

APPROVED

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

Webex video conferencing  
April 12, 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	•	
Kaden Taylor	•	
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 February 8, 2021 meeting. No revisions were made to the minutes. Guy Galli

moved to approve the full minutes. Stewart Ralphs seconded the motion. The motion unanimously passed.

**II. OCAP UPDATE:**

No update was provided at this meeting.

**III. REVISIONS TO FORMS COMMITTEE PROCEDURES (to allow for electronic voting):**

Nathanael Player will begin sharing documents for the committee's review and discussion via an electronic shared Google drive. Committee members will also be able to provide comments on comments through the shared drive.

With no further discussions, Mr. Ralphs moved to approve the Forms Committee's procedure to review documents through shared electronic means. Judge Lindsley seconded the motion. With no opposition, the motion passed.

**IV. MOTIONS TO ENFORCE ORDER (pursuant to new URCP 7A and URCP 7B):**

The motions to enforce orders have been modified for compliance with rules 7A and 7B of the Utah Rules of Civil Procedures that go into effect May 1, 2021. The orders ask the court to enforce all previous ex parte and other orders in domestic cases. The orders are consistent across all family law cases.

Ex parte verified motion to enforce domestic order:

The form is used when a party is requesting a domestic order to be enforced. The committee discussed and made minor language and formatting changes to the form. The changes bring the forms in line with new rule requirements.

With no further discussions, Mr. Ralphs moved to adopt the changes as discussed. Judge Lindsley seconded the motion. With no opposition, the motion passed.

Order to attend hearing:

The form is used to order all parties to attend the hearing. The committee discussed and made minor language and formatting changes to the form. The changes bring the forms in line with new rule requirements. The committee also added a line for "Other Party" and added "plaintiff" to petitioner and "respondent" to defendant.

With no further discussions, Mr. Ralphs moved to adopt the changes as discussed. Judge Chon seconded the motion. With no opposition, the motion passed.

Order on Motion to Enforce Domestic Order:

The form is used to enforce all previous domestic orders. The committee discussed and made minor language and formatting changes to the form. The changes bring the forms in line with new rule requirements.

With no further discussions, Mr. Ralphs moved to adopt the changes as discussed. Judge Lindsley seconded the motion. With no opposition, the motion passed.

Ex parte verified motion to enforce order (not domestic):

The form is used to request an order be enforced after a hearing. The committee discussed and made minor language and formatting changes to the form. The changes bring the forms in line with new rule requirements.

With no further discussions, Mr. Ralphs moved to adopt the changes as discussed. Mary Westby seconded the motion. With no opposition, the motion passed.

Order on motion to enforce order (not domestic):

This form is used after a hearing to enforce all orders. The committee discussed and made minor language and formatting changes to the form. The changes bring the forms in line with new rule requirements.

With no further discussions, Mr. Ralphs moved to adopt the changes as discussed. Ms. Westby seconded the motion. With no opposition, the motion passed.

Ex parte verified motion to enforce writ of garnishment:

The form is used to request enforcement when a person has not adequately responded to a writ of garnishment. The committee discussed and made language and formatting changes to the form. Under purpose of motion, the committee recommended a change to “order or judgment.” Other changes bring the form into compliance with rule 7A and 7B of the Rules of Civil Procedure 7A.

With no further discussions, Mr. Ralphs moved to adopt the changes as discussed. Ms. Westby seconded the motion. With no opposition, the motion passed.

Order on motion to enforce writ of garnishment:

The form is used to order enforcement when person has not adequately responded to a writ of garnishment. The committee discussed and made similar language and formatting changes as was done to the motion form. The changes bring the form into compliance with rule 7A of the Rules of Civil Procedure.

With no further discussions, Judge Chon moved to adopt the changes as discussed. Mr. Ralphs seconded the motion. With no opposition, the motion passed.

**V. FORMS ACKNOWLEDGING STATUS AS RESTRICTED PERSON (needed to help the courts comply with HB 101):**

Statement in support of guilty plea:

Acknowledgement of firearm restriction:

The forms are necessary to comply with House Bill 101. The form warns restricted persons about firearms restrictions. The acknowledgement of firearm restriction form could be a standalone form if the court does not want to use other forms, and gives the option to be used for pleas or otherwise. The forms will be available in English and also in an English/Spanish format. The committee discussed and made minor language and formatting changes to the form.

