

Agenda Committee on Court Forms

Administrative Office of the Courts / Scott M. Matheson Courthouse
450 South State Street

May 9, 2022 / 12:00 to 2:00 p.m.
Virtual Meeting

<https://utcourts.webex.com/utcourts/j.php?MTID=m15cbd01f19d4f764cae816aaac21cfff>

1. Welcome and approval of April meeting minutes	Randy Dryer
2. Welcome to Judge Bartholomew (juvenile court judge), Bret Hayman (attorney from Court of Appeals), David Head (representative from the Utah State Bar, and AJ Torres (LPP Administrator)	Randy Dryer
3. Review of electronic voting and other form business <ul style="list-style-type: none"> • Motion to Waive Fees - Inmate – approved • Modified Temporary Protective Order – approved • Modified Protective Order – approved • Justice Court Cover Sheet – approved • Order Denying Stalking Injunction – approved 	Kaden Taylor
4. Consent to Petition for Minor Name or Sex Change (minutes show that no action was taken on this form last time)	Kaden Taylor
5. Juvenile Court Consent to Email Service and Notification	Kaden Taylor
6. Forms re: Criminal Cases <ul style="list-style-type: none"> • Petition to Modify or Reduce Accounts Receivable • Order on Petition to Modify or Reduce Accounts Receivable • Motion to Reduce Conviction (the order would remain unchanged) 	Nathanael Player
7. Mobile Home Park Summons	Nathanael Player
8. Notice of Disclosure Requirements	Nathanael Player
9. Classifying a Record as Sealed <ul style="list-style-type: none"> • Motion to Classify Record as Sealed • Findings of Fact, Conclusions of Law and Order on Motion to Classify Record as Sealed 	Nathanael Player

To view forms status updates, use the following link:
<https://docs.google.com/spreadsheets/d/18-Y2P8-gx6dSngSohQ19nf4EJ3uYQ-KR0dh3abbGTEw/edit?usp=sharing>

Meeting Dates

May 9*

August 8

December 12

June 13

October 17^

* Additional meeting for legislative updates

^ Moved for Indigenous People's/Columbus Day

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

Webex video conferencing
April 11, 2022
12 - 2 pm

<u>MEMBERS PRESENT</u>	<u>MEMBERS EXCUSED</u>	<u>GUESTS</u>	<u>STAFF</u>
Amber Allemann Judge Marvin Bagley Judge Randy Birch Judge Su Chon Randy Dryer, Chair Guy Galli Scott Hill Judge Elizabeth Lindsley Kara Mann Comm. Russell Minas Nathanael Player Stewart Ralphs Keri Sargent Kaden Taylor Mary Westby		Jacob Smith	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 February 14, 2021 meeting. No revisions were made to the minutes. Nathanael Player moved to approve the full minutes. Mary Westby seconded the motion. The motion unanimously passed.

II. Farewell and expressions for gratitude for service of Mary Westby, Kara Mann, and Judge Lindsley.

The committee expressed gratitude for their service and dedication to Judge Lindsley, Ms. Westby and Ms. Mann. Judge Lindsley has been appointed to the Judicial Council, Ms. Westby's term has completed, and Ms. Mann is leaving the Utah courts. Brett Hayman will be replacing Ms. Westby on the committee.

III. Review of electronic voting and other form business:

- Translation of Notice of Safeguarded Information and Notice of Safeguarded information (Juvenile) into Spanish
- Memo asking for authority to allow OCAP to collect VIN numbers and add them to petition, Findings of Facts and Conclusions of Law, and Decree in divorce cases
- New LPP-approved forms approved by Judicial Council

The committee minutes will reflect that the committee approved these forms via electronic voting prior to this meeting. The forms will proceed forward to as active. No further action is needed.

The following forms on the agenda have a May 4, 2022 effective date. The forms are either amended or a new form. RGLPP 15-701 expands LPP practice areas to include name/gender change petitions and common law marriage.

