

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

Webex video conferencing
October 18, 2021
12 - 2 pm

<u>MEMBERS PRESENT</u>	<u>MEMBERS EXCUSED</u>	<u>GUESTS</u>	<u>STAFF</u>
Amber Allemann Judge Su Chon Randy Dryer, Chair Guy Galli Scotti Hill Judge Elizabeth Lindsley Kara Mann Comm. Russell Minas Nathanael Player Stewart Ralphs Keri Sargent Kaden Taylor Mary Westby	Judge Randy Birch	None	Minhvan Brimhall – recording secretary

I. WELCOME AND APPROVAL OF MINUTES:

Randy Dryer welcomed the committee members to the meeting. The Committee considered the minutes from the August 9, 2021 meeting. No revisions were made to the minutes. Mary Westby moved to approve the full minutes. Stewart Ralphs seconded the motion. The motion unanimously passed.

II. Updates on topics from July meeting:

Judge Birch and Commissioner Minas' terms will expire November, 2021. They have expressed an interest in serving a second term. A request has been made to the Management Committee to reappoint Judge Birch and Commissioner Minas for another term.

The committee recommends another district court judge from a rural district to serve on the committee. The Board of District Court Judges has been contacted and will recommend appointment of a judge to serve on the committee.

Mr. Dryer has been in communication with the AOC IT director, Heidi Anderson, regarding a website redesign that will focus on aspects of OCAP and MyCase. Mr. Dryer has invited Ms. Anderson to attend the December to discuss the options available and provide an update on the plan.

Scotti Hill, LPP administrator, and Keri Sargent, associate district court administrator, were welcomed as new members of the committee. Clayson Quigley's position has changed with the AOC and is no longer a member.

III. Rules update CJA 3-117 and posting RTFs online:

- CJA 3-117 update – minor language was amended to clarify the purpose of the rule. Following discussion, Stewart Ralphs moved to approve and Commissioner Minas seconded a motion to approve. The motion passed.
- RTFs online – Nathanael Player noted that RTFs are accessible for all forms posted online as Word documents by saving the document as an RTF.

IV. Gender Neutral Child Support Worksheets: Joint Physical Custody, Sole Physical Custody, Split Custody, and Child in Parent Home

The Family Law subcommittee met with the Bar to discuss and make minor changes to the worksheets to make them gender inclusive. The Office of Recovery Services was contacted and supports the changes by the subcommittee. The worksheet will be available in OCAP and is accessible online. The committee recommends inclusion of the statute, an instruction link, and a worksheet calculator is added to the form. The same changes were made to the instruction pages.

Following further discussion and recommendations for minor language changes, Mr. Stewart moved to approve all of the worksheets as amended. Ms. Mann seconded the motion. With no opposition, the motion passed.

V. Declaration of Unmarried Father:

The form was presented to the committee a year ago but was not approved at that time. The Family Law subcommittee and Stylistic committee reviewed and made further amendments to the form. A father has the option to file a declaration to protect his parental rights when his child(ren) are moving towards adoption.

The committee did not raise any concerns with the forms. The committee recommended minor language amendments from an affidavit to a declaration. With no further discussion, Mr. Ralphs moved to accept the form as amended. Ms. Mann seconded the motion. With no opposition, the motion passed.

VI. OCAP Child Support and Parent-time Language Changes:

The OCAP committee recommended new language to the child support form to clarify the term of a non-obligated parent. The committee reviewed the changes and made recommendations for additional amendments. Following discussion, Mr. Ralphs moved to approve the amendments as discussed. Ms. Mann seconded the motion. With no opposition, the motion passed.

A memorandum was sent to the committee by Mr. Player. Mr. Player recommends that the committee deviate from the exiting plan and allow the OCAP committee to modify the parenting form to be customizable in the parenting plan and unique parenting situations. The customization would be also applied to the parent's visitation plan. Following further discussion and no concerns being raised, Mr. Ralphs moved to approve the changes in the OCAP program. Mary Westby seconded the motion. With no opposition, the motion passed.

VII. Financial Declaration:

The committee reviewed minor revisions made to the financial declaration form. The Family Law subcommittee was given feedback and was asked to include additional information into the form. The committee recommended adding a credit report to the declaration. The committee noted that requesting a petitioner's credit report may require a rule change. The Family Law subcommittee may meet to discuss the need for a rule change.

Following further discussion, Mr. Ralphs moved to approve the form as discussed further discussion by the family law subcommittee. Commissioner Minas seconded the motion. With no opposition, the motion passed.

VIII. Request to Translate Consent to Email Service and Notification and update on translation policy:

Ms. Mann received a probation officer to have the consent form for email service and notification translated into Spanish. The translation will be in bilingual format. With no further discussion, Ms. Mann moved to approve the request. Judge Lindsley seconded the motion. With no opposition, the motion passed.

Ms. Mann is on the committee that determines which court forms are to be translated into other languages. A memorandum was sent out earlier this year with parameters of what needs be in the requests. Ms. Mann is working on the written policy and will present the policy at next meeting. The memo also lists which languages are requested the most often, Spanish being top on the list.

IX. Name and Sex Change Forms:

- Petition for Minor's Name Change – the committee made minor language amendments. Judge Chon moved to approve. Mr. Ralphs seconded. The motion passed.
- Order Changing Minor's Name – same amendments from petition made to form. Judge Chon moved to approve. Mr. Ralphs seconded. The motion passed.
- Petition for Name Change - the committee made minor language amendments. Judge Chon moved to approve. Mr. Ralphs seconded. The motion passed.
- Order on Petition for Name Change - same amendments from petition made to form. Judge Chon moved to approve. Mr. Ralphs seconded. The motion passed.
- Petition for Sex Change - no recommended changes was made to the petition. Judge Chon moved to approve. Mr. Ralphs seconded. The motion passed.

X. Review of Guardianship Reports form

The WINGS committee requested minor amendments to the form. The committee expressed concern is that court should review the guardianship request form prior to making ruling and may not have full understanding of the process. The amendment clarifies the process. The Stylistic committee has reviewed the amendments and accepts the changes.

With no further discussions, Mr. Ralphs moved to approve the form as amended. Commissioner Minas seconded the motion. With no opposition, the motion passed.

XI. Three Day Notice to Pay or Vacate form

The Third District court has received complaints from patrons that the existing form is confusing. Judge Petitit has reviewed the form and recommends amendments that clarify what is being asked from the petitioner and why the information is needed. The committee discussed and made additional amendments to the forms.

Mr. Ralphs moved to allow the Stylistics committee to review and make additional amendments as appropriate. Mr. Player seconded the motion. With no opposition, the motion passed.

XII. Expungement Forms

- Petition to Expunge Records (Charges Never Filed)
- Petition to Expunge Records (Conviction)
- Petition to Expunge Records (Dismissal or Acquittal)
- Petition to Expunge Records (Drug Possession Conviction)
- Petition to Expunge Records (Special Certificate from BCI)

Due to the lack of time, this item is table to next meeting.

XIII. Motion to Reduce Conviction

Due to the lack of time, this item is table to next meeting.

XIV. ADJOURN:

The meeting adjourned without a motion. The meeting adjourned at 2:05 pm. The next meeting will be December 13, 2021, from noon to 2 pm via Webex video conferencing.