

# JUDICIAL COUNCIL MEETING

## AGENDA

Monday, February 27, 2012

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

*Chief Justice Christine M. Durham, Presiding*

1. 9:00 a.m. Welcome & Approval of Minutes . . . . Chief Justice Christine M. Durham  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. . . . . Chief Justice Christine M. Durham
3. 9:15 a.m. Administrator's Report. . . . . Daniel J. Becker
4. 9:30 a.m. Reports: Management Committee. . . . Chief Justice Christine M. Durham  
Liaison Committee. . . . . Justice Jill Parrish  
Policy and Planning . . . . . Judge Greg Orme  
Bar Commission. . . . . Lori Nelson, esq.  
(Tab 2 - Information)
5. 9:40 a.m. Judicial Performance Evaluation Commission. . . . . Tony Schofield  
(Tab 3 - Information) Joanne Slotnik
6. 10:20 a.m. Rules for Final Action. . . . . Tim Shea  
(Tab 4 - Action)
7. 10:35 a.m. Ethics Advisory Committee Update. . . . . Brent Johnson  
(Information)
- 10:45 a.m. Break
8. 10:55 a.m. Legislative Update. . . . . Rick Schwermer  
(Information) Daniel J. Becker
9. 11:15 a.m. Employee Survey Results. . . . . Rob Parkes  
(Tab 5 - Information)
10. 11:35 a.m. Utah Judicial Facility Design Standards  
- Executive Summary. . . . . Alyn Lunceford  
(Tab 6 - Action) Brent Tippitts
11. 11:50 a.m. Third District Court Commissioner Approval. . . . . Judge Royal Hansen  
(Tab 7 - Action)

- 12. 12:00 p.m. Feasibility Study for Courtrooms at Salt Lake County Jail. . . . . Stephen Carter  
(Information)
- 12:20 p.m. Lunch
- 13. 12:50 p.m. Report on Judicial Use of Social Media. . . . . Randy Dryer  
(Tab 8 - Action) Nancy Volmer
- 14. 1:10 p.m. Recommendation for Adopting Google Mail Service. . . . . Judge Carolyn McHugh  
(Tab 9 - Action) Ron Bowmaster
- 15. 1:30 p.m. Reauthorization of Standing Committee on Technology. . . . . Judge Carolyn McHugh  
(Tab 10 - Action) Ron Bowmaster
- 16. 1:35 p.m. Executive Session. . . . .
- 17. 1:50 p.m. Adjourn

**Consent Calendar**

*The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.*

- 1. Committee Appointment Mark Bedel  
(Tab 11)
- 2. CIP Grant Application Katie Gregory  
(Tab 12)
- 3. Rules to be Published for Comment Tim Shea  
(Tab 13)
- 4. Municipal Justice Court Recertification Rick Schwermer  
(Tab 14)

# TAB 1

# JUDICIAL COUNCIL MEETING

## Minutes

Monday, January 23rd, 2012

Judicial Council Room

Matheson Courthouse

Salt Lake City, UT

**Chief Justice Christine M. Durham, Presiding**

### ATTENDEES:

Chief Justice Christine M. Durham  
Hon. Kimberly K. Hornak, vice chair  
Justice Jill N. Parrish  
Hon. Judith Atherton  
Hon. George Harmond  
Hon. Paul Maughan  
Hon. Brendan McCullagh  
Hon. David Mortensen  
Hon. Gregory Orme  
Hon. John Sandberg  
Hon. Paul Lyman for Hon. Larry Steele  
Hon. Keith Stoney  
Hon. Thomas Willmore  
Lori Nelson, esq.

### EXCUSED:

Hon. Larry Steele

### STAFF PRESENT:

Daniel J. Becker  
Ray Wahl  
Diane Abegglen  
Jody Gonzales  
Lisa-Michele Church  
Debra Moore  
Rick Schwermer  
Tim Shea  
Nancy Volmer  
Tom Langhorne  
Shari Veverka  
Ron Bowmaster

### GUESTS:

Aaron Falk, SI, Tribune  
Joanne Slotnik, JPEC  
J. Daniel Bertch, Draper City  
Jonna Crump, Draper City  
Doug Ahlstrom, Draper City  
Rodney Snow, Utah State Bar  
Robert Rice, Utah State Bar  
John Baldwin, Utah State Bar  
Michelle Harvey, Utah State Bar  
Sue Crisman

### **1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Christine M. Durham)**

Chief Justice Durham welcomed everyone to the meeting. She excused Judge Steele from the meeting, and she noted that Judge Paul Lyman would be sitting in for Judge Steele.

**Motion:** Judge Hornak moved to approve the minutes. Judge Stoney seconded the motion, and it passed unanimously.

**2. CHAIR'S REPORT: (Chief Justice Christine M. Durham)**

Chief Justice Durham reported on the following:

Judge Tyrone Medley received the Civil Rights Award at an event held by the Salt Lake Chapter of the NAACP on January 16.

The State of the Judiciary will be given later this afternoon. A legislative leadership meeting is scheduled for February 2.

**3. ADMINISTRATOR'S REPORT: (Daniel J. Becker)**

Mr. Becker reported on the following items:

State of the Judiciary Address. The State of the Judiciary will be given this afternoon; once to the House and once to the Senate. Transportation details were provided to Council members who planned to attend the State of Judiciary.

Legislative Appropriations Process. The Appropriations Subcommittee will begin their work on Wednesday, January 25. Mr. Becker mentioned the dates the Executive Appropriations Committee is scheduled to meet during the 2012 Legislative Session. Preliminary numbers relative to the State's budget were provided. The courts budget will be considered by the Appropriations Subcommittee on Friday, February 3. Mr. Becker, Mr. Wahl and Mr. Schwermer met with Representative Hutchings, co-chair of Appropriations, on January 18.

Juab County Court Facility Update. A letter was sent to the Juab County Attorney on behalf of the courts to express our understanding of the county's desire to move forward with building a new court facility, but if the project does not move forward; the Judicial Council will consider moving court to an adjacent county. Mr. Becker highlighted the following areas being addressed, temporarily, to help with the current needs of the court facility: 1) Viack is being set up to reduce the need to transport prisoners from the county jail to the court facility, and 2) addressing issues to improve building security. Mr. Becker noted that Viack would be operational in the court facility in approximately four weeks.

The first planning session with the Juab County Commission and the Juab County Attorney has been held to address the needs of the new court facility. Monthly meetings will be held during the planning process.

Judicial Performance Evaluation Commission. Ms. Slotnik will provide an update on behalf of the Commission later in the meeting. Vacancies on the Commission were noted and included: 1) a vacancy to fill Mr. Chris Buttars' position who recently resigned, and 2) a vacancy to fill Mr. V. Lowry Snow's, commission chair, who resigned to fill Representative David Clark's vacancy in the House of Representatives.

Judicial Appointments. Mr. Curt Garner, the Governor's appointee to fill Judge Peuler's position in the Third District, has withdrawn his application.

Judge Tyrone Medley has announced his upcoming retirement effective June 29, 2012.

The Nominating Commission will post notices to fill Judge Peuler's and Judge Medley's vacancies at the same time.

Annual Report. Mr. Becker noted that a copy of the current Annual Report was provided to each member. He commended Ms. Volmer for a well-prepared report.

