

Agenda Committee on Court Forms

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

December 10, 2018 / 12:00 to 2:00 p.m.
Executive Dining Room

1. Welcome and approval of November meeting minutes	Randy Dryer
2. Eviction forms <ul style="list-style-type: none"> • Notice of disclosure in unlawful detainer actions • Request for occupancy hearing • Notice of occupancy hearing • Ex parte motion for order of restitution 	Jessica Van Buren
3. Financial declaration forms <ul style="list-style-type: none"> • Notice of financial declaration • Financial declaration • Certificate of service of financial declaration 	Nathanael Player
4. Declaration in support of collection costs New form; requested by Judge Lawrence	Nathanael Player
5. Order on request to excuse respondent from hearing (guardianship) New form; requested by Court Visitor Program	Jessica Van Buren
6. Motion for temporary restraining order	Nathanael Player and Kim Allard
7. Approved forms being modified by pro se parties and attorneys	Guy Galli
8. Adjourn	Randy Dryer

2019 Meeting schedule

January 14

February 11

March 11

April 8

Focus on legislative updates for any statutory changes effective May 14, or rule changes effective

May 1

May 13

Focus on legislative updates for any statutory changes effective July 1

June 10

July 8

August 12

September 9

October 7

November 4

December 9

MINUTES
Utah Judicial Council’s
Committee on Court Forms
 Administrative Office of the Courts
 450 South State Street
 Salt Lake City, UT 84111
 November 13, 2018
 11:30 am - 2 pm
 Executive Dining Room

Members	In attendance	Excused	Via phone conference
Randy Dryer, Chair	•		
Kim Allard	•		
Cyndi Bayles		•	
Judge Randy Birch	•		
Christina Cope		•	
Cathy Dupont	•		
Guy Galli	•		
Judge Elizabeth Lindsley		•	
Kara Mann	•		
Commissioner Russell Minas		•	
Nathanael Player	•		
Stewart Ralphs	•		
Judge James Taylor	•		
Jessica Van Buren	•		
Mary Westby	•		
Staff	In attendance	Excused	Via phone conference
Brent Johnson		•	
Minhvan Brimhall – recording sec	•		

*Due to recording equipment malfunction, this meeting was not audio recorded.

I. Welcome and approval of September meeting minutes :

Randy Dryer welcomed the Committee members to the meeting. Mr. Dryer introduced and welcomed Judge Birch to the committee. Mr. Dryer will provide an oral report to the Judicial Council on November 19 on the Committee’s activities.

The Committee discussed the minutes from the September 10, 2018 meeting. No revision was made to the minutes. Mary Westby moved to approve the full minutes. Kara Mann seconded the motion. The motion unanimously passed.

II. Letter from Chief Justice Durrant to Supreme Court rules advisory committees:

Mr. Dryer reviewed a letter addressed to all Supreme Court rules advisory committees from Chief Justice Durrant. In an effort to provide clarity for non-represented parties, Chief Justice Durrant asks that all rules committees review contents of rules and proposed amendments in their charge to include the use of plain language, and to more clearly define the rules process. Chief Justice Durrant also asks that each rules committee review advisory committee notes for content and necessity within the rule.

III. OCAP/Standing Committee on Forms plain language project:

Mr. Dryer commended the Stylists committee for their work on the forms in preparation for usage by the licensed paralegal practitioners.

Ms. Allard reviewed the OCAP clauses with the committee. The committee discussed and made minor language changes to various sections of the OCAP clauses. The changes created consistency and helps to maintain fluidity throughout the forms.

- a. child support – With no additional discussion, Judge Taylor made a motion to approve all discussed language changes to the child support clauses. Stewart Ralphs seconded the motion. The motion was approved unanimously.
- b. Railroad retirement – With no additional discussion, Mary Westby made a motion to accept all discussed language changes to the railroad retirement clauses. Guy Galli seconded the motion. The committee unanimously approved to motion.
- c. Military retirement – Kim has been working with attorney Peter Strand in reviewing the original language as previously drafted by the office of Judge Advocate General. Kim will meet with Peter again to review the military retirement section prior to presentation and approval by the Judicial Council. This committee has completed its review of these clauses. Subject to final review between Ms. Allard and Peter Strand, Mr. Ralphs moved to approve the military retirement clauses. Kara Mann seconded the motion. The motion was approved unanimously.

