

Agenda Committee on Court Forms

Administrative Office of the Courts / Scott M. Matheson Courthouse
450 South State Street

July 9, 2018 / 12:00 to 2:00 p.m.
Council Room

1. Welcome and approval of minutes for June meeting	Randy Dryer
2. Judge Lawrence's proposal to Board of District Court Judges to amend URCP 7 and 36 to add a requirement for a "large, bolded warning at the top of any motion that seeks a full or partial judgment and on all requests for admission." "Failure to respond to this [motion] [request for admission] may result in judgment being entered against you." Discussion item	Jessica Van Buren / Nathanael Player
3. Motion to waive divorce waiting period / Order on motion	Nathanael Player
4. Motion to appoint parent coordinator / Order on motion	Nathanael Player
5. Notice of dismissal / Motion to dismiss case / Order on motion	Nathanael Player
6. Motion for temporary restraining order and Writ of assistance Discussion item – please do not review forms for content	Nathanael Player / Stewart Ralphs
7. Adjourn	Randy Dryer

2018 Meeting schedule
(12:00 - 2:00 p.m.)

August 13
September 10
October 9

November 13
December 10

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 the 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 9^h 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.

Forms Status Summary

Approved forms

Form Name	Approved Date	Approved By
Abstract of judgment	May 21, 2018	Judicial Council
Acceptance of service	January 22, 2018	Judicial Council
Adult adoption	September 19, 2017	Forms Committee
Affidavit with exhibit(s)	May 21, 2018	Judicial Council
Answer	December 18, 2017	Judicial Council
Certificate of service	January 22, 2018	Judicial Council
Conditionally approved interpreter appointment order	June 19, 2018	Forms Committee
Consent to email service	January 22, 2018	Judicial Council
Counter motion	May 21, 2018	Judicial Council
Counterclaim	December 18, 2017	Judicial Council
Debt collection answer	December 18, 2017	Judicial Council
Declaration of inmate filing	November 13, 2017	Forms Committee
Eviction forms used in OCAP	December 18, 2017	Judicial Council
Exhibit summary	May 21, 2018	Judicial Council
Informal probate	July 17, 2017	Forms Committee
Initial disclosures	May 21, 2018	Judicial Council
Judgment information statement	May 21, 2018	Judicial Council
Motion for alternative service	February 26, 2018	Judicial Council
Motion for temporary orders (domestic)	December 18, 2017	Judicial Council
Motion forms	April 16, 2018	Judicial Council
Motion to appear remotely	June 11, 2018	Judicial Council
Motion to change venue	June 11, 2018	Judicial Council
Motion to continue	June 11, 2018	Judicial Council
Motion to correct clerical mistake	December 18, 2017	Judicial Council
Motion to declare judgment satisfied	May 21, 2018	Judicial Council
Motion to excuse divorce education requirement	April 16, 2018	Judicial Council
Motion to excuse mediation	April 16, 2018	Judicial Council
Motion to remove link between personal identifying information and dismissed criminal case	June 11, 2018	Forms Committee

Motion to renew judgment	May 21, 2018	Judicial Council
Motion to vacate dismissal and reinstate case	June 11, 2018	Judicial Council
Nonpublic information: parent, minor and safeguarded address	April 16, 2018	Judicial Council
Notice of appearance or appointment of counsel	May 21, 2018	Judicial Council
Notice of relocation and Motion for orders regarding relocation	June 11, 2018	Judicial Council
Notice of withdrawal of counsel	May 21, 2018	Judicial Council
Notice to appear personally or to appoint counsel	May 21, 2018	Judicial Council
Objection to commissioner's recommendation	December 18, 2017	Judicial Council
Objection to form of order	December 18, 2017	Judicial Council
Parenting plan	May 21, 2018	Judicial Council
Petition for essential treatment	October 17, 2017	Forms Committee
Proof of service	February 26, 2018	Judicial Council
Substitution of counsel	May 21, 2018	Judicial Council
Summons	January 22, 2018	Judicial Council
Supplemental proceedings	April 16, 2018	Judicial Council
Writ of execution packet	May 21, 2018	Judicial Council
Writ of garnishment packet	May 21, 2018	Judicial Council

