

Agenda Committee on Court Forms

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

April 8, 2019 / 12:00 to 2:00 p.m.
Executive Dining Room

1. Welcome and approval of March meeting minutes	Randy Dryer
2. Petition to modify child custody, parent-time and child support, Stipulation, and Order	Nathanael Player
3. Petition for name change, order and certification regarding sex offender registry (adult and minor) Changes resulting from HB 298 (see lines 1114-1121), amending Registration of offenders, Utah Code 77-41-105(8). Proposed changes highlighted.	Nathanael Player
4. Notice of garnishment exemptions Changes resulting from HB 230. Proposed changes highlighted.	Nathanael Player
5. OCAP update	Kim Allard
6. Adjourn	Randy Dryer

2019 Meeting schedule

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
 March 11, 2019
 12 - 2 pm
 Judicial Council Room

Members	In attendance	Excused	Guest
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	
Brent Johnson	•		
Minhvan Brimhall – recording secretary	•		

I. Welcome and approval of February meeting minutes:

Randy Dryer welcomed the Committee members to the meeting. The Committee discussed the minutes from the February 11 meeting. No revisions were made to the minutes. Stewart Ralphs moved to approve the full minutes. Cyndie Bayles seconded the motion. The motion unanimously passed.

II. Report on meeting with LPP education and testing subcommittee:

Mr. Dryer, Jessica Van Buren, and Nathanael Player met with staff at the State Bar to discuss the curriculum and testing of the LPP licensing program. The State Bar will be accepting applications beginning April 2019. The group was impressed with how many forms this committee has completed and expressed appreciation for the work done in expediting the process. The State Bar is looking forward to implementing the program and getting LPPs licensed to begin practicing in the state.

III. Domestic relations injunction:

URCP 109 was approved with an effective date of May 1, 2019. The rule has since been revised to accommodate programming changes necessary to effectuate the rule's purposes. The new effective date will be November 1, 2019.

The committee reviewed the form. Judge Taylor recommended inserting "domestic relations" in front of each appearance of the word "injunction" word to differentiate between a TRO in other cases and this type of injunction. Mr. Ralphs asked that the subsections be lettered rather than bulleted. Mr. Stewart thanked the Stylistics Committee for their efforts in incorporating language from the rule to the form.

The committee considered both Judge Taylor's and Mr. Ralphs' proposed changes. With no further discussion, Mr. Ralphs moved to adopt the form as modified and discussed by the committee. Mary Westby seconded the motion.

IV. Application for temporary restraining order:

- Application for temporary restraining order
The committee considered revisions made to the Application for Temporary Restraining Order form by the Stylistics Committee. The committee made minor language changes to the form.

Following further discussion, Mr. Ralphs moved to approve the form with the changes as discussed by the committee. Mr. Player seconded the motion. The motion was approved unanimously.

- Order on application for temporary restraining order
The committee considered revisions made to the Order on Application for Temporary Restraining Order form. The committee made minor language changes to the form. After no further discussions, Mr. Ralphs motioned to approve the form. Mr. Player seconded the motion. The motion was unanimously approved.
- Writ of assistance
The committee considered the Writ of Assistance form. No changes or revision were made to this form. Mr. Ralphs moved to approve the form as it is created. Mr. Player seconded the motion. The motion was unanimously approved.
- Motion to release money or security bond and order
The committee reviewed the Motion to Release Money or Security Bond form. The committee discussed that the form may be used in both juvenile and civil cases. Judge Taylor recommended either creating two different forms, one for juvenile court cases and one for district and justice court cases, or create one form to be used in all of those courts. The committee also discussed

including a line that would allow clerks to electronically sign the form. The committee made recommendations for minor language changes to the form.

With no further discussion, Judge Taylor moved the form to go back to the Stylistics Committee for revision and creation of the form to include content that could be used in juvenile, district, and justice court cases. Mr. Player seconded the motion. The motion was unanimously approved.

The form will be reviewed by the Stylistics Committee and will be reviewed by this committee at a future meeting.

V. Changes to caption and certificate of service templates:

Effective May 1, 2019, the the Utah Rules of Civil Procedure will no longer require a person to agree to accept service via email if they have provided an email address. The court has amended URCP 5 to allow for service via “(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 . . .” The committee discussed placing a notice in the caption of each form next to the space where they would provide an email address that reads: “**Check your email.** You will receive information and documents at this email address.”

The committee also discussed changes to the certificate of service because of the rule change, along with other minor changes:

- "I certify that I filed with the court and served a copy..." was changed to "I certify that I filed with the court and am serving a copy..."
- "Method of Service was changed to "Service Method"
- "Served at this Address" was changed to "Service Address"
- "Served on this Date" was changed to "Service Date"
- "[] Email (Person agreed to service by email)" was changed to "[] Email"

With no further discussion, Mr. Ralph moved to adopt the changes to the caption and certificate of service as discussed by the committee. Mr. Player seconded the motion. The motion was unanimously approved. This form will move to the Judicial Council for final approval.

VI. Adjourn

With no further discussion, the meeting was adjourned without a motion. The meeting adjourned at 2 pm. The next meeting will be on April 8, 2019 from noon to 2 pm in the Executive Dining Room, W18.

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 		
Eviction forms used in OCAP (additional) <ul style="list-style-type: none"> • Request for occupancy hearing • Notice of occupancy hearing • Ex parte motion for order of restitution 	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

- 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
- Divorce OCAP clauses
- Divorce answer OCAP
- Parentage OCAP clauses

Pending Forms Committee Consideration

- Petition to modify child support, child custody, and parent-time (to consider jurisdiction issues)
- Legislative changes – name change forms
- Legislative changes – garnishment form

Pending Stylistics Subcommittee Consideration

- Settlement form (debt collection and eviction cases)
- 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)

☐ This is a private record

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

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 _____

Petitioner

v.

Respondent

**Petition to Modify Child Custody,
Parent-time and Child Support**
(Utah Rule of Civil Procedure 106)

Case Number

Judge

Commissioner

I ask the court to modify the child custody, parent-time and child support orders as follows.

1. Controlling order

The order controlling child custody, parent-time and child support is:

Title of order:			
Name of Court:		State	

Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	

2. **Jurisdiction (Authority to Modify Order)**

(Note: an order could be registered in another state, but that does not always mean the other state has jurisdiction to modify or change the order.)

The children reside in: _____ (state or country).

The petitioner resides in: _____ (state or country).

The respondent resides in: _____ (state or country).

The controlling order was issued by (Choose one.):

☐ a Utah court, and
(Choose all that apply.)

☐ jurisdiction **has never** been transferred to another state.

☐ jurisdiction **has** been transferred to another state.

Name of court: _____ Date transferred: _____

☐ other (Describe what has happened with the order):

OR

☐ a non-Utah court, and
(Choose all that apply.)

☐ jurisdiction **has never** been transferred to Utah.

☐ the order **has** been registered in Utah for enforcement purposes only.

☐ there is substantial evidence in Utah about the children's care, protection, training, and personal relationships.

☐ other courts have made a decision about jurisdiction and a copy of that order is attached to this petition.

☐ other (Describe what has happened with the order):

3. **Relationship to children**

I am the (Choose all that apply.):

☐ person who pays child support.

☐ person who receives child support.

I am

☐ the mother of

☐ the father of

☐ the legal guardian or legal custodian of

☐ a person who has been acting as a parent to

the children listed below.

