

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

August 1, 2025 – 12:00 p.m. to 1:30 p.m.

**Webex**

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	<u>Non-substantive changes:</u> <ul style="list-style-type: none"><li>• <b>CJA 4-202.02.</b> Records classification</li><li>• <b>CJA 4-202.03.</b> Records access</li><li>• <b>CJA 4-510.06.</b> Cases exempt from ADR rules</li></ul>	Action	Tab 2	Keisa Williams
	<b>CJA 4-202.08.</b> Fees for records, information, and services	Action	Tab 3	Daniel Meza-Rincon Keri Sargent Keisa Williams
	Technology report/proposals	Discussion		Brody Arishita
	Old Business/New Business	Discussion		Judge Gardner
1:30	Adjourn			

**2025 Meetings:**

September 5, 2025

November 7, 2025

October 3, 2025

December 5, 2025

# TAB 1

## Minutes

July 11, 2025

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

**DRAFT**

Webex video conferencing  
July 11, 2025 – 12 p.m.

**MEMBERS:**

**PRESENT**

**EXCUSED**

Judge James Gardner, <i>Chair</i>	✓	
Justice Paige Petersen		✓
Judge Angela Fonnesbeck	✓	
Judge Jon Carpenter	✓	

**GUESTS:**

James Peters  
Pleasy Wayas  
Janine Liebert  
Lauren Anderson  
Daniel Meza-Ríncon  
Keri Sargent  
Karl Sweeney

**STAFF:**

Keisa Williams  
Brody Arishita  
Cindy Schut

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

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the June 6, 2025 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

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

- **CJA 3-117. Committee on Court Forms**
- **CJA 3-403. Judicial branch education**
- **Appendix A. Justice Court Nominating Commissions Procedure Manual**

No public comments were received on rules 3-117 or 3-403. Appendix A was approved on an expedited basis with a May 1, 2025 effective date and no public comments were received. Because Appendix A was approved on an expedited basis, no further action is necessary.

***Judge Fonnesbeck moved to recommend to the Judicial Council that rules 3-117 and 3-402 be approved as final with a November 1, 2025 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.***

**(3) CJA 3-116. Pretrial Release and Supervision Committee:**

The pretrial release and supervision committee was dissolved and removed from CJA 1-205 in November 2024, but the associated committee rule was not repealed. The proposed amendments repeal the committee rule.

***Judge Gardner moved to recommend to the Judicial Council that rule 3-116 be repealed with a July 21, 2025 effective date. Judge Carpenter seconded the motion. The motion passed unanimously.***

#### **(4) Judicial Council Rules on the Use of Generative AI**

Brody Arishita reviewed the revised generative Artificial Intelligence (AI) rule. Key revisions include a clear distinction between court-provided AI tools and court-approved AI tools. The list of approved tools has been moved to the intranet to allow for easier updates without rule amendments. The committee discussed concerns about passive AI use, such as AI-generated summaries appearing automatically on web pages, PDFs, or within email applications, which are not explicitly requested by the user. Those applications could lead to unintentional policy violations or unintended disclosure requirements. Mr. Arishita acknowledged this point and committed to discussing it with the AI committee legal subgroup.

Following a discussion, the Committee made the following changes:

- added “generative artificial intelligence” in the first paragraph;
- changed the heading of section two from "You may only use approved tools" to "You may only use approved or provided tools;”
- added “(IT)” after “Information Technology Department;”
- added “Public tools that are authorized” in section 4;
- added “Nonpublic tools that are purchased” in section 5; and
- made other non-substantive formatting changes.

Judge Gardner asked for clarification on the second sentence in paragraph one. Which rules, specifically, would employees and judges be violating?

***No action is needed at this time. Mr. Arishita will incorporate the committee’s suggestions for further review by legal and staff groups and will bring the revised rule back to PP&T at a later date.***

#### **(5) CJA 3-407. Accounting**

Karl Sweeney presented proposed amendments to rule 3-407. The Board of Justice Court Judges recently approved the Court's Accounting Manual as the new standard for all justice courts. The proposed amendments reflect this change and also ensure justice courts are represented on the Accounting Manual Committee. Additionally, proposed changes aim to broaden the manual's scope, renaming it the Utah Judiciary Accounting Manual.

Following a discussion, the Committee made the following changes:

- removed paragraph (4) because compliance is addressed in paragraph (1)(A);
- (line 62) added “not designated by office” and removed “Members listed in paragraphs (1)(B)(ii), (iii), and (vi) may serve additional terms” to clarify which members only serve three-year terms;
- (line 63) added “[A]dditional terms must be approved by the state court administrator, or designee.”;
- capitalized “Courts of Record” and “Courts not of Record” throughout; and

- Uncapitalized “justice court administrator” in line 112 for consistency with “state court administrator.”

