

Email _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

_____	Standard Civil Discovery Protective Order <u>for Civil Discovery</u> (Utah Rule of Civil Procedure 26(g))
Plaintiff _____	_____
v. _____	Case Number _____
Defendant _____	Judge _____

~~The matter before the court is a request for a Standard Civil Discovery Protective Order.
This matter is being resolved by: (Choose all that apply.)~~

~~☐ The default of ☐ Plaintiff/Petitioner ☐ Defendant/Respondent.~~

~~☐ The stipulation of the parties.~~

~~☐ The pleadings and other papers of the parties.~~

~~☐ A hearing held on _____ (date), notice of which was served on all parties.~~

~~Plaintiff/Petitioner~~

~~☐ was present ☐ was not present.~~

~~☐ was represented by _____ (name).~~

~~☐ was not represented.~~

~~Defendant/Respondent~~

~~[] was present [] was not present.~~

~~[] was represented by _____ (name).~~

~~[] was not represented.~~

1. Scope of Protection

This Standard ~~Civil Discovery~~ Protective Order for Civil Discovery ("Discovery Protective Order") governs any record of information produced in this action and designated pursuant to this Discovery Protective Order. ~~This includes, including~~ all designated deposition testimony, all designated testimony taken at a hearing or other proceeding, all designated deposition exhibits, interrogatory answers, admissions, documents and other discovery materials, whether produced informally or in response to interrogatories, requests for admissions, requests for production of documents or other formal methods of discovery.

This Discovery Protective Order also governs any designated record of information produced in this lawsuit pursuant to required disclosures under the Utah Rules of Civil Procedure and any supplementary disclosures ~~thereto~~.

This Discovery Protective Order applies to the parties and to any nonparty from whom discovery may be sought who desires the protection of this Discovery Protective Order.

Nonparties may challenge the confidentiality of the protected information by filing a motion to intervene and a motion to de-designate.

2. Definitions

(a) The term PROTECTED INFORMATION means confidential or proprietary technical, scientific, financial, business, health, or medical information designated as such by the producing party.

(b) The term CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS" EYES ONLY means PROTECTED INFORMATION that is so designated by the producing party. The designation CONFIDENTIAL ~~– ATTORNEYS~~ATTORNEYS' EYES ONLY may be used only for the following types of past, current, or future PROTECTED INFORMATION: (1) sensitive technical information, including current research, development and manufacturing information and patent prosecution information; (2) sensitive business information, including highly sensitive financial or marketing information and the identity of suppliers, distributors and potential or actual customers; (3) competitive technical information, including technical analyses or comparisons of competitor's products; (4) competitive business information, including non-public financial or marketing analyses or comparisons of competitor's products and strategic product planning; or (5) any other PROTECTED INFORMATION, the disclosure of which to non-qualified people subject to this Discovery Protective Order the producing party reasonably and in good faith believes would likely cause harm.

(c) The term CONFIDENTIAL INFORMATION means all PROTECTED INFORMATION that is not designated as "CONFIDENTIAL – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY" information.

(d) For entities covered by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), the term CONFIDENTIAL INFORMATION includes CONFIDENTIAL HEALTH INFORMATION. CONFIDENTIAL HEALTH INFORMATION means information supplied in any form, or any portion of that information, that identifies an individual or subscriber in any manner and relates to the past, present, or future care, services, or supplies relating to the physical or mental health or condition of that individual or subscriber, the provision of health care to that individual or subscriber, or the past, present, or future payment for the provision of health care to that individual or subscriber. CONFIDENTIAL HEALTH INFORMATION includes claim data,

claim forms, grievances, appeals, or other documents or records that contain any patient health information required to be kept confidential under any state or federal law, including 45 C.F.R. Parts 160 and 164 enacted pursuant to HIPAA (see 45 C.F.R. §§ 164.501 & 160.103), and the following subscriber, patient, or member identifiers:

(1) — names;

(1) —

(2) — all geographic subdivisions smaller than a State, including street address, city, county, precinct, and zip code;

(2) —

(3) — all elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, age, and date of death;

(3) —

(4) — telephone numbers;

(4) —

(5) — fax numbers;

(5) —

(6) — electronic mail addresses;

(6) —

(7) — social security numbers;

(7) —

(8) — medical record numbers;

(8) —

(9) — health plan beneficiary numbers;

(9) —

~~(10)~~ —account numbers;

~~(10)~~ _____

~~(11)~~ —certificate/license numbers;

~~(11)~~ _____

~~(12)~~ —vehicle identifiers and serial numbers, including license plate numbers;

~~(12)~~ _____

~~(13)~~ —device identifiers and serial numbers;

~~(13)~~ _____

~~(14)~~ —web universal resource locators (“URLs”);

~~(14)~~ _____

~~(15)~~ —internet protocol (“IP”) address numbers;

~~(15)~~ _____

~~(16)~~ —biometric identifiers, including finger and voice prints;

~~(16)~~ _____

(17) full face photographic images and any comparable images; —and/or any other unique identifying number, characteristic, -or code.

(e) The term TECHNICAL ADVISOR refers to any person who is not a party to this lawsuit or not presently employed by the receiving party or a company affiliated through common ownership, who has been designated by the receiving party to receive another party’s PROTECTED INFORMATION, including CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ ATTORNEYS’ EYES ONLY, and CONFIDENTIAL INFORMATION. Each party’s TECHNICAL ADVISORS must be limited to persons who, in the judgment of that party’s counsel, are reasonably necessary for development and presentation of that party’s case.

These persons include outside experts or consultants retained to provide technical or other expert services such as expert testimony or otherwise assist in trial preparation.

(f) The term QUALIFIED RECIPIENT means:

(1) For CONFIDENTIAL INFORMATION – ATTORNEYS' EYES ONLY:

- i. Outside counsel of record for the parties in this action, and the partners, associates, secretaries, paralegal assistants, and employees of such counsel to the extent reasonably necessary to render professional services in the action, outside copying services, document management services and graphic services;
- ii. Court officials involved in this action (including court reporters, persons operating video recording equipment at depositions, and any special master appointed by the Court);
- iii. Any person designated by the Court in the interest of justice, upon terms the Court may deem proper;
- iv. Any outside TECHNICAL ADVISOR employed by the outside counsel of record, subject to the requirements in Paragraph 3 above;
- v. Any witness during the course of discovery, so long as it is stated on the face of each document designated CONFIDENTIAL INFORMATION – ATTORNEYS' EYES ONLY being disclosed that the witness to whom a party is seeking to disclose the document was either an author, recipient, or otherwise involved in the creation of the document. Where it is not stated on the face of the confidential document being disclosed that the witness to whom a party is seeking to disclose the document was either

an author, recipient, or otherwise involved in the creation of the document, the party seeking disclosure may nonetheless disclose the confidential document to the witness, provided that: (i) the party seeking disclosure has a reasonable basis for believing that the witness in fact received or reviewed the document, (ii) the party seeking disclosure provides advance notice to the party that produced the document, and (iii) the party that produced the document does not inform the party seeking disclosure that the person to whom the party intends to disclose the document did not in fact receive or review the documents. Nothing herein prevents disclosure at a deposition of a document designated CONFIDENTIAL INFORMATION – ATTORNEYS' EYES ONLY to the officers, directors, and managerial level employees of the party producing CONFIDENTIAL INFORMATION – ATTORNEYS' EYES ONLY, or to any employee of the party who has access to the CONFIDENTIAL INFORMATION – ATTORNEYS' EYES ONLY in the ordinary course of the employee's employment; and

- vi. Any designated arbitrator or mediator who is assigned to hear this matter, or who has been selected by the parties, and his or her staff, provided that those individuals agree in writing, pursuant to the Disclosure Agreement, to be bound by the terms of this Order.

(2) FOR CONFIDENTIAL INFORMATION:

- i. Those persons listed in paragraph 2(f)(1):

- ii. In-house counsel for a party to this action who are acting in a legal capacity and who are actively engaged in the conduct of this action, and the secretary and paralegal assistants of such counsel to the extent reasonably necessary;
- iii. The insurer of a party to litigation and employees of that insurer to the extent reasonably necessary to assist the party's counsel to afford the insurer an opportunity to investigate and evaluate the claim for purposes of determining coverage and for settlement purposes; and
- iv. Representatives, officers, or employees of a party as necessary to assist outside counsel with this litigation.

3. Disclosure Agreements

(a) Each receiving party's TECHNICAL ADVISOR must sign a disclosure agreement in the form attached hereto as Exhibit A ("Disclosure Agreement"). Copies of the Disclosure Agreement signed by any person or entity to whom PROTECTED INFORMATION is disclosed must be provided to the other party promptly after execution by facsimile and overnight mail. No disclosures may be made to a TECHNICAL ADVISOR until seven (7) days after the executed Disclosure Agreement is served on the other party.

Commented [NP1]: Would it be helpful to clarify whether this contemplates business or calendar days?

(b) Before any PROTECTED INFORMATION is disclosed to outside TECHNICAL ADVISORS, the following information must be provided in writing to the producing party and received no less than seven (7) days before the intended date of disclosure to that outside TECHNICAL ADVISOR: the identity of that outside TECHNICAL ADVISOR, business address and/or affiliation and a current curriculum vitae of the TECHNICAL ADVISOR, and, if not contained in the TECHNICAL ADVISOR's curriculum vitae, a brief description, including

education, present and past employment, and general areas of expertise of the TECHNICAL ADVISOR. If the producing party objects to disclosure of PROTECTED INFORMATION to an outside TECHNICAL ADVISOR, the producing party must within seven (7) days of receipt serve written objections identifying the specific basis for the objection, and particularly identifying all information to which disclosure is objected. Failure to object within seven (7) days will authorize the disclosure of PROTECTED INFORMATION to the TECHNICAL ADVISOR. As to any objections, the parties must attempt in good faith to promptly resolve any objections informally. If the objections cannot be resolved, the party seeking to prevent disclosure of the PROTECTED INFORMATION to the expert must move within seven (7) days for an Order of the Court preventing the disclosure. The producing party bears the burden of proving that the designation is proper. If no such motion is made within seven (7) days, disclosure to the TECHNICAL ADVISOR must be permitted. If objections are made and not resolved informally and a motion is filed, disclosure of PROTECTED INFORMATION to the TECHNICAL ADVISOR may not be made except by Order of the Court.

(c) Any disclosure agreement executed by any person affiliated with a party must be provided to any other party who, based upon a good faith belief that there has been a violation of this order, requests a copy.

(d) No party may attempt to depose any TECHNICAL ADVISOR until the TECHNICAL ADVISOR is designated by the party engaging the TECHNICAL ADVISOR as a testifying expert. Notwithstanding the preceding sentence, any party may depose a TECHNICAL ADVISOR as a fact witness if the party seeking the deposition has a good faith, demonstrable basis independent of the Disclosure Agreement or the information provided under subparagraph (a) above that the person possesses facts relevant to this action, or facts likely to lead to the discovery of admissible evidence; however, the deposition, if it precedes the designation of that

person by the engaging party as a testifying expert, may not include any questions regarding the scope or subject matter of the engagement. In addition, if the engaging party chooses not to designate the TECHNICAL ADVISOR as a testifying expert, the non-engaging party may not seek discovery or trial testimony as to the scope or subject matter of the engagement.

4. Designation of Information

(a) Documents and things produced or provided during the course of this action may be designated as containing CONFIDENTIAL INFORMATION by placing on each page, each document (whether in paper or electronic form), or each thing a label substantially as follows:

CONFIDENTIAL INFORMATION

(b) Documents and things produced or provided during the course of this action may be designated as containing information that is CONFIDENTIAL INFORMATION –

~~ATTORNEYS~~ATTORNEYS' EYES ONLY by placing on each page, each document (whether in paper or electronic form), or each thing a label substantially as follows:

CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY

(c) During discovery, a producing party may require that all or batches of materials be treated as containing CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY during inspection and to make its designation as to particular documents and things at the time copies of documents and things are provided.

(d) A party may designate information disclosed at a deposition as CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY by requesting the reporter to so designate the transcript at the time of the deposition.

(e) A producing party may designate its discovery responses, responses to requests for admission, briefs, memoranda, and all other documents sent to the Court or to opposing counsel as containing CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY when such documents are served or sent.

(f) A party may designate information disclosed at a hearing or trial as CONFIDENTIAL INFORMATION or as CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY by requesting the Court, at the time the information is disclosed, to receive the information only in the presence of those persons designated to receive the information and court personnel, and to designate the transcript appropriately.

(g) The parties must use reasonable care to avoid designating any documents or information as CONFIDENTIAL INFORMATION or as CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY that are not entitled to that designation or that are generally available to the public. The parties must designate only that part of a document or deposition that is CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY, rather than the entire document or deposition. For example, if a party claims that a document contains pricing information that is CONFIDENTIAL – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY, the party must designate only that part of the document setting forth the specific pricing information as ~~ATTORNEYS~~ATTORNEYS' EYES ONLY, rather than the entire document.

(h) In multi-party cases, Plaintiffs and/or Defendants may designate documents as CONFIDENTIAL INFORMATION – NOT TO BE DISCLOSED TO OTHER PLAINTIFFS or CONFIDENTIAL INFORMATION – NOT TO BE DISCLOSED TO OTHER DEFENDANTS for documents that may not be disclosed to other parties.

5. Disclosure and Use of Confidential Information

Information that has been designated CONFIDENTIAL INFORMATION or as CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY may be disclosed by the receiving party only to ~~Qualified Recipient~~QUALIFIED RECIPIENTs. All ~~Qualified Recipient~~QUALIFIED RECIPIENTs must hold the information received from the disclosing party in confidence, must use the information only for purposes of this action and for no other action, may not use it for any business or other commercial purpose, may not use it for filing or prosecuting any patent application (of any type) or patent reissue or reexamination request, and may not disclose it to any person, except as provided in this Order. - All information that has been designated CONFIDENTIAL INFORMATION or as CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY must be carefully maintained so as to preclude access by persons who are not qualified to receive the information under the terms of this Order.

In multi-party cases, documents designated as CONFIDENTIAL INFORMATION – NOT TO BE DISCLOSED TO OTHER PLAINTIFFS or CONFIDENTIAL INFORMATION – NOT TO BE DISCLOSED TO OTHER DEFENDANTS may not be disclosed to other plaintiffs and/or defendants.

