

APPROVED

MINUTES
Utah Judicial Council
Committee on Court Forms
Administrative Office of the Courts
Matheson Courthouse
Judicial Council Room
450 South State Street
Salt Lake City, UT 84111
January 13, 2020
12 - 2 pm

MEMBERS:

PRESENT

EXCUSED

Randy Dryer, <i>Chair</i>		•
Amber Alleman – by phone	•	
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:

Staff:
Minhvan Brimhall

I. WELCOME, ANNOUNCEMENTS AND APPROVAL OF MINUTES:

Judge Taylor welcomed the committee members to the meeting. The Committee considered the minutes from the December 9 meeting. No revision was made to the minutes. Stewart Ralphs moved to approve the full minutes. Mary Westby seconded the motion. The motion unanimously passed.

II. REQUEST TO TRANSLATE DECLARATION OF FINANCIAL STATUS (Juvenile Court) – Should the translation be a separate document, or should the document be bilingual:

The form has been approved by the committee. The Board of Juvenile Court Judges asked that the form be translated into Spanish. Judge Taylor recommends that the form be translated in a side-by-side format of each item on the document. The bilingual translation will also create a record of what was completed .

With no further discussion, Judge Lindsley moved to create a bilingual document as recommended by Judge Taylor. Stewart Ralphs seconded the motion. The motion was unanimously approved by the committee.

III. DECLARATION OF OTHER PARENT’S EARNINGS:

These forms has been reviewed by the Family Law Forms Subcommittee. The forms are needed for a parent to proceed in a divorce case if the other parent is not providing required proof of income to the court. The form provides income information about the non-cooperating party. With no further discussion, Ms. Westby moved to approve the form. Judge Lindsley seconded the motion. The committee voted and unanimously approved the motion.

IV. NOTICE OF JUDGMENT – Part of default judgment set of forms:

This form is part of the Default Judgment forms. URCP 58A(g) and 5(a)(2)(d) on default judgment requires that the form include language that appeals may be filed with 30 days of the hearing. The committee did not have any concerns regarding the rule or the form. The committee recommended a minor language change to the form. The committee changed the notice to read, “The court has entered the attached judgment. You may appeal a judgment by filing a Notice of Appeal with this court within 30 days after the date the judgment was entered.”

With no further discussion, Mr. Ralphs moved to approve the form and accept the recommended change. Judge Taylor seconded the motion. The motion unanimously passed.

V. NOTICE OF MODIFICATION – With authority for form:

This form was discussed at the last meeting. The form provides notice to the court who made the controlling order that the order has been modified. The form has been updated to include Utah Code 78B-14-614 (specific to UIFSA) to provide clarity of whom has authority to modify an order.

Following further discussion, Mr. Ralphs moved to approve the form as modified. Judge Lindsley seconded the motion. The motion was unanimously passed.

VI. REGISTERING FOREIGN ORDERS –

The request to Register Foreign Orders was approved by the Judicial Council in September 2019:

These forms allows for out of state custody or support orders to be registered in Utah so they can be modified or enforced. The forms were once separate forms that have been combined and are now one form.

- Notice of registration -

With no further discussion or modification, Mr. Ralphs moved to approve the form. Ms. Westby seconded the motion. The motion was unanimously approved.

- Request for hearing –

With no further discussion or modification, Judge Lindlsey moved to approve the form. Mr. Ralphs seconded the motion. The motion was unanimously approved.

- Order on confirmation –The committee discussed and made minor language changes to the form. Paragraph 3 was modified to “This court received a Request for Hearing to contest the validity of the registered order within 20 days.” The committee changed the title of the form to “Order on hearing for Confirmation of Foreign Child Custody or Parent-Time Order, or Support or Income Withholding Order.”

With no further discussion or modification, Mr. Ralphs moved to approve the form. Judge Lindsley seconded the motion. The motion was unanimously approved.

- Notice of confirmation –The committee discussed and made minor language modification. The committee recommended removing the word “timely” from the first paragraph of item #1, as well as the second paragraph, as the form is an automatic order from the court and the clerk is unable to make a determination as to the timeless of the order. The committee recommended removing item #2 as a judgment of time does not need to be determined by the clerk.

With no further discussion, Mr. Ralphs moved to approve the form as modified. Judge Lindsley seconded the motion. The motion was unanimously approved.

VII. PETITION AND STIPULATION TO MODIFY CHILD SUPPORT –

The committee previous reviewed and approved these forms. The Council has approved the larger packet of forms. This is a reduced version of the child custody form and modified child support forms.

- Petition and stipulation to modify child support – the committee did not have additional items for discussion. Mr. Ralphs moved to approve the form as currently presented. Judge Lindsley seconded the motion. The committee unanimously voted to approve the form.

- Findings of fact and conclusions of the law on petition to modify child support –The committee did not have further discussions on this form. Mr. Ralphs moved to approve the form as currently presented. Judge Lindsley seconded the motion. The committee unanimously voted to approve the form.
- Order –The committee did not have further discussions on this form. Mr. Ralphs moved to approve the form as currently presented. Ms. Westby seconded the motion. The committee unanimously voted to approve the form.

VIII. MOTION OR STIPULATED MOTION TO MODIFY CHILD SUPPORT -

The form allows for orders that are three years or older to be modified. A petition is not required to have the order modified. Ms. Alleman recommended that court clerks be educated on the change to avoid kick back of the form when electronically filed. Mr. Galli will discuss these changes with the clerks.

- Motion or Stipulated motion to modify child support – the committee discussed and made minor language changes to form. The committee replaced “modify” with “adjust” throughout the form as the intent of the form is to be able to make adjustments to the child support order, not to modify the order.

With no further changes, Mr. Ralphs moved to approve the form as modified. Commissioner Ralphs seconded the motion. The committee unanimously approved the motion.

- Order on motion to modify child support – the committee did not have discussions or concerns on the Order. The committee made similar changes to the Order form as the Motion form.

With no further changes, Judge Lindlsey moved to approve the form as modified. Ms. Westby seconded the motion. The committee unanimously approved the motion.

IX. SETTLEMENT:

Judge Taylor said he does not think a settlement agreement should be a court form. Other committee members pointed out that LPPs can only use court-approved forms. Also, the Online Dispute Resolution program needs a court-approved settlement agreement form.

The committee recommends tabling these forms. The committee will invite representatives from the LPP and ODR committees to the next meeting discuss the the concerns. The committee also would like input from General Counsel.

No motion was taken on these forms.

X. OBJECTION TO FORM OF ORDER – Proposal to retitle form Objection to Form of Order or Judgment:

These are generalized forms for used in objections of any orders. The committee recommended a language to the title for indication if the objection is toward the order or the judgement.

“Objection to the Form for :

[] Order

[] Judgment”

With no further discussion, Ms. Westby moved to approve the form as modified. Mr. Player seconded the motion. The committee unanimously approved the motion.

XI. OTHER BUSINESS:

Judge Lawrence will be asking the Civil Rules Committee to make summons and motions mandatory forms.

XII. ADJOURN:

With no further items for discussion, Mr. Galli moved to adjourn the meeting. Mr. Ralphs seconded the motion. The meeting adjourned at 1:12 pm. The next meeting will be February 10, 2020, from noon to 2 pm in the Judicial Council Room.