

APPROVED

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

WebEx Video Conferencing
June 8, 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 May 11 meeting. No revision was made to the minutes. Judge Taylor moved to approve the full minutes. Judge Lindsley seconded the motion. The motion unanimously passed.

II. OCAP UPDATE:

Mr. Quigley reported that OCAP is moving forward with priority legislative changes. They are working to get the Order to Show Cause forms up and running, as well as finalizing updates to the divorce interview. The changes are on track for a July 1 completion date and are looking to have everything done before Wayne Riches last day.

III. COHABITANT ABUSE (HB 403, EFFECTIVE JULY 1):

The committee was unable to start review of the completely revised cohabitant abuse protective order forms during the last meeting. The Stylistics Committee presents the following “band aid” changes to the existing forms to ensure they comply with the statutory changes which go into effect on July 1. The committee will consider the complete revision of the cohabitant protective order forms at a later meeting.

Request for protective order:

The committee discussed and made several recommendations for language change throughout the form to mirror statutory changes of HB 403.

Following further discussions, Mr. Player moved to approve the request for protective order form as amended. Ms. Mann seconded the motion. The motion unanimously passed.

Temporary protective order:

The order mostly incorporate statutory changes previously discussed in the request for protective order. The committee updated the statutory citation and clarified language from HB 403.

With no further discussions, Mr. Player moved to approve the form as amended. Judge Lindsley seconded the motion. The motion unanimously passed.

Order extending temporary protective order:

The order clarifies the relationship to the petitioner and corrects any previous errors on the form. No additional changes were made to the form.

With no further discussions, Judge Lindsley moved to approve the form as amended. Mr. Player seconded the motion. The motion unanimously passed.

Protective Order:

The order has been revised to include language that is consistent with statutory changes. The committee discussed and made additional recommendations for minor language changes in the order.

With no further discussions, Mr. Player moved to approve the order as amended. Mr. Ralphs seconded the motion. The motion unanimously passed.

Modified temporary protective order:

The committee reviewed and discussed the form. The committee recommended similar modifications as in the protective order form.

With no further discussions, Mr. Player moved to approve the order as amended. Mr. Quigley seconded the motion. The motion unanimously passed.

Modified protective order:

The committee reviewed and discussed the form. The committee recommended similar modifications as in the temporary protective order form.

With no further discussions, Mr. Player moved to approve the order as amended. Mr. Ralphs seconded the motion. The motion unanimously passed.

IV. CRIMINAL PROTECTIVE ORDERS :

HB 403 legislation added a requirement that the court produce forms for criminal protective orders and criminal stalking injunctions.

Pretrial protective order:

This form is used before the adjudication of a case.

Following further discussions, the committee recommended that a group convene to review the form for additional modification and review by general counsel.

Sentencing protective order:

The committee reviewed and discussed the form. The committee recommended minor language changes. The committee also recommended adding a signature line for the defendant, after the notification to the defendant.

With no further discussion, Mr. Player moved to approve the form with the recommended modifications. Judge Taylor seconded the motion. The motion unanimously passed.

Continuous protective order:

The committee reviewed and discussed the form. The committee recommended the same modifications as in the sentencing protective order form.

With no further discussion, Mr. Player moved to approve the form amended. Mr. Ralphs seconded the motion. The motion unanimously passed.

V. PERMANENT CRIMINAL STALKING INJUNCTION:

HB 403 requires creation of a permanent criminal stalking injunction form that will codify section 78B-7-902. The Stylistics Committee has reviewed the form to ensure that the form accurately reflects all mandatory statutes from the bill. The form will need to be reviewed by general counsel prior to final vote by committee members.

Following further discussions, Mr. Player moved to approve the form subject to review and approval by Mr. Johnson. Mr. Ralphs seconded the motion. The motion passed. Mr. Player will circulate the form to committee members for vote via email once approved by Mr. Johnson.

VI. SUBPOENAS:

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

VII. JUVENILE COURT DECLARATION OF FINANCIAL STATUS:

The Forms Committee has previously approved these forms. The Board of Juvenile judges approved a 2-page version of the form. The committee previously decided to have the form translated into Spanish, but this means the form would be much longer than 2 pages.

After some discussion, the committee decided to have two versions of the form. One in English exclusively, the other in English and Spanish, with the Spanish translation immediately following the English.

Following further discussion and minor language changes, Judge Lindsley moved to approve the forms, having one version in English and a second version in English and Spanish. Ms. Mann seconded the motion. The motion passes.

VIII. PETITION TO MODIFY DIVORCE DECREE:

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

IX. ADJOURN:

With no further items for discussion, the meeting adjourned without a motion. The meeting adjourned at 1:55 pm. The next meeting will be July 13, 2020, from noon to 2 pm via WebEx video conferencing.