April Council Meeting. Mr. Becker made a request to the Management Committee to change the April 23 meeting to April 30. The Committee approved the date change. Ms. Jody Gonzales will send a notice to the Council with the April meeting date change.

Executive Session. An executive session will need to be held later in the meeting.

#### 4. COMMITTEE REPORTS:

##### *Management Committee Report:*

Chief Justice Durham reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda. Chief Justice Durham noted that the minutes reflect a vacancy on the Judicial Conduct Commission for a lawyer representative. Mr. Jim Jardine has replaced the current Commission chair.

##### *Liaison Committee Report:*

Justice Parrish reported on the following:

She mentioned that the Committee has held two meetings. She updated the Council on the types of legislation being introduced and the position being taken by the Committee on particular pieces of legislation.

##### *Policy and Planning Meeting:*

Judge Orme reported on the following:

The meeting minutes accurately reflect the issues discussed.

Several rules are being considered for final action later on the agenda and published for comment on the consent calendar. Judge Orme mentioned that discussion took place relative to a rule for court referees and social media.

##### *Bar Commission Report:*

Chief Justice Durham reported that Ms. Nelson and other members of the Bar were meeting with the Governor, and she would be late to the meeting. Chief Justice Durham mentioned that she and Mr. Becker met with Bar leadership last week to discuss the pro bono initiative which will be presented later on the agenda.

#### 5. SIX MONTH WORKLOAD REVIEW: (Kim Allard)

Chief Justice Durham welcomed Ms. Allard to the meeting.

Ms. Allard reviewed district court case filings and juvenile court referrals for the first six months of FY 2012 compared to FY 2008.

Overall, district court case filings show an overall increase of 5% for the first six months of FY 2012 compared to FY 2008. The increase is due to a 72% increase in judgements. She highlighted the following district court case filing data to include: 1) criminal, 10% decrease; 2) felonies, 2% decrease; 3) misdemeanors, 23% decrease; 4) domestic, 6% increase; 5) divorce, 3% increase; 6) custody and support, 82% increase; 7) paternity, 2% decrease; 8) general civil, 10% decrease; and 9) debt collection, 17% increase. She noted the change to the small claims category with the move of small claims to justice courts.

Juvenile court referral data included: 1) felony, 28% decrease; 2) misdemeanor, 16% decrease; 3) adult violations, 25% increase; 4) child welfare proceedings, 4% decrease; 5) termination of parental rights, 17% decrease; 6) voluntary relinquishment, 24% increase; and 7) domestic/probate, 33% increase.

Discussion took place.

Ms. Allard was thanked for her update.

**6. RULES FOR FINAL ACTION: (Tim Shea)**

Chief Justice Durham welcomed Mr. Shea to the meeting.

Mr. Shea reported that there were six rules being recommended for approval. The first three rules included:

CJA 03-0101. Judicial Performance Standards. This is a new rule that establishes standards of performance for minimum education and cases under advisement for application by the Judicial Performance Evaluation Commission.

CJA 04-0704. Authority of county clerks to extend payment schedule and dismiss citations. The rule has been amended to allow clerks to dismiss citations as permitted in the Uniform Fine/Bail Schedule.

CJA 04-0907. Mandatory divorce education. The rule simplifies the policy on access to divorce orientation courses and divorce education courses.

**Motion:** Judge Hornak moved to approve CJA 03-0101 as recommended. Judge Atherton seconded the motion, and it passed unanimously.

**Motion:** Judge Maughan moved to approve CJA 04-0704 and CJA 04-0907 as recommended. Judge Stoney seconded the motion, and it passed unanimously.

Mr. Shea reviewed the following rules being recommended for approval:

CJA 04-0202.02. Records classification. The rule has been amended to modify records to be classified as sealed, private and protected.

CJA 04-0202.04. Request to access a record associated with a case; request to classify a record associated with a case. The rule has been amended to move from Rule 4-202.02 to this rule descriptions of records that require judicial approval to classify as non-public.

CJA 04-0202.09. Miscellaneous. This rule has been amended to require a person filing a record with the court to identify the record as non-public if it qualifies as non-public.

CJA Appendix I. Summary of Classification of Court Records. This rule is new and summarizes the classification of record series by case type.

**Motion:** Judge Mortensen moved to approve the rules as recommended. Judge Harmond second the motion, and it passed unanimously.

**7. NEW JUSTICE COURT JUDGE CERTIFICATION: (Rick Schwermer)**

Mr. Schwermer presented the recommendations for justice court judge certification for Mr. Ray Robert Richards.

**Motion:** Judge McCullagh moved to certify Mr. Ray Robert Richards as a justice court judge. The motion was seconded, and it passed unanimously.

**8. MUNICIPAL JUSTICE COURT RECERTIFICATION: (Rick Schwermer)**

Mr. Schwermer reminded the Council that justice courts are certified every four years by the Council. The certification process involves application by the sponsoring governmental entity, and a review of compliance with statutes and with Judicial Council operational standards.

He reviewed the courts not found in compliance to include:

Delta. They are open Monday through Thursday, and they hold court two Fridays per month. Two to three Fridays per month they are not open. The committee recommends a waiver if the city agrees to post its hours on their website, and if they add a drop-box so filings and payments can be made on Fridays when the court is not open. Delta has agreed to the conditions.

**Motion:** Judge Mortensen moved to grant a waiver to the Delta Justice Court as recommended by the committee. Judge Orme seconded the motion, and it passed unanimously.

Draper. As a Class I court, the judge is presumed to be full time. Mr. Schwermer reminded the Council that a waiver was granted in 2009 relative to the full-time judge requirement. The Management Committee discussed the matter in their January meeting and recommended the issue of what constitutes a full-time justice court judge be referred to Policy and Planning for further review and a one-year waiver be granted to Draper while the issue is studied further. Discussion took place and input was given by Draper Justice Court officials.

**Motion:** Judge Hornak moved to allow Policy and Planning to review the issue of what constitutes a full-time justice court judge further and grant the Draper Justice Court a one-year waiver while the issue is being addressed. Judge Stoney seconded the motion, and it passed unanimously.

Heber. There is no victim/witness room available in the facility, and the judge finds a gavel "unnecessary". A letter has been sent to the Heber Justice Court with no response. Judge Stoney provided information relative to the Heber Justice Court building. Discussion took place.

**Motion:** Judge Hornak moved to conditionally decertify the Heber Justice Court if they do not comply by February 1. Judge Sandberg seconded the motion. Judge McCullagh moved to amend the motion to allow the Heber Justice Court to comply by February 27. Judge Maughan seconded the amendment, and it passed unanimously. The motion passed as amended.

Hildale. They do not appear to be open on Fridays, and the judge has been "temporary" for several years. A senior judge has been holding court ever since the previous judge left office. Hildale has responded noting that they will be open on Fridays, but they would like permission to keep using a senior judge for a year, while the process to replace him takes place. Options and discussion took place relative to the continued use of a senior judge.

**Motion:** Judge Stoney moved to decertify Hildale if they have not begun the process to fill their justice court judge vacancy by June 1. Judge Hornak seconded the motion, and it passed unanimously.

Naples. The Naples facility is not within the boundaries of the municipality. This is a recent move, based on the new county facility opening and security concerns. Naples has responded that they will comply.



