

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

Webex video conferencing
April 10, 2023
12 - 2 pm

| <u>MEMBERS PRESENT</u> | <u>MEMBERS EXCUSED</u> | <u>GUESTS</u> | <u>STAFF</u> |
|-------------------------------|----------------------------|--------------------|--------------|
| Amber Alleman | | Lauren DiFrancesco | |
| Judge Bagley | | Amy Hernandez | |
| Judge Brent Bartholomew | | | |
| Judge Randy Birch | | | |
| Randy Dryer | | | |
| Guy Galli | | | |
| Bret Hayman | | | |
| David Head | | | |
| Scott Jarvis | | | |
| Judge Chelsea Koch | | | |
| Commissioner Russell Minas | | | |
| Nathanael Player | | | |
| Keri Sargent | | | |
| Kaden Taylor | | | |

1. Welcome and Approval February minutes

Business: Guy Galli was approved for an additional term by the Judicial Council Management Committee. Judicial Council will vote to approve on April 24. There will be no extra Forms Committee meeting in May. The next meeting will be in June. This is Randy Dryer's last meeting as chair.

Kaden Taylor asks to alter the minutes to reflect the committee electronically voted on and approved the Statement of Defendant in Support of Guilty Plea, not the Rights and Instructions form. Amber Alleman motions to approve the minutes, Judge Koch seconds. Minutes approved.

Nathanael Player expressed thanks for Randy's work on the committee.

2. Review of Electronic Voting

The Forms Committee electronically voted on and approved the Application for Temporary Restraining Order and the Order on Application for Temporary Restraining Order previous to this meeting.

3. Standard Protective Order for Civil Discovery

This form is referenced in a new version of URCP 26(g). This form is based on a federal version of a similar form. Based on the rule, Lauren DiFrancesco suggests the name of the form should be changed to Standard Civil Discovery Protective Order. She suggested other changes to the form.

The committee discussed the inclusion of findings of fact in this form. The current version of the rule did not provide for the judge to make findings. Nathanael Player suggests that the rule may need to be changed to address this issue. The committee also discussed the included Disclosure Agreement and the exact process this form will follow Lauren DiFrancesco will take this form back to the Civil Rules Committee to address these issues.

Judge Bagley moved to withdraw the form from consideration, Nathanael Player seconded. Form tabled.

4. Criminal Protective Orders

HB 45 requires a notice concerning Firearms Restrictions on these forms. Defense attorneys, prosecution, and victim advocates have looked at these forms. Judicial input on these forms includes judges as well as the Juvenile, Justice, and District Court administrator staff.

The group discussed if the warning needs to include language on who a firearm is transferred to. Language to this effect currently exists in the Sentencing Protective Order itself. The committee agreed to a proposal from Nathanael Player to add language to the "Protective Order Acknowledgment of Firearm Restriction" to specify the type of person to whom someone is giving up their firearms as "within 10 days of becoming a restricted person I lawfully transfer my firearms to a person who can legally possess firearms and does not live with me." This change was made to all 5 forms.

Pretrial Protective Order - David Head moves to approve this form as well as to make the change in the "Acknowledgment" to all forms, Bret Hayman seconds.— approved.

Sentencing Protective Order - Updated form to refer to “CORIS” in the “Acknowledgment” section- David Head moves to approve, Bret Hayman seconds – approved.

Continuous Protective Order - Updated form to refer to “CORIS” in the “Acknowledgment” section - David Head moves to approve, Bret Hayman seconds – approved

Pretrial Juvenile Delinquency Protective Order – changed “secure detention” to simply say “detention” in “Acknowledgment” section – Judge Bartholomew moves to approve, Judge Koch seconds. - approved

Sentencing (Dispositional) Protective Order – same change as to the Pretrial Juvenile Delinquency Protective Order. The group also discussed the title of the form, suggesting it be called Dispositional (Sentencing) Protective Order. Judge Bartholomew motioned to approve the form with the new form name, and when IT can switch the form name in their system we will do so on our forms as well. Judge Koch seconded – approved.

5. Motion to Extend Protective Order forms

Three years ago the protective order processed change to call for protective orders to expire after 3 years. These forms allow someone to ask to extend a protective order before it expires. There are three sets of forms, one for each cohabitant, dating violence, and sexual violence protective orders.

Motion and Order Granting or Denying Motion to Extend Cohabitant Protective Order
Motion and Order Granting or Denying Motion to Extend Dating Violence Protective Order
Motion and Order Granting or Denying Motion to Extend Sexual Violence Protective Order.

Judge Bartholomew moved to approve all six forms on item 5, David Head seconds - all approved.

