

## Agenda Committee on Court Forms

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

March 11, 2019 / 12:00 to 2:00 p.m.  
Judicial Council Room

1. Welcome and approval of February meeting minutes	Randy Dryer
2. Report on meeting with LPP education and testing subcommittee	Randy Dryer
3. Domestic relations injunction	Nathanael Player Stewart Ralphs
4. Application for temporary restraining order <ul style="list-style-type: none"> <li>• Application for temporary restraining order and order</li> <li>• Writ of assistance</li> <li>• Motion to release money or security bond and order</li> </ul>	Nathanael Player
5. Changes to caption and certificate of service templates	Jessica Van Buren
6. Adjourn	Randy Dryer

### 2019 Meeting schedule

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  
 February 11, 2019  
 12 - 2 pm  
 Judicial Council Room

Members	In attendance	Excused	Guest
Randy Dryer, Chair	•		Landon Troester
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 January meeting minutes:**

Randy Dryer welcomed the Committee members to the meeting. The Committee discussed the minutes from the January 14 meeting. No revision was made to the minutes. Stewart Ralphs moved to approve the full minutes. Guy Galli seconded the motion. The motion unanimously passed.

**II. OCAP Parentage provisions:**

The committee reviewed pages 3- 50 of the parentage provisions. The committee discussed and made minor language changes.

With no concerns raised or further discussion, Mr. Ralphs moved to approve pages 3 to 50 on parentage provisions with recommended changes. Mr. Player seconded the motion. The motion was approved unanimously.

**III. Motion to Grant Divorce and Decide Other Issues Later (Bifurcate Divorce):**

Brent Johnson met with Judge Pettit to review recommendations made by this committee in addressing concerns she raised regarding use of the word “prejudice” in paragraph 5. After final review, Judge Pettit has approved of the recommended language change.

With no additional concerns raised or further discussion, Mr. Ralphs motioned to approved the language changes as accepted by Judge Pettit. Kara Mann seconded the motion. The motion was unanimously approved.

**IV. Notice to Defendant of Disclosure Requirements in Unlawful Detainer Actions:**

Judge Pettit raised a concern regarding the inclusion of Rules of Civil Procedure 37 in the notice.

The committee discussed and made minor language changes per concerns raised by Judge Pettit. Following further discussions, Mary Westby motioned to approve the notice with acceptance of recommendations made by Judge Pettit, in addition to the changes made by the committee. Mr. Ralphs seconded the motion. The motion was unanimously approved.

**V. Financial declaration:**

The committee reviewed and discussed the Financial Declaration forms. Mr. Player noted that this form may be used by any party ordered to provide financial information related to a case. The form is used in family law cases. The goal of this form is to reduce the amount of time needed for discovery. The committee made several changes to the form. The committee modified the notice at the end form. This notice will inform all parties of potential sanctions that may be assessed by the court for information not fully disclosed. This notice is currently stated at the end of the form, prior to the filer’s signature.

With no additional discussions, Mr. Ralph motioned to accept all changes as modified by the committee. Ms. Westby seconded the motion. The motion was unanimously approved.

**VI. Additional Business**

Ms. Van Buren reported that the Stylistic committee will have the Domestic Relations Injunction form (URCP 109) for review at the next Forms Committee meeting. URCP 109 becomes affected May 1, 2019, so the form must be ready for use by then.

URCP 5 is changing to allow parties to serve each other by email if an email address is provided on their documents. This rule change will require changing the certificate of service (which appears on most court forms). This change takes effect May 1, 2019. This committee will discuss proposed form changes at the next meeting.

The TRO forms are back from the Family Law Subcommittee. The content of the form has been made broader, but there are specific requirements in the family law section of the form.

**VII. Adjourn**

With no further discussions, the meeting was adjourned without a motion. The meeting adjourned at 1:53 PM. The next meeting will be on March 11, 2019 from noon to 2 pm in the Council 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"> <li>• Three day notice to pay or to vacate</li> <li>• Three day notice to comply with lease or vacate</li> <li>• Three day notice to vacate for criminal nuisance</li> <li>• Three day notice to vacate for nuisance</li> <li>• Three day notice to vacate for assigning or subletting contrary to rental contract</li> <li>• Three day notice to vacate for committing waste on premises</li> <li>• Three day notice to vacate for engaging in unlawful business on or in the premises</li> <li>• Three day notice to vacate for lease violation which cannot be brought into compliance</li> <li>• Three day notice to vacate for committing criminal act on the premises</li> <li>• Fifteen day notice to vacate</li> <li>• Five day notice to a tenant at will</li> <li>• Complaint</li> <li>• Order of Restitution</li> <li>• Affidavit of Damages</li> <li>• Judgment for Plaintiff for Unlawful Detainer</li> <li>• Judgment for Defendant for Unlawful Detainer</li> <li>• Request for Hearing on Enforcement of Order</li> </ul>	December 18, 2017	Judicial Council