4. **Minor children**

There are _____ (number) minor children included in the controlling order.

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

5. **Minor children's residence** (Utah Code 78B-13-209)

The minor children have lived at the following addresses with the persons listed for the past five years:

(Add additional pages if needed.)

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

6. **People claiming custody or parent-time** (Utah Code 78B-13-209)

The following people other than petitioner and respondent claim a right to custody or parent-time with the children:

Name of Person	Current Address	Claims
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time

7. **Other cases** (Utah Rule of Civil Procedure 100)

☐ There are no other cases that affect the children or this case.

☐ The following cases might affect the children or this case:

(Include pending or closed, civil or criminal, in this court or in any other court, in this state or in any other state. Each party has a continuing duty to notify the court of any case (past, current, or future) that could affect this case.)

Court (Name, address, and phone number)			
Case number			
Type of case	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

Court (Name, address, and phone number)			
Case number			
Type of case	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

	an order	<input type="checkbox"/> parentage _____
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Court (Name, address, and phone number)			
Case number			
Type of case	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

8. **Pre-filing dispute resolution** (Utah Code 30-3-10.4(1)(c))

(Choose one.)

- ☐ The other party agrees with the petition.
- ☐ Dispute resolution was not required because this petition seeks to modify a court order that does not provide for joint legal custody or joint physical custody.
- ☐ Both parents have complied in good faith with the dispute resolution process but we did not reach an agreement.
- ☐ The parties have not yet used a dispute resolution process.

9. **Controlling custody order**

(Required.)

- ☐ I have attached a copy of the current order.

10. **Controlling parent-time order**

The parent-time schedule in the controlling order is (Choose one.):

- ☐ according to the attached statutory parent-time schedule.
- ☐ described in the attached controlling Parenting Plan.
- ☐ described as follows in the controlling order (Quote the order exactly.):

CHILD CUSTODY

11. Current living arrangement

The children are currently living (Choose one.):

☐ as stated in the controlling order.

☐ as described below:

Child's name	Address (street, city, state, ZIP)	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

12. Change in circumstances (Utah Code 30-3-10.4)

The following material and substantial (important and major) change in circumstances occurred since the controlling order was entered:
(Describe in detail the material and substantial changes. Attach additional pages if needed.)

13. Proposed custody order

A joint physical or legal custody arrangement requires a separate Parenting Plan.

A joint physical custody arrangement may result in denial of cash assistance.
(Employment Support Act, Utah Code 35A-3-101 et seq.)

I ask for the following change in the custody order:

Child's Name	Month and Year of Birth	Order physical custody to	Order legal custody to
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Child's Name	Month and Year of Birth	Order physical custody to	Order legal custody to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other Custody Arrangement (Describe in detail.):

PARENT-TIME

14. Parent-time schedule

(this is copied from the approved Motion for Temporary Order)

I ask the court to order parent-time as below (Choose one.):

☐ Statutory parent-time schedule:

(Choose all that apply. You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule (Describe in detail.):

15. **Parent-time transfers**

(this is copied from the approved Motion for Temporary Order)

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time as below (Choose one.):

☐ Order transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Order transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

☐ Order curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

16. ☐ **Travel costs.**

(Check this box and complete this section only if you are asking for a change in travel costs.)

I ask the court to order travel cost payments for parent-time transfers as follows
(Choose one.):

☐ as we agree in the attached Parenting Plan.

☐ as proposed in my attached Parenting Plan.

☐ each party is responsible for their own travel costs.

☐ _____% by the Petitioner and _____% by the Respondent.

The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

☐ Other:

17. ☐ **Relocation of a parent**

(Check this box and complete this section only if you are asking for a change in relocation terms.)

(this is copied from the Parenting Plan)

I ask the court to order:

☐ If either parent moves more than 149 miles from the other parent, Utah Code 30-3-37 will apply.

☐ Neither parent may relocate with the minor children more than _____ miles from their current residence without a written agreement signed by the parties or further court order.

☐ Other terms about relocating:

18. **Best interest** (Utah Code 30-3-10 and 30-3-10.4)

It is in the best interest of the children to change custody and parent-time because (Explain in detail.):

CHILD SUPPORT

19. Child support – reasons to modify

I ask that child support be modified because (Choose all that apply.):

- ☐ The order has not been modified within the last three years, and
- there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and
 - the difference is not temporary.

(Ask Committee whether this should be here because the above reason is for motions, not petitions. Also, the reason for the change is a change in custody.)

- ☐ There are one or more material changes that affect the child support calculation. I used the child support worksheet and there is a difference of 15% or more from the current support order. The difference is not temporary. There is a change (Choose all that apply.):

- ☐ in custody.
- ☐ in the relative wealth or assets of the parties.
- ☐ of 30% or more in the income of a parent.
- ☐ in the employment potential and ability of a parent to earn.
- ☐ in the medical needs of the child.
- ☐ in the legal responsibilities of a parent for the support of others.

(Utah Code 78B-12-210(9))

- ☐ _____ (child's name) is emancipated.

- ☐ there has been a material change:
(At least one must apply, but choose all that do apply.)

- ☐ in the availability, coverage, or reasonableness of cost of health care insurance of the ☐ payor ☐ payee;
- ☐ in work-related or education-related child care expenses of the ☐ payor ☐ payee.

(Authority? Medical expenses are discussed in Utah Code 78B-12-212, but that section does not mention modifications.)

20. **Current child support order**

The controlling order directs ☐ petitioner ☐ respondent to pay
\$_____ each month for child support.

21. **Proposed child support**

I ask the court to modify child support based on the parties' incomes or estimated income based on ability or work history.

Income

Petitioner's total countable gross monthly income for child support purposes is
\$_____ (Utah Code 78B-12-203).

This income is from these sources:

_____.

☐ The court should consider petitioner's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Petitioner does receive or has received public assistance.

Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

_____.

☐ The court should consider respondent's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Respondent does receive or has received public assistance.

Child support worksheets

Order ☐ petitioner ☐ respondent to pay \$_____ per month for child support. The following child support worksheet is filed or attached (Choose one.):

- ☐ sole physical custody worksheet
- ☐ joint physical custody worksheet
- ☐ split custody worksheet

Statement of compliance with child support guidelines

(Choose one.)

- ☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).
- ☐ This amount is **not** based on the Uniform Child Support Guidelines and I am asking for a different amount because (Choose one.):
 - ☐ the guidelines are unjust.
 - ☐ the guidelines are inappropriate.
 - ☐ the guidelines amount is not in the best interest of the child/ren.

(Utah Code 78B-12-202 and 210.)

Explain your choice:

Effective Date

Child support should be effective (Choose one.):

- ☐ the first day of the month following entry of the Order on Petition to Modify.
- ☐ as of: _____ (date).

Method of payment

Child support should be paid as follows (Choose one.):

- ☐ Mandatory income withholding by the Office of Recovery Services (ORS). Unless ORS gives notice that payments should be sent elsewhere, all child support payments should be made to:

Office of Recovery Services
PO Box 45011
Salt Lake City, UT 84145

- ☐ Direct payments to the parent receiving child support by (Choose one.):

- ☐ Check
- ☐ Deposit in bank account
- ☐ Cashier's check or money order
- ☐ Other: _____

I ask for direct payment because (Utah Code 62A-11-404):

Payment schedule

Child support payments must be paid by the following due date (Choose one.):

- ☐ One half by the 5th day of each month, and the other half by the 20th day of each month.
- ☐ Other:
- _____
- _____

Delinquent payments

Child support not paid by the due date is delinquent the next day.

