

MINUTES
**Utah Judicial Council’s
Committee on Court Forms**
Administrative Office of the Courts
450 South State Street
Salt Lake City, UT 84111
July 9, 2018
12:00 – 2:00 p.m.
Council Room

Attendees

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

Excused

Judge Gregory Bown
Randy Dryer
Judge Elizabeth Lindsley

Staff

Minhvan Brimhall, Recording Secretary

Guests

Cathy Dupont
Michael Drechsel

I. WELCOME AND APPROVAL OF MINUTES

Judge James Taylor is this month’s guest chair and welcomed the Committee members to the meeting. The Committee discussed the June 11, 2018 minutes. No correction or revision was made to the minutes. Mary Westby moved to approve the full minutes. Kara Mann seconded the motion and it passed unanimously.

II. DISCUSSION ON JUDGE LAWRENCE’S PROPOSAL TO BOARD OF DISTRICT COURT JUDGES

Judge Lawrence is making a proposal to district court judges to include language at the top of all forms about the consequences of failing to respond to motions. Jessica Van Buren asked whether Judge Lawrence’s request is within the purview of this committee, or if further discussion should be with the

Rule of Civil Procedure Committee. The Committee noted that this warning is already listed at the bottom of current forms and no additional warning is necessary. Judge Taylor noted that any recommended changes will be presented to the Judicial Council by the Rules of Civil Procedure Committee for discussion and approval. No further action is needed from this committee at this time.

III. MOTION TO WAIVE DIVORCE WAITING PERIOD / ORDER ON MOTION

Nathanael Player noted that formatting has been “tightened up” and the form now reflects 30 days, rather than 90 days, to respond to the motion. This form is currently in existence; however, the Committee is seeking to get the form approved quickly to allow LPPs to use the form. The Committee discussed and made additional language changes to the form. The changes would allow for judges to make rulings based on the current status of the motion.

With no further discussions or recommendations, Stewart Ralphs moved to approve the changes made to the motion on the district court form. Mr. Player seconded the motion. Mr. Ralphs’ motion was approved unanimously.

IV. MOTION TO APPOINT PARENT COORDINATOR / ORDER ON MOTION

Mr. Player explained that this form is to appoint a parent-time coordinator in custody matters as outlined in the Code of Judicial Administration rule 4-509. The parent-time coordinator will need to meet certain qualifications under CJA 4-509 to be accepted by the court. This form is used most often in juvenile court matters where parties are unable to agree on child/parent-time and the parties are able to pay for the coordinator fee. The LPP Committee has asked this Committee to review the form as it will mainly be use by LPPs.

The Committee discussed the current form and made language changes to item #4 for clarification of the amount of parent time requested by the moving party. No additional changes were made to the form.

The Committee reviewed the Stipulation to Appoint Parent Coordinator form, Memorandum Opposing Motion to Appoint Parent Coordinator form, and Parent Coordinator Qualification Statement form. No further discussion or changes were made to these forms.

With no further discussions or recommendations, Mr. Ralphs moved to approve the changes made to the Motion to Appoint Parent Coordinator form, as well as the other forms in this packet series. Christina Cope seconded the motion. Mr. Ralphs’ motion was approved unanimously.

V. NOTICE OF DISMISSAL / MOTION TO DISMISS CASE / ORDER ON MOTION

Utah Rule of Civil Procedure 41 outlines voluntary dismissal of a case by any party. The Committee discussed moving dismissal of a counterclaim or third-party claim as listed in 41(c) on a separate form as this may be misused by the defendant or other claimant. Judge Taylor noted that a defendant should be allowed to file a separate dismissal motion in response to the motion filed. The Committee decided that a separate form is not needed as the language on the form may be corrected to reflect the needs of both parties. The Committee made additional changes to the form to allow for clarity and understanding of each party’s role regarding dismissal. The Committee also added plain language in association to rule 41(c).

The Committee reviewed the Motion to Dismiss Case and Order on Motion form. Minor language changes were made to these forms for consistency with the Notice of Dismissal form.

With no further discussions or recommendations, Mr. Ralphs moved to approve the changes made to the Notice of Dismissal packet. Mr. Player seconded the motion. Mr. Ralphs' motion was approved unanimously.

VI. DISCUSSION ON MOTION FOR TEMPORARY RESTRAINING ORDER AND WRIT OF ASSISTANCE

Judge Taylor asked for this committee's assistance in revising the standard on TRO forms. There are many different TRO forms being used, with some being used incorrectly. Judge Taylor notes that 9 out of 10 requests are denied due to non-compliance. The TRO forms need to be standardized, be in compliance with Utah Rule of Civil Procedure 65A, and approved by the courts prior to use. The Committee members agreed that language and stylistic approach on this form needs to be handled carefully. This form should act as a deterrent to parties in domestic cases from using the form needlessly.

The Committee reviewed the current language on the form and decided not to make any changes at this time. Kim Allard will provide the committee with numbers related to TRO filings at the next meeting. Judge Taylor asked Ms. Allard to separately identify domestic cases. The Committee will then determine what language changes need to be made at that time.

VII. ADDITIONAL ITEM FOR DISCUSSION

Mr. Player noted that the Family Law Subcommittee has finished reviewing priority items on their list. Some items are related to OCAP or LPP parameters; however, there are items that fall under probate issues - i.e. guardianship and conservatorship matters. Cathy Dupont recommends that Mr. Player identify items that are in the grey areas of the Family Law Subcommittee's list. Ms. Dupont will take these items to the Judicial Council for clarification as to which committee should address those forms.

VIII. ADJOURN

With no further items for discussion, Mr. Player moved to end the meeting. Ms. Mann seconded the motion. Mr. Player's motion was approved unanimously. Meeting adjourned at 1:41pm. Next committee meeting is Monday, August 13 at 12 PM in the Council Room.