IV. Minor name/sex change forms:

- Petition for Minor's Name Change and Sex Change:
 - The committee discussed and made minor language amendments to the form. Paragraph 9 was left blank to allow the petitioner to provide the information they want on the form. Language in paragraph 19 was removed to clarify those who are invited to participate in the proceedings. The LPP authority was added to the first page of the form. Following further discussion, Judge Lindsley moved to approve the form as amended. Judge Chon seconded the motion. The motion unanimously passed.
- Summons – In Utah (Minor's Name or Sex Change):
 - The committee discussed and made similar amendments to the summons to that of the petition. Following further discussion, Judge Bagley moved to approve the form as amended. Mr. Player seconded the motion. The motion unanimously passed.
- Summons – Outside Utah (Minor's Name or Sex Change):
 - The committee discussed and made similar amendments to the summons to that of the petition. Following further discussion, Judge Lindsley moved to approve the form as amended. Mr. Player seconded the motion. The motion unanimously passed.

- Consent to Petition for Minor's Name and Sex Change:
 - The consent for petition form is used by the parents in providing consent for the minor to petition for a name or sex change. Mr. Player noted that the Supreme Court did not give the committee authority to change the option to any other than binary. Mr. Stewart recommended the committee leave the form as it currently available on the website until further direction is received from the Supreme Court. No action was taken on this form.
- Notice of Hearing on Petition for Minor's Name and Sex Change:
 - The form provides notice to all parties when a hearing is scheduled on the petition. With no discussion or recommendations for amendments, Judge Chon moved to approve the form. Judge Bagley seconded the motion. The motion unanimously passed.
- Order Changing Minor's Name and Sex Change:
 - The form is used to grant the petitioner's petition for a minor's name or sex change. The language on the form has been revised to comply with current statutory changes. With no discussion, Mr. Player moved to approve the form as revised. Ms. Mann seconded the motion. The motion unanimously passed.
- Application for Appointment of Guardian ad Litem:
 - The committee discussed and determined that appointment of a Guardian ad litem is not allowed by law in matters regarding a minor's name change and sex change. Judge Chon moved to strike the form and remove any existing form from the website. Mr. Player seconded the motion. The motion unanimously passed.
- Order Appointing Guardian ad Litem:
 - The committee discussed and determined that appointment of a Guardian ad litem is not allowed by law in matters regarding a minor's name change and sex change. Judge Chon moved to strike the form and remove any existing form from the website. Mr. Player seconded the motion. The motion unanimously passed.
- Probate Cover Sheet :
 - The committee did not express concerns or made recommendations for changes to the form. Ms. Mann moved to approve the form as presented. Mr. Player seconded the motion. The motion unanimously passed.

V. Fee Waiver Forms - SB 87:

- Motion and Order to Waive Fees:
 - The legislature changed what the court can look at when a fee waiver request is filed. The form is adjusted yearly based on the federal poverty guidelines. The committee does not need to review the changes each year and authorized Mr. Player to make the guideline adjustment on the form on a yearly basis, as deemed appropriate. With no further discussion, Judge Bagley moved to approve the motion and order forms as presented and approve Mr. Player's authority to renew the federal poverty guideline on the form on a yearly basis. Mr. Player seconded the motion. The motion unanimously passed.
 - The committee recommended a fee waiver form for those are incarcerated. Mr. Player will create a form and send to committee members for review and voting via electronic voting.

- Motion and Order to Waive Fees – Juvenile Court:
 - Motion: The same discussions and recommendations were made to this form as the other form. With no further discussion, Judge Lindsley moved to approve the form. Mr. Player seconded the motion. The motion unanimously passed.
 - Order: the committee made a minor language correction to the form. With no further discussion, Judge Lindsley moved to approve the form. Judge Chon seconded the motion. The motion unanimously passed.