Pending with Judicial Council

- None

Pending with Forms Committee

- Motion to waive divorce waiting period
- Motion to appoint parent coordinator
- Notice of dismissal / Motion to dismiss case
- Juvenile court motion
- Motion for Temporary Restraining Order (discussion item)

Pending with Style Subcommittee

- Petition to modify child support, child custody, and parent-time
- Financial declaration
- Default judgment packet
- Adult protective orders
- Child protective orders
- OCAP divorce provisions
- Fee waiver packet

- Juvenile court fee waiver packet
- Small claims packet

Pending with Family Law Subcommittee

Prioritized by the LPP Education Subcommittee

- Temporary Separation
- Motion to Bifurcate
- Annulment
- Order to show cause packet (proposed rule change in the works, so this is on hold)

Lower on priority list

- Motion for genetic testing
- Parentage (between parents; paternity, custody & support or just paternity & support)
- Judicial recognition of relationship as marriage packet
- Name change - adult packet
- Name change - minor packet
- Step-parent adoption packet
- Open adoption record
- Petition for Registration of Adoption Order form Foreign Country
- Temporary Delegation of Parental Authority
- Voluntary Relinquishment of Parental Rights
- Establishing Fact of Birth
- Emancipation of a minor
- Guardianship of a Minor
- Guardianship of an adult
- Conservatorship of a Minor
- Conservatorship of an adult
- Registering an ORS Order
- Adjudication of Paternity (not custody or support)

Long-term list

- Order assigning court visitor to report on whereabouts
- Order Assigning Court Visitor to Report on an Audit of Court Records
- Motion to intervene in adoption case
- Order to show cause (possible rule change)
- Statement of defendant in support of guilty plea (English and Spanish)
- Defendant's motion to release bail

- Motion to Extend Due Date for Non-Judicial Agreement – referred to Clerks of Court for consideration
- Stipulation to Receive Service via CARE – referred to Clerks of Court for consideration

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am Petitioner Respondent
 Petitioner's Attorney Respondent's Attorney (Utah Bar #: _____)
 Petitioner's Licensed Paralegal Practitioner
 Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Motion to Waive Divorce Waiting Period (Utah Code 30-3-18 and Utah Rule of Civil Procedure 105)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
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- The divorce petition was filed on _____ (date).
- I ask the court to waive the 30-day divorce waiting period because of these extraordinary circumstances:

3. The other party has signed a Stipulation to the divorce, which has been filed with the court.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Waive Divorce Waiting Period on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner V. _____ Respondent</p>	<p>Order on Motion to Waive Divorce Waiting Period</p> <p>_____ Case Number _____ Judge _____ Commissioner</p>
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The matter before the court is petitioner's respondent's Motion to Waive Divorce Waiting Period. This matter is being resolved by: (Choose all that apply.)

- The default of petitioner respondent.
- The pleadings and other papers of the parties.
- A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

- was present was not present.
- was represented by _____ (name).
- was not represented.

Respondent

was present was not present.

was represented by _____ (name).

was not represented.

The court finds:

1. Extraordinary circumstances have have not been shown.

The court orders:

2. The Motion to Waive Divorce Waiting Period is granted denied.

Judge's signature may instead appear at the top of the first page of this document.

_____ Date

Signature ► _____

Judge _____

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Waive Divorce Waiting Period on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

Signature ► _____
 Printed Name _____

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar #: _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Motion to Appoint a Parent Coordinator (Code of Judicial Administration Rule 4-509)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
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1. This case involves a dispute about child custody or parent-time. I ask the court to appoint a parent coordinator because:

2. I ask the court appoint one of the following:
(Print the name of any qualified professionals listed you are willing to have appointed as parent coordinator. The requirements can be found in Utah Code of Judicial Administration Rule 4-509(4).)

