UTAH JUDICIAL COUNCIL
POLICY, PLANNING, & TECHNOLOGY COMMITTEE
MEETING AGENDA
December 4, 2026– 12:00 p.m. to 1:30 p.m.
Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	Rules back from public comment: **CJA 3-501**. Insurance benefits upon retirement **CJA 4-901**. Mandatory electronic filing in juvenile court Rules approved as final November 1, 2026 and back from public comment: **CJA 3-110**. Judicial officer financial disclosures **CJA 3-201.01**. Commissioners for divisions within the district court **CJA 3-201.02**. Court Commissioner Conduct Committee **CJA 6-701**. Debt Collection and Housing Action Division **CJA 6-702**. Debt Collection and Housing Action Division Commissioners **CJA 3-111**. Performance evaluation of court commissioners **CJA 3-202**. Court referees prohibited **CJA 4-403**. Electronic signature and signature stamp use	Action	Tab 2	Keisa Williams
	CJA 4-202.01. Definitions		Tab 3	Jace Willard
	CJA 4-202.02. Records classification **CJA 4-202.03.** Records access		Tab 4	Stacy Haacke
	CJA 4-907. Parenting and divorce orientation courses		Tab 5	Keisa Williams
	Technology report/proposals	Discussion		Brody Arishita
	Old Business/New Business	Discussion		Judge Gardner
1:30	Adjourn			

2027 Meetings:

January 8, 2027	July 9, 2027
February 5, 2027	August 6, 2027
March 5, 2027	September 10, 2027
April 2, 2027	October 1, 2027
May 7, 2027	November 5, 2027
June 4, 2027	December 3, 2027

TAB 1

Minutes

November 4, 2026

UTAH JUDICIAL COUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES
DRAFT
Webex video conferencing
November 6, 2026 – 12 p.m.

MEMBERS:	**PRESENT**	**EXCUSED**
Judge James Gardner, *Chair*	✓	
Judge Jon Carpenter	✓	
Judge Angela Fonnesbeck		✓
Judge Christine Johnson	✓	

GUESTS:

Jordan Murray
Karl Sweeney
Loni Page
Emily King
Tucker Samuelsen
Lauren Anderson
Michael Dreschsel
Keri Sargent
Katy Erickson
Shane Bahr

STAFF:

Brody Arishita
Todd Eaton
Stacy Haacke
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 October 16, 2026 meeting. With no changes, Judge Johnson moved to approve the minutes as presented. Judge Carpenter seconded the motion. The motion passed unanimously.

(2) Rule back from public comment:

- **4-405. Juror and Witness Fee and Expenses**

The proposed amendments remove the requirement that a court order is necessary to provide juror refreshments and make non-substantive formatting changes. No public comments were received. The committee discussed scheduling the rules for final adoption on the Council's consent calendar with a May 1, 2027 effective date.

Judge Gardner moved to recommend to the Judicial Council that rule 4-405 be approved as final with a May 1, 2027 effective date. Judge Johnson seconded the motion. The motion passed unanimously.

(3) CJA 3-411. Grant management:

Jordan Murray and Karl Sweeney presented proposed revisions to Rule 3-411. Judge Gardner commended Mr. Sweeney on his distinguished career and upcoming retirement from state court service. Mr. Murray provided background on the rule, noting that the judiciary's grant management framework was established in 2021. While successful in creating initial guardrails, five years of operational experience demonstrated that the framework had become overly restrictive, duplicative of routine financial controls, and misaligned with contemporary grant application timelines. The proposed revisions separate strategic governance from operational mechanics: high-level oversight (mission alignment, risk management, long-term fiscal sustainability) remains codified in CJA Rule 3-411 under the Judicial Council and Budget and Fiscal Management Committee (BFMC), while procedural minutiae, administrative workflows, and day-to-day accounting requirements are transferred into the Accounting Manual.

Judge Gardner asked if the proposed revisions might prompt resistance from Council members. Mr. Murray explained that while quarterly oral reports to the Council and BFMC were originally required during a period of heightened scrutiny, the judiciary's small grant portfolio generated little discussion or utility during briefings. Rigorous quarterly reconciliations and ledger controls will continue under the Accounting Manual without burdening Council agendas, and Mr. Sweeney confirmed that strong internal controls still yield clean year-end audits.

Judge Gardner noted some capitalization issues, including capitalizing undefined terms like "Management Committee" and "Budget and Fiscal Management Committee," while failing to capitalize the defined term "Grant Manager" in line 231. Judge Gardner indicated he would transmit non-substantive drafting edits to Ms. Williams and Mr. Murray.

Judge Gardner moved to send rule 3-411 to the Judicial Council as a discussion item. Judge Carpenter seconded the motion. The motion passed unanimously.

(4) CJA 3-403. Judicial branch education:

Lauren Andersen presented proposed amendments to Rule 3-403 recommended by the Standing Education Committee. The first proposed amendment adds annual cybersecurity training requirements for all judicial officers and court personnel with compliance being satisfied through ongoing Arctic Wolf training video modules through the court's Learning Management System, capturing existing employee training without imposing additional course hours.

The second proposed change alters reporting language by replacing mandatory directives ("will") with discretionary phrasing ("may") regarding how supervisors address an employee's or judicial officer's failure to complete the required 20 annual education hours. While current policy forces a supervisor to issue an unsatisfactory performance evaluation if the standard is not met, the Education Committee seeks to provide enforcement flexibility while still referencing the employee code of ethics and conduct under human resources policies. Under this revision, if a supervisor explicitly mandates adherence to UCJA 3-403(4)(A)(i) during a Performance Expectations conversation or document, and the employee or judicial officer still fails to meet the 20-hour threshold, the supervisor will have the discretion to classify their performance year as unsatisfactory.

The committee made the following minor corrections and notes:

- Capitalized "Judicial Branch Education" on line 28;

- Decapitalized “judicial education officer” on line 52; and
- Staff was directed to verify “State Court Administrator” is a defined term.

With no further discussion, Judge Johnson moved to recommend to the Judicial Council that amendments to rule 3-403 be posted for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(5) Sentencing dashboards and records classification:

Tucker Samuelson and Emily King presented an exploratory discussion regarding judicial record classifications for comparative sentencing data. The legislative audit recommended that the Council develop and distribute comparative sentencing reports evaluating incarceration frequency across judicial districts. In its formal audit response, the Council agreed to develop comparative sentencing reports and interpretive guidance to assist judges in evaluating sentencing decisions. Mr. Samuelson reported that Data and Research must establish initial report frameworks in the near future and intends to seek the appointment of an ad hoc judicial advisory committee to assist with development.

Ms. Andersen and Ms. Haacke reported that CJA rules lack a definitive classification for judicial education records. Ms. Andersen noted that while interactive dashboards operate as management tools, point-in-time comparative reports function as individualized coaching/mentoring instruments. The committee advised Mr. Samuelson and Ms. Haacke to coordinate directly with Ron Gordon and the Management Committee to align rule development with Council commitments.

Following discussion, PP&T took no action.

(6) CJA 4-202.08. Fees for records, information, and services

To comply with HB0540, which takes effect on January 1, 2027, proposed revisions to Rule 4-202.08 will eliminate certain fees for court audio recordings and public record access via Xchange. Specifically, parties to a case will be able to access audio recordings of their public court proceedings free of charge via an online FTR Cloud link, though requesting a physical copy on a CD or thumb drive will still incur the standard $15 fee. Additionally, the public will receive up to 50 free searches and 50 free document downloads per calendar month on Xchange, after which registered users can purchase non-expiring $10 credit blocks (charged at 35¢ per search and $1.00 per document) or utilize an updated subscription plan that factors in the free monthly allotment while offering discounted rates for high-volume users.

Justice courts are exempt from this statutory requirement and operate under independent statutory fee provisions. The committee recommended placing the search link labels ("Search Records" and "View Full Case") within quotation marks in paragraph (7)(D) to make clear that the text references specific software buttons.

Mr. Drechsel informed the committee that Xchange currently generates approximately $4.2 million annually in court technology revenue. The statutory exemption of 50 free searches or documents significantly reduces this figure. However, if user behavior remains unchanged, annual revenue could increase. IT and Data and Research will monitor user activity throughout the first quarter of 2027 and return to PP&T in March or April 2027 with recommended fee adjustments.

Judge Gardner moved to recommend to thfe Judicial Council that 4-202.08 be approved on an expedited basis with a January 1, 2027 effective date, followed by a 45-day public comment period. Judge Johnson seconded the motion. The motion passed unanimously.

(7) IT update

Todd Eaton and Brody Arishita presented technology items on behalf of the Technology Advisory Committee (TAC). Mr. Eaton reported that over the past two years, IT evaluated numerous commercial digital exhibit submission platforms. Available commercial off-the-shelf software contained unnecessary, complex features and carried prohibitive licensing costs. In collaboration with an external development partner, IT drafted system requirements to construct a streamlined, state-owned digital exhibit portal reflecting existing district court standing orders. TAC reviewed the requirements specification and granted unanimous approval for IT to proceed with a Proof of Concept without committing the judiciary to ongoing vendor contracts.

Mr. Eaton and Mr. Arishita presented three updates to the judiciary's Technology Emergency Response Plan, incorporating operational insights gained from the National Court CIO Conference. These updates establish procedures for rapid incident containment and leadership notifications, integrate communication verification steps into technical recovery workflows, and provide pre-approved internal and external public notification templates to eliminate drafting delays during acute cyberattacks or network disasters. To safeguard confidential IT security architecture, Mr. Arishita requested that the Judicial Council conduct its review and approval within a closed Executive Session.

Judge Gardner moved to recommend to the Judicial Council that the AOC's Emergency Response Plan be approved as final. As the plan is an internal policy, a 45-day comment period is not required. Judge Johnson seconded the motion. The motion passed unanimously. The policy should be discussed by the Council in a closed session. *(*Post-meeting correction: Internal emergency response plans are reviewed and approved by the Management Committee, not the Council. This plan will be presented to the Management Committee.)*

(8) CJA 4-409. Council Approval of Problem-Solving Courts

The Statewide Treatment Court Steering Committee identified several areas of Rule 4-409 that would benefit from clarification. Problem-solving court teams have requested clearer guidance regarding the requirements for establishing and continuing the operation of all types of problem-solving courts. The proposed amendments clarify training requirements, certification processes, and court case transfer procedures. These changes are intended to promote greater consistency, improve operational efficiency, and provide clearer direction to problem-solving court teams while supporting alignment with national treatment court best practices.