IV. Motion to bifurcate divorce and order:

The Committee discussed the ability to use plain language to define the word bifurcate. The term itself is already defined in plain language and cannot be defined in any other manner. The Committee discussed the need and importance of maintaining the language as it is currently written for compliance with Utah Rules of Civil Procedure 42. The Committee discussed whether there is a need to separate the motion and order into two separate forms, or if one form is sufficient in these types of proceedings. The Committee discussed various scenarios where both situations would adequately be addressed by two different forms or may be addressed under one form.

Following further discussion, the Committee decided to maintain the forms as currently created, while updating the title of the form to “Order on Motion to Divide Divorce and Reserve Other Issues (Bifurcate Divorce). With no additional language changes or discussions, Mr. Ralphs motioned to approve the forms with the changes as discussed. Judge Taylor seconded the motion. The motion was approved unanimously.

V. Motion for genetic testing:

The Committee discussed and made minor language change recommendation to the form on the motion for genetic testing.

With no further discussion, Judge Taylor motioned to accept the changes made to form. Mr. Ralphs seconded the motion. The motion was approved unanimously.

VI. Motion for full or partial summary judgment and order:

The Committee made minor language changes to allow for clarity and maintain consistency throughout the form. The purpose of this form was to exclude paternity on a motion for either full or partial summary judgment. The Committee discussed that paternity is needed when an order for judgment is requested. The Committee recommended changing the title to “Motion for Partial Judgment Following Genetic Testing.”

Further review and discussion of this form is needed by the Committee. The language of Rule 56 should be tracked, i.e. there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. Nathanael Player will revise the form and distribute to the Committee for feedback. This form will be reviewed at the next meeting.

VII. Stipulation of dismissal:

The Committee reviewed and discussed URCP 41 in regards to stipulation of dismissal. The Committee made modification to the form for conformity of rule 41 and to allow for clarification of filing with or without prejudice.

With no further discussion, Mr. Player motion to accept the changes and approve the form. Judge Taylor seconded the motion. The Committee unanimously voted to approve the form as amended.

VIII. Eviction forms:

This item was not addressed due to lack of time and will be addressed the December meeting.

- a. Notice of disclosure in unlawful detainer actions**
- b. Request for occupancy hearing**
- c. Notice of occupancy hearing**
- d. Ex parte motion for order of restitution**

IX. Adjourn:

With no further discussion, Judge Taylor motioned to adjourn the meeting. Mr. Player seconded the motion. The motion was unanimously approved. The meeting adjourned at 2:50 PM. The next meeting will be on December 10, 2018, from noon to 2 pm in the Executive Dining Room.

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 <ul style="list-style-type: none"> • Three day notice to pay or to vacate • Three day notice to comply with lease or vacate • Three day notice to vacate for criminal nuisance • Three day notice to vacate for nuisance • Three day notice to vacate for assigning or subletting contrary to rental contract • Three day notice to vacate for committing waste on premises • Three day notice to vacate for engaging in unlawful business on or in the premises • Three day notice to vacate for lease violation which cannot be brought into compliance • Three day notice to vacate for committing criminal act on the premises • Fifteen day notice to vacate • Five day notice to a tenant at will • Complaint • Order of Restitution • Affidavit of Damages • Judgment for Plaintiff for Unlawful Detainer • Judgment for Defendant for Unlawful Detainer • Request for Hearing on Enforcement of Order 	December 18, 2017	Judicial Council