***With no further discussion, Judge Carpenter moved to send rule 3-407 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Fannesbeck seconded the motion. The motion passed unanimously.***

**Technology report/proposals:** None.

**Old Business/New Business:** The artwork policy is still working its way through the boards of judges.

**Adjourn:** With no further items for discussion, the meeting adjourned at 12:36 p.m. The next meeting will be held on August 1, 2025, at noon via Webex video conferencing.

# TAB 2

## Non-substantive amendments:

**CJA 4-202.02. Records classification**

**CJA 4-202.03. Records access**

**CJA 4-510.06. Cases exempt from ADR rules**

**Notes:** Amending the statutory references once again to coincide with the September 1<sup>st</sup> recodification effective date (S.B. 119).

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

**Intent:**

To classify court records as public or non-public.

**Applicability:**

This rule applies to the judicial branch.

**Statement of the Rule:**

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

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

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

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

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

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

(2)(E) audit reports;

(2)(F) case files;

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

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

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

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

(2)(K) financial records;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)(U) order or decision classifying a record as non-public;

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

(2)(W) publications of the Administrative Office;

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



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

(2)(Z) record, minutes, or transcript of an open meeting;

(2)(AA) official audio record, minutes, or transcript of an open hearing;

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

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

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

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

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

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

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

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

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

(3)(A)(i) Utah Code, title ~~78B~~81, chapter ~~613~~, ~~Part 4~~, ~~Utah Adoption Act~~, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Utah Code, title ~~78B~~81, chapter ~~45~~, part 8, Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(iii) Utah Code section 76-7-304.5, Consent required for abortions performed on minors; and

(3)(A)(iv) Utah Code section 78B-8-402, Actions for disease testing;

(3)(B) expunged records;

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

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

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

(3)(F) wills deposited for safe keeping under Utah Code, title 75, chapter 2, part 9, Custody and Deposit of Wills;

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

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

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

(3)(J) video record of a court proceeding, other than security video;

(3)(K) "nonpublic restitution record" as defined in Utah Code section 63M-7-502; and

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

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

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

(4)(A)(i) Utah Code section 26B-5-332, Involuntary commitment under court order;

(4)(A)(ii) Utah Code section 76-11-310, Removal from the National Instant Check System database;

(4)(A)(iii) Utah Code, title ~~78B~~81, chapter ~~6~~13, ~~part 1, Utah Adoption Act~~, until the records are sealed;

(4)(A)(iv) Utah Code, title ~~78B~~81, chapter ~~4~~5, part 8, Gestational Agreement, until the records are sealed;

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

(4)(A)(vi) Utah Code section 26B-8-111, Sex designation changes, and name changes combined with sex designation changes for both minors and adults, except that:

(4)(A)(vi)(a) the case history is public for minors; and

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

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

(4)(B)(i) Utah Code, title 81, Utah Domestic Relations Code, including qualified domestic relations orders, except that an action for consortium due to personal injury under Utah Code section 81-3-111 is public;

(4)(B)(ii) Utah Code, title 75, chapter 5, Protection of Persons Under Disability and their Property;

(4)(B)(iii) Utah Code, title 78B, chapter 7, Protective Orders and Stalking Injunctions;

(4)(B)(iv) Utah Code, title ~~81-78B~~, chapter ~~642~~, ~~Utah-Child Support-Act~~;

(4)(B)(v) Utah Code, title ~~81-78B~~, chapter ~~113~~, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vi) Utah Code, title ~~81-78B~~, chapter ~~844~~, Uniform Interstate Family Support Act;

(4)(B)(vii) Utah Code, title ~~81-78B~~, chapter ~~45~~, Utah Uniform Parentage Act; and

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

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

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

(4)(E) aggregate records other than public aggregate records under paragraph (2);

(4)(F) alternative dispute resolution records;

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

(4)(H) jail booking sheets;

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

(4)(J) judgment information statement;

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

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

(4)(M) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number; date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;

(4)(N) medical, psychiatric, or psychological records;

(4)(O) name of a minor, except that the name of a minor party is public in the following district and justice court proceedings:

(4)(O)(i) name change of a minor, unless the name change is combined with a sex designation change;

(4)(O)(ii) guardianship or conservatorship for a minor;

(4)(O)(iii) felony, misdemeanor, or infraction when the minor is a party;

(4)(O)(iv) protective orders and stalking injunctions; and

(4)(O)(v) custody orders and decrees;

(4)(P) nonresident violator notice of noncompliance;

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

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

(4)(S) record of a court hearing closed to the public or of a child's testimony taken under Rule 15.5 of the Utah Rules of Criminal Procedure:

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

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

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

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

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

(4)(W) statement in support of petition to determine competency;

(4)(X) victim impact statements;

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

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

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

(4)(BB) records related to Court Commissioner Conduct Committee and Council actions under Rule 3-201.02, other than a public censure by the Council, and

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

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

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

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

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

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

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

(5)(F) court security plans;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)(Q) test questions and answers;

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

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

(5)(T) presentence investigation report;

(5)(U) probation progress/violation reports;

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

(5)(W) 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;
- (6)(H) treatment or service plans;
- (6)(I) nonjudicial adjustment records; and
- (6)(J) documents filed with the court that were received pursuant to the Utah Interstate Compact for Juveniles.

