to Continue Appearances;

32 (1)(A)(xiv) orders appointing counsel in juvenile cases;

33 (1)(A)(xv) findings and order appointing Guardian Ad Litem (GAL);

34 (1)(A)(xvi) minutes and orders that are reflective of an order that is made on the  
35 record;

36 (1)(A)(xvii) orders of intervention by the Office of Recovery Services in Domestic  
37 Cases; and

38 (1)(A)(xviii) orders approving traffic Plea in Abeyance.

39 (1)(B) The judge's or commissioner's direction to use an electronic signature or  
40 signature stamp on the documents listed in (1)(A) does not need to be documented.

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

45 (23) Automatic. The electronic signature of a judge may be automatically affixed to the  
46 following documents without the need for specific direction from the assigned judge when  
47 issued using a form approved by the Judicial Council;

48 (23)(A) a domestic relations injunction issued under URCP 109;

49 (23)(B) an automatic expungement order issued under Utah Code; and

50 (23)(C) automated orders related to deferred traffic prosecution cases under Utah Code  
51 § 77-2-4.2.

52 (34) Document-by-document.

53 (3)(A) All other documents requiring the judge's or commissioner's signature shall be  
54 personally signed by the judge or commissioner, unless the judge or commissioner, on a  
55 document-by-document basis, authorizes the clerk to use the judge's or  
56 commissioner's electronic signature or signature stamp in lieu of the judge's or  
57 commissioner's signature.

58 (3)(B) The judge's or commissioner's authorization must be documented. Documentation  
59 may be accomplished by issuing a standing order listing specific document types that  
60 may be signed by a clerk. A presiding judge may issue a standing order in district and  
61 juvenile court. A justice court judge may issue a standing order for the judge's court, with  
62 prior approval from the justice court presiding judge.

63 (3)(C) When a clerk is authorized to use a judge's or commissioner's electronic signature  
64 or signature stamp as provided in paragraph (3), ~~On such documents,~~ the clerk shall  
65 indicate on the document in writing, that the electronic signature or signature stamp was  
66 used at the direction of the judge or commissioner and shall sign his or her name directly  
67 beneath the electronic signature or stamped imprint of the judge's or commissioner's  
68 signature.

69 *Effective: ~~October~~ May 1, 2024~~2~~*



# TAB 4

**(PROTECTED RECORD)**

## **AOC Technology Emergency Responses Plan**

**Notes:** The proposed plan has been approved by the Technology Advisory Committee.