<ul style="list-style-type: none"> of Restitution • Tenant Answer and Counterclaim • Motion to Set Amount of Counter Bond • Notice of Possession Bond • Order setting amount of possession bond • Request for Possession Bond hearing • Tenant Counter Bond Property • Order Setting Amount of Counterbond • Motion to Release Possession Bond • Order to Release Possession Bond 		
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
Memorandum opposing motion	April 16, 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 – juvenile court	August 13, 2018	Forms Committee
Motion to appear remotely	June 11, 2018	Judicial Council
Motion to appoint parent coordinator	August 17, 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 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
Motion to waive divorce education requirement	April 16, 2018	Judicial Council
Motion to waive divorce waiting period	August 17, 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 dismissal / Motion to voluntarily dismiss case	August 17, 2018	Judicial Council

Notice of divorce education requirement	April 16, 2018	Judicial Council
Notice of hearing (motion)	April 16, 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
Reply memorandum supporting motion	April 16, 2018	Judicial Council
Request to submit (motion)	April 16, 2018	Judicial Council
Request to submit (motion) – juvenile court	August 13, 2018	Forms Committee
Statement supporting motion	April 16, 2018	Judicial Council
Stipulated motion	April 16, 2018	Judicial Council
Stipulation to enter order (motion)	April 16, 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 Judicial Council Consideration

- Divorce OCAP clauses
- Motion to decide divorce and reserve other issues (bifurcate divorce)
- Motion for genetic testing
- Stipulation of voluntary dismissal

Pending Forms Committee Consideration

- Notice of disclosure in unlawful detainer actions
- Request for occupancy hearing
- Notice of occupancy hearing
- Ex parte motion for order of restitution
- Financial declaration, notice of disclosure requirements, and certificate of service
- Declaration in support of collection costs
- Order on request to excuse respondent from hearing (guardianship)
- Motion for temporary restraining order, order on motion, motion to dismiss or modify temporary restraining order and writ of assistance
- Motion for full or partial summary judgment on paternity

Pending Stylistics Subcommittee Consideration

- Parentage OCAP clauses
- OCAP divorce – federal retirement clauses
- OCAP divorce answer clauses
- Revised parenting plan
- Military parenting plan
- Motion for temporary orders due to deployment
- OCAP temporary separation clauses
- Request to register foreign child custody, parent-time, support or income withholding order
- Motion for default judgment
- Adult protective orders
- Child protective orders
- Fee waiver packet
- Juvenile court fee waiver packet
- Petition for order adjudicating paternity (not custody or support)
- Adult name change
- Voluntary relinquishment of parental rights
- Annulment

Pending Family Law Subcommittee Consideration

- URCP 109 domestic relations injunction
- Petition to modify child support, child custody, and parent-time (to consider jurisdiction issues)
- Temporary delegation of parental authority
- Judicial recognition of relationship as marriage packet
- Petition for order establishing fact of birth
- Registering an ORS order

- Motion for order to show cause – domestic cases(proposed rule change in the works, so this is on hold)

Queue

- Debt collection and eviction settlement forms
- Name change - minors
- Small claims packet
- Step-parent adoption packet
- Open adoption record
- Emancipation of a minor
- Guardianship of a minor
- Guardianship of an adult
- Conservatorship of a minor
- Conservatorship of an adult
- Petition for registration of adoption order from foreign country
- Motion to intervene in an adoption case
- Order assigning court visitor to report on the guardian's and protected person's whereabouts
- Order assigning court visitor to report on an audit of court records
- Motion to intervene in adoption case
- Statement of defendant in support of guilty plea (English and Spanish)
- Defendant's motion to release bail
- Motion to classify record and names as private (eviction)

Name

Address

City, State, Zip

Phone

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff</p> <p>v.</p> <p>_____ Defendant</p>	<p>Notice of Disclosure Requirements in Unlawful Detainer Actions (Utah Rule of Civil Procedure 26.3)</p> <p>_____ Case Number</p> <p>_____ Judge</p>
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To:

Defendant Name or Name of Joined Party

1. If you ask for a hearing to give evidence to the court to determine who should occupy the property until this case is decided, you must give to the plaintiff ("disclose") the following documents:
 - Any document not yet disclosed to the plaintiff that you will offer as evidence at the hearing.
 - The name and, if known, the contact information of any witnesses you will call at the hearing. You must include a summary of what you expect the witnesses to say.