Past-due child support

The issue of past-due child support may be decided by further judicial or administrative process.

If support is past due, the State of Utah may take federal or state tax refunds or rebates and apply the amounts to the child support owed.

22. ☐ **Child care expenses** (Utah Code 78B-12-214)
(Check this box and complete this section only if you are asking to change payment of child costs.)

I ask the court to order:

- Both parties share equally all reasonable child care expenses related to the custodial parent's work or occupational training.
- The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a

change in the provider or the expense, and anytime upon the request of the other parent.

- If the parent who pays child care expenses does not provide written verification of child care, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.
- The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other request for child care payment:

OTHER SUPPORT

23. ☐ **Health insurance, medical and dental expenses** (Utah Code 78B-12-212)

(very close to matching temporary order language)

(Check this box and complete this section only if you are asking for a change in health insurance coverage.)

Our minor children currently have health insurance coverage through:

☐ Petitioner's insurance

☐ Respondent's insurance

☐ Medicaid

☐ CHIP

☐ Other: _____

☐ Not covered by insurance

☐ I ask the court to order ☐ petitioner ☐ respondent to maintain health insurance for our minor children. Both parties must share equally:

- the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium should be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and

- all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification will reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

☐ I ask for this order because (Choose all that apply.):

☐ the insurance is available to ☐ petitioner ☐ respondent;

☐ the cost of the insurance is reasonable

☐ the custodial parent prefers this arrangement.

☐ Other reasons:

☐ I ask for these additional orders regarding health insurance and medical and dental expenses:

24. ☐ **Tax exemptions for dependent children** (Utah Code 78B-12-217)

(copied from Temporary order)

I ask the court to order tax exemptions for the minor children for tax year _____, as follows:

Child's name	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other: _____

25. ☐ **Attorney fees and costs**

I ask the court to order the other party pay my attorney fees and costs.

26. ☐ **Other**

I ask the court for these additional orders:

I ask for these additional orders because:

27. **Remainder of order unchanged**

The remainder of the order should remain unchanged.

28. Documents

I am filing the following documents along with this Petition to Modify Child Custody, Parent-time and Child Support:

(Check all that apply. Forms can be found at www.utcourts.gov.)

- ☐ Cover Sheet
- ☐ Summons
- ☐ Non-public Information – Parent Information and Location
- ☐ Non-public Information – Minors
- ☐ Non-public Information – Safeguarded Address (if applicable)
- ☐ Affidavit about Child Support Services
- ☐ Notice to Child Support Division of the Attorney general (if applicable)
- ☐ Child Support Obligation Worksheet
- ☐ Parenting plan (Required if joint custody is requested.)

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 ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

**Stipulation to Petition to Modify
Child Custody, Parent-time and
Child Support**

Petitioner

v.

Respondent

Case Number

Judge

Commissioner

I am the ☐ petitioner ☐ respondent and the party responding to the Petition to Modify Child Custody, Parent-time and Child Support.

1. I have received and read the petition and its supporting documents.
2. I understand what the petition requests.
3. I understand I have the right to contest the petition by filing an answer, and have the court decide the issues.

4. I waive service of the Summons.
5. I agree this court has the authority to decide this matter. I enter my appearance.
6. I agree to the requests in the petition.
7. I agree the court may enter an order of modification consistent with the petition at any time and without further notice.

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	_____

Certificate of Service

I certify that I filed with the court and served a copy of this Stipulation to Petition to Modify Child Custody, Parent-time and Child Support 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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>V.</p> <p>_____ Respondent</p>	<p>Order on Petition to Modify Child Custody, Parent-time and Child Support (Utah Rule of Civil Procedure 106)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

The matter before the court is a Petition to Modify Child Custody, Parent-time and Child Support. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ 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.

Petitioner

☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

Respondent

☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

The court finds:

1. The order controlling child custody, parent-time and child support is:

Title of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	

2. There are _____ (number) minor children included in the controlling order.

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

3. Utah ☐ does ☐ does not have jurisdiction in this case.

4. A material and substantial change in circumstances ☐ has ☐ has not occurred since the controlling order was entered. The court considered the following factors:

-
-
5. Changing custody and parent-time ☐ is ☐ is not an improvement for and in the best interest of the children. The court considered the following factors:
-
-
-

6. The parties ☐ have ☐ have not complied with the pre-filing dispute resolution requirements. (Utah Code 30-3-10.4(1)(c))

The court concludes:

7. The court ☐ does ☐ does not have jurisdiction.
8. There ☐ are ☐ are not grounds to modify the controlling order.

The court orders:

1. The petition is ☐ granted ☐ denied.

2. ☐ **Child custody**

☐ Custody arrangement:

Child's name	Month and year of birth	Physical custody to	Legal custody to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
--	--	---	--

☐ Other custody arrangement (Describe in detail.):

3. ☐ **Parent-time** (Choose one.):

☐ Statutory parent-time schedule:

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

4. ☐ **Parent-time transfers** (Choose one.):

☐ Transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

☐ Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

5. ☐ **Communication between parties** (Choose all that apply.):

☐ In person

☐ Phone

Petitioner's # _____ Respondent's # _____

☐ Text

Petitioner's # _____ Respondent's # _____

☐ Email

Petitioner's email address _____

Respondent's email address _____

☐ Through a third party

Name _____ Phone # _____

☐ Other method of communication: (Describe in detail.)

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and

must remove the minor children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.

☐ The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the minor children if anyone harms or threatens harm to the other parent or minor children.

6. ☐ **Child support**

a. Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

☐ Petitioner's income is imputed based on

☐ minimum wage.

☐ historical earnings.

☐ Petitioner does receive or has received public assistance.

b. Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

☐ Respondent's income is imputed based on

☐ minimum wage.

☐ historical earnings.

☐ Respondent does receive or has received public assistance.

c. ☐ Petitioner ☐ Respondent must pay \$_____ per month for child support. The following child support worksheet is attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

(Choose one.)

☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).

- ☐ This amount deviates from the Uniform Child Support Guidelines.
The court finds that a deviated child support amount is in the best interests of the minor children based on:
- ☐ the standard of living and situation of the parties.
 - ☐ the relative wealth and income of the parties.
 - ☐ the ability of the obligor to earn.
 - ☐ the ability of the obligee to earn.
 - ☐ the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income.
 - ☐ the needs of the obligee, the obligor, and the child.
 - ☐ the ages of the parties.
 - ☐ the responsibilities of the obligor and the obligee for the support of others.
 - ☐ other. (Describe.):

The reason for the deviated child support amount is:

_____.

d. Effective date (Choose one.):

- ☐ The child support will be effective upon entry of this order.

