

APPROVED

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

Webex video conferencing  
February 8, 2021  
12 - 2 pm

**MEMBERS:                      PRESENT                      EXCUSED**

|                           |   |  |
|---------------------------|---|--|
| Randy Dryer, <i>Chair</i> | • |  |
| Amber Alleman             | • |  |
| Judge Randy Birch         | • |  |
| Judge Su Chon             | • |  |
| Guy Galli                 | • |  |
| Judge Elizabeth Lindsley  | • |  |
| Kara Mann                 | • |  |
| Comm. Russell Minas       | • |  |
| Nathanael Player          | • |  |
| Clayson Quigley           | • |  |
| Stewart Ralphs            | • |  |
| Mary Westby               | • |  |

Guest:  
None

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 December 14, 2020 meeting. No revisions were made to the minutes. Stewart Ralphs moved to approve the full minutes. Mary Westby seconded the motion. The motion unanimously passed.

**II. ELECTRONIC VOTING FOR APPROVAL OF STRAIGHTFORWARD FORMS:**

As the committee previously voted to hold meetings every other month, Mr. Dryer asked if the committee should to return to monthly meetings in order to discuss forms that require a vote in between the bi-monthly meetings. Mr. Dryer expressed concerns that a backlog of forms that need to be approved will occur due to the lack of meetings. The committee discussed the most recent request for vote via electronic communication sent by Nathanael Player. The committee expressed opinions and views that the form was adequately shared by committee members through the electronic communication and the members appreciated being able to see those discussions in written format. Mr. Player recommends, when forms are decided by the Stylistics Committee to be suitable for electronic vote, the forms be attached to a Google folder for the committee to review and discussion can occur via comments through the Google share folder. Any objections to or disputes about the forms will be discussed at the following monthly meeting. Mr. Player will create a written procedure of this process for the committee's discussion and vote at April's meeting.

With no further discussion, Mr. Ralphs moved to approve electronic voting of certain forms approved by the Stylistics Committee via discussion through a shared Google folder and email communication. Any objections or dispute of the forms will result in discussion at the following monthly meeting. Ms. Westby seconded the motion. With no opposition, the motion passed.

**III. OCAP UPDATE:**

Clayson Quigley noted some questions had come up about LPP forms through the OCAP system. Mr. Clayson met with the LPPs to clarify the process with them. The current OCAP forms are in PDF format for use by LPPs and are not intended for electronic filing. If the PDF is signed, the electronic filing system will require the PDF to be converted and then filed as an rtf file. Mr. Clayson and his team are looking for a solution as a workaround on this issue. Mr. Clayson will provide an update to the committee at a future meeting.

**IV. COVID DECLARATION DISCUSSION:**

The COVID eviction declaration form was recently approved by the Judicial Council but needed minor amendments for compliance with recent legislative changes. The eviction moratorium has been extended to September 30 and a new paragraph 7 will be added to the declaration on the court's website.

Upon further discussion, Judge Lindsley moved to approve the form as discussed. Ms. Westby seconded the motion. With no opposition, the motion passed.

**V. UPDATING FORMS DUE TO CHANGES TO URCP 8 AND 101, EFFECTIVE MAY 1:**

Utah Rules of Civil Procedure rules 8 and 101 have been approved as amended and will go into effect May 1, 2021. The rules require that a warning be placed on pleadings notifying petitioners that a decision may be made against them if they do not appear at a scheduled hearing, and allows a written response at least 14 days prior to the hearing. Rule 8 requires this warning on dispositive motion forms, and rule 101 requires the warning on all other forms. These changes apply to all motions heard by a commissioner. Mr. Player asked the committee members if they are comfortable with the language as approved in the rule. The changes to rule 8 also require a

bilingual summons to be included on the forms. Judge Lindsley noted the language is not required on juvenile court forms. The committee discussed placement of the warning within the forms but did not have any objection to the language of the warning itself. Mr. Player will work through each of the forms to determine the best placement of the warning.

With no further discussion, it is the intent of the committee to bring each of the required forms into compliance with the updated rule requirements. Mr. Ralphs moved to approve the forms as discussed. Commissioner Minas seconded the motion. With no opposition, the motion passed.