~~66. —~~ Qualified Recipients

~~For purposes of this Order, "Qualified Recipient" means:~~

~~(a) — For CONFIDENTIAL INFORMATION — ATTORNEYS EYES ONLY:~~

~~—— (1) — Outside counsel of record for the parties in this action, and the partners, associates, secretaries, paralegal assistants, and employees of such counsel to the extent~~

~~reasonably necessary to render professional services in the action, outside copying services, document management services and graphic services;~~

~~—— (2) — Court officials involved in this action (including court reporters, persons operating video recording equipment at depositions, and any special master appointed by the Court);~~

~~—— (3) — Any person designated by the Court in the interest of justice, upon terms the Court may deem proper;~~

~~—— (4) — Any outside TECHNICAL ADVISOR employed by the outside counsel of record, subject to the requirements in Paragraph 3 above;~~

~~—— (5) — Any witness during the course of discovery, so long as it is stated on the face of each document designated CONFIDENTIAL INFORMATION — ATTORNEYS EYES ONLY being disclosed that the witness to whom a party is seeking to disclose the document was either an author, recipient, or otherwise involved in the creation of the document. Where it is not stated on the face of the confidential document being disclosed that the witness to whom a party is seeking to disclose the document was either an author, recipient, or otherwise involved in the creation of the document, the party seeking disclosure may nonetheless disclose the confidential document to the witness, provided that: (i) the party seeking disclosure has a reasonable basis for believing that the witness in fact received or reviewed the document, (ii) the party seeking disclosure provides advance notice to the party that produced the document, and (iii) the party that produced the document does not inform the party seeking disclosure that the person to whom the party intends to disclose the document did not in fact receive or review the documents. Nothing herein prevents disclosure at a deposition of a document designated CONFIDENTIAL INFORMATION — ATTORNEYS EYES ONLY to the officers, directors, and managerial level employees of the party producing CONFIDENTIAL INFORMATION —~~

~~ATTORNEYS EYES ONLY, or to any employee of the party who has access to the~~
~~CONFIDENTIAL INFORMATION — ATTORNEYS EYES ONLY in the ordinary course of the~~
~~employee's employment; and~~

~~(6) — Any designated arbitrator or mediator who is assigned to hear this matter, or who has~~
~~been selected by the parties, and his or her staff, provided that those individuals agree in~~
~~writing, pursuant to the Disclosure Agreement, to be bound by the terms of this Order.~~

~~(b) — FOR CONFIDENTIAL INFORMATION:~~

~~(1) — Those persons listed in paragraph 6(a);~~

~~(2) — In-house counsel for a party to this action who are acting in a legal capacity and who are~~
~~actively engaged in the conduct of this action, and the secretary and paralegal assistants of~~
~~such counsel to the extent reasonably necessary;~~

~~(3) — The insurer of a party to litigation and employees of that insurer to the extent reasonably~~
~~necessary to assist the party's counsel to afford the insurer an opportunity to investigate and~~
~~evaluate the claim for purposes of determining coverage and for settlement purposes; and~~

~~(4) — Representatives, officers, or employees of a party as necessary to assist outside~~
~~counsel with this litigation.~~

Commented [NP2]: We accepted all changes in the document before working on it. This language was not tracked, but is stricken. It's unclear to us what that means.

7. Use of Protected Information

(a) In the event that any receiving party's briefs, memoranda, discovery requests, requests for admission, or other documents of any kind that are served or filed include another party's CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION –

~~ATTORNEYS~~ATTORNEYS' EYES ONLY, the documents must be appropriately designated under paragraphs 4(a) and (b) and must be marked and treated as "PROTECTED" by the

parties and the Court as that term is used in the Utah Code of Judicial Administration 4-202.02 and 4-202.03.

(b) All documents, including attorney notes and abstracts, that contain another party's CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY, must be handled as if they were designated pursuant to paragraph 4(a) or (b).

(c) Documents and transcripts that are filed with the Court and contain any other party's CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY must be filed, marked, and treated as "PROTECTED" by the parties and the Court as that term is used in the Utah Code of Judicial Administration 4-202.02 and 4-202.03.

(d) To the extent that documents are reviewed by a receiving party prior to production, any knowledge learned during the review process must be treated by the receiving party as CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY until the documents have been produced, at which time any stamped classification will control.- No photograph or any other means of duplication, including but not limited to electronic means, of materials provided for review prior to production is permitted before the documents are produced with the appropriate stamped classification.

(e) In the event that any question is asked at a deposition with respect to which a party asserts that the answer requires the disclosure of CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY, the question must nonetheless be answered by the witness fully and completely. -Prior to answering, however, all persons present must be advised of this Order by the party making the

confidentiality assertion and, in the case of information designated as CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY at the request of the party, all persons who are not allowed to obtain the information pursuant to this Order, other than the witness, must leave the room during the discussion or disclosure of the information.

(f) Nothing in this Discovery Protective Order bars or otherwise restricts outside counsel from rendering advice to his or her client with respect to this action and, in the course thereof, from relying in a general way upon his examination of materials designated CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY, provided, however, that in rendering advice and in otherwise communicating with his or her clients, counsel may not disclose the specific contents of any materials designated CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY.

78. Inadvertent Failure to Designate

(a) In the event that a producing party inadvertently fails to designate any of its information according to paragraph 4, the party may later designate by notifying the receiving parties in writing. - The receiving parties must take reasonable steps to see that the information is thereafter treated in accordance with the designation.

(b) Notwithstanding subparagraph (a), no person or party may incur any liability hereunder with respect to a disclosure that occurred prior to receipt of written notice of a belated designation.

98. Challenge to Designation

(a) Any receiving party may challenge a producing party's designation at any time. A failure of any party to expressly challenge a claim of confidentiality or any document

designation does not constitute a waiver of the right to assert at any subsequent time that the same is not in-fact confidential or not an appropriate designation for any reason.

(b) Any receiving party may disagree with the designation of any information received from the producing party as CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY.- In that case, any receiving party desiring to disclose or to permit inspection of that information otherwise than is permitted in this Order, may request the producing party in writing to de-designate or change the designation of a document or documents, stating with particularity the reasons for that request, and specifying the category to which the challenged document(s) should be changed or de-designated. -Within seven (7) days from the date of service of the request, the producing party must:

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- (1) advise the receiving parties whether it agrees to change or de-designate the challenged documents as requested; and
- (2) if the producing party refuses to change or de-designate the challenged documents, explain the reason for the particular designation and state its intent to seek a protective order or any other order to maintain the designation.

(c) If no response is made within seven (7) days after service of the request under subparagraph (b), the information will be changed or de-designated as requested by the receiving party.- If, however, the request under subparagraph (b) above is responded to under subparagraph (b)(i) and (ii), within seven (7) days, the producing party may then file a statement of discovery issues pursuant to Rule 37 to maintain the designation.- The producing party bears the burden of proving that the designation is proper.- If no -statement of discovery issues is filed within seven (7) days after the statement to seek an order under subparagraph (b)(ii), the

information must be de-designated to the category requested by the receiving party.- In the event objections are made and not resolved informally and a statement of discovery issues is filed, disclosure of information may not be made until the issue has been resolved by the Court (or to any limited extent upon which the parties may agree).

No party may be required to challenge the propriety of any designation when made, and failure to do so does not preclude a subsequent challenge to the propriety of the designation.

(d) With respect to requests and applications to remove or change a designation, information may not be considered confidential or proprietary to the producing party if:

- (1) the information in question has become available to the public through no violation of this Order; or
- (2) the information was known to any receiving party prior to its receipt from the producing party; or
- (3) the information was received by any receiving party without restrictions on disclosure from a third party having the right to make the disclosure.

940. Inadvertently Producing Privileged Documents

The parties acknowledge that, regardless of the producing party's diligence, an inadvertent production of attorney-client privileged or attorney work product materials may occur. -In accordance with Utah Rule of Civil Procedure- Civ. P.- 26(b)(8) and Utah R--ule of Evid--ence 504 and 510, the parties therefore agree that if a party through inadvertence produces or provides discovery that the producing party believes is subject to a claim of attorney-client privilege or attorney work product, the producing party may give written notice to the receiving party that the document or thing is subject to a claim of attorney-client privilege or attorney work product and request that the document or thing be returned to the producing

Commented [AM3]: This is beyond the subcommittee's scope of review, but the Committee may want to consider whether this sentence should also refer to other types of privilege

party. ~~The receiving party must return to the producing party the document or thing.~~ Return of the document or thing does not constitute an admission or concession, or permit any inference, that the returned document or thing is, in fact, properly subject to a claim of attorney-client privilege or attorney work product, nor does it foreclose any party from moving the Court pursuant to Utah ~~Rule of Civil Procedure~~ 26(b)(8) and Utah ~~Rule of Evidence~~ 504 and 510 for an Order that the document or thing has been improperly designated or should be produced.

4.10. Inadvertent Disclosure of Confidential Information

In the event of an inadvertent disclosure of another party's CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS' EYES ONLY~~ to a non-~~Qualified Recipient~~ QUALIFIED RECIPIENT, the party making the inadvertent disclosure must promptly upon learning of the disclosure: (i) notify the person to whom the disclosure was made that it contains CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS' EYES ONLY~~ subject to this Order; (ii) make all reasonable efforts to preclude dissemination or use of the CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS' EYES ONLY~~ by the person to whom disclosure was inadvertently made including, but not limited to, obtaining all copies of the materials from the non-~~Qualified Recipient~~ QUALIFIED RECIPIENT; and (iii) notify the producing party of the identity of the person to whom the disclosure was made, the circumstances surrounding the disclosure, and the steps taken to ensure against the dissemination or use of the information.

~~12~~1. Limitation

This Order does not limit any party's right to assert at any time that any particular information or document is or is not subject to discovery, production, or admissibility on the grounds other than confidentiality.

~~13~~2. Conclusion of Action

(a) At the conclusion of this action, including through all appeals, each party or other person subject to these terms must destroy or return to the producing party all materials and documents containing CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY and certify to the producing party the destruction or return.- This return or destruction does not relieve the parties or persons from any of the continuing obligations imposed upon them by this Order.

(b) After this action, trial counsel for each party may retain one archive copy of all documents and discovery material even if they contain or reflect another party's CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY.- Trial counsel's archive copy remains subject to all obligations of this Order.

(c) The provisions of this paragraph are not binding on the State of Utah, any insurance company, or any other party to the extent that the provisions conflict with applicable federal or state law. -The Utah Attorney General's Office, any insurance company, or any other party must notify the producing party in writing of any conflict it identifies in connection with a particular matter so that such matter can be resolved either by the parties or by the Court.

143. Production by Third Parties Pursuant to Subpoena

Any third party producing documents or things or giving testimony in this action pursuant to a subpoena, notice, or request may designate said documents, things, or testimony as CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY. The parties agree that they will treat CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY produced by third parties according to the terms of this Order.

145. Compulsory Disclosure to Third Parties

If any receiving party is subpoenaed in another action or proceeding or served with a document or testimony demand or a court order, and the subpoena or demand or court order seeks CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY of a producing party, the receiving party must give prompt written notice to counsel for the producing party and allow the producing party an opportunity to oppose the subpoena or demand or court order prior to the deadline for complying with the subpoena or demand or court order. -No compulsory disclosure to third parties of information or material exchanged under this Order may be deemed a waiver of any claim of confidentiality, except as expressly found by a court or judicial authority of competent jurisdiction.

165. Jurisdiction to Enforce Discovery Protective Order

The Court has jurisdiction to enforce this Order, including after the termination of this action.

176. Modification of Discovery Protective Order

This Order may be modified at any time either through stipulation or Order of the Court.

178. Confidentiality of Party's Own Documents

Nothing in this Order affects the right of the designating party to disclose to its officers, directors, employees, ~~attorneys~~ATTORNEYS', consultants or experts, or to any other person, its own information. This disclosure does not waive the protections of this Discovery Protective Order and does not entitle other parties or their ~~attorneys~~ATTORNEYS' to disclose information in violation of it, unless by the disclosure of the designating party the information becomes public knowledge. Similarly, the Discovery Protective Order does not preclude a party from showing its own information, including its own information that is filed under seal by a party, to its officers, directors, employees, ~~attorneys~~ATTORNEYS', consultants or experts, or to any other person.

198. Findings of Fact and Conclusions of Law Pursuant to Rule 4-202.04(6) of the Utah Code of Judicial Administration

The Court makes the following Findings of Fact and Conclusions of Law regarding the filing of documents or information designated CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY under this Discovery Protective Order:

(a) Certain information and documents, including pleadings, disclosures, discovery requests, or responses, motions, briefs, or other documents may be filed in this litigation that contain information that the parties have designated as CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY, pursuant to this Discovery Protective Order. As defined above, CONFIDENTIAL INFORMATION and CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY includes confidential information, including but not limited to trade secrets, confidential or proprietary

financial information, operational data, business plans, business records, competitive analyses, personnel files, personal information that is protected by law, and other sensitive information.

(b) “The [C]ourt may classify [a] record as private, protected, or sealed, ... or redact information from the record if the record or information ... is classified as private, protected, sealed ... under Code of Judicial Administration-Rule 4-202.02” or “is a record containing information the disclosure of which constitutes an unwarranted invasion of personal privacy.” Utah Code of Judicial Administration-Rule 4-202.04(4).

(c) Protected records include:

- (1) any records submitted to a governmental entity “that the person believes should be protected under Subsection Utah Code 63G-2-305(1) or (2),” UTAH CODE ANN. § 63G-2-309(1);
- (2) “confidential business records under Utah Code Section 63G-2-309,” Utah Code of Judicial Administration-Rule 4-202.02(5)(I);
- (3) “trade secrets as defined in Utah Code Section 13-24-2,” Utah Code of Judicial Administration-Rule 4-202.02(5)(R); and
- (4) “other records as ordered by the Court under Rule Code of Judicial Administration 4- 202.04.” See Utah Code of Judicial Admin. R. 4-202.02(5)(V).

(d) As set forth herein, the disclosing parties have made “a written claim of business confidentiality” and provided “a concise statement of reasons supporting the claim of business confidentiality.” UTAH CODE ANN. § Utah Code 63G-2-309(1)(a)(i).

(e) The Court finds that, if filings containing- CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ATTORNEYSATTORNEYS’ EYES ONLY are not closed to the public, the disclosing party may be subject to competitive or financial injury or potential legal

liability to third parties.

(f) The Court further finds that, given the confidential and sensitive nature of the CONFIDENTIAL INFORMATION and CONFIDENTIAL INFORMATION –

~~ATTORNEYS ATTORNEYS'~~

EYES ONLY, the public's right of access to filings containing CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS ATTORNEYS'~~ EYES ONLY is outweighed by the interests of the disclosing party in the confidentiality of the information.

(g) The Court further finds that the disclosing party's good faith designation of the filings as containing CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS ATTORNEYS'~~ EYES ONLY justifies closing the records to the public by classifying the filings as protected, pursuant to ~~Rule~~ Utah Code of Judicial Administration 4-202.04(5) ~~of the Utah Code of Judicial Administration.~~

(h) the Court concludes that, on balance, the interests of the parties disclosing CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS ATTORNEYS'~~ EYES ONLY that may be included in filings in this action outweighs the public's interest in open court records and that no reasonable alternative exists to closing filings to the public that the parties in good faith designate as containing CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS ATTORNEYS'~~ EYES ONLY, subject to the parties' and public's right to challenge the designation of information as CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS ATTORNEYS'~~ EYES ONLY and the closure of certain filings to the public.

(i) Accordingly, the Court classifies as protected documents and information designated as CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS ATTORNEYS'~~ EYES ONLY, pursuant to this Discovery Protective Order.

(j) The Court orders the Clerk to maintain CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY as protected, pursuant to Code of Judicial Administration Rule 4-202.04(4) and 4-202.09(9)~~of the Utah Code of Judicial Administration~~. Accordingly, and pursuant to ~~Rules~~Code of Judicial Administration 4-202.04(4) and 4-202.09(9)~~of the Utah Code of Judicial Administration~~, the Clerk of this Court is directed to maintain as protected all pleadings, disclosures, discovery requests or responses, motions, briefs, or other documents filed in this litigation that have been classified, in whole or in part, as CONFIDENTIAL INFORMATION or CONFIDENTIAL INFORMATION – ~~ATTORNEYS~~ATTORNEYS' EYES ONLY under this Discovery Protective Order.

This order is effective upon the filing of the notice of election and service of the order.

Judge's signature will appear at the top of the first page of this document.

Commented [KT4]: As contemplated in the rule, this order is served by the party seeking an order and does not have to be signed by the court. The court is actually NOT making any findings whatsoever. We don't understand how the court will make findings or conclusions in this context. It might make more sense to write all this into the rule or seek an amendment to CJA 4-202.04

~~SO ORDERED AND ENTERED BY THE COURT PURSUANT TO RULES 26(g) and
37(a)(7)(G) OF THE UTAH RULES OF CIVIL PROCEDURE, EFFECTIVE UPON THE FILING
OF THE NOTICE OF ELECTION AND SERVICE OF THE ORDER.~~

Commented [DLE(SL5): If this order is going to be signed in cases, should we add a reference to URCP 10(e) here?