OR

- ☐ The child support will be effective as of this date: _____.

e. Child support must be paid as follows (Choose one.):

- ☐ Mandatory income withholding by the Office of Recovery Services.
Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

- ☐ Direct payments to the parent receiving child support by:
☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

f. Child support payments must be made (Choose one.):

☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

☐ Other payment arrangement:

g. Child support not paid on or before the due date is delinquent on the day after the due date.

h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

7. ☐ **Child care expenses**

Both parties must share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other order for child care payment:

8. ☐ **Health insurance, medical and dental expenses**

The minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance
- ☐ Medicaid
- ☐ CHIP
- ☐ Other: _____
- ☐ Not covered by insurance

☐ ☐ Petitioner ☐ Respondent must maintain health insurance for the minor children if it is available to that parent at a reasonable cost. Both parties must share equally:

- a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
- b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification must reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

9. ☐ **Tax exemptions for dependent children**

Tax exemptions for the minor children for tax year _____ is ordered as follows:

Child's name	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other: _____

10. ☐ **Attorney fees**

☐ Petitioner ☐ Respondent must pay \$_____ to

☐ Petitioner's attorney

☐ Respondent's attorney

11. ☐ **Other orders**

Commissioner's or judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Commissioner

Date

Signature ► _____
Judge _____

Approved as to form.

Date

Signature ► _____
Petitioner or Attorney _____

Date

Signature ► _____
Defendant or Attorney _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Petition to Modify Custody, Parent-time and Child Support on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> 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 <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 <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 _____

OFFENDER REGISTRY AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill modifies provisions relating to certain sexual offenses and the Sex and Kidnap Offender Registry.

Highlighted Provisions:

This bill:

- ▶ modifies the definition of "sexual offense against a minor" as the term relates to a criminal investigation of an electronic communications record;
- ▶ deletes provisions requiring a sex offender to annually apply for a driver license or identification card;
- ▶ requires a sex offender to apply in person for an updated driver license or identification card within 30 days after the day on which the offender changes addresses;
- ▶ requires the Driver License Division to disclose to the Department of Corrections certain records relating to sex offenders upon request;
- ▶ modifies the offenses for which a petition for removal from the registry may be filed;
- ▶ modifies certain procedural requirements relating to a sex or kidnap offender's removal from the registry;
- ▶ provides that a sex or kidnap offender may change the offender's name if certain requirements are met;
- ▶ modifies the penalty for the offense of dealing in material harmful to minors;

- ▶ modifies the penalty for the offense of sexual exploitation of a minor; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

- 53-3-105**, as last amended by Laws of Utah 2018, Chapters 301 and 417
- 53-3-205**, as last amended by Laws of Utah 2018, Chapters 39, 128, and 417
- 53-3-216**, as last amended by Laws of Utah 2015, Chapter 210
- 53-3-413**, as last amended by Laws of Utah 2012, Chapter 145
- 53-3-804**, as last amended by Laws of Utah 2018, Chapter 39
- 53-3-807**, as last amended by Laws of Utah 2015, Chapter 210
- 76-5b-201**, as last amended by Laws of Utah 2018, Chapter 285
- 76-10-1206**, as last amended by Laws of Utah 2009, Chapter 345
- 77-22-2.5**, as last amended by Laws of Utah 2017, Chapter 447
- 77-41-104**, as enacted by Laws of Utah 2012, Chapter 145
- 77-41-105**, as last amended by Laws of Utah 2017, Chapter 290
- 77-41-112**, as last amended by Laws of Utah 2016, Chapter 185

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-3-105** is amended to read:

53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and identification cards.

The following fees apply under this chapter:

- (1) An original class D license application under Section **53-3-205** is \$32.

(9) This chapter does not create or impose any duty on any person to request or obtain information regarding any offender from the department.

Section 11. Section **77-41-105** is amended to read:

77-41-105. Registration of offenders -- Offender responsibilities.

(1) (a) An offender ~~[convicted by any other]~~ who enters this state from another jurisdiction is required to register under Subsection (3) and Subsection **77-41-102**(9) or (17).

(b) The offender shall register with the department within 10 days ~~[of entering]~~ after the day on which the offender enters the state, regardless of the offender's length of stay.

(2) (a) An offender required to register under Subsection **77-41-102**(9) or (17) who is under supervision by the department shall register in person with Division of Adult Probation and Parole.

(b) An offender required to register under Subsection **77-41-102**(9) or (17) who is no longer under supervision by the department shall register in person with the police department or sheriff's office that has jurisdiction over the area where the offender resides.

(3) (a) Except as provided in Subsections (3)(b), (c), and (4), and Section **77-41-106**, an offender shall, for the duration of the sentence and for 10 years after termination of sentence or custody of the division, register ~~[every]~~ each year during the month of the offender's date of birth, during the month that is the sixth month after the offender's birth month, and ~~[also]~~ within three business days ~~[of every]~~ after the day on which there is a change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information required to be submitted under Subsection ~~[(8)]~~ (7).

(b) Except as provided in Subsections (3)(c)(iii), (4), and (5), and Section **77-41-106**, an offender who is convicted in another jurisdiction of an offense listed in Subsection **77-41-102**(9)(a) or (17)(a), a substantially similar offense, ~~[or any other]~~ another offense that requires registration in the jurisdiction of conviction, or an offender who is ordered by a court of another jurisdiction to register as an offender shall:

(i) register for the time period, and in the frequency, required by the jurisdiction where

the offender was convicted or ordered to register if:

(A) that jurisdiction's registration period or registration frequency requirement for the offense that the offender was convicted of is greater than the ~~[10 years from completion of the sentence]~~ registration period ~~[that is]~~ required under Subsection (3)(a), or is more frequent than every six months; or

(B) that jurisdiction's court order requires registration for greater than the registration period required under Subsection (3)(a) or more frequently than every six months; or

(ii) register in accordance with the requirements of Subsection (3)(a), if the jurisdiction's registration period or frequency requirement for the offense that the offender was convicted of is less than the registration period required under Subsection (3)(a), or is less frequent than every six months.

(c) (i) An offender convicted as an adult of ~~[any of the offenses]~~ an offense listed in Section ~~77-41-106~~ shall, for the offender's lifetime, register ~~[every]~~ each year during the month of the offender's birth, during the month that is the sixth month after the offender's birth month, and also within three business days ~~[of every]~~ after the day on which there is a change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information required to be submitted under Subsection ~~[(8)]~~ (7).

(ii) ~~[This]~~ Except as provided in Subsection (3)(c)(iii), the registration requirement described in Subsection (3)(c)(i) is not subject to exemptions and may not be terminated or altered during the offender's lifetime, unless a petition is granted under Section ~~77-41-112.~~

(iii) If the sentencing court determines that the offense does not involve force or coercion, lifetime registration under ~~[this Subsection (3)(c)]~~ Subsection (3)(c)(i) does not apply to an offender who commits the offense when the offender is under 21 years of age. For an offense listed in Section ~~77-41-106~~, an offender who commits the offense when the offender is under 21 years of age ~~[is required to]~~ shall register ~~[in accordance with this chapter for 10 years after termination of sentence or custody of the division]~~ for the registration period required under Subsection (3)(a), unless a petition is granted under Section ~~77-41-112.~~

(d) For the purpose of establishing venue for a violation of this Subsection (3), the violation is considered to be committed:

(i) at the most recent registered primary residence of the offender or at the location of the offender, if the actual location of the offender at the time of the violation is not known; or

(ii) at the location of the offender at the time the offender is apprehended.

(4) Notwithstanding Subsection (3) and Section 77-41-106, an offender who is confined in a secure facility or in a state mental hospital is not required to register during the period of confinement.