#### **VI. MOTION TO ENFORCE ORDER (PURSUANT TO NEW URCP 7A AND 7B):**

- **Ex-parte verified motion to enforce domestic order**
- **Order to attend hearing (will be used for all three motions)**
- **Order on motion to enforce domestic order**

Rule changes have been made to the order to show cause process and how hearings are scheduled when a motion for order to show cause is filed. The rule also clarifies service of the motion under rule 4. The amended rule changes have gone out for public comment and been approved by the Supreme Court. The committee was asked to amend the forms to simplify the process. The forms have been amended to reflect changes in URCP 7A and 7B. The committee asked for additional time to review the amended rule and the amended forms.

Following further discussion, Mr. Player moved to table the discussion on these forms to the next meeting. Judge Chon seconded the motion. With no opposition, the motion passed.

- **Ex-parte verified motion to enforce domestic order(not domestic)**
- **Order on motion to enforce order (not domestic)**  
This item was tabled for discussion at a future meeting.
- **Ex-parte verified motion to enforce writ of garnishment**
- **Order on motion to enforce writ of garnishment**  
This item was tabled for discussion at a future meeting.

#### **VII. ICWA MOTION TO INTERVENE FOR JUVENILE COURT:**

- **ICWA motion to intervene**
- **ICWA order granting motion to intervene**
- **ICWA tribal contact information form**

The ICWA tribal contact information form began in discussion with the juvenile court rules committee. The issue that brought the form to the committee's attention was a case that involved a motion and order based on the Indian Child Welfare Act and rights of tribal representation. The chair of the committee, David Fureigh, asked the forms committee to consider revisions to the form for compliance with ICWA. The proposed changes are only for juvenile court forms and are not yet set up for district court use. If the district court wants to use the same form, the heading would only need to be changed. The committee had no concerns with the proposed changes to the form and noted the changes make the form simpler and easier to use.

Mr. Dryer asked if the committee felt a similar form should be created for use in the district court. The committee did not feel it was necessary to have at this time due to cases involving ICWA rarely occur in district court.

Following additional discussion, Judge Lindsley moved to approve amended changes to all three ICWA forms. Judge Chon seconded the motion. The motion unanimously passed.

#### **VIII. ADULT GUARDIANSHIP:**

The committee was asked to review these sets of forms.

- Petition to appoint a guardian for an adult: discussed at December 14 meeting
- List of people who must be served: discussed at December 14 meeting
- Notice of hearing (respondent): discussed at December 14 meeting
- Notice of hearing (interested persons): discussed at December 14 meeting
  
- Findings of fact and conclusions of law:  
The petition has already been approved. The findings of facts form mirrors language in the petition. The committee noted that attorney lines do not appear on the front of the form. Mr. Player researched and found that none of the findings forms have attorney lines. Mr. Player confirmed with the prior court law librarian that this is the correct process for these forms. Mr. Player also noted that the term “minor” as used in this form is to allow a parent or legal guardian to obtain guardianship of the minor at the age of 17 ½, within six months of the minor turning 18 years old, as provided in Utah Code 75-5-317. A physician report indicating the minor will be incapacitated as an adult at age 18 is still required. The report may be submitted to the court after a court visitor has been appointed. The committee recommended a language change to paragraph 9 from “Appointment of a guardian” to “Medical report” in the petition. The same changes were made to the findings form.

Following further discussion, Judge Chon moved to approve the amended language as discussed. Mr. Player seconded the motion. With no opposition, the motion passed.

As changes were made to the previously approved petition form, Mr. Player moved to approve the petition as amended. Kara Mann seconded the motion. With no opposition, the motion passed.

- Order appointing guardian for an adult:  
The order is for when the guardian has been granted guardianship of the adult. The committee did not have any concerns with the order.

With no further discussion, Mr. Player moved to approve the order as presented. Kara Mann seconded the motion. With no opposition, the motion passed.

- Acceptance of appointment:  
The acceptance of appointment is signed by the petitioner when accepting responsibility for guardianship of the adult. The committee recommended an additional paragraph stating the responsible party will file all accounting and reporting requirements to the court. Paragraph 5 was added as “I will file with the court all required reports, including accounting reports, as required by law and follow all court orders.” The committee did not have additional concerns with the order.