With no further discussions, Mr. Ralphs moved to adopt the changes as discussed. Judge Lindsley seconded the motion. With no opposition, the motion passed.

**VI. PETITION FOR AUTHORIZATION TO MARRY (updates required under HB 406):**

House Bill 406 added requirements in the application and petition to marry for anyone under age 18. The application needs to be approved and sent over to the county clerk's office prior to marriage. The updated language in the form complies with the statute. The committee discussed and made minor language changes to the form.

With no further discussions, Judge Lindsley moved to adopt the changes as discussed. Mr. Ralphs seconded the motion. With no opposition, the motion passed.

**VII. PRTOECTIVE ORDER UPDATES (required under HB 255):**

Ex parte child protective order:

The order addresses ex parte communications in child protective orders. The committee discussed and made language and formatting changes to the form. The changes bring the forms in line with new statutory requirements of HB 255. Mr. Player will work with Judge Lindsley on consistency on all child protective order.

With no further discussions, Judge Lindsley moved to adopt the changes as discussed. Mr. Ralphs seconded the motion. With no opposition, the motion passed.

Cohabitant protective order:

The committee discussed and made minor language and formatting changes to the form. The changes bring the forms in line with new statutory requirements of HB 255. The civil provisions in cohabitant protective orders are now good for 150 days.

With no further discussions, Mr. Ralphs moved to adopt the changes as discussed. Mary Westby seconded the motion. With no opposition, the motion passed.

**VIII. DIVORCE/CUSTODY FORMS AND OCAP PROVISIONS (updates required under HB 113 and SB 122):**

House Bill 113 and House Bill 122 have statutory changes that implicate divorce/custody forms and OCAP provisions. The OCAP provisions update the time frame for parent-time. The changes to the form include new language from the statutes. The committee discussed and made other minor language and formatting changes.

With no further discussions, Mr. Ralphs moved to adopt the changes as discussed and modified. Judge Chon seconded the motion. With no opposition, the motion passed.

Motion for temporary order:

The change to the temporary order allows for a 50/50 parent-time schedule, and includes language for costs of pregnancy. The committee discussed and made other minor language and formatting changes. The changes bring the forms in line with new statutory requirements. The judgment will become part of the final order on the case. The committee discussed and made other minor language and formatting changes.

With no further discussions, Mr. Ralphs moved to adopt the changes as discussed. Ms. Westby seconded the motion. With no opposition, the motion passed.

Parenting plan:

The parenting plan has new options for divorced parents as part of Utah Code § 30-3-35.2. No other changes were added to the form. The committee discussed and made no other recommendations for changes.

With no further discussions, Judge Lindsley moved to adopt as discussed. Mr. Ralphs seconded the motion. With no opposition, the motion passed.

**IX. GUARDIANSHIP OF A MINOR FORMS IN OCAP (updates required under HB 358):**

The forms are updated due to statutory changes under House Bill 358.

Petition:

The petition includes three new options: acknowledgement of understanding of legal effect of guardianship and consent, acknowledgement of termination of parental rights, and parent is unwilling or unable to exercise parental rights. The committee discussed and made no other recommendations for changes.

With no further discussions, Mr. Ralphs moved to adopt as discussed. Ms. Westby seconded the motion. With no opposition, the motion passed.

Findings of facts and conclusions of law:

Makes the findings for each parent. The committee discussed and made no other recommendations for changes.

With no further discussions, Ms. Westby moved to adopt as discussed. Mr. Ralphs seconded the motion. With no opposition, the motion passed.

Parental consent:

The parent understands and agrees to the legal effect of appointment of guardian. The committee discussed and made no other recommendations for changes.

With no further discussions, Mr. Ralphs moved to adopt as discussed. Ms. Westby seconded the motion. With no opposition, the motion passed.

**X. ADJOURN:**

The meeting adjourned without a motion. The meeting adjourned at 2:05 pm. The May meeting is no longer needed and will be canceled. The next meeting will be June 14, 2021, from noon to 2 pm via Webex video conferencing.

The committee expressed appreciation for the service and commitment Brent Johnson has provided since the conception of the committee. The committee wishes Mr. Johnson well in his retirement.