

APPROVED

MINUTES
Utah Judicial Council
Committee on Court Forms
Administrative Office of the Courts
450 South State Street
Salt Lake City, UT 84111
December 9, 2019
12 - 2 pm
Judicial Council Room

MEMBERS: PRESENT EXCUSED

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

Guest:
Kaden Taylor – Law Library

Staff:
Brent Johnson
Minhvan Brimhall

I. WELCOME, ANNOUNCEMENTS AND APPROVAL OF MINUTES:

Randy Dryer welcomed the committee members and guests to the meeting. The Committee considered the minutes from the November 4 meeting. No revision was made to the minutes. Judge Lindsley moved to approve the full minutes. Guy Galli seconded the motion. The motion unanimously passed.

II. SEXUAL VIOLENCE PROTECTIVE ORDER:

- Request to extend sexual violence protective order:

The committee discussed the sexual violence protective order forms last spring. Mr. Johnson noted that statute allows a petitioner to file a motion to extend the protective order prior to the expiration date of the order. The extension is valid for 365 days. The motion for extension may only be filed one time. The order is required to be served on all parties. The motion may be mailed to all parties.

With no further discussions or concerns, and no changes made to the form, Judge Taylor moved to approve the Request to Extend Sexual Violence Protective Order form. A second on the motion was not taken. The committee unanimously approved the motion.

- Order granting request to extend sexual violence protective order:

The details for granting the request to extend the protective order is found within the context of the order itself. The order granting the request was approved by this committee at a previous meeting. The committee recommended changing the title from "Extended Sexual Violence Protective Order" to "Order on Extended Sexual Violence Protective Order."

With no further discussions, and no motion was made on the order, the committee unanimously approved the form.

- Order denying request to extend sexual violence protective order:

The committee discussed the order to deny the request to extend the protective order. The committee did not make any recommendations for changes to the form. The committee recommended changing the title from "Extended Sexual Violence Protective Order" to "Extend Sexual Violence Protective Order."

With no further discussions, and no motion was made on the order, the committee unanimously approved the form.

III. SUBPOENA FORMS:

- Subpoena:
- Notice to persons served with a subpoena:
- Objection to subpoena:
- Declaration of compliance with subpoena:
- Application for subpoena under the Utah Uniform Interstate Depositions and Discovery Act:
- Notice of deposition and request for subpoena in case pending out of state:

A State Legislature contacted Michael Drechsel, courts legislative liaison, with a request to eliminate the requirement that notices to a person being served with a subpoena, objection to a subpoena, and declaration of compliance with a subpoena be served at the same time as the subpoena. The legislature was contact by law enforcement officials who expressed concerns for

time spent to file and print out the forms, as well as cost that is associated with the extra amount of work needed. The Stylistic committee believes it is good customer service to all parties involved that service of all documents are completed in a timely manner, however, the committee is sensitive to the advancement of court filings nowadays and the convenience of electronic filing and notification.

Following further discussions, the committee discussed and determined that discussion with the legislature is necessary to better understand the legislature's request and proposed intent of the removal of the additional forms. Judge Taylor recommends further discussion with the Board of District Court judges for their input and concerns. Judge Taylor also expressed interest on the views from the Judicial Council. Judge Lindsley agrees with Judge Taylor and recommends the Judicial Council hears the request from the state legislature, as well as views from the Board of District Court judges, and makes any recommendations to the Forms Committee on how best to proceed.

Judge Lindsley does not feel that this committee is in a position to review or approve the forms at this time.

Following further discussions, Nathanael Player moved to table this section to another date with a recommendation to forward the forms to the Judicial Council for further discussion and recommendations, and that current processes be maintained. Mary Westby seconded the motion. The committee approved the motion.

The forms were not reviewed by the committee at this meeting. The forms are tabled until further notice for review.

IV. CUSTODY EVALUATION SETTLEMENT CONFERENCE REPORT – Revising the existing form in light of changes to CJA 4-903:

Mr. Player noted that the form is used when a custody evaluation is order. There is a slight modification to the form due to changes in rule CJA 4-903. Mr. Player has spoken with several commissioners who indicate they do not see the report unless there is a conflict with the evaluation or the evaluator. The form is currently on the OCAP website and is only used by custody evaluators. The form is not used by Licensed Paralegal Practitioners.

The committee discussed and recommended removal of the conclusion section as CJA 4-903 is referenced at the beginning of the form. Stewart Ralphs noted that counsel for the parents are listed on the form. Mr. Ralphs requests that this be changed to "Petitioner's Counsel" to eliminate specificity of represented counsel.

Following further discussions, and with the recommended changes by the committee, Judge Taylor moved to approve the form as modified. Judge Lindsley seconded the motion. The committee unanimously approved the motion.

V. INFORMAL PROBATION WITH A WILL FORMS – Revising existing forms to reflect of efilng environment:

- Request:

This committee reviewed these forms earlier this year. The form has been reviewed by the clerks of court. The clerks recommended language change to item #9 that would instruct the petitioner to attach a copy of the original will and maintain the original will in their possession.

With no further discussions or concerns from the committee, Ms. Westby moved to approve the form with the recommended changes from the Clerks of Court. Mr. Player seconded the motion. The motion was unanimously approved by the committee.

- Statement:

The committee recommended to remove the sentence “The court has the original will” from item #6, as the responsibility will fall on the petitioner to maintain the original will.