Katy Erickson explained that the amendments represent a year-long interdisciplinary overhaul designed to modernize treatment court administration across judicial districts and local jurisdictions for juvenile, adult criminal, and family dependency drug courts. Additionally, the updates introduce formal administrative protocols for the temporary suspension, closure, or reinstatement of treatment courts—ensuring continued participant support and Judicial Council notification whenever low docket volume prevents a court from sustaining operations.

Judge Gardner moved to recommend to the Judicial Council that 4-409 be approved on an expedited basis with a January 1, 2027 effective date, followed by a 45-day public comment period. Judge Johnson seconded the motion. The motion passed unanimously.

Old Business/New Business: None

Adjourn: With no further items for discussion, the meeting adjourned at 1:20 p.m. The next meeting will be held on December 4, 2026, at 12:00 p.m. via Webex video conferencing.

TAB 2

Back from Public Comment:

CJA 3-501. Insurance benefits upon retirement
CJA 4-901. Mandatory electronic filing in juvenile court

Rules approved as final (*eff.* November 1, 2026) and back from Public Comment:

CJA 3-110. Judicial officer financial disclosures
CJA 3-201.01. Commissioners for divisions within the district court
CJA 3-201.02. Court Commissioner Conduct Committee
CJA 3-202. Court referees prohibited
CJA 6-701. Debt Collection and Housing Action Division
CJA 6-702. Debt Collection and Housing Action Division Commissioners
CJA 3-111. Performance evaluation of court commissioners
CJA 4-403. Electronic signature and signature stamp use

Notes: No public comments were received on rules 3-501 and 4-901 and they are ready to go to the Council for final approval with a May 1, 2027 effective date.

One public comment was received on rules 6-701 and 6-702. The comment is attached. I do not recommend any amendments based on that comment. You could send it to the S.B. 270 Steering Committee for review.

Unless substantive amendments are made, no action is required on rules 3-110, 3-201.01, 3-201.02, 6-701, 6-702, 3-11, 3-202, and 4-403.

Summary of proposed amendments:

CJA03-501. Insurance benefits upon retirement (AMEND)
The proposed amendments clarify that earned benefits are limited to judges who qualify for and are entitled to receive a retirement allowance under Utah Code title 49, chapter 11. To ensure consistency, the amendment aligns the rule with the statutory definition of "retirement" under Utah Code 49-11-102(48).

CJA04-901. Mandatory electronic filing in juvenile court (AMEND)

The proposed amendments: 1) add a provision that explicitly allows both lawyers representing an Indian tribe under Sup. Ct. R. Pro. Prac. Rule 4-806 and nonlawyer representatives under Rule 4-802 to submit court filings by email, mail, or in person; 2) shifts the authority to grant hardship eFiling exemptions from the Judicial Council to the Juvenile Court Administrator (or their designee); and 3) authorizes the Juvenile Court Administrator to set flexible terms rather than granting blanket case exemptions.

CJA 3-110. Judicial officer financial disclosures
The proposed amendments establish a direct pathway for judges to submit additional redaction requests to the Management Committee and include a mandatory safeguard requiring the judiciary to notify judges whenever a request is made to access their unredacted financial disclosure forms.

CJA 3-201.01. Commissioners for divisions within the district court
CJA 3-201.02. Court Commissioner Conduct Committee
CJA 6-701. Debt Collection and Housing Action Division
CJA 6-702. Debt Collection and Housing Action Division Commissioners
CJA 3-111. Performance evaluation of court commissioners
CJA 3-202. Court referees prohibited
CJA 4-403. Electronic signature and signature stamp use
The proposed amendments and new rules establish an administrative and operational framework for court commissioners serving the newly created Debt Collection and Housing Action Division, defining their duties, hearing authority, and supervisory structure. Further proposed amendments to Rule 3-201.02 allow the Court Commissioner Conduct Committee to issue a private warning when dismissing a complaint against a commissioner for unprofessional behavior that does not rise to the level of misconduct.

Posted: September 25, 2026

Utah Courts

Code of Judicial Administration – Comment Period Closed November 9, 2026

CJA03-201.01. Commissioners for divisions within the district court (NEW)
CJA03-201.02. Court Commissioner Conduct Committee (AMEND)
CJA06-701. Debt Collection and Housing Action Division (NEW)
CJA06-702. Debt Collection and Housing Action Division Commissioners (NEW)
CJA03-111. Performance evaluation of court commissioners (AMEND)
CJA03-202. Court referees prohibited (AMEND)
CJA04-403. Electronic signature and signature stamp use (AMEND)

The proposed amendments and new rules establish an administrative and operational framework for court commissioners serving the newly created Debt Collection and Housing Action Division, defining their duties, hearing authority, and supervisory structure. Further proposed amendments to Rule 3-201.02 allow the Court Commissioner Conduct Committee to issue a private warning when dismissing a complaint against a commissioner for unprofessional behavior that does not rise to the level of misconduct.

This entry was posted in -Code of Judicial Administration, CJA006-701, CJA03-0111, CJA03-0201.02, CJA03-0202, CJA03-201.01, CJA04-0403, CJA06-702.

« Utah Rules of Business and Chancery Court Procedure – Comment Period Closed November 9, 2026

Rules of Juvenile Procedure – Comment Period Closed November 9, 2026 »

UTAH COURTS

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Tom E Caldwell

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- CJA006-701
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- CJA03-0304.01
- CJA03-0305

October 19, 2026 at 5:05 pm

PUBLIC COMMENT ON PROPOSED CJA RULES 6-701 AND 6-702

Re: Debt Collection and Housing Action Division — Judicial Efficiency and Minimum Pleading Requirements

To the Utah Judicial Council and Rules Committees:

I submit this comment regarding proposed Rules 6-701 and 6-702, which establish and govern the new Debt Collection and Housing Action Division.

I recognize the objective of improving judicial efficiency in high-volume litigation. However, I believe the proposed framework addresses primarily how cases are processed rather than whether those cases have an adequate factual and evidentiary foundation when filed.

I respectfully suggest that the most effective way to reduce judicial workload is to establish higher minimum requirements for initiating debt-collection lawsuits.

1. The problem begins before the complaint is filed

Debt-collection litigation is frequently initiated using standardized complaints containing generic allegations concerning contracts, ownership, balances, and default.

A defendant who disputes those allegations must then navigate discovery, motion practice, evidentiary objections, and potentially summary judgment proceedings to determine whether the plaintiff possesses adequate documentation to substantiate its claims.

This places substantial burdens on defendants and the courts, even though the plaintiff voluntarily initiated the litigation and should have conducted a reasonable investigation before filing.

Utah Rule of Civil Procedure 11 already imposes obligations regarding factual and legal support. However, enforcement generally requires a separate challenge. Where defendants are unrepresented or fail to appear, deficiencies may never receive meaningful scrutiny.

2. Minimum requirements for filing debt-collection complaints

I recommend that Utah consider amendments to its Rules of Civil Procedure requiring plaintiffs in consumer debt-collection actions to provide, at filing:

1. Identification of the original creditor and the present party legally entitled to enforce the alleged obligation.
2. Documentation establishing the plaintiff's ownership or other legally sufficient enforcement authority, including relevant assignments where applicable.
3. Identification and production of the agreement or other legal basis governing the alleged obligation, together with a sufficient basis for attributing it to the defendant.
4. An itemized accounting of the amount claimed, including principal, payments, credits, interest, fees, and adjustments.
5. A verified, account-specific statement demonstrating that the plaintiff conducted a reasonable inquiry into the factual basis of its claims before filing.

These requirements should apply appropriately to both original creditors and debt buyers, recognizing differences in their business relationships and records.

They should not require a plaintiff to prove its entire case before filing. Rather, they should establish that a reasonable evidentiary foundation exists before the plaintiff invokes the judicial system.

California and New York have adopted additional documentation requirements in consumer debt litigation. Utah should examine those

- CJA03-0306
- CJA03-0306.01
- CJA03-0306.02
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- CJA04-0503

approaches and determine which safeguards would improve the reliability of its own proceedings.

3. Judicial efficiency requires preventing unnecessary litigation

The proposed division is intended to improve the management of high-volume cases. But faster case processing does not necessarily reduce unnecessary litigation.

A complaint filed without adequate investigation may generate discovery disputes, motions, hearings, and requests for judicial intervention that could have been avoided through reasonable prefiling verification.

Requiring plaintiffs to establish a basic foundation before filing would shift much of that work to the party best positioned to perform it.

It would also create stronger incentives for accurate pleading, potentially reduce default judgments based on inadequate records, and allow judicial resources to be concentrated on legitimate disputes.

The effectiveness of such reforms could be measured through filing volumes, dismissal rates, discovery disputes, contested proceedings, and the frequency of judgments subsequently vacated.

4. Procedural safeguards should accompany administrative efficiency

I also encourage the Judicial Council to provide meaningful safeguards when assigning cases to commissioners, including clear notice of their authority, the procedures for obtaining district court review, and the rights available to self-represented litigants.

Consideration should be given to allowing either party to elect proceedings before a district court judge, subject to applicable constitutional and statutory requirements.

A system designed primarily for litigants who are frequently unrepresented should not presume that those litigants understand specialized procedures or the consequences of failing to invoke particular rights.

5. Request

I recognize that Rules 6-701 and 6-702 concern court administration and commissioner authority, and that substantive pleading and evidentiary requirements may require amendments to other rules or statutes.

Nevertheless, I respectfully request that the Judicial Council and appropriate rules committees consider complementary reforms establishing minimum account-specific pleading and documentation requirements before debt-collection complaints may proceed.

I further request that the development of these reforms include meaningful participation by consumers and self-represented litigants who have firsthand experience defending debt-collection actions.

Judicial efficiency should begin with reducing inadequately supported litigation, not merely accelerating its disposition.

Respectfully submitted,

Thomas E. Caldwell

Utah County, Utah

October 2026

- CJA04-0508
- CJA04-0509
- CJA04-0510
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Rule 6-701. Debt Collection and Housing Action Division.

Intent:

To establish a division within the district court for the efficient management of debt collection and housing actions pursuant to Utah Code section 78A-5-103 (effective Jan. 1, 2027).

Applicability:

This rule applies to a division established within the district court for debt collection and housing actions.

Statement of the Rule:

(1) **Definitions.**

(1)(A) "District Board" is as defined in Rule 3-201.01.

(1)(B) "Division" means the Debt Collection and Housing Action Division within the district court.

(1)(C) "Division Commissioner" is as defined in Rule 3-201.01.

(1)(D) **"Debt collection case"** means a civil action filed in the district court on or after January 1, 2027 that asserts only claims arising from any obligation or alleged obligation to pay money arising out of a transaction for money, property, insurance, or other services, whether or not such obligation has been reduced to judgment, and the only relief sought is money damages totaling less than $25,000, exclusive of attorneys fees and costs.