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

- (7)(A) accounting records;
- (7)(B) discovery filed with the court;
- (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees, probable cause statements;
- (7)(D) name of a party or minor;
- (7)(E) record of a court hearing;
- (7)(F) referral and offense histories; and
- (7)(G) any other juvenile court record regarding a minor that is not designated as a social record.

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

- (8)(A) upon request, location information, contact information, and identity information, other than the name of a petitioner and other persons to be protected, in an action filed under Utah Code, title 78B, chapter 7, Protective Orders and Stalking Injunctions;
- (8)(B) upon request, location information, contact information and identity information, other than the name of a party or the party's child, after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Utah Code, title ~~8178B~~, chapter 113, Utah Uniform Child Custody Jurisdiction and Enforcement Act, Utah Code, title ~~8178B~~, chapter ~~814~~, Uniform Interstate Family Support Act; or Utah Code, title ~~8178B~~, chapter 15, Utah Uniform Parentage Act;
- (8)(C) upon request, if the information has been safeguarded under paragraph (8)(A) or (8)(B), location information, contact information and identity information, other than the name of a party or the party's child, in a proceeding under Utah Code, title 81, Utah Domestic Relations Code;
- (8)(D) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;
- (8)(E) location information, contact information, and identity information other than name of a prospective juror summoned to attend court; and

(8)(F) the following information about a victim or witness of a crime, including, upon receipt of notice, a participant in the Safe at Home Program under Utah Code, title 77, chapter 38, part 6, Safe at Home Program:

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

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

(8)(F)(iii) except for a Safe at Home Program participant's assigned address, documents showing a participant's enrollment, including the authorization card, for a program participant under Utah Code, title 77, chapter 38, part 6, Safe at Home Program.

Effective ~~July 1, 2025~~ September 1, 2025



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

To identify who may access court records.

**Applicability:**

This rule applies to the judicial branch.

**Statement of the Rule:**

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

(2) **Sealed Court Records.** No one may access a sealed court record except as authorized below or by order of the court. A judge may review a sealed record when the circumstances warrant.

(2)(A) **Adoption records.** Upon request and presentation of positive identification, adoption records may be accessed according to Utah Code, title ~~81~~<sup>78B</sup>, chapter ~~136~~, ~~part 1~~, or pursuant to any court order that may have been entered.

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

(2)(B)(i) The following may obtain certified copies of the expungement order and the case history upon request and presentation of positive identification:

(2)(B)(i)(a) the petitioner or an individual who receives an automatic expungement under Utah Code, title 77, chapter 40a or section 77-27-5.1;

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

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

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

(2)(B)(ii) Information contained in expunged records may be accessed by qualifying individuals and agencies under Utah Code section 77-40a-403 upon written request and approval by the state court administrator in accordance with Rule 4-202.05. Requests must include documentation proving that the requester

meets the conditions for access and a statement that the requester will comply with all confidentiality requirements in Rule 4-202.05 and Utah Code.

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

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

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

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

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

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

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

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

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

(3)(H) anyone by court order;

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

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

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

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

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

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

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

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

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

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

(4)(G) anyone by court order;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)(M) anyone by court order.

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

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

(5)(O)(i) a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

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

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

(5)(O)(iv) anyone by court order.

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

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

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

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

(6)(B) a law enforcement agency;

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

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

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

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

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

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

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

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

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

(7)(E) anyone by court order;

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

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

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

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

**(8) Juvenile court probation records.** 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.

(9) Court personnel may not permit access to court records by unauthorized 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.

(10) 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: ~~July 1, 2025~~ September 1, 2025*

**Rule 4-510.06. Cases exempt from ADR rules.****Intent:**

To identify the actions exempt from Rules 4-510.01 through 4-510.05.

**Applicability:**

This rule applies in the district court.

**Statement of the Rule:**

(1) Rules 4-510.01 through 4-510.05 do not apply to the following actions:

(1)(A) Utah Code title 26B, chapter 3, part 10, Medical Benefits Recovery;

(1)(B) Utah Code title 26B, chapter 9, Recovery Services and Administration of Child Support;

(1)(C) Utah Code title 78B, chapter 7, part 6, Cohabitant Abuse Protective Orders;

(1)(D) Utah Code title 26B, chapter 5, Health Care - Substance Use and Mental Health;

(1)(E) Rules 65A, 65B and 65C of the Utah Rules of Civil Procedure; and

(1)(F) uncontested matters.

(2) Rules 4-510.01 through 4-510.05 do not apply to the following actions, but they may undergo ADR procedures under other programs:

(2)(A) Utah Code title 78A, chapter 8, Small Claims Court; and

(2)(B) Utah Code title 78B, chapter 6, part 8, Forcible Entry and Detainer.