With no further discussion or objection, Ms. Westby moved to approve the form with the recommended changes from the Clerks of Court. Mr. Player seconded the motion. The motion was unanimously approved by the committee.

VI. PETITION AND STIPULATION TO MODIFY CHILD CUSTODY, PARENT-TIME AND CHILD SUPPORT:

- Application for Informal Probate of Will and Informal Appointment of Personal Representative:

In paragraph 9, the committee removed the option to choose whether the will is attached to the application or indicate that the will is in the court’s possession, with notification to the applicant that copy of the will is attached to the application, and the original must be kept with the applicant.

With no further discussions, Ms. Westby moved to approve the form. Mr. Player seconded the motion. The motion was unanimously approved.

- Statement of Informal Probate of Will and Appointment of Personal Representative:

In paragraph 6, the committee removed “The has the original will.” The petitioner is responsible to maintain the original will.

With no further discussions, Judge Taylor moved to adopt the changes. Mr. Player seconded the motion. The motion was unanimously approved.

- Petition and stipulation to modify child custody, parent-time and child support:

Discussion on Petition: the petition asks the parties to articulate what is in the order and asks if the petition has been modified from the original filing. The forms also requires the petitioner to articulate the facts presented in the petition. The form was updated for consistency with modification of original filings. Mr. Player noted that the form is much easier to use now since its early conception days. The Family Law subcommittee looked at similar forms from other states to template the changes.

Judge Taylor expressed concerns that asking a person to articulate on the issues is difficult for many people to do and they may not provide pertinent information that could otherwise allow a judge to draw conclusions as to the fact. The form appears to be conclusory.

The committee discussed and made amended changes to the petition. In paragraph 3, the committee amended language to the note to simply read as: “No other court has ever expressed a willing to change the order.” The committee amended the language to paragraph 9 to read as : “The following cases involve(d) the children or this case.”

With these changes, Mr. Ralphs moved to approve the revisions as discussed. Judge Lindsley seconded the motion. The committee unanimously approved the motion.

Discussion on stipulation:

The Family Law subcommittee recommended the inclusion of the stipulation section to the petition. The subcommittee feels it may be redundant for the parties, clerks and judges to have to go through, scan and read an additional 20 pages before filing is completed. By including the stipulation at the end of the form, the petitioner and respondent will be able to indicate that they have reviewed and received all of the petition, and the petition is ready for filing. The committee discussed that this is not an uncommon practice with the forms to have the stipulation added to the petition.

With no further discussions, Mr. Player moved to adopt the inclusion of the stipulation at the end of the petition. Cyndie Bayles seconded the motion. The committee unanimously approved the motion.

- Request to join Child Support Division:

The Family Law subcommittee submits this form for review. OCAP has a similar form that is currently on the website. Kim Allard asked the Family Law subcommittee to review the current form earlier this year and make recommended modification as deemed appropriate. The request is a statutory requirement for anyone ordered to pay child support to have their case linked to child support division of the Attorney General's office. Carla (?) with the AG's office contacted OCAP regarding the form. Mr. Player has not heard from Carla whether the language and verbiage needs to be modified on the current OCAP form, or if the AG's office approves the request form as drafted. Mr. Ralphs requests that the form be tabled to another meeting to allow Mr. Player time to contact the AG's office for additional information.

The committee recommended a title change of the form to clarify that the notice is to request that the case be accepted with the child support division of the AG's office. The title is changed to "Request to child support division of the Office of the Attorney General to join."

With no further discussions, Judge Taylor moved to table this form to another meeting, and to allow Mr. Player time to contact and further discuss the request with Carla (?). Mr. Ralphs seconded the motion. The committee unanimously approved the motion.

This form will be reviewed at another meeting.

- Findings of fact and conclusions of law on petition to modify child custody, parent-time and child support:

Mr. Player noted that the language is the same as in the petition. The form does not contain the selection box of who is filing the form. This is not needed on other Findings, Facts, and Conclusions of Law forms. The committee recommends adding the selection block to maintain consistency with the other forms in this packet. Judge Taylor recommends that any section of an order that has been modified should be clarified and noted in the new order. The committee recommends amending the language to paragraph 1 to read as: "Any provision of any previous order not modified above remain in effect." The committee also recommends that the title to paragraph #12 on the Order to read as: "Remainder of the order changed."

Following further discussions and additional minor changes, Mr. Player moved to adopt the amendments as discussed by the committee. Mr. Ralphs seconded the motion. The committee unanimously approved the motion.

- Order on petition to modify child custody, parent-time and child support:
This form is to give notice to the court that an order has been modified. There was no changes or modification made to the form.

With no further discussions or concerns, Mr. Player moved to adopt the amendments as discussed by the committee. Mr. Ralphs seconded the motion. The committee unanimously approved the motion.

VII. REGISTERING FOREIGN ORDER:

- Notice of registration of foreign order:
- Request for hearing of foreign order:
- Order on confirmation of foreign order:
- Notice of confirmation of foreign order:

Due to time constraints, this item will be discussed at a future meeting.

VIII. ADJOURN:

With no further items for discussion, the meeting adjourned without a motion. The meeting adjourned at 2 pm. The next meeting will be January 13, 2020, from noon to 2 pm in the Judicial Council Room.