

APPROVED

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

Webex video conferencing
July 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 AND APPROVAL OF MINUTES:

Mr. Dryer welcomed the committee members to the meeting. The Committee considered the minutes from the June 8 meeting. No revision was made to the minutes. Nathanael Player moved to approve the full minutes. Amber Alleman seconded the motion. The motion unanimously passed.

II. OCAP UPDATE:

Waine Riches has agreed to continue his work with the OCAP group until the end of the year. Clayson Quigley will work with Mr. Riches on goals for completion of specific forms in OCAP for this year.

OCAP has been primarily focused on incorporating forms approved by the Judicial Council and this committee into their program. The majority of work was focused on incorporating the forms approved for use by Licensed Paralegal Practitioners.

III. SUBPOENA:

The committee discussed these forms at the December 2019 meeting and voted to ask the Judicial Council about the policy question. The Management Committee decided that all supporting documents should continue to be served with the subpoena. These forms have previously existed. The work by the stylistics committee focused mainly on reviewing language. The focus of today is a basic review of existing forms.

- Subpoena:

The committee reviewed and did not have any changes or recommendations for modification of the form.

With no further discussion, Judge Taylor moved to approve the form. Judge Lindsley seconded the motion. The committee unanimously approved the motion.

- Notice to persons served with a subpoena:

The committee noted that changes are an improvement of the form and are acceptable as currently modified.

With no further discussion, Judge Taylor moved to approve the form as discussed. Judge Lindsley seconded the motion. The committee unanimously approved the motion.

- Objection to subpoena:

The committee discussed and made minor modifications to the form. The committee corrected the rule reference. The committee also provided additional lines in paragraph #2 to allow for additional explanation.

With no further discussion or modifications, Mary Westby moved to approve the form as modified. Judge Taylor seconded the motion. The committee unanimously approved the motion.

- Declaration of compliance with subpoena:

The committee discussed the need for judges to have information regarding how cost is calculated when copies of subpoenas are requested, and what is considered to be reasonable costs. The

committee made modifications to paragraph #4 to allow for additional explanation of the costs. The committee also recommended modifications to paragraph #1 to clarify the connection of the person to the record. Paragraph #1 now reads, "I am the recipient to the subpoena. I have knowledge of the facts in this declaration."

With no further discussion, Judge Taylor moved to approve the form as modified. Stewart Ralphs seconded the motion. The committee unanimously approved the motion.

- Application for subpoena under the Utah Uniform Interstate Depositions and Discovery Act: The committee noted that the situation will typically occur when a party is represented.

With no further discussion, Judge Taylor moved to approve the form as presented. Mr. Ralphs seconded the motion. The committee unanimously approved the motion.

- Notice of deposition and request for subpoena in case pending out of state: The committee discussed and noted the form is straightforward with no need for additional modifications.

With no further discussion, Judge Taylor moved to approve the form as presented. Mr. Ralphs seconded the motion. The committee unanimously approved the motion.

IV. MOTION FOR TEMPORARY ORDER – WITH CHILDREN:

OCAP has asked us to consider changing "minor child" to "child," in order to include unborn and adult disabled children. The committee discussed proposed changes in the form.

- Motion for temporary order – with children: The Family Law Form subcommittee has reviewed and approved the proposed changes to the form.

The committee discussed and recommended adding the word "only" in the sub header to paragraph #1. The parenthetical note will read, "... only including unborn minor ..." The committee discussed and determined there is not a need to clarify language regarding appropriate discussions during parent-time. A party may file a motion to request additional time to discuss other needs or concerns with the other party about designated part-time, such as additional visitation, schooling, doctor visit, etc.

Following further discussion, Mr. Ralphs moved to approve the form as discussed and modified. Judge Taylor seconded the motion. The committee unanimously approved the motion.

- Order on motion for temporary order – with children: The committee reviewed and discussed the order. The committee made minor language changes to the form.

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

V. ADULT NAME CHANGE:

- Petition for name change
- Department of Corrections certification regarding Sex and Kidnap Offender and Child Abuse Offender Registries – Adult
- Order on petition for name change
- Notice of hearing on petition for name change

The committee did not have any problems with the forms as presented and did not have further recommendations for amendments.

With no further discussion, Judge Taylor moved to approve all the forms collectively as a group. Ms. Westby seconded the motion. The committee unanimously approved the motion.

VI. ADJOURN:

With no further items for discussion, the meeting adjourned without a motion. The meeting adjourned at 1 pm. The next meeting will be August 10, 2020, from noon to 2 pm via Webex video conferencing.