(1)(E) **"Housing action"** means a civil action filed in the district court that asserts a claim for forcible entry and detainer as described in Utah Code title 78B, chapter 6, part 8, Forcible Entry and Detainer.

(1)(F) **"Pretrial case processing"** means after a defendant has appeared in the case, deciding motions, conducting hearings pursuant to Utah Code title 78B, chapter 6, part 8, Forcible Entry and Detainer, deciding statements of discovery issues, conducting pretrial hearings, and other pretrial scheduling and management of the case until the case is certified ready for trial.

(1)(G) **"Post-judgment case processing"** means after a judgment has entered, conducting hearings and deciding post-judgment motions and petitions, except for motions under Rule 59 of the Utah Rules of Civil Procedure, which must be heard by the district court judge assigned to the case. This includes, but is not limited to, motions pursuant to Rule 60 of the Utah Rules of Civil Procedure, applications for writs,

procedures in aid of writs, and motions to renew judgment pursuant to Rule 58C of the Utah Rules of Civil Procedure.

(2) The Division is established for the efficient management of debt collection and housing actions. The existence of the Division may not impede public access to the courts.

(3) Debt collection cases and housing actions as defined herein will be filed and managed within the Division by both district court judges and Division Commissioners pursuant to this Code or rules promulgated by the Utah Supreme Court. Division Commissioners may be assigned cases for pretrial and post-judgment case processing as defined herein. If recommended by the District Board, the Council may authorize the assignment of other matters to Division Commissioners.

(4) Once a case is certified ready for trial, the Division Commissioner will refer the case to the assigned district court judge.

Effective: November 1, 2026

Rule 6-702. Debt Collection and Housing Action Division Commissioners.

Intent:

To identify, as required by Utah Code section 78A-5-107(8), the types of cases and matters Debt Collection and Housing Action Division Commissioners are authorized to hear and the types of relief Division Commissioners may order or recommend, and to establish procedures for the timely judicial review of recommendations and orders made by Division Commissioners.

Applicability:

This rule applies to Division Commissioners serving in the Debt Collection and Housing Action Division established in Rule 6-701.

Statement of the Rule:

(1) **Definitions.**

(1)(A) "District Chair" is as defined in Rule 3-201.01.

(1)(B) "Division" is as defined in Rule 6-701.

(1)(C) "Division Commissioner" is as defined in Rule 3-201.01.

(2) **Types of cases and matters**. Division Commissioners are authorized to hear all debt collection and housing action matters transferred to the Division.

(3) **Duties of Division Commissioner.** Under the general supervision of the District Chair, a Division Commissioner has the following duties in debt collection and housing actions transferred to the Division:

(3)(A) handle pretrial procedural aspects of the case until the case is certified for trial;

(3)(B) conduct occupancy hearings, motion hearings, and other hearings consistent with applicable statutes and rules;

(3)(C) refer appropriate cases to alternative dispute resolution programs if available;

(3)(D) certify cases that appear to require a hearing or trial before the district court judge to the district court; and

(3)(E) handle post-judgment proceedings.

(4) **Authority of Division Commissioner**. Subject to the limitations outlined in this rule, Division Commissioners will have the following authority:

(4)(A) all duties and responsibilities conferred by statute, the Rules of Civil Procedure, and this rule;

(4)(B) upon notice, to require the personal appearance of parties and their counsel at hearings before the Division Commissioner or district court;

(4)(C) issue temporary orders;

(4)(D) issue orders resolving non-dispositive motions;

(4)(E) conduct pretrial conferences with the parties and their counsel;

(4)(F) issue pretrial scheduling orders, discovery orders, and orders resolving statement of discovery issues;

(4)(G) issue orders imposing sanctions against any party who fails to comply with the commissioner's requirements of attendance or production of discovery;

(4)(H) conduct settlement conferences with the parties and their counsel;

(4)(I) issue orders referring appropriate cases to alternative dispute resolution programs if available;

(4)(J) conduct occupancy hearings in accordance with Utah Code section 78B-6-810 and make recommendations of findings of fact, conclusions of law, and a proposed order to the district court judge;

(4)(K) conduct hearings in accordance with Utah Code section 78B-6-810 and make recommendations of findings of fact, conclusions of law, and a proposed order to the district court judge;

(4)(L) conduct hearings in accordance with Utah Code section 78B-6-812 and make recommendations of findings of fact, conclusions of law, and a proposed order to the district court judge;

(4)(M) issue orders on motions to stay enforcement of an order of restitution or judgment;

(4)(N) conduct hearings for the purpose of taking evidence or proffers of evidence, except in cases previously certified to the district court;

(4)(O) make recommendations to the district court regarding any issue, including a recommendation for the entry of final judgment;

(4)(P) issue orders imposing sanctions for contempt of court, subject to de novo review by the district court judge;

(4)(Q) conduct hearings in aid of writs in accordance with Rules 64 and 64A of the Utah Rules of Civil Procedure; and

(4)(R) issue orders resolving objections to writs or motions to discharge writs, and orders to show cause in accordance with Rules 64, 64A, 64B, 64C, 64D, and 64E of the Utah Rules of Civil Procedure;

(5) **Prohibitions.**

(5)(A) Division Commissioners must not make final adjudications or enter final, appealable orders.

(5)(B) Division Commissioners must not serve as pro tempore judges in any matter, unless authorized by Supreme Court rule.

(6) **Judicial review**.

(6)(A) A recommendation of a Division Commissioner is not an order of the court.

(6)(B) An order of a Division Commissioner is the order of the court until modified by the court.

(6)(B)(i) All orders made by a Division Commissioner are subject to review by the district court pursuant to this rule and applicable rules of civil procedure or local rules.

(6)(B)(ii) Review of a Division Commissioner's order by the district court judge is de novo; neither party is required to show a change in circumstances, and no deference may be given to the commissioner's decision. Countersigning a Division Commissioner order does not constitute de novo review.

(6)(B)(iii) A party may file a written objection to a Division Commissioner's order within 14 days after the order is made in open court or, if the Division Commissioner takes the matter under advisement, within 14 days after the written order is served.

Effective: November 1, 2026

Rule 3-110. Judicial officer financial disclosures

Intent

To establish financial disclosure requirements for judicial officers.

Applicability

This rule applies to court commissioners and all judges and justices in courts of record and not of record ("Jjudicial Oofficers").

Statement of the Rule

(1) **Financial disclosures.** Judicial Oofficers must complete an annual financial disclosure form approved by the Council.

(2) **Reporting and publication.**

(2)(A) **Reporting term.** For purposes of this rule, the reporting term begins on August 1st and ends on July 31st. ~~Except as set forth in paragraph (2)(C), f~~Financial disclosure forms must be submitted between August 1st and August 15th each year, in accordance with policies established by the Council.

(2)(B) **Publication.** ~~Except as set forth in paragraph (2)(C), t~~The Council will publish all financial disclosure forms on the court website by October 1st each year.

~~(2)(C) **Exception.** For calendar year 2026, financial disclosure forms will be completed and posted on the court website as soon as practicable, on a date to be determined by the Council.~~

(3) **Redactions.** Judicial ~~o~~Officers are at-risk government employees and public figures. The Administrative Office will automatically redact Jjudicial Oofficers' personal and protected information from financial disclosure forms prior to publication. A Jjudicial Oofficer may submit a request to the Management Committee to redact~~that~~ additional information ~~be redacted~~ from their form prior to posting.

(4) **Public records.** Financial disclosure forms redacted in accordance with paragraph (3) are public records. Judicial Officers will be notified of requests to access their unredacted financial disclosure forms in accordance with Rule 4-202.05.

Effective ~~May 18~~November 1, 2026

Rule 3-111. Performance evaluation of court commissioners.

Intent:

To establish a performance evaluation, including the criteria upon which court commissioners will be evaluated, the standards against which performance will be measured and the methods for fairly, accurately, and reliably measuring performance.

To generate and provide to court commissioners information about their performance.

To establish the procedures by which the Council will evaluate and certify court commissioners for reappointment.

Applicability:

This rule applies to presiding judges, the District Chair, the Council, and court commissioners appointed under Rules 3-201 or 3-201.01.

Statement of the Rule:

(1) **Definitions.**

(1)(A) "District Chair" is as defined in Rule 3-201.01.

(1)(B) "Division Commissioner" is as defined in Rule 3-201.01.

(2) **Performance evaluations.**

(21)(A) On forms provided by the Administrative Office, the presiding judge of a district of which a court commissioner serves, or the District Chair for Division Commissioners, will complete an evaluation of the court commissioner's performance by July 1 of each year. If a commissioner serves multiple districts or court levels, the presiding judge of each district will complete an evaluation. For Division Commissioners, the District Chair will complete an evaluation.

(21)(B) The presiding judge(s), or District Chair, will survey judges and court personnel seeking feedback for the evaluation. During the evaluation period, the presiding judge(s), or District Chair, will review at least five of the commissioner's active cases. The review will include courtroom observation.

(21)(C) The presiding judge(s), or District Chair, will provide a copy of each commissioner evaluation to the Council. Copies of plans under paragraph (3)(G) and all evaluations will also be maintained in the commissioner's personnel file in the Administrative Office.

(32) **Evaluation and certification criteria.** Court commissioners must be evaluated and certified upon the following criteria:

(32)(A) demonstration of understanding of the substantive law and any relevant rules of procedure and evidence;

(32)(B) attentiveness to factual and legal issues before the court;

(32)(C) adherence to precedent and ability to clearly explain departures from precedent;

(32)(D) grasp of the practical impact on the parties of the commissioner's rulings, including the effect of delay and increased litigation expense;

(32)(E) ability to write clear judicial opinions;

(32)(F) ability to clearly explain the legal basis for judicial opinions;

(32)(G) demonstration of courtesy toward attorneys, court staff, and others in the commissioner's court;

(32)(H) maintenance of decorum in the courtroom;

(32)(I) demonstration of judicial demeanor and personal attributes that promote public trust and confidence in the judicial system;

(32)(J) preparation for hearings or oral argument;

(32)(K) avoidance of impropriety or the appearance of impropriety;

(32)(L) display of fairness and impartiality toward all parties;

(32)(M) ability to clearly communicate, including the ability to explain the basis for written rulings, court procedures, and decisions;

(32)(N) management of workload;

(32)(O) willingness to share proportionally the workload within the court or district, or regularly accepting assignments;

(32)(P) issuance of opinions and orders without unnecessary delay; and

(32)(Q) ability and willingness to use the court's case management systems in all cases.

(43) **Standards of performance.**

(43)(A) **Survey of attorneys.** The Council will measure satisfactory performance by a sample survey of the attorneys appearing before the court commissioner during the period for which the court commissioner is being evaluated. The Council will measure satisfactory performance based on the results of the final survey conducted during a court commissioner's term of office, subject to the discretion of a court commissioner serving an abbreviated initial term not to participate in a second survey under paragraph (43)(A)(v) of this rule.