With no further discussion, Mr. Player moved to approve the acceptance of appointment as presented. Kara Mann seconded the motion. With no opposition, the motion passed.

- Letter of limited guardianship:  
The letter of limited guardianship is signed by the court clerk and identifies who has been granted legal guardianship of the adult. There is a separate letter for limited guardianship and one for full guardianship. The committee discussed whether a certificate of service is needed at that end of the form. The form is a certificate, not an order, which does not require a certificate of service. Mr. Galli will research to see if a certificate of service is needed. Mr. Galli will provide an update if one is needed.

With no further discussion, Ms. Westby moved to approve the letter of limited guardianship as amended. Ms. Mann seconded the motion. With no opposition, the motion passed.

- Letter of full guardianship:  
The letter of full guardianship is a mirror of the letter of limited guardianship. The committee did not express any concerns with this form.

With no further discussion, Ms. Westby moved to approve the letter of full guardianship as amended. Judge Chon seconded the motion. With no opposition, the motion passed.

- Private information record:  
The private information record is required after the court has appointed a guardian to ensure information is updated with the court. The committee changed the form from three pages to two pages, and maintained the summary page as a separate page that does not need to be filed.

With no further discussion, Mr. Player moved to approve the letter of full guardianship as amended. Ms. Mann seconded the motion. With no opposition, the motion passed.

## **IX. DEBT COLLECTION COMPLAINT:**

This is an LPP approved form. The form has been updated by the Stylistics Committee. The form may be filed in a different county by any party and would be heard by that jurisdiction. The committee discussed the need for a tier designation to be placed within the complaint as cover sheets are generally no longer filed with these forms. The committee discussed case law that allows for debt collection complaints to be heard in a county different from where the person resides. The committee recommended amending paragraph 1 to include “venue” with jurisdiction as clarification for complaints to be heard in another location. Paragraph 1 was recommended to be amended as “Jurisdiction and Venue.” The committee also recommends removing “I am a resident of this county” from paragraph 1. The committee is still unclear as to the full extent in which case laws allow complaints to be heard in another jurisdiction. The committee discussed that additional research for examples of debt collection complaints is needed for further discussion. Judge Chon will research examples to bring to the committee for discussion at the next meeting.

Following additional discussion, Judge Birch moved to table this item for discussion at another meeting. Ms. Westby seconded the motion. No vote was taken.

Following the motion, Mr. Player noted the form has been brought to the committee and has been previously tabled for discussion. Mr. Dryer would like to have feedback from those in practice who use the form to see if they feel the form is clearly defined. Judge Birch noted that prior to taking the bench he would use the form and found it to be acceptable, but the revised form raises the question that there may be confusion on the location of where the complaint may be heard.

Following further discussion, the committee confirmed adding “venue” in the header for paragraph 1, removal of “I am a resident of this county” from paragraph 1, and added “The contract is to be performed in this county.” No provision was made to other paragraphs in the form.

Due to the lack of time, the committee was unable to complete discussion on proposed amendments to the form, and no final vote was taken on the motion made by Judge Birch. As the form is used by LPPs and other litigants, additional discussion is needed and will be tabled to the next meeting. Mr. Dryer asked the committee to email Mr. Player with additional input for consideration at the next meeting.

**X. SAFEGUARDED INFORMATION (MINOR REVISIONS):**

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

**XI. ACCEPTED OF SERVICE (MINIRO REVISIONS):**

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

**XII. NOTICE OF DISCLOSURE REQUIREMENTS (MINOR REVISIONS):**

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

**XIII. DECLARATION IN SUPPORT OF LEGAL FEES:**

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

**XIV. STATEMENT OF DISCOVERY ISSUES:**

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

**XV. STATEMENT IN SUPORT OF GUILTY PLEA:**

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

**XVI. ADJOURN:**

The meeting adjourned without a motion. The meeting adjourned at 2:05 pm. The next meeting will be April 12, 2021, from noon to 2 pm via Webex video conferencing.