2. If the plaintiff asks for a hearing to give evidence to the court to determine who should occupy the property until this case is decided, you must give to the plaintiff the documents listed above at least 2 days before hearing.
3. You must serve the documents and information listed above by the method most likely to be promptly received.
4. If you do not disclose all assets and income in the Financial Declaration and attachments, you may be subject to sanctions. (Utah Rule of Civil Procedure 37). Sanctions may include awarding assets to the other party, requiring you to pay the other party's attorney's fees, or other sanctions decided by 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 Notice of Disclosure Requirements in Unlawful Detainer Actions 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 Defendant
 Plaintiff's Attorney Defendant's Attorney (Utah Bar #: _____)
 Plaintiff's Licensed Paralegal Practitioner
 Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

Request for Occupancy Hearing
(Utah Code 78B-6-810)

Case Number

Judge

1. I am the plaintiff defendant.
2. I ask for a hearing to determine who has the right to occupy to the property the defendant now lives in.
3. I ask the hearing be held within ten business days after the defendant's answer is filed.

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 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 _____

_____ Plaintiff v. _____ Defendant	Notice of Occupancy Hearing Aviso de Audiencia _____ Case Number _____ Judge
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To:

Petitioner Name

Respondent Name

The court has scheduled a hearing at the following location, date, and time to determine who has the right to occupy the property where the defendant now lives.

El tribunal ha programado una audiencia **xxxxxxx** en la fecha y hora que sigue.

Courthouse Address (Dirección del tribunal):

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

Room (Sala): _____

Judge (Juez): _____

Attendance

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 lawyer.

Evidence

Bring with you any evidence that you want the court to consider.

Interpretation

If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.

ADA Accommodation

If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.

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.

Asistencia

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 otorgada. Usted tiene el derecho de que lo represente un abogado.

Pruebas

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

Interpretación

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.

Atención en caso de incapacidades

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.

Finding help

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.

A <language> version of this document is available on the court's website:
www.utcourts.gov

(in as many of the languages as we provide)

_____ Signature ► _____
Date Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Occupancy 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.)		

 Date

Signature ► _____
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

Ex Parte Motion for Order of Restitution

(Utah Code 78B-6-811 and 812)

Case Number

Judge

1. I filed an eviction case about the property located at (address):

2. The defendant was served with the Summons and Complaint, and proof of service has been filed with the court.
3. the defendant has not filed an answer within the time allowed, and they have not moved out of the property.
4. The Clerk of Court has issued a default certificate.

5. I ask for an Order of Restitution removing the defendant from the property.

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 _____

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>Notice of Disclosure Requirements in Domestic Relations Cases (Utah Rule of Civil Procedure 26.1)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
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To: _____
(Respondent Name or Name of Joined Party)

1. Because you are involved in one of these cases:
- divorce
 - temporary separation
 - separate maintenance
 - parentage
 - child custody
 - child support
 - domestic order modification

You must give to the petitioner ("disclose") the following documents:

- **Initial Disclosures.** (The court-approved Initial Disclosures form is available at www.utcourts.gov.)
- **Financial Declaration and required attachments.** (The court-approved Financial Declaration form is available at www.utcourts.gov.)
- Documents verifying the amounts for every item listed in the Financial Declaration (excluding monthly expenses).
- Federal and state income **tax returns** for the **past two tax years** before the petition in this case was filed.
- **Pay stubs** and other evidence of income for the **past 12 months**.
- All loan applications and financial statements from the 12 months before the petition was filed.
- Documents verifying the value of all real estate in which you have an interest. This includes the most recent appraisal, tax valuation, and refinance documents.
- All statements for the 3 months before the petition was filed for all financial accounts. This includes checking, savings, money market funds, certificates of deposit, brokerage, investment, and retirement.
- If you do not have some of these documents, you may estimate the amounts. You must explain on the Financial Declaration how you chose the estimated amount and why the documents are not available.