(5) (a) ~~[In]~~ Except as provided in Subsection (5)(b), in the case of an offender adjudicated in another jurisdiction as a juvenile and required to register under this chapter, the offender shall register in the time period and in the frequency consistent with the requirements of [this Subsection (5). However, if] Subsection (3).

(b) If the jurisdiction of the offender's adjudication does not publish the offender's information on a public website, the department shall maintain, but not publish the offender's information on the [Sex Offender and Kidnap Offender Registration] registration website.

~~[(6) An offender who is required to register under Subsection (3) shall surrender the offender's license, certificate, or identification card as required under Subsection 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or identification card as provided under Section 53-3-205 or 53-3-804.]~~

~~[(7)]~~ (6) A sex offender who violates Section 77-27-21.8 regarding being in the presence of a child while required to register under this chapter shall register for an additional five years subsequent to the registration period otherwise required under this chapter.

~~[(8)]~~ (7) An offender shall provide the department or the registering entity with the following information:

(a) all names and aliases by which the offender is or has been known;

(b) the addresses of the offender's primary and secondary residences;

(c) a physical description, including the offender's date of birth, height, weight, eye and

1082 hair color;

1083 (d) the make, model, color, year, plate number, and vehicle identification number of

1084 ~~[any]~~ a vehicle or vehicles the offender owns or regularly drives;

1085 (e) a current photograph of the offender;

1086 (f) a set of fingerprints, if one has not already been provided;

1087 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not

1088 already been provided;

1089 (h) telephone numbers and any other designations used by the offender for routing or

1090 self-identification in telephonic communications from fixed locations or cellular telephones;

1091 (i) Internet identifiers and the addresses the offender uses for routing or

1092 self-identification in Internet communications or postings;

1093 (j) the name and Internet address of all websites on which the offender is registered

1094 using an online identifier, including all online identifiers used to access those websites;

1095 (k) a copy of the offender's passport, if a passport has been issued to the offender;

1096 (l) if the offender is an alien, all documents establishing the offender's immigration

1097 status;

1098 (m) all professional licenses that authorize the offender to engage in an occupation or

1099 carry out a trade or business, including any identifiers, such as numbers;

1100 (n) each educational institution in Utah at which the offender is employed, carries on a

1101 vocation, or is a student, and ~~[any]~~ a change of enrollment or employment status of the offender

1102 at ~~[any]~~ an educational institution;

1103 (o) the name, the telephone number, and the address of ~~[any]~~ a place where the

1104 offender is employed or will be employed;

1105 (p) the name, the telephone number, and the address of ~~[any]~~ a place where the

1106 offender works as a volunteer or will work as a volunteer; and

1107 (q) the offender's social security number.

1108 ~~[(9) Notwithstanding Section 42-1-1, an offender:]~~

1109 ~~[(a) may not change the offender's name:]~~
 1110 ~~[(i) while under the jurisdiction of the department; and]~~
 1111 ~~[(ii) until the registration requirements of this statute have expired; and]~~
 1112 ~~[(b) may not change the offender's name at any time, if registration is for life under~~
 1113 ~~Subsection (3)(c):]~~
 1114 (8) (a) An offender may change the offender's name in accordance with Title 42,
 1115 Chapter 1, Change of Name, if the name change is not contrary to the interests of the public.
 1116 (b) Notwithstanding Section 42-1-2, an offender shall provide notice to the department
 1117 at least 30 days before the day on which the hearing for the name change is held.
 1118 (c) The court shall provide a copy of the order granting the offender's name change to
 1119 the department within 10 days after the day on which the court issues the order.
 1120 (d) If the court orders an offender's name changed, the department shall publish on the
 1121 registration website the offender's former name, and the offender's changed name as an alias.
 1122 ~~[(10)]~~ (9) Notwithstanding Subsections ~~[(8)]~~ (7)(i) and (j) and 77-41-103(1)(c), an
 1123 offender is not required to provide the department with:
 1124 (a) the offender's online identifier and password used exclusively for the offender's
 1125 employment on equipment provided by an employer and used to access the employer's private
 1126 network; or
 1127 (b) online identifiers for the offender's financial accounts, including ~~[any]~~ a bank,
 1128 retirement, or investment ~~[accounts]~~ account.
 1129 Section 12. Section **77-41-112** is amended to read:
 1130 **77-41-112. Removal from registry -- Requirements -- Procedure.**
 1131 (1) An offender who is required to register with the Sex and Kidnap Offender Registry
 1132 may petition the court [where the offender was convicted of the offense requiring registration]
 1133 for an order removing the offender from the Sex [Offender] and Kidnap Offender Registry if:
 1134 (a) (i) the offender [was] is convicted of an offense [under] described in Subsection
 1135 (2);

Name (currently used)

Address

City, State, Zip

Phone

Email

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #:_____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Name Change of:

Petitioner (name on birth certificate)

Petition for Name Change

(Utah Code 42-1-1)

Case Number _____

Judge _____

1. I live in _____ County, Utah and have lived here for more than one year.

2. The name on my birth certificate is:

First name	
Middle name (if any)	
Surname	

3. I ask the court to order that my legal name be (proposed new name):

First name	
------------	--

Middle name (if any)	
Surname on birth certificate	
Married surname (if any)	

4. I want to change my name because:

5. I do not know any reason why I should not be allowed to change my name.

6. Except for this petition, I am not involved in any court actions or proceedings.

7. I am not on probation or parole.

~~8. I am not barred as a sex offender under Utah Code 77-41-105(9), or as a child abuse offender under Utah Code 77-43-105(7) from changing my name. I am filing a Certification Regarding Offender Registry completed by the Utah Department of Corrections showing that there were no search results for my name.~~

8. I am not on the child abuse offender registry. (Utah Code 77-43-105(7))

9. I am (Choose one.):

☐ not on the sex offender registry.

☐ on the sex offender registry. Changing my name is not against the public interest because (Explain.):

10. I am filing a Certification Regarding Offender Registry completed by the Utah Department of Corrections.

11. I am not changing my name to avoid creditors or anyone else with a claim against me.

12. My name change will not affect any right, title, or interest of anyone else, and I do not know of anyone else who should be notified of this petition.

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	_____

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Name Change of:

Petitioner

Order on Petition for Name Change

Case Number

Judge

1. Petitioner appeared in court on _____ (date).
2. Petitioner was born on: _____ (date).
3. The name on petitioner's birth certificate is:

First name	
Middle name (if any)	
Surname	

The court finds:

4. (a) All the notices required by law have been given.
(b) ☐ No objections to the proposed name change were made

(c) ☐ Objections to the proposed name change were made by:

(d) ☐ The allegations in the petition are true.

(e) ☐ Other findings (if any):

The court concludes:

~~(5) (a) The requirements of Utah Code Section 42-1-1 through 42-1-3 have been met and Utah Code Section 77-41-105(9) does not prohibit this order.~~

~~(b) It appears to the satisfaction of the court that the allegations in the petition are true and sufficient and that the petition should be granted.~~

5. (a) The requirements of Utah Code Section 42-1-1 through 42-1-3 have been met.

(b) Petitioner is not on the child abuse offender registry and is not barred from changing their name. (Utah Code 77-43-105(7)).

(c) ☐ Petitioner is not on the sex offender registry.

☐ Petitioner is on the sex offender registry, but granting the petition is not against the public interest (Utah Code 77-41-105(8)(a)).