<ul style="list-style-type: none"> <li>of Restitution</li> <li>• Tenant Answer and Counterclaim</li> <li>• Motion to Set Amount of Counter Bond</li> <li>• Notice of Possession Bond</li> <li>• Order setting amount of possession bond</li> <li>• Request for Possession Bond hearing</li> <li>• Tenant Counter Bond Property</li> <li>• Order Setting Amount of Counterbond</li> <li>• Motion to Release Possession Bond</li> <li>• Order to Release Possession Bond</li> </ul>		
Eviction forms used in OCAP (additional) <ul style="list-style-type: none"> <li>• Request for occupancy hearing</li> <li>• Notice of occupancy hearing</li> <li>• Ex parte motion for order of restitution</li> </ul>	January 28, 2019	Judicial Council
Exhibit summary	May 21, 2018	Judicial Council
Financial declaration Certificate of service of financial declaration	February 25, 2019	Judicial Council
Informal probate	July 17, 2017	Forms Committee
Initial disclosures	May 21, 2018	Judicial Council
Judgment information statement	May 21, 2018	Judicial Council
Military parenting plan	January 28, 2019	Judicial Council
Memorandum opposing motion	April 16, 2018	Judicial Council
Motion for alternative service	February 26, 2018	Judicial Council
Motion for genetic testing	December 17, 2018	Judicial Council
Motion for summary judgment to declare non-parentage after genetic testing Order granting motion for summary judgment on non-parentage	January 28, 2019	Judicial Council
Motion for temporary orders (domestic)	December 18, 2017	Judicial Council
Motion for temporary orders due to deployment (domestic)	January 28, 2019	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 decide divorce and reserve other issues	February 25, 2019	Judicial Council

(bifurcate divorce)		
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 disclosure requirements in domestic cases	February 25, 2019	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
Notice to defendant of disclosure in unlawful detainer actions	February 25, 2019	Judicial Council
Objection to commissioner's recommendation	December 18, 2017	Judicial Council
Objection to form of order	December 18, 2017	Judicial Council
Order on request to excuse respondent from hearing (guardianship)	December 10, 2018	Forms Committee
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 of voluntary dismissal	December 17, 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
- Divorce answer OCAP
- Parentage OCAP clauses

### **Pending Forms Committee Consideration**

- Domestic relations injunction
- Motion for temporary restraining order, Order on motion for temporary restraining order, Writ of assistance and Motion to release money or security

### **Pending Stylistics Subcommittee Consideration**

- Settlement form (debt collection and eviction cases)
- Petition to modify child support, child custody, and parent-time (to consider jurisdiction issues)
- Motion for default judgment
- Fee waiver – district, juvenile and appellate courts
- Adult protective orders
- Child protective orders
- OCAP temporary separation clauses
- Petition for order adjudicating paternity (not custody or support)
- Adult name change
- Voluntary relinquishment of parental rights
- Annulment
- Declaration in support of collection costs (expanding to include attorney fees)

### **Pending Family Law Subcommittee Consideration**

- Request to register foreign child custody, parent-time, support or income withholding order
- 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**

- 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

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

_____ Petitioner  v.  _____ Respondent	<b>Domestic Relations Injunction</b> (Utah Rule of Civil Procedure 109)  _____ Case Number  _____ Judge  _____ Commissioner
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Because this matter involves divorce, annulment, temporary separation, custody, parent-time, child support, or paternity, the court makes the following orders. These orders apply to both parties, the petitioner and respondent named above.

1. **Do not:**

- harass, intimidate or disturb the peace of the other party, by any means, including electronically.
- commit domestic violence or abuse against the other party or a child.
- use the other party's name, likeness, image, or identification to get credit, open an account for service, or obtain a service.
- cancel or interfere with telephone, utility, or other services used by the other party.

- cancel, modify, terminate, change the beneficiary, or allow to lapse for voluntary nonpayment of premiums, any policy of
  - health insurance,
  - homeowner's or renter's insurance,
  - automobile insurance, or
  - life insurance

without the written consent of the other party or pursuant to further order of the court.

