

MINUTES
Utah Judicial Council’s
Committee on Court Forms
 Administrative Office of the Courts
 450 South State Street
 Salt Lake City, UT 84111
 May 13, 2019
 12 - 2 pm
 Judicial Council Room

MEMBERS: **PRESENT** **EXCUSED**

| | | |
|---------------------------|---|---|
| Randy Dryer, <i>Chair</i> | | • |
| Kim Allard | • | |
| Cyndie Bayles | | • |
| Judge Randy Birch | • | |
| Christina Cope | | • |
| Cathy Dupont | • | |
| Guy Galli | • | |
| Judge Elizabeth Lindsley | • | |
| Kara Mann | • | |
| Commissioner Minas | | • |
| Nathanael Player | • | |
| Stewart Ralphs | • | |
| Judge James Taylor | • | |
| Jessica Van Buren | • | |
| Mary Westby | • | |

Guests:
Waine Riches

Staff:
Brent Johnson
Minhvan Brimhall –
recording secretary

I. Welcome and approval of March meeting minutes:

Judge Taylor welcomed the committee members to the meeting. The Committee discussed the minutes from the April 8 meeting. No revision was made to the minutes. Mary Westby moved to approve the full minutes. Guy Galli seconded the motion. The motion unanimously passed.

II. OCAP retirement clauses:

The OCAP group has completed a review and edits of the retirement clause sections. The group reviewed the sections for plain language and congruency with the other series of divorce forms. These forms will be reviewed by the Judicial Council at the May 20 meeting. Kim Allard asks this committee for acceptance of the clauses and approval to send to the Judicial Council for review.

Judge Lindsley moved to approve and accept the final edits of the OCAP retirement clause sections. Mary Westby seconded the motion. The committee voted and the motion was unanimously approved.

III. Petition to modify child custody:

Waine Riches spoke to the committee about the tax provision section of the petition to modify child custody. As it is currently written, tax exemptions for dependent children would only apply to state tax filings. Mr. Riches said that federal laws have gone away from using certain terms for claiming dependency on tax filings and proposes that the committee use language that would meet both federal and state standards. The current law has two varying impacts for claiming children on taxes, one to claim as a dependent and the other to claim for credit. The committee discussed using varying terms and plain language that would allow a parent to receive both federal and state tax credit for a dependent child. The committee discussed revising the title of paragraph 24 of the form to “Claiming children as dependents/exemptions for tax purposes.”

With no further discussions, Judge Lindsley moved to accept the language change as discussed by the committee. Stewart Ralphs seconded the motion. The committee unanimously voted to approve the motion.

IV. Sexual violence protective order:

The Utah Legislature approved a law this year regarding protective orders for sexual violence. The law covers those who are not cohabitants or partners but are still subjected to sexual violence. Any change made to the forms does not need to be approved by the Judicial Council because this type of protective order is not between family members..

- **Request for sexual violence protective order -**
 - The committee reviewed and made minor language changes to the order. With no further discussion, Mr. Ralphs moved to approve and accept the recommended changes. Nathanael Player seconded the motion.
- **Temporary sexual violence protective order -**
 - The committee reviewed and made minor language changes to the order. With no further discussion, Judge Lindsley moved to approve and accept the recommended changes. Mr. Ralphs seconded the motion.
- **Sexual violence protective order –**
 - The committee reviewed and made minor language changes to the order. With no further discussion, Mr. Ralphs moved to approve and accept the recommended changes. Nathanael Player seconded the motion.

V. Fee waiver forms:

This committee discussed and reviewed the fee waiver forms that had been discussed at an earlier meeting. The form was previously two forms but has since been combined into one form.

- Motion to waive fees and statement in support –
 - The committee reviewed and made minor language changes to the motion. With no further discussion, Ms. Westby moved to approve and accept the recommended changes. Nathanael Player seconded the motion.
- Order on motion to waive fees –
 - The committee reviewed and made minor language changes to the order. With no further discussion, Mr. Ralphs moved to approve and accept the recommended changes. Nathanael Player seconded the motion.
- Memorandum demonstrating inability to pay fee –
 - The committee reviewed and discussed the memorandum. No recommended changes were made. No motion was needed for the memorandum.

VI. Other business: Utah Code 30-1-8(3):

Utah code 30-1-8(3) was recently passed and changed the age for minors to marry with approval from the courts to 16 years. Minors 15 years and younger are no longer allowed to marry in the state of Utah. The juvenile court has a form that minors are required to fill out and get court approval prior to marriage. As minors are required to appear before a judge for consent to marry, the forms are not available online and cannot be e-filed. The form needs to be updated immediately to reflect the new age requirement as the law will go into effect on May 14, 2019. Judge Lindsley will forward a copy of the current form to Minhvan Brimhall to circulate to this committee for comments, edits and approval via email.

*The form was sent out to the committee on May 13, 2019. The committee made minor language change recommendations and changed the age of consent provision to reflect the new law. The committee voted via email and unanimously approved the form with the acceptance of the recommended changes.

VII. Adjourn

With no further discussion, the meeting was adjourned without a motion. The meeting adjourned at 1:51 pm. The next meeting will be on June 10, 2019, from noon to 2 pm in the Judicial Council Room.