

APPROVED

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

WebEx Video Conferencing
May 11, 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 AND APPROVAL OF MINUTES:

Mr. Dryer welcomed the committee members to the meeting. The Committee considered the minutes from the April 11 meeting. No revision was made to the minutes. Judge Taylor moved to approve the full minutes. Ms. Alleman seconded the motion. The motion unanimously passed.

II. UPDATE ON THE REAPPOINTMENT TO NEW TERMS OF COMMITTEE MEMBERS:

The committee previously discussed staggering the terms of committee members. The Judicial Council has approved of reappointment of those terms for committee members. Judge James Taylor and Mary Westby will continue to serve for two more years, Randy Dryer and Guy Galli to serve three more years, and Judge Elizabeth Lindsley and Stewart Ralphs to serve four more years.

III. COVID UPDATE:

OCAP recently rolled out new parentage interview utilizing forms from the committee. They have also modified divorce interviews due to the success with the parentage interviews. The forms have not changed, only the layout of the interviews. The OCAP has turned their attention to items from this year's changes from the legislative session, mainly protective orders, and items ready to be released tomorrow, pending decisions made from today's meeting.

Kim Allard's contract terminated April 30 and she is no longer part of the OCAP team. Waine Riches has terminated his contract and will be leaving the end of June. The OCAP team is currently looking for a new developer. OCAP changes may be delayed while the team works through the process of hiring a new developer.

Mr. Quigley notes that there is no longer an OCAP policy board but there is a working group that includes representation from the law library. The group is currently discussing the need to revamp their own version of the policy board internally. The board was created before the Forms Committee, however, the committee drives the work of OCAP. Mr. Quigley will be providing the Forms Committee regular updates from the OCAP group and using the forms to model their process. OCAP is not looking to reconstitute the policy board.

IV. ORDER TO SHOW CAUSE (HB 196, EFFECTIVE MAY 12) :

- Motion and declaration for order to show cause:
- Order to show cause :
- Order to show cause – 5th district:
- Order on order to show cause:
- Request for contempt hearing:

The proposed order to show cause forms have been modified to reflect legislative changes to related to HB 196. The current form has not been approved for use by the Judicial Council. Once

the forms are approved by the Judicial Council they can be used by LPPs. HB196 allows a person to receive assistance from an attorney. The assistance comes with a 40% collection charge for attorney fees on child support or alimony debt.

The committee discussed changes made to title of other order to show cause forms and whether those forms should be changed to match the current form. The committee determined that was not needed at this time. The committee recommended adding “fee” in between contingency and arrangement in paragraph 13. The committee discussed additional minor language and structural modification to all forms within this suite for consistency within the forms.

With no further discussions, Mr. Ralphs moved to adopt all forms within this suite as discussed and modified. Mr. Player seconded the motion. The committee unanimously voted to approve the motion.

V. EVICTION (HB 462, EFFECTIVE MAY 12):

- 3 day notice to pay or vacate:
HB 462 changed three **calendar** days to three **business** days. The committee unanimously voted to approve the motion.
- Order of restitution :
HB 462 authorizes landlords to request more money from tenants within 6 months of the date restitution has been ordered. The form is updated to reflect that language, and changes calendar days to business days.

With no further discussions, Mr. Player moved to adopt all forms within this suite as discussed and modified. Commissioner Minas seconded the motion. The committee unanimously voted to approve the motion.

VI. SUPPLEMENTAL PROCEEDINGS (HB 319, EFFECTIVE MAY 1):

- Motion for finding of contempt/bench warrant:
- Bench warrant :

When a person owes money and did not participate in supplemental proceedings bail money would go towards paying down the debt. HB 319 removes that option.

The committee reviewed and recommended updating the form to reflect the current language of the bill. With no further discussions, Mr. Player moved to adopt all forms within this suite as discussed and modified. Kara Mann seconded the motion. The committee unanimously voted to approve the motion.

VII. CIVIL STALKING INJUNCTION (HB 403, EFFECTIVE JULY 1):

- Request for civil stalking injunction:

- Ex parte civil stalking injunction :
- Civil stalking injunction:

Mr. Player noted that the Family Law Forms subcommittee is in the process of revamping all the civil stalking injunction forms. What is before the committee now are “band aid” changes to comply with changes made by HB 403. The changes to these forms are effective on July 1.

With no further discussions, Mr. Player moved to adopt all forms within this suite as discussed and modified. Mr. Ralphs seconded the motion. The committee unanimously voted to approve the motion.

VIII. CHILD PROTECTIVE ORDER (HB 403, EFFECTIVE JULY 1):

- Verified petition for child protective order
- Ex parte child protective order
- Child protective order

The proposed forms reflect minor changes to the child protective order forms due to changes in HB 403. The committee discussed and made additional minor language changes to the forms.

With no further discussions, Judge Lindsley moved to adopt all forms within this suite as discussed and modified. Mr. Ralphs seconded the motion. The committee unanimously voted to approve the motion.

IX. DATING VIOLENCE PROTECTIVE ORDER (HB 403, EFFECTIVE JULY 1):

- Request for dating violence protective order
- Temporary dating violence protective order
- Dating violence protective order

Mr. Player noted that HB 403 did not require too many substantive changes to the dating violence protective order forms..

With no further discussions, Mr. Player moved to adopt all forms within this suite as discussed and modified. Mr. Ralphs seconded the motion. The committee unanimously voted to approve the motion.

X. SEXUAL VIOLENCE PROTECTIVE ORDER (HB 403, EFFECTIVE JULY 1):

- Sexual violence protective order

- Request to extend sexual violence protective order
- Order extending sexual violence protective order

The proposed forms reflect “band aid” modifications to the sexual violence protective order forms.

With no further discussions, Mr. Ralphs moved to adopt all forms within this suite as discussed and modified. Mr. Player seconded the motion. The committee unanimously voted to approve the motion.

XI. COHABITANT ABUSE PROTECTIVE ORDER (HB 403, EFFECTIVE JULY 1):

- Petition for protective order:
- Temporary protective order:
- Protective order:
- Request for hearing on protective order:
- Order denying temporary protective order
- Order extending temporary protective order
- Order dismissing request for protective order
- Order to wireless provider
- Service assistance form

No committee member seconded the motion. No action was taken as the committee ran out of time. It will be carried over to a future meeting.

XII. 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 June 8, 2020, from noon to 2 pm via WebEx video conferencing.