**2. If the petition involves the division of property, personal property or debts, do not:**

- transfer, encumber, conceal, or dispose of your property or the other party's property unless:
  - you have the written consent of the other party or
  - you have a court order

except in the usual course of business or to provide for the necessities of life.

**3. If the petition involves minor children, do not:**

- Take the children on non-routine travel unless:
  - you have the written consent of the other party or
  - you have a court order, or
  - the following information has been provided to the other party:
    - an itinerary of travel dates and destinations;
    - how to contact the children or traveling party; and
    - the name and telephone number of an available third person who will know the children's location.
- In the presence or hearing of the children:
  - demean or disparage (talk badly about) the other party;
  - attempt to influence the children's preference regarding custody or parent time; or
  - say or do anything that would negatively affect the love and affection of the children for the other party, or involve the children in the issues of the petition.
- Make parent time arrangements through the children.

4. When the children are under a party's care, that party must use best efforts to prevent others from doing anything described above, and if necessary remove the children from the situation.
5. This injunction is effective:
  - for the **petitioner** when the petition is filed.
  - for the **respondent** when they receive a copy of the injunction entered by the court.
6. The injunction is in effect until:
  - the final decree is entered,
  - the petition is dismissed,
  - the parties otherwise agree in a writing signed by all parties, or
  - the court orders otherwise.
7. A party may ask to modify or dissolve the injunction by filing a motion.
  - The motion will be decided as quickly as possible if it is filed **before** an answer to the petition or other responsive pleading is filed. The moving party must serve the nonmoving party at least 48 hours before a hearing.
  - If the motion is filed **after** the petition or other responsive pleading is filed, Utah Rule of Civil Procedure 7 or Rule 101 apply.
8. If there is another order with conflicting provisions governing the parties or their minor children, the parties must comply with those provisions.
9. This injunction does not apply to the Office of Recovery Services.

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 Domestic Relations Injunction 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><b>Application for Temporary Restraining Order</b> (Utah Rule of Civil Procedure 65A)</p> <p><input type="checkbox"/> <b>Hearing Requested</b></p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
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1. I need immediate relief. There will be irreparable harm (harm that cannot be undone) unless the court issues a temporary restraining order. (Describe in detail the irreparable harm and why you need immediate relief):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I am attaching the documents listed below as evidence of the irreparable harm:

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2. The irreparable harm would be worse than any harm the other party could suffer if this order is issued because:

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3. The temporary restraining order, if issued, would not be against the public interest because:

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4. There is a substantial likelihood that I will prevail on the merits of the underlying claim in this case, or the case presents serious issues on the merits which should be the subject of further litigation because:

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5. Notice (Choose one.)

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

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

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6.  Children

I ask the court for a temporary restraining order regarding the following minor children: (attach additional sheets if needed.)

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

The temporary restraining order regarding the children should (choose all that apply):

Award

petitioner  respondent

temporary physical custody of the children listed above.

Order

petitioner  respondent

to immediately return the children listed above to the custody of

petitioner  respondent

Issue a Writ of Assistance to Remove Children directing law enforcement to take custody of the children and deliver them to:

petitioner  respondent

Other orders about the children:

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7.  I ask the court for a temporary restraining order regarding other issues as follows:

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\_\_\_\_\_  
\_\_\_\_\_

8. I understand the court could order me to deposit money or post a bond to cover costs, attorney fees or damages resulting from a wrongful order or injunction.

I should not be required to deposit money or post a bond:

because none of the parties will incur costs, attorney fees or damages as the result of a wrongful order or injunction.

for the following substantial reason (Explain.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 Application 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 \_\_\_\_\_

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip  
\_\_\_\_\_  
Phone  
\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

	<b>Order on Application for Temporary Restraining Order and Notice of Hearing</b>
_____ Plaintiff/Petitioner	_____ Case Number
V.	_____ Judge
_____ Defendant/Respondent	_____ Commissioner (domestic cases)

The matter before the court is  Plaintiff/Petitioner's  Defendant/Respondent's Application 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)

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. Notice of the hearing:

was served on all parties.

was not served on

plaintiff/petitioner  defendant/respondent

because immediate and irreparable harm would have occurred if they had been notified.

was not served on all parties, but should have been.

2. The party requesting the temporary restraining order:

has shown there would be irreparable harm if the temporary restraining order is not granted.

has not shown there would be irreparable harm if the temporary restraining order is not granted.

3. The irreparable harm to the moving party:

would be worse than any harm the proposed temporary restraining order would cause the other party.

would not be worse than any harm the proposed temporary restraining order would cause the other party.

4. The temporary restraining order:

would not be against the public interest.

would be against 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.