3. I have attached a Parent Coordinator Qualification Statement for each professional.

4. The court should order the parents to consult with a parent coordinator for a minimum of _____ hours (not less than 4 hours), unless a parenting plan is finalized sooner, because:

5. Petitioner should pay _____ % of the parent coordinator's fee and respondent should pay _____ % because:

6. (Choose one.)

The parent coordinator will perform the services listed in Utah Code of Judicial Administration Rule 4-509.

The parent coordinator will do only the following:

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:

www.utcourts.gov/howto/filing/motions

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Aviso para el demandado (o acusado)

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

www.utcourts.gov/howto/filing/motions

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (www.utcourts.gov/howto/legalassist/) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Appoint a Parent Coordinator on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____ Printed Name _____

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar #: _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Stipulation to Appoint Parent Coordinator	
_____ Petitioner	_____ Case Number
v.	_____ Judge
_____ Respondent	_____ Commissioner

1. We agree that the court may appoint _____ (name) as parent coordinator for a minimum of _____ hours (not less than 4 hours) of consultation.
2. Petitioner should pay _____ % of the parent coordinator's fee and respondent should pay _____ %.

3. (Choose one.)

The parent coordinator will perform the services listed in Utah Code of Judicial Administration Rule 4-509.

The parent coordinator will do only the following:

_____ Sign here ► _____
Date Petitioner's Printed Name _____

_____ Sign here ► _____
Date Respondent's Printed Name _____

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar #: _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Memorandum Opposing Motion to Appoint Parent Coordinator</p> <p><input type="checkbox"/> Hearing requested</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
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1. I disagree with the opposing party's Motion to Appoint a Parent Coordinator because:

2. I don't want the court to appoint the following parent coordinators suggested by the other party:

because:

I want the court to appoint one of the following:

(Print the name of any qualified professionals listed you are willing to have appointed as parent coordinator. The requirements can be found in Utah Code of Judicial Administration Rule 4-509(4). Attach a Parent Coordinator Qualification Statement for each professional.)

3. I disagree with the amount of time for consultation with the parent coordinator. Instead, the court should order a minimum of ____ hours (not less than 4 hours) of consultation, unless a parenting plan is finalized sooner, because:

4. I disagree with the division of payment of the parent coordinator's fees. Instead, the court should order the petitioner to pay ____ % of the parent coordinator's fee and respondent to pay ____ % because:

5. I disagree with the proposed role of the parent coordinator because:

Instead:

The parent coordinator should perform the services listed in Utah Code of Judicial Administration Rule 4-509.

The parent coordinator should do only the following:

6. I request a hearing.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Memorandum Opposing Motion to Appoint Parent Coordinator on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

This is a private record.

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>V.</p> <p>_____ Respondent</p>	<p>Parent Coordinator Qualification Statement</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	--

1. I have completed graduate level coursework in child development, and:
(Choose at least one.)
 - I am a licensed clinical social worker in the state of Utah.
 - I hold a doctoral degree in psychology, and I am licensed as a psychologist in the state of Utah.
 - I am a physician in the state of Utah, and I am board certified in psychiatry.
 - I am a licensed marriage and family therapist in the state of Utah.
2. I have: (Choose one.)
 - at least 3 years of post-licensure clinical practice substantially focused on child therapy, marital therapy, or family therapy; and a working familiarity with

child custody and parent-time law and the ethical issues involved in custody matters.

[] been appointed as a parent coordinator in fewer than 10 cases, and the court is located in an area of the state where there is a shortage of parent coordinator services.

3. I agree to abide by all of the ethical and procedural requirements of a parent coordinator (Utah Code of Judicial Administration Rule 4-509).