(43)(A)(i) **Survey scoring.** The survey must be scored as follows.

(43)(A)(i)(a) Each question of the attorney survey will have six possible responses: Excellent, More Than Adequate, Adequate, Less Than Adequate, Inadequate, or No Personal Knowledge. A favorable response is Excellent, More Than Adequate, or Adequate.

(43)(A)(i)(b) Each question must be scored by dividing the total number of favorable responses by the total number of all responses, excluding the "No Personal Knowledge" responses. A satisfactory score for a question is achieved when the ratio of favorable responses is 70% or greater.

(43)(A)(i)(c) A court commissioner's performance is satisfactory if:

(43)(A)(i)(c)(1) at least 75% of the questions have a satisfactory score; and

(43)(A)(i)(c)(2) the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

(43)(A)(ii) **Survey respondents.** The Administrative Office must identify as potential respondents all lawyers who have appeared before the court commissioner during the period for which the commissioner is being evaluated.

(43)(A)(iii) **Exclusion from survey respondents.** A lawyer who has been appointed as a judge or court commissioner must not be a respondent in the survey. A lawyer who is suspended or disbarred or who has resigned under discipline must not be a respondent in the survey.

(43)(A)(iv) **Number of survey respondents.** The Surveyor must identify 180 respondents or all attorneys appearing before the court commissioner, whichever is less.

(43)(A)(v) **Administration of the survey.** Court commissioners will be the subject of a survey approximately six months prior to the expiration of their term of office. Court commissioners will be the subject of a survey during the second year of each term of office. Newly appointed court commissioners will be the subject of a survey during the second year of their term of office and, at their option, approximately six months prior to the expiration of their term of office.

(43)(A)(vi) **Survey report.** The Surveyor will provide to the subject of the survey, the subject's presiding judge(s), or District Chair, and the Council the number and percentage of respondents for each of the possible responses on each survey question and all comments, retyped and edited as necessary to redact the respondent's identity.

(43)(B) **Case under advisement standard.**

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

(43)(B)(i)(a) When a matter requiring attention is placed by staff in the court commissioner's personal electronic queue, inbox, personal possession, or equivalent;

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

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

(43)(B)(ii) A case is no longer under advisement when the court commissioner makes a decision on the issue that is under advisement or on the entire case.

(43)(B)(iii) The Council will measure satisfactory performance by the self-declaration of the court commissioner or by reviewing the records of the court.

(43)(B)(iv) A court commissioner in a trial court demonstrates satisfactory performance by holding:

(43)(B)(iv)(a) no more than three cases per calendar year under advisement more than two months after submission; and

(43)(B)(iv)(b) no case under advisement more than 180 days after submission.

(43)(C) **Compliance with education standards.** Satisfactory performance is established if the court commissioner annually complies with the judicial education standards of this Code, subject to the availability of in-state education programs. The Council will measure satisfactory performance by the self-declaration of the court commissioner or by reviewing the records of the State Court Administrator.

(43)(D) **Substantial compliance with Code of Judicial Conduct.** Satisfactory performance is established if the response of the court commissioner demonstrates substantial compliance with the Code of Judicial Conduct, if the Council finds the responsive information to be complete and correct and if the Council's review of formal and informal sanctions lead the Council to conclude the court commissioner is in substantial compliance with the Code of Judicial Conduct.

(43)(E) **Physical and mental competence.** Satisfactory performance is established if the response of the court commissioner demonstrates physical and mental competence

to serve in office and if the Council finds the responsive information to be complete and correct. The Council may request a statement by an examining physician.

(43)(F) **Performance and corrective action plans for court commissioners.**

(43)(F)(i) The presiding judge of the district a court commissioner serves, or the District Chair for Division Commissioners, will prepare a performance plan for a new court commissioner within 30 days of the court commissioner's appointment. If a court commissioner serves multiple districts or court levels, the presiding judge of each district and court level will prepare a performance plan. The District Chair will prepare a performance plan for Division Commissioners. The performance plan must communicate the expectations set forth in paragraph (2) of this rule.

(43)(F)(ii) If a presiding judge, or District Chair, issues an overall "Needs Improvement" rating on a court commissioner's annual performance evaluation as provided in paragraph (1), that presiding judge, or District Chair, will prepare a corrective action plan setting forth specific ways in which the court commissioner can improve in deficient areas.

(54) **Judicial Council certification process**

(54)(A) **July Council meeting.** At its meeting in July, the Council will begin the process of determining whether the court commissioners whose terms of office expire that year meet the standards of performance provided for in this rule. The Administrative Office must assemble all evaluation information, including:

(54)(A)(i) survey scores;

(54)(A)(ii) judicial education records;

(54)(A)(iii) self-declaration forms;

(54)(A)(iv) records of formal and informal sanctions;

(54)(A)(v) performance evaluations, if the court commissioner received an overall rating of Needs Improvement; and

(54)(A)(vi) any information requested by the Council.

(54)(B) **Records delivery.** Prior to the meeting the Administrative Office must deliver the records to the Council and to the court commissioners being evaluated.

(54)(C) **July Council meeting closed session.** In a session closed in compliance with Rule 2-103, the Council will consider the evaluation information and make a preliminary finding of whether a court commissioner has met the performance standards.

(54)(D) **Certification presumptions.** If the Council finds the court commissioner has met the performance standards, it is presumed the Council will certify the court

commissioner for reappointment. If the Council finds the court commissioner did not meet the performance standards, it is presumed the Council will not certify the court commissioner for reappointment. The Council may certify the court commissioner or withhold decision until after meeting with the court commissioner.

(54)(E) **Overcoming presumptions.** A presumption against certification may be overcome by a showing that a court commissioner's failure to comply with paragraphs (43)(B) and (43)(C) were beyond the court commissioner's personal control. A presumption in favor of certification may be overcome by:

(54)(E)(i) reliable information showing non-compliance with a performance standard, except as otherwise provided in paragraph (54)(E); or

(54)(E)(ii) formal or informal sanctions of sufficient gravity or number or both to demonstrate lack of substantial compliance with the Code of Judicial Conduct.

(54)(F) **August Council meeting.** At the request of the Council the court commissioner challenging a non-certification decision will meet with the Council in August. At the request of the Council the presiding judge(s), or District Chair, will~~shall~~ report to the Council any meetings held with the court commissioner, the steps toward self-improvement identified as a result of those meetings, and the efforts to complete those steps. Not later than 5 days after the July meeting, the Administrative Office must deliver to the court commissioner being evaluated notice of the Council's action and any records not already delivered to the court commissioner. The notice must contain an adequate description of the reasons the Council has withheld its decision and the date by which the court commissioner is to deliver written materials. The Administrative Office must deliver copies of all materials to the Council and to the court commissioner prior to the August meeting.

(54)(G) **August Council meeting closed session.** At its August meeting in a session closed in accordance with Rule 2-103, the Council will provide to the court commissioner adequate time to present evidence and arguments in favor of certification. Any member of the Council may present evidence and arguments of which the court commissioner has had notice opposed to certification. The burden is on the person arguing against the presumed certification. The Council may determine the order of presentation.

(54)(H) **Final certification decision.** At its August meeting in open session, the Council will approve its final findings and certification regarding all court commissioners whose terms of office expire that year.

(54)(I) **Communication of certification decision.** The Council will communicate its certification decision to the court commissioner and to the presiding judge(s) of the district(s) the commissioner serves, or to the District Chair for Division Commissioners.

Effective: ~~May~~ November 1, 2026

Rule 3-201.01 Commissioners for divisions within the district court.

Intent:

To define the role of commissioners for divisions within the district court, which currently includes the Debt Collection and Housing Action Division.

To establish a term of office for Division Commissioners.

To establish uniform administrative policies governing the qualifications, appointment, supervision, discipline and removal of Division Commissioners.

Applicability:

This rule applies to all trial courts of record for which a division has been established by the Council pursuant to Utah Code section 78A-5-103 (effective Jan. 1, 2027).

Statement of the Rule:

(1) **Definitions.**

(1)(A) “District Board” means the Board of District Court Judges.

(1)(B) “District Chair” means the Chair of the Board of District Court Judges or their designee.

(1)(C)“Division Commissioner” is a court commissioner, which is a quasi-judicial officer established by the Utah Code and authorized by the Council and, as appropriate, the Utah Supreme Court, to handle cases assigned to a division within the district court, such as the Debt Collection and Housing Action Division.

(2) **Qualifications.**

(2)(A) Division Commissioners must be at least 25 years of age, United States citizens, Utah residents for three years preceding appointment and residents of Utah while serving as commissioners.

(2)(B) Division Commissioners must be admitted to practice law in Utah and exhibit good character. Division Commissioners must possess ability and experience in the areas of law in which the Division Commissioner serves.

(2)(C) Division Commissioners must comply with Utah Code section 78A-2-221.

(3) **Appointment - Oath of office.**

(3)(A) Selection of Division Commissioners will be based solely upon consideration of fitness for office.

(3)(B) When a vacancy occurs or is about to occur in the office of a Division Commissioner, the Council will determine whether to fill the vacancy.

(3)(C) After the determination required by paragraph (3)(B), the District Chair will form a committee for the purpose of nominating candidates. The committee will consist of three

district court judges; three lawyers with varied viewpoints from the practice areas which are the focus of the division; and two members of the public. The judges on the nominating committee must not be members of the District Board or the Council. One of the judges will be appointed as the chair of the committee. The District Court Administrator will assist the committee. All members of the committee will reside in the State of Utah. All members of the committee will be voting members. A quorum of one half the voting committee members is necessary for the committee to act. The committee will act by the concurrence of a majority of the members voting.

(3)(D) No member of the committee may vote upon the qualifications of any candidate who is the spouse of that committee member or is related to that committee member within the third degree of relationship. No member of the committee may vote upon the qualifications of a candidate who is associated with that committee member in the practice of law. The committee member will declare to the committee any other potential conflict of interest between that member and any candidate as soon as the member becomes aware of the potential conflict of interest. The committee will determine whether the potential conflict of interest will preclude the member from voting upon the qualifications of any candidate. The committee will record all declarations of potential conflicts of interest and the decision of the committee upon the issue.

(3)(E) The Administrative Office will advertise for qualified applicants and will remove from consideration those applicants who do not meet minimum qualifications of age, citizenship, residency, and admission to the practice of law. The Administrative Office will develop uniform guidelines for the application process for Division Commissioners.

