

APPROVED

MINUTES
Utah Judicial Council's Committee
on Court Forms

Administrative Office of the Courts
450 South State Street
Salt Lake City, UT 84111

September 19, 2017
12:00 – 3:00 p.m.

ATTENDEES

Randy Dryer, Chair
Judge James Taylor
Judge Gregory Bown
Commissioner T. Patrick Casey
Stewart Ralphs
Nathanael Player
Mary Westby
Kim Allard
Cyndie Bayles
Christina Cope
Guy Galli
Kara Mann
Jessica Van Buren

EXCUSED

Judge Elizabeth Lindsley

STAFF

Brent Johnson
Carol Sheets, Recording Secretary

I. WELCOME AND APPROVAL OF MINUTES

Randy Dryer welcomed the Committee members to the meeting.

The Committee discussed the August 24, 2017 minutes. There being no changes, Commissioner T. Patrick Casey moved to approve the minutes. Nathanael Player seconded the motion and it passed unanimously.

II. REVIEW AND APPROVE FORMS COMMITTEE PROCEDURES

The Forms Committee Procedures were preliminarily discussed at the last meeting and there was an opportunity for people to make suggested changes. Since there was barely a quorum at the August committee meeting, the Forms Committee Procedures will be put on next month's agenda for discussion, possible revisions and final approval.

A motion was made by Stewart Ralphs to put the Forms Committee Procedures on the October meeting agenda for modifications and final approval. Christina Cope seconded the motion and it passed unanimously.

III. REVIEW ESSENTIAL TREATMENT FORMS

The Committee recommended some changes to the wording of the Essential Treatment forms and Jessica Van Buren made revisions to them. There was also discussion of what the entire Essential Treatment process will be from the time a petition is filed until a judge has made an order.

The respondent will need to be evaluated by two examiners, but there is no clear indication of how soon the respondent will need to have these evaluations completed after the petition has been filed with the court. Judge Taylor would like clarification as to the timeframe so that he knows approximately how soon judges will need to schedule a hearing on the matter or how soon a respondent may be allowed to request a hearing. If the hearing date is of a time-sensitive nature, another factor to consider is that the examiners' schedules may make it difficult for the respondent to be quickly evaluated. Guy Galli recommended that there be some language in the form that says an "examiner has 24 hours to provide the evaluation to the judge, at which time the judge may set it for a hearing date or dismiss the case."

With regard to the Order on Request for Examination form, it was suggested that a checkbox be added with a line so that judges may list other types of requirements such as, "The examiner needs to go to the jail to conduct the examination on respondent."

Once the evaluations have been completed and provided to the court, the judge can make an order for commitment based on evidence from the two examiners if it is determined that the respondent has a significant substance abuse problem and may benefit from treatment. In the alternative, a judge may dismiss a petitioner's case if there is no proof that the respondent has a substance abuse problem.

There was discussion of who will ultimately be responsible for payment of the costs of the treatment program that are not covered by insurance. The Committee members would like

to ensure that the guarantor of the petition is only required to pay for the costs of the treatment related to the action presently before the court, and not for any other costs that the respondent may have incurred prior to or after this action. It was recommended that the wording in the Essential Treatment forms reflect that payment is “limited to all treatment ordered in this proceeding.”

It was suggested that a list of all examiners be put on our website, but since all Utah physicians and mental health professionals are considered examiners, it would be difficult and time consuming to create and maintain that database. Judge Bown found an online list of examiners that judges and petitioners could refer to and suggested that we put a link to that on our website.

It was decided that the committee will continue to review the Essential Treatment forms at the next committee meeting. Mr. Dryer thanked Jessica Van Buren for doing a great job on the forms so far. Ms. Van Buren will revise the forms in light of the suggestions made and the Committee will consider the forms again at the October meeting.