IN THE _____ JUDICIAL DISTRICT COURT
_____ COUNTY, STATE OF UTAH

_____,

Plaintiffs,

vs.

_____,

Defendant.

~~Disclosure Agreement (Exhibit A)~~
~~AGREEMENT~~

Case No.

Honorable

Commented [KT6]: Is this form sent along with the order every time?

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Commented [DLE(SL7)]: NOTE: The proposal previously sent did not include this document, but did reference it in the main document, so I made what I thought were the appropriate changes to the federal court document, but this has not been reviewed by our committee at all yet.

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I, _____, am employed by _____. In connection with this action, I am:

_____ a director, officer or employee of _____ who is directly assisting in this action;

_____ have been retained to provide technical or other expert services or to give testimony (a "TECHNICAL ADVISOR");

_____ Other ~~Qualified Recipient~~ **QUALIFIED RECIPIENT** (as defined in the Discovery Protective Order)

(Describe: _____).

I have read, understand and agree to comply with and be bound by the terms of the Discovery Protective Order in the matter of

_____, Civil Action No.

_____, pending in the _____ Judicial District Court, _____

County, State of Utah.- I further state that the Discovery Protective Order entered by the Court, a copy of which has been given to me and which I have read, prohibits me from using any PROTECTED INFORMATION, including documents, for any purpose not appropriate or necessary to my participation in this action or disclosing the documents or information to any person not entitled to receive them under the terms of the Discovery Protective Order.- To the extent I have been given access to PROTECTED INFORMATION, I will not in any way disclose, discuss, or exhibit the information except to those persons whom I know (a) are authorized under the Discovery Protective Order to have access to the information, and (b) have executed a Disclosure Agreement.- I will return, on request, all materials containing PROTECTED INFORMATION, copies thereof and notes that I have prepared relating thereto, to counsel for the party with whom I am associated. I agree to be bound by the Discovery Protective Order in every aspect and to be subject to the jurisdiction of the _____ Judicial District Court, _____ County, State of Utah for purposes of its enforcement and the enforcement of my obligations under this Disclosure Agreement. I declare under penalty of perjury that the foregoing is true and correct.

Signed by Recipient/Technical Advisor

Name (printed)

Date:

Commissioner's or Judge's signature may instead appear at the top of the first page of this document.

Date Signature Commissioner

Date Signature Judge

Approved as to form.

Date Signature Plaintiff/Petitioner, Attorney or Licensed Paralegal Practitioner

Date Signature Defendant/Respondent, Attorney or Licensed Paralegal Practitioner

In the [] District [] Justice Court of Utah
_____ Judicial District _____ County
City of _____
Court Address _____

<div style="border-bottom: 1px solid black; margin-bottom: 10px;">Prosecution</div> <div style="margin-bottom: 10px;">v.</div> <div style="border-bottom: 1px solid black; margin-bottom: 10px;"></div> <div>Defendant</div>	<div>Pretrial Protective Order (Utah Code 78B-7-803)</div> <div style="border-bottom: 1px solid black; margin-top: 10px;">Case Number</div> <div style="border-bottom: 1px solid black; margin-top: 10px;">Judge</div>
--	---

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

First name:	
Middle name or initial (if any):	
Last name:	

Defendant:

First name:	
Middle name or initial (if any):	
Last name:	

2. The court finds

The defendant represents a credible threat to the physical safety of the protected person.

The protected person is:

- ☐ an intimate partner of the defendant. (The defendant and the protected person are or were married, are the parents of a shared child, cohabit or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).
- ☐ the child of an intimate partner of the defendant.
- ☐ not an intimate partner of the defendant, but is a cohabitant under Utah law.
- ☐ not an intimate partner or cohabitant, but is an alleged victim.

The court orders:

You, the defendant, must obey all orders marked below.

3. ☒ No domestic violence or abuse

You must not do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

4. ☐ No contact or limited contact

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.

- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

☐ You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ You and the protected person share custody of one or more minor children. You must only contact the protected person to arrange visits with the children by the methods checked below. Any approved communication must be civil and respectful.

☐ Phone

☐ Text

☐ Email

☐ Third party person (name): _____

☐ Other: _____

☐ For family related matters other than parent time, you must only communicate with the protected person through the person listed below:

First name:	
Middle name or initial (if any):	
Last name:	
Phone or other:	

5. ☐ Defendant cannot live at protected person's residence

You **must not** go to the protected person's residence or premises without an officer. You must remove yourself from and stay away from the protected person's residence and premises.

Warning to defendant: Law enforcement can remove you or keep you away from the protected person's residence or premises if needed.

6. ☐ **Stay away**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Warning to defendant: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

☐ The protected person's residence;

☐ The protected person's school;

☐ The protected person's workplace;

☐ These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

☐ You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at your place of employment or at a required court hearing), you must move as far away as possible to avoid any confrontation.

7. ☐ **Personal property is transferred as follows:**

To you	To the protected person

--	--

Warning to defendant: You **must not** go to the residence of the protected person or other protected places without an officer. Law enforcement can evict you or keep you away from the places frequented by the protected person if needed.

8. ☐ Monitoring programs

☐ You must participate in and comply with an electronic monitoring program.
(Your location is monitored with a wearable tracking device.)

☐ You must participate in and comply with these monitoring programs:

9. ☐ Other orders

10. ☐ Orders to agencies

A law enforcement officer from:

_____ (police agency) will enforce the orders
checked below:

☐ Remove and require you to stay away from the protected person's residence.

☐ Accompany you one time to get your personal property.

☐ Accompany the protected person to get their personal property.

Notices to defendant:

This order is in effect until further order of the court, trial, or other resolution of the case.

Penalties for violating this order (Utah Code 78B-7-806(2))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were charged of committing a felony in this case.
- Class A misdemeanor, if you were charged of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

"The defendant was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act." (Utah Code 78B-7-105.5(4))

Notice to defendant, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court completes this section —

Expiration date for National Crime Information Center purposes only: 01/01/3000

Judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Judge	_____

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

Now that I have been served with this criminal protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future;
- there will be additional criminal charges and penalties if I violate this restriction. Under state law this can include charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge;
- there can be additional penalties under federal law if I violate this restriction; and
- I may be eligible for an affirmative defense to a state-law prosecution for possession of a firearm under Utah Code 76-10-503 if I lawfully transfer my firearms within 10 days of becoming a restricted person.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date _____

Signature ► _____

Printed Name _____

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

(To be signed by the defendant and scanned into CORIS)

Now that I have been served with this criminal protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- there will be additional criminal charges and penalties if I violate this restriction. Under state law this can include charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge; and
- there can be additional penalties under federal law if I violate this restriction.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

In the [] District [] Justice Court of Utah
_____ Judicial District _____ County
City of _____
Court Address _____

Prosecution

v.

Defendant

Sentencing Protective Order
(Utah Code 78B-7-804, 78B-7-805, 78B-7-117)

Case Number

Judge

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Defendant:

First name:	
Middle name or initial (if any):	
Last name:	

2. The court finds

The defendant has been placed on probation or entered into a plea in abeyance agreement after the court issued a formal decision. The defendant represents a credible threat to the physical safety of the protected person.

The protected person is:

- ☐ an intimate partner of the defendant. (The defendant and the protected person are or were married, are the parents of a shared child, cohabit or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).
- ☐ the child of an intimate partner of the defendant.
- ☐ not an intimate partner of the defendant, but is a cohabitant under Utah law.
- ☐ not an intimate partner or cohabitant, but is a victim.

The court orders:

You, the defendant, must obey all orders marked below.

3. ☒ No domestic violence or abuse

You must not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

4. ☐ No contact or limited contact

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

☐ You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ You and the protected person share custody of one or more minor children. You must only contact the protected person to arrange visits with the children by the methods checked below. Any approved communication must be civil and nonthreatening.

☐ Phone

☐ Text

☐ Email:

☐ Third party person (name): _____

☐ Other (specify): _____

5. ☐ Defendant cannot live at protected person's residence

You **must not** go to the protected person's residence or premises without an officer. You must remove yourself from and stay away from the protected person's residence and premises.

Warning to defendant: Law enforcement can remove you or keep you away from the protected person's residence or premises if needed.

6. ☐ Stay away

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be

according to the Rules of Civil Procedure. It must also be civil and not threatening.

Warning to defendant: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

- ☐ The protected person's residence;
- ☐ The protected person's school;
- ☐ The protected person's workplace;
- ☐ These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

- ☐ You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at your place of employment or at a required hearing), you must move as far away as possible to avoid any confrontation.

7. ☐ **Personal property is transferred as follows:**

To you	To the protected person

Warning to defendant: You **must not** go to the residence of the protected person or other protected places without an officer. Law enforcement can evict you or keep you away from the places frequented by the protected person if needed.

8. ☐ ☐ Monitoring programs

☐ You must participate in and comply with an electronic monitoring program. (Your location is monitored with a wearable tracking device.)

☐ You must participate in and comply with this monitoring program(s):

9. ☐ ☐ No guns or weapons:

☐ You must not use, possess, have, or buy a gun or firearm.

☐ You must not use, possess, have, or buy any of these weapons:

☐ You must turn over any guns or firearms that you own or possess by:

_____ to:
(date: mm/dd/yyyy)

☐ A law enforcement agency _____
(law enforcement agency)

☐ A family member who does not live with you. The family member must agree to keep the gun or firearms from you in a sworn affidavit submitted to the courts for this option.
(name): _____

☐ Other (specify): _____

☐ You must turn over any of these weapons you own or possess:

by: _____
(date: mm/dd/yyyy)

You must turn over these weapons listed above to:

☐ A law enforcement agency _____
(law enforcement agency)

☐ A family member who does not live with you. The family member must agree to keep these weapons from you in a sworn affidavit submitted to the courts for this option. A family member
(name): _____

☐ Other (specify): _____

10. ☐ Restitution

You must pay restitution to the protected person in accordance with the Crime Victims Restitution Act (Title 77, Chapter 38b).

11. ☐ Transfer Wireless Phone Number(s)

You and the wireless service provider must transfer the protected person's current wireless phone numbers to a new account of the protected person's choice.

12. ☐ Other orders

13. ☐ Orders to agencies

A law enforcement officer from:

_____ (police agency) will enforce the orders checked below:

- ☐ Remove and require you to stay away from the protected person's residence.
- ☐ Accompany you one time to get your personal property.
- ☐ Accompany the protected person to get their personal property.
- ☐ Receive and hold your guns or firearms for safekeeping until further order of the court.

Notices to defendant:

This order is in effect until further order of the court.

Penalties for violating this order (Utah Code 78B-7-806(3))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were convicted of committing a felony in this case.
- Class A misdemeanor, if you were convicted of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

"The defendant was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act." (Utah Code 78B-7-105.5(4)).

Notice to defendant, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court fills out below —

Expiration date for National Crime Information Center purposes only: 01/01/3000

Judge's signature may instead appear at the top of the first page of this document.

	Signature ►	
_____		_____
Date	Judge	

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

Now that I have been served with this criminal protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- there will be additional criminal charges and penalties if I violate this restriction. Under state law this can include charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge; and
- there can be additional penalties under federal law if I violate this restriction.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date _____

Signature ►

Printed Name _____

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

(To be signed by the defendant and scanned into UCCJIS)

Now that I have been served with this criminal protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future;
- there will be additional criminal charges and penalties if I violate this restriction. Under state law this can include charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge;
- there can be additional penalties under federal law if I violate this restriction; and
- I may be eligible for an affirmative defense to a state-law prosecution for possession of a firearm under Utah Code 76-10-503 if I lawfully transfer my firearms within 10 days of becoming a restricted person.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

In the [] District [] Justice Court of Utah
_____ Judicial District _____ County
City of _____
Court Address _____

Prosecution

v.

Defendant

Continuous Protective Order
(Utah Code 78B-7-804, 78B-7-805, 78B-7-117)

Case Number

Judge

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Defendant:

First name:	
Middle name or initial (if any):	
Last name:	

2. The court finds

The defendant has been convicted of an offense and sentenced to imprisonment in jail or prison. The sentence of imprisonment will be or has been served after

conviction. The defendant represents a credible threat to the physical safety of the protected person.

The protected person is:

- ☐ an intimate partner of the defendant. (The defendant and the protected person are or were married, are the parents of a shared child, cohabitate or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).
- ☐ the child of an intimate partner of the defendant.
- ☐ not an intimate partner of the defendant, but is a cohabitant under Utah law.
- ☐ not an intimate partner or cohabitant, but is a victim.

The court orders:

You, the defendant, must obey all orders marked below.

3. ☒ No domestic violence or abuse

You must not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

4. ☐ No contact or limited contact

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

5. ☐ Stay away

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Warning to defendant: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

- ☐ The protected person's residence;
- ☐ The protected person's school;
- ☐ The protected person's workplace;
- ☐ These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

- ☐ You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or

have contact with the protected person and must leave. If leaving is not an option (such as at your place of employment or at a required court hearing), you must move as far away as possible to avoid any confrontation.

6. ☐ Restitution

You must pay restitution to the protected person in accordance with the Crime Victims Restitution Act (Title 77, Chapter 38b).

7. ☐ Transfer Wireless Phone Numbers

You and the wireless service provider must transfer the protected person's current wireless phone numbers to a new account of the protected person's choice.

8. ☐ Other orders

Notices to defendant:

This order does not expire.

Penalties for violating this order (Utah Code 78B-7-806(3))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were convicted of committing a felony in this case.
- Class A misdemeanor, if you were convicted of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

"The defendant was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act." (Utah Code 78B-7-105.5(4)).

Right to request hearing

You have the right to request a hearing to ask the court to change or dismiss this order (Utah Code 78B-7-804(3)(c)). Only the court can change or dismiss this order.

Until that time, you must obey all orders.

Notice to defendant, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court fills out below —

Expiration date for National Crime Information Center purposes only: 01/01/3000

Judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Judge	_____

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

Now that I have been served with this criminal protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- there will be additional criminal charges and penalties if I violate this restriction. Under state law this can include charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge; and
- there can be additional penalties under federal law if I violate this restriction.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date _____

Signature ►

Printed Name _____

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

(To be signed by the defendant and scanned into UCCJIS)

Now that I have been served with this criminal protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future;
- there will be additional criminal charges and penalties if I violate this restriction. Under state law this can include charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge;
- there can be additional penalties under federal law if I violate this restriction; and
- I may be eligible for an affirmative defense to a state-law prosecution for possession of a firearm under Utah Code 76-10-503 if I lawfully transfer my firearms within 10 days of becoming a restricted person.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

A minor

☐ under ☐ over 18 years of age, and
☐ represented ☐ not represented.

**Pretrial Juvenile Delinquency
Protective Order**

(Utah Code 78B-7-803)

Case Number

Judge

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Accused minor:

First name:	
Middle name or initial (if any):	
Last name:	

2. The court finds

The accused minor represents a credible threat to the physical safety of the protected person.

The protected person is:

- ☐ an intimate partner of the accused minor. (The accused minor and the protected person are or were married, are the parents of a shared child, cohabitate or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).
- ☐ the child of an intimate partner of the accused minor.
- ☐ not an intimate partner of the accused minor, but is a cohabitant under Utah law.
- ☐ not an intimate partner or cohabitant, but is an alleged victim.

The court orders

You, the accused minor, must obey all orders marked below.

3. ☒ No domestic violence or abuse

You must not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

4. ☐ No contact or limited contact

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

☐ You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ You and the protected person share custody of one or more minor children. You must only contact the protected person to arrange visits with the children by the methods checked below. Any approved communication must be civil and respectful.