6. ☐ The allegations in the petition are sufficient and the petition should be granted.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court orders:

1. The Petition is

☐ granted ☐ denied

2. ☐ Petitioner's legal name is changed to:

First name	
------------	--

Middle name (if any)	
Surname on birth certificate	
Married surname (if any)	

The Petitioner may use this new legal name from this date forward.

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 am serving a copy of this Order on Petition for Name Change on the following people.

(Only required if there were other interested parties in this case).

Person's Name	Service Method	Service Address	Service Date
(Interested party or attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> 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 party or attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> 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 (currently used)

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Name Change of:

Petitioner (name on birth certificate)

**Department of Corrections
Certification Regarding Sex
Offender and Child Abuse Offender
Registries – Adult**

Case Number

Judge

Petitioner's full name (first, middle and last)

Date of Birth
(MM/DD/YYYY)

**Driver license / state ID
number and state of
issuance**

----- This section to be completed by Offender Registration Program staff -----

~~I certify that I searched Utah's Sex Offender Registry and Child Abuse Offender Registry for the individual identified above and the search results were:~~

- ~~☐ Positive – the above-named person is on the sex offender or the child abuse offender registry.~~
~~☐ Negative – the above-named person is not on the sex offender or the child abuse offender registry.~~
~~☐ Other: _____~~

I certify that I searched Utah's Sex Offender Registry and Child Abuse Offender Registry for _____ (name) and the search results were:

Child Abuse Offender Registry

- ☐ Positive – the above-named person is on the child abuse offender registry.
☐ Negative – the above-named person is not on the child abuse offender registry.
☐ Other: _____

Sex Offender Registry

- ☐ Positive – the above-named person is on the sex offender registry.
☐ Negative – the above-named person is not on the sex offender registry.
☐ Other: _____

Date

Signature ► _____

Typed or Printed Name of Offender
Registration Program staff _____

Instructions

1. Complete the form. Leave the section that says "This section to be completed by Offender Registration Program staff" blank.
2. Address an envelope to yourself with your name and mailing address and put a stamp on it so that the completed form can be mailed back to you.
3. Mail the form and your self-addressed stamped envelope to:
Offender Registration Program
14717 Minuteman Drive
Draper, UT 84020
4. You must **mail** this form to the Offender Registration Program. They do not have an office open to the public.
5. The Offender Registration Program staff will fill out their section and will return the completed form to you using the envelope you provided.
6. Once the form is mailed back to you, file it with the court.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the name change of

(Minor's name)

A minor.

Order Changing Minor's Name

Case Number

Judge

-
1. Petitioner and the minor appeared in Court on: _____ (date).
 2. The minor was born on: _____ (date).
 3. The minor's birth name was:

First name	
Middle name (if any)	
Surname	

The court finds:

4. (a) All notices required by law have been given.
- (b) ☐ No objections to the proposed name change were made.
- (c) ☐ Objections to the proposed name change were made by:

- (d) Written consent to the proposed name change have been filed for the minor's ☐ father, ☐ mother, ☐ custodian, ☐ guardian

(e) ☐ The allegations in the petition are true.

- (f) ☐ Other findings (if any):

The court concludes:

~~(5) (a) The requirements of Utah Code Section 42-1-1 through 42-1-3 have been met.~~

~~(b) It appears to the satisfaction of the court that the allegations in the petition are true and sufficient, that the name change will be in the minor's best interests and that the petition should be granted.~~

5. (a) The requirements of Utah Code Section 42-1-1 through 42-1-3 have been met.

(b) The minor is not on the child abuse offender registry and is not barred from changing their name. (Utah Code 77-43-105(7)).

(c) ☐ The minor is not on the sex offender registry.

☐ The minor is on the sex offender registry, but granting the petition is not against the public interest (Utah Code 77-41-105(8)(a)).

6. ☐ The allegations in the petition are sufficient and the petition should be granted.

7. The name change ☐ is ☐ is not in the best interest of the minor.

The court orders:

8. The Petition is
☐ granted ☐ denied

9. ☐ The minor's current legal name of

First name	
Middle name (if any)	
Surname	

is changed to

First name	
Middle name (if any)	

Surname	
---------	--

This new name may be entered on birth certificate and used as the minor's legal name from this date forward.

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

_____	Signature ►	_____
Date	Judge	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order Changing Minor's on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> 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 <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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Name Change of:

(Minor's Name)

A minor

**Department of Corrections
Certification Regarding Sex
Offender and Child Abuse Offender
Registries – Minor Child**

Case Number

Judge

Minor's full name (first, middle and last)

Date of Birth
(MM/DD/YYYY)

**Driver license / state ID
number and state of
issuance** (if any)

_____	_____	_____
_____	_____	_____

----- This section to be completed by Offender Registration Program staff -----

~~I certify that I searched Utah's Sex Offender Registry and Child Abuse Offender Registry for the individual identified above and the search results were:~~

- ~~☐ Positive – the above-named person is on the sex offender registry or child abuse offender registry.~~
~~☐ Negative – the above-named person is not on the sex offender or child abuse offender registry.~~
~~☐ Other: _____~~

I certify that I searched Utah's Sex Offender Registry and Child Abuse Offender Registry for _____ (name)

and the search results were:

Child Abuse Offender Registry

- ☐ Positive – the above-named person is on the child abuse offender registry.
☐ Negative – the above-named person is not on the child abuse offender registry.
☐ Other: _____

Sex Offender Registry

- ☐ Positive – the above-named person is on the sex offender registry.
☐ Negative – the above-named person is not on the sex offender registry.
☐ Other: _____

Sign here ►

Date

Typed or Printed Name of Offender
Registration Program staff

Instructions

1. Complete the form. Leave the section that says "This section to be completed by Offender Registration Program staff" blank.
2. Address an envelope to yourself with your name and mailing address and put a stamp on it so that the completed form can be mailed back to you.
3. Mail the form and your self-addressed stamped envelope to:
Offender Registration Program
14717 Minuteman Drive
Draper, UT 84020
4. You must **mail** this form to the Offender Registration Program. They do not have an office open to the public.
5. The Offender Registration Program staff will fill out their section and will return the completed form to you using the envelope you provided.
6. Once the form is mailed back to you, file it with the court.

QUESTION: Do we need to update our forms and webpage in light of HB 230?

SHORT ANSWER:

We only need to update the notice of exemptions form. Probably just the one specific to garnishment.

ANALYSIS:

The new law

HB 230 modifies Utah Code 78B-5-503, which discusses the homestead exemption. It also modifies Utah Code 78B-5-505, which lists property exempt from execution.

78B-5-503 says an individual is entitled to a homestead exemption of property in this state in an amount not exceeding certain dollar value amounts, which are increased as follows:

- \$42,000 (up from \$30,000) in value if the property claimed is the primary personal residence of the individual;
- For property that is the primary personal residence of the individual the maximum exemption may not exceed \$84,000 (up from \$60,000).

The law also ties these, and other dollar amounts in this section to the Consumer Price Index, with new amounts published on the State Auditor's website, with updates no later than January 1 of each year.

78B-5-505 lists property exempt from execution. The new law adds:

- Money, not exceeding \$200,000 in the aggregate, that an individual deposits, more than 18 months before filing bankruptcy or an action is filed by the creditor against an individual, in all tax-advantaged accounts for saving for higher education costs on behalf of a particular individual that meets the requirements of Section 529, Internal Revenue Code.