Orderville. There is no space for a jury, and there is no jury deliberation room. The judge responded that he will comply.

Parowan. The requirement is for two separate tables for counsel. The city uses a 12 foot long table with sufficient separation provided. The city requests a waiver.

**Motion:** It was moved and seconded to allow a waiver of the requirement for two separate tables for counsel. The motion passed unanimously.

Santa Clara. The court is not open on Fridays. Santa Clara has responded that they will be open on Fridays as required.

Kanab. The judge, rather than the city, submitted a recertification affidavit. Separately, the city has asked for an extension of time to consider all of their options relative to the court, rather than providing the required ordinance for recertification. Discussion took place.

**Motion:** Judge McCullagh moved to certify Kanab, waiving the requirement to pass an ordinance for recertification until July 1, 2012. If the recertification ordinance has not been received by that date, it will then be treated as a request to dissolve the court, [inaction by Kanab] and the court will be dissolved effective, July 1, 2013. Judge Stoney seconded the motion, and it passed unanimously.

Mr. Tom Langhorne, new Education Director, was introduced and welcomed.

**9. LEGISLATIVE UPDATE: (Rick Schwermer)**

Mr. Schwermer provided a legislative update to the Council. He noted that all the courts bills have sponsors, and he highlighted the status of the Self-Help Center Bill.

**10. SENIOR JUDGE CERTIFICATION: (Tim Shea)**

Mr. Shea reported that Judge J. Dennis Frederick has applied to be appointed as an Inactive Senior Judge.

**Motion:** Judge Orme moved to forward the recommendation, on behalf of the Council, to the Supreme Court to certify Judge J. Dennis Frederick as an Inactive Senior Judge. Judge McCullagh seconded the motion, and it passed unanimously.

**11. JUDICIAL PERFORMANCE EVALUATION COMMISSION UPDATE: (Joanne Slotnik)**

Chief Justice Durham welcomed Ms. Slotnik to the meeting.

Ms. Slotnik highlighted the Commission's proposed 2012 statutory changes and rationale for changing the following statutes: 1) 78A-12-203 - Judicial performance evaluations, 2) 78A-12-204 - Judicial performance survey, 3) 78A-12-205 - Minimum performance standards, and 4) 78A-12-206 - Publication of the judicial performance evaluation. She noted that the proposed change to the minimum performance standards would exclude juror responses.

Court-room observation feedback and their weight will be used with regards to a minimum performance standard for procedural fairness with the 2014 judges up for retention. She mentioned that training for courtroom observers is ongoing.

Discussion took place with concern being expressed over the proposal to eliminate juror survey responses from the minimum performance standards.

Reports relative to 2012 judges up for retention and 2014 mid-term will be sent out between now and mid-February.

Ms. Slotnik reported that the Commission received grant funding from the State Justice Institute (SJI) to work with the National Center for State Courts (NCSC) on the pilot program relative to evaluating part-time justice court judges. The pilot, which includes the 2014 part-time justice court judges up for retention, will begin in mid-February and run for six months.

She highlighted the following changes in membership to the Commission: 1) Mr. Chris Buttars has resigned from his position on the commission leaving a vacancy, and 2) Commission chair, V. Lowry Snow has resigned his position to fill the vacancy in the House of Representatives left by Representative David Clark. Mr. Tony Schofield will step in as Commission chair until the elections are held in July.

Ms. Slotnik highlighted the following relative to public comments: 1) they are not viewable by the public, 2) comments will be part of the 2012 retention evaluation reports, and 3) public comments in the 2012 reports will be placed on the website.

Chief Justice Durham thanked Ms. Slotnik for her update.

## **12. UTAH STATE BAR PRO BONO PROGRAM: (Rod Snow and Rob Rice)**

Chief Justice Durham welcomed Mr. Rod Snow, Bar president and other State Bar leadership in attendance.

Mr. Snow introduced members of the State Bar Commission who were present. He mentioned that the Bar is working to create a voluntary program whereby more lawyers are available to provide pro bono services in Utah.

Mr. Rice provided an overview of the Pro Bono Commission which will be a program of the Utah State Bar. The basic concept is three fold and will include the following areas of focus: 1) to develop and maintain a list of volunteer lawyers who are willing to provide pro bono legal services; 2) to institute a "check yes" campaign that will work in connection with the Bar's annual application process allowing for members to check a box saying that they are willing to be part of a pool of lawyers that will provide pro bono legal services, with this, a centralized electronic database will collect the information gathered by participating lawyers; and 3) to create district-based pro bono committees in each of the eight judicial districts statewide.

It was noted that similar district-based pro bono commissions currently exist in other states. Mr. Rice highlighted other non-profit services that currently provide legal representation for low-income Utahns. However, there is still a large number of civil legal cases where no attorney has been able to assist low-income Utahns in resolving those problems. Creation of the Pro Bono Commission would be a partial solution and would help make a dent in resolving those matters.

The Pro Bono Commission would consist of 15 members in the legal community to serve on the statewide commission. Ms. Michele Harvey would support the Commission as the coordinator by assisting with the overall statewide needs as well as the creation of individual committees in each judicial district. The basic charge for each district-based committee will include: 1) creating a committee suited to the needs of district, and 2) create a vehicle through which volunteer lawyers will be matched with pro bono clients.

The Bar Commissioners will serve as co chairs in each of the district committees. Ms. Sue Crisman will be involved in supporting the Commission at the district and statewide levels.

In the future, the Bar intends to fund part-time private staff members to assist in the matching of lawyers and pro bono clients.

Mr. Rice noted that several members of the Bar had the opportunity to review the program set up in Albuquerque. Upon review of Albuquerque's program, it was determined that judicial support and involvement in the process of recruiting lawyers to become involved in providing pro bono legal services was important to success of the program.

A draft copy of the proposed resolution was distributed to members of the Judicial Council. Mr. Rice asked the Council to consider passing a resolution to include the following: 1) to endorse conceptual support for the Pro Bono Commission, 2) to allow district court judges and other judiciary staff to participate as members of the Pro Bono Commission, and 3) if the Council supports the concept, allow district court judges to serve on the district-based committees as co chairs.

The question was asked regarding participation by the federal court. Mr. Rice mentioned that there currently is participation on behalf of the federal courts. It was noted that the focus has primarily been on state court judges with the program being district-based.

Questions were asked and discussion took place.

Mr. Rice was asked if the Board of District Board Judges were apprised of the Pro Bono Commission. He mentioned that a slightly different concept was presented to the Board of District Court judges at the end of 2011 than what is called for in the proposed resolution, but it reflects input provided by the Board of District Court judges. Ms. Moore provided her opinion on behalf of the Board regarding their view of the concept.

The need for pro bono services in rural districts relative to juvenile court cases was discussed. Mr. Rice provided clarification relative to training, mentoring and resource availability in areas outside of the lawyer's expertise.

Mr. Rice reviewed the logistics in setting up the Pro Bono Commission. He mentioned that participation by the judiciary would be made by invitation and be voluntary.

**Motion:** Judge Orme moved to defer the Council's consideration of the resolution until the February meeting, refer it to Policy & Planning for any suggestions and simultaneously send it to the Board of District Court judges for their consideration. It was amended to allow for the Council to accept in concept the Bar's process to create the Pro Bono Commission and move forward with creation of the committees. Judge Orme accepted the amendment. Judge Hornak seconded the motion to include the amendment. The motion passed with Judge Maughan voting no.

