

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

Webex video conferencing
August 10, 2020
12 - 2 pm

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

Randy Dryer, <i>Chair</i>		•
Amber Alleman	•	
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:

Nathanael Player welcomed the committee members to the meeting. The Committee considered the minutes from the July 13 meeting. No revision was made to the minutes. Judge Taylor moved to approve the full minutes. Stewart Ralphs seconded the motion. The motion unanimously passed.

II. CHOOSING DATE OF OCTOBER MEETING:

The October 2020 meeting will be held on October 19. This is due to the Columbus Day holiday and court closure on October 12.

III. PROPOSAL TO START MEETING EVERY OTHER MONTH INSTEAD OF MONTHLY:

The committee discussed and considered moving to an every other month schedule for future meetings.

Since the committee's creation over three years ago, the charge to review and update approved court forms has been comprehensive and steadfast. Though several forms for the LPP program still need review and robust discussion from committee members, the committee should take pride for their work and swift efforts over the past year in reviewing and approving forms for use by Licensed Paralegal Practitioners. The committee strives to move the work forward but no longer needs to meet on a monthly basis.

Judge Taylor noted that he is proud of the work the committee has accomplished and commends the committee for their commitment to the charge of the committee as directed by the Judicial Council. Judge Taylor moves for the committee to meet bi-monthly, beginning with the October 2020 meeting, with reservation to allow for additional meetings to be scheduled as needed. The committee will need to meet more often immediately after the legislative session, for example, to work on form changes required by new legislation.

With no further discussion, Judge Taylor reiterated his motion to move the committee to meet every other month, beginning October 2020. Amber Alleman seconded the motion. The motion was unanimously passed.

The next meeting will be October 19, 2020.

IV. OCAP UPDATE:

Mr. Quigley had hoped to provide a list of approved OCAP forms for discussion at today's meeting, however, the list is not yet ready. He hopes to have the list ready by the October meeting. Mr. Quigley did not have new information to update at this time. Mr. Quigley noted that he has been considering a change in the approach to how his team has been managing the work and will be meeting with his staff to re-evaluate their processes, while maintaining the courts commitment to provide access to court services during the pandemic.

V. PETITION TO MODIFY DIVORCE DECREE:

- Petition and Stipulation to modify divorce decree
- Findings of fact and conclusions of law on petition to modify divorce decree
- Order on petition to modify divorce decree:

The committee reviewed and considered the petition to modify divorce decree series of forms. The petition allows for a request to have alimony modified. The committee discussed that the court does not have the ability to modify a current order of alimony, without a new petition.

Following further discussion and recommendations for language changes, Judge Taylor moved to approve the petition as modified. Mr. Stewart seconded the motion. The motion was unanimously approved.

The committee discussed and considered the findings of fact and conclusion of law on the petition to modify divorce decree. Judge Taylor expressed concerns that the substantive nature of the form requires making a conclusion without having the necessary facts, primarily in regards a request for alimony modification. The committee recommended language and structural changes to the form, but determined that further review is needed by the Family Law Forms Subcommittee as to the facts that are needed to support the findings in the petition. The committee also determined that the order would function more properly when the petition and findings are correctly set-up to address the concerns of alimony modifications.

Following further discussion, Mary Westby moved to withdraw the previous motion to approve the petition, have the Family Law Forms Subcommittee review the series of forms in this set, and table these forms to the October meeting for further review and discussion. Judge Taylor seconded the motion. The motion was unanimously approved.

VI. JUDICIAL RECOGNITION OF A RELATIONSHIP AS A MARRIAGE:

- Petition on stipulation to recognize a relationship as a marriage
- Findings of fact and conclusions of law on petition to recognize a relationship as a marriage
- Order on petition to recognize a relationship as a marriage

These are modified versions of the forms that currently exist on the website.

The committee noted the same concerns with these forms as those previously addressed earlier in the meeting. The forms contain conclusions in the findings without adequate factual information. The committee discussed, at length, varying areas of the forms that require additional information for a judge to make factual conclusions before making a final order. The committee recommended language and stylistic changes throughout each form to allow for a petitioner to provide additional factual information. The committee further determined that the forms are sufficient as currently written for cases that are defaulted or uncontested. If contested, the case would go to trial and the issue would be resolved before a court. Jessica Van Buren will send completed edits of the forms to the committee for review prior to the October meeting.

Following further discussion, Judge Taylor moved to continue review and discussion of these forms at the October meeting to allow committee members time to review the revised version of the forms. Judge Taylor will discuss the forms with Judge Powell, who brought the concerns to the committee's attention, for additional feedback. Mr. Ralphs seconded the motion. The motion unanimously passed.

VII. REGISTERING ORS SUPPORT ORDER:

- Petition to register Office of Recovery Services (ORS) support order:
- Order on petition to register Office of Recovery Services (ORS) support order:

The committee reviewed and considered the petition and order to register ORS support orders. These forms are new. The committee did not express concerns with either form and determined they are appropriate for use by pro se litigants, LPPs and attorneys. The committee recommended the addition of a signature block at the end of the form.

With no further discussions, Judge Taylor moved to approve the forms as discussed and modified. Stewart Ralphs seconded the motion. The motion was unanimously approved.

VIII. MISCELLANEOUS PROTECTIVE ORDER FORMS:

New forms:

- Motion to extend cohabitant protective order form
- Order extending cohabitant protective order
- Order denying motion to extend cohabitant protective order

- Motion to extend dating violence protective order
- Order extending dating violence protective order
- Order denying motion to extend dating violence protective order

Edits to existing forms:

- Motion to extend sexual violence protective order
- Order extending cohabitant protective order
- Order denying motion to extend cohabitant protective order

The Stylistics Committee made revisions to the existing motion to extend the dating violence protective order, order extending cohabitant protective order, and order denying motion to extend cohabitant protective order for compliance with new statutory requirements. The committee discussed whether automatic scheduling of hearings for these motions is necessary as they are not required as part of the statute. The committee recommended adding a line to schedule a hearing, even if one is not requested.

Due to time constraints, the committee was unable to complete discussion of these forms. The forms will be included on the October agenda for further review.

IX. ADJOURN:

With no further items for discussion, the meeting adjourned without a motion. The meeting adjourned at 2 pm. The next meeting will be October 19, 2020, from noon to 2 pm via Webex video conferencing.