(3)(F) The nominating committee will review the applications of qualified applicants and may investigate the qualifications of applicants to its satisfaction. The committee will interview selected applicants and select the three best qualified candidates. All voting will be by confidential ballot. The committee will receive public comment on those candidates as provided in paragraph (4). Any candidate may be reconsidered upon motion by a committee member and upon agreement by a majority of nominating committee members.

(3)(G) When the public comment period as provided in paragraph (4) has closed, the comments will be given to the nominating committee. If any comments would negatively affect the committee's decision on whether to recommend a candidate, the candidate will be given all comments with the commenters' names redacted and an opportunity to respond to the comments. If the committee decides not to recommend a candidate based on the comments, the committee will select another candidate from the interviewed applicants and again receive public comment on the candidates as provided in paragraph (4).

(3)(H) The nominating committee will present the names, applications, and the results of background investigations of the nominees to the District Board. The committee may indicate its order of preference.

(3)(I) The District Board will select one of the nominees by a concurrence of a majority of judges voting.

(3)(J) The District Chair will present the name of the selected candidate to the Management Committee. The selection will be final upon the concurrence of two-thirds of the members of the Management Committee. The Management Committee will vote upon the selection within 45 days of the selection or the concurrence of the Management Committee will be deemed granted.

(3)(K) If the Management Committee does not concur in the selection, the District Board may select another of the nominees or a new nominating process will be commenced.

(3)(L) The appointment will be effective upon the Division Commissioner taking and subscribing to the oath of office required by the Utah Constitution and taking any other steps necessary to qualify for office. The Division Commissioner will qualify for office within 45 days after the concurrence by the Management Committee.

(4) **Public comment for appointment and retention.**

(4)(A) Final candidates for appointment and Division Commissioners who are up for retention will be subject to public comment.

(4)(B) For final candidates, the nominating committee will be responsible for giving notice of the public comment period.

(4)(C) For Division Commissioners, the Administrative Office will be responsible for giving notice of the public comment period.

(4)(D) The responsible party will:

(4)(D)(i) email notice to each active member of the Utah State Bar including the names of the nominees or Division Commissioner with instructions on how to submit comments;

(4)(D)(ii) issue a press release and other public notices listing the names of the nominees or Division Commissioner with instructions on how to submit comments; and

(4)(D)(iii) allow at least 10 days for public comment.

(4)(E) Individuals who comment on the nominees or Division commissioners should be encouraged, but not required, to provide their names and contact information.

(4)(F) The comments are classified as protected court records and will not be made available to the public.

(5) **Term of office.** Division Commissioners will be appointed until December 31 of the third year following concurrence by the Council. At the conclusion of the first term of office and each subsequent term, Division Commissioners will be retained for a term of four years unless the District Board votes not to retain the Division Commissioner in accordance with paragraph

(8)(B) or unless the Council does not certify the Division Commissioner for retention under Rule 3-111.

(6) **Division Commissioner performance review.**

(6)(A) **Performance evaluations and performance plans.** The District Chair will prepare an evaluation of the Division Commissioner's performance and a performance plan in accordance with Rule 3-111. Division Commissioners will comply with the program for judicial performance evaluation, including expectations set forth in a performance plan.

(6)(B) **Public comment period results.** When the public comment period for a Division Commissioner provided in paragraph (4) closes, the comments will be given to and reviewed by the District Board. If there are any negative comments, the negative comments will be provided to the Division Commissioner with the commenters' names redacted and the Division Commissioner will be given an opportunity to respond to the comments.

(7) **Corrective action or removal during a Division Commissioner's term.**

(7)(A) **Corrective action.**

(7)(A)(i) The Council may take corrective actions as the result of a complaint filed under Rule 3-201.02.

(7)(A)(ii) If the Division Commissioner's performance is not satisfactory, corrective actions may be taken in accordance with paragraph (7)(A)(iii) by the District Chair following a majority vote of the District Board.

(7)(A)(iii) Corrective actions may include but are not limited to private or public censure, restrictions in case assignments with corresponding reduction in salary, mandatory remedial education, suspension without pay for a period not to exceed 60 days, and removal under (7)(B)(i)(c).

(7)(B) **Removal.** During a Division Commissioner's term, the Division Commissioner may be removed by the Council:

(7)(B)(i) as part of a reduction in force;

(7)(B)(ii) for failure to meet the evaluation requirements;

(7)(B)(iii) as the result of a complaint filed under Rule 3-201.02 upon the concurrence of two-thirds of the Council; or

(7)(B)(iv) for unsatisfactory performance, as reported to the Council by the District Chair following a majority vote of the District Board.

(8) **Retention.**

(8)(A) The Council will review materials on the Division Commissioner's performance prior to the end of the Division Commissioner's term of office and the Council will vote on

whether the Division Commissioner is eligible to be retained for another term in accordance with Rule 3-111.

(8)(B) The Council will seek a recommendation from the District Board as to whether to retain the Division Commissioner for another term of office.

(8)(C) The Council will, with the concurrence of a majority of the members voting, determine whether to retain the Division Commissioner for another term. A decision not to retain may be without cause and will be communicated to the commissioner within a reasonable time after the decision is made, and not less than 60 days prior to the end of the commissioner's term.

(9) **Salaries and benefits.**

(9)(A) The Council will annually establish the salary of Division Commissioners. In determining the salary of the Division Commissioners, the Council will consider the effect of any salary increase for judges authorized by the Legislature and other relevant factors. Except as provided in paragraph (7), the salary of a Division Commissioner will not be reduced during the commissioner's tenure.

(9)(B) Division Commissioners will receive annual leave of 20 days per calendar year and the same sick leave benefits as judges of courts of record. Annual leave not used at the end of the calendar year will not accrue to the following year. A Division Commissioner hired part way through the year will receive annual leave on a prorated basis. Division Commissioners will receive the same retirement benefits as non-judicial officers employed in the judicial branch.

(10) **Support services.**

(10)(A) Division Commissioners will be provided with support personnel, equipment, and supplies necessary to carry out the duties of the office as determined by the District Court Administrator.

(10)(B) Division Commissioners are responsible for requesting necessary support services from the District Court Administrator.

Effective: November 1, 2026

Rule 3-201.02. Court Commissioner Conduct Committee.

Intent:

To establish a procedure for the review of complaints filed against court commissioners.

Applicability:

This rule ~~shall~~ applies~~y~~ to court commissioners and Division Commissioners in~~all~~ trial courts of record.

Statement of the Rule:

(1) Definitions.

(1)(A) "District Chair" is as defined in Rule 3-201.01.

(1)(B) "Division Commissioner" is as defined in Rule 3-201.01.

(2~~1~~) **Court Commissioner Conduct Committee.**

(2~~1~~)(A) The Court Commissioner Conduct Committee (Committee) is established to:

(2~~1~~)(A)(i) receive, review, and investigate any complaint filed against a court commissioner;

(2~~1~~)(A)(ii) conduct any hearing related to a complaint, and

(2~~1~~)(A)(iii) make recommendations to the Council and the presiding judge(s) of the district(s) the commissioner serves, or to the District Chair for Division Commissioners, regarding corrective actions or removal of the commissioner pursuant to ~~CJA~~ Rules 3-201 or 3-201.01, where the Committee finds misconduct by a preponderance of the evidence. For purposes of this rule, "misconduct" means:

(2~~1~~)(A)(iii)(a) action that constitutes willful misconduct in office;

(2~~1~~)(A)(iii)(b) final conviction of a crime punishable as a felony under state or federal law;

(2~~1~~)(A)(iii)(c) willful and persistent failure to perform commissioner duties; or

(2~~1~~)(A)(iii)(d) violations of the Code of Judicial Conduct.

(2~~1~~)(B) The Committee consists of the following members:

(2~~1~~)(B)(i) the Court of Appeals member of the Ethics Advisory Committee, who ~~shall~~ will serve as chair of the Committee;

(2~~1~~)(B)(ii) two presiding judges from judicial districts with a court commissioner, which presiding judges ~~shall~~ will be from districts other than the district the commissioner primarily serves, except for Division Commissioners, in which case

the Committee chair may select any district court judge not a member of the District Board;";

(21)(B)(iii) the immediate past Bar Commissioner member of the Council; and

(21)(B)(iv) the chair of the Supreme Court Advisory Committee on the Rules of Professional Conduct.

(21)(C) Circumstances which require recusal of a judge ~~shall~~ will require recusal of a Committee member from participation in Committee action.

(21)(C)(i) If the chair is recused, a majority of the remaining members will~~shall~~ select from among themselves a chair pro tempore.

(21)(C)(ii) If a presiding judge or district court judge for a Division Commissioner is recused, the chair will~~shall~~ temporarily appoint a presiding judge of another judicial district with a commissioner or another district court judge for a Division Commissioner.

(21)(C)(iii) If the immediate past Bar Commissioner member of the Council is recused or otherwise unable to serve, the chair will~~shall~~ temporarily appoint another past Bar Commissioner member of the Council.

(21)(C)(iv) If the chair of the Supreme Court Advisory Committee on the Rules of Professional Conduct is recused or otherwise unable to serve, the chair will ~~shall~~ temporarily appoint another member of the Supreme Court Advisory Committee on the Rules of Professional Conduct.

(21)(D) Three members of the Committee constitute a quorum. Any action of a majority of the quorum constitutes the action of the Committee. The chair ~~shall~~ will vote only as necessary to break a tie vote. The Committee ~~shall~~ will be organized and meet only as often as necessary to resolve a complaint not previously dismissed by the chair pursuant to paragraph (32)(C) below. Committee members may attend meetings in person, by telephone, by videoconference, or by other means approved in advance by the chair.

(21)(E) The confidentiality of all actions and materials related to a complaint, hearing, appeal, and Council review are governed by Rule 4-202.02, other than any public censure by the Council.

(32) **Complaint submission and initial review.**

(32)(A) A person who has a complaint against a commissioner ~~shall~~ must submit a copy of the complaint to the Committee chair.

(32)(B) Each complaint ~~shall~~ must be in writing and ~~shall~~ contain:

(32)(B)(i) the complainant's name;

(32)(B)(ii) the complainant's preferred contact information;

(32)(B)(iii) the name of the involved commissioner;

(32)(B)(iv) a description of the commissioner's actions in sufficient detail to inform the Committee of the nature and date of the alleged misconduct; and

(32)(B)(v) when possible, supporting documentation.

(32)(C) Upon receiving a complaint, the chair willshall conduct an initial review to determine if the allegations raise an issue that would be appropriately addressed by the full Committee. The chair willshall dismiss frivolous complaints and complaints found to raise only issues of law or fact for which the remedy is the review of the case by the trial court judge or by an appellate court. If the chair dismisses a complaint following initial review, the chair willshall provide notice of and basis for the dismissal to the complainant, the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners, and the commissioner. The chair shall will refer any complaint not dismissed following initial review to the full Committee.