**Motion:** Judge Hornak moved to enter into an executive session discuss matters of security and personnel issues. Ms. Nelson seconded the motion, and it passed unanimously.

**13. EXECUTIVE SESSION:**

An executive session was entered into at this time.

**14. ADJOURN**

The meeting was adjourned.

**TAB 2**

# **Management Committee Minutes**

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE  
MINUTES**

**Tuesday, February 14th, 2012  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah**

**MEMBERS PRESENT:**

Chief Justice Christine M. Durham, Chair  
Hon. Kimberly K. Hornak, vice chair  
Hon. Judith Atherton  
Hon. George Harmond  
Hon. John Sandberg

**EXCUSED:**

**GUESTS:**

Justice Matthew Durrant  
Randy Dryer

**STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Diane Abegglen  
Lisa-Michele Church  
Jody Gonzales  
Debra Moore  
Rick Schwermer  
Tim Shea  
Alyn Lunceford  
Ron Bowmaster  
Mark Bedel  
Katie Gregory

**1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Durham)**

Chief Justice Durham welcomed everyone to the meeting. After reviewing the minutes, the following motion was made:

**Motion:** Judge Harmond moved to approve the minutes. Judge Hornak seconded the motion, and it passed unanimously.

**2. ADMINISTRATOR'S REPORT: (Daniel J. Becker)**

He reported on the following items:

Mr. Becker provided an update on the appropriation process of the 2012 Legislative Session to the Committee. The courts presented their information to the Appropriations Subcommittee on January 25. He highlighted the following areas of interest: 1) the status of the Self-Help Center bill, 2) jury witness supplemental, 3) addition of two law clerks, and 4) the Ogden Juvenile facility prioritized at #2.

**JPEC legislation.** Mr. Becker updated the Committee on the submission of JPEC legislation during the 2012 Legislative Session. The Liaison Committee opposed that portion of the bill which removed juror surveys from the minimum performance standards. Concerns and feedback were expressed to the Commission regarding the proposed bill. The legislation has been withdrawn.

Ms. Slotnik, Director of the Judicial Performance Evaluation Commission, and Mr. Tony Schofield, Chair of the Commission have been invited to attend the February 27 Council

meeting. The Council will have an opportunity to thank them for listening to the concerns expressed by the courts relative to the proposed JPEC bill and to provide feedback on the work of the Commission. He suggested that this provided the Council with the opportunity to discuss the process by which the Commission makes policy decisions.

Mr. Becker suggested that a more formalized forum for communication with the leadership of the Commission and the courts might need to be developed.

Juab County Court Facility. The plans to build a new court facility are moving forward with several meetings being held.

### **3. COMMITTEE APPOINTMENT: (Mark Bedel)**

The Education Standing Committee has a vacancy for a district court judge representative. The Board of District Court judges made the following recommendations to fill the vacancy: 1) Judge Ben Hadfield, 1<sup>st</sup> District; and 2) Judge Marvin Bagley, 6<sup>th</sup> District. Discussion took place.

**Motion:** Judge Atherton moved to approve Judge Ben Hadfield to fill the vacancy on the Education Standing Committee and place it on the February Judicial Council consent calendar. Judge Sandberg seconded the motion, and it passed unanimously.

The Uniform Fine and Bail Schedule Standing Committee has two vacancies for justice court judge representatives. The Board of Justice Court Judges made the following recommendations to fill the vacancies: 1) Judge David Miller, Centerville and North Salt Lake; 2) Judge L. G. Cutler, Salt Lake City; 3) Judge Scott Cullimore, Utah County; and 4) Judge Augustus Chin, Holladay-Cottonwood Heights. Discussion took place.

**Motion:** Judge Sandberg moved to approve Judge Augustus Chin and Judge Scott Cullimore to fill the vacancies on the Uniform Fine and Bail Schedule Standing Committee and place it on the February Judicial Council consent calendar. Judge Atherton seconded the motion, and it passed unanimously.

### **4. CIP GRANT APPLICATION: (Katie Gregory)**

Ms. Gregory provided background information on the Court Improvement Program (CIP) Grant. The proposed grant application will provide improvements in delivery of child welfare services and case management in juvenile courts, including training of juvenile judges and child welfare professionals and improvements to systems that collect, share and report child welfare data. The grant has been available for more than 12 years. This grant application is one of five applications, but outlines the total amount funded by the grant to include: 1) grant amount of \$173,912 (basic) with general fund matching of \$57,971, 2) grant amount of \$148,092 (training) with general fund matching of \$49,364, and 3) grant amount of \$151,441 (data) with general fund matching of \$50,480.

**Motion:** Judge Hornak moved to approve the grant application as presented and place it on the February Judicial Council consent calendar. Judge Harmond seconded the motion, and it passed unanimously.

**5. MUNICIPAL JUSTICE COURT RECERTIFICATIONS: (Rick Schwermer)**

Mr. Schwermer reported to the Committee that at the January Council meeting a motion to approve the municipal justice courts in compliance for recertification was overlooked, and the Council still needs to formally approve the recertification of all courts not specifically considered at the January meeting..

**Motion:** Judge Harmond moved to approve the municipal justice courts that are in compliance for recertification and place it on the February Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

**6. RECOMMENDATION FOR UTILIZATION OF GOOGLE APPS: (Ron Bowmaster)**

Mr. Bowmaster was welcomed to the meeting.

He provided an update on the recommendation of the Standing Committee on Technology to migrate the court email system from GroupWise to the Google Apps cloud-hosted email.

In his report, he highlighted the following: 1) a one-time cost of approximately \$17,750 to convert from the GroupWise email system to Google, 2) an additional annual cost of \$20,000, 3) protection of security and confidentiality as a service option, and 4) the ability to implement the court's email retention policy.

He highlighted the following available applications with Google: 1) mail, 2) calendaring, 3) Google Talk, 4) office production tools, 5) templates and webpages, 6) video storage capabilities, 7) instant messaging, 8) smart device synchronization, 9) application interfaces that were not provided with GroupWise; and 10) data storage, server and software maintenance, real-time failover, and backup and recovery support will be provided by Google.

He noted that the executive branch will be moving from GroupWise to the Google Apps cloud-hosted email system before the courts. If the Council approves the conversion from GroupWise to Google, the courts will follow the executive branch move and learn from their implementation experience, with an estimated changeover time starting July 1.

Mr. Bowmaster was thanked for his report.

**Motion:** Judge Atherton moved to recommend the approval to migrate the court email system from GroupWise to the Google Apps cloud-hosted email system. Judge Sandberg seconded the motion, and it passed unanimously.

**7. UTAH JUDICIAL FACILITY DESIGN STANDARDS - EXECUTIVE SUMMARY: (Alyn Lunceford)**

Chief Justice Durham welcomed Mr. Lunceford to the meeting.

Mr. Lunceford provided background information on the *Utah Judicial Facilities Design Standards*. He mentioned that the standards had not been reviewed for over 10 years. However, the standards had been effective in meeting our needs and are used as a model by other states when designing court facilities.



