

APPROVED

MINUTES
Utah Judicial Council
Committee on Court Forms
Administrative Office of the Courts

WebEx Video Conferencing
April 13, 2020
12 - 2 pm

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:
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 March 13 meeting. No revision was made to the minutes. Comm. Minas moved to approve the full minutes. Stewart Ralphs seconded the motion. The motion unanimously passed.

II. COVID UPDATE:

Mr. Dryer asked for an update on services provided to the public and any impact the soft closure of court services is having due to the Coronavirus Pandemic.

Clayson Quigley reported that website traffic for OCAP is down quite a bit but patrons are still able to access the forms. Mr. Quigley noted that a decrease started to occur around March 14 to roughly 20%. Mr. Quigley does not have any real hard data to share at this time and notes that his team is monitoring the courts website on a regular basis. The call volume for the Self-Help Center are also lower than usual but appear to be steady. Mr. Quigley noted that he has seen a slight surge in searches for divorce and custody forms and that may be contributed to the county and governor's stay at home orders.

Judge Taylor asked if there is a way for clerks to be able to put in a signing queue that would notify a judge an order is ready to be signed. Judge Taylor noted that many forms are not e-filed and people are still going to the counter to file an order with the clerks. Mr. Quigley stated that there is a possibility that process can be set up and will schedule a time to talk to Judge Taylor about this.

Brent Johnson is a member of the court's Pandemic Response Team. Mr. Johnson reports administration is having as many court personnel work outside of the courthouse as possible, while maintaining only essential people in courthouses as necessary. The vast majority of hearings are through electronic conferencing such as WebEx or Zoom. Mr. Johnson noted that there are notices within the courthouse and on the courts website for the public.

Nathanael Player report that all Self-Help Center staff is working. Mr. Player notes that calls coming in remain steady and staff has not reported any difficulties in accessing the information needed or impediments to their ability to assist the caller. Mr. Player states that protective orders can be filed by email and signatures can be electronically signed. Mr. Player acknowledges many OCAP forms do not work on tablets or phones and some callers do not have access to a laptop or computer. Mr. Player is looking at an idea of training staff members to assist those callers by typing the caller's response directly on the form and submitting the forms electronically.

Mr. Dryer thanked Mr. Player and his team for the good work they do to keep patron services going through the closure. Mr. Dryer proposes writing an op-ed outing the work for the Self-Help Center to provide more exposure and recognition of their work. Mr. Dryer also noted that the Utah Supreme Court has proposed an order that is out for public comment that would allow upcoming law school graduates to practice law in the state without taking the Utah State Bar. Mr. Dryer supports the proposal, as this would allow more attorneys to assist patrons in the state who could otherwise not afford to do so. The graduates would still need to obtain their license by gaining 360 hours of work under supervision of a licensed attorney. Mr. Dryer suggests that some of those graduates would be able and willing to assist in the Self-Help Center. Mr. Player noted that the lawyers in the Self-Help Center do not practice law and are only able to provide assistance with forms and answer questions regarding court processes. Self-Help Center lawyers are not able to provide legal advice.

III. PETITION TO MODIFY PARENT-TIME :

- Petition and stipulation to modify parent-time:

The committee discussed and made recommendations for language and style changes throughout the form. The committee discussed paragraphs 12, 18, and 19. As the language in paragraph 12 best fits the section on child custody, the committee recommended taking the language from paragraph 12 and placing it in paragraph 19, and removing paragraph 12 in its entirety. The committee noted that instructions on the website provide clear guidance on where to go for forms and how to make changes to the forms. The committee recommended the removal of citation to Utah Code 30-3-10.4.

Judge Lindsley noted that paragraph 22 states that the remainder of the order should remain unchanged so custody and child support should not be an issue. The committee discussed paragraph 22 and determined to change the language to “I am not asking to modify child support or child custody.”

Mr. Ralphs noted that paragraphs 14 and 15 addresses the possibility that more than 150 miles may be requested from a parent filing transportation costs. Paragraph 17 addresses travel costs and recommends that those three sections be combined into one. The committee included language from paragraph 14 and 15 into paragraph 17, and removed paragraphs 14 and 15. The committee also recommended including citation of Utah Code 30-3-37(12) into paragraph 17. The committee changed the title of paragraph 17 to “Travel and transportation costs.” Following further discussions, the committee moved items from paragraph 13 and 16 also into paragraph 17. Once the edits are completed, Jessica Van Buren will renumber the items in this form.

With no further modifications, Mr. Ralphs moved to approve the Petition as amended. Mary Westby seconded the motion. The committee unanimously voted to approve the motion.

- Findings of fact and conclusions of law on petition to modify :
- Order on petition to modify:
The committee reviewed and made minor modifications to the Order. The committee recommended use of many of the same language from the Petition to be included in the Order. Once the edits are completed, Jessica Van Buren will renumber the items in this form.

With no further discussions or modifications, Mr. Ralphs moved to approve the Findings and Order as amended. Mary Westby seconded the motion. The committee unanimously voted to approve the motion.

IV. MINOR NAME CHANGE PETITION AND ORDER:

Mr. Player noted that the Petition and Order to for minor name change has come to the committee for review due to a question specifically asking for the names of the child’s mother and father. The child in question was troubled because they did not have a father and did not feel they had anyone they could identify with. The Petition and Order haven been changed to be more neutral for any parent(s) identified.