2. You must send the completed Initial Disclosures form, the Financial Declaration, and all required attachments to the petitioner within:

- 42 days after filing of the first answer, or
- 28 days after your appearance in this case, whichever is later.

The petitioner must send their completed Initial Disclosures form, the Financial Declaration, and all required attachments to you within 14 days after service of your first answer to the petition.

3. If you do not disclose all assets and income in the Financial Declaration and attachments, you may be subject to sanctions. (Utah Rule of Civil Procedure 37). Sanctions may include awarding assets to the other party, requiring you to pay the other party's attorney's fees, or other sanctions decided by the court.

Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Disclosure Requirements in Domestic Relations Cases 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>Financial Declaration (Utah Rule of Civil Procedure 26.1)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
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1. I am providing this form to the other party and (Choose one.):
- I am not filing the Financial Declaration with the court** because no hearing about child support, spousal support, property, debts, attorney fees and court costs is scheduled, or because the court has not ordered me to file it.
- I am filing the Certificate of Service of Financial Declaration.

I am filling the **Financial Declaration with the court** because a hearing about child support, spousal support, property, debts, attorney fees and court costs is scheduled, or the court has ordered me to file it.

I am also filing the Certificate of Service of Financial Declaration.

2. I am attaching the following documents, if available:

<p>Tax returns. For the two years before the petition was filed :</p> <ul style="list-style-type: none"> • federal and state income tax returns – personal and for any entities in which I have a majority or controlling interest • all documents used to prepare the tax returns 	<p><input type="checkbox"/> Attached <input type="checkbox"/> Not attached <input type="checkbox"/> Doesn't apply</p>
<p>Pay stubs or other proof of income. For the 12 months before the petition was filed:</p> <ul style="list-style-type: none"> • pay stubs • other proof of all earned and un-earned income 	<p><input type="checkbox"/> Attached <input type="checkbox"/> Not attached <input type="checkbox"/> Doesn't apply</p>
<p>Loan applications. For the 12 months before the petition was filed:</p> <ul style="list-style-type: none"> • all loan applications • financial statements used to apply for the loans 	<p><input type="checkbox"/> Attached <input type="checkbox"/> Not attached <input type="checkbox"/> Doesn't apply</p>
<p>Real estate documents. Documents verifying the value of all real estate in which I have an interest. This includes the most recent appraisal, tax valuation, and refinance documents.</p>	<p><input type="checkbox"/> Attached <input type="checkbox"/> Not attached <input type="checkbox"/> Doesn't apply</p>
<p>Financial statements. For the 3 months before the petition was filed all financial statements for all financial accounts. This includes checking, savings, money market funds, certificates of deposit, brokerage, investment, and retirement.</p>	<p><input type="checkbox"/> Attached <input type="checkbox"/> Not attached <input type="checkbox"/> Doesn't apply</p>

I marked some documents above as “not attached” because:

Document	Reason

Document	Reason

3. **Employment** (Attach proof of amounts listed, or provide a basis for estimation.)

I am employed:

Name of employer(s)	Hours per week	Hourly pay
		\$
		\$

I am unemployed because: _____

I have estimated amounts in this paragraph.

Item estimated	Basis for estimation

4. **Gross Monthly Income** (Attach proof of amounts listed, or provide a basis for estimation.)

I have the following monthly income before tax deductions:

(Print your pre-tax income in the boxes below. For income that changes from month to month, calculate the annual total and divide by 12 months to list a monthly average.)

Source of income	Monthly amount
Work (Including self employment, wages, salaries, commissions, bonuses, tips and overtime)	\$
Rental income	\$
Business income	\$
Interest	\$
Dividends	\$
Retirement income (Including pensions, 401(k), IRA, etc.)	\$
Worker's compensation	\$
Private disability insurance	\$

Source of income	Monthly amount
Social Security Disability Income (SSDI)	\$
Supplemental Security Income (SSI)	\$
Social Security (Other than SSDI or SSI)	\$
Unemployment benefits	\$
Education benefits	\$
Veteran's benefits	\$
Alimony	\$
Child support	\$
Payments from civil litigation	\$
Victim restitution	\$
Public assistance (Including AFDC, welfare, etc.)	\$
Support from household members	\$
Support from non-household members	\$
Trust income	\$
Annuity income	\$
Other (Describe)	\$
Other (Describe)	\$
Gross monthly income	\$

I have no income because:

I have estimated amounts in this paragraph.

