APPROVED

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

Webex video conferencing
June 14, 2021
12 - 2 pm

MEMBERS:	PRESENT	EXCUSED
Randy Dryer, *Chair*	•	
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:
Amy Hernandez

Staff:
Minhvan Brimhall

I. WELCOME AND APPROVAL OF MINUTES:

Randy Dryer welcomed the committee members to the meeting. The Committee considered the minutes from the April 12, 2021 meeting. No revisions were made to the minutes. Stewart Ralphs

moved to approve the full minutes. Commissioner Minas seconded the motion. The motion unanimously passed.

II. PLANNING FOR A CONVERSATION AROUND THE FUTURE OF THE FORMS COMMITTEE:

The committee has met for the past four years with the task to review and create forms for use by court patrons. The committee has gone from meeting monthly to meeting every other month, with an additional month added to discuss legislative reviews. Mr. Dryer would like to schedule a short meeting prior to the committee's August meeting to discuss the role and future work of the committee, and whether the committee should begin to hold in-person meetings. Judge Lindsley noted that the courts are facing backlogs of cases right now and it is easier to hold virtual meetings until case loads are able to settle down.

Amber Alleman noted that many LPP's are saying the forms on the court's website are not current and difficult to understand. Nathanael Player informed the committee that Scottie Hill is the contact person at the Bar and any concerns with LPP forms can be addressed with Ms. Hill.

The committee will meet on July 19 to discuss the future of the committee.

III. NOTICE OF PRONOUNS:

The committee has previously discussed use of pronouns in the forms. The family law forms subcommittee proposed including pronouns in protective orders and drafted a version for review. The committee felt additional work and further discussion was needed on those forms. Amy Hernandez stated that those from the LGBTQ+ community do not feel the courts are addressing them properly and have expressed concerns for their safety when improper pronouns are being used. Ms. Hernandez recommends the addition of "Mx" to identify a person who wishes to consider themselves as they/them. Ms. Hernandez also suggests changing "other" to "additional pronoun" to allow for a patron to write in how they wish to be addressed.

The committee discussed and made language changes based on Ms. Hernandez's recommendations. Following further discussions, Mr. Ralphs moved to approve the form as amended. Mr. Player seconded the motion. The motion passed with no opposition.

IV. OCAP UPDATE:

The court has received funding form the state to move the OCAP forms into MyCase. The LPP's have asked that they not be required to use the OCAP forms but the current rules require they use court approved forms. The LPPs has asked for the approved forms to be post online, however, the committee needs permission from the Judicial Council before doing so. For now it is recommended LPP's use the current forms on OCAP until the move over into MyCase is completed. There is no current timeline of when OCAP forms will be moved over into MyCase. Once completed the court and Bar will provide training on how to access the forms through MyCase. Mr. Player noted that he can post OCAP provisions to the court's website for use by the Bar and LPPs.

Following further discussions, Mr. Player moved to approve the posting of OCAP provisions to the court's website. Mr. Ralphs seconded the motion. The motion passed.

V. PETITION FOR RELIEF UNDER THE POST-CONVICTION REMEDIES ACT:

The committee has previously reviewed the petition for relief form. The forms are backlogged due to the changes from this recent legislative session. A warning box has been added to the form to form petitioner that failure to respond to the form may result in a judgment entry made against them as requested. The committee discussed that the warning is not necessary because the state or municipality in PCRA cases will always have representation in these matters.

With no further discussion, Kara Mann moved to remove the warning box as recommended. Mr. Player seconded the motion. The motion unanimously passes.

VI. POSTING OCAP PROVISIONS TO BE AVAILABLE ON THE COURTS' WEBSITE FOR LPP:

This item was discussed in section IV.

VII. PETITION FOR SEX CHANGE FORMS:

The Supreme Court has approved a rule that allows for a petitioner to petition for a sex change.