VI. Protective Orders:

- Request for Civil Stalking Injunction - SB 217:
 - SB 217 changes the options for where a person may apply for a stalking injunction. Following discussion and no recommended changes made to the form, Judge Lindlsey moved to approve the form as discussed. Mr. Ralphs seconded the motion. The motion unanimously passed.
- Cohabitant Protective Orders - HB 175:
 - HB 175 changes the cohabitation and dating violence requirements on a protective order. HB 175 prohibits the respondent from harming a pet that is in the possession of the petitioner. Following discussion and no recommended changes made to the form, Judge Lindlsey moved to approve the form as discussed. Mr. Player seconded the motion. The motion unanimously passed.
- Request for Protective Order
- Temporary Protective Order
- Protective Order
- Dating Violence Protective Order - HB 175
- Request for Dating Violence Protective Order
- Temporary Dating Violence Protective Order
- Dating Violence Protective Order
 - The committee discussed and did not have recommendations for amendments on the remaining protective orders in this packet. Judge Bagley moved to approve the forms and authorize Mr. Player to conform the language on the orders to the approved motions. Commissioner Minas seconded the motion. The motion unanimously passed.

VII. Changes to OCAP Provisions on Parent-time - SB 243:

The provision creates a table that delineates which parent has time during the holidays as outlined in SB 243. This is not a form, only a revision on the OCAP website. With no further discussion, Judge Lindsley moved to approve the change. Ms. Westby seconded the motion. The motion unanimously passed.

VIII. Financial Declaration for Restitution - HB 229:

The committee reviewed and recommended a signature line be added to the form to include third degree felonies. With no further discussion, Ms. Westby moved to approve the change. Ms. Mann seconded the motion. The motion unanimously passed.

IX. Cover Sheets - HB 392:

- Utah District Court Cover Sheet for All Civil Actions Except Probate Cases

- Utah Justice Court Cover Sheet
- Utah Juvenile Court Cover Sheet
 - HB 392 directs the court to not collect certain items on the petition for expungement. Mr. Taylor is given authority to add statutory changes to the cover sheet forms at any point the statute is amended. With no further discussion, Judge Lindsley moved to approve the form as presented. Mr. Player seconded the motion. The motion unanimously passed.

X. Expungement and Related Forms - SB 35:

- Motion to Remove Link Between Personal Identifying Information and Dismissed Criminal Case or Denied Request for Civil Protective Order or Civil Stalking Injunction
- Motion to Remove Link Between Personal Identifying Information and Dismissed Criminal Case or Denied Request for Civil Protective Order or Civil Stalking Injunction – Commissioner
 - The law was recodified to a different section of the statute and more changes are likely to come forth in July. The only difference in the two motions being reviewed is the warning language at the top of the motions. With no further discussion, Judge Lindsley moved to approve the forms. Mr. Player seconded the motion. The motion unanimously passed.
- Petition and Order to Expunge Records with Certificate of Eligibility:
 - The categories have been changed on all the petition and order forms and the OCAP provisions were removed. The form complies with the new statutes. With no further discussion, Judge Bagley moved to approve the forms. Mr. Player seconded the motion. The motion unanimously passed.
- Petition and Order to Expunge Records with Special Certificate:
 - The forms were changed to match the current forms and for compliance with SB 35. Following additional discussion and recommended language changes, Judge Bagley moved to approve the forms. Mr. Player seconded the motion. The motion unanimously passed.
- Petition and Order to Expunge Records (Cannabis Conviction):
 - The forms were updated to include statutory information. All other areas of the form remain the same. With no further discussion, Judge Bagley moved to approve the forms. Mr. Player seconded the motion. The motion unanimously passed.
- Petition and Order to Expunge Records (Traffic Conviction):
 - This is a new form. The committee recommended removing language regarding a person's conviction record and made amendments to the certificate of eligibility. With no further discussion, Judge Bagley moved to approve the forms. Mr. Player seconded the motion. The motion unanimously passed.

XI. Guardianship Forms:

- Petition to Appoint a Guardian for an Adult:
 - Amendments to the form clarify who is protected in the petition. When a petitioner asks for a guardian to be appointed, the form will ask who the petitioner would like to designate as the guardian. With no changes, Judge

Lindsley moved to approve the form. Mr. Player seconded the motion. The motion unanimously passed.