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____ Sign here ► _____
Date
Typed or Printed Name _____

_____ Professional License Number
_____ License Type

Certificate of Service

I certify that I filed with the court and served a copy of this Parent Coordinator Qualification Statement on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ► _____

Date _____

Printed Name _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

**Findings of Fact, Conclusions of Law,
and Order on Motion to Appoint a
Parent Coordinator**

Petitioner

Case Number

v.

Judge

Respondent

Commissioner

The matter before the court is petitioner's respondent's Motion to Appoint a Parent Coordinator.

This matter is being resolved by (Choose all that apply.):

- The default of petitioner respondent.
- The stipulation of the parties.
- The pleadings and other papers of the parties.
- A hearing held on _____ (date).

Petitioner

- was was not present.
- was represented by _____.
- was not represented.

Respondent

- was was not present.
- was represented by _____.
- was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court finds:

- 1. This action involves a dispute about child custody or parent-time.
- 2. There are are not sufficient grounds to appoint a parent coordinator.

The court concludes:

- 3. The Motion to Appoint a Parent Coordinator should be granted denied.
- 4. The parent coordinator has does not have the credentials and other qualifications required by Utah Code of Judicial Administration Rule 4-509.

The court orders:

- 5. The Motion to Appoint a Parent Coordinator is granted denied.
- 6. _____ (name) is appointed as parent coordinator.
- 7. The parties must consult with the parent coordinator for a minimum of _____ hours (not less than 4 hours), unless a parenting plan is finalized sooner.
- 8. Petitioner must pay _____ % of the coordinator's fees, and respondent must pay _____ %.
- 9. The parent coordinator will perform the services listed in Utah Code of Judicial Administration Rule 4-509.
 The parent coordinator will do only the following:

- 10. The parent coordinator must notify the court of the status of the parent coordination process in compliance with Utah Code of Judicial Administration Rule 4-509.
- 11. The parent coordinator must comply with the requirements of Utah Code of Judicial Administration Rule 4-509.

Commissioner's or Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Commissioner _____

Date

Signature ► _____
Judge _____

Approved as to form.

Date

Signature ► _____
Plaintiff/Petitioner, Attorney or Licensed
Paralegal Practitioner _____

Date

Signature ► _____
Defendant/Respondent, Attorney or Licensed
Paralegal Practitioner _____

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Appoint a Parent Coordinator on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

This is a private record.

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>V.</p> <p>_____ Respondent</p>	<p>Parent Coordinator's Quarterly Report</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
---	--

1. On _____ (date), the court ordered _____ hours of parent coordination.
2. Status: (Choose all that apply.)
 - Parent coordination is ongoing.
 - I have consulted with the parties for _____ hours.
 - Parent coordination was never initiated.
 - Parent coordination is complete, and a proposed agreement has been sent to the parties.
 - Parent coordination is complete, and the issues have been resolved.
 - Parent coordination was unsuccessful (Explain in comments section).
 - Parent coordination was postponed (Explain in comments section).

3. Coordinator's comments: (Attach additional pages, if needed.)

_____ Signature ► _____
Date
Parent Coordinator's Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Parent Coordinator's Quarterly Report on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ► _____

Date _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar #: _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Justice Court of Utah
_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Notice of Dismissal (Utah Rule of Civil Procedure 41)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

1. I am the plaintiff/petitioner defendant/respondent in this matter.
2. I provide notice of dismissal of _____ (name of petition or complaint) filed on _____ (date).

- 3. I have not yet served the petition or complaint on the other party.
 I served the petition or complaint on other party. I have not been served with an answer or a motion for summary judgment in response.
- 4. I understand that court fees will not be refunded.
- 5. I have the option to file a new petition or complaint.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Dismissal on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

Name

Address

City, State, Zip

Phone

Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar #: _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Justice Court of Utah
_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Motion to Dismiss <input type="checkbox"/> Case <input type="checkbox"/> Counterclaim <input type="checkbox"/> Crossclaim <input type="checkbox"/> Third-party Claim (Utah Rule of Civil Procedure 41)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

Do not use this form if you are asking to dismiss the other party's case or claim.

