

Agenda Committee on Court Forms

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

December 12, 2022 / 12:00 to 2:00 p.m.

Virtual Meeting

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

1. Welcome and approval of October meeting minutes	Randy Dryer
2. Review of electronic voting – forms approved <ul style="list-style-type: none"> • Request for Continuous Protective Order • Continuous Protective Order • Request for Criminal Stalking Injunction and Hearing • Criminal Stalking Injunction • Request for Juvenile Pretrial Protective Order • Petition for Waiver of Consent by Parent or Legal Guardian to Minor's Abortion • Findings of Fact, Conclusions of Law, and Order on Petition for Waiver of Consent by Parent or Legal Guardian to Minor's Abortion • Request for Expunged Case History, Expungement Order, or both • Request to Dismiss Protective Order • Request for Hearing on Stalking Injunction • Private Information Record • Notice of Right to Object – Inventory Report (minor) • Notice of Right to Object – Accounting (minor) • Notice of Right to Object – (adult) 	Kaden Taylor
3. Report on Forms Committee Annual Report to Judicial Council	Nathanael Player
4. Presentation on new form engine and how it relates to our forms process moving forward	Kristene Laterza
5. Presentation on translation principles in regards to court forms	Prof. Scott Jarvis
6. Three Day Notice to Pay or to Vacate	Nathanael Player
7. Defendant's Answer to Unlawful Detainer (Eviction)	Nathanael Player
8. Order of Eviction and Notice That You Must Move (Order of	Nathanael Player

Restitution)	
9. Request for Hearing After Eviction Because My Rights Are Being Violated	Nathanael Player
10. Memo for OCAP	Kaden Taylor
11. Forms for More Time to Answer Eviction Lawsuit <ul style="list-style-type: none"> • Motion for More Time to Answer Eviction Lawsuit • Order on Motion for More Time to Answer Eviction Lawsuit 	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

February 13
April 10
May 8*

June 12
August 14
October 16^

December 11

* 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
October 17, 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 Bret Hayman David Head Scott Jarvis Comm. Russell Minas Nathanael Player Stewart Ralphs Keri Sargent Kaden Taylor	Guy Galli Judge Brent Bartholomew	Angela Elmore	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 June 13 and August 8 meeting. The committee recommended a couple of minor language and grammatical amendments to the minutes. The committee also corrected the June minutes to reflect approval of the May 2022 minutes, rather than the April 2022 minutes. Following further discussion, Stewart Ralphs moved to approve the full minutes as amended. Amber Alleman seconded the motion. The motion unanimously passed.

II. Name and Sex Change forms:

- **Petition for Name and Sex Change**
- **Order on Petition for Name and Sex Change**

Angela Elmore is requesting the committee address concerns and proposed changes to the name and sex change forms. The propose amendments would streamline the petition filing process to allow a petitioner to choose either name change or sex change or both on the petition. The amendments also include reference to Utah Code 42-1-1 for the name change and Utah Code 26-2-11 for the sex change. Angela noted that the term “Sex Change” is an appropriate terminology and is used in the Code. The amendments includes language that is required under the Sex Change Code but is not required under case law: “Granting this petition will not affect any right, title, or interest of anyone else, and I do not know of anyone else who should be notified of this petition.”

Under the name change sections:

- The amendment distinguishes between legal name and birth name when posted in different states (born in one state but married in another state). No change was made for proposed new name change.

The following are substantial changes:

- Paragraph 9. Statutory requirement for you to live in county for one (1) year in order to file a sex change request.
- Paragraph 10. Asking for person to indicate they are or not involved in any court actions or proceedings, and include case name and case number and court location.
- Paragraph 11. I am or not on probation or parole and include case name and case number and court location.
- Paragraph 12. I am not on the Child Abuse Offender Registry
- Paragraph 13. I am or not on the Sex and Kidnap Offender Registry

Under the sex change sections:

- Did no included a binary option
- Paragraph 4 – Language from the Rice case was added, and includes an example of a letter from a medical provider.
- Removed information for name change that does not apply to sex change

Following further discussion, Nathanael Player moved to approve the Petitions as modified. Stewart Ralphs seconded the motion. The motion unanimously passed.

The Order has similar changes to that of the petition and follows the same patter and analysis of the Petition.

The committee recommended the following for the Order:

- The Order specifically indicates if the Order is for findings in the name change, sex change, or both.
- A box to indicate the original of the birth certificate and make it consistent with the legal box under the findings section.

- Moved paragraph 13 and 14 from the conclusion area as it is only applicable to the name change section.
- Language added to the end of the Order, “This new legal name may be entered on the petitioner’s birth certificate and used as the petitioner’s new legal name from this date forward.”
- An option was added to paragraph 17 as “Other” to indicate approval of the sex change.