The current garnishment/writ of execution pages

The current garnishment page does not go into these specifics. Neither does the page on writs of execution. The new proposed garnishment pages do not discuss exemptions in detail and our proposed updates that are in progress will not be affected by this change.

The notice of exemption needs to be updated. The homestead exemption language we currently have is sufficiently general that it does not need an update. The information on 529 plans needs to be added. I recommend updating the garnishment notice but not the notice for the writ of execution, since funds held in a 529 plan would have to be seized through a writ of garnishment, not a writ of execution.

EXEMPTIONS FROM COLLECTION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions related to exemptions.

Highlighted Provisions:

This bill:

- ▶ addresses the value of a homestead exemption;
- ▶ includes certain savings plans; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-5-503, as last amended by Laws of Utah 2013, Chapter 192

78B-5-505, as last amended by Laws of Utah 2016, Chapter 262

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78B-5-503** is amended to read:

78B-5-503. Homestead exemption -- Definitions -- Excepted obligations -- Water rights and interests -- Conveyance -- Sale and disposition -- Property right for federal tax purposes.

(1) For purposes of this section:

(a) "Household" means a group of persons related by blood or marriage living together in the same dwelling as an economic unit, sharing furnishings, facilities, accommodations, and expenses.

(b) "Mobile home" ~~[is as]~~ means the same as that term is defined in Section 57-16-3.

(c) "Primary personal residence" means a dwelling or mobile home, and the land surrounding it, not exceeding one acre, as is reasonably necessary for the use of the dwelling or mobile home, in which the individual and the individual's household reside.

(d) "Property" means:

(i) a primary personal residence;

(ii) real property; or

(iii) an equitable interest in real property awarded to a person in a divorce decree by a court.

(2) (a) An individual is entitled to a homestead exemption consisting of property in this state in an amount not exceeding:

(i) \$5,000 in value if the property consists in whole or in part of property ~~[which]~~ that is not the primary personal residence of the individual; or

(ii) ~~[\$30,000]~~ \$42,000 in value if the property claimed is the primary personal residence of the individual.

(b) If the property claimed as exempt is jointly owned, each joint owner is entitled to a homestead exemption~~[; however]~~, except that:

(i) for property exempt under Subsection (2)(a)(i), the maximum exemption may not exceed \$10,000 per household; or

(ii) for property exempt under Subsection (2)(a)(ii), the maximum exemption may not exceed ~~[\$60,000]~~ \$84,000 per household.

(c) A person may claim a homestead exemption in either or both of the following:

(i) one or more parcels of real property together with appurtenances and improvements;

or

(ii) a mobile home in which the claimant resides.

(d) A person may not claim a homestead exemption for property that the person acquired as a result of criminal activity.

(e) (i) As used in this Subsection (2)(e):

(A) "Average index number" means the average of the 12 most recent Consumer Price Index numbers that are available in December in the year previous to the calendar year that is calculated in Subsection (2)(e)(iii).

(B) "Consumer Price Index number" means a monthly number for the unadjusted Consumer Price Index for All Urban Consumers for all items as published each month by the Bureau of Labor Statistics of the United States Department of Labor.

(ii) The dollar amounts in Subsections (2)(a) and (b) are for May 14, 2019, through December 31, 2019.

(iii) For the calendar year 2020 and a calendar year after the calendar year 2020, the state auditor shall:

(A) calculate new dollar amounts for each dollar amount in Subsection (2)(a) and (b) by multiplying the dollar amount in Subsections (2)(a) and (b) by the average index number, dividing the result by 251, and rounding to the nearest 100 dollars; and

(B) publish on the Office of the State Auditor website the new dollar amounts calculated under Subsection (2)(e)(iii) no later than January 1 of the applicable calendar year.

(3) A homestead is exempt from judicial lien and from levy, execution, or forced sale except for:

(a) statutory liens for property taxes and assessments on the property;

(b) security interests in the property and judicial liens for debts created for the purchase price of the property;

(c) judicial liens obtained on debts created by failure to provide support or maintenance for dependent children; and

(d) consensual liens obtained on debts created by mutual contract.

(4) (a) Except as provided in Subsection (4)(b), water rights and interests, either in the form of corporate stock or otherwise, owned by the homestead claimant are exempt from

86 execution to the extent that those rights and interests are necessarily employed in supplying
87 water to the homestead for domestic and irrigating purposes.

88 (b) Those water rights and interests are not exempt from calls or assessments and sale
89 by the corporations issuing the stock.

90 (5) (a) When a homestead is conveyed by the owner of the property, the conveyance
91 may not subject the property to any lien to which [it] the property would not be subject in the
92 hands of the owner.

93 (b) The proceeds of any sale, to the amount of the exemption existing at the time of
94 sale, is exempt from levy, execution, or other process for one year after the receipt of the
95 proceeds by the person entitled to the exemption.

96 (6) The sale and disposition of one homestead does not prevent the selection or
97 purchase of another.

98 (7) For purposes of any claim or action for taxes brought by the United States Internal
99 Revenue Service, a homestead exemption claimed on real property in this state is considered to
100 be a property right.

101 Section 2. Section **78B-5-505** is amended to read:

102 **78B-5-505. Property exempt from execution.**

103 (1) (a) An individual is entitled to exemption of the following property:

104 (i) a burial plot for the individual and the individual's family;

105 (ii) health aids reasonably necessary to enable the individual or a dependent to work or
106 sustain health;

107 (iii) benefits the individual or the individual's dependent have received or are entitled
108 to receive from any source because of:

109 (A) disability;

110 (B) illness; or

111 (C) unemployment;

112 (iv) benefits paid or payable for medical, surgical, or hospital care to the extent they are
113 used by an individual or the individual's dependent to pay for that care;

114 (v) veterans benefits;
 115 (vi) money or property received, and rights to receive money or property for child
 116 support;
 117 (vii) money or property received, and rights to receive money or property for alimony
 118 or separate maintenance, to the extent reasonably necessary for the support of the individual
 119 and the individual's dependents;
 120 (viii) (A) one:
 121 (I) clothes washer and dryer;
 122 (II) refrigerator;
 123 (III) freezer;
 124 (IV) stove;
 125 (V) microwave oven; and
 126 (VI) sewing machine;
 127 (B) all carpets in use;
 128 (C) provisions sufficient for 12 months actually provided for individual or family use;
 129 (D) all wearing apparel of every individual and dependent, not including jewelry or
 130 furs; and
 131 (E) all beds and bedding for every individual or dependent;
 132 (ix) except for works of art held by the debtor as part of a trade or business, works of
 133 art:
 134 (A) depicting the debtor or the debtor and ~~[his]~~ the debtor's resident family; or
 135 (B) produced by the debtor or the debtor and ~~[his]~~ the debtor's resident family;
 136 (x) proceeds of insurance, a judgment, or a settlement, or other rights accruing as a
 137 result of bodily injury of the individual or of the wrongful death or bodily injury of another
 138 individual of whom the individual was or is a dependent to the extent that those proceeds are
 139 compensatory;
 140 (xi) the proceeds or benefits of any life insurance contracts or policies paid or payable
 141 to the debtor or any trust of which the debtor is a beneficiary upon the death of the spouse or

children of the debtor, provided that the contract or policy has been owned by the debtor for a continuous unexpired period of one year;