A subcommittee was established to update and evaluate the guidelines outlined in the original *Judicial System Master Plan* and created the *Utah Judicial Facility Design Standards* which addresses current and future building procedures, systems and technologies.

A brief overview of the document was provided. Upon approval, the standards will be included on the court's website, and they will be forwarded to the National Center for State Courts.

**Motion:** Judge Hornak moved to recommend approval of the Utah Judicial Facility Design Standards. Judge Sandberg seconded the motion, and it passed unanimously.

**8. REPORT ON THE JUDICIAL USE OF SOCIAL MEDIA: (Randy Dryer and Nancy Volmer)**

Chief Justice Durham welcomed Mr. Dryer to the meeting.

Mr. Dryer reported that the *Recommendations for the Court's Use of Social Media* would be the final report from the Social Media Subcommittee. The recommendations have been approved by the Judicial Outreach Committee.

He noted the following observations relative to the use of social media: 1) social media usage by judiciaries across the country is increasing rapidly, 2) Utah is on the forefront of social media usage, and 3) the judicial branch is behind the other two branches of government in their use of social media.

The recommendations, general and specific, relative to the use of social media by the courts include: 1) integrate social media and other emerging communication platforms into existing and future court functions and programs as appropriate for the purpose of fostering transparency and promoting public trust and understanding the judicial system, 2) emphasize the development of tools and applications to make court information easily accessible by the public and the media through mobile devices, 3) educate judges and court staff about the appropriate use of social media, 4) post educational videos on video sharing sites to educate and inform the public about the courts and how they operate, 5) add social media monitoring to existing media monitoring activities for stories and commentary about the courts and judges, 6) create apps or mobile-friendly web pages to enhance access to court dockets, court calendaring, hearings, court website and other information, 7) provide video or live Internet streaming of Judicial Council meetings on the Judiciary's website, 8) expand access to wireless networks in court facilities to allow the media and the public to use mobile devices, and 9) explore a pilot program for judges interested in having an electronic bench book to facilitate dissemination to various audiences.

Mr. Dryer provided clarification on what constitutes an electronic bench book.

Discussion took place.

Chief Justice Durham thanked Mr. Dryer for his report.

The Management Committee recommended the report be forwarded to the Council for their consideration and approval.

**9. MANDATORY E-FILING DISCUSSION: (Daniel J. Becker)**

Mr. Becker reported that discussion is taking place relative to the impact of a proposed move from voluntary e-filing to mandatory e-filing. Issues are being discussed by the Clerical Weighted Caseload Committee as well as the newly formed E-Filing Work Group headed by Mr. Ray Wahl.

A change to mandatory e-filing will impact the workforce required to staff the front counter operations of courts. The courts will require less court staff in this area due to e-filing. The number of court staff affected by this change and the options to managing the change will be discussed. It was noted that court staff affected will not lose their jobs, it will be managed through attrition.

Mr. Becker recommended that the Management Committee refer the issue of mandatory e-filing to Policy and Planning to address a proposed rule which would be brought to the Council for consideration in April which would set a date for mandatory e-filing, provide guidelines for dealing with self-represented litigants, and provide for possible waivers for attorneys who declare a hardship.

It was noted that 15% of all civil actions are currently e-filed. Mr. Becker also mentioned that this consideration of mandatory e-filing would be for district court civil and domestic cases only. Juvenile court and the appellate court are on a separate timetable.

Discussion took place.

The Management Committee was in consensus to refer the issue of mandatory e-filing to Policy and Planning to address a proposed rule and related issues.

**10. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Christine M. Durham)**

Chief Justice Durham reviewed the proposed Council agenda for February 27.

**Motion:** Judge Atherton moved to approve the February Council agenda as amended. Judge Harmond seconded the motion, and it passed unanimously.

**11. ADJOURN**

The meeting was adjourned.

# **Liaison Committee Minutes**

**JUDICIAL COUNCIL LIAISON COMMITTEE**

**MINUTES**

**Friday - January 27, 2012**

**11:00 a.m.**

**Board Room**

*Hon. Jill Parrish, Presiding*

**MEMBERS PRESENT:**

Hon. Brendan McCullagh

Hon. David Mortensen

Hon. Jill Parrish

Hon. Larry Steele

**STAFF PRESENT:**

Lisa-Michele Church

Brent Johnson

Richard Schwermer

Ray Wahl

Sandy Iwasaki

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**1. WELCOME AND APPROVAL OF MINUTES: (Justice Jill Parrish)**

Justice Parrish welcomed everyone to this meeting. She asked for a motion on the minutes from the January 20, 2012, committee meeting.

***Motion:** Judge Larry Steele moved to approve as written the minutes from the January 20, 2012, committee meeting. Judge David Mortensen seconded the motion, and the motion carried unanimously.*

**2. H.B. 88 - CUSTODY AMENDMENTS: (Judge David Mortensen)**

This bill adds to the divorce statute a statement that the court may not discriminate against a parent based on age, race, religious preference, or gender when deciding custody.

Judge Mortensen pointed out that this bill may conflict with the C.J.A. rule relating to evaluations that indicates religious compatibility should be considered in determining custody.

***Liaison Committee's Position:** No position.*

**3. H.B. 90 - PUBLIC MEETING DURING PARTY CAUCUSES:  
(Justice Jill Parrish)**

This bill enacts and amends provisions relating to registered political parties, notices, and public meetings. It defines terms and requires the party liaison to notify the lieutenant governor of the date and time of a party caucus. The bill requires the lieutenant governor to post notice of a party caucus on the Statewide Electronic Voter Information Website and the Utah Public Notice Website. It prohibits a public body from holding a meeting during a caucus of certain registered political parties.

Justice Parrish noted that there is potential for unintended consequences because of the broadness of the bill.

*Liaison Committee's Position: No position.*

**4. H.B. 282 - CRIMINAL OFFENSE AMENDMENTS: (Judge Brendan McCullagh)**

This bill modifies the Criminal Code so that the offenses of lewdness, sexual battery, and public urination are each in a separate code section. It provides that a plea of guilty or no contest that is held in abeyance regarding a lewdness offense is the equivalent of a conviction.

*Liaison Committee's Position: No position.*

**5. H.B. 290 - DIVORCE ORIENTATION CLASS: (Judge David Mortensen)**

This bill requires a prospective petitioner for divorce to complete the mandatory divorce orientation course before filing a petition for divorce. It requires the respondent to complete the mandatory divorce orientation course within 30 days of receipt of a petition for divorce. The bill eliminates the waiver of the 90-day waiting requirement for parties who complete the mandatory divorce education course.

Mr. Schwermer mentioned that there is a \$165,000 fiscal note attached to this bill because the bill specifies that the divorce orientation course shall be provided to the parties free of charge.

Judge Mortensen commented that there may be an issue relating to abusive relationships because the bill requires a prospective petitioner to complete a divorce education course before a petition for divorce can be filed. The bill also eliminates the waiver of the 90-day waiting period requirement for parties who complete the mandatory divorce education course.

Mr. Johnson commented that there seems to be some confusion in the bill as to whether or not the divorce education course requirement is jurisdictional.

*Liaison Committee's Position: There needs to be clarification on whether or not the divorce education course requirement is intended to be jurisdictional.*

**6. S.B. 139 - CHILD CUSTODY PROCEEDINGS: (Judge David Mortensen)**

This bill reduces the age from 16 to 14 for children who wish to express their opinion during a child custody proceeding regarding which parent they would prefer to reside with.