(3) Rules 4-510.01 through 4-510.05 do not apply to the following actions, but the judge may direct that they undergo ADR procedures under these rules:

(3)(A) Utah Code title 81, chapter 6, Child Support;

(3)(B) Utah Code title ~~8178B~~, chapter ~~844~~, Uniform Interstate Family Support Act;

(3)(C) Utah Code title ~~8178B~~, chapter ~~45~~, Utah Uniform Parentage Act;

(3)(D) Utah Code title ~~8178B~~, chapter ~~113~~, Utah Uniform Child Custody Jurisdiction and Enforcement Act; and

(3)(E) temporary orders requested under Utah Code title 81, chapter 4, Dissolution of Marriage, except temporary separation orders under section 81-4-104.

*Effective: ~~July 1, 2025~~ September 1, 2025*

# TAB 3

## **CJA 4-202.08. Fees for records, information, and services**

**Notes:** There are three separate issues to discuss with respect to rule 4-202.08. The first involves the increase in Xchange fees in paragraph (7). The second relates to FTR audio fees in paragraph (3)(D) and the \$10.00 or less fee waiver in (10)(A)(i). The third is whether Xchange fees and personnel fees must be listed in the rule or can be posted on the court website.

### **Xchange fees**

The increase in Xchange fees was approved by the Council on an expedited basis, with a July 1<sup>st</sup> effective date. We received several [public comments](#) from individuals upset about the increase. If no substantive amendments are made, the Xchange fees in (7) remain in effect.

### **FTR and \$10 or less fee waiver**

The proposed amendments to (3)(D) and (10)(A)(i) began with the attached memo that Daniel Meza Rincon and Keri Sargent presented to the Judicial Council in September 2024. The amendments regarding FTR and fee waivers were posted for public comment in November 2024. The comment period ended in January 2025 and [two comments were received](#).

One comment was from the Salt Lake District Attorney's Office (SLDA) asking to waive fees for certified and exemplified copies. SLDA attended a PP&T meeting to discuss their concerns. PP&T determined that the court lacks the authority to waive fees for certified and exemplified copies under [78A-2-301\(1\)\(ff\)](#). During the 2025 legislative session, SLDA ran [S.B. 148](#), which would have waived all fees listed under [78A-2-301](#) and [78A-2-301.05](#) for the state, the state's agencies, or political subdivisions filing or defending any action. Unfortunately, that bill did not pass.

The second comment was a question about the definition of "transaction." Mr. Meza Rincon and Ms. Sargent discussed that issue with the clerks of court. The definition the clerks came up with is "same person, same request, single case." I've added clarifying language in (10)(A)(i) in an attempt to capture that definition.

### **Listing personnel and Xchange fees in the rule**

Individual personnel fees were removed from paragraph (6) in [January 2024](#) and posted on the [court's webpage](#). The reason behind removing those fees was that the rates are tied to employee positions (i.e., clerk, JA, data analyst, service desk technician, programmer, etc.) and hourly rates change over time. Rather than having to amend the rule each time an hourly



rate increased, the state court administrator was granted the authority to set personnel rates and post them on the court website.

I was recently asked if the Xchange fees in (7) could likewise be removed from the rule and posted on the website. When considering that question, I discovered that we may need to put personnel fees back in the rule.

[78A-2-301](#): (1)(bb): “The Judicial Council shall, by rule, establish a schedule of fees for copies of documents and forms and for the search and retrieval of records under [GRAMA] ...”

(1)(cc): “The Judicial Council may, by rule, establish a reasonable fee to allow members of the public to conduct a limited amount of searches on the Xchange database without having to pay a monthly subscription fee.”

[63G-2-203\(3\)\(d\)](#): “The judiciary shall establish fees by rules of the judicial council.”

[63G-2-702\(4\)](#): “Substantially consistent with the provisions of [GRAMA], the Judicial Council shall: (a) make rules governing requests for access, fees, classification, designation ...”

We could argue that the Council established a schedule of personnel fees by rule when it granted the State Court Administrator the authority to set the rates and post them on the website, the Council is simply choosing to post that schedule somewhere else. In the event you believe the rates should be included in the rule, I’ve added the fees listed on the website to paragraph (6).

## UTAH COURT RULES – PUBLISHED FOR COMMENT

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

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

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

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Posted: May 20, 2025

Utah Courts

Search...

SEARCH

### Code of Judicial Administration – Comment Period Closes July 4, 2025

#### CJA04-202.08. Fees for records, information, and services

The proposed amendments increase fees for Xchange subscriptions and access.

This entry was posted in [CJA04-0202.08](#).

