

MINUTES
**Utah Judicial Council's
Committee on Court Forms**
Administrative Office of the Courts
450 South State Street
Salt Lake City, UT 84111
June 11, 2018
12:00 – 2:00 p.m.
Council Room

Attendees

Kim Allard
Cyndi Bayles
Christina Cope
Randy Dryer - Chair
Guy Galli
Brent Johnson
Judge Elizabeth Lindsley
Kara Mann
Nathanael Player
Steward Ralphs
Judge James Taylor
Jessica Van Buren
Mary Westby

Excused

Judge Gregory Bown

Staff

Minhvan Brimhall, Recording Secretary

Guests

Cathy Dupont
Ryan Fairbank – Law Library Intern

1. WELCOME AND APPROVAL OF MINUTES

Randy Dryer welcomed the Committee members to the meeting. The Committee discussed the May 14, 2018 minutes. No correction or revision was made to the minutes. Stewart Ralph moved to approve the full minutes. Judge Taylor seconded the motion and it passed unanimously.

**2. REPORT FROM FAMILY LAW SUBCOMMITTEE ON PLANS FOR FORM
APPROVAL REMAINDER OF 2018**

Nathanael Player provided an update from the Family Law Subcommittee. Next on the subcommittee's agenda are the motion for genetic testing and the motion to dismiss. The subcommittee is close to having all the prioritized forms ready for review and approval by the Forms Committee. The

divorce and parent petition is not viewed as a priority due to the form still being worked on by OCAP. Kim Allard states that OCAP is going through revisions of many forms in an effort to clean up the forms and include language with current court practices. The OCAP group is looking to add a preparer screen on the form to designate the person who is preparing the form. The signature will always be by the party preparing the form. An LPP would not be a preparer of the form. OCAP will continue discussion and completion of their respective forms and will bring the forms to the Forms Committee for approval.

Mr. Ralphs suggested that the Judicial Council give provisional approval to allow LPP's to use the current OCAP forms. Cathy Dupont recommends a discussion between the LPP Committee and Forms Committee to bring these forms to the Council for a vote. Mr. Dryer recommends making the OCAP forms a priority with the Family Law Subcommittee, and also that Ms. Dupont review the lower priority list to determine which form needs to be the subcommittee's next focus.

3. CONDITIONALLY APPROVED COURT INTERPRETER ORDER

Kara Mann explained that when a court interpreter is requested for a hearing that involves an uncommon language the judges need to have the ability to conditionally approve an interpreter for that hearing. The court interpreter needs to meet certain criteria to be approved by the judge. The Language Access Committee recommends including a requirement on the order that the interpreter pass a background check. Judge Taylor recommends that the form provide an option for the judge to waive the background check. Judge Taylor states that there are hearings that a person comes into the court room with a neighbor or friend to translate where that person has not been subjected to a background check. Many judges do not require a background check be completed at the moment of a hearing.

Mr. Dryer recommends that Ms. Mann take the form back to the Language Access Committee for revision. Mr. Dryer recommends the form include the exact language from Rule 3-306.04 and include boxes to check all applicable findings. Ms. Mann will send the form to Judge Taylor and Judge Lindsley for review. After Judges Taylor and Lindsley approve the form, Jessica Van Buren will circulate the new form to the committee to vote and provide comments via SurveyMonkey. The committee will be given seven days to provide their comments.

Mr. Ralphs made a motion to proceed with the recommendations made by Mr. Dryer. Mr. Player seconded motion. The motion was approved unanimously.

4. MOTION TO REMOVE LINK BETWEEN PERSONAL IDENTIFYING INFORMATION AND DISMISSED COURT CASE / ORDER ON MOTION

Ms. Van Buren reviewed the recently passed law to allow a person to remove a link that ties their personal identifying information with any dismissed court cases. Judges will only need to sign the order, therefore no court hearing will be held. Prosecutors and defense attorneys will receive notice of the order once signed by a judge. The party is responsible to ensure that the form is submitted, signed and given notice to all other parties involved. Ms. Allard will discuss with Brent Johnson for clarification of affirmation on the signed form. The law will go into effective July 1, 2018.

With no further discussions or recommendations, Cyndi Bayles moved to approve the form as discussed. Mr. Ralphs seconded the motion. The motion was approved unanimously.

5. MOTION TO APPEAR REMOTELY / ORDER ON MOTION TO APPEAR REMOTELY (DISTRICT AND JUSTICE COURT, AND SEPARATE JUVENILE COURT FORMS)

Mr. Player reports that this form follows UCJA 4-106 and includes the requirements under that rule. The form would allow any party to request video conferencing when they are unable to attend in person, or if they would like to request a witness to testify that is located out of area or out of state. The person making the request would be responsible to make arrangements with the court's IT group to have remote transmission equipment set up in place prior to the hearing. Mr. Dryer recommends making an addition to the form stating that the person making the request will be responsible to make arrangements for the remote conferencing. Due to the nature of differences between district and juvenile court requirements, Judge Lindsley made recommendations for language changes to each form to be more in line with requirements for those courts.

With no further discussions or recommendations, Judge Lindsley moved to approve the changes made to the Motion on the district court form. Mr. Ralphs seconded the motion. Judge Lindsley's motion was approved unanimously.

With no further discussions or recommendations, Mary Westby moved to approve the changes made to the Order on the District Court form. Ms. Bayles seconded the motion. Ms. Westby's motion was approved unanimously.

With no further discussions or recommendations, Judge Lindsley moved to approve language changes made to the Motion on the juvenile court form. Mr. Ralphs seconded the motion. Judge Lindsley's motion was approved unanimously.