The committee discussed and made minor changes to the form. The parenthetical in paragraph 3 was removed and the language changed to “My relationship is parent or other.” Mr. Ralphs noted that paragraph 6 is used to when either parent says they are not the parent. To give consent or notice to the other parties, Mr. Ralphs recommends that paragraph 6 says: “Other child’s parents are...” Mr. Ralphs also recommends removing natural or adoptive parent. Mr. Johnson cautioned that the statute may be changed as no one is entitled to receive notice on these forms. The committee recommended that paragraph 6 include providing notice to any party and included “The following people may be entitled to notice.” Judge Lindsley noted that kids in Juvenile Justice System (JJS) custody do not have a Guardian ad litem as JJS or the Division of Child and Family Services (DCFS) is their guardian.

Following further discussions, and with no further modifications, Mr. Ralphs moved to approve the Petition and Order as amended. Mr. Player seconded the motion. The committee unanimously voted to approve the motion.

*On April 28, 2020, the committee was asked to review and vote on proposed changes to the Petition to Expunge Juvenile Court Records, as well as the draft of new form Petition to Expunge Juvenile Court Records (Nonjudicial Adjustments). The forms coincide with HB 397 that goes into effect May 1, 2020. The committee voted via SurveyMonkey with the majority voting in favor to adopt the proposed changes to the Petition to Expunge Juvenile Court Records and adopt new form Petition to Expunge Juvenile Court Records (Nonjudicial Adjustments).

V. PREFERRED PRONOUNS:

In speaking with the courts domestic violence program coordinator, Amy Hernandez, Mr. Player was informed that many victims are not able to identify themselves on the forms by the pronouns on the forms. The Stylistics Committee discussed that this could possibly be more generalized on the form. This may allow someone to feel that the court is a safe place for them to get help. The proposal is to make available a form a patron could use to notify the court about their preferred pronouns. Many judges simply addresses a person either as Mr. or Ms. Mr. Galli states that a concern he has seen is that this sets up the court to inadvertently cause more problems for the patron. Mr. Galli believes that more sensitivity training may be needed within the courts to address use of preferred pronouns. Judge Taylor noted in criminal cases a person could file a notice to the court to indicate how they would like to be addressed in the courtroom. Mr. Ralphs notes that his office and staff are trained to ask from the first meeting how the person would like to be addressed in his office and in the courtroom. Mr. Ralphs states that the purpose of the form is for a person to note before hearing how they would like to be addressed and to avoid causing an unnecessary scene during the hearing. Mr. Ralphs has heard from many of their fears of how they will be perceived in the courtroom.

The committee discussed suggestions and recommendations on language that could be used on the form. The committee discussed the difference between having someone verbally state their request at the hearing, as opposed to having a prepared form to show the judge at the hearing. Ms. Van Buren notes that the difference between bringing in the form or simply verbally saying the comfort level and safety they feel in identifying how they want to be addressed in the courtroom. Mr. Ralphs suggests calling the form “Request of Preferred Pronoun” that gets filed by the party. This places the burden on the party to bring the form to court each time as a courtesy to the court. Mr. Johnson noted a disclaimer can be included on the form to inform the filer and the courts that this is a courtesy copy to the court and would not be a binding document.

Following further discussions, Mr. Dryer recommends tabling the discussion to another meeting and inviting Ms. Hernandez to discuss the concerns with the committee. Mr. Dryer also recommends that in the meantime, the Stylistics Committee meet to make language suggestions and draft a form for the committee to review.

With no further discussions, Mr. Player moved to accept Mr. Dryer's recommendation to have the Stylistics Committee meet to discuss language on the form. Mr. Quigley seconded the motion. The majority of the committee voted to approve the motion. Mr. Galli abstained the motion.

The form will be reviewed and discussed at a future meeting.

VI. EXPUNGEMENT (DISMISSAL AND ACQUITTAL): bill goes into May 1

- Petition to expunge records (dismissal or acquittal) – statute is in regards to plea in abeyance, confusing statute
- Order on petition to expunge records (dismissal or acquittal)

Ms. Van Buren states that the bill regarding expungement passed legislation and goes into effect May 1. There was no significant changes to the bill and mainly addresses plea in abeyance. The form does not change much and any changes do not make substantive difference to the outcome of the Petition or the Order. Guy Galli recommends citation Utah Code 77-40-107 to the form.

With no further discussions or modifications, Judge Taylor moved to approve the forms. Mr. Player seconded the motion. The committee unanimously voted to approve the motion.

VII. CIVIL STALKING INJUNCTION:

HB 403 passed during the 2020 legislative session goes into effective July 1, 2020 and affects many protective order forms, including civil stalking injunction. OCAP is also impacted. Discussion is held over to the May meeting. The changes are easy to make but does require a committee vote to approve the changes. In the interest of time of today's meeting, Mr. Johnson suggests the committee approve the changes now, review the bill, and form again at the next meeting. As the bill will change the format of the form and how OCAP will fit into the structure of the form. Ms. Van Buren suggests holding the discussion over to another meeting.

- **Request for civil stalking injunction**
- **Ex parte civil stalking injunction**
- **Civil stalking injunction**

VIII. ADJOURN:

With no further items for discussion, the meeting adjourned without a motion. The meeting adjourned at 2:05 pm. The next meeting will be May 11, 2020, from noon to 2 pm in the Judicial Council Room or via WebEx video conferencing.