« [Rules of Appellate Procedure – Comment Period Closes July 17, 2025](#)

[Rules of Evidence – Comment Period Closed June 22, 2025](#) »

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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UTAH COURTS

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5 thoughts on “Code of Judicial Administration – Comment Period Closes July 4, 2025”

**John Gadd**  
**May 20, 2025 at 2:07 pm**

I write to oppose this rule change. In particular, I oppose the 100% fee increase for non-subscribers of Xchange to view a pdf document, which this rule changes from \$0.50 per document to \$1.00 per document. I suspect that the actual cost to the courts to allow a non-subscriber to view each document is next to nothing, and thus the current fee of \$0.50 per document is already unreasonable. Doubling this cost doubles the unreasonableness of the current fee. The general public should be able to search and view public court records without having to pay unreasonable fees. This doubling of the cost to view each pdf record will have a chilling effect on the right of average citizens to view public court records because by simple math each citizen will only be able to afford to see half as many public court records as he or she can afford now. This will prevent citizens from seeing the criminal background of a potential romantic partner, parents from seeing the criminal background of potential babysitters, roommates from seeing the criminal background of a potential roommate, a business person from seeing the criminal and civil backgrounds of potential suppliers, etc. There are lots of legitimate reasons why an average citizen should be able to freely access public court records as a non-subscriber to Xchange. The price to access these public court records is already too high. Please do not double the cost to view each public court record from \$0.50 to \$1.00.

[Reply](#)

**Amanda Reynolds**  
**May 20, 2025 at 3:41 pm**

There is no clear nexus between these charges and the administration of the website justifying the increase. In other words, we don't even know why we are paying these costs to begin with to evaluate whether they are even reasonable and now the costs are being increased. There's also no exemption for pro bono cases, which I happen to handle or for indigent parties. There's no indication that the Xchange site is privately run or governmentally controlled and if it is privately run then that further justifies transparency as to cost and identity of the operator and governmental bidding process.

[Reply](#)

**Matt Robar**  
**May 20, 2025 at 4:30 pm**

I strongly oppose this increase in fees especially in light of the total lack of free access we used to have in the court houses. It is absurd to charge more for something that costs next to nothing to produce. It is more absurd when the paywall at issue is protecting public documents to which the general public has a constitutional right to obtain.

- [-Rules of Professional Conduct](#)
- [-Rules of Professional Practice](#)
- [-Rules of Small Claims Procedure](#)
- [ADR101](#)
- [ADR103](#)
- [Appendix A](#)
- [Appendix B](#)
- [Appendix F](#)
- [CJA 1-101](#)
- [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](#)
- [CJA014-0701](#)
- [CJA014-0704](#)
- [CJA014-0705](#)
- [CJA014-0719](#)
- [CJA02-0101](#)
- [CJA02-0102](#)
- [CJA02-0103](#)
- [CJA02-0104](#)
- [CJA02-0106.01](#)
- [CJA02-0106.02](#)
- [CJA02-0106.03](#)
- [CJA02-0106.04](#)
- [CJA02-0106.05](#)
- [CJA02-0204](#)
- [CJA02-0206](#)
- [CJA02-0208](#)
- [CJA02-0208](#)
- [CJA02-0211](#)
- [CJA02-0212](#)
- [CJA03-0101](#)
- [CJA03-0102](#)
- [CJA03-0103](#)
- [CJA03-0103](#)
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- [CJA03-0111](#)
- [CJA03-0111.01](#)
- [CJA03-0111.02](#)
- [CJA03-0111.03](#)
- [CJA03-0111.04](#)
- [CJA03-0111.05](#)
- [CJA03-0111.06](#)
- [CJA03-0112](#)
- [CJA03-0113](#)
- [CJA03-0114](#)
- [CJA03-0115](#)

Access to Xchange should be reduced in price, not increased. Terminals at all district courthouses should also allow FREE access like they used to offer.

With these increases, you will have more people calling the court clerks for help when they could just obtain the documents online. Access to court clerks in most courts is already embarrassingly poor. Now, they will get even more calls and requests for help.

Every year, Utah's government and the Utah Bar move in the direction of taking away public access to public information or put more barriers in place to assure the general public is hindered in their efforts to seek justice. This needs to end. Start serving the people you swore to serve.

[Reply](#)

**Dean Collinwood**  
May 21, 2025 at 9:11 am

Some organizations with which I am involved have made the decision to fight inflation by refusing to increase fees for members and others. If everyone would do the same, there would be no inflation. When I was president of the Davis Bar, we made a decision to not increase membership fees. Everyone appreciated it, and we were able to continue all our activities. Thus, I encourage the court to not increase fees in this instance as well.

[Reply](#)

**Lin Engle**  
June 15, 2025 at 4:18 pm

I oppose raising the fees in Xchange. To double the cost of "Downloading" a document 100% is either a blatant way to discourage the general public from trying to access documents or just a plain old "money grab." There is no paper being printed, there is no additional manpower needed in that the document is already in the system. The "cost" to download it today is not any different then the cost it will be to download it in July. I suggest a tiered approach. Provide law firms/businesses/media outlets tiered options: 500 searches for \$60.00, 750 searches for \$80.00, 1000 searches for \$100.00, etc... These businesses will likely choose the higher "packages" and thus Xchange would receive an increase. Leave all other aspects alone including the search cost after meeting their total and the cost of downloads. In this way the general public and those with low search totals are not discouraged and disgruntled by the perception that Xchange is trying to fleece them at a time when even the most basic necessities are increasing at a rapid pace.

