

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  
March 9, 2020  
12 - 2 pm

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

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

Guest:  
None

Staff:  
Brent Johnson  
Minhvan Brimhall

**I. WELCOME, ANNOUNCEMENTS AND APPROVAL OF MINUTES:**

Randy Dryer welcomed the committee members to the meeting. The Committee considered the minutes from the February 10 meeting. No revision was made to the minutes. Comm. Minas moved to approve the full minutes. Nathanael Player seconded the motion. The motion unanimously passed.

**II. PATRON MODIFICATION OF COURT-APPROVED FORMS:**

Guy Galli recently was made aware that pro se parties and attorneys are making changes to court-approved forms. Court clerks and judges are noticing the changes and are unsure whether the forms should be accepted. Many of these forms are in a Word format and can easily be modified when uploaded. OCAP forms are in a PDF format that prevents modification. Not providing court forms in Word makes them less accessible. If a person is determined to alter a court-approved form, they will do so. The committee discussed that Attorneys and LPP's should be notifying the court prior to a hearing if they make modification to a form. Judge Taylor recommended that a notice be placed on the form to indicate that any modification of a court-approved form may be a contemptable offense. Mr. Dryer recommended the formation of a small subcommittee to review and discuss appropriate language to be included on the form. The subcommittee will provide an update to the committee at a future hearing.

No motion was taken on this matter. Nathanael Player, Clayson Quigley and Judge Taylor agreed to participate in the subcommittee and will report any recommendations at a future meeting.

**III. CANNABIS CONVICTION EXPUNGEMENT PETITION AND ORDER :**

A new bill addressing expungement of cannabis conviction passed during the 2020 legislative session and is immediately effective.

Petition:

Mr. Player spoke with Jacob Smith, Salt Lake County Expungement Navigator. Mr. Smith provided Mr. Player with some suggested changes to the Petition and Order. Mr. Johnson noted that the Petition should be marked as a private record as the form asks for personal medical information.

The committee discussed and made changes to the form.

With no further discussion, Ms. Westby moved to approve the Petition with the recommended changes. Mr. Player seconded the motion. The committee unanimously approved the motion.

Order:

The committee discussed and made similar changes to the Order as in the Petition. The committee noted that in some cases the prosecutor is the one that will serve notice to the parties when the Order is filed. Mr. Johnson noted that the committee might need to check with the Bureau of Criminal Investigation (BCI) to ensure they will accept the court's form as modified.

With no further discussion, Mr. Player moved to approve the Order with the recommended changes. Mr. Ralphs seconded the motion. The committee unanimously approved the motion.

**IV. REVISING THE JUVENILE COURT’S DECLARATION OF FINANCIAL STATUS TO MAKE IT SHORTER:**

The Forms Committee approved this form in September 2019. The currently approved form is 3 pages long. The Board of Juvenile Court Judges wants the form to be one page long.

Judge Lindsley states that the Board expressed concerns that the longer form could cause confusion for patrons to fill out. Some districts are using different financial declaration forms from what has been approved because they believe it is easier to fill out. The Board would also like a place on the form that would allow someone to consent to be served by email.

Mr. Player noted two reasons why it is challenging to get this form down to one page: 1) the style guide requirements. The only way we can get the form down to fewer pages is deviate from the style guide approved by this committee, meaning this form would not be consistent with other court-approved forms, and 2) the forms have not been user tested to determine accurate usability. It would be good to have user input about where the problem areas are with the form, if any. Mr. Player would like to conduct user testing to see what challenges or difficulties people have in filing out the form. Jessica Van Buren noted that this form could benefit from user testing as a means to provide the Board with the results from those tests.

Judge Taylor recommends that the committee invite a member from the Board of Juvenile Court Judges come to a future meeting to discuss the concerns of the Board regarding this form. Mr. Dryer recommends having the Board provide a written explanation of their concerns to this committee for review prior to the discussion. The explanation can be sent to Minhvan for distribution to the committee for review. Brent Johnson recommends that any requests for modification of forms approved by the Judicial Council go through the Council, rather than directly through the committee.

Judge Lindsley will speak with the Board and invite them to submit a written explanation of their concerns and requests to the committee for review. No motion was taken on this matter. This discussion will be tabled over for further discussion at a future meeting.

**V. SMALL CLAIMS – NOTICE OF APPEAL:**

The notice of appeal was held over for continued discussion from last month’s meeting. The committee reviewed the form and made minor changes. The committee created a new item 1 that read as:

“1. The justice court issued the final judgment on \_\_\_\_\_ (date).”

The committee also recommended including citation of rule 12 of the Utah Rules of Small Claims Procedure on the form.

With no further discussion, Mr. Player moved to approve the form as modified and accept the changes as recommended by the committee. Stewart Ralphs seconded the motion. The committee unanimously approved the motion.

**VI. REQUEST TO JOIN CHILD SUPPORT DIVISION:**

The committee recommended changing the title of the form to:

“Request to Join the Office of Recovery Services (ORS).”

With no further discussion, Mr. Player moved to approve the form with the recommended title change. Mr. Ralphs seconded the motion. The committee unanimously approved the motion.

**VII. EDITS TO ALREADY-APPROVED PETITION AND STIPULATION TO MODIFY CUSTODY AND ORDER ON PETITION:**

Petition:

The committee discussed and made the following edits to the Petition:

Paragraph 14 – a check box was added to include relocation, Utah Code 30-3-37

Paragraph 16 and 17 – made as new paragraphs, includes citation to relocation statute, Utah Code 30-3-37(12).

Paragraph 20 – this section has been included in the Order, paragraph 7.

With no further discussions or additional changes, Mr. Player moved to approve the form as recommended modified. Mr. Ralphs seconded the motion. The committee unanimously approved the motion.

Order:

The committee discussed and made the following edits to the Order:

Edited to match changes that were made to the Petition.

New paragraph 7 – include same language on relocation of parent from paragraph 20 of the Petition.

The committee discussed that the first two options in paragraph 20 may encourage one parent to cite a quick remedy to the Order from the other parent. Mr. Ralphs states that he supports including the same option in the Petition as listed in the Order. Judge Taylor recommends that the first item in paragraph 20 be removed, as this is not needed in the Order.

Following further discussion, the committee was unable to come to a consensus as to recommended changes to the form. Due to the lack of time, and the need for further discussion on the subject matter, Commissioner Minas recommends this item to be tabled to a future meeting. Mr. Dryer asked for a vote from committee members to determine if the item should be table or moved to approve. Four members voted to table, five members voted to move forward. Judge Taylor motioned to have corresponding identical orders and continue discussion at a future meeting. No second was made to the motion. No vote was cast on the motion.

**VIII. PETITION TO MODIFY PARENT-TIME:**

Due to lack of time, this item will be reviewed at a future meeting.

**IX. MINOR NAME CHANGE PETITION AND ORDER:**

Due to lack of time, this item will be reviewed at a future meeting.

**X. PREFERRED PRONOUNS:**

Due to lack of time, this item will be reviewed at a future meeting.

**XI. ADJOURN:**

With no further items for discussion the meeting adjourned without a motion. The meeting adjourned at 1:56 pm. The next meeting will be April 13, 2020, from noon to 2 pm in the Judicial Council Room.