Item estimated	Basis for estimation

5. Monthly Tax Deductions (Attach proof of amounts listed, or provide a basis for estimation.)

Type of tax deduction	Amount
Federal income tax	\$
State income tax	\$
Municipal income tax	\$
FICA	\$
Medicare	\$
Total monthly tax deductions	\$

I have estimated amounts in this paragraph.

Item estimated	Basis for estimation

6. After Tax Income

My monthly income is:

\$ _____	Gross monthly income from section 4
- \$ _____	Minus monthly tax deductions from section 5
= \$ _____	Equals after-tax monthly income

I have no income.

7. Monthly Expenses (Attach proof of amounts listed, or provide a basis for estimation.)
 (Include amounts you pay for yourself and any spouse, children or other dependents in your household.)

I am personally paying the following monthly expenses:

Monthly expense	Amount
Rent or mortgage	\$
Food and household supplies	\$
Clothing	\$
Transportation (such as public transportation, automobile payments, insurance, gas, maintenance)	\$
Utilities (such as electricity, gas, water, sewer, garbage)	\$

Monthly expense	Amount
Telephone	\$
Credit card payments	\$
Loans and other debt payments	\$
Alimony	\$
Child support	\$
Child care	\$
Education	\$
Health care insurance	\$
Health care expenses (excluding insurance listed above)	\$
Business expenses	\$
Real estate taxes	\$
Real estate insurance	\$
Real estate maintenance	\$
Other insurance (describe)	\$
Entertainment	\$
Laundry and dry cleaning	\$
Donations	\$
Gifts	\$
Health insurance premiums	\$
Life insurance premiums	\$
Union and other dues	\$
Garnishment or income withholding order	\$
Retirement deposits (including pensions, 401(k), IRA, etc.)	\$
Other (describe)	\$
Total monthly expenses	\$

I have estimated amounts in this paragraph.

Item estimated	Basis for estimation

Item estimated	Basis for estimation

8. Business interests (Attach proof of percentage ownership and value, or provide a basis for estimation.)

Business name		
Address & phone		
Nature of business		
Percent owned by _____% Petitioner _____% Respondent	Current value	\$

Business name		
Address & phone		
Nature of business		
Percent owned by _____% Petitioner _____% Respondent	Current value	\$

[] I have estimated amounts in this paragraph.

Item estimated	Basis for estimation

9. Financial Assets

Asset	Holder (Name & address)	Co-owner (Name & address)	Current value
Bank or credit union account			\$

Asset	Holder (Name & address)	Co-owner (Name & address)	Current value
Stocks, bonds, securities, money market account			\$
Money owed to me			\$
Cash			\$
Other (describe)			\$
Other (describe)			\$

I have estimated amounts in this paragraph.

Item estimated	Basis for estimation

9. **Real Estate** (Attach proof of amounts listed, or provide a basis for estimation.)

Address _____

		\$	\$
Date acquired	In whose name?	Original cost	Current value
		\$	\$
First mortgage or lien holder (name & address)		Amount owed	Monthly payments
		\$	\$
Second mortgage or lien holder (name & address)		Amount owed	Monthly payments

I have estimated amounts in this paragraph.

Item estimated	Basis for estimation

Item estimated	Basis for estimation

10. **Personal Property** (Attach proof of amounts listed, or provide a basis for estimation.)
 (Such as vehicles, boats, trailers, and major equipment)

Property description					
Lien holder (name and address)					
Name(s) on title					
Current value \$	Amount owed \$	Monthly payments \$			

Property description					
Lien holder (name and address)					
Name(s) on title					
Current value \$	Amount owed \$	Monthly payments \$			

Property description					
Lien holder (name and address)					
Name(s) on title					
Current value \$	Amount owed \$	Monthly payments \$			

Property description					
Lien holder (name and address)					

Name(s) on title		
Current value \$	Amount owed \$	Monthly payments \$

I have estimated amounts in this paragraph.