1. I am the plaintiff/petitioner defendant/respondent.
2. I ask to dismiss my
 case

- counterclaim
- crossclaim
- third-party claim

3. I ask to dismiss it because:
(Explain **why** you want the court to dismiss the case. Attach additional sheets if needed.)

4. I have attached the following documents in support of this motion:

5. I request a hearing.
 I do not request a hearing.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:

www.utcourts.gov/howto/filing/motions

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Aviso para el demandado (o acusado)

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

www.utcourts.gov/howto/filing/motions

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (www.utcourts.gov/howto/legalassist/) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Dismiss Case, Counterclaim, Crossclaim or Third-party Claim on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____ Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Order on Motion to Dismiss</p> <p><input type="checkbox"/> Case</p> <p><input type="checkbox"/> Counterclaim</p> <p><input type="checkbox"/> Crossclaim</p> <p><input type="checkbox"/> Third-party Claim</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

The matter before the court is a Motion to Dismiss Case, Counterclaim, Crossclaim or Third-party Claim. This matter is being resolved by: (Choose all that apply.)

- The default of [] Plaintiff/Petitioner [] Defendant/Respondent.
- The stipulation of the parties.
- The pleadings and other papers of the parties.
- A hearing held on _____ (date), notice of which was served on all parties.

Plaintiff/Petitioner

was present was not present.

was represented by _____ (name).

was not represented.

Defendant/Respondent

was present was not present.

was represented by _____ (name).

was not represented.

The court finds:

1. There is is not a counterclaim, crossclaim or third-party claim.
 The counterclaim, crossclaim or third-party claim would not be affected by a dismissal.
2. This case has been dismissed before.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court orders:

3. The Motion to Dismiss Case, Counterclaim, Crossclaim or Third-party Claim is granted denied.
4. The following is dismissed:
 - Case
 - Counterclaim
 - Crossclaim
 - Third-party Claim
5. The case is dismissed without prejudice.
 The case is dismissed with prejudice.

Commissioner's or Judge's signature may instead appear at the top of the first page of this document.

Date Signature ► _____
Commissioner _____

Date Signature ► _____
Judge _____

Approved as to form. (needed?)

Date Signature ► _____
Plaintiff/Petitioner, Attorney or Licensed
Paralegal Practitioner _____

Date Signature ► _____
Defendant/Respondent, Attorney or Licensed
Paralegal Practitioner _____

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Dismiss Case, Counterclaim, Crossclaim or Third-party Claim on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

Signature ► _____
 Printed Name _____

These forms are provided to facilitate a general discussion about TROs and Writs of Assistance.

Please do not spend time editing the content of these forms.

This is a private record

Name

Address

City, State, Zip

Phone

Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar #: _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Motion for Temporary Restraining Order (Domestic Cases) (Utah Rule of Civil Procedure 65A)</p> <p>Hearing Requested</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
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From Family Law Subcommittee:

We have concerns as the family law subcommittee about this form being publicly available on the courts' website because of the potential for misuse. It may be appropriate, rather than having forms available online, to have this process handled exclusively through OCAP, which may be more effective at screening out unmeritorious requests.

WARNING

This form should only be used in extreme emergencies, such as where there is a serious risk to someone's physical safety.

The court rarely grants these types of emergency orders.

1. I am the petitioner respondent in this case.
2. I ask the court for an immediate temporary restraining order regarding the following children: (attach additional sheets if needed.)

Child's name (first, middle and last)	Month and year of birth

3. I ask the court issue an immediate order that (choose all that apply):
 - Awards petitioner respondent temporary physical custody of the parties' following minor children while this case is pending with the court:
 - Orders petitioner respondent to immediately return the minor children to the custody of petitioner respondent.
 - Issues a Writ of Assistance directing law enforcement to render assistance needed to help petitioner respondent regain custody of the minor children.
 - Other emergency orders:

4. There will be irreparable harm (harm that cannot be undone) unless the court issues the temporary restraining order because:

The attached documents support my request.