(43) **Committee examination**

(43)(A) The Committee shall will examine any complaint referred to it by the chair under paragraph (32)(C) to determine whether dismissal or a hearing is appropriate. In connection with this examination, the Ccommittee may conduct an investigation of the allegations made in the complaint, including review of any relevant court file, hearing transcripts, and related materials. The Committee may, as part of its investigation under this paragraph, provide the commissioner with the opportunity to submit a written response to the allegations within 30 days.

(43)(B) If the Committee dismisses the complaint after examination, the chair shall will provide notice of and basis for the dismissal to the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners. In dismissing the complaint, after providing the commissioner the opportunity to submit a written response, the Committee may issue a private warning to the commissioner regarding the conduct alleged. A private warning does not constitute a corrective action or formal finding of misconduct. The private warning will be in writing and a copy provided to the commissioner and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners.

(43)(C) If the Committee determines that the matter should proceed to a hearing, the chair willshall send notice to the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners. The notice mustshall:

(43)(C)(i) inform the commissioner of the allegations and the canons allegedly violated;

(43)(C)(ii) invite the commissioner to respond to the allegations in writing within 30 days; and

(43)(C)(iii) include a copy of the complaint.

(43)(D) If the commissioner chooses to respond to the allegations, the commissioner mustshall send a copy of the response to the complainant, the Committee chair, and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners.

(43)(E) At any time prior to a hearing, the complainant may request to withdraw his or her complaint. If such a request is made, the Committee may grant the request and dismiss the complaint, or it may deny the request and proceed with the hearing.

(54) **Hearings of the Court Commissioner Conduct Committee.**

(54)(A) If the Committee determines that a matter should proceed to a hearing under paragraph (43), a hearing willshall be scheduled after receipt of the commissioner's response or expiration of the time to respond in paragraph (43)(C)(ii). Notice of the date, time, and place of the hearing shall will be sent to the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners.

(54)(B) Hearings shall beare closed to the public.

(54)(C) Not later than 20 days before the hearing, the commissioner and complainant shall must exchange all proposed exhibits and a list of all potential witnesses. The commissioner and the complainant are not considered witnesses.

(54)(D) The commissioner and complainant may be present at the hearing and have the assistance of counsel.

(54)(E) The Committee willshall interview the complainant, the commissioner, and any witnesses determined by the Committee to have relevant information. The commissioner and complainant have the right to testify.

(54)(F) The complainant may ask the Committee to pose specific questions to the commissioner, and the commissioner may ask the Committee to pose specific questions to the complainant. But ordinarily, neither the complainant nor the commissioner, whether acting on their own or through counsel, will be allowed to cross-examine the other unless, upon request, the Committee chair determines that cross-examination would materially assist the Committee in its deliberation.

(54)(G) The commissioner and complainant may present, examine, and cross-examine witnesses.

(54)(H) Testimony shall will be presented under oath and a record of the proceedings maintained.

(54)(I) At any time before final decision by the Committee, the commissioner may admit some or all of the allegations in the complaint, and may stipulate to findings and recommendations by the Committee.

(54)(J) Within 30 days after the completion of the hearing, the Committee willshall make written findings and conclusions concerning the allegations in the complaint and provide a

copy to the complainant, the commissioner, the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners, and the Council.

(54)(K) If the Committee finds misconduct by a preponderance of the evidence, the Committee willshall recommend appropriate corrective actions under CJA Rule 3-201 or 3-201.01.

(54)(L) In making recommendations for corrective actions, the Committee willshall consider the following non-exclusive factors:

(54)(L)(i) the nature of the misconduct;

(54)(L)(ii) the gravity of the misconduct;

(54)(L)(iii) the extent to which the misconduct has been reported to or is known by the presiding judge(s) of the district(s) the commissioner serves, the District Chair for Division Commissioners, or the commissioner, and the source of the dissemination of information;

(54)(L)(iv) the extent to which the commissioner has accepted responsibility for the misconduct;

(54)(L)(v) the extent to which the commissioner has made efforts to avoid repeating the same or similar misconduct;

(54)(L)(vi) the length of the commissioner's service with the courts;

(54)(L)(vii) the effect the misconduct has had upon the confidence of court employees, participants in the judicial system, or the public in the integrity or impartiality of the judiciary;

(54)(L)(viii) the extent to which the commissioner profited or satisfied his or her personal desires as a result of the misconduct; and

(54)(L)(ix) the number and type of previous corrective actions against the commissioner.

(54)(M) At the conclusion of the Committee's work, a copy of the complete file willshall be delivered to the State Court Administrator or designee.

(65) Council review of committee action.

(65)(A) **Appeals from decisions without a hearing.**

(65)(A)(i) Complaints dismissed prior to hearing, either by the chair under paragraph (32)(C) or by the Committee under paragraph (43)(B), may be appealed by the complainant to the Judicial Council. All such appeals must be submitted in writing to the Presiding OfficerChair of the Council, and must be received within 30 days of the notice of dismissal. In the appeal, the complainant must set forth the specific grounds on which the appeal is based. A copy of the appeal willshall be provided to the Committee chair, the commissioner, and the presiding judge(s) of

the district(s) the commissioner serves, or the District Chair for Division Commissioners.

(65)(A)(ii) The Council, a designated Council member, or a committee of the Council ~~shall~~ will conduct a de novo review of the file, and ~~shall~~ either affirm the dismissal, or ~~shall~~ require the Court Commissioner Conduct Committee to set the matter for hearing or re-hearing.

(65)(A)(iii) The Council's decision will~~shall~~ be in writing and a copy provided to the Committee chair, the complainant, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners.

(65)(A)(iv) If the dismissal is affirmed, the complainant has no other right of appeal.

(6)(A)(v) A commissioner may appeal a private warning issued by the Committee under subparagraph (4)(B) to the Council. The appeal must be submitted in writing to the Presiding Officer within 30 days of receiving notice of the warning, setting forth the specific grounds on which the appeal is based. A copy of the appeal must be provided to the Committee chair and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners.

(6)(A)(vi) In an appeal under subparagraph (6)(A)(v), the Council, a designated Council member, or a committee of the Council will conduct a de novo review of the file and affirm, modify, or vacate the private warning. The Council's decision will be in writing and final. A copy of the Council's decision will be provided to the Committee Chair, the commissioner, and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners.

(65)(B) **Council review following a hearing.**

(65)(B)(i) The Committee's findings, conclusions, and recommendations following a hearing will be reviewed by the Council, and considered at a meeting of the Council to be held at least 45 days after issuance of the Committee's decision.

(65)(B)(ii) The complainant, the commissioner, or presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners may file objections to the Committee's findings, conclusions or recommendations. Any such objections must be submitted in writing to the Council within 30 days of the date the Committee's findings, conclusions, and recommendations were issued.

(65)(B)(iii) No person other than the members of the Council are entitled to attend the Council meeting at which the Committee's decision is reviewed.

(65)(B)(iv) In conducting its review, the Council ~~shall~~ will review the record of the Committee's hearing, and ~~shall~~ determine whether to adopt, modify, or reject the Committee's findings, conclusions, and recommendations, including any recommendations for corrective action.

(6~~5~~)(B)(v) The Council's decision ~~shall~~ will be in writing and provided to the Committee chair, the commissioner, the complainant, and the presiding judge(s) of the district(s) the commissioner serves, or the District Chair for Division Commissioners.

(6~~5~~)(B)(vi) The decision reached by the Council after review is final and is not appealable.

(6~~5~~)(C) **Annual Report.** The chair of the Committee will~~shall~~ report to the Council not less than annually on the Committee's work, including a general description of any complaint dismissed without a hearing.

Effective: ~~May 1, 2021~~November 1, 2026

Rule 3-202. Court referees prohibited.

Intent:

To prohibit courts from establishing the position of court referee.

Applicability:

This rule applies to all trial courts.

Statement of the Rule:

(1) **Definitions.**

(1)(A)"Court referee" means any person by any title, including but not limited to court referee, traffic referee, hearing officer, or adjuster who resolves or recommends resolution of any case. "Court referee" does not include~~, other than~~:

(1)(A)(i) a judge appointed under Article VIII of the Utah Constitution;

(1)(A~~B~~)(ii) a senior judge appointed under r~~R~~ules ~~1~~1-201 or ~~Rule 1~~1-203 of the Utah Supreme Court Rules of Professional Practice;

(1)(A~~C~~)(iii) a judge pro tempore appointed under r~~R~~ule ~~1~~1-202 of the Utah Supreme Court Rules of Professional Practice;

(1)(A~~D~~)(iv) a court commissioner or Division Commissioner appointed under Rule 3-201 or 3-201.01;

(1)(A~~E~~)(v) a master appointed under Rule 53 of the Utah Rules of Civil Procedure ~~53~~;

(1)(A~~F~~)(vi) a Court C~~c~~lerk ~~of court~~ acting under Rule 4-704; or

(1)(A~~G~~)(vii) a juvenile court probation officer ~~acting~~ appointed under Utah Code s~~S~~ection 78A-6-205~~602 or Rule 7-301 by any title, including but not limited to court referee, traffic referee, hearing officer, or adjuster who resolves or recommends resolution of any case~~.

(1)(B) "Division Commissioner" is as defined in Rule 3-201.01.

(2) **Court referees prohibited.** Court referees are prohibited.

Effective: ~~January 1, 2013~~November 1, 2026

Rule 3-501. Insurance Benefits Upon Retirement.

Intent:

To establish uniform policies regarding sick leave for all judicial officers of courts of record (justices, judges, and court commissioners), and conversion of sick leave to paid medical, dental, prescription drug, and employer-funded basic life insurance benefits at the time of retirement; and to establish uniform policies for incentive benefits for active senior judges of courts of record.

Applicability:

~~Provisions~~ Paragraphs (1) through (3~~4~~) of this rule apply to all judicial officers, not including active senior judges. ~~Provision~~ Paragraphs (4~~5~~) and (5~~6~~) of this rule apply only to active senior judges of courts of record.

As used in this rule, "retirement" means the judicial officer has become eligible, applies for, and is entitled to receive an allowance under Utah Code title 49.

Statement of the Rule:

(1) **Earned benefits.**

(1)(A) For each year of full-time employment that a judicial officer uses less than four days of sick leave in a calendar year, the judicial officer accrues eligibility for eight months of paid medical, dental, prescription drug, and employer-funded basic life insurance benefits at the time of retirement. Dental and employer-funded basic life insurance coverage is dependent upon the judicial officer's age at retirement. Upon retirement, the judicial officer will declare to the Human Resources Department if they are otherwise covered by a comparable medical insurance policy. If not, the judicial officer will receive the accrued insurance benefits.