☐ Phone

☐ Text

☐ Email

☐ Third party person (name): _____

☐ Other: _____

☐ For family related matters other than parent time, you must only communicate with the protected person through the person listed below:

First name:	
Middle name or initial (if any):	
Last name:	
Phone or other:	

5. ☐ Accused minor cannot live at protected person's residence

You **must not** go to the protected person's residence or premises without an officer. You must remove yourself from and stay away from the protected person's residence and premises.

Warning to accused minor: Law enforcement can remove you or keep you away from the protected person's residence or premises if needed.

6. ☐ Stay away

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

Warning to accused minor: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

☐ The protected person's residence;

☐ The protected person's school;

☐ The protected person's workplace;

☐ These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

☐ You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at your place of employment or at a required court hearing), you must move as far away as possible to avoid any confrontation.

7. ☐ Personal property is transferred as follows:

To you	To the protected person

--	--

Warning to accused minor: You **must not** go to the residence of the protected person or other protected places without an officer. Law enforcement can evict you or keep you away from the places frequented by the protected person if needed.

8. ☐ Monitoring programs

☐ You must participate in and comply with an electronic monitoring program.
(Your location is monitored with a wearable tracking device.)

☐ You must participate in and comply with these monitoring programs:

9. ☐ Other orders

10. ☐ Orders to agencies

A law enforcement officer from:

_____ (police agency) will enforce the orders
checked below:

- ☐ Remove and require you to stay away from the protected person's residence.
- ☐ Accompany you one time to get your personal property.
- ☐ Accompany the protected person to get their personal property.

Notices to accused minor:

This order is in effect until further order of the court, trial, or other resolution of the case.

Penalties for violating this order (Utah Code 78B-7-806(3))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were charged of committing a felony in this case.
- Class A misdemeanor, if you were charged of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

The accused minor was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. (Utah Code 78B-7-105.5(4))

Notice to accused minor, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court completes this section —

Expiration date for National Crime Information Center purposes only: 01/01/3000

Date

Signature ► _____
Judge _____

— Accused minor fills out below —

Accused minor accepts service of this protective order.

Signature ► _____

Date

Accused minor _____

The parent, guardian or custodian of the accused minor accepts service of this protective order on behalf of the accused minor, or the accused minor has consulted with legal counsel prior to accepting service.

Date

Signature ►

Parent, guardian or custodian _____

Date

Signature ►

Legal counsel _____

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

Now that I have been served with this juvenile delinquency protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- there can be additional consequences and penalties if I violate this restriction. Under state law consequences could include secure detention.
- there can be additional penalties under federal law if I violate this restriction.
- I may be eligible for an affirmative defense to a state-law prosecution for possession of a firearm under Utah Code 76-10-503 if I lawfully transfer my firearms within 10 days of becoming a restricted person.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Signature ►

Date

Printed Name

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

(To be signed by the accused minor and scanned into CARE)

Now that I have been served with this juvenile delinquency protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- there can be additional consequences and penalties if I violate this restriction. Under state law consequences could include secure detention.
- there can be additional penalties under federal law if I violate this restriction.
- I may be eligible for an affirmative defense to a state-law prosecution for possession of a firearm under Utah Code 76-10-503 if I lawfully transfer my firearms within 10 days of becoming a restricted person.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Signature ►

Date

Printed Name

In the Juvenile Court of Utah	
_____ Judicial District, _____ County	
Court Address _____	
State of Utah, in the interest of _____ Last name, first name A minor [] under [] over 18 years of age, and [] represented [] not represented.	Sentencing (Dispositional) Protective Order (Utah Code 78B-7-804 and 78B-7-805) _____ Case Number _____ Judge

1. Party information

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Victim needing protection (protected person):

First name:	
Middle name or initial (if any):	
Last name:	

Adjudicated minor:

First name:	
Middle name or initial (if any):	
Last name:	

The court finds

The adjudicated minor has been placed on probation or entered into a plea in abeyance agreement after the court issued a formal decision. The adjudicated minor represents a credible threat to the physical safety of the protected person.

The protected person is:

☐ an intimate partner of the adjudicated minor. (The adjudicated minor and the protected person are or were married, are the parents of a shared child, cohabitate or have cohabited together). (18 U.S.C. Sec. 921 (a)(32)).

☐ the child of an intimate partner of the adjudicated minor.

☐ not an intimate partner of the adjudicated minor, but is a cohabitant under Utah law.

☐ not an intimate partner or cohabitant, but is a victim.

The court orders

You, the adjudicated minor must obey all orders marked below.

2. ☒ No domestic violence or abuse

You must not to do any of the following to the protected person or any of the designated family or household members:

- threaten to commit or commit acts of domestic violence or abuse,
- harass,
- threaten,
- stalk,
- use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily harm, or
- engage in any other conduct that would place the protected person or designated family or household members in reasonable fear of bodily injury.

Designated family or household members:

Name (include first and last name):

3. ☐ **No contact or limited contact**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be according to the Rules of Civil Procedure. It must also be civil and not threatening.

☐ You must not harass, telephone, contact, or otherwise communicate with the protected person, directly or indirectly (includes email, text, social media, social media messaging or posts, mail, or other methods of contact).

☐ You and the protected person share custody of one or more minor children. You must only contact the protected person to arrange visits with the children by the methods checked below. Any approved communication must be civil and respectful.

☐ Phone

☐ Text

☐ Email

☐ Third party person (name): _____

☐ Other: _____

4. ☐ **Adjudicated minor cannot live at protected person's residence**

You **must not** go to the protected person's residence or premises without an officer. You must remove yourself from and stay away from the protected person's residence and premises.

Warning to adjudicated minor: Law enforcement can remove you or keep you away from the protected person's residence or premises if needed.

5. ☐ **Stay away**

Notice: You will not violate the protective order by:

- attending a hearing with the protected person. But you must be a party to the case or a required witness. And you must tell the bailiff that you are a respondent to a protective order when you arrive.
- serving documents you file in court on the protected person. Service may not be in-person under any circumstances, but must otherwise be

according to the Rules of Civil Procedure. It must also be civil and not threatening.

Warning to adjudicated minor: You **must not** go to the residence or premises of the protected person or other protected places without an officer. Law enforcement can remove you or keep you away from the places frequented by the protected person if needed.

You must stay away from:

☐ The protected person's residence;

☐ The protected person's school;

☐ The protected person's workplace;

☐ These other places frequented by the protected person and any designated family members:

(Street, City, State, ZIP)

(Street, City, State, ZIP)

☐ You must stay away from the protected person if you encounter them at any other location not listed in this order. You must not communicate or have contact with the protected person and must leave. If leaving is not an option (such as at your place of employment or at a required court hearing), you must move as far away as possible to avoid any confrontation.

6. ☐ Personal property is transferred as follows:

To you	To the protected person

Warning to accused minor: You **must not** go to the residence of the protected person or other protected places without an officer. Law enforcement can evict you or keep you away from the places frequented by the protected person if needed.

7. [] Monitoring programs

[] You must participate in and comply with an electronic monitoring program.
(Your location is monitored with a wearable tracking device.)

[] You must participate in and comply with these monitoring programs:

8. [] No guns or weapons:

[] You must not use, possess, have, or buy a gun or firearm.

[] You must not use, possess, have, or buy any of these weapons:

[] You must turn over any guns or firearms that you own or possess by:

_____ to:

(date: mm/dd/yyyy)

[] A law enforcement agency _____
(law enforcement agency)

[] A family member who does not live with you. The family member
must agree to keep the gun or firearms from you in a sworn affidavit
submitted to the courts for this option.
(name): _____

[] Other (specify): _____

[] You must turn over any of these weapons you own or possess:

by: _____.

(date: mm/dd/yyyy)

You must turn over these weapons listed above to:

[] A law enforcement agency _____
(law enforcement agency)

☐ A family member who does not live with you. The family member must agree to keep these weapons from you in a sworn affidavit submitted to the courts for this option. A family member (name): _____

☐ Other (specify): _____

9. ☐ Restitution

You must pay restitution to the protected person in accordance with the Crime Victims Restitution Act (Title 77, Chapter 38b).

10. ☐ Transfer Wireless Phone Number(s)

You and the wireless service provider must transfer the protected person's current wireless phone numbers to a new account of the protected person's choice.

11. ☐ Other orders

12. ☐ Orders to agencies

A law enforcement officer from:

_____ (police agency) will enforce the orders checked below:

☐ Remove and require you to stay away from the protected person's residence.

☐ Accompany you one time to get your personal property.

☐ Accompany the protected person to get their personal property.

☐ Receive and hold your guns or firearms for safekeeping until further order of the court.

Notices to adjudicated minor:

This order is in effect until further order of the court.

Penalties for violating this order (Utah Code 78B-7-806(3))

If you do not obey this order, you can be arrested and charged with a new offense. The new offense would be Violation of a Protective Order, which is a:

- Third degree felony, if you were adjudicated of committing a felony in this case.
- Class A misdemeanor, if you were adjudicated of committing a misdemeanor in this case.

You may become subject to federal law because this protective order was issued against you. This would mean that it would be a crime for you to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

The adjudicated minor was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. (Utah Code 78B-7-105.5(4))

Notice to adjudicated minor, petitioner, and protected person:

The parties cannot change or dismiss this order. Only the court has the authority to change or dismiss this order. If you want to ask the court to change or dismiss this order, you must file a motion with the court.

— The court completes this section —

Expiration date for National Crime Information Center purposes only: 01/01/3000

Date

Signature ► _____
Judge _____

— Adjudicated minor fills out below —

Adjudicated minor accepts service of this protective order and waives the right to be personally served.

Date

Signature ► _____
Adjudicated minor _____

The parent, guardian or custodian of the adjudicated minor accepts service of this protective order, or the adjudicated minor has consulted with legal counsel prior to accepting service.

_____	Signature ►	_____
Date		
	Parent, guardian or custodian	_____

_____	Signature ►	_____
Date		
	Legal counsel	_____

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

Now that I have been served with this juvenile delinquency protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- there can be additional consequences and penalties if I violate this restriction. Under state law consequences could include secure detention.
- there can be additional penalties under federal law if I violate this restriction.
- I may be eligible for an affirmative defense to a state-law prosecution for possession of a firearm under Utah Code 76-10-503 if I lawfully transfer my firearms within 10 days of becoming a restricted person.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Signature ►

Date

Printed Name

**Protective Order Acknowledgment
of Firearm Restriction**

Case Number _____

(To be signed by the accused minor and scanned into CARE)

Now that I have been served with this juvenile delinquency protective order, I understand that:

- I am a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- there can be additional consequences and penalties if I violate this restriction. Under state law consequences could include secure detention.
- there can be additional penalties under federal law if I violate this restriction.
- I may be eligible for an affirmative defense to a state-law prosecution for possession of a firearm under Utah Code 76-10-503 if I lawfully transfer my firearms within 10 days of becoming a restricted person.

I was told all of the above by the court, the prosecuting attorney, my attorney, or a peace officer who served me the criminal protective order.

I am signing this acknowledgment in front of the court or a peace officer.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Signature ►

Date

Printed Name

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

**Motion to Extend Cohabitant
Protective Order**

(Utah Code 78B-7-606(2))

Hearing Requested

Case Number

Judge

Commissioner

(Notice: Use this form to ask to extend the criminal orders in your protective order. If you need to ask to extend the civil orders, please submit a Request to Modify Protective Order.
Remember, anything you say on this form or add as proof can be seen by the respondent.)

1. I ask the court to extend the cohabitant protective order issued on _____ (date), which expires on _____ (date).
2. I am filing this request before the cohabitant protective order has expired.
3. I ask to extend the Cohabitant Protective Order because (Choose all that apply):

☐ I have a current reasonable fear of future harm, abuse or domestic violence because:

☐ The respondent committed or was convicted of:

☐ a violation of the protective order I am asking to extend.

☐ a qualifying domestic violence offense after the protective order was issued. (See Utah Code 77-36-1(4) for a list of qualifying offenses).

When did it happen? (Date.): _____

Where did it happen? (City and state.): _____

Describe what happened: _____

Did the police come? ☐ No ☐ Yes

If the police came,

Which police department came? _____

Was anyone arrested? ☐ No ☐ Yes

If yes, who was arrested? _____

What is the police case number? _____

Did anyone get a ticket or citation? ☐ No ☐ Yes

If yes, who got the ticket? _____

What did the police do?

Commented [KT1]: Decrease line amount

☐ Check here if you need more space and attach additional pages to this form.

Was anyone hurt? ☐ No ☐ Yes
(If yes, describe.)

4. ☐ I am attaching the following proof: (This proof can include pictures, police reports, screenshots, and other things)

Commented [KT2]: Fix indent

5. ☐ I request a hearing.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date Signature ►

Printed Name _____

Clerk's Certificate of Service

I certify that I served a copy of this Motion to Extend Cohabitant Protective Order on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		

Date Signature ►

Clerk's Printed Name _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Order

☐ **Granting**

☐ **Denying**

**Motion to Extend Cohabitant
Protective Order**

Case Number

Judge

Commissioner

There was a hearing on *(date)*: _____. The Respondent was given notice and an opportunity to be heard in the hearing that gave rise to this order. The following people were present at the hearing:

☐ Petitioner ☐ Petitioner's attorney *(name)*: _____

☐ Respondent ☐ Respondent's attorney *(name)*: _____

☐ Other *(name)* _____

The court reviewed the Motion to Extend Cohabitant Protective Order and (Choose all that apply.):

☐ received argument and evidence

☐ accepted the stipulation of the parties

☐ entered the default of respondent for failure to appear

The court finds:

1. This court entered a protective order on _____ (date), which expires on _____ (date).

2. The court also finds: (choose all that apply)

☐ The petitioner has a current reasonable fear of future harm, abuse, or domestic violence.

☐ The motion and petitioner's evidence does not show sufficient evidence that the petitioner has a current reasonable fear of future harm, abuse or domestic violence.

☐ The respondent committed or was convicted of a violation of the protective order in this case or a qualifying domestic violence offense after the protective order was issued.

☐ The petitioner did not show the respondent committed or was convicted of a violation of the protective order in this case or a qualifying domestic violence offense after the protective order was issued. (See Utah Code 77-36-1 for a list of qualifying offenses).

3. The request to extend the protective order:

☐ was filed before the protective order expired.

☐ was filed after the protective order expired.

The court orders:

☐ The Motion to Extend Cohabitant Protective Order is granted. The court will issue an amended Protective Order that will expire on _____(date).

☐ The Motion to Extend Cohabitant Protective Order is denied.

— The court completes this section —

Judge or commissioner's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date		
_____	Commissioner	_____
_____	Signature ►	_____
Date		
	Judge	_____

Clerk's Certificate of Service

I certify that I served a copy of this Motion to Extend Cohabitant Protective Order on the following people.

Person's Name	Service Method	Service Address	Service Date
---------------	----------------	-----------------	--------------

Clerk's Certificate of Service

I certify that I served a copy of this Motion to Extend Cohabitant Protective Order on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		

Signature ►

Date

Clerk's Printed Name

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

**Motion to Extend Dating Violence
Protective Order**
(Utah Code 78B-7-405(4))

Hearing Requested

Case Number

Judge

Commissioner

(Notice: Use this form to ask to extend the criminal orders in your protective order. If you need to ask to extend the civil orders, please submit a Request to Modify Protective Order.
Remember, anything you say on this form or add as proof can be seen by the respondent.)

1. I ask the court to extend the dating violence protective order issued on
_____ (date), which expires on
_____ (date).
3. I am filing this request before the dating violence protective order has expired.
2. I ask to extend the Dating Violence Protective Order because (Choose all that apply):

☐ There is a substantial likelihood I will be subjected to dating violence because:

☐ The respondent committed or was convicted of:

☐ a violation of the dating violence protective order I am asking to extend.

