**Rule 108. Objection to domestic relations ~~court~~ commissioner's recommendation.**

(a) This rule applies to motion practice before domestic relations ~~court~~ commissioners, as described by Code of Judicial Administration rule 6-401.

(b) A recommendation of a ~~court~~ commissioner is the order of the court until modified by the court. A party may file a written objection to the recommendation within 14 days after the recommendation is made in open court or, if the ~~court~~ commissioner takes the matter under advisement, within 14 days after the minute entry of the recommendation is served. A judge's counter-signature on the commissioner's recommendation does not affect the review of an objection.

(c~~b~~) The objection must identify succinctly and with particularity the findings of fact, the conclusions of law, or the part of the recommendation to which the objection is made and state the relief sought. The memorandum in support of the objection must explain succinctly and with particularity why the findings, conclusions, or recommendation are incorrect. The time for filing, length and content of memoranda, affidavits, and request to submit for decision are as stated for motions in Rule 7.

(~~c~~d) If there has been a substantial change of circumstances since the commissioner's recommendation, the judge may, in the interests of judicial economy, consider new evidence. Otherwise, any evidence that was not presented to the commissioner, whether by proffer, testimony, or exhibit, may not be presented to the judge.

(1) The judge may hold a hearing on any objection.

(2) If the hearing before the commissioner was held under Utah Code title 26B, chapter 5, part 3, Utah State Hospital and Other Mental Health Facilities; Utah Code title 78B, chapter 7, Protective Orders, or on a motion to enforce order and for sanctions, any party has the right, upon request, to present testimony and other evidence on genuine issues of material fact.

(3) If the hearing before the commissioner was in a domestic relations matter other than a cohabitant abuse protective order, any party has the right, upon request:

(A) to present testimony and other evidence on genuine issues of material fact relevant to custody; and

(B) to a hearing at which the judge may require testimony or proffers of testimony on genuine issues of material fact relevant to issues other than custody.

(~~d~~e) If a party does not request a hearing, the judge may hold a hearing or review the record of evidence, whether by proffer, testimony or exhibit, before the commissioner.

(~~e~~f) The judge will make independent findings of fact and conclusions of law based on the evidence, whether by proffer, testimony or exhibit, presented to the judge, or, if there was no hearing before the judge, based on the evidence presented to the commissioner.

*Effective: ~~5/1/2026~~ [##/##/####]*