- Petition for Sex Change:
  The committee discussed and made minor language amendments to the form. The committee recommended changing the language in item #1 to ". . . .which is at least one year before filing this petition." The committee also discussed whether there is a policy issue the committee would recommend the petition to allow for additional options beyond what is already on the petition.

  Following further discussions, Mr. Player moved to approve the form as drafted. Mr. Ralphs seconded the motion. The motion unanimously passes.

- Notice of Hearing on Petition for Sex Change:
  The Supreme Court approved the form as drafted. There is no change that needs to be made.

  With no further discussions, Judge Chon moved to approve the form as drafted. Mr. Player seconded the motion. The motion unanimously passes.

- Order on Petition for Sex Change:
  The Supreme Court approved the form as drafted. There is no change that needs to be made.

  With no further discussions, Judge Chon moved to approve the form as drafted. Mr. Player seconded the motion. The motion unanimously passes.

The committee reviewed the probate check boxes on the cover sheet. The committee made minor, non-substantive changes to the box. The cover sheet is not ready for the committee to take final

action at this time. Mr. Dryer recommended making the highlighted changes and circulate the forms via email for the committee to review. The committee did not have objections to Mr. Player circulating the forms as discussed.

VIII. DEBT COLLECTION COMPLAINT:

The form has been reviewed by the committee in previous meetings. Judge Birch reviewed the complaint and met with other creditor attorneys who have found the form to be satisfactory for use. The committee discussed that the tier information can be removed from the form as most cases are unlikely to exceed $50,000.

With no further discussions, Mr. Player moved to table the form for discussion at a future meeting. Judge Birch seconded the motion. The motion passed with no objections.

CORRECTION: The committee approved the form as amended and discussed during the June 2021 meeting.

IX. DECLARATION IN SUPPORT OF LEGAL FEES:

The declaration is a new form that allows a LPP to obtain legal fees. A LPP would require an attorney to file a motion under rule 73 for those fees. A generic motion is fine to use under those purposes. The committee discussed and made minor changes to the form. The title of the form was changed to "Declaration in Support of Motion for Legal Fees" and the billing rate for legal secretary was removed from item #5.

With no further discussions, Mr. Ralphs moved to approve the form as discussed. Mr. Player seconded the motion. The motion passed with no objections.

X. MOTION FOR LEAVE TO AMEND:

The form was discussed at the last meeting. If the order is more than 21 days, the rule 15 of the Civil Rules requires that the petitioner provide for four factors under the amendments to the rule. Those factors are timeliness, justification, prejudice, and futility. The form does not have a place for those items to be included and is needed on family law cases. The form is not ready for the committee's vote. The Stylistics will review the form and send out for the committee to vote electronically or have ready for discussion at the next meeting.

With no further discussions, Mr. Player moved to table the form for discussion at a future meeting. Ms. Mann seconded the motion. The motion passed with no objections.

XI. GENDER NEUTRAL CHILD SUPPORT WORKSHEETS:

This item will be discussed at a future meeting.

XII. ACCEPTANCE OF SERVICE FORM:

A request was made to allow a person to knowledge acceptance of service via e-mail. This is an extensive project for the OCAP programmers to do at this time. For now a filer can cross out a date and hand write in the new date. The forms need to be approved fairly soon and may be sent to the committee members to review and vote electronically.

No action taken on the form at this time.

XIII. AFFIDAVIT FOR FILING AN OUT-OF-STATE PROTECTIVE ORDER:

The affidavit for filing an out-of –state protective order has been approved for review. The amendments bring the forms into compliance with federal laws. Amy Hernandez is working with Jon Puente to have certain race be recognized on the orders.

With no further discussion, Mr. Ralphs moved to approve the form as drafted. Mr. Player seconded the motion. The motion unanimously passed.

XIV. DELCARATION OF UNMARRIED FATHER:

This item will be discussed at a future meeting.

XV. OCAP CHILD SUPPORT LANGUAGE CHANGES:

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 May meeting is no longer needed and will be canceled. The next meeting will be August 9, 2021, from noon to 2 pm via Webex video conferencing.