5. The irreparable harm described above outweighs any harm the opposing party could suffer if this order is issued because:

6. The temporary restraining order, if issued, would not be adverse to the public interest.

7. I believe the court will decide in my favor on this issue or this case presents serious issues that the court should address.

8. Notice (Choose one.)

I gave or tried to give notice of the Motion for Temporary Restraining Order to the opposing party or their attorney in the following manner:

I did not, and should not be required to, give notice of the Motion for Temporary Restraining Order to the opposing party because immediate and irreparable harm will occur if notice is provided because:

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date _____

Signature ► _____

Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion is considered by a judge, or
- at least 14 days before the hearing, if the motion is considered by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:

www.utcourts.gov/howto/filing/motions/index.html

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

[The Spanish text is meant to be an example only. It is not yet a translation of the English text]

Casos de Desalojo

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. El periodo de tiempo de 21/30 días no es aplicable para todos los casos. Casos de Desalojo y reclamos menores, por ejemplo, tienen período de tiempo distinto.

Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. El periodo de tiempo de 21/30 días no es aplicable para todos los casos. Casos de Desalojo y reclamos menores, por ejemplo, tienen período de tiempo distinto.

Reclamos menores

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. El periodo de tiempo de 21/30 días no es aplicable para todos los casos. Casos de Desalojo y reclamos menores, por ejemplo, tienen período de tiempo distinto.

Certificate of Service

I certify that I filed with the court and served a copy of this Motion for Temporary Restraining Order on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____ Printed Name _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner	Order on Motion for Temporary Restraining Order and Notice of Hearing
v.	Case Number _____
Defendant/Respondent	Judge _____
	Commissioner (domestic cases) _____

The matter before the court is Plaintiff/Petitioner's Defendant/Respondent's Motion for Temporary Restraining Order. This matter is being resolved by: (Choose all that apply.)

The default of Plaintiff/Petitioner Defendant/Respondent.

The stipulation of the parties.

The pleadings and other papers of the parties.

A hearing held on _____ (date), notice of which was served on all parties.

Plaintiff/Petitioner

was present was not present.

was represented by _____ (name).

was not represented.

Defendant/Respondent

was present was not present.

was represented by _____ (name).

was not represented.

The court finds:

1. The moving party:

has

has not

shown there would be irreparable harm if the Temporary Restraining Order is not granted.

2. The irreparable harm is:

3. The threatened injury to the moving party outweighs whatever damage the proposed the temporary restraining order would cause the other party.

4. The temporary restraining order would not be adverse to the public interest.

5. There is a substantial likelihood that the moving party will prevail on the merits of the underlying claim, or the case presents serious issues on the merits which should be the subject of further litigation.

Security? 65A(c)(1)

The court orders:

6. Temporary physical custody of the parties' minor children is awarded to petitioner respondent while this case is pending.

7. Petitioner Respondent must immediately return the minor children to the custody of petitioner respondent.

8. A Writ of Assistance will be issued directing law enforcement to help petitioner respondent regain custody of the minor children.

Real Property?

Personal Property?

Other

9. This order is issued without notice to petitioner respondent .
10. This order expires 14 days after it is issued, unless modified by the court.

Judge's signature may instead appear at the top of the first page of this document.

_____ Signature ► _____
 Date and Time Judge _____

Notice of Hearing

The court has scheduled a hearing about the temporary restraining order at the following location, date, and time.

El tribunal ha programado una audiencia sobre _____
 (titulo de moción o tema de la audiencia) en la fecha y hora que sigue.

Courthouse Address (Spanish):

Date (Fecha): _____ Time (Hora): _____ a.m. p.m.