[Reply](#)

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- [CJA03-0116](#)
- [CJA03-0117](#)
- [CJA03-0201](#)
- [CJA03-0201.02](#)
- [CJA03-0202](#)
- [CJA03-0301](#)
- [CJA03-0301.01](#)
- [CJA03-0302](#)
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- [CJA04-0302](#)
- [CJA04-0401](#)
- [CJA04-0401.01](#)
- [CJA04-0401.02](#)

**Rule 4-202.08. Fees for records, information, and services.****Intent:**

To establish uniform fees for requests for records, information, and services.

**Applicability:**

This rule applies to all courts of record and not of record and to the Administrative Office. This rule does not apply to the Self-Help Center.

**Statement of the Rule:**

(1) **Fees payable.** Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) **Use of fees.** Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public online services are credited to the Administrative Office to improve data quality control, information services, and information technology.

(3) **Copies.** Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied or the means by which copies are delivered and are as follows:

(3)(A) paper except as provided in (D): \$.25 per sheet;

(3)(B) electronic storage medium other than of court hearings: \$15.00 per unit;

(3)(C) electronic copy of audio record or video record of court proceeding: \$15.00 for each one-half day of testimony or part thereof; ~~and~~

(3)(D) access to audio record of court proceedings via the FTR Cloud: \$10.00 per recording; and

(3)(~~E~~) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4) **Mailing.** The fee for mailing is the actual cost. The fee for mailing will include necessary transmittal between courts or offices for which a public or private carrier is used.

(5) **Fax or e-mail.** The fee to fax or e-mail a document is \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

(6) **Personnel time.**

(6)(A) There is no fee for the first 15 minutes of personnel time required to provide the copy, record, information, or service, unless the person who submits the request:

(6)(A)(i) is not a Utah media representative; and

(6)(A)(ii) has submitted a separate records request within the 10-day period immediately prior to the date of the request to which the court or office is responding.

(6)(B) The fee for time beyond the first 15 minutes is charged in 15-minute increments for any part thereof. The fees for personnel time ~~may be set by the State Court Administrator and the rates charged~~ should be for the least expensive group capable of providing the record, information, or service.

(6)(C) The fees for personnel time will be charged as follows:

(6)(C)(i) Clerk (\$15.00 per hour);

(6)(C)(ii) Judicial assistant (\$21.20 per hour);

(6)(C)(iii) Service desk technician (\$28.70 per hour);

(6)(C)(iv) Data analyst (\$45.00 per hour);

(6)(C)(v) Manager (\$37.00 per hour);

(6)(C)(vi) Programmer (\$100.00 per hour); and

(6)(C)(vii) Consultants (actual cost billed by consultant).

(7) **Public online services.**

(7)(A) The fee to subscribe to Xchange will be as follows:

(7)(A)(i) a set-up fee of \$25.00;

(7)(A)(ii) a subscription fee of \$40.00 per month for any portion of a calendar month; and

(7)(A)(iii) \$.~~35~~<sup>15</sup> for each search over 500 during a billing cycle. A search is counted each time the search button is clicked.

(7)(B) The fee to access public online services without subscribing ~~shall~~<sup>will</sup> be a transaction fee of \$~~10~~<sup>5</sup>.00, which will allow up to 10 searches during a session.

(7)(C) The fee to access a document ~~shall~~<sup>will</sup> be \$~~1.00~~<sup>.50</sup> per document.

(8) **Bulk Data.** If approved, individuals or entities may subscribe to receive indexed court data authorized under rule 4-202.02(2)(L) electronically in bulk. The fee to receive bulk data may be set by the State Court Administrator. Requests for bulk data should be made to the Office of Judicial Data and Research.

(9) **No interference.** Records, information, and services will be provided at a time and in a manner that does not interfere with the regular business of the courts. The Administrative Office of the Courts may disconnect a user of public online services whose use interferes with computer performance or access by other users.

(10) **Waiver of fees.**

(10)(A) Subject to (10)(B), fees established by this rule, other than fees for bulk data and public online services, will be waived for:

(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is ~~minimal~~<sup>\$10.00 or less per transaction (a request for one or more records in the same case)</sup>;

(10)(A)(ii) any person who is the subject of the record and who is indigent;

(10)(A)(iii) any court appointed attorney acting on behalf of a client, if the client would qualify for a fee waiver under (10)(A)(ii); and

(10)(A)(iv) a student engaged in research for an academic purpose.