- There is not a substantial likelihood that the moving party will prevail on the merits of the underlying claim, or the case does not present serious issues on the merits which should be the subject of further litigation.

**The court orders:**

6. The application for temporary restraining order is  granted  denied.

7.  Temporary physical custody of the parties' minor children listed below is awarded to

petitioner  respondent

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

8.  Custody of the minor children listed below must immediately be returned to  petitioner  respondent.

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

9.  A Writ of Assistance to Remove Children will be issued directing law enforcement to help

petitioner  respondent

regain custody of the minor children listed below.

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


10.  Other orders:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11.  This order expires 14 days after it is issued, unless modified by the court.

12. The party requesting the temporary restraining order

is required to deposit money or post a bond with the court in the amount of \$\_\_\_\_\_.

is not required to deposit money or post a bond with the court.

**Do we need to include a line for commissioner?**

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

\_\_\_\_\_ Signature ► \_\_\_\_\_  
Date and Time Judge \_\_\_\_\_

**If this must be served by a sheriff or constable, does this need a certificate of service?**

## 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 (Dirección del tribunal):

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

Room (Sala): \_\_\_\_\_

Judge or Commissioner (Juez or Comisionado): \_\_\_\_\_

### 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.

### 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 el tribunal le proveeré un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.

### Adaptación o Arreglo en Caso de Discapacidad

Si usted requiere una adaptación o arreglo, que incluye un intérprete de la lengua de signos americana, contacte a un empleado del tribunal inmediatamente para pedir una adaptación.

**Finding help**

The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://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.

**Cómo encontrar ayuda legal**

La página de la internet del tribunal Cómo encontrar ayuda legal ([www.utcourts.gov/howto/legalassist/index-sp.html/](http://www.utcourts.gov/howto/legalassist/index-sp.html/)) 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 Order on Application 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.)		
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\_\_\_\_\_ Signature ► \_\_\_\_\_  
 Date \_\_\_\_\_  
 Printed Name \_\_\_\_\_

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p><b>Writ of Assistance to Remove Children</b> Utah Code 78A-5-102</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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**To any law enforcement officer 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 (first, middle and last)	Month and year of birth



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><b>Motion to Release Money or Security Bond</b></p> <p>(77-20-4 - criminal cases - mentions refunds in (4))</p> <p><input type="checkbox"/> <b>Hearing Requested</b></p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

- I am the  plaintiff/petitioner  defendant/respondent in this case.
- I deposited money or posted a bond with the court in the amount of \$ \_\_\_\_\_.
- I ask the court to release the money or bond because:

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4.  I request a hearing.

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

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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](http://www.utcourts.gov/howto/filing/motions)

### **Finding help**

The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://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 la parte que responde**

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](http://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/](http://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 Release Money or Security Bond 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.)		
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\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature ►

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip  
\_\_\_\_\_  
Phone  
\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p><b>Order on Motion to Release Money or Security Bond</b></p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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1.  Plaintiff/Petitioner's  Defendant/Respondent's  
Motion to Release Money or Security Bond is  granted  denied.
2.  The clerk is directed to release money or security bond in the amount of  
\$ \_\_\_\_\_ to:  
 Plaintiff/Petitioner  Defendant/Respondent

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

\_\_\_\_\_ Signature ► \_\_\_\_\_



Date and Time

Judge \_\_\_\_\_

### Certificate of Service

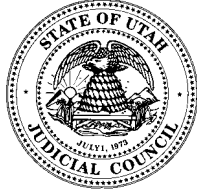
I certify that I filed with the court and served a copy of this Order on Motion to Release Money or Security Bond on the following people.

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.)		
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\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature ►

\_\_\_\_\_  
 Printed Name



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

March 3, 2019

Hon. Mary T. Noonan  
Interim State Court Administrator  
Ray Wahl  
Deputy Court Administrator

## MEMORANDUM

**TO:** Judicial Council Committee on Court Forms  
**FROM:** Stylistics Subcommittee  
**RE:** Changes to Utah Rule of Civil Procedure 5

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Effective May 1, 2019, URCP 5 (Service and filing of pleadings and other papers) will change as follows. Paragraph (b)(3)(B) is amended to remove the requirement that a person must agree to accept service by email in order to be served by email. If a person provides an email address pursuant to Rule 10(a)(3) or Rule 76, the person may be served Rule 5 papers at that address.