Item estimated	Basis for estimation

11. **Credit Available** (Attach proof of amounts listed, or provide a basis for estimation.)

Credit card	Bank or credit union	Credit limit	Credit available
		\$	\$
		\$	\$
		\$	\$
		\$	\$

I have estimated amounts in this paragraph.

Item estimated	Basis for estimation

12. **Debts Owed** (Attach proof of amounts listed, or provide a basis for estimation.)
(Do not include amounts you owe on property reported in the Real Estate or Personal Property sections.)

Debt owed to (name and address of creditor)	
Purpose of debt (such as credit card, cash loan, or installment payment)	
Name(s) on debt	

Amount owed \$	Monthly payments \$
-------------------	------------------------

Debt owed to (name and address of creditor)	
Purpose of debt (such as credit card, cash loan, or installment payment)	
Name(s) on debt	
Amount owed \$	Monthly payments \$

Debt owed to (name and address of creditor)	
Purpose of debt (such as credit card, cash loan, or installment payment)	
Name(s) on debt	
Amount owed \$	Monthly payments \$

Debt owed to (name and address of creditor)	
Purpose of debt (such as credit card, cash loan, or installment payment)	
Name(s) on debt	
Amount owed \$	Monthly payments \$

I have estimated amounts in this paragraph.

Item estimated	Basis for estimation
----------------	----------------------

Item estimated	Basis for estimation

Warning

If you do not fully disclose all assets and income in this document and provide attachments you could be subject to sanctions under Utah Rule of Civil Procedure 37.

This could include an award of non-disclosed assets to the other party, attorney's fees or other sanctions.

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 _____

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>Certificate of Service of Financial Declaration (Utah Rule of Civil Procedure 26.1(d))</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	--

I certify that I served a copy of the Financial Declaration 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 _____

Or this signature block?

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).

_____ 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 Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Declaration in Support of Collection Costs (Utah Code Section 12-1-11)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

Plaintiff debt collector seeks a collection fee in this case.

1. Plaintiff is registered as a debt collection agency in Utah.
2. Exhibit A (attached) is the written agreement between the creditor and debtor creating the debt, and provides for a collection fee of up to ____ %.
3. Exhibit B (attached) is the written agreement between the creditor and the debt collection agency shows a collection fee of ____ %.

4. The amount requested is the lesser amount of (Choose one.):
 40% of the principal amount owed to the creditor for the debt, or
 the actual amount the creditor is required to pay the debt collection agency.
5. This collection fee is not prohibited or restricted by any other federal or state law.
6. To the best of my knowledge, the principal amount requested in the complaint does not include collection fees.

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 Declaration in Support of Collection Costs 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 _____

In the Matter of Protection for

Respondent

**Order on Request to Excuse
Respondent from the Hearing**

Case Number

Judge

1. The court orders:
 [] the respondent is excused from the hearing.
 [] petitioner must arrange for respondent's attendance at the hearing.
2. This order is based on the following information provided in the request to excuse the respondent in the Petition, and in the Visitor's Report on Request to Excuse Respondent from the Hearing:

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 Request to Excuse Respondent from the Hearing on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Petitioner or Attorney)	<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.)		
(Respondent or Attorney)	<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.)		
(Interested Person or Attorney)	<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>_____ 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 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 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 _____
 (título 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 _____

**Motion to Set Aside or Modify
Temporary Restraining Order**
(Utah Rule of Civil Procedure 65A)

Hearing Requested

Plaintiff/Petitioner

v.

Defendant/Respondent

Case Number

Judge

Commissioner (domestic cases)

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 _____

<p>_____</p> <p>Plaintiff/Petitioner</p> <p>v.</p> <p>_____</p> <p>Defendant/Respondent</p>	<p>Writ of Assistance (Utah)</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner (domestic cases)</p>
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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 _____