Amy Hernandez asks for permission from the Forms Committee to alter the language concerning expiration dates on forms produced in the court’s protective order system to allow for a date picked by a judge to appear on the form rather than the automatic language it produces now. This is because these extended protective orders do not have to expire in 3 years and can instead be extended to a different date of a judge’s choosing.

Judge Bagley motions to approve, Judge Koch seconds. Motion approved.

6. Criminal Expungement Forms

Petition to Expunge Records with Special Certificate: SB 293 made changes to when BCI issues a special certificate. The court needs to make the same findings as BCI, and the proposed form changes address this.

Petition to Expunge Records (Traffic Conviction): This version of the form adds new requirements required to expunge a traffic conviction.

Judge Koch motions to approve both forms, Judge Bartholomew seconds. Forms approved.

7. Juvenile Expungement forms

These forms were tabled for further action at a further meeting.

8. Motion for Temporary Order forms

Motion for Temporary Order – With Children and Order on Motion for Temporary Order – With Children: These new forms tighten up language and include unreimbursed and co-insurance language in the form in the health insurance section.

OCAP forms: The changes detailed above were changed. The OCAP forms have slightly different language which will be made to match the paper forms and be consistent. There are also slight changes to holidays for parent-time which will need to be updated in OCAP.

Judge Bartholomew motions to update the forms and OCAP and Judge Koch seconds. Motion approved.

9. Declaration of Adoption Fees and Expenses

SB 154 requires that the court provides a form asking for expenses associated with adoption. This form is created to address these requirements.

Judge Bartholomew motions to approve and Judge Koch seconds. Form approved.

10. 402 Reduction forms

The requirements for a 402 reduction were changed in the statute. There are more options, which the new forms listed below now includes. The committee also received a Stipulation that the prosecutor can sign if they agree to the motion with updated language.

Motion to Reduce Conviction

Stipulation to Enter an Order in Accord with Defendant's Motion to Reduce Conviction Pursuant to Utah Code Section 76-3-402

Findings of Fact, Conclusions of Law, and Order on Motion to Reduce Conviction

Randy Dryer suggests we approve the form but also that the form be sent to prosecutor and defense attorneys for comments. The committee will look at the forms again if needed based on

comments from prosecutors and defense attorneys. Judge Bartholomew makes a motion to approve per Randy Dryer's suggestion. David Head seconds. Forms approved.

11. Name and Sex Change Forms

Petition for Name Change or Sex Change and Order on Petition for Name Change or Sex Change: updated requirements based on SB 93 that now apply to both sex and name changes and includes new requirements for sex changes. Form provides more clarity in what is a wrongful or fraudulent purpose. The committee discussed removing language asking for the case to be marked private. Nathanael Player explained there is a rule being proposed that would make this language unnecessary that will be approved or denied later this month, and general counsel approved moving the forms forward without including that language. If the rule does not pass the committee will revisit these forms.

Originally the name and sex change orders were separate because of the need to make sex change orders private, but due to decisions by Policy and Planning Committee that is no longer needed and the orders can be combined. The two orders presented will be combined. Language in the Order is also updated with new requirements and language.

Amber Alleman motions to approve, Judge Koch seconds. Forms approved.

Petition for Minor's Name or Sex Change (and appointment of Guardian ad Litem), Order Changing Minor's Name or Sex, and Order to Appoint Guardian ad Litem: These forms were updated to reflect the format and layout of the adult forms. These forms were updated with the same requirements and language as the adult forms and include other requirements specific to minor sex changes such as age restrictions. A new form is the Order to Appoint Guardian ad Litem, as that is a new requirement. The committee updated the forms to refer to a "Private" guardian ad litem.

Amber Alleman motions to approve, Judge Koch seconds. Forms approved.

12. Form Engine updates concerning text boxes and Form Titles memo

The court is designing a new form engine to assist with the management of forms. One of the issues that has arisen revolves around text boxes. The designers of the form engine will be replacing areas on our forms where we currently provide multiple lines for people to fill out when answering a question with text boxes instead. Using text boxes fixes current issues with the forms engine and text boxes not expanding when someone is filling out a form and runs out of space. The committee was provided with options for text boxes and chose the standard option for the engine rather than the other options presented of a gray, double, or thick border. The Committee was also presented with new naming conventions for forms to differentiate forms with the same name.

13. Recodification of Statutes in Titles 26 and 62A due to SB 39

Several statutes have been recodified. There are a number of forms that reference the old statutes that will need to be changed to reflect the new statute citations. Nathanael Player asks for permission to update the forms listed in his memorandum as well as other forms that may be discovered later to reference the old statutes.

Amber Alleman moves to approve the request, David Head seconds. Request approved.

Conclusion

The meeting ends at 2:00. The next meeting will be on June 12, 2023 at 12:00.