The committee discussed including a paragraph indicating whether a revised birth certificate or amended history will or will not be included in the Order. The petitioner would be required to specify a reason for the birth certificate change. The committee likes including a statement that allows a judge to determine whether an amendment is required or not. A conversation is needed with the Office of General Counsel to determine if this is appropriate to include in the form and how the language should read.

Optional language from Vital Statistics would read as, “The department of vital statistics is ordered to issue a new birth certificate with no amendment history.”

Following further discussion and other minor amendments, Judge Bagley moved to approve the Petition and the Order as amended, leave the issue of vital statistics information for the next meeting pending further discussion with the Office of General Counsel. Nathanael Player seconded the motion. The motion unanimously passed.

III. Motion to Consolidate form:

- **Motion to Consolidate**
- **Order on Motion to Consolidate**

The forms allow a person to consolidate petitions for divorce when the forms are filed in different courts. The petitioner may file in one court, while the respondent files in another court. Guy Galli expressed concerns in a prior meeting regarding how a Judicial Assistant (JA) would consolidate the petitions when one is filed in a court of their jurisdiction. The first case filed will be the “primary” case, in which the second case would be consolidated into. A filing fee will still be issued for both filings.

Keri Sargent researched and found that when a judge signs the Order, the JA will make a transfer and consolidate in the other court of the same county. Keri will research if a JA is able to consolidate when filed in different counties or districts.

With no additional discussion, Stewart Ralphs moved to approve the form as proposed. David Head seconded the motion. The motion unanimously passed.

IV. Leave to Amend Forms:

- **Motion for Leave to Amend**
- **Order on Motion for Leave to Amend**

The forms were discussed at a prior meeting. The forms have been amended to include facts from the Evans v. Pace Investment case. No other substantial modifications were made to the Motion or the Order.

With no further discussions, David Head moved to approve the Motion and Order forms as amended. Stewart Ralphs seconded the motion. The motion unanimously passed.

V. Department of Corrections Certification Regarding Sex and Kidnap Offender and Child Abuse Offender Registries:

The amendments to the offender registries form will ask for a name change to show the court the person is not on any registry. The information is included in the instructions portion of the form. The Utah Department of Corrections has agreed to allow for email and scanned copies of the forms to be sent in to their agency. The heading of each section of the form has been modified for consistency throughout the form.

With no additional discussion, David Head moved to approve the form as proposed. Stewart Ralphs seconded the motion. The motion unanimously passed.

VI. Financial Declaration:

The Financial Declaration form is returning for an additional review. Language to the form has been updated to specify the information requested in regards to the filers assets. The amendments address previous concerns that were raised by the Family Law Subcommittee. The committee recommends including an option to utilize money transfer applications as a means to transfer funds from locations where the funds are being held and can be electronically transferred.

With no additional discussion, Stewart Ralphs moved to approve the form as proposed. David Head seconded the motion. The motion unanimously passed.

VII. Verified Petition Against Substantiation forms:

- **Verified Petition Against Substantiation in DCFS Licensing Database**
- **Notice of Hearing on Verified Petition Against Substantiation in DCFS Licensing Database**

The Verified Petition against Substantiation forms are juvenile court forms. The forms has been reviewed and vetted by the Family Law Subcommittee. The forms are updated and recodify the juvenile codes from the previous year. The form allows a person to challenge a finding of child abuse by the Division of Child and Family Services. The person does not need to go through an

administrative appeal process prior to filing the form with the court. The forms would be included in filings as part of DCFS's licensing database.

The committee discussed language in paragraph's 1-5. The committee noted that a way for a person to get out of the licensing database is to challenge the database by filing a motion to request a challenge or removal of the findings by DCFS. The committee asked if the juvenile court has any concerns regarding the information that will be addressed in a hearing in challenging the findings. Nathanael Player will email Judge Bartholomew to ask if he had additional concerns with the forms. If no concerns are raised, Nathanael will move the forms forward through electronic correspondence to committee members. If additional concerns are raised, the forms will be brought back to the committee for discussion at the next meeting.

Following further discussion, Commissioner Minas moved to approve the forms pending Nathanael Player's conversation with Judge Bartholomew. David Head seconded the motion. The motion unanimously passed.

VIII. ADJOURN:

The meeting adjourned without a motion. Meeting ended at 1:50 pm. The next meeting will be December 12, 2022, from noon to 2 pm via Webex video conferencing. The committee will discuss meeting times and the 2023 schedule at the next meeting.