- Findings of Fact and Conclusions of Law on Petition to Appoint a Guardian
- Order Appointing Guardian for an Adult:
 - The citation of the statute has been updated on the Findings of Fact and the Order, and the forms include notification to a health care provider, if identified. With no changes, Judge Chon moved to approve the form. Judge Bagley seconded the motion. The motion unanimously passed.
- Motion to Review, Terminate, or Remove Guardian or Conservator:
 - This is a new form. HB 320 gave power for a person to ask for review of what the appointed guardian is doing. The form is a tool for a person to ask the court to have a guardian remove or have the actions of the guardian reviewed. The form asks for the basis of the request and what action the person wants the court to take. The Stylistic Committee has reviewed the form. With no changes, Judge Bagley moved to approve the form. Mr. Player seconded the motion. The motion unanimously passed.
- Findings of Fact, Conclusions of Law and Order on Motion to Review, Terminate, or Remove Guardian or Conservator:
 - There are no substantive changes to the form. The form is consistent with the motions. With no changes, Judge Lindsley moved to approve the form. Mr. Player seconded the motion. The motion unanimously passed.
- Notice of Right to Object to Motion to Review, Terminate, or Remove Guardian or Conservator:
 - There are no substantive changes to the form. The form is consistent with the motions and gives notice to all parties in the case. With no changes, Judge Lindsley moved to approve the form. Mr. Player seconded the motion. The motion unanimously passed.
- Motion to Change Accounting Report Requirements:
 - The form allows for changes to the reporting frequency and the information that is asked by the court. With no changes, Judge Lindsley moved to approve the form. Mr. Player seconded the motion. The motion unanimously passed.
- Findings of Fact, Conclusions of Law, and Order on Motion to Change Accounting Report Requirements:
 - There are no substantive changes to the form. The form is consistent with the motions. With no changes, Judge Lindsley moved to approve the form. Mr. Player seconded the motion. The motion unanimously passed.
- Notice of Right to Object to Motion to Change Accounting Report Requirements:
 - There are no substantive changes to the form. The form is consistent with the motions and gives notice to all parties in the case. With no changes, Judge Lindsley moved to approve the form. Mr. Player seconded the motion. The motion unanimously passed.
- Guardian's Financial Accounting to Conservator / Guardian's/Conservator's Financial Accounting to the Court:
 - The amendments changes "ward" to "protected person" throughout the form. The form identifies the minimum amount owed as outlined in statute. With no

changes, Judge Lindsley moved to approve the form. Mr. Player seconded the motion. The motion unanimously passed.

- Report on the Status of the Protected Person:
 - The amendment to the form is the same as the other forms discussed. The form clarifies the mental condition of a person as outlined in statutes. With no changes, Ms. Mann moved to approve the form. Mr. Player seconded the motion. The motion unanimously passed.

XII. Child Welfare Appeal Forms:

- Notice of Rights and Responsibilities When Appealing a Juvenile Court Order in a Child Welfare Case:
 - An amendment to SB 161 allows the appellate procedure to be more consistent with the appellate rule for juvenile cases. Juvenile court would have an appellate counsel assigned to the case and would proceed in the same manner as trial court appellate cases. The committee modified language in the form for consistency with appellate court language. “Final Decision” was changed to “Decision” for consistency with a 15-day appeal cycle. With no further discussion or modification, Judge Lindsley moved to approve the form as discussed. Mr. Player seconded the motion. The motion unanimously passed.
- Notice of Child Welfare Appeal:
 - The substance of the form is the same as the notice. A person who turns 18 years of age during the appeals process will still have their appeal case reviewed as a juvenile case. With no further discussion or modification, Judge Lindsley moved to approve the form as discussed. Mr. Player seconded the motion. The motion unanimously passed.

XIII. ADJOURN:

The meeting adjourned without a motion. Meeting ended at 2:12 pm. The next meeting will be May 9, 2022, from noon to 2 pm via Webex video conferencing.