IV. REVIEW LANDLORD TENANT FORMS INCLUDING DISCUSSION ON FORMATTING IN OCAP

The Committee reviewed the Landlord Tenant forms and several changes to the forms were made. It was suggested that all of the forms be changed to reflect “Tenant / Occupant” rather than “Defendant”, and “Landlord / Owner” rather than “Plaintiff” since it has not yet become a lawsuit. Jessica Van Buren will make this change to all of the Landlord Tenant forms. She stated that the numbering has not been done on the forms yet, but that she will continue to work on it. Once the numbering has been completed, the forms will be sent to the Judicial Council for review.

With regard to OCAP forms, if the Court Forms Committee makes revisions to forms and the OCAP forms need to be updated, the oversight committee for OCAP will be in charge of making the changes. Mr. Dryer stated that the the Forms Committee will not be reviewing OCAP forms at this time and that these forms will be a last priority for the Forms Committee to review. Mr. Dryer will confirm with Mr. Johnson that the OCAP forms are not a priority for this Committee to review.

A motion was made by Cyndie Bayles to approve the forms as revised. Stewart Ralphs seconded the motion and it passed unanimously.

V. REVIEW DEBT COLLECTION AND GENERAL FORMS

The Committee reviewed the Debt Collection and General forms and revisions were made to several of the forms. The Committee discussed how a Motion to Correct a Clerical Mistake form should be filed with the court. Examples of clerical mistakes that need to be corrected are: incorrect case numbers on pleadings, incorrect spelling of a party's name, transposed letters in words, mailing certificate errors, etc. Judge Taylor wanted to emphasize that these are nunc pro tunc corrections. If a corrected order is submitted to the court, it should read "Nunc Pro Tunc Corrected Order" to avoid any confusion. Mr. Dryer recommends that any nunc pro tunc orders be put in plain language. Mr. Dryer asked Jessica Van Buren if she would create a user key that shows the meaning of each of the acronyms that are used to create the form numbers at the bottom of each page (such as EVJ, CEJ, GEJ).

A motion was made by Stewart Ralphs to approve the forms as revised and submit them to the Judicial Council for review. Commissioner T. Patrick Casey seconded the motion and it passed unanimously.

VI. REVIEW FAMILY LAW FORMS

It was pointed out that on one of the Family Law forms that "LLP" was typed rather than "LPP" (Licensed Paralegal Practitioner). Jessica corrected the form and she will also finish numbering the rest of the forms.

The Committee reviewed the forms and they will not need to come back to the Committee for a final review.

A motion was made by Stewart Ralphs to approve the forms as revised. Commissioner T. Patrick Casey seconded the motion and it passed unanimously.

VII. REVIEW ADULT ADOPTION FORMS

The Committee reviewed the Adult Adoption forms and several changes were made. There are two different Petitions for Adoption that have been created: one for a single adopter, and one for a married couple. The married couples' Petition for Adoption and subsequent forms are all gender-neutral. The Committee members suggested that in the Consent to Adoption by Adult Adoptee which states that the adoptee is "free from duress and undue influence", that it should be put in plain language such as "I make this statement voluntarily and free from duress or improper influence."

A motion was made by Stewart Ralphs to approve the forms as revised and submit them to the Judicial Council for review. Judge Bown seconded the motion and it passed unanimously.

VIII. DISCUSS ILLINOIS REPORT

The Illinois report was not discussed today due to time constraints and other pressing business. It was determined that individual Committee members should review the Illinois report and bring any item of interest to the Committee's attention at a future meeting.

IX. SET MEETING DATES

The next committee meeting will be held on October 17, 2017, and meeting dates in November and December were proposed. According to most of the members' schedules, it appears that the second Monday of each month is the best day to set future committee meetings. An invitation will be sent out to the members for the October 17th, November 13th and December 11th meeting dates. If any of the members have a serious conflict with the upcoming meeting dates, please notify Mr. Dryer.

X. OTHER BUSINESS

Mr. Dryer asked the subcommittees if they intend to have meetings before the next committee meeting. Most subcommittees will be having a meeting prior to that and will submit their forms to Jessica Van Buren for review by the Form and Format Subcommittee.

ADJOURN

There being no further issues, the meeting adjourned at 3:00 p.m. The next meeting will be held on October 17, 2017, at 12:00 p.m.