*Liaison Committee's Position: No position.*

**7. NEXT MEETING:**

**Friday - February 3, 2012  
Noon  
Administrative Office of the Courts - Council Room**

# JUDICIAL COUNCIL LIAISON COMMITTEE

## MINUTES

Friday - February 3, 2012

Noon

Council Room

### **MEMBERS PRESENT:**

Hon. Brendan McCullagh

Hon. David Mortensen

Hon. Larry Steele

### **MEMBER EXCUSED:**

Hon. Jill Parrish

### **STAFF PRESENT:**

Daniel Becker

Lisa-Michele Church

Brent Johnson

Richard Schwermer

Ray Wahl

Sandy Iwasaki

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### **1. WELCOME AND APPROVAL OF MINUTES: (Judge Brendan McCullagh)**

Since Justice Jill Parrish was unable to attend this meeting, Judge Brendan McCullagh presided at this meeting. Judge McCullagh asked for a motion on the minutes from the January 27, 2012, committee meeting.

***Motion:*** Judge David Mortensen moved to approve as written the minutes from the January 27, 2012, committee meeting. Judge Larry Steele seconded the motion, and the motion carried unanimously.

### **2. H.B. 94 - GOVERNMENT COMPETITION WITH PRIVATE ENTERPRISE: (Chief Sponsor: Johnny Anderson) (Judge Brendan McCullagh)**

This bill amends and enacts provisions relating to a government entity engaging in commercial activity. It requires a government entity to conduct a study and contact private enterprise before engaging in certain commercial activity. The bill requires the Privatization Policy Board to hold a public meeting and issue an advisory opinion about a government entity's proposed commercial activity. It grants a private enterprise a private right of action to compel a noncompliant government entity to comply with requirements of the study and addresses attorney fees and court costs.

***Liaison Committee's Position:*** No position, but unclear what it means and its effect on the judiciary.

### **3. H.B. 107 - JOINT CUSTODY MODIFICATIONS: (Chief Sponsor: Gage Froerer) (Judge David Mortensen)**

This bill states that joint legal and physical custody of children in a divorce or separation is in the best interest of the child. It requires the court to order joint legal and physical custody to parents

in a divorce or separation action. The bill allows a parent to rebut the presumption of joint legal and physical custody. The bill makes changes to the parent-time schedule.

Judge Mortensen pointed out that the provision on lines 254-256 will require a large fiscal note because of the additional hearings that will result from the provision.

*Liaison Committee's Position: No position, but requires a large fiscal note.*

**4. H.B. 116 - PROBATE CODE AMENDMENTS:  
(Chief Sponsor: V. Lowry Snow) (Judge David Mortensen)**

This bill makes amendments regarding guardians, conservators, trustees, and advance directions regarding funeral and burial arrangements. The bill provides that advance directions regarding funeral and burial arrangements executed in the same manner as a will are acceptable and adds a personal representative to the list of persons who may provide directions regarding disposition of a deceased person. It clarifies attorney fees in a will contest for the personal representative if the will was filed in good faith and allows for attorney fees in an action for a guardianship or conservatorship under specific circumstances. The bill clarifies that a conservatorship estate does not include the assets of a trust, but the conservator is considered a qualified beneficiary of any trust in which the protected person is a qualified beneficiary.

*Liaison Committee's Position: No position.*

**5. H.B. 130 - CUSTODIAL INTERFERENCE AMENDMENTS:  
(Chief Sponsor: Gage Froerer) (Judge David Mortensen)**

This bill makes changes in sanctions for custodial interference. It allows a person to be charged with a third degree felony after two instances of being held in contempt for custodial interference. The bill redefines custodial interference to require that 24 hours have to have passed before it can be charged and deletes the provision for a class B misdemeanor.

Judge Mortensen pointed out that on lines 253-256, the bill allows that a finding of contempt for custodial interference can be used as a qualifier for enhancement of criminal penalties. This is a problem because of the different levels of proof. He also mentioned that when domestic commissioners and judges are addressing issues of what might be considered custodial interference, they may not call it custodial interference.

Judge McCullagh noted that lines 228-230 refer to a person "convicted of or held in contempt for custodial interference," but he indicated that the provision should also specify "by a court of competent jurisdiction" or "pursuant to Section 76-5-303.1." He also commented that line 244 calls custodial interference a civil contempt action, but it would not really be a civil action.

Mr. Johnson pointed out that lines 244-256 may be problematic because a person cannot be held in contempt and charged with custodial interference at the same time for the same act.

*Liaison Committee's Position: No position, but may raise the issues noted with the bill.*

**6. H.B. 231 - GUARDIANSHIP AMENDMENTS:  
(Chief Sponsor: Kraig Powell) (Judge David Mortensen)**

This bill creates the Utah Protective Proceedings Act within the Probate Code. It creates a method within the courts for the appointment of a guardian or conservator for a minor or an incapacitated adult. The bill eliminates a local school board's ability to designate guardians for students within its district and eliminates expedited guardianship proceedings for residents of the Utah State Developmental Center. It also makes technical corrections.

*Liaison Committee's Position: Support.*

**7. H.B. 232 - ABUSE, NEGLECT, AND DIVISION DEFINITIONS:  
(Chief Sponsor: Christine F. Watkins) (Judge Larry Steele)**

This bill adds willful, wanton, and reckless negligence to the definition of neglect. It eliminates the responsibility of the Division of Child and Family Services to conduct court-ordered home evaluations in custody proceedings.

It was noted that it is unclear what is meant by "reckless negligence" on lines 191-192.

*Liaison Committee's Position: No position, but eliminating home evaluations would have a significant effect on the juvenile court's ability to get quality information in order to make statutorily required findings of best interest of the child.*

**8. H.B. 235 - OFFER OF JUDGMENT IN CIVIL CASES:  
(Chief Sponsor: Ken Ivory) (Judge Brendan McCullagh)**

This bill creates and outlines a process for offers of judgment in civil actions. It requires that the offer be made more than 10 days before trial and requires that a response be made within 10 days of service of the offer. The bill sets requirements for offers made to multiple parties. It provides direction to the court for judgment in cases where an offer was made and sets sanctions for a party who rejects an offer but does not receive a more favorable judgment.

*Liaison Committee's Position: No position, but will not be of legal effect because it may conflict with rules of civil procedure.*

**9. H.B. 236 - ALIMONY MODIFICATIONS:  
(Chief Sponsor: Stephen E. Sandstrom) (Judge David Mortensen)**

This bill expands the circumstances under which a court may order alimony, and it increases the length of time alimony may be awarded. It allows a court to consider fault when awarding alimony and defines fault to include acts that substantially and unilaterally compromise a marriage, harm a spouse, or harm the children of the marriage. The bill allows a court to award additional alimony to a recipient spouse who refrained from significant employment during the marriage in order to care for minor children so that the recipient spouse may continue to provide the care for the minor children after the divorce even if the recipient spouse decides to pursue an



education, job training, or acquires and maintains a professional license. The bill allows a court to order alimony for a time longer than the duration of the marriage if the payor spouse was at fault.