☐ dating violence after the protective order was issued.

When did it happen? (Date.): _____

Where did it happen? (City and state.): _____

Describe what happened:

Commented [KT1]: Decrease line amount

Did the police come? ☐ No ☐ Yes

If the police came,

Which police department came? _____

Was anyone arrested? ☐ No ☐ Yes

If yes, who was arrested? _____

What is the police case number? _____

Did anyone get a ticket or citation? ☐ No ☐ Yes

If yes, who got the ticket? _____

What did the police do?

☐ Check here if you need more space and attach additional pages to this form.

Was anyone hurt? ☐ No ☐ Yes
(If yes, describe.)

4. ☐ I am attaching the following proof: (The proof you attach can be seen by the respondent. This proof can include pictures, police reports, screenshots, and other things)

Commented [KT2]: Fix indent

☐ I request a hearing.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Commented [KT3]: Update to match other motion

Clerk's Certificate of Service

I certify that I served a copy of this Request to Extend Protective Order on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		

Clerk's Certificate of Service

I certify that I served a copy of this Request to Extend Protective Order on the following people.

Person's Name	Service Method	Service Address	Service Date
---------------	----------------	-----------------	--------------

Signature ►

Date

Clerk's Printed Name

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Order

☐ **Granting**

☐ **Denying**

**Motion to Extend Dating Violence
Protective Order**

Case Number

Judge

Commissioner

There was a hearing on *(date)*: _____. The Respondent was given notice and an opportunity to be heard in the hearing that gave rise to this order. The following people were present at the hearing:

☐ Petitioner ☐ Petitioner's attorney *(name)*: _____

☐ Respondent ☐ Respondent's attorney *(name)*: _____

☐ Other *(name)* _____

The court reviewed the Motion to Extend Dating Violence Protective Order and (Choose all that apply.):

☐ received argument and evidence

☐ accepted the stipulation of the parties

☐ entered the default of respondent for failure to appear

The court finds:

1. This court entered a dating violence protective order on _____ (date), which expires on _____ (date).

2. The court also finds: (choose all that apply)

☐ There is a substantial likelihood the petitioner will be subjected to dating violence.

☐ The Motion and Petitioner's evidence does not show sufficient evidence that there is a substantial likelihood the petitioner will be subjected to dating violence.

☐ The respondent committed or was convicted of a violation of the protective order petitioner is asking to extend or dating violence after the protective order was issued.

☐ The petitioner did not show the respondent committed or was convicted of a violation of the dating violence protective order the petitioner is asking to extend or dating violence after the protective order was issued.

3. The request to extend the protective order

☐ was filed before the protective order expired.

☐ The request to extend was filed after the protective order expired.

The court orders:

The Motion to Extend Dating Violence Protective Order is granted. The court will issue an amended Dating Violence Protective Order that will expire on _____ (date).

☐ The Motion to Extend Cohabitant Protective Order is denied.

— The court completes this section —

Judge or commissioner's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____

Commissioner _____

Signature ► _____

Date _____

Judge _____

Clerk's Certificate of Service

I certify that I served a copy of this Motion to Extend Cohabitant Protective Order on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		

Date

Signature ►

Clerk's Printed Name

Name

Address (omit if safeguarded)

City, State, Zip (omit if safeguarded)

Phone (omit if safeguarded)

Email (omit if safeguarded)

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner (person asking for protection)

v.

Respondent

**Motion to Extend Sexual Violence
Protective Order**
(Utah Code 78B-7-505(3))

Hearing Requested

Case Number

Judge

Commissioner

(Notice: Use this form to ask to extend the criminal orders in your protective order. If you need to ask to extend the civil orders, please submit a Request to Modify Protective Order.
Remember, anything you say on this form or add as proof can be seen by the respondent.)

1. I ask the court to extend the sexual violence protective order issued on
_____ (date), which expires on
_____ (date).
3. I am filing this request before the sexual violence protective order has expired

2. I ask to extend the Sexual Violence Protective Order because (Choose all that apply):

☐ There is a substantial likelihood I will be subjected to sexual violence because

☐ The respondent committed or was convicted of:

☐ a violation of the sexual violence protective order I am asking to extend.

☐ a sexual violence offense after the sexual violence protective order was issued.

When did it happen? (Date.): _____

Where did it happen? (City and state.): _____

Describe what happened:

Commented [KT1]: Decrease line amount

Did the police come? ☐ No ☐ Yes

If the police came,

Which police department came? _____

Was anyone arrested? ☐ No ☐ Yes

If yes, who was arrested? _____

What is the police case number? _____

Did anyone get a ticket or citation? ☐ No ☐ Yes

If yes, who got the ticket? _____

What did the police do?

☐ Check here if you need more space and attach additional pages to this form.

Was anyone hurt? ☐ No ☐ Yes
(If yes, describe.)

4. ☐ I am attaching the following proof: (This proof can include pictures, police reports, screenshots, and other things)

Commented [KT2]: Fix indent

4. ☐ I request a hearing.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date Signature ►

Printed Name _____

Clerk's Certificate of Service

I certify that I served a copy of this Request to Extend Sexual Violence Protective Order on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		

Clerk's Certificate of Service

I certify that I served a copy of this Request to Extend Sexual Violence Protective Order on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		

Signature ►

Date

Clerk's Printed Name

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Order

[Granting]

[Denying]

**Motion to Extend Sexual Violence
Protective Order**

Case Number

Judge

Commissioner

There was a hearing on *(date)*: _____. The Respondent was given notice and an opportunity to be heard in the hearing that gave rise to this order. The following people were present at the hearing:

☐ Petitioner ☐ Petitioner's attorney *(name)*: _____

☐ Respondent ☐ Respondent's attorney *(name)*: _____

☐ Other *(name)* _____

The court reviewed the Motion to Extend Cohabitant Protective Order and (Choose all that apply.):

☐ received argument and evidence

☐ accepted the stipulation of the parties

☐ entered the default of respondent for failure to appear

The court finds:

1. This court entered a sexual violence protective order on

_____ (date), which expires on
_____ (date).

2. The court also finds: (choose all that apply)

☐ There is a substantial likelihood the petitioner will be subjected to sexual violence.

☐ The motion and petitioner's evidence does not show sufficient evidence that there is a substantial likelihood the petitioner will be subjected to sexual violence.

☐ The respondent committed or was convicted of a violation of the sexual violence protective order petitioner is asking to extend or a sexual violence offense after the sexual violence protective order was issued.

☐ The petitioner did not show the respondent committed or was convicted of a violation of the sexual violence protective order petitioner is asking to extend or a sexual violence offense after the sexual violence protective order was issued.

3. The request to extend the sexual violence protective order:

☐ was filed before the sexual violence protective order expired.

☐ was filed after the sexual violence protective order expired.

The court orders:

The Motion to Extend Sexual Violence Protective Order is granted. The court will issue an amended Sexual Violence Protective Order that will expire on _____ (date).

☐ The Motion to Extend Cohabitant Protective Order is denied.

— The court completes this section —

Judge or commissioner's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Commissioner _____

Date

Signature ► _____
Judge _____

— Respondent completes this section —

By signing here, respondent approves the form, and accepts service of this Order Extending Sexual Violence Protective Order and waives the right to be personally served.

Respondent's Address

Respondent's Signature ► _____

Clerk's Certificate of Service			
I certify that I served a copy of this Motion to Extend Cohabitant Protective Order on the following people.			
Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		
	<input type="checkbox"/> Mail <input type="checkbox"/> E-filed <input type="checkbox"/> Email		

Date

Signature ► _____
Clerk's Printed Name _____

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the ☐ Petitioner
☐ Attorney for the Petitioner and my Utah Bar number is _____

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

In Re:

Petitioner

**Petition to Expunge Records with
Special Certificate**
(Utah Code 77-40a-305)

Case Number

Judge

(What are you trying to expunge?)

If there was no conviction, complete number 1 and skip number 2. Then go on to number 3.

If there was a conviction, skip number 1 and complete number 2. Then go on to number 3.)

1. ☐ **Records of crimes without a conviction.**

I was arrested on _____ (date) by
_____ (law enforcement
agency). The law enforcement agency's file number is
_____.

A court case:

☐ was not filed.

☐ was filed as a result of the arrest. It was filed in case number:

_____.

☐ The case was dismissed with prejudice.

☐ I was acquitted at trial.

The following apply to me: (choose all that apply)

☐ At least 30 days have passed since I was arrested.

☐ I have not been arrested since this special certificate was issued.

☐ I am not on probation or parole.

☐ There is not a criminal protective order or stalking injunction in effect for this case.

2. ☐ **Records of crimes with a conviction.**

I was convicted of a crime or crimes in court case number.

_____.

The following apply to me: (choose all that apply)

☐ None of the crimes I am trying to expunge are:

- a capital or first degree felony;
- a violent felony as defined in Utah Code 76-3-203.5(1)(c)(i);
- felony automobile homicide;
- felony driving under the influence;
- an offense, or a combination of offenses, that would require me to register as a sex offender, as defined in Utah Code 77-41-102
- a registerable child abuse offense as defined in Utah Code 77-43-102(2)

☐ ~~There is no criminal case or plea in abeyance pending against me or being investigated in any jurisdiction. There are no criminal proceedings for misdemeanor or felony offenses pending against me, unless it is for a traffic offense;~~

☐ ~~There is no plea in abeyance for a misdemeanor or felony offense pending against me, unless it is for a traffic offense;~~

☐ ~~I am not incarcerated, on parole, or on probation or parole, unless it is for an infraction, a traffic offense, or a minor regulatory offense.~~

☐ There is not a criminal protective order or stalking injunction in effect for this case.

- [] I have not been convicted in separate criminal episodes of:
- 2 or more felonies (other than for drug possession);
 - 3 or more crimes (other than for drug possession) of which 2 are class A misdemeanors;
 - 4 or more crimes (other than for drug possession) of which 3 are class B misdemeanors; or
 - 5 or more crimes (other than for drug possession) of any degree other than infractions;
 - 3 or more felonies for drug possession;
 - 5 or more crimes of any degree for drug possession
- [] I have paid all fines, fees, restitution and interest.
- [] The following time periods have elapsed from the date I was convicted or released from incarceration, probation or parole, whichever occurred last:
- 10 years in the case of a misdemeanor conviction of Utah Code 41-6a-501(2) or a felony conviction of Utah Code 58-37-8(2)(g);
 - 7 years in the case of a felony;
 - 5 years in the case of a class A misdemeanor or a felony drug possession offense;
 - 4 years in the case of a class B misdemeanor; or
 - 3 years in the case of any other misdemeanor or infraction.

3. **Certificate of eligibility.**

BCI was unable to find information about the outcome of my criminal case. BCI has issued a special expungement certificate. The identification number for my special certificate is: _____.

I believe I am eligible for expungement because:

4. **Public interest.**

Expunging my records will not harm the interests of the public because:

5. **Request.**

I ask that the court order expungement of the crimes or alleged crimes identified above and order state, county and local government agencies to expunge related records in their possession or control.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

This is a private record.

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am ☐ Plaintiff/Petitioner ☐ Plaintiff/Petitioner's Attorney (Utah Bar #: _____)

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

In Re:

Petitioner

**Petition to Expunge Records
(Traffic Conviction)**

Utah Code 77-40a-305(3)

Case Number

Judge

1. Certificate of eligibility

All convictions in this case are for traffic offenses as defined in Utah Code 77-40a-101(14).

2. Enough time has passed

Enough time has passed to expunge this case:

- for a class C misdemeanor or infraction, at least 3 years have passed after the date of conviction;
- for a class B misdemeanor, at least 4 years have passed after ~~from~~ the date of conviction.

3. No other traffic cases

- I have no pending traffic cases;

- I have no cases where I have a pending plea in abeyance for a traffic offense; or
- I am not currently on probation for a traffic offense case.

43. Only convictions for traffic offenses

All convictions in this case are for traffic offenses.

54. Public interest

Expunging the crimes will not harm the public's interests because:

5. Request

I ask the court to order expungement of the record identified above, and order state, county and local government agencies to expunge related records in their possession or control.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

Date of birth

A minor

☐ under ☐ over 18 years of age, and
☐ represented ☐ not represented.

**Petition to Expunge Juvenile Court
Records**

(Utah Code 80-6-1004.1)

Case Number

Incident(s)

Judge

Parents' Names:

1. ☐ I am 18 years of age

OR

☐ I request that the judge waive the age requirement because:

2. ☐ The Juvenile Court jurisdiction and/or custody and parole supervision of the Division of Juvenile Justice Services (formerly Division of Youth Corrections) was unconditionally terminated at least one year ago.

OR

- ☐ I request that the court waive the one-year requirement because:

3. Since my 18th birthday, I have resided at the following address(es):

4. In the five years before filing this petition, I have not been convicted of a violent felony (as described in Utah Code 76-3-203.5) and there are no pending delinquency or criminal proceedings against me.

5. I have paid all fines, fees, restitution and interest.

6. The court and the following agencies may have records to be expunged:

7. ☐ The court and agencies may have related records under the following names, which I have used.

8. I ask the court to order expungement of my juvenile court records and related records in the possession or control of any state, county or local government agency.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

Name

Address

City, State, Zip

Phone

Email

In the Juvenile Court of Utah

_____ Judicial District _____ County

Court Address _____

State of Utah, in the interest of

Last name, first name

Date of birth

A minor

☐ under ☐ over 18 years of age, and
☐ represented ☐ not represented.

**Petition to Expunge Juvenile Court
Records (Nonjudicial Adjustments)**

(Utah Code 80-6-100~~4.25~~)

Case Number

Incident(s)

Judge

Parents' Names:

1. I am 18 years of age.

2. Since my 18th birthday, I have lived at the following addresses:

3. I have completed the terms of each nonjudicial adjustment.

4. The court and the following agencies may have records to be expunged:

5. ☐ The court and agencies may have related records under the following names, which I have used.

6. I ask the court to order expungement of my juvenile court records and related records in the possession or control of any state, county or local government agency.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

April 3, 2023

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Forms Committee

FROM: Nathanael Player, on behalf of OCAP

RE: OCAP changes necessitated by SB 51 and SB 229

Two bills, SB 51 and SB 229, require changes to OCAP, our form Motion for Temporary Order – with Children, and our form Order on Motion for Temporary Order – With Children.

SB 51

SB 51 changes the table in Utah Code 30-3-35 as follows:

- Changes the holiday time period to end at 7 pm (instead of the day before school resumes) on: Dr. Martin Luther King Jr. Day, Memorial Day, and Labor Day.
- Adds Juneteenth National Freedom Day to the table, articulating beginning and ending times.
- Clarifies that Thanksgiving and the second half of winter break end at 7pm on the day (instead of “night”) before school resumes.

SB 51 also changes the tables in Utah Code 30-3-35.1 and 30-3-35.5, adding Juneteenth National Freedom day to each.

These changes only affect OCAP. We seek permission to update all relevant pleadings in the Divorce, Divorce Answer, Custody, Custody Answer, and any other needed interviews, consistent with the above.

SB 229

SB 229 changes what provisions must be included in a child support order regarding medical expenses. The bill changes Utah Code 78B-12-212. The new law requires child support orders to include provisions providing that:

- Each parent will share equally the out-of-pocket costs of insurance premiums annually paid by a parent for the child’s portion of insurance

The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.

450 South State Street / P.O. Box 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3800/ Fax: 801-578-3843

- Each parent will equally share all reasonable and necessary uninsured and unreimbursed medical and dental expenses incurred for a child, including co-payments, co-insurance, and deductibles.

Regarding the first bullet point, OCAP currently includes these provisions. However, the language differs somewhat from what our Motion for Temporary Order says. Below is the language currently used in OCAP, with track changes turned on to highlight recommended changes.