(1)(B) Maternity leave and parental leave is considered sick leave for determining benefits under this rule.

(1)(C) Medical, dental, and prescription drug insurance coverage provided will be the same as that carried by the judicial officer at retirement if the judicial officer is under age 65 at retirement. The judicial officer will continue to pay their portion of the shared premiums and the Jj~~j~~udiciary will continue to pay its portion of the shared premiums.

(1)(D) Medical and prescription drug insurance coverage provided will convert to the PEHP Medicare Supplement and Enhanced Pharmacy insurance benefits if the judicial officer is age 65 or older on the effective date of retirement. Dental and employer-funded basic life insurance benefits will terminate when the judicial officer is eligible for Medicare. The Jj~~j~~udiciary covers 100% of the cost of premiums for the PEHP Medicare Supplement and Enhanced Pharmacy plans for the judicial officer and spouse.

(1)(D)(i) If the judicial officer is enrolled in a high deductible plan, it is their responsibility to stop all contributions (employee and employer) six months prior to applying for Medicare benefits to avoid a Social Security (Medicare) penalty tax. The judicial officer is responsible for contacting the PEHP Flex Department to stop all contributions.

(1)(D)(ii) If the spouse of the judicial officer is not Medicare eligible when the judicial officer retires, the spouse's coverage will remain the same as that carried

by the judicial officer at retirement until the spouse is eligible for Medicare or until earned benefits are exhausted, whichever is earlier.

(2) **Duration of benefits.**

(2)(A) The duration of earned benefits will be calculated based on the judicial officer's last work day. Active employee insurance coverage ends on the last day of the month in which the judicial officer worked. Retiree insurance coverage or the PEHP Medicare Supplement and Enhanced Pharmacy coverage begins on the first of the month following the judicial officer's last work day. Earned benefits will not exceed seven years.

YEARS in which judicial officer used fewer than 4 days of sick leave in the calendar year	**TOTAL NUMBER OF MONTHS** PAID INSURANCE (1 year --> 8 months)	**YEARS OF PAID INSURANCE**
1 year	8 months	
2 years	16 months	1 year, 4 months
3 years	24 months	2 years
4 years	32 months	2 years, 8 months
5 years	40 months	3 years, 4 months
6 years	48 months	4 years
7 years	56 months	4 years, 8 months
8 years	64 months	5 years, 4 months
9 years	72 months	6 years
10 years	80 months	6 years, 8 months
11 years	88 months	7 years

(2)(B) If the judicial officer is under age 65 at retirement, when the judicial officer reaches age 65, retiree insurance coverage will convert to the PEHP Medicare Supplement and Enhanced Pharmacy insurance coverage, and coverage will continue for the remaining duration of the term of earned benefits. Dental and employer-funded basic life insurance benefits will terminate when the judicial officer reaches age 65.

(2)(C) If the judicial officer is under age 65 at retirement but the spouse is 65 or older, the spouse's coverage will remain the same as that carried by the judicial officer at retirement until the judicial officer becomes eligible for Medicare. The spouse's retiree insurance coverage will convert to the PEHP Medicare Supplement and Enhanced Pharmacy insurance coverage, and will continue for the remaining duration of the term of earned benefits.

(2)(D) Earned benefits for dependents, other than a spouse, of the judicial officer terminate when the judicial officer reaches age 65 or until the dependent reaches age 26, whichever is earlier.

(2)(E) Additional life insurance coverage will terminate for the judicial officer's spouse and dependent(s) when employment ends.

(3) **Recording sick leave.** As authorized by Utah Code sSection 78A-2-107, the Sstate Ccourt Aadministrator or designee will develop methods for recording sick leave used each year by judicial officers.

(4) **Active senior judge incentive benefit.**

(4)(A) The Jjudiciary will pay 50% of the cost of medical and dental insurance premiums for a qualifying active senior judge and spouse until the qualifying active senior judge reaches age 65. The Jjudiciary will pay 50% of the cost of the PEHP Medicare Supplemental and Enhanced Pharmacy insurance coverage for a qualifying active senior judge and spouse if the active senior judge and spouse are age 65 or older.

(4)(B) To qualify for the incentive benefit the active senior judge must:

(4)(B)(i) qualify as an active senior judge pursuant to Rrule 11-201 of the Utah Supreme Court Rules of Professional Practice;

(4)(B)(ii) have exhausted the earned benefits provided for by this rule;

(4)(B)(iii) submit to the Sstate Ccourt Aadministrator or their designee a letter expressing an intent to participate in the incentive benefit program;

(4)(B)(iv) comply with qualifications for reappointment as outlined in Rrule 11-201 of the Utah Supreme Court Rules of Professional Practice during the active senior judge's term of appointment; and

(4)(B)(v) show good cause to the Council why the active senior judge should not be disqualified for the incentive benefit if the active senior judge has not performed case work for two or more fiscal years.

(4)(C) The active senior judge is responsible for their portion of insurance premium deductions and will coordinate with the Utah Retirement SystemURS and/or PEHP as applicable.

(5) **Inactive status.** If an active senior judge who receives the incentive benefit changes to inactive status, the senior judge will must notify the Sstate ccourt Aadministrator or designee and the Human Resources Department in writing that the active senior judge has converted to inactive status and is receiving the incentive benefit. Human Resources will notify PEHP of the change in status.

(6) **Availability of funds.** Implementation of this rule is subject to availability of funds.

*Effective: November 1, 2026*4*

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

Intent:

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

Applicability:

This rule applies to all trial courts of record and not of record.

Statement of the Rule:

(1) **Definitions.**

(1)(A) "District Chair" is as defined in Rule 3-201.01.

(1)(B) "Division Commissioner" is as defined in Rule 3-201.01.

(2~~1~~) **Approved document types.** A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following document types:

(2~~1~~)(A) bail bonds from approved bondsmen;

(2~~1~~)(B) bench warrants;

(2~~1~~)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(2~~1~~)(D) civil orders for dismissal pursuant to Rule 4-103 and Rules 3 and 4 of the Utah Rules of Civil Procedure;

(2~~1~~)(E) orders to show cause and orders to appear/attend under Rules 7A and 7B of the Utah Rules of Civil Procedure;

(2~~1~~)(F) orders to take into custody;

(2~~1~~)(G) summons;

(2~~1~~)(H) supplemental procedure orders;

(2~~1~~)(I) orders setting dates for hearing and for notice;

(2~~1~~)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;

(2~~1~~)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; and

(2~~1~~)(L) orders appointing a court visitor.

(3~~2~~) **Approval of additional document types.**

(32)(A) **Standing Orders.** A juvenile or district court presiding judge, or a justice court presiding judge of a judicial district, or the District Chair for Division Commissioners, may issue a standing order authorizing judges and commissioners to allow clerks to use an electronic signature or signature stamp in lieu of a judge's or commissioner's signature on specific document types other than those listed in paragraph (21). Before issuing such an order, the presiding judge or District Chair for Division Commissioners, must determine that there is a benefit in administrative convenience, and be satisfied that there are minimal concerns about record accuracy or integrity in allowing a clerk to use a judge's or commissioner's electronic signature or signature stamp.

(32)(B) **Judge Authorization.** When a presiding judge or District Chair for Division Commissioners has issued a standing order pursuant to paragraph (32)(A), a judge or commissioner within that district or a Division Commissioner may authorize a clerk to use an electronic signature or signature stamp, in lieu of obtaining the judge's or commissioner's signature.

(32)(C) **Retention of Standing Orders.** Standing orders issued under this Rule must be maintained in accordance with the Utah State Courts Records Retention Schedule.

(43) **Automatic.** The electronic signature of a judge may be automatically affixed to the following documents without the need for specific direction from the assigned judge when issued using a form approved by the ~~Judicial~~ Council:

(43)(A) a domestic relations injunction issued under Rule 109 of the Utah Rules of Civil Procedure;

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

(43)(C) automated orders related to deferred traffic prosecution cases under Utah Code section 77-2-4.2.

(54) **Approval on a document-by-document basis.** All documents not covered under paragraphs (21), (32), or (43) that require a judge's or commissioner's signature must be personally signed by the judge or commissioner, unless the judge or commissioner, on a document-by-document basis, authorizes the clerk to use the judge's or commissioner's electronic signature or signature stamp in lieu of the judge's or commissioner's signature. The judge or commissioner must review the document prior to granting such authorization.

(65) **Documentation in the case.** Authorization granted under paragraph (54) must be documented in writing in the case. Authorization granted under paragraphs (21), (32), or (43) does not need to be documented in the case.

(76) **Clerk signature.** When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp under this rule, the clerk must sign directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

Effective: November 1, 2026

Rule 4-901. Mandatory electronic filing in juvenile court.

Intent:

To require that documents in juvenile court cases be filed electronically.

To provide for exceptions.

Applicability:

This rule applies to~~in the~~ juvenile court~~s~~.

Statement of the Rule:

(1) **Juvenile cases.** Except as provided in p~~P~~aragraph (2), pleadings and other papers filed in juvenile court cases ~~shall~~ must be electronically filed using the juvenile court's Court and Agency Records Exchange (C.A.R.E.). The electronic filer ~~shall~~ must obtain and use a unique C.A.R.E. login for all electronic filings in the juvenile court.

(2) **Exceptions.**

(2)(A) **Self-represented parties.** A self-represented party who is not a lawyer may file pleadings and other papers by email, mail, or in person.

(2)(B) **Indian tribes**. A lawyer or nonlawyer representing an Indian tribe under Rules 4-802 or 4-806 of the Utah Supreme Court Rules of Professional Practice may file pleadings and other papers by email, mail, or in person.

(2)(C~~B~~) **Hardship exemption.** A lawyer may submit a written request for a hardship exemption from this rule to the Juvenile Court Administrator explaining why an exemption is necessary. ~~whose~~ If granted, the lawyer ~~request for a hardship exemption from this rule has been approved by the Judicial Council~~ may file pleadings and other papers using any method permitted by the ~~Judicial Council~~Juvenile Court Administrator or designee. The exemption may be time-limited and subject to other conditions. ~~To request an exemption, the lawyer shall submit a written request outlining why an exemption is necessary to the Juvenile Court Administrator.~~

Effective: ~~December 19, 2022~~November 1, 2026

TAB 3

CJA 4-202.01. Definitions

Notes: In response to concerns from clerical staff, the AI Subcommittee drafted proposed amendments to rule 4-202.01 to prevent AI-generated meeting notes or summaries from being subject to disclosure pursuant to record requests.

Rule 4-202.01. Definitions.

