

**MINUTES**  
**Utah Judicial Council's**  
**Committee on Court Forms**  
 Administrative Office of the Courts  
 450 South State Street  
 Salt Lake City, UT 84111  
 December 10, 2018  
 12 - 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 secretary	•		

**I. Welcome and approval of November meeting minutes:**

Randy Dryer welcomed the Committee members to the meeting. The Committee discussed the minutes from the November 13 meeting. No revision was made to the minutes. Judge Taylor moved to approve the full minutes. Stewart Ralphs seconded the motion. The motion unanimously passed.

## II. Eviction forms:

These forms are produced by OCAP but have not yet been approved by the committee.

### a. **Notice of disclosure in unlawful detainer actions:**

The form is used by a landlord in eviction matters. The plaintiff (landlord) is required to give notice of all claims, as identified in the form, to the defendant (tenant). This form mirrors the requirements as found in URCP 26.3. The committee discussed the language as currently drafted in the rule. The committee recommended several language changes as a means to clarify the purpose of this rule. The committee discussed including the addition of the words “business” or “calendar” as a means to distinguish the amount of days before a hearing that a plaintiff has to submit documents in an evidentiary hearing. The committee was divided by this recommendation as this is not required in the rule and may create confusion to the litigants. Judge Taylor made a recommendation to change the language to reflect, “...two calendar days as pursuant to the rule.” Judge Lindsley recommended having the Judicial Council review the current rule and form, and provide feedback to this committee for further discussion.

Stewart Ralphs made a motion to include “business” days in the rule and send to the Judicial Council for further review at this time. Nathanael Player seconded the motion. With one objection by Guy Galli, the motion was not unanimously passed.

The committee discussed a sentence structure change to the first paragraph of the rule. Mr. Player made a motion to accept those recommended changes. Mr. Galli seconded the motion. The motion was unanimously passed.

This form will go before the Judicial Council for review and recommendation of including of “business days” or “calendar days” to paragraph 2. The form will be further reviewed by this committee following the Judicial Council’s review.

### b. **Request for occupancy hearing:**

The committee discussed and made a minor language correction to this form. With the accepted changes, Cyndi Bayles motioned to approve the form. Judge Lindsley seconded the motion. The motion passed unanimously.

### c. **Notice of occupancy hearing:**

The form is patterned after the already-approved bilingual Notice of Hearing form. The committee discussed the importance of tracking the language of the Request for occupancy form so that both forms are consistent.

With no further discussion, Judge Lindsley made a motion to approve the form as recommended by the committee. Mr. Player seconded the motion. The motion was approved unanimously.

### d. **Ex parte motion for order of restitution:**

The committee made minor language changes to conform to plain language usage.

With no additional discussion, Judge Lindsley made a motion to approve the form. Mary Westby seconded the motion. The motion was unanimously approved.

**III. Financial declaration forms:**

This is an existing form which has been reviewed by both the Family Law Subcommittee and the Stylistics Committee.

a. Notice of financial declaration:

The petitioner is required to send a copy of this form to the respondent. The committee made minor language changes for plain language and clarity.

With no further discussion, Mr. Ralphs made a motion to approve the notice. Mr. Player seconded the motion. The motion passed unanimously.

b. Financial declaration:

The committee discussed concerns raised by Judge Kara Pettit about providing a way for parties to include information about their standard of living at the time of the marriage if they are seeking alimony

Mr. Ralphs recommended accepting the form as it is currently written and make changes to the form later on if asked to.

Following further discussions, the committee determined that it would be best for the Family Law Forms Subcommittee meet to review the form again and to address the concerns.

Mr. Ralphs made a motion to send this form back to the Family Law Forms subcommittee for further discussion and review, and return to report its discussion to this committee at a later date. Ms. Bayles seconded the motion. The motion passed unanimously.

c. Certificate of service of financial declaration:

The committee did not have any concerns about this form.

Judge Taylor made a motion to approve this form. Judge Lindsley seconded the motion. The form was unanimously approved.

**IV. Declaration in support of collection costs: - collection fees with collection agencies**

This is a new form that has been brought to this committee by Judge Barry Lawrence. After some discussion, the committee decided to table the form because it needed additional information from Judge Lawrence. Brent Johnson will contact Judge Lawrence regarding the committee's questions and concerns.

With those additions and no further questions, Judge Taylor made a motion to approve the recommendation action. Mr. Ralphs seconded the motion. The motion was unanimously approved.

**V. Order on request to excuse respondent from hearing (guardianship):**

This is a new form that has been requested by the Court Visitor Program. This form is used to determine whether a respondent can be excused from the hearing. The Court Visitor Program drafted the form and the form has been approved by the Stylistic Committee. This order is often time handled by the hearings minute entry, however, the program felt a signed order is needed as part of the case record.

The committee briefly discussed the current language of the order and made minor language changes for clarity of the form.

With no further discussion, Judge Lindsley made a motion to approve the form with the accepted language changes. Ms. Bayles seconded the motion. The motion was unanimously approved.

**VI. Motion for temporary restraining order:**

At an earlier meeting Judge Taylor requested data about the number of TROs filed statewide. Nathanael Player shared some numbers that Kim Allard pulled together for this committee to review. The data shows that TROs are being denied about half the time they are issued.

Mr. Galli reminded the committee that Commissioner Casey worked to remove TRO forms from various court offices because they caused more of a problem for him to address in his courtroom.

The committee discussed whether it would be a disservice to LPPs and their clients if this form was not available.

Following further discussions, Mr. Ralphs was assigned to revise the forms to make them more general, not just specifically for family law cases and bring it back to the full committee. Any committee feedback should be directed to Mr. Ralphs.

**VII. Adjourn:**

With no further discussion, the meeting was adjourned without a motion. The meeting adjourned at 1:56 PM. The next meeting will be on January 14, 2019 from noon to 2 pm in the Council Room.