

Agenda Committee on Court Forms

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

June 13, 2022 / 12:00 to 2:00 p.m.
Virtual Meeting

<https://utcourts.webex.com/utcourts/j.php?MTID=m15cbd01f19d4f764cae816aaac21cff>

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| 1. Welcome and approval of April meeting minutes | Randy Dryer |
| 2. Notice of Transfer – HB 196 | Nathanael Player |
| 3. Expunging Civil Protective Orders or Civil Stalking Injunctions – SB 85 <ul style="list-style-type: none"> • Petition to Expunge Civil Protective Order or Civil Stalking Injunction • Order on Petition to Expunge Civil Protective Order or Civil Stalking Injunction | Nathanael Player |
| 4. Expunging Eviction Records – HB 359 <ul style="list-style-type: none"> • Petition to Expunge Eviction • Objection to Petition to Expunge Eviction • Order on Petition to Expunge Eviction | Nathanael Player |
| 5. Petition for Relief Under the Post-Conviction Remedies Act – SB 210 | Nathanael Player |
| 6. Acknowledgment of Firearm Restriction | Nathanael Player |
| 7. Criminal Protective Orders <ul style="list-style-type: none"> • Request for Pretrial Protective Order • Pretrial Protective Order • Request for Sentencing Protective Order • Sentencing Protective Order • Request for Continuous Protective Order • Continuous Protective Order • Request for Criminal Stalking Injunction and Hearing • Criminal Stalking Injunction • Request for Juvenile Pretrial Protective Order • Pretrial Criminal Protective Order (Juvenile) • Request for Sentencing (Dispositional) Protective Order | |

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| <ul style="list-style-type: none"> • Sentencing (Dispositional) Protective Order (Juvenile) | |
| 8. Temporary Separation Provisions in OCAP | |
| 9. Indian Child Act (ICWA) forms <ul style="list-style-type: none"> • Indian Child Welfare Act – Motion to Intervene • Indian Child Welfare Act – Order Granting Motion to Intervene • Notice of Designated Tribal Representative in a Court Proceeding Involving an Indian Child | Nathanael Player |
| 9. Motion to Amend forms <ul style="list-style-type: none"> • Motion for Leave to Amend • Order on Motion for Leave to Amend | Nathanael Player |

To view forms status updates, use the following link:
<https://docs.google.com/spreadsheets/d/18-Y2P8-gx6dSngSohQ19nf4EJ3uYQ-KR0dh3abpGTEw/edit?usp=sharing>

Meeting Dates

August 8

October 17

December 12

* 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
May 9, 2022
12 - 2 pm

| <u>MEMBERS PRESENT</u> | <u>MEMBERS EXCUSED</u> | <u>GUESTS</u> | <u>STAFF</u> |
|----------------------------|----------------------------|---------------|---|
| Amber Allemann | Stewart Ralphs | | Minhvan Brimhall – recording secretary |
| Judge Marvin Bagley | | | |
| Judge Brent Bartholomew | | | |
| Judge Randy Birch | | | |
| Judge Su Chon | | | |
| Randy Dryer, Chair | | | |
| Guy Galli | | | |
| Bret Hayman | | | |
| David Head | | | |
| Comm. Russell Minas | | | |
| Nathanael Player | | | |
| Keri Sargent | | | |
| Kaden Taylor | | | |
| AJ Torres | | | |

I. WELCOME AND APPROVAL OF MINUTES:

Randy Dryer welcomed the committee members to the meeting. The Committee considered the minutes from the April 11, 2022 meeting. No revisions were made to the minutes. Nathanael Player moved to approve the full minutes. Judge Bagley seconded the motion. The motion unanimously passed.

II. Welcome to Judge Bartholomew, Bret Hayman, David Head, and AJ Torres.

The following names are being presented to the Management Committee and Judicial Council for appointment of membership to the committee. Appointment should be approved at the Judicial Council's May 23 meeting:

Judge Brent Bartholomew – Fourth District Juvenile Court (replacing Judge Lindsley)

Bret Hayman – Utah Court of Appeals (replacing Mary Westby)

David Head – Attorney, Representing Utah State Bar

AJ Torres – LPP Administrator, Utah State Bar (replacing Scotti Hill)

Keri Sargent – Asst. District Court Administrator, AOC

III. Review of electronic voting and other form business:

- 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

The above forms were distributed to committee members via email for review and electronic voting. The forms were all approved. No additional action is needed.

IV. Consent to Petition for Minor name or Sex Change:

The form allows a parent to consent to a petition for a name or sex change by a minor. The form was amended to confirm with the other minor consent forms. The committee discussed and could not determine if the forms can be filed by an LPP as LPP's are not able to argue the matter on behalf the minor in a hearing.

Following discussion, the committee recommended minor language amendments to the form and the Stylistics Committee to conduct a review of the amended language for consistency with the other consent forms. The committee also asked Mr. Torres to research if the form can be filed by an LPP.

With no further discussion, Judge Bagley moved to approve the form as currently presented, pending a review by the Stylistics Committee and Mr. Torres' research and report at a future meeting. Commissioner Minas seconded the motion. The motion unanimously passed.