(10)(B) Individuals who qualify for a fee waiver under (10)(A)(ii) and (10)(A)(iii) are entitled to one free copy of the record requested. The State Court Administrator may waive the one free copy limit for administrative records or records associated with a case. Court clerks in courts of record and justice court designees in courts not of record, may waive the one free copy limit for records associated with a case. ~~under this rule for good cause.~~

(10)(C) Fees for public online services will be waived for:

(10)(C)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;

(10)(C)(ii) any government entity of Utah or its political subdivisions;

(10)(C)(iii) the Utah State Bar;

(10)(C)(iv) public defenders for searches performed in connection with their duties as public defenders; and

(10)(C)(v) any person or organization who the XChange administrator determines offers significant legal services to a substantial portion of the public at no charge.

(10)(D) Fees for bulk data will be waived for:

(10)(D)(i) any government entity of Utah or its political subdivisions;

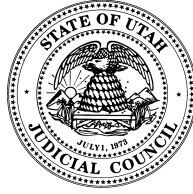
(10)(D)(ii) the Utah State Bar;

(10)(D)(iii) public defenders for searches performed in connection with their duties as public defenders; and

(10)(D)(iv) a student engaged in research for an academic purpose.

Effective: ~~November~~ July 1, 2025





# Administrative Office of the Courts

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

August 6, 2024

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

## MEMORANDUM

**TO: Judicial Council**

**FROM: Daniel Meza Rincón, Deputy Juvenile Court Administrator  
Keri Sargent, Deputy District Court Administrator**

**RE: Definition of “Minimal” in CJA Rule 4-202.08(10)(A)(i)**

---

This memorandum is being submitted to the Judicial Council to seek approval of the recommendations from the Budget and Fiscal Management Committee to define “minimal” for purposes of UCJA 4-202.08(10)(A)(i) as anything \$10 or less, and to further amend UCJA Rule 4-202.08 so that the fee for copies of audio records shared via the FTR cloud can be reduced. The history behind this request is set forth below.

[UCJA Rule 4-202.08](#) applies to all courts of record and not of record and to the Administrative Office of the Courts (AOC). Its intent is to establish uniform fees for requests for records, information, and services. Subsection (10), “Waiver of fees” has historically been interpreted and applied differently throughout the state. On December 1, 2023, the Trial Court Executive (TCE) group tasked the Clerk of Court (CoC) group to create a proposal to define “minimal” to remedy the disparate interpretations and applications of this rule statewide. Both groups and the AOC agree that uniformity throughout the state in the application of these waivers of fees is important.

UCJA 4-202.08(10)(A) and (10)(A)(i) state:

*(10)(A) Subject to (10)(B), fees established by this rule, other than fees for public online services, shall be waived for:*

*(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;*

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

In January of 2024, the CoC group agreed on the following proposed definition of “minimal” and application of the rule: any request for court records, by any government entity of Utah or its political subdivisions, totaling less than \$10 per transaction.<sup>1</sup>

The CoC group discussed that this waiver would not apply to requests for either certified or exemplified copies of a document as these fees are not established by UCJA 4-202.08 but rather by [Utah Code 78A-2-301](#).

This proposed definition of the word “minimal” for UCJA 4-202.08(10)(A)(i) was considered and approved by the TCE group on February 2, 2024.

AOC Juvenile Court and District Court administration then collaborated with the Accounting Manual Committee to ensure this direction was memorialized in the manual. The Accounting Manual Committee proposed an update to accounting manual policy [02-10.09 Miscellaneous Payments](#). The proposed update is as follows:

*Government agencies requesting copies shall have the fees waived if the fee is minimal. By policy, minimal is defined to mean fees less than \$10.00 per transaction. Certified or exemplified copy fees cannot be automatically waived as they are established by the legislature and not by court rule. This does not prohibit a state agency from filing a motion/order to waive fees.*

This proposed accounting manual change, along with the proposed definition of “minimal,” was presented to the Budget and Fiscal Management Committee (Committee) for review and approval on June 10, 2024. The Committee requested more information regarding current practices in order to better assess the impact of this change. The Committee further highlighted the need to give stakeholders ample notice of any potential changes that may result from this policy change. The accounting manual change was not approved at that time.

At the request of the Committee, districts were surveyed and asked the following questions. Their responses and observations from the AOC are as follows:

**1. How do you currently define "minimal" when complying with [CJA Rule 4-202.08\(10\)\(A\)\(i\)](#)**

Most of the districts treat all requests from a governmental agency as minimal and thus waive the associated fees. One district reported not waiving fees for audio recordings for multi-day trials. Three districts have specific guidelines:

- Anything below \$25 per transaction or request.
- Anything below \$100 in a month per agency.
- Anything below \$50 in a month per agency.

If the definition of “minimal” is set as any request for court records totaling less than \$10 per transaction, this would impact many state agencies in some districts whose requests

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<sup>1</sup> In deciding to recommend the \$10 amount, the CoC group observed that this dollar amount is in line with several accounting policies, such as [02-14.00 Credits](#) which allows teams to waive fine/interest on certain cases in the amount of less than \$10, without a court order, and [02-8.00 Overpayments](#), which notes that “all overpayments which are \$10 or less will be retained as revenue and distributed to the miscellaneous revenue account, unless a refund is requested by the payer.”

may be completely waived right now. This survey response also highlights the need for a more consistent approach to the application of CJA Rule 4-202.08(10)(A)(i).

