

MINUTES  
**Utah Judicial Council's  
Committee on Court Forms**  
Administrative Office of the Courts  
450 South State Street  
Salt Lake City, UT 84111  
April 3, 2018  
12:00 – 2:00 p.m.

**Attendees**

Kim Allard  
Cyndi Byles  
Commissioner T. Patrick Casey  
Christina Cope  
Guy Galli  
Brent Johnson  
Kara Mann  
Nathanael Player  
Stewart Ralphs  
Judge James Taylor – Guest Chair  
Jessica Van Buren  
Mary Westby

**Excused**

Judge Gregory Bown  
Randy Dryer  
Judge Elizabeth Lindsley

**Staff**

Minhvan Brimhall, Recording Secretary

**Guests**

Cathy Dupont

**I. WELCOME AND APPROVAL OF MINUTES**

Judge Taylor is this week's guest chair and welcomed the committee members to the meeting. The committee discussed the March 20, 2018 minutes. Stewart Ralphs moved to approve the minutes following one correction. Kara Mann seconded the motion and it passed unanimously.

**II. NON-PUBLIC INFORMATION – SAFEGUARDED ADDRESS (REVIEW CHANGES)**

This form was discussed during the last meeting with recommendations made to modify language for the purpose of consistency and clarity in the option to safeguard personal information.

Due to additional comments made by committee members through Survey Monkey, the form needed additional review by the full committee prior to approval. The committee made additional recommendations in an effort to tighten the language, as well as change font formatting, as a means to sustain consistency throughout the document.

After further discussion, Stewart Ralphs motioned to approve the recommended changes. Christina Cope seconded the motion. The motion was passed unanimously.

### **III. WRIT OF GARNISHMENT (STARTING WITH FORM 1006)**

Judge Taylor asked to review this form to provide clarification for the terms “creditor” and “debtor”, as this may be confusing to an average person not familiar with legal terminology. As a means to ease public anxiety, Judge Taylor suggested including a definition of these terms on the website.

*“In this document:*

*A Judgment creditor is a person or company that has obtained an order from a court than money is owed to them.*

*A Judgment debtor is the person or company who owes the money.*

*A writ of garnishment is an order that property now belonging to the judgment debtor but held by someone else be used to pay the money owed to the judgment creditor.*

*Interrogatories are written questions which are intended to determine the nature and value of property that might be used to pay the debt.”*

After further discussion, Stewart Ralphs motioned to approve the recommended changes. Jessica Van Buren seconded the motion. The motion was passed unanimously.

Judge Taylor recommends that the committee complete all of the garnishments forms and hold off approval of all sections until the completion of the discussion.

- **Writ of continuing garnishment and instructions:**

The committee made recommendations to clarify what is said to whom on this document. There are two different instructions for two different parties involved, the debtor and the creditor. Formatting changes was made to sustain consistency throughout the form.

Changes were made to section 4 to clarify instructions when an attorney or LLP is providing presentation. This paragraph gives instruction to the petitioner on what they need to do and the steps on how to complete this section.

Judge Taylor asked for this section to be held at this time, with the plan for further discussion at the next meeting.

- **Garnishee’s answers to interrogatories for property other than earnings:**

No changes or recommendations made to this section.

- **Garnishee's answers to interrogatories for earnings:**

No changes or recommendations made to this section.

- **Notice of garnishment and exemptions:**

In paragraph 1, Stewart Ralphs asked that "you" be changed to "judgment debtor" as other parties will be answering these questions.

The committee recommends using plain language in these documents. The language in this section is used in other sections as well. Judge Taylor expressed concerns that some of the language may be misleading and should be simplified to avoid confusion. Stewart Ralphs would like to sustain consistency throughout the form. Judge Taylor commented that the purpose of these steps is to distinguish between the debtor and the garnishee.

Recommendations were made to move wording and paragraphs around in this section in an effort to make this section easier to understand, and less contestable by all parties involved.

Judge Taylor requested that changes be made to this section at this time; however, review and voting on this section will occur at the next meeting. No approval will occur at today's meeting. The committee was asked to make their comments prior to the next meeting. This item will go onto the agenda for further discussion.

