

APPROVED

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

Webex video conferencing
December 14, 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	•	
Mary Westby	•	

Guest:
Judge Su Chon

Staff:
Brent Johnson
Minhvan Brimhall

I. WELCOME AND APPROVAL OF MINUTES:

Randy Dryer welcomed the committee members to the meeting. The Committee considered the minutes from the October 16 meeting. No revisions were made to the minutes. Judge Lindsley moved to approve the full minutes. Judge Taylor seconded the motion. The motion unanimously passed.

Mr. Dryer expressed appreciation to Judge Taylor for his service on the committee. Judge Taylor will retire on January 1, 2021. Judge Taylor expressed his appreciation for the opportunity to serve and thanked the committee members for their commitment to the work of ensuring court forms are accessible and available to all court patrons.

II. ANNUAL COMMITTEE REPORT TO JUDICIAL COUNCIL:

Mr. Dryer met with the Judicial Council on November 23. Mr. Dyer provided an annual report to the Council on the committee's activities for the past year. Mr. Dyer noted the Council and Chief Justice Durrant expressed appreciation for the committee's continued work and service.

III. OCAP UPDATE:

Clayson Quigley did not have any new items to report to the committee at this time. The OCAP group continues to work on improvements in their current projects and just need time to work through all the issues and programming needs.

IV. UPDATES:

Nathanael Player reported that the Rules of Civil Procedure Committee enacted rules to require bilingual options in some forms. The mandatory rules will become effective May 1, 2021. Mr. Player also noted that work is in progress to increase access to the forms.

As discussed from the last meeting, Mr. Player researched the statute and determined that the recognition of a relationship as a marriage form is not within the scope of practice for a licensed paralegal practitioner. The forms are accessible to self-represented litigants on the website and the Self-Help Center continues to be available to anyone who needs assistance.

V. MISCELLANEOUS PROTECTIVE ORDER FORMS:

Mr. Player noted these forms are part of a response to legislative changes from last year and that all protective orders have an expiration date.

New forms:

- Motion to extend cohabitant protective order form:
The form allows a party to ask for an extension of a cohabitant protective order. The committee discussed plain language used throughout the form and providing an opportunity for the petitioner to convey their reason for the extension. The committee discussed possible reasons why a judge would approve or deny the order based on the information provided by the petitioner. The committee made minor language changes to the form to provide for clarity and consistency with statutory requirements.

Following further discussions, Mr. Player moved to approved the form as amended. Commissioner Minas seconded the motion. With no opposition, the motion passed.

- Order extending cohabitant protective order:
From discussion at the last meeting, Guy Galli researched the usage and history of the form. Mr. Galli will continue to reach out to clerks in other districts throughout the state for input on how forms are being filed in the different districts. Mr. Galli notes that some districts are still wet signing, rather using a signature stamp when filing. The process of filing is not consistent throughout the state and perhaps there could be a way to change that.

The committee discussed different methods of modifying an existing protective order to avoid the need to create a new order. The process would need to be streamlined to allow all districts to act in the same manner. The committee discussed how these orders affect DPS processes and any orders that come through their agency. The committee discussed the potential for extra work that would fall on the responsibility of court clerks in these types of filings and any impact the orders would have on law enforcement officials. The committee discussed that there may be a need to have a conversation with the domestic violence program group on the impact these orders would have on domestic violence cases. The committee recognized that some judges may not be on board with their electronic signature stamp being used and this may need to be a training item for those judges.

Upon further discussion, Mr. Player moved to table these forms to another meeting and to bring the forms back to the Stylstic Committee for additional review. Mr. Player will meet with the domestic violence program coordinator, Amy Hernandez, about the impact of electronic signature stamp filings on domestic violence matters.

Mr. Galli moved to amend all previous passed motions in regards to these sets of form and to table them for another meeting. This will allow for further discussion and input with various groups. The committee will be able to have a more in-depth discussion on these forms based on input provided from those groups. Judge Chon seconded the motion. With no opposition, the motion passed.

All remaining forms in this set are held over for discussion at another meeting.

- 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

VI. ADULT GUARDIANSHIP:

The committee was asked to review these sets of forms.

- Petition to appoint a guardian for an adult:
The committee further discussed concerns of language vagueness. The committee expressed concern that the language use may not fall in line with the statute, and that pro se litigants may not fully understand the context of the form.

The committee recommended language amendments in paragraph 10 to make the form consistent with current practice. Paragraph 10 was modified to read as: “The respondent may not receive, possess, or transport any firearm or ammunition as a result of mental illness, incompetency, condition, disease, or having been adjudicated as a mental defect. The respondent . . .”

Following further discussion, the committee expressed concern that the changes will need to be revisited if approved as the statute and form do not mirror with each other. The committee recommended holding this form over for further discussion at the next meeting.

No motion was made on this form.

- List of people who must be served:
The committee noted the form adequately lists all parties to be served. The committee made minor language changes for consistency throughout the form. “Check all that apply.”, “[] Respondent spouse should not be sued because they are deceased.”, and “[] Respondent spouse is living in this state, and their answer is . . .” was added to each section.

No further changes were made to this form. Mr. Player moved to approve the form as amended. Mary Westby seconded the motion. With no opposition, the motion passed.

- Notice of hearing (respondent):
This form informs the respondent of the consequences when guardianship is granted to them. The form was amended for plain language and is cleaner from previous forms.

No further changes were made to this form. Judge Taylor moved to approve the form. Judge Chon seconded the motion. With no opposition, the motion passed.

- Notice of hearing (interested persons):
No change was made to this form. Mr. Player moved to approve the form. Judge Chon seconded the motion. With no opposition, the motion passed.
- Findings of fact and conclusions of law:
Due to the lack of time, this item will be discussed at a future meeting.
- Order appointing guardian for an adult:
Due to the lack of time, this item will be discussed at a future meeting.
- Acceptance of appointment:
Due to the lack of time, this item will be discussed at a future meeting.
- Letter of limited guardianship:
Due to the lack of time, this item will be discussed at a future meeting.
- Letter of full guardianship:
Due to the lack of time, this item will be discussed at a future meeting.
- Private information record:
Due to the lack of time, this item will be discussed at a future meeting.

VII. DEBT COLLECTION COMPLAINT:

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

VIII. REPLY TO REQUEST FOR ADMISSIONS:

The Resources for Self-Represented Parties Committee asked for a review of the reply to request for admissions form to see if any improvement is needed. The form allows for any party to request an answer and approval or denial of discovery items submitted in a case.

The committee discussed whether the form currently serves its purpose under the Rules of Civil Procedure rule 36 and decided changes are not needed to the format of the form. The committee recommended additional language to clarify that items not answered will be admitted. The committee added, "I understand that requests for admission which are not answered are admitted" on page 1 of the form, and additional lines were added to allow for further explanation or comment.

With no further discussions, Mr. Player moved to approve the form as amended. Judge Taylor seconded the motion. With no opposition, the motion passed.

IX. SAFEGUARDED INFORMATION (MINOR CORRECTION):

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

X. ADJOURN:

With no further items for discussion, the meeting adjourned without a motion. The meeting adjourned at 2:04 pm. The next meeting will be February 8, 2021, from noon to 2 pm via Webex video conferencing.