**2. What entities do you currently waive fees for under CJA Rule 4-202.08(10)(A)(i)?**

Districts reported waiving fees for the following: Prosecutors (County/District Attorneys), Attorney General's Office, Guardian Ad Litem, DCFS, AP&P and other Probation Agencies, FBI, BCI, State Police/Law Enforcement Agencies, Defense Attorneys/Public Defenders (UJDA), ORS, and Out of State Government Agencies.

CJA Rule 4-202.08(10)(A)(i) notes that for "any government entity of Utah or its political subdivisions if the fee is minimal" fees should be waived. Waiving fees for out of state government agencies may be a practice that needs to be corrected.

**3. On average how much are you waiving a month per agency? Is this for audio or copy fees? Can you provide a rough estimate? [Please list agency and estimated amount]**

There is no uniform way of tracking these waivers across the state. The table below summarizes information provided by the districts. These are averages.

<b>District</b>	<b>Juvenile Court</b>	<b>District Court</b>
<b>1st</b>	Not currently tracking	Not currently tracking
<b>2nd</b>	10 audio requests and 10 copy requests mainly from the Guardian Ad Litem's Office and the Attorney General's Office	AP&P: 5 copies Prosecutors: 100 certified copies, 8-9 audio requests FBI: 85 copies Out of State: 30 copies BCI: 10 copies AG: 2 audio requests, 10 copies
<b>3rd</b>	AG: \$120 in audio, \$20 copies. UJDA: \$45 audio GAL: \$30 audio	Not currently tracking. All copy fees are waived.
<b>4th</b>	On average 40-45 requests per month that includes certified copy requests from DCFS and limited audio requests.	Information not available

<b>5th</b>	On average 10 requests are waived per month.	On average 15 requests are waived per month.
<b>6th</b>	On average around \$50 per month (audio for public defenders, certified copies for AAGs)	
<b>7th</b>	On average \$30 per month for county attorney's offices. (audio fees for prosecutors)	
<b>8th</b>	An estimated \$50 a month [certified/exemplified copies for prosecutors and audio copies for the AAGs and GALs]	

Many districts currently waive requests for audio, and certified/exemplified copies for state agencies. With the proposed definition of “minimal” all state agencies would be impacted as requests for an “electronic copy of audio record or video record of court proceeding” is “\$15.00 for each one-half day of testimony or part thereof.” State agencies have already begun to be impacted as districts realized that UCJA Rule 4.202.08 does not apply to certified and exemplified fees.

**4. How do you currently track these requests and waivers?**

Six districts do not currently track these waivers or requests. Five districts only track requests for audio outside of the case management systems. One district tracks requests in CARE by creating the fees and then decreasing them. The fact that this is not being tracked appears related to the fact that there are no consistent statewide practices.

HB531, which was passed during the 2023 legislative session, requires the judiciary to report on waived fees, among other things, which adds to the importance of tracking these waived fees.

**5. Have you had local conversations with partners about the proposed change and what if any feedback have you received?**

Five districts report providing some notification to partner agencies. No district reported receiving any feedback from them. Internal feedback received includes:

- Implementation of this change may result in an increased number of fee waiver requests that require judicial review and staff time that may surpass the financial savings if the minimal amount is too low.
- Outside agencies may think that a \$10 definition of minimal sounds arbitrary because the accounting manual is an internal policy and they may think we set it intentionally below the \$15 audio fee so that we could charge for those.

- The Attorney General's Office understood the change in charging for certified and exemplified copies but noted concerns having to pay for audio fees when they are being asked to prepare orders.
- 6. **It's been reported that providing copies of audio records via FTR cloud is much easier than making copies in CDs/USBs. Copies of audio recordings are \$15 per unit according to Rule 4-202.08(3)(C). How much do you think a copy of a hearing should cost if shared via FTR cloud?**

Districts provided the feedback that copies of audio records shared via the FTR cloud is in fact easier than providing them using CDs or USBs. They recommend these be free or \$5 since they are sent or shared via email. One district noted that fees to send a document by email is \$5.00 for 10 pages or less, and that it takes about the same amount of time to share audio records via the FTR cloud. Districts agreed that if fee payments ought to match work input then the amount charged for these should be lowered.

At the July 8, 2024 Budget and Fiscal Management Committee Meeting, the Committee considered these responses and recommended that this be forwarded to the Judicial Council for final approval. Their recommendations included:

- Defining minimal in the accounting manual as anything \$10 or less. A slight change in definition from the initially proposed definition of "anything less than \$10 per transaction."
- That this change be accompanied by an amendment to CJA Rule 4-202.08(10)(A)(i) so that the fee for copies of audio records shared via the FTR cloud can be reduced.

Based on the foregoing, we respectfully request the Council adopt the recommendations of the Committee.