

MINUTES
Utah Judicial Council’s
Committee on Court Forms
 Administrative Office of the Courts
 450 South State Street
 Salt Lake City, UT 84111
 January 14, 2019
 12 - 2 pm
 Judicial Council Room

Members	In attendance	Excused	Guest
Randy Dryer, Chair	•		Waine Riches
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	
Brent Johnson	•		
Minhvan Brimhall – recording secretary	•		

I. Welcome and approval of December meeting minutes:

Randy Dryer welcomed the Committee members to the meeting. The Committee discussed the minutes from the December 10 meeting. No revision was made to the minutes. Stewart Ralphs moved to approve the full minutes. Kara Mann seconded the motion. The motion unanimously passed.

II. Motion to decide divorce and reserve other issues (bifurcate divorce):

This form was discussed several meetings ago. The form has been reviewed by the Judicial Council. Judge Pettit raised a concern with use of the word "prejudice" in paragraph 5. Rule 42(b) suggests that the court "avoid prejudice" in bifurcating divorce matters. The Stylistics Subcommittee proposes changing the language in paragraph 5 as "This avoids prejudice because".

Mr. Ralphs motioned to approve the language change on condition that the proposed change be reviewed with Judge Pettit. Mary Westby seconded the motion. The motion was approved unanimously.

III. Motion for full or partial summary judgment and Order on motion full or partial summary judgment:

Mr. Dryer thanked Mr. Player for putting together the memo and providing clarification of the form. The committee discussed whether a separate motion for full summary judgment and partial summary judgment is appropriate, as well as whether a separate motion should be filed on issues of paternity and one for remaining issues in the case. The committee discussed that a separate motion may need to be filed when paternity has been established but does not apply to the children listed on the motion. Each child may need to have a separate filed. Brent Johnson stated that a potential concern with these motions is that paternity statutes are often linked to other issues in the case. Those issues may be raised during the case that could bring up other legal questions of paternity for judgment.

The committee discussed and made several language changes to the title of the form. The committee recommended changing the title to "Motion for Summary Judgment to Declare Non-Parentage After Genetic Testing."

Following continued discussion of the definition of parentage and additional recommendation of language changes, Mr. Ralphs motioned to approve the changes as discussed. Mr. Player seconded the motion. The motion was approved unanimously.

Additional discussion and language change was made to the order on the motion for genetic testing form. The committee recommended changing the title to "Order Granting Motion for Summary Judgment on Non-Parentage." Mr. Ralphs motioned to approve the changes as discussed. Mr. Player seconded the motion. The motion was approved unanimously.

IV. Change to already-approved Parenting Plan:

Mr. Player noted a minor proposed change to the language in paragraph 11 to comply with the current statute. The language change is referenced in proposed changes in the military parenting form. The Judicial Council approved the Parenting Plan form in May 2018.

With no additional discussion or further changes, Judge Taylor motioned to approve the form as discussed. Mr. Player seconded the motion. The motion was approved unanimously.

V. Military parenting plan (new form):

The military parenting plan was missing from the group of forms. This was caught by Wayne Riches. The Family Law Form Subcommittee has reviewed the form. Once military service has terminated or on temporary leave, the family will default to the non-military plan.

With no further discussion, Mr. Player moved to approve the military plan as discussed. Ms. Westby seconded the motion. The motion was unanimously approved.

VI. Motion for temporary order due to deployment and Order on Motion for temporary order due to deployment:

This plan tracks the proposed military parenting plan. The motion allows for a temporary order on the plan when one or both parents are deployed for active service.

With no further discussion, Mr. Player made the motion to approve the form as discussed. Judge Taylor seconded the motion. The motion was approved unanimously.

The order was reviewed. With no changes or additional discussion, Mr. Player moved to approve the order as written. Ms. Westby seconded the motion. The motion was unanimously approved.

VII. OCAP provisions:

Kim Allard noted that this will be the last time that this committee will discuss divorce provisions.

The committee reviewed the civil service retirement and federal retirement sections. Much of the language of these provisions is from the CFR. The committee discussed and made minor language changes.

With no concerns raised or further discussion, Ms. Westby moved to approve pages 320 to 331 on civil retirement with recommended changes. Mr. Player seconded the motion.

The committee reviewed pages 332-341 on federal retirement and made minor language changes. With no further discussion, Mr. Player moved to approve the provisions as proposed. Judge Taylor seconded the motion. The motion was unanimously approved.

The committee reviewed pages 342-343 on duty to sign. With no further discussion, Mr. Player moved to approve. Ms. Mann seconded the motion. The motion was approved unanimously.

Divorce answer:

There was no form to review in this section. Ms. Allard noted that a general answer has been approved and OCAP will be following that format.

Ms. Allard motioned that this group empower the OCAP group to follow the Answer format that has already been approved by the council for the divorce answer program. Ms. Westby seconded that motion. The motion was approved unanimously.

Parentage section:

Ms. Allard noted that case type in the courts is still listed as paternity; however the OCAP form will use the term parentage.

Due to time limitation, the parentage sections will be reviewed at the next meeting.

VIII. Final Business

Mr. Dryer asked for a status report of forms that will be ready for review at the next meeting. Ms. Van Buren noted the following forms will be ready for review by the Stylistics subcommittee:

- Request to register a foreign child custody, parent-time, support or income withholding order
- Settlement agreement (for use in eviction and debt collection cases)
- Domestic relations injunction
- Protective orders – possibly
- Financial declaration

Mr. Player noted the several forms from the Family Law Subcommittee have been reviewed but not yet ready to use and may need further review. Mr. Player will clean up the list and bring it back to the committee at the next meeting.

IX. 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 February 11, 2019 from noon to 2 pm in the Council Room.