

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