

APPROVED

MINUTES
Utah Judicial Council
Committee on Court Forms
Administrative Office of the Courts
450 South State Street
Salt Lake City, UT 84111
July 8, 2019
12 - 2 pm
Judicial Council Room

MEMBERS: **IN ATTENDANCE:** **EXCUSED:**

Randy Dryer, <i>Chair</i>		•
Kim Allard	•	
Cyndie Bayles	•	
Judge Randy Birch	•	
Chris Cope		•
Guy Galli	•	
Judge Elizabeth Lindsley	•	
Kara Mann	•	
Comm. Russell Minas	•	
Nathanael Player	•	
Stewart Ralphs	•	
Judge James Taylor	•	
Jessica Van Buren	•	
Mary Westby	•	

Staff:
Brent Johnson - excused
Minhvan Brimhall – recording
secretary

I. WELCOME AND APPROVAL OF MINUTES:

Judge Taylor welcomed the committee members to the meeting. The Committee discussed the minutes from the June 10 meeting. No revision was made to the minutes. Mary Westby moved to

approve the full minutes. Judge Elizabeth Lindsley seconded the motion. The motion unanimously passed.

II. ADDITIONAL OCAP DOCUMENTS:

The committee determined at the last meeting to include these documents as part of the series of divorce forms. The Stylistics Committee has reviewed the documents. The documents are brought to this committee for further discussion and review.

- **Certificate of readiness for trial:**
This document will be used in both domestic and civil cases. The committee discussed and made recommended language changes to the form. The committee determined that paragraph 7, regarding proposed settlements, should be removed as it is not applicable in civil matters once the pretrial hearing has been held. The committee recommended renaming the form called Proposed Settlement to Trial Issues.

Following further discussion, Stewart Ralphs motioned to accept the changes as recommended, and to eliminate paragraphs 6 and 7 from the form. Cyndie Bayles seconded the motion. The committee voted and the motion unanimously passed.

With no further discussion, Mr. Ralphs motioned to approve and accept the form as discussed and modified by the committee. Nathanael Player seconded the motion. The motion was unanimously approved.

- **Proposed settlement – domestic cases:**
The committee recommended changing the title of the form to “Trial Issues” as previously discussed. The petitioner will be instructed to provide a copy to all parties, however, will not be required to complete a certificate of service.

With no further discussions, Judge Lindsley motioned to accept the form as amended. Kim Allard seconded the motion. The motion was unanimously approved.

- **Proposed settlement – other civil cases:**
In congruency with the domestic cases, the committee recommended changing the title of the form to “Trial Issues” as previously discussed. The committee discussed and recommended minor language changes form. The committee discussed removal of petition of divorce classes from the form. The petitioner will be instructed to provide a copy to all parties, however, will not be required to complete a certificate of service.

With no further discussions, Mr. Player moved to accept the form with recommended changes. Kara Mann seconded the motion. The motion was approved with a majority vote. One committee member objected to the motion.

- **Motion for leave to amend:**
The committee discussed and made minor language change recommendations to the form.

With no further discussions, Judge Lindsley motioned to accept the form as recommended by the committee. Mr. Ralphs seconded the motion. The motion was unanimously approved.

- Declaration of jurisdiction and grounds for divorce :
The committee discussed and reviewed this declaration form. The committee did not have any concerns or issues with the form.

With no further discussions, Mr. Ralphs moved to approve the form. Judge Birch seconded the motion. The motion was unanimously approved.

- Income verification and statement of compliance with child support guidelines:
The committee discussed and made language changes.

With no further discussions, Judge Lindsley moved to approve the form. Ms. Mann seconded the motion. The motion was unanimously approved.

III. MOTION FOR ORDERS REGARDING RELOCATION:

Mr. Player noted that this is a proposed change to a form that has already been approved by the Judicial Council. The Family Forms Subcommittee recommends the proposed changes. The committee reviewed the changes and did not have any other changes or recommendations to make.

With no further discussions, Judge Lindsley moved to approve and accept the form as recommended by the subcommittee. Mr. Ralphs seconded the motion. The motion was unanimously approved.

IV. DEFAULT JUDGMENT:

- Motion for default certificate:
There is a current form already out on the court website. The form needs to be cleaned up, as it is currently unusable by Licensed Paralegal Practitioner. The certificate of service needs to be included in the form. The form is not ready to be updated on the website. Judge Birch will be meeting with Judge Lawrence to review the default judgment forms and will provide the committee an update at the next meeting.

With no further discussions, Judge Taylor recommended that the committee table these forms until the next meeting. No motion was made. The committee agreed with Judge Taylor's recommendation. Guy Galli will review how often the motion for default certificate is used in state courts.

- Default certificate :
Being held over for discussion at the next meeting.
- Military service declaration:
Being held over for discussion at the next meeting.
- Military service order:
The committee discussed that military service members should not be defaulted if they fall under the Military Service Act. The committee discussed that federal rules are different from state rules, and therefore the order would be different under any military rules. Judge Taylor recommends that the order be tabled until the next meeting for further discussion.

- Motion for default judgment:
Being held over for discussion at the next meeting.

Judge Lindsley asked that the committee review these forms before the next meeting and come prepared to discuss both state and federal practices. Minhvan Brimhall will send the committee a reminder email before the end of the day.

V. REQUEST TO REGISTER FOREIGN CHILD CUSTODY, PARENT-TIME, SUPPORT OR INCOME WITHHOLDING ORDER:

This item was not addressed due to lack to time and will be addressed at a future meeting.

VI. ADJOURN:

With no further discussion, the meeting was adjourned without a motion. The meeting adjourned at 2:11 pm. The next meeting will be on August 12, 2019, from noon to 2 pm in the Judicial Council Room.