Intent:

To provide a uniform definition for special terms.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

As used in these rules:

(1) "**Access**" means to inspect and obtain a copy.

(2) "**Court record**" means a record prepared, owned, received, or retained by a court or the ~~administrative~~ Administrative O~~o~~ffice ~~of the courts~~.

(3) "**Record**" means books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, data or other materials, regardless of form or characteristics, that are reproducible.

(4) "**Record**" does not mean any of the following unless received into evidence:

(4)(A) drafts;

(4)(B) calendars;

(4)(C) notes or similar materials prepared for the originator's own use or for the sole use of an individual for whom the originator works;

(4)(D) automatically generated, machine-generated, or artificial intelligence-generated notes, summaries, transcriptions, or task lists produced during or following a court proceeding, judicial conference, or administrative meeting;

(4)(~~D~~E) a document or communication prepared or received by an individual in the individual's private capacity or a document or communication prepared or received by an individual that is unrelated to the public's business;

(4)(~~E~~F) materials legally owned by an individual in the individual's private capacity;

(4)(~~F~~G) materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the courts;

(4)(~~G~~H) proprietary software, computer programs, or software developed or purchased by or for the courts for its own use;

(4)(~~H~~I) junk mail or commercial publications received by the courts or an official or employee of the courts; ~~or~~

(4)(~~I~~J) materials contained in the collection of libraries open to the public; ~~or~~

(4)(K) notes or internal memorandum prepared for a member of the judiciary as part of the deliberative process.

Effective: ~~November 1, 2024~~May 1, 2027

Commented [KW1]: Mirrors 63G-2-103(25)(b)
"Record" does not include: ...
(xii): a note or internal memorandum prepared as part of the deliberative process by: (A) a member of the judiciary ...

TAB 4

CJA 4-202.02. Records classification
CJA 4-202.03. Records access

Notes: The Board of Juvenile Court Judges recommends approval of the proposed amendments. The effective date should align with the effective date of HB540 (January 1, 2027), followed by a 45-day public comment period.

Rule 4-202.02

1. Add a new paragraph (2)(II) for pleadings associated with adult criminal proceedings filed in juvenile court. Under U.C. § 78A-6-450 a county or district attorney may file a criminal information in the juvenile court charging an adult with a few specified criminal offenses. Under U.C. § 78A-6-451(2) these proceedings are governed by the statutes and rules applicable to criminal cases in the district court, which would make them public records. This classification is not clear in the current court rule because pleadings filed with the juvenile court are classified as juvenile court legal or social records. This amendment would clarify the status of these records as public and available on Xchange after January 1, 2027.

2. Amend (4)(B) to include the language "in district or justice court" in the opening paragraph. This would clarify that protective order records filed in juvenile court are classified as juvenile court legal and social records. Utah Code § 78A-6-103 grants the juvenile court original jurisdiction over child protective orders, and a review of protective order statutes in Utah Code Title 78B, Chapter 7 reveals no conflicting classification provisions. Classifying these pleadings as juvenile court legal or social records also aligns with the overarching policy goals of UCJA Rule 4-202 to protect personal privacy and promote youthful offender rehabilitation.

3. Remove the language "in protective order proceedings in juvenile court and" in (4)(O) to go along with the protective order amendments above. This amendment was previously necessary if child protective order records were

going to be accessible on Xchange to make sure the name of a respondent searchable, if the respondent was a minor.

Rule 4-202.03

1. Most juvenile records are classified as juvenile court social or legal records, with access restricted to subjects who are at least 18 years of age or older pursuant to CJA Rule 4-202.03(5)(A) and U.C. § 78A-6-209. Although U.C. § 78A-6-209(3) allows minors to inspect records with the court's consent, this case-by-case mechanism creates administrative friction, which is particularly evident for youth facing delinquency proceedings who have a right to receive petitions or criminal informations under U.C. § 80-6-603. Specifically addressing youth participating in delinquency proceedings before the court or a nonjudicial adjustment with juvenile probation, access to critical documents such as petitions, adjudication or dispositional orders, and probation agreements by minors may be essential to streamlining court operations and online access. The proposed amendments include:

    - Adding a new paragraph (5)(B) to allow individuals under 18 years of age who are participating in delinquency proceedings access to nonjudicial adjustment agreements.
    - Adding a new paragraph at (6)(G) to allow individuals under 18 years of age who are participating in delinquency proceedings access to a delinquency petition or information and court orders.

2. Amend paragraph (8) to include "or by court personnel, but only to achieve the purpose for which the record was submitted." To achieve conformity with U.C. § 78A-6-209(5), a few years ago CJA Rule 4-202.03 was amended to include paragraph (8), restricting access to unfiled juvenile probation records except by court order. Prior to this, juvenile court probation records which are not filed in a juvenile court case file were accessible to anyone under CJA Rule 4-202.03(4) as a protected record. While this amendment successfully aligned the rule with the statute, it created an unintended operational barrier for victim offender mediation program staff, who routinely rely on some juvenile probation records to obtain critical incident details and contact information necessary to schedule and prepare mediation sessions. This adjustment would mirror other access rules for court personnel which allow inspection of non-public records strictly for court-related business.

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) pleadings filed in the juvenile court under Utah Code, title 78A, chapter 6, part 4a; and

(2)(II~~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 81, chapter 13, Adoption, six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Utah Code, title 81, chapter 5, 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 81, chapter 13, Adoption, until the records are sealed;

(4)(A)(iv) Utah Code, title 81, chapter 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 in district or justice court, 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, chapter 6, Child Support;

(4)(B)(v) Utah Code, title 81, chapter 11, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vi) Utah Code, title 81, chapter 8, Uniform Interstate Family Support Act;

(4)(B)(vii) Utah Code, title 81, chapter 5, 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 child protective order proceedings in juvenile court and~~ 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;

(4)(CC) for an offense occurring on or after July 1, 2026, a court record that identifies a victim of a crime by name rather than initials if, prior to the entry of final disposition, judgment, or sentence in the case, a valid request is made under Rule 4-202.12; and

(4)(DD) 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)(H~~I~~) confidential business records under Utah Code section 63G-2-309;

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

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

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

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

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

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

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

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

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

(5)(P~~Q~~) test questions and answers;

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

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

(5)(S~~T~~) presentence investigation report;

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

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

(5)(V~~W~~) unredacted judicial officer financial disclosure forms;

(5)(W~~X~~) motions, supporting materials, and records of hearings involving the admissibility of evidence of a victim's sexual behavior or other evidence under Rule 412 of the Utah Rules of Evidence; and

(5)(X~~Y~~) 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 81, chapter 11, Utah Uniform Child Custody Jurisdiction and Enforcement Act, Utah Code, title 81, chapter 8, Uniform Interstate Family Support Act; or Utah Code, title 81, chapter 5, 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: ~~November 1, 2026~~January 1, 2027

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, chapter 13, 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 Sstate Ccourt Aadministrator 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) an individual under 18 years of age who is participating in delinquency proceedings may access nonjudicial adjustment agreements;

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

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

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

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

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

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

(5)(M~~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)(N~~M~~) anyone by court order.

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

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

(5)(QP) When releasing records under subparagraph (5)(PO)(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)(RQ) 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; and.

(6)(G) an individual under 18 years of age who is participating in delinquency proceedings may access a delinquency petition or information, and court orders.

(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 or by court personnel, but only to achieve the purpose for which the record was submitted.

(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: ~~September 1, 2025~~January 1, 2027

TAB 5

CJA 4-907. Parenting and divorce orientation courses

Notes: The proposed amendments to rule 4-907 update outdated language that strictly requires a formal Request for Proposals (RFP) to award contracts for mandatory parenting and divorce education courses. It is difficult to find contractors willing to do this work and the total amount often falls within small purchasing limits, making a full RFP impractical. This language is consistent with Utah Code. Contracts for these services are between the contractor and the AOC, not the education department.

> 81-4-105(5) The Administrative Office of the Courts shall administer the divorce orientation course, **in accordance with Title 63G, Chapter 6a, Utah Procurement Code**, through private or public contracts and organize the program in each of Utah's judicial districts.
>
> 81-9-103(5)(a) The Administrative Office of the Courts shall administer the mandatory parenting courses, **in accordance with Title 63G, Chapter 6a, Utah Procurement Code**, through private or public contracts and organize the program in each of Utah's judicial districts.

Rule 4-907. Parenting and divorce orientation courses.

Intent:

To establish policies for the implementation of the mandatory parenting courses required by Utah Code sSection 81-9-103 and the mandatory divorce orientation course required by Utah Code sSection 81-4-105.

Applicability:

This rule ~~shall apply~~applies to all proceedings in which Utah Code sSection 81-9-103, Utah Code sSection 81-4-105, or a court order requires attendance.

Statement of the Rule:

(1) ~~**Judicial education department.**~~**Administrative Office.** The ~~judicial branch education department~~Administrative Office ~~shall~~will:

(1)(A) establish uniform specifications and standards for the courses;

(1)(B) ~~issue a request for proposals~~ contract with course providers in accordance with the Utah Procurement Code setting forth the uniform specifications and standards;

(1)(C) award contracts for live courses; and

(1)(D) produce the courses by effective formats.

(2) **Attendance.** Each party required to attend a course may attend the live course at any location at which it is offered or take an interactive online course. The ~~judicial branch education department~~Administrative Office may approve an equivalent alternative under exigent circumstances.

(3) **Unmarried parties.** Until the Council approves and implements a mandatory parenting course for unmarried parties in a parentage action, an unmarried party in a parentage action must attend the mandatory parenting course for married parties.

(4) **Certificate.** The course provider ~~shall~~will provide the party with a certificate of completion.

(5) **Notice.** When the petition is filed, the clerk ~~shall~~will notify the petitioner of the course requirement. The petitioner ~~shall~~must notify the respondent of the requirement and file a certificate of service of the notice.

(6) **Fees.**

(6)(A) Any person attending a course ~~shall~~must present a valid form of photo identification and pay the course fee, or present a copy of an order waiving the fee or a motion to waive fees that has been filed with the court. If the court determines that the party is not indigent, the court may enter judgment for the amount of the course fee.

(6)(B) The fee for attending or taking an online parenting course is $35.00, which includes $8.00 for deposit in the Children's Legal Defense Fund. The fee for attending or

taking an online divorce orientation course is $15.00 for petitioners who attend the course within 30 days of filing and for respondents who attend the course within 30 days of service. Otherwise, the fee for attending or taking an online divorce orientation course is $30.00, which includes $5.00 for deposit in the Children's Legal Defense Fund.

(7) **Course provider.** The course provider ~~shall~~ must provide the court with an alphabetized list of each party who completed the course on a monthly basis.

Effective: ~~November 1, 2024~~May 1, 2027