V. Juvenile Court Consent to Email Service and Notification:

The consent form for juvenile court matters to be served via email and bi-lingual language of the notification was previous reviewed by the committee. The Stylistics Committee has reviewed

and approved the bilingual translation and formatting of the notifications. These forms are not approved to be filed by LPP's. The committee recommended minor language amendments.

With no further discussion, Mr. Galli moved to approve the form as amended. Commissioner Minas seconded the motion. The motion unanimously passed.

VI. Forms re: Criminal Cases:

- 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)

Petition to Modify or Reduce Accounts Receivable:

The petition is a new form that has recently been created due to a rule change from the last legislative session. The petition allows a defendant to ask the court to modify or reduce the accounts receivable or restitution amount from a prior judgment. Courts were receiving requests for reduction via a letter from the defendant. The form will streamline the process and ease the filing process for these requests. The committee did not have recommendations for changes to the form.

With no further discussion or recommendation for changes, Mr. Head moved to approve the form as presented. Commissioner Minas seconded the motion. The motion unanimously passed.

Order on Petition to Modify or Reduce Accounts Receivable:

The language and formatting on the Order mirrors that of the petition. The committee did not have recommendations for changes to the form.

With no further discussion or recommendation for changes, Judge Chon approved the form as presented. Commissioner Minas seconded the motion. The motion unanimously passed.

Motion to Reduce Conviction (the order would remain unchanged):

The language and formatting on the Motion to Reduce Conviction is similar to that of the petition, but also includes a paragraph asking the petitioner to indicate whether they are registered as a child sex offender. The committee discussed that additional information in this regard is not needed and opted to remove an option for the petitioner to provide additional information.

With no further discussion or recommendation for changes, Judge Bagley moved to approve the form as presented. Mr. Galli seconded the motion. The motion unanimously passed.

VII. Mobile Home Park Summons:

As currently written, the summons gives the judge discretion in making a determination for when an eviction should occur. The petitioner would indicate when action on the summons needs to occur, but the respondent is given 5-12 days to respond to the summons once served. The judge

ultimately determines the length of time when a response needs to be filed or when the eviction will occur. The Stylistics Committee has reviewed the language and formatting of the form, and the Judicial Council has approved the form.

The committee noted that the law is somewhat vague in regards to how much time a person has to file and respond to the summons. The law indicates between 5 and 21 days, however, the court ultimately makes the final determination. Mr. Player stated he can prepare a motion to quash form for a defendant to file in objection to the motion, and in the interim, speak with Michael Drechsel regarding the disparity in the statute. The committee recommended a form to request for an extension of time to allow the respondent to request for more time to file a response. The committee also recommended Mr. Player research as to whether a motion to extend time is a statutory option in this summons and if could, or should, be done under a civil rule.

Following additional discussion, Judge Bagley moved to bifurcate the summons into parts, draft a motion for extension of time form, have Mr. Player contact Mr. Drechsel for clarifying information on the statute, and table this item to a future meeting. Judge Bartholomew seconded the motion. The motion was not unanimous as one vote was raised in objection to the motion. With a majority vote, the motion will be carried out as presented.

VIII. Notice of Disclosure Requirements in Domestic Relations Cases:

As currently drafted the form only contemplates the beginning of the case involving domestic relations issues. The petitioner begins the process by filing the notice. The respondent is given a certain amount of time to respond to the notice. The respondent may file a motion to dismiss the notice.

The committee discussed the length of time in which the respondent has to file a response to the notice and asked for clarity on whether 12 days or 28 days is more applicable in the notice. The committee noted that it is unclear who the “moving party” is and who is the “responding party” on the notice. The committee also noted there may be a pending rule change on this notice.

Following additional discussion, the committee recommended the Family Law Subcommittee review the time frame for when a response should be filed and the status of the notice pending a rule change. The committee recommended this item be tabled for future meeting.

With no further discussion or recommendation for changes, Commissioner Minas moved to table this notice for future meeting and review by the Family Law Stylistic Committee. Ms. Allemann seconded the motion. The motion unanimously passed.

IX. Classifying a Record as Sealed:

- Motion to Classify Record as Sealed
- Finding of Fact, Conclusions of Law and Order on Motion to Classify Record as Sealed

The Motion and Findings of Fact forms were previously worked on last year with the now retired General Counsel. The form would allow a petitioner to request that their case record be sealed under CJA 4-202.06. The process of sealing a record is challenging for a pro se litigant because there are several steps required to have a record seal and pro se litigants may not be aware of all the steps.

The committee discussed that it may be better for the record to be marked as private, rather than sealed, to allow for future access by the appropriate party. A sealed record could not be opened by the court without an order to unseal the record. Following discussion, the committee recommended amending the forms to allow the records to be marked or classified as private, rather than sealed.

With no further discussion or recommendation for changes, Mr. Head moved to table the forms to a future meeting for an amended form to be drafted for a record to be marked or classified as private. Commissioner Minas seconded the motion. The motion unanimously passed.

X. ADJOURN:

The meeting adjourned without a motion. Meeting ended at 2 pm. The next meeting will be June 13, 2022, from noon to 2 pm via Webex video conferencing.