With no further discussions or recommendations, Judge Lindsley moved to approve language changes made to the Order on the juvenile court form. Ms. Bayles seconded the motion. Judge Lindsley's motion was approved unanimously.

6. NOTICE OF RELOCATION / MOTION FOR HEARING REGARDING RELOCATION / ORDER ON MOTION FOR HEARING REGARDING RELOCATION

Mr. Player explained that Utah Code 30-3-37 allows any party to provide notice to the court when they will be relocating. The code states that the notice must include a representation that neither parent will interfere with the other parent's parental rights in making the relocation. Judge Taylor recommends adding a line to the form that the other party will agree to not interfere with relocation. The committee discussed and made additional language changes to the forms to include statutory requirements.

With no further discussions or recommendations, Judge Lindsley moved to approve revisions made to the Notice form. Ms. Westby seconded the motion. Judge Lindsley's motion was approved unanimously.

With no further discussion or recommendations, Judge Lindsley moved to approve revisions made to the Motion for Hearing form. Mr. Player seconded the motion. Judge Lindsley's motion was approved unanimously.

With no further discussion or recommendations, Judge Lindsley moved to approve revisions made to the Findings of Facts, Conclusion of Law and Order on Motion form. Mr. Player seconded the motion. Judge Lindsley's motion was approved unanimously.

7. MOTION TO CHANGE VENUE / ORDER ON MOTION TO CHANGE VENUE

Mr. Player discussed the Motion to Change Venue form that allows a party to request a hearing be held in another location. Judge Lindsley states that this does not change the case or the ruling, only where the case or hearing will be held. This form is a considered a private record due to its potential use in a juvenile court or family law case. The “private record” status is not required by statute. The Committee voted to remove this statement if not required by statute. Judge Lindsley will research the requirement. The Committee discussed minor changes and language additions to the form.

With no additional discussion or recommendations, Mr. Player moved to approve the Motion to Change Venue form. Judge Lindsley seconded the motion. Mr. Player’s motion was approved unanimously.

With no additional discussion or recommendations, Ms. Westby moved to approve the Order on Motion to Change Venue form. Mr. Player seconded the motion. Ms. Westby’s motion was approved unanimously.

8. MOTION TO CONTINUE / ORDER ON MOTION TO CONTINUE

Mr. Player stated that under URCP 7(p)(3) a party can move the court to continue a hearing without setting a new hearing date. Judge Taylor states that Fourth District would not accept this motion without requesting a new hearing date. Clerks are not allowed to enter an order without a pending date. If a party does not want to reschedule a hearing, they need to cancel the hearing. If a continuation is needed, a new date is required to be scheduled. Judge Taylor recommends adding language to the form to indicate a request for a new hearing date and why the new date is requested. The Committee made additional language changes to these forms.

With no additional discussion or recommendations, Judge Lindsley moved to approve the revised Motion to Continue Hearing or Trial form. Ms. Westby seconded the motion. Judge Lindsley’s motion was approved unanimously.

With no additional discussion or recommendations, Judge Lindsley moved to approve the Order on Motion to Continue Hearing or Trial form. Ms. Westby seconded the motion. Judge Lindsley’s motion was approved unanimously.

9. MOTION TO VACATE DISMISSAL AND REINSTATE CASE / ORDER ON MOTION

The Committee discussed the form on Motion to Vacate Dismissal and Reinstate Case based on UCJA 4-103 and URCP 60(b)(1). This motion would allow a party to request a dismissal order be vacated and reinstate the case for hearing. The Committee discussed the types of orders in which this form would apply. This is a district court form as this form is more applicable in civil case hearings. The form may be used in justice court in small claims matter. The Committee discussed and made minor language modification to this form, as well as the Order form.

With no additional discussion or recommendations, Mr. Ralphs moved to approve the Motion to Vacate Dismissal and Reinstate Case form. Mr. Player seconded the motion. Mr. Ralphs’ motion was approved unanimously.

With no additional discussion or recommendations, Mr. Galli moved to approve the Order on Motion to Vacate Dismissal and Reinstate Case form. Mr. Player seconded the motion. Mr. Player’s motion was approved unanimously.

10. MOTION TO WAIVE DIVORCE WAITING PERIOD

This item was not addressed due to lack of time and will be addressed at July's meeting.

11. JUVENILE COURT MOTION / REQUEST TO SUBMIT / ORDER ON MOTION

Judge Lindsley explained that this form is generally used by a minor that is not represented by an attorney. This is termed a "patron" motion as this form is not to be used by counsel. The form is used when a minor is requesting an extension of time due to receiving notice while being away, for example, on vacation or unable to pay a fine due to being unemployed. Judge Taylor is concerned that an unrepresented party is making a motion without counsel, especially when that party is a minor. Judge Lindsley states that most motions are filed by the minor's parent or guardian when needing additional time due to unforeseen circumstances. The Committee discussed and made recommendations to change the name of the form as the form will be posted on the website and needs to be available for electronic filing.

Due to the need for further discussion, Judge Lindsley moved to table this form to the August meeting. Mr. Player seconded the motion. Judge Lindsley's motion was approved unanimously.

12. MOTION TO APPOINT PARENT COORDINATOR / ORDER ON MOTION

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

13. MOTION FOR TEMPORARY PARENT COORDINATOR / ORDER ON MOTION

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

14. ADJOURN

Meeting adjourned at 2:13 pm. Next committee meeting is Monday, July 9th at 12 PM in the Council Room.

The results for the SurveyMonkey vote on the Conditionally Approved Interpreter Order form was received on June 26, 2018. Nine members of the Committee voted to approve the form. Three members did not vote.