- Both parties will equally share the out-of-pocket costs of the insurance premiums. The portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties.

Regarding the second bullet point, OCAP already includes this required language. However, this necessitates some minor changes to the Motion for Temporary Order – With Children, and the accompanying order. Those forms are included with this memo.

A motion to approve these changes authorizes us to update OCAP consistent with the requirements of SB 51 and SB 229 and authorizes the changes to the Motion for Temporary Order – With Children, and the accompanying order.

Commented [NP1]: Not required by statute, but this language is in our motion for temporary order and adds clarity as to how to calculate the cost here

Name _____
Address _____
City, State, Zip _____
Phone _____
Email _____

This motion will be decided by the court commissioner at an upcoming hearing. If you do not appear at the hearing, the Court might make a decision against you without your input. In addition, you may file a written response at least 14 days before the hearing.

Check your email. You will receive information and documents at this email address.

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of (select one)

- ☐ the Marriage of (for a divorce with or without children, annulment, separate maintenance, or temporary separation case)
☐ the Children of (to establish custody, parent-time or child support)
☐ the Parentage of the Children of (for a paternity case)

(name of Petitioner)
and

(name of Respondent)

Other parties (if any)

Motion for Temporary Order – With Children - Commissioner

☐ Hearing Requested

Case Number

Judge

Commissioner

Commented [NP1]: Kaden - we also need to update the non-commissioner version

I ask the court to enter temporary orders in the paragraphs I have marked below.

1. ☐ **Children** (including only unborn, minor and adult incapacitated children)

The petitioner and the respondent are the parents of the following children: (Add additional pages if needed.)

Child's name (first, middle and last)	Month and year of birth	Type of child
Example: Jennie Eliza Jones	January 2017	<input type="checkbox"/> Unborn <input checked="" type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated

The children have lived at the addresses listed below and with the persons listed below for the past five years: (Add additional pages if needed.)

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child
Example: Jennie Jones	123 Maple St Mayberry, UT 84444	5/15/15 to present	Jane Doe, John Jones	Mother, maternal grandfather

2. ☐ **Child custody**

All orders involving children will include two types of custody: physical custody and legal custody.

Physical custody deals with where the children live and how many overnights the children

spend with each parent.

Sole physical custody means that the children live primarily with one parent and have parent time (visitation) with the other parent (see parent-time options in Section 3).

Joint physical custody means that the children typically spend at least 30% of overnights with both parents each year and that both parents contribute to the expenses of the child in addition to paying child support.

Split physical custody means that where there is more than one child, each parent is awarded sole physical custody of at least one of the children.

Legal custody deals with access to information and decision making.

Sole legal custody means that one parent has the right to make important decisions about the child.

Joint legal custody means that both parents: (1) have the right to information about the child (events, appointments, access to school and medical records, etc.); and (2) that both parents discuss and make major decisions together – (education, religion, medical, extra-curricular activities, etc.) but designate a parent to make the final decision if they cannot agree.

I ask the court to order temporary custody below (Choose one. If you ask for any joint legal custody or joint physical custody arrangement, you must file or attach a Parenting Plan based on Utah Code 30-3-10.7 to 30-3-10.10.):

☐ Custody arrangement: (Add additional pages if needed.)

Child's name	Month and year of birth	Order physical custody to	Order legal custody to
Example: Jennie Jones	January 2013	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other custody arrangement (Describe in detail.):

I ask the court to order the custody arrangement I have marked above because:

3. ☐ **Parent-time**

I ask the court to order temporary parent-time below (Choose one.):

☐ Statutory parent-time schedule: (Choose all that apply. You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Children 5-18 (equal parent-time) (Utah Code 30-3-35.2)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

I ask the court to order the parent-time schedule I chose above because:

4. ☐ **Parent-time transfers**

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time described below (Choose one.):

☐ Order transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Order transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

☐ Order curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

I ask the court to order the transfer arrangement I chose above because:

5. ☐ **Communication between parties**

I ask the court to order communication between the parties as described below
(Choose as many options as you want.):

☐ In person

☐ Phone

Petitioner's # _____ Respondent's # _____

☐ Text

Petitioner's # _____ Respondent's # _____

☐ Email

Petitioner's email address _____

Respondent's email address _____

☐ Through a third party

Name _____ Phone # _____

☐ Other method of communication: (Describe in detail.)

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the children, must not allow other people to do so and must remove the children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the children if anyone discusses the case in the presence of the minor children.

- ☐ The parties must not harm or threaten to harm the other parent or the children and must not allow other people to do so and must remove the children if anyone harms or threatens harm to the other parent or children.

6. ☐ **Child support**

I ask the court to order child support based on the parties' incomes or estimate of income based on ability or work history.

- a. Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

_____.

- ☐ The court should consider petitioner's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

- ☐ Petitioner does receive or has received public assistance.

- b. Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

_____.

- ☐ The court should consider respondent's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

- ☐ Respondent does receive or has received public assistance.

- c. Order ☐ petitioner ☐ respondent to pay \$_____ per month for child support. The following child support worksheet is filed or attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

(Choose one.)

☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-201 et seq.).

☐ This amount is **not** based on the Uniform Child Support Guidelines and I am asking for a different amount because (Choose one.):

☐ the guidelines are unjust.

☐ the guidelines are inappropriate.

☐ the guidelines amount is not in the best interest of the children.

(Utah Code 78B-12-202 and 210.)

Explain your choice:

_____.

d. Effective date (Choose one.):

☐ The child support is effective upon entry of this order.

OR

☐ The child support is effective as of this date: _____.

e. Child support will be paid as follows (Choose one.):

☐ Mandatory income withholding by the Office of Recovery Services.

Unless the Office of Recovery Services gives notice that payments will be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

I ask for direct payment because (Utah Code 62A-11-404):

f. I ask that child support payments be made (Choose one.):

☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

☐ Other payment arrangement:

g. Child support not paid on or before the due date is delinquent on the day after the due date.

h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

7. ☐ **Child care expenses**

I ask the court to order that both parties share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other request for child care payment:

8. ☐ **Health insurance, medical and dental expenses**

Our minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance
- ☐ Medicaid
- ☐ CHIP
- ☐ Other: _____
- ☐ Not covered by insurance

Both parties must provide health care coverage for the medical expenses of the dependent children. Health care coverage means coverage under which medical services are provided to a dependent child through: fee for service, a health maintenance organization, a preferred provider organization, any other type of private health insurance, or public health care coverage. Utah Code 78B-12-102(13).

- ☐ I ask the court to order that ☐ petitioner ☐ respondent maintain health insurance for our minor children. Both parties must share equally:
- a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
 - b. all reasonable and necessary uninsured ~~and unreimbursed~~ medical and dental expenses incurred for the children. ~~and paid by a parent, including This includes~~ deductibles ~~and co-payments and co-insurance.~~

If medical insurance is not available at reasonable cost then both parents must ensure the children have health care coverage. This may require applying for public health care coverage, such as CHIP or Medicaid.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written

verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification will reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

I ask for this order because (Choose all that apply.):

- ☐ the insurance is available to ☐ petitioner ☐ respondent;
- ☐ the cost of the insurance is reasonable
- ☐ the custodial parent prefers this arrangement.
- ☐ Other reasons:

- ☐ I ask for these additional orders regarding health insurance and medical and dental expenses:

9. ☐ **Pregnancy expenses**

I ask the court to order that ☐ petitioner ☐ respondent pay 50% of the pregnancy expenses. These expenses were billed for services the mother received after becoming pregnant and before the pregnancy ended. (You must attach all documents supporting the amounts you are requesting.)

☐ One-half of health insurance premiums not paid \$ _____
by an employer or government program
from _____ to _____ (dates)

☐ One-half of medical costs related to the \$ _____
pregnancy not covered by insurance or
government program

10. ☐ **Tax exemptions for dependent children**

I ask the court to order tax exemptions for the dependent children for tax year _____, as follows:

Child's name	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other: _____

11. ☐ **Payment of bills and debts**

I ask the court to order payment of bills and debts (such as mortgage, rent, credit card, utilities, medical expenses, car payments, insurance, etc.) as follows (File or attach Financial Declaration. Add additional pages if needed.):

☐ Petitioner to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

The bills and debts should be paid as requested because:

12. ☐ **Property**

I ask the court to order the temporary use and possession of the following property (File or attach Financial Declaration. File or attach additional pages if needed.):

☐ To petitioner

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ To respondent

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ I ask the court to order that neither party sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

I ask for this property order because:

13. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

I am unable to meet my own financial needs, and I ask the court to order temporary alimony as follows (File or attach Financial Declaration.):

☐ petitioner ☐ respondent shall pay to ☐ petitioner ☐ respondent temporary alimony in the amount of \$ _____ per month by:
(Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

☐ Petitioner ☐ Respondent needs temporary alimony because :

☐ Petitioner ☐ Respondent has the financial ability to pay temporary alimony because:

14. ☐ **Attorney fees**

I ask the court to order the other party to pay \$ _____ to my attorney. (You can only ask for this if you are paying an attorney to represent you in this case. You must file or attach a Financial Declaration.)

I ask for attorney fees because:

15. ☐ **Other**

I ask the court for these additional orders:

I ask for these additional orders because:

16. **Documents**

I have filed or attached the following documents in support of this Motion for Temporary Order (Check all that apply. Forms can be found at www.utcourts.gov.):

☐ Parenting Plan (Utah Code 30-3-10.7 to 30-3-10.10)

☐ Parent time Schedule (Utah Code 30-3-35; 30-3-35.5; 30-3-35.1; 30-3-35.2)

☐ Child Support Obligation Worksheet (Utah Code 78B-12)

☐ Financial Declaration (Utah Rule of Civil Procedure 26.1)

☐ Income verification (Most recent tax return and pay stub)

☐ Other supporting documents: _____

Petitioner or Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____

Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:
utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:
utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal



Para acceder esta página escanee el código QR

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about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.	(utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.
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Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion for Temporary Order – With Children on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>In the Matter of (select one)</p> <p><input type="checkbox"/> the Marriage of (for a divorce with or without children, annulment, separate maintenance, or temporary separation case)</p> <p><input type="checkbox"/> the Children of (to establish custody, parent-time or child support)</p> <p><input type="checkbox"/> the Parentage of the Children of (for a paternity case)</p> <p>_____ (name of Petitioner)</p> <p>and</p> <p>_____ (name of Respondent)</p> <p>_____ Other parties (if any)</p>	<p>Order on Motion for Temporary Order – With Children</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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The matter before the court is a Motion for Temporary Order. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ respondent.
- ☐ The stipulation of the parties.
- ☐ The pleadings and other papers of the parties.

☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

Respondent

☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

The court orders:

1. ☐ **Child custody**

☐ Custody arrangement:

Child's name	Month and year of birth	Physical custody to	Legal custody to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other custody arrangement (Describe in detail.):

2. ☐ **Parent-time** (Choose one.):

☐ Statutory parent-time schedule:

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Children 5-18 (equal parent-time) (Utah Code 30-3-35.2)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

3. ☐ **Parent-time transfers** (Choose one.):

☐ Transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

☐ Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

4. ☐ **Communication between parties** (Choose all that apply.):

☐ In person

☐ Phone

Petitioner's # _____ Respondent's # _____

☐ Text

Petitioner's # _____ Respondent's # _____

☐ Email

Petitioner's email address _____

Respondent's email address _____

☐ Through a third party

Name _____ Phone # _____

☐ Other method of communication: (Describe in detail.)

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the children, must not allow other people to do so and must remove the children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the children, must not allow other people to do so and must remove the children if anyone discusses the case in the presence of the children.

- ☐ The parties must not harm or threaten to harm the other parent or the children and must not allow other people to do so and must remove the children if anyone harms or threatens harm to the other parent or children.

5. ☐ **Child support**

- a. Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

☐ Petitioner's income is imputed based on

☐ minimum wage.

☐ historical earnings.

☐ Petitioner does receive or has received public assistance.

- b. Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

☐ Respondent's income is imputed based on

☐ minimum wage.

☐ historical earnings.

☐ Respondent does receive or has received public assistance.

- c. ☐ Petitioner ☐ Respondent must pay \$_____ per month for child support. The following child support worksheet is attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

(Choose one.)

☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).

☐ This amount deviates from the Uniform Child Support Guidelines. The court finds that a deviated child support amount is in the best interests of the ~~minor~~ children based on:

☐ the standard of living and situation of the parties.

☐ the relative wealth and income of the parties.

☐ the ability of the obligor to earn.

- ☐ the ability of the obligee to earn.
- ☐ the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income.
- ☐ the needs of the obligee, the obligor, and the child.
- ☐ the ages of the parties.
- ☐ the responsibilities of the obligor and the obligee for the support of others.
- ☐ other. (Describe.): _____

The reason for the deviated child support amount is:

_____.

d. Effective date (Choose one.):

- ☐ The child support will be effective upon entry of this order.

OR

- ☐ The child support will be effective as of this date: _____.

e. Child support must be paid as follows (Choose one.):

- ☐ Mandatory income withholding by the Office of Recovery Services. Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

- ☐ Direct payments to the parent receiving child support by:

- ☐ Check

- ☐ Deposit in bank account

- ☐ Cashier's check or money order

- ☐ Other: _____

f. Child support payments must be made (Choose one.):

☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

☐ Other payment arrangement:

- g. Child support not paid on or before the due date is delinquent on the day after the due date.
- h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

6. ☐ **Child care expenses**

Both parties must share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other order for child care payment:

7. ☐ **Health insurance, medical and dental expenses**

The minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance

- ☐ Medicaid
- ☐ CHIP
- ☐ Other: _____
- ☐ Not covered by insurance

Both parties must provide health care coverage for the medical expenses of the dependent children. Health care coverage means coverage under which medical services are provided to a dependent child through: fee for service, a health maintenance organization, a preferred provider organization, any other type of private health insurance, or public health care coverage. Utah Code 78B-12-102(13).

- ☐ ☐ Petitioner ☐ Respondent must maintain health insurance for the minor children if it is available to that parent at a reasonable cost. Both parties must share equally:
- a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
 - b. all reasonable and necessary uninsured and unreimbursed medical and dental expenses incurred for the children. ~~and paid by a parent,~~ including This includes deductibles, and co-payments, and co-insurance.

If medical insurance is not available at reasonable cost then both parents must ensure the children have health care coverage. This may require applying for public health care coverage, such as CHIP or Medicaid.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification must reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification.**

8. ☐ **Tax exemptions for dependent children**

Tax exemptions for the dependent children for tax year _____ is ordered as follows:

Child's name	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other: _____

9. ☐ **Pregnancy expenses**

A judgment for pregnancy expenses in the amount of \$_____ is entered against (choose one):

☐ petitioner.

☐ respondent.

These expenses were billed for services received after the pregnancy began and before the pregnancy ended. This judgment will become part of the final order in this case.