Judge Mortensen commented that it is unclear what is meant to consider "fault."

***Liaison Committee's Position: No position.***

**10. H.B. 237 - CHILD WELFARE AMENDMENTS:  
(Chief Sponsor: Wayne A. Harper) (Judge Larry Steele)**

This bill amends Title 62A, Utah Human Services Code; Title 78A, Judiciary and Judicial Administration; and Title 78B, Judicial Code, relating to child welfare.

This bill:

- defines the term "relative";
- amends Division of Child and Family Services caseworker training requirements;
- requires a caseworker to file a report explaining why a particular placement is in the child's best interest when a child is removed from the child's immediate family but not placed with kin;
- requires a licensee under the Medical Practice or Nurse Practice Act to report a determination of fetal alcohol spectrum disorder to the Division of Child and Family Services;
- requires that appellate courts apply de novo review to legal issues raised in an appeal of a lower court's decision to terminate parental rights;
- prohibits taking a child into protective custody solely on the basis of educational neglect, truancy, or failure to comply with a court order to attend school;
- requires a fingerprint-based background check on any adult residing in the home of a foster parent or potential foster parent;
- creates a presumption that reunification services not be provided to:
  - a parent who commits sexual abuse of a child;
  - a parent who is a registered sex offender; or
  - a birth mother whose child is born with fetal alcohol spectrum disorder, unless she enrolls in a substance abuse program;
- requires a court to consider costs already borne by a parent or legal guardian before assessing guardian ad litem attorney fees, court costs, or expenses against a parent or legal guardian;
- permits a parent or legal guardian to appeal a court's determination of guardian ad litem attorney fees, costs, and expenses;
- requires a guardian ad litem to:
  - disclose the minor's wishes to the court;
  - conduct an independent investigation regarding a minor client, the minor's family, and what constitutes the best interest of the minor;
  - keep records regarding how many times the guardian ad litem has had contact with each minor client and make those records available when making a recommendation regarding the client's welfare; and

- file a memorandum with the court before recommending that a child be removed from a parent's custody or that a parent's rights be terminated explaining why that action is in the best interest of the child;
- permits a parent to file a memorandum in response to a guardian ad litem's memorandum;
- creates a preference for the adoption of a child by a relative following a termination of parental rights; and
- makes technical changes.

Mr. Schwermer advised the Liaison Committee that there will be a substitute to this bill. He reported some of the proposed amendments that should be in the substitute bill.

Judge Steele pointed out that the provisions on lines 1108-1119 are inconsistent with the provisions in existing law in Section 76A-6-307 regarding kinship preference. The timing of the provisions are inconsistent. The provisions on lines 1108-1119 are also inconsistent with federal law on permanency and violate the best interest of the child.

*Liaison Committee's Position: No position on this bill, but the court would be unable to apply all of the statutes because of the inconsistencies. The Liaison Committee may reconsider a substitute bill.*

**11. H.B. 307 - FACTUAL INNOCENCE AMENDMENTS:  
(Chief Sponsor: Brad L. Dee) (Judge Brendan McCullagh)**

This bill clarifies the requirement of a hearing if the state does not stipulate to factual innocence. It clarifies that all proceedings are governed by Utah Rules of Civil Procedure, Rule 65C, and sets a standard for the court's determination of factual innocence. The bill disallows prejudgment interest on payments made to a person after a finding of factual innocence and provides that a claim of factual innocence is extinguished upon the death of the petitioner.

*Liaison Committee's Position: No position.*

**12. H.B. 315 - DOMESTIC VIOLENCE & DATING VIOLENCE AMENDMENTS:  
(Chief Sponsor: Paul Ray) (Judge David Mortensen)**

This bill provides for the issuance, modification, and enforcement of protective orders between parties who are, or have been, in a dating relationship when:

- the parties are emancipated or 18 years of age or older;
- the parties are, or have been, in a dating relationship with each other; and
- a party commits abuse or dating violence against the other party.

This bill requires the Administrative Office of the Courts to develop and adopt uniform forms for petitions and orders for protection relating to dating violence. It describes the restrictions that a court may include in a protective order.

The bill describes the conditions that may be placed on an alleged perpetrator of dating violence:

- in a protective order;



# JUDICIAL COUNCIL LIAISON COMMITTEE

## MINUTES

Friday - February 10, 2012

Noon

Council Room

*Hon. Jill Parrish, Presiding*

### **MEMBERS PRESENT:**

Hon. Brendan McCullagh  
Hon. David Mortensen  
Hon. Jill Parrish  
Hon. Larry Steele

### **STAFF PRESENT:**

Daniel Becker  
Katie Gregory  
Brent Johnson  
Debra Moore  
Richard Schwermer  
Ray Wahl  
Sandy Iwasaki

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### **1. WELCOME AND APPROVAL OF MINUTES: (Justice Jill Parrish)**

Justice Parrish welcomed everyone to the meeting and asked for a motion on the minutes from the February 3, 2012, committee meeting.

***Motion:*** Judge Larry Steele moved to approve as written the minutes from the February 3, 2012, committee meeting. Judge David Mortensen seconded the motion, and the motion carried unanimously.

### **2. H.B. 107 (1<sup>st</sup> Sub.) - JOINT CUSTODY MODIFICATIONS: (Chief Sponsor: Gage Froerer) (Judge David Mortensen)**

This substitute bill creates a rebuttable presumption for joint custody in a divorce or separation action. It provides that the presumption for joint custody may be rebutted by circumstances, including domestic violence. The bill sets conditions for the court to consider in modifying a joint custody order and requires the court to make specific findings when modifying or terminating a joint custody order. The bill requires that parents participate in dispute resolution proceedings.

Judge Mortensen commented that this substitute bill will result in an increase of hearings on the presumption and on petitions to modify.

***Liaison Committee's Position:*** No position.

**3. H.B. 161 - RIGHTS OF PARENTS AND CHILDREN:  
(Chief Sponsor: LaVar Christensen) (Judge Larry Steele)**

This bill modifies Title 62A, Chapter 4a, Child and Family Services; Title 78A, Chapter 4, Court of Appeals; and Title 78A, Chapter 6, Juvenile Court Act of 1996; by affirming parental rights, amending procedures regarding the Division of Child and Family Services, and amending court procedures regarding the termination of parental rights. This bill:

- affirms parental rights in relation to the rights of the state;
- requires the court to consider the protection of parental rights described in Section 62A-4a-201 before terminating parental rights;
- emphasizes the importance of in-home services and kinship placement over other forms of state intervention;
- states that a court shall hold a permanency review hearing 12 months after the date of removal for a minor who is 36 months or younger at the date the minor is initially removed from the home;
- states that the termination of parental rights should be pursued as a last resort only;
- requires an appellate court to consider “fundamental liberty interests” in an appeal of a termination of parental rights; and
- makes technical changes.

Judge Steele expressed concern that the language in the bill is indecipherable and ambiguous so that the provisions would be difficult for judges to understand and to apply thus creating inconsistencies.

Mr. Schwermer pointed out that the provision on lines 133-137 will result in mandatory appellate reviews for every order of termination of parental rights. This will require a large fiscal note.