Room (Sala): _____

Judge or Commissioner (Juez or Comisionado): _____

<p>Attendance</p> <p>You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a</p>	<p>Asistencia</p> <p>Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser</p>
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<p>lawyer.</p> <p>Evidence</p> <p>Bring with you any evidence that you want the court to consider.</p> <p>Interpretation</p> <p>If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.</p> <p>ADA Accommodation</p> <p>If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.</p> <p>Finding help</p> <p>The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.</p>	<p>otorgada. Usted tiene el derecho de que lo represente un abogado.</p> <p>Pruebas</p> <p>Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.</p> <p>Interpretación</p> <p>Si usted no habla ni entiende el Inglés contacte al Representante de Servicios Judiciales por lo menos 3 días antes de la audiencia y le proveerán un intérprete.</p> <p>Atención en caso de incapacidades</p> <p>Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.</p> <p>Finding help</p> <p>Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.</p>
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Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion for Temporary Restraining Order and Notice of Hearing on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____ Printed Name _____

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar #: _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Motion to Set Aside or Modify Temporary Restraining Order (Utah Rule of Civil Procedure 65A)</p> <p><input type="checkbox"/> Hearing Requested</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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1. I am the petitioner respondent in this case.
2. I ask the court to set aside the temporary restraining order issued _____ (date).
 I ask the court to modify the temporary restraining order issued _____ (date) as follows:

Award petitioner respondent temporary physical custody of the parties' minor children while this case is pending with the court.

Order petitioner respondent to immediately return the minor children to the custody of petitioner respondent.

Issue a Writ of Assistance directing law enforcement to render assistance needed to help petitioner respondent regain custody of the minor children.

Other

3. I ask for this order because:

4. I request a hearing.

5. I have attached the following documents in support of this motion:

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion is considered by a judge, or
- at least 14 days before the hearing, if the motion is considered by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:

www.utcourts.gov/howto/filing/motions/index.html

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

[The Spanish text is meant to be an example only. It is not yet a translation of the English text]

Casos de Desalojo

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. El periodo de tiempo de 21/30 días no es aplicable para todos los casos. Casos de Desalojo y reclamos menores, por ejemplo, tienen período de tiempo distinto.

Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. El periodo de tiempo de 21/30 días no es aplicable para todos los casos. Casos de Desalojo y reclamos menores, por ejemplo, tienen período de tiempo distinto.

Reclamos menores

En la mayor parte de las demandas civiles, la persona tiene 21 días para responder a la demanda o petición. Si a la persona se le hace la entrega formal fuera de Utah, tendrá 30 días para responder. El periodo de tiempo de 21/30 días no es aplicable para todos los casos. Casos de Desalojo y reclamos menores, por ejemplo, tienen período de tiempo distinto.

Certificate of Service

I certify that I filed with the court and served a copy of this Motion on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ► _____

Printed Name _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner v. Defendant/Respondent	Writ of Assistance (Utah) Case Number _____ Judge _____ Commissioner (domestic cases) _____
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We as the family law forms subcommittee have concerns about where the authority for the issuance of these writs lies. We think this may need clarification, possibly in URCP 64A or another rule specific to domestic writs. UT Code 78B-13-311 provides for writs to enforce foreign orders, but we are unaware of anything equivalent to enforce orders originating in Utah.

To any law enforcement office in the State of Utah:

You are authorized and directed to:

[] Take custody of the following minor children:

Child's name (first, middle and last)	Month and year of birth

[] Deliver the following minor children to _____,
who is entitled to custody.

Child's name	Month and
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(first, middle and last)	year of birth

- Enter private property as necessary to take custody of the minor children.
- Restrain any person who attempts to prevent you from carrying out this writ.
- Use force reasonable under the circumstances to gain entry into private property, including a residence, if there is reason to believe that the minor is within and, after notice of your purpose and demand for admission, there is no response or you are not admitted within a reasonable time.
- Execute this writ only between 6:00 am and 10:00 pm.
- Execute this writ at any time.

Commissioner's or Judge's signature may instead appear at the top of the first page of this document.

_____ Signature ► _____
Date Commissioner _____

_____ Signature ► _____
Date Judge _____