10. ☐ **Payment of bills and debts**

☐ Petitioner must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

11. ☐ **Property**

Temporary use and possession of property will be as follows:

☐ To petitioner

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ To respondent

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ Neither party may sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

12. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

☐ Petitioner ☐ Respondent must pay to ☐ petitioner ☐ respondent temporary alimony in the amount of \$ _____ per month by:
(Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

13. ☐ **Attorney fees**

☐ Petitioner ☐ Respondent must pay \$ _____ to

☐ Petitioner's attorney

☐ Respondent's attorney

14. ☐ **Other orders**

Commissioner's or judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

_____	Signature ►	_____
Date	Petitioner, Attorney or Licensed Paralegal Practitioner	_____

_____	Signature ►	_____
Date	Respondent, Attorney or Licensed Paralegal Practitioner	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion for Temporary Order – With Children on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ► _____

Printed Name _____

This is a private record

Name(s)

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Petitioner(s)
☐ Petitioner's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Adoption of

(adoptee's name)

Declaration of Adoption Fees and Expenses

(Utah Code 78B-6-140)

Case Number

Judge

1. These legal expenses have been paid or will be paid to the biological or preexisting parents of the child or on their behalf:

Description of Expense	Date of Payment (or indicate if it will be paid in the future)	Paid by	Paid to	Amount

2. These maternal expenses have been paid or will be paid to the biological or preexisting parents of the child or on their behalf:

Description of Expense	Date of Payment (or indicate if it will be paid in the future)	Paid by	Paid to	Amount

3. These medical or hospital expenses have been paid or will be paid to the biological or preexisting parents of the child or on their behalf:

Description of Expense	Date of Payment (or indicate if it will be paid in the future)	Paid by	Paid to	Amount

4. These living expenses have been paid or will be paid to the biological or preexisting parents of the child or on their behalf:

Description of Expense	Date of Payment (or indicate if it will be paid in the future)	Paid by	Paid to	Amount

5. I have paid these fees in connection with the adoption:

Description of Fee	Date of Payment	Paid to	Amount

6. These gifts, property, or other items have been or will be provided to the biological or preexisting parents of the child:

Description of Item, Gift, or Property	Date Provided (or indicate if it will be provided in the future)	Provided by	Approximate Value

7. Public Funds

- ☐ No public funds were used for medical or hospital costs in connection with the pregnancy, delivery, or care of the child (skip to 8).
- ☐ These are the public funds used for medical or hospital costs in connection with the pregnancy, delivery, or care of the child:

Description of cost	Type of Public Fund	Paid to	Amount

- ☐ I have listed amounts in both paragraph 3 (medical or hospital expenses) and paragraph 7. The items listed in paragraph 7 above were not paid for with public funds because:

8. Child Placement Agency (select one)

- ☐ I did not use a child placement agency (skip to 9).
- ☐ I used a child placement agency. These services were provided to me in connection with the adoption:

These services were provided to the biological or preexisting parents of the child in connection with the adoption:

These are the expenses for matching the petitioners with the biological or preexisting parents of the child:

Description of Expense	Date of Payment	Paid to	Amount

These are the expenses for advertising:

Description of Fee	Date of Payment	Paid to	Amount

These are any other agency fees or expenses paid by the petitioners not listed above:

Description of Fee or Expense	Date of Payment	Reason for Fee or Expense	Amount

9. The biological or preexisting parent of the child (name) _____ resides in (state) _____.

(If there are two parents) The second biological or preexisting parent of the child (name) _____ resides in (state) _____.

10. The petitioners resides in (state) _____.

11. The petitioners and the child placing agency, if any (choose one)

☐ have not violated Utah Code 76-7-203, regarding the sale of a child.

☐ have violated Utah Code 76-7-203, regarding the sale of a child.

Petitioner

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Co-Petitioner (if applicable)

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Attorney (if applicable)

Date

Signature ► _____
Printed Name _____

Child Placement Agency (if applicable)

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Declaration of Adoption Fees and Expenses on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Defendant ☐ Defendant/Respondent's Attorney (Utah Bar #:_____)

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

Motion to Reduce Conviction
(Utah Code 76-3-402)

☐ Hearing Requested

Case Number

Judge

1. I ask the court to reduce my conviction by: (Check all that apply.)

☐ one degree from _____ (degree of conviction) to
_____ (degree of conviction you want ordered)

☐ two degrees from _____ (degree of conviction) to
_____ (degree of conviction you want ordered) if the
prosecuting attorney specifically agrees in writing or on the court record that
the offense may be reduced by two degrees.

2. I ask that my conviction be reduced because:

3. I can ask for my conviction to be reduced because: (Choose one)

☐ I successfully completed my probation or parole in this case. (Attach any documentation that shows successful completion. Go on to number 4).

☐ I did NOT successfully complete my probation or parole in this case, but it has been: (Choose all that apply)

☐ 3 years or more since I was successfully discharged from a rehabilitation program.

☐ 3 years or more since I was sentenced for a subsequent conviction and I have successfully completed my probation or parole for that case. The prosecutor agrees with this motion.

☐ 5 years or more since I did not successfully complete my probation or parole in this case.

AND

This case is for: (Choose one)

☐ Something other than a violent felony.

☐ This case is for a violent felony but the prosecutor agrees with this motion.

AND

I was not convicted of a felony or misdemeanor other than a traffic or minor regulatory offense during that time.

I have no open criminal cases, including no payments currently owed to the court on any criminal sentences or unsupervised probation.

I am not on probation, parole, or currently incarcerated for any other offense.

4. I have paid all court-ordered restitution (if any). (Attach any documentation of payment of restitution).

5. I believe reducing my conviction is in the interest of justice.

6. Choose one:

☐ I was required to register as a sex offender under Utah Code Title 77 Chapter 41, and the registration requirement has expired.

☐ I was not required to register as a sex offender under Utah Code Title 77 Chapter 41.

7. Choose one:

☐ I was required to register as a child abuse offender under Utah Code Title 77 Chapter 43, and the registration requirement has expired.

☐ I was not required to register as a child abuse offender under Utah Code Title 77 Chapter 43.

8. ☐ I request a hearing.

☐ I do not request a hearing.

9. ☐ The prosecuting attorney agrees with this motion, and I have attached the Stipulation.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Reduce Conviction on the following people.

Person's Name	Service Method	Service Address	Service Date
(Prosecutor)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the attorney for the plaintiff and my Utah Bar number is _____

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

Stipulation to Enter an Order in Accord with Defendant's Motion to Reduce Conviction Pursuant to Utah Code Section 76-3-402(2)

Case Number

Judge

(1) I have received and read the defendant's Motion to Reduce Conviction Pursuant to Utah Code Section 76-3-402(2) and its supporting documents. I fully understand the claims and the requested order.

(2) I understand that I have the right to contest the claims and to have a judge decide the issues.

(3) Choose one:

☐ I have made reasonable effort to provide notice to any victims.

☐ There were no victims in this case.

(4) ☐ (If applicable) At least 3 years have passed since the defendant was sentenced for a subsequent conviction and the defendant has successfully completed probation or parole for that case. I agree to the reduction.

(5) ☐ (If applicable) The offense was for a violent felony. I agree to the reduction.

(6) I voluntarily stipulate that the court may grant the order requested in the motion at any time without further notice. I stipulate to the reduction of the conviction by

☐ one degree from _____ to _____.

☐ two degrees from _____ to _____.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Stipulation to Enter an Order in Accord with Defendant's Motion to Reduce Conviction on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ►

Printed Name

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

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

Case Number

Judge

The matter before the court is the defendant's Motion to Reduce Conviction Pursuant to Utah Code Section 76-3-402(3). This matter is being resolved by: (Choose all that apply.)

[] The stipulation of the parties.

[] The pleadings and other papers of the parties.

[] A hearing held on _____ (date), notice of which was served on all parties and at which the court considered the pleadings and evidence presented by the parties.

[] A hearing held on _____ (date), notice of which was served on all parties.

Plaintiff

[] was present.

[] was not present.

[] was represented by _____ (name).

[] was not represented.

Defendant

☐ was present.

☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The Court Finds:

(1) The defendant ☐ has ☐ has not successfully completed ~~all terms of~~ probation or parole for this case.

(2) ☐ The defendant has not successfully completed probation or parole in this case but meets the following requirements of Utah Code 76-3-402(4), (5), or (6).

☐ It has been 3 years or more since the defendant successfully completed a rehabilitation program.

☐ It has been 3 years or more since the defendant was sentenced for a subsequent conviction and the defendant has successfully completed probation or parole for that case. The prosecutor agrees with the defendant's motion.

☐ It has been 5 years or more since the defendant's probation or parole did not result in a successful discharge.

And

_____ If the offense is for a violent felony the prosecutor agrees to the reduction.

_____ The defendant was not convicted of a serious offense during that time.

_____ There are no criminal proceedings pending against the defendant.

_____ The defendant is not on probation, parole, or currently incarcerated for any other offense.

OR

☐ The defendant does not meet the requirements of Utah Code 76-3-402(4), (5), or (6) for the following reasons:

(3) The defendant ☐ has ☐ has not paid in full the court-ordered restitution (if any).

(34) The defendant

☐ was required to register as a sex offender under Utah Code Title 77 Chapter 41, and the registration requirement has expired.

☐ was not required to register as a sex offender under Utah Code Title 77 Chapter 41.

(45) The defendant

☐ was required to register as a child abuse offender under Utah Code Title 77 Chapter 43, and the registration requirement has expired.

☐ was not required to register as a child abuse offender under Utah Code Title 77 Chapter 43.

(6) All required notices ☐ have ☐ have not been provided.

(57) The prosecuting attorney ☐ has ☐ has not stipulated to entry of the reduction of the conviction as requested by defendant.

(68) Reduction of the conviction is by ☐ one degree ☐ two degrees.

(79) The reduction ☐ is ☐ is not specifically precluded by law.

(810) Entry of judgment of conviction for a lower degree of offense in this matter-case ☐ is ☐ is not in the interest of justice.

(911) Other:

The Court Concludes:

(1) Defendant's motion to reduce conviction from _____ to _____

☐ may be granted

☐ may not be granted

pursuant to Utah Code Section 76-3-402(2).

The Court Orders:

(1) Defendant's motion to reduce conviction from _____
to _____

[] is granted

[] is denied.

(2) Other:

Judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

_____	Signature ►	_____
Date	Plaintiff's Attorney	_____

_____	Signature ►	_____
Date	Defendant or Attorney	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact, Conclusions of Law, and Order on Motion to Reduce Conviction on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ►

Printed Name

Name (currently used)

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the (choose all that apply):

☐ name change of:
☐ sex change of:

Petitioner (current legal name)

Petition for (choose all that apply):

☐ **Name Change**
(Utah Code 42-1-1)

☐ **Sex Change**
(Utah Code 26-2-11)

Case Number

Judge

Petitioner Information

1. I live in _____ County, Utah.

2. I was born on: _____ (date).

3. Except for this petition:

Commented [NP1]: Paragraphs 3 and 4 are moved into the general section because this information is now applicable for both name and sex changes

- ☐ I am not involved in any court actions or proceedings.
☐ I am involved in the following court actions or proceedings:

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

4. I am:

- ☐ not on probation or parole.
☐ On probation or parole.

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

5. I am not filing this petition for a wrongful or fraudulent purpose, which includes efforts to commit a crime, to interfere with the rights of others, to avoid creditors, to influence the sentence, fine, or conditions of imprisonment in a criminal case, to commit fraud on the public, or for any other fraudulent purpose.
6. 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.

7. I do not know any reason why this petition should not be granted.

8. I request a hearing.

[] Name Change (Only complete paragraphs 9-13 if you are asking for a name change.)

9. I request a name change.

The name on my birth certificate is:

First name	
Middle name(s) (if any)	
Last Name	

[] My name changed due to marriage, divorce, or court order. My current legal name is:

First name	
Middle name(s) (if any)	
Last Name	

I ask the court to order that my legal name be (proposed new name):

First name	
Middle name(s) (if any)	
Last Name	

I want to change my name because:

10. I live in _____ County, Utah and have lived here since _____ (date), which is at least one year before filing this petition.

11. I am not on the Child Abuse Offender Registry. (Utah Code 77-43-105(7))

12. I am (Choose one.):
- ☐ not on the Sex and Kidnap Offender Registry.
- ☐ on the Sex and Kidnap Offender Registry. Granting this petition is not against the public interest because (Explain.):

13. I am filing a Certification Regarding Offender Registry completed by the Utah Department of Corrections.

14. I am not changing my name to avoid creditors or anyone else with a claim against me.

Commented [NP2]: Redundant, see paragraph 5

☐ **Sex Change** (Only complete paragraphs 14-20 if you are asking for a sex change.)

14. My birth certificate says that my legal sex is ☐ male ☐ female ☐ other: _____

15. I ask the court to order that my legal sex is ☐ male ☐ female ☐ other: _____

16. I have transitioned to the sex sought in this petition and have outwardly expressed as the sex sought in this petition in a consistent and uniform manner for at least 6 months.

17. I experience clinically significant distress or impairment due to the current legal sex designation on my birth certificate.

18. I have attached evidence of appropriate clinical care or treatment for gender transitioning or change by a licensed medical professional. (example: letter from medical provider).

19. I have attached evidence that I have outwardly expressed the sex sought in this petition in a consistent and uniform manner for at least 6 months and that the sex change sought in this petition is sincerely held and part of my core identity.

20. ☐ I am asking for both a name and legal sex change. I ask that the orders in both my name and sex change be classified as private to protect my personal privacy and personal safety as recognized in Code of Judicial Administration 4-202(2). I am concerned for my personal privacy and safety because:

Commented [KT3]: Including this provision has been approved by chief legal counsel for the court Keisa Williams. It will also have been reviewed by the Policy and Planning Committee of the Judicial Council at their 4/7/23 meeting.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the name change of:

Petitioner (current legal name)

Order on Petition for Name Change
(Utah Code 42-1-1)

Case Number

Judge

1. Petitioner appeared in court on _____ (date).
2. Petitioner was born on: _____ (date).

The court finds:

3. ☐ All the notices required by law have been given.
4. Objections (Choose one.):
☐ No objections to the petition were made.
☐ Objections to the petition were made by:

5. ☐ The statements in the petition are accepted as true.
6. ☐ The requests in the petition are not for a wrongful or fraudulent purpose.

7. ☐ The name on petitioner's birth certificate is:

First name	
Middle name(s) (if any)	
Last name	

☐ The petitioner's name changed due to marriage, divorce, or court order. The petitioner's current legal name is:

First name	
Middle name(s) (if any)	
Last Name	

Petitioner:

☐ is not on the Child Abuse Offender Registry

☐ is on the Child Abuse Offender Registry.

Petitioner:

☐ is not on the Sex and Kidnap Offender Registry.

☐ is on the Sex and Kidnap Offender Registry, but granting the petition is not against the public interest (Utah Code 77-41-105(8)(a)).

8. ☐ The court has reviewed the factors under Code of Judicial Administration 4-202 and consistent with the power the court has under Code of Judicial Administration 4-202.06(6) the court finds that the name change order in this case should be classified as private. The privacy and safety concerns in the petition balance in favor of making the order private. There are no reasonable alternatives sufficient to protect the privacy and safety interests articulated in the petition.

9. ☐ Other findings (if any):

The court concludes:

10. The statements in the petition:
[] are sufficient and the petition should be granted.
[] are not sufficient and the petition should not be granted.
11. The requirements for a name change in Utah Code 42-1-1 through 42-1-3:
[] have been met.
[] have not been met.

Having considered the documents filed with the court, the evidence and the arguments,
and now being fully informed,

The court orders:

12. The Petition is
[] granted [] denied
13. Petitioner's legal name is changed to:

First name	
Middle name(s) (if any)	
Last name	

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.

14. [] This Order on Petition for Name Change is classified as private.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Judge

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Petition for Name Change on the following people.

(Only required if there were other interested parties in this case).

Person's Name	Service Method	Service Address	Service Date
(Interested party or attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Interested party or attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ►

Printed Name

This is a private document

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the sex change of:

Petitioner (current legal name)

Order on Petition for Sex Change
(Utah Code 26-2-11)

Case Number

Judge

1. Petitioner appeared in court on _____ (date).
2. Petitioner was born on: _____ (date).

The court finds:

3. ☐ All the notices required by law have been given.
4. Objections (Choose one.):
☐ No objections to the petition were made.
☐ Objections to the petition were made by:

5. ☐ The statements in the petition are accepted as true.
6. ☐ The requests in the petition are not for a wrongful or fraudulent purpose.