### Current URCP 5

**(b)(3) Methods of service.** A paper is served under this rule by:

(b)(3)(A) except in the juvenile court, submitting it for electronic filing, or the court submitting it to the electronic filing service provider, if the person being served has an electronic filing account;

(b)(3)(B) emailing it to the email address provided by the person or to the email address on file with the Utah State Bar, if the person has agreed to accept service by email or has an electronic filing account;

(b)(3)(C) mailing it to the person's last known address;

(b)(3)(D) handing it to the person;

(b)(3)(E) leaving it at the person's office with a person in charge or, if no one is in charge, leaving it in a receptacle intended for receiving deliveries or in a conspicuous place;

(b)(3)(F) leaving it at the person's dwelling house or usual place of abode with a person of suitable age and discretion who resides there; or

(b)(3)(G) any other method agreed to in writing by the parties.

### New URCP 5 (effective May 1, 2019)

**(b)(3) Methods of service.** A paper is served under this rule by:

(b)(3)(A) except in the juvenile court, submitting it for electronic filing, or the court submitting it to the electronic filing service provider, if the person being served has an electronic filing account;

(b)(3)(B) emailing it to

**The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.**

(b)(3)(B)(i) the most recent email address provided by the person to the court under Rule 10(a)(3) or Rule 76, or

(b)(3)(B)(ii) to the email address on file with the Utah State Bar;

(b)(3)(C) mailing it to the person's last known address;

(b)(3)(D) handing it to the person;

(b)(3)(E) leaving it at the person's office with a person in charge or, if no one is in charge, leaving it in a receptacle intended for receiving deliveries or in a conspicuous place;

(b)(3)(F) leaving it at the person's dwelling house or usual place of abode with a person of suitable age and discretion who resides there; or

(b)(3)(G) any other method agreed to in writing by the parties.

Proposed revisions to the caption template and the certificate of service template are attached to the meeting materials.

### Caption change

The added caption language is intended to alert people to the consequence of including their email address on documents.

Because this is a significant change from how litigants are served and could create problems in terms of remaining apprised of what is happening in a case, we recommend the alert language be added to all complaints and petitions, all answer-type documents, motion forms and the Notice of Personal Appearance or Notice of New Counsel's Appearance.

### Certificate of Service change

The certificate of service on every court form will need to be changed to remove the parenthetical statement after "Email" indicating that a person must agree to be served by email. This represents a significant amount of work. If (nearly) every court form must be changed, we propose making a few additional minor changes to the certificate of service:

Changing the certification statement from:

I certify that I filed with the court and **served** a copy of this [Document Title] on the following people.

to

I certify that I filed with the court and **am serving** a copy of this [Document Title] on the following people.

Changing the headers from:

Person's Name	<b>Method of</b> Service	<b>Served at this</b> Address	<b>Served on</b> <b>this</b> Date
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to

Person's Name	Service Method	Service Address	Service Date
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These changes are recommended to assist self-represented parties, many of whom are often confused about service. The present progressive tense conveys a similar conception of service while creating space for honest completion of a certificate of service. This construction is more consistent with URCP 5(b)(2), which simply requires service the same day that a pleading is filed (the rule does not require that service be completed before filing). The revised headers also provide for clearer and plainer guidance.

**Rule 10. Form of pleadings and other papers.**

**(a) Caption; names of parties; other necessary information.**

(a)(1) All pleadings and other papers filed with the court must contain a caption setting forth the name of the court, the title of the action, the file number, if known, the name of the pleading or other paper, and the name, if known, of the judge (and commissioner if applicable) to whom the case is assigned. A party filing a claim for relief, whether by original claim, counterclaim, cross-claim or third-party claim, must include in the caption the discovery tier for the case as determined under Rule [26](#).

(a)(2) In the complaint, the title of the action must include the names of all the parties, but other pleadings and papers need only state the name of the first party on each side with an indication that there are other parties. A party whose name is not known must be designated by any name and the words "whose true name is unknown." In an action in rem, unknown parties must be designated as "all unknown persons who claim any interest in the subject matter of the action."

(a)(3) Every pleading and other paper filed with the court must state in the top left hand corner of the first page the name, address, email address, telephone number and bar number of the attorney or party filing the paper, and, if filed by an attorney, the party for whom it is filed.

(a)(4) A party filing a claim for relief, whether by original claim, counterclaim, cross-claim or third-party claim, must also file a completed cover sheet substantially similar in form and content to the cover sheet approved by the Judicial Council. The clerk may destroy the coversheet after recording the information it contains.

**Rule 76. Notice of contact information change.**

An attorney and unrepresented party must promptly notify the court in writing of any change in that person's address, e-mail address, phone number or fax number.