(xii) the proceeds or benefits of any life insurance contracts or policies paid or payable to the spouse or children of the debtor or any trust of which the spouse or children are beneficiaries upon the death of the debtor, provided that the contract or policy has been in existence for a continuous unexpired period of one year;

(xiii) proceeds and avails of any unmatured life insurance contracts owned by the debtor or any revocable grantor trust created by the debtor, excluding any payments made on the contract during the one year immediately preceding a creditor's levy or execution;

(xiv) except as provided in Subsection (1)(b), any money or other assets held for or payable to the individual as a participant or beneficiary from or an interest of the individual as a participant or beneficiary in a retirement plan or arrangement that is described in Section 401(a), 401(h), 401(k), 403(a), 403(b), 408, 408A, 409, 414(d), 414(e), or 457, Internal Revenue Code;

(xv) the interest of or any money or other assets payable to an alternate payee under a qualified domestic relations order as those terms are defined in Section 414(p), Internal Revenue Code;

(xvi) unpaid earnings of the household of the filing individual due as of the date of the filing of a bankruptcy petition in the amount of 1/24 of the Utah State annual median family income for the household size of the filing individual as determined by the Utah State Annual Median Family Income reported by the United States Census Bureau and as adjusted based upon the Consumer Price Index for All Urban Consumers for an individual whose unpaid earnings are paid more often than once a month or, if unpaid earnings are not paid more often than once a month, then in the amount of 1/12 of the Utah State annual median family income for the household size of the individual as determined by the Utah State Annual Median Family Income reported by the United States Census Bureau and as adjusted based upon the Consumer Price Index for All Urban Consumers; ~~and~~

(xvii) except for curio or relic firearms, as defined in Section 76-10-501, any three of

the following:

(A) one handgun and ammunition for the handgun not exceeding 1,000 rounds;

(B) one shotgun and ammunition for the shotgun not exceeding 1,000 rounds; and

(C) one shoulder arm and ammunition for the shoulder arm not exceeding 1,000 rounds[-]; and

(xviii) money, not exceeding \$200,000, in the aggregate, that an individual deposits, more than 18 months before the day on which the individual files a petition for bankruptcy or an action is filed by a creditor against the individual, as applicable, in all tax-advantaged accounts for saving for higher education costs on behalf of a particular individual that meets the requirements of Section 529, Internal Revenue Code.

(b) The exemption granted by Subsection (1)(a)(xiv) does not apply to:

(i) an alternate payee under a qualified domestic relations order, as those terms are defined in Section 414(p), Internal Revenue Code; or

(ii) amounts contributed or benefits accrued by or on behalf of a debtor within one year before the debtor files for bankruptcy~~[- This may not include]~~, except amounts directly rolled over from other funds ~~[which]~~ that are exempt from attachment under this section.

(2) The exemptions in Subsections (1)(a)(xi), (xii), and (xiii) do not apply to proceeds and avails of any matured or unmatured life insurance contract assigned or pledged as collateral for repayment of a loan or other legal obligation.

(3) Disability benefits, as described in Subsection (1)(a)(iii)(A), and veterans benefits, as described in Subsection (1)(a)(v), may be garnished on behalf of a child victim if the person receiving the benefits has been convicted of a felony sex offense against a child and ordered by the convicting court to pay restitution to the victim. The exemption from execution under this section shall be reinstated upon payment of the restitution in full.

(4) Exemptions under this section do not limit items that may be claimed as exempt under Section [78B-5-506](#).

NOTICE OF GARNISHMENT AND EXEMPTIONS

Please read this carefully.

Your property may be taken to pay a creditor.

You have a deadline of 14 days in which to object.

1. A judgment for money has been entered against the judgment debtor, and the creditor has taken steps to garnish (seize) their money or property to pay the judgment.
2. If you are the judgment debtor in this case, your rights may be affected. Read this notice and take steps to protect your rights.
3. If you are not the judgment debtor in this case, you may have an interest in the judgment debtor's property and your rights may be affected. Read this notice and take steps to protect your rights.
4. The court has ordered the garnishee to hold your money or property. This means that you cannot get the property and it may be used to pay a judgment creditor.
5. Some property and money can't be taken and are "exempt" from execution.

This is a **partial** list of exempt property and money. Some of these exemptions might not apply to judgments for alimony or child support.

- Declaration of Homestead. (The Declaration must be filed with the county recorder before the auction of the property. (Utah Code 78B-5-504.))
- A burial plot for you and your family.
- Health aids.
- Benefits because of disability, illness or unemployment.
- Medical care benefits.
- Veteran's benefits.
- Money or property for child support, alimony or separate maintenance.
- Social security benefits.
- Supplemental security income benefits (SSI).
- Workers' compensation benefits.
- Certain retirement benefits.
- Public assistance.
- Money saved for college that is held in a qualified tuition plan (529 plan).
- Certain furnishings, appliances, carpets, animals, books, musical instruments, works of art and heirlooms.
- Provisions for 12 months.
- Wearing apparel, not including jewelry or furs.
- Beds and bedding.

- Certain works of art.
- Compensatory damages from bodily injury or wrongful death.
- The proceeds of certain life insurance contracts and trusts.
- Certain books, implements and tools of a trade.
- A personal motor vehicle up to a specified amount.
- A motor vehicle used in trade or business.
- Part of your wages.
- Property of a person who did not have a judgment entered against him or her, such as the co-owner of the property being held.

See the Utah Exemptions Act (Utah Code Title 78B, Chapter 5, Part 5) for more information about exemptions. There is no exemption solely because you are having trouble paying your debts.

6. If you think your property should not be taken because:

- the Writ of Garnishment was not issued correctly,
- the Answers to Interrogatories are wrong,
- the judgment creditor owes you money, or
- you are entitled to an exemption,

do the following immediately. You have a deadline of **14 days** from the date the garnishee mailed or delivered this notice to you.

- Complete the attached Reply and Request for Hearing form.
- Sign your name in the space provided.
- Mail or deliver a copy of the form to:
 - the court,
 - the judgment creditor or, if they have one, their attorney, and
 - the garnishee.

Keep a copy for your records. The name and address of the court, and the garnishee are on the first page of the Writ of Garnishment. The address for the judgment creditor or, if they have one, their attorney is:

Name

Address

City, State, Zip

Phone

7. The court will schedule a hearing and notify you. You should file with the Reply and Request for Hearing form any documents that help you prove your claim, or bring them to the hearing.
8. If you do not take these steps, the property being held may be used to pay a judgment creditor.
9. You may talk to an attorney and have the attorney represent you at the hearing. See the court's Finding Legal Help page for information about free and low cost ways to get the help of an attorney: www.utcourts.gov/howto/legalassist/.
10. The judgment debtor may not use the steps in paragraph 6 to challenge why the judgment was entered. If you are the judgment debtor and you think the judgment should not have been entered against you, possible options include:
 - an appeal. See the court's Appeals page for more information about the process and forms: www.utcourts.gov/howto/appeals/.
 - a Motion to Set Aside Judgment (Utah Rule of Civil Procedure 60(b)). See the court's Motion to Set Aside Judgment page for more information about the process and forms: www.utcourts.gov/howto/judgment/set_aside/.

Simply filing an appeal or Motion to Set Aside the Judgment does not stop the collection of the judgment.