7. ☐ Petitioner's legal sex is ☐ male ☐ female ☐ other:_____
8. ☐ The petition is supported by **clear and convincing** objective evidence of appropriate clinical care or treatment for gender transitioning or change, provided by a licensed medical professional.
9. ☐ **There is clear and convincing evidence that petitioner has transitioned to the sex sought in the petition in a consistent and uniform matter for at least 6 months.**
10. ☐ **There is clear and convincing evidence that petitioner experiences significant distress or impairment due to the current legal sex designation on their birth certificate.**
11. ☐ Other findings (if any):

The court concludes:

12. The statements in the petition:
- ☐ are sufficient and the petition should be granted.
- ☐ are not sufficient and the petition should not be granted.
13. The requirements for a legal sex change in Utah Code 26-2-11:
- ☐ have been met.
- ☐ have not been met.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court orders:

14. The Petition is
- ☐ granted ☐ denied
15. ☐ Petitioner's legal sex is changed to:
- ☐ male ☐ female ☐ other:_____

This new legal sex may be entered on the petitioner's birth certificate and used as the petitioner's new legal sex from this date forward.

16. This Order on Petition for Sex Change is classified as private.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Petition for Name Change or Sex Change on the following people.

(Only required if there were other interested parties in this case).

Person's Name	Service Method	Service Address	Service Date
(Interested party or attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Interested party or attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ►

Printed Name

3. If I am not the minor's legal guardian or custodian, I have attached a copy of the court orders appointing the guardian or custodian. Here is what I know about those orders:

Date signed by judge	Case number	Court name	Copy attached?

4. Minor's information:

Name on birth certificate:	
Date of birth:	
Place of birth:	
Minor's current address: (you must file in the county where the minor lives)	
Date when minor began living in county where petition is filed: (the minor must live in the county for at least one year)	
Name of adult who lives with minor, has physical custody, and provides care	
Parents' names:	
Parents' current addresses: (list both addresses if they aren't the same)	
Minor's sex on birth certificate	

5. Except for this petition:

- ☐ The minor is not involved in any court actions or proceedings.
☐ The minor is involved in the following court actions or proceedings:

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Commented [NP1]: Paragraphs 5 and 6 were added here, but seem necessary under SB 93, and seem warranted to make the minor petition mirror, as much as possible, the adult petition

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

6. I am:

- ☐ not on probation or parole.
☐ On probation or parole.

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

7. I am not requesting these changes for a wrongful or fraudulent purpose, which includes efforts to commit a crime, to interfere with the rights of others, to avoid creditors, or to influence the sentence, fine, or conditions imprisonment in a criminal case, to commit fraud on the public, or for any other fraudulent purpose.

Commented [NP2]: Paragraphs 7-10 were moved up from the bottom to be consistent with the format of the adult name change - we contemplated making these changes after we revisited the adult name/sex change forms in the fall

8. Granting this petition will not affect any right, title, or interest of anyone else, except for the parent, custodian, or guardian named above.

9. I do not know of any reason why this petition should not be granted.

Commented [NP3]: Moved up from best interest section

10. I request a hearing.

(If you are only asking for a name change, complete paragraphs 11-14 and then skip to paragraph 22.
 If you are asking for both a name and sex change, complete all the paragraphs below.
 If you are only asking for a sex change, skip to paragraph 15)

11. ☐ **Name Change**

I ask the court to change the minor's name to:

First name	
Middle name (if any)	
Surname (last name)	

12. The minor is not on the Child Abuse Offender Registry. (Utah Code 77-43-105(7))

13. The minor is (Choose one.):

☐ not on the Sex and Kidnap Offender Registry.

☐ on the Sex and Kidnap Offender Registry. Granting this petition is not against the public interest because (Explain.):

14. I am filing a Certification Regarding Offender Registry completed by the Utah Department of Corrections.

Commented [NP4]: Moved up from best interest section

15. ☐ **Sex Change**

(Only complete paragraphs 15-21 if you are asking for a sex change for the minor.)

I ask the court to change the minor's legal sex to: ☐ male ☐ female.

16. The minor is at least 15 years and 6 months old.

17. I ask the court to appoint a guardian ad litem for the minor child.

18. The minor has transitioned to the sex sought in this petition and has outwardly expressed as the sex sought in the petition in a consistent and uniform manner for at least 6 months.

19. The minor experiences clinically significant distress or impairment due to the current legal sex designation on their birth certificate.

20. I have attached evidence of the minor's appropriate clinical care or treatment for gender transitioning or change by a licensed medical professional.

21. I have attached evidence that the minor has outwardly expressed the sex sought in this petition in a consistent and uniform manner for at least 6 months and that

the sex change sought in this petition is sincerely held and part of their core identity.

Notice and Best Interests

22. ☐ The following people may be entitled to notice and to participate in these proceedings:
- ☐ _____ (parent's name)
- ☐ has agreed to the proposed change.
I have attached their signed consent, or I will file it before the hearing on this petition.
- ☐ has not agreed to the proposed change.
I will have them served with a copy of this petition and a summons.
- ☐ _____ (other parent's name)
- ☐ has agreed to the proposed change.
I have attached their signed consent, or I will file it before the hearing on this petition.
- ☐ has not agreed to the proposed change.
I will have them served with a copy of this petition and a summons.
- ☐ _____ (guardian, conservator, Guardian ad Litem)
- ☐ has agreed to the proposed change.
I have attached their signed consent, or I will file it before the hearing on this petition.
- ☐ has not agreed to the proposed change.
I will have them served with a copy of this petition and a summons.
23. The changes to the minor's vital statistics information will benefit the minor. Here are the reasons why:
- _____
- _____
- _____
- _____
24. The minor child: (choose one)

[] is old enough to make intelligent and decisive choices, and wants to make these changes because:

[] is not old enough to make an intelligent and decisive choice about these changes.

25. These changes are in the minor's best interest.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date Signature ► _____

Printed Name _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the (choose all that apply):

- ☐ name change of
☐ sex change of

(Minor's name)

A minor.

Order Changing (choose all that apply):

☐ **Minor's Name**
(Utah Code 42-1-1)

☐ **Minor's Sex**
(Utah Code 26-2-11)

Case Number

Judge

1. Petitioner and the minor appeared in court on: _____ (date).

2. The minor was born on: _____ (date).

The court finds:

3. ☐ All notices required by law have been given.
4. ☐ No objections to the proposed changes were made.
- ☐ Objections to the proposed changes were made by:

☐ Written consent to the proposed changes was filed by:

☐ _____ (name),
the minor's parent

☐ _____ (name),
the minor's parent

☐ _____ (name),
the minor's custodian

☐ _____ (name),
the minor's guardian

[] _____ (name),
other, who is minor's
_____ (specify relationship)

5. [] The statements in the petition are true.
6. [] The requests in the petition are not for a wrongful or fraudulent purpose.
7. [] For name change: The name on the minor's birth certificate is:

First name	
Middle name(s) (if any)	
Last name	

The minor:

- [] is not on the Child Abuse Offender Registry
- [] is on the Child Abuse Offender Registry.

The minor:

- [] is not on the Sex and Kidnap Offender Registry.
- [] is on the Sex and Kidnap Offender Registry, but granting the petition is not against the public interest (Utah Code 77-41-105(8)(a)).

8. [] For sex change: the minor's legal sex is [] male [] female [] other: _____
9. [] For sex change: the petition is supported by **clear and convincing** objective evidence of appropriate clinical care or treatment for gender transitioning or change, provided by a licensed medical professional.
10. [] For sex change: **there is clear and convincing evidence that the minor has transitioned to the sex sought in the petition in a consistent and uniform manner for at least 6 months.**
11. [] For sex change: **there is clear and convincing evidence that the minor experiences significant distress or impairment due to the current legal sex designation on their birth certificate.**
12. [] Other findings (if any):

The court concludes:

13. The statements in the petition:
[] are sufficient and the petition should be granted.
[] are not sufficient and the petition should not be granted.
14. [] Name Change
The requirements for a name change in Utah Code 42-1-1 through 42-1-3:
[] have been met.
[] have not been met.
15. [] Sex Change
The requirements for a legal sex change in Utah Code 26-2-11:
[] have been met.
[] have not been met.
16. The name change [] is [] is not in the best interest of the minor.
17. The legal sex change [] is [] is not in the best interest of the minor.

The court orders:

13. The Petition is
[] granted [] denied
14. [] The minor's current legal name is changed to

First name	
Middle name (if any)	
Surname (Last name)	

This new name may be entered on the minor's birth certificate and used as the minor's legal name from this date forward.

15. [] The minor's current legal sex is changed from:
[] male to female
[] female to male

This new legal sex may be entered on the minor's birth certificate and used as the minor's legal sex on:

☐ the child's 16th birthday which is _____ (date), or

☐ immediately. The child is over 16 years old.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order Changing Minor's Name or Sex on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ► _____

Printed Name _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the (choose all that apply):

☐ name change of

☐ sex change of

(Minor's name)

A minor.

Order to Appoint Guardian Ad Litem

Case Number

Judge

The matter before the court is a Petition for Minor Sex Change.

1. The court orders that a guardian ad litem be appointed as required by Utah Code 26-2-11.
2. The fees and expenses of the guardian ad litem shall be paid by:
 - ☐ The petitioner.
 - ☐ Another party _____ (name).
 - ☐ Shared by the petitioner and other party _____ (name).
Petitioner will be responsible for _____ percent of the fees and expenses. Other party _____ (name) will be responsible for _____ percent of the fees and expenses.
 - ☐ Fee waiver. The court finds that the child's parent(s) or guardian(s) is indigent and cannot afford to pay the fees and expenses. The fees and expenses of the guardian ad litem are waived.
3. The guardian ad litem shall give notice of the proceeding to the parent(s) of the child, provide the court with a declaration of the status of any divorce or custody matter, and provide the relevant evidence required in Utah Code 26-2-11(3)(b).

Commissioner's or Judge's signature may instead appear at the top of the first page of this document.

Signature ► _____

Date

Commissioner _____

Date

Signature ► _____

Judge _____

Certificate of Service

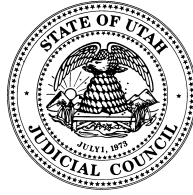
I certify that I filed with the court and am serving a copy of this Order to Appoint GAL on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ► _____

Printed Name _____



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

April 4, 2023

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Forms Committee

FROM: Kaden Taylor

RE: Text boxes and form names for new forms engine

In our Forms Committee meeting on December 12, 2022, Kristene Laterza presented to the group concerning our new form engine that is being designed for us to better update forms and incorporate forms into MyCase, among other benefits. Part of that discussion revolved around how the new tool will eventually provide forms as fillable PDFs instead of Word documents for the majority of forms. While developing this tool the developers have come across two issues, and they ask the Forms Committee to approve the following two items which will affect our court forms once we convert them from Word/PDF documents to buildable forms within the forms engine.

1. Our team discovered that on forms that already have fillable PDFs available on our website, there are issues concerning a user running out of space to type answers. The text boxes provided on the form would cut off someone's answers if they typed too much once the document was printed or when it was submitted through MyCase. Users are not always aware of this error. The developers are designing new text boxes that will expand when someone types in them, so that the entirety of a user's answers will appear. This new approach, however, will change how our paper forms will appear. Currently, our PDF and Word forms provide blank lines for someone to use to write in an answer. Because of development difficulties, once this change to our text boxes is made in the form engine, printable forms will no longer have lines for someone to write on and will instead have text boxes like the one below:

k. Other facts

Write your response here.

The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.

We will have the ability to set the default size of these textboxes on a per form basis, and as I mentioned above, these boxes will expand if someone is filling this out on a computer and types more than would fit in the box.

We have a few options concerning how the text boxes can look, and we ask the Forms Committee to determine which options they feel will look best on a form when it is printed out to fill out by hand. In addition to the standard black, normal outline, we can also have these variations, or a combination of these variations:

Gray Border:

Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Nisl tincidunt eget nullam non. Nullam eget felis eget nunc lobortis. Velit ut tortor pretium viverra suspendisse potenti nullam. Fringilla phasellus faucibus scelerisque eleifend donec. Feugiat pretium nibh ipsum consequat nisl vel pretium lectus. Tortor posuere ac ut consequat semper viverra nam libero.

Thick Border:

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Double Border:

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2. There are multiple forms that have the same form name but are different forms. This arises from the fact that we now need to provide different versions of forms for family law cases vs. general cases, and we also need to provide commissioner and judge versions of several forms. In

order to differentiate these forms in the engine, we are proposing that the following naming convention be approved by the committee. These names will appear on the forms as the official name of the form:

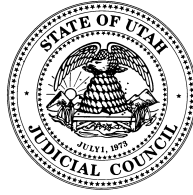
A. For forms that have multiple versions based on case type, we will specify the case type after the name of the form:

- Order on Motion to Set Aside - Family
- Order on Motion to Set Aside - Probate
- Order on Motion to Set Aside - General

B. For forms that also have a commissioner and judge version of the form, we will also include that differentiation in the title:

- Motion to Set Aside - Family - Judge
- Motion to Set Aside - Family - Commissioner

We ask that the committee approve the use of this new naming convention for use in instances where we have multiple versions of the same form.



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

April 3, 2023

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Forms Committee

FROM: Nathanael Player

RE: Recodification of statutes in Titles 26 and 62A due to SB 39

SB 39 recodifies several statutes. Effective May 3, 2023, many statutes in Utah Code Title 26 and Title 62A will be moved to Utah Code Title 26B. For our purposes, there are no substantive changes – the only changes relate to the recodification of the statutes. The following forms will be affected by these changes:

Form Name	Old Code	New Code
Petition for Sex Change	26-2-11	26B-8-11
Coversheet for Probate (adoption)	26-2-25	26B-8-128
Coversheet for District Court (vital statistics form)	26-2-25	26B-8-128
Verified Petition for Order Establishing Fact of Birth	26-2-8 and 26-2-9	26B-8-108 and 26B-8-109
Order Establishing Facts of Birth and Delayed Registration of Birth	26-2-9	26B-8-109
Verified Petition for Order Establishing Fact of Birth on Behalf of a Minor	26-2-8 and 26-2-9	26B-8-108 and 26B-8-109
Order Establishing Facts of Birth and Delayed Registration of Birth for a Minor	26-2-9	26B-8-109
Petition to Expunge Records (Cannabis Conviction)	26-61a-104	26B-4-203
Order on Petition to Expunge Records (Cannabis Conviction)	26-61a-104 26-61a-102	26B-4-203 26B-4-201
Nonpublic information – parent identification and location	62A-11- 304.4	26B-9-207
Nonpublic information – safeguarded contact information	62A-11- 304.4	26B-9-207
Verified Petition for Ex Parte Child Protective Order	62A-11- 401 and	26B-9-301 and 26B-9-402

The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.

	62A-11-501	
Child Protective Order	62A-11-401 and 62A-11-501	26B-9-301 and 26B-9-402
Motion for Temporary Order – with Children	62A-11-404	26B-9-304
Motion or Stipulated Petition to Adjust Child Support	62A-11-404	26B-9-304
Petition and Stipulation to Modify Child Support	62A-11-404	26B-9-304
Petition for Essential Treatment	62A-15-1202 and 1203	26B-5-501 and 502
Order on Request for Examination	62A-15-1204 and 1205	26B-5-504 and 26B-5-505
Request for Preliminary Hearing	62A-4a-1205	26B-5-505
Order on Request for Essential Treatment Examination	62A-4a-1205	26B-5-505

We seek the Form Committee’s permission to update these forms, applicable OCAP provisions in the petitions, motions, findings of fact and conclusions of law, and orders (in the divorce, custody, and temporary separation interviews). We also seek permission to update any other forms we identify that are affected by this recodification.