- **Reply and request for hearing:**

Stewart Ralphs recommends that the word "me" be replaced with "judgment debtor", as this section may be requested by a third party. The wording "some of the time" was replaced with "property owner." In paragraph 4, it is recommended that petitioner describe why the money was owed to them. Brackets were removed from paragraph 5 to read as follows, "All or part of the property is exempt because...", the petitioner is then asked to choose an option. In paragraph 7, the statement was changed to read as follows, "I claim ownership of all or part of the money or property taken, but I am not the judgment debtor".

After further discussion, no additional change was made to this form. Additional review and voting will occur at the next meeting.

- **Motion enforce writ of garnishment:**

Recommendations were made to change the title of this form. Language suggestions were made to better serve those who are not as familiar with the legal process.

- **Order to garnishee to show cause:**

Title was changed to “Order to Show Garnishee to Appear and Explain Failure to Comply with Writ of Garnishment.” Recommendations were made to change the title of this form. Language suggestions were made to better serve those who are not as familiar with the legal process.

#### IV. SUPPLEMENTAL PROCEEDING

- **Ex parte motion for hearings to identify judgment debtor’s property:**

No changes or recommendations made to this section.

- **Order for debtor to attend hearing to identify judgment debtor’s property:**

Committee will approve at next hearing. Add approved language. No further need for review.

- **Answers to questions about judgment debtors property:**

Recommended change was made to page 7, Notice to the Debtor and Instructions to the Debtor, to provide clearer instructions to the petitioner in what to do first then the next step. Naming to this page was changed to “Filing Instructions”.

Recommendation was made to change wording and understanding of the certificate of service.

After further discussion, additional change was made to this form. Additional review and voting will occur at the next meeting.

- **Motion for order to show cause/bench warrant:**

Recommendation was made to change wording regarding the enforcement of order to show cause and execution of bench warrants. Changes were made to paragraph 6 to allow the motion to be for an order or finding of contempt.

- **Bench warrant**

No changes or recommendations made to this section.

- **Order to show cause:**

Recommendation was made to the title to read as “Order to appear and explain failing to appear”.

After further discussion, additional change was made to this form. Additional review and voting will occur at the next meeting.

After further discussion, Commissioner Casey motioned to approve the recommended changes. Nathanael Player seconded the motion. The motion was passed unanimously.

**V. ABSTRACT OF JUDGMENT AND JUDGMENT INFORMATION STATEMENT**  
This item was not addressed due to lack of time and will be addressed at a future meeting.

**VI. MOTION TO RENEW JUDGMENT**  
This item was not addressed due to lack of time and will be addressed at a future meeting.

**VII. MOTION TO DECLARE JUDGMENT SATISFIED**  
This item was not addressed due to lack of time and will be addressed at a future meeting.

**VIII. REQUEST FOR CERTIFIED COPY OF ADOPTION DECREE – DISTRICT AND JUVENILE**  
This item was not addressed due to lack of time and will be addressed at a future meeting.

**IX. NOTICE FOR WITHDRAWAL OF COUNSEL / NOTICE OF APPEARANCE PERSONALLY OR TO APPOINT COUNSEL / NOTICE OF APPEARANCE OR APPOINTMENT OF COUNSEL / SUBSTITUTION OF COUNSEL**  
This item was not addressed due to lack of time and will be addressed at a future meeting.

**X. NOTICE OF WITHDRAWAL OF COUNSEL; NOTICE TO APPEAR PERSONALLY OR TO APPOINT COUNSEL; NOTICE OF APPEARANCE OR APPOINTMENT OF COUNSEL; SUBSTITUTION OF COUNSEL**  
This item was not addressed due to lack of time and will be addressed at a future meeting.

**XI. INITIAL DISCLOSURES**  
This item was not addressed due to lack of time and will be addressed at a future meeting.

**XII. EXHIBIT SUMMARY, AFFIDAVIT IN SUPPORT OF EXHIBIT COUNTER MOTION, NOTICE OF ORDER / NOTICE OF JUDGEMENT**  
This item was not addressed due to lack of time and will be addressed at a future meeting.

**XIII. ADJOURN**  
Several items have considerable changes that need further review before the committee is able to motion to approve. The entire packet will be included on the next agenda as previously reviewed for further approval. Next committee is Tuesday, April 24<sup>th</sup> at 12 PM. Executive Dining Room.

There being no further issues, the meeting adjourned at 2:02 p.m.