*Liaison Committee’s Position: Oppose because of the concern that the standards are so different from the language and concepts that are currently used making them difficult for the judges to apply and, therefore, creating inconsistencies.*

**4. H.B. 194 - INVOLUNTARY FEEDING AND HYDRATION OF INMATES:  
(Chief Sponsor: Derek E. Brown) (Judge David Mortensen)**

This bill modifies the Code of Criminal Procedure by authorizing county jails to involuntarily feed and hydrate prisoners who refuse sustenance and to petition the court to involuntarily feed or hydrate prisoners if required for more than three consecutive days. This bill:

- provides that a county jail may administer food or fluids to a prisoner by involuntary means for up to three consecutive days if a panel, consisting of the sheriff, a licensed physician, and a mental health therapist determines that the administration is reasonably necessary because the prisoner is in imminent danger due to inadequate nutrition or hydration;
- authorizes the sheriff to petition the court for an order to administer food or fluids to a prisoner by involuntary means if required for more than three consecutive days;

- provides that the court shall hold a hearing within three business days of receiving a petition from a sheriff to administer food or fluids to a prisoner by involuntary means;
- provides that the prisoner has the right to attend the hearing, testify before the court, present evidence, and cross-examine witnesses;
- requires that any involuntary feeding or hydration by the county be conducted under medical supervision and in a reasonable manner; and
- provides exceptions to the provisions of this bill for medically imposed fasts or religious fasts of reasonable duration.

Judge Mortensen commented that it would be helpful to the courts to have some standards to apply in these matters since there has not been much direction for these matters in the past.

Mr. Johnson mentioned that he was wondering if the prisoner has a right to object to the manner of the involuntary feeding or hydration.

*Liaison Committee's Position: No position, but we appreciate the bill.*

**5. H.B. 237 (1<sup>st</sup> Sub.) - CHILD WELFARE AMENDMENTS:  
(Chief Sponsor: Wayne A. Harper) (Judge Larry Steele)**

This is a substitute to the bill previously reviewed at the last Liaison Committee meeting. This substitute bill has been amended from the last bill in that:

- it no longer requires that appellate courts apply de novo review to legal issues raised in an appeal of a lower court's decision to terminate parental rights;
- it no longer requires the guardian ad litem to file a memorandum with the court before recommending that a child be removed from a parent's custody or that a parent's rights be terminated explaining why that action is in the best interest of the child; however,
- it does require the guardian ad litem to disclose to the court the basis for any recommendation regarding the best interest of the child.

Judge Steele pointed out that there are still some provisions in this substitute bill that are problematic because the language used is inconsistent with the language currently used for the basis of removal. He indicated that the provision in lines 413-415 appears to remove a contempt power by removing an ability to enforce a court order to attend school.

Judge Steele noted that the House Committee amendment made on line 1094 is an improvement from the original bill. However, he indicated that the provision on lines 1096-1101 still requires reopening the issue of kinship adoption placement even after the court has already made a best interest finding and terminated the parental rights. This will require an additional hearing.

Mr. Schwermer advised the committee that he is aware of another substitute to this bill being drafted.

*Liaison Committee's Position: No position, but may highlight issues and reconsider the next substitute bill.*

**6. H.B. 395 - FIREARMS AMENDMENTS:  
(Chief Sponsor: Stephen E. Sandstrom) (Judge Brendan McCullagh)**

This bill amends provisions of Title 53, Chapter 5, Part 7, Concealed Firearm Act, related to the denial, suspension, or revocation of a concealed firearm permit and Title 76, Chapter 10, Part 5, Weapons, regarding restrictions on the possession, purchase, transfer, and ownership of firearms by certain persons. This bill:

- provides that the Bureau of Criminal Identification may, rather than shall, deny, suspend, or revoke a concealed firearm permit on the basis of an indictment for a crime of violence in any state, but shall reverse that action upon notice of dismissal of the indictment or acquittal;
- provides an affirmative defense for Category I and II restricted persons charged with possession or transfer of firearms or other dangerous weapons;
- makes it a crime to sell, transfer, or dispose of a firearm or ammunition to a Category I or Category II restricted person;
- provides that a Category I restricted person includes illegal aliens; and
- makes certain technical changes.

*Liaison Committee's Position: No position, but communicate drafting issues with this bill.*

**7. H.B. 510 - INDIGENT DEFENSE ACT AMENDMENTS:  
(Chief Sponsor: Gregory H. Hughes) (Judge Brendan McCullagh)**

This bill modifies the Indigent Defense Act. This bill:

- defines "defense service provider", "legal defense", and "regional legal defense";
- allows a person charged with a serious offense to file a claim of indigency with the court;
- requires a defense service provider to provide all legal defense services as a package;
- provides procedures for the court to follow when a defendant hires private counsel; and
- extends subsequent terms of county commissioners and county attorneys who serve on the Indigent Defense Fund Board to be four years rather than two years.

*Liaison Committee's Position: No position.*

**8. S.B. 100 - LAW LIBRARY SELF-HELP CENTER:  
(Chief Sponsor: Stephen H. Urquhart) (Justice Jill Parrish)**

This bill creates a statewide self-help center within the Utah State Law Library to assist self-represented parties. It requires that the self-help center be staffed by licensed attorneys and allows the self-help center staff to assist court patrons in obtaining and filling out documents. The bill provides that self-help center staff are to:

- answer questions regarding the court process, law, and options;
- provide information, but not give legal advice; and
- offer resources regarding the law library and other avenues for legal assistance.

*Liaison Committee's Position: Support.*

**9. S.B. 103 (Amended) - PERSONAL INJURY PROTECTION ARBITRATION:  
(Chief Sponsor: Curtis S. Bramble) (Justice Jill Parrish)**

This bill creates a new program for personal injury protection arbitration. This bill:

- requires the commissioner of insurance to issue a request for proposal for an organization to administer personal injury protection actions through arbitration;
- sets requirements for the request for proposal; and
- requires the commissioner to make rules regarding the process.

*Liaison Committee's Position: No position.*

**10. S.B. 169 (1<sup>st</sup> Sub.) - JUDICIAL CONDUCT COMMISSION AMENDMENTS:  
(Chief Sponsor: Karen Mayne) (Justice Jill Parrish)**

This bill changes the description of the two judges that can be appointed by the Utah Supreme Court to the Judicial Conduct Commission. It allows the Judicial Conduct Commission discretion to dismiss a complaint against a judge, even if it finds by a preponderance of the evidence that judicial misconduct occurred, if it determines that a public sanction is not warranted.

*Liaison Committee's Position: No position.*

**11. S.B. 182 - EXPUNGEMENT OF DRUG OFFENSES:  
(Chief Sponsor: Howard A. Stephenson) (Judge Brendan McCullagh)**

This bill provides a special procedure for expunging drug-related offenses. This bill:

- provides that a petitioner with two or more controlled substance related offenses may petition for an expungement;
- requires the petitioner to apply for and receive a certificate of eligibility;
- requires that the prosecutor, upon receiving a petition for expungement, provide a copy of the petitioner's presentence report and other documentation considered of interest to the court; and
- allows the court, after a hearing, to expunge any or all offenses on the petitioner's record.

Mr. Schwermer reported that there is a \$71,000 fiscal note for the courts on this bill because the bill will require the courts to hold hearings for these expungements.

*Liaison Committee's Position: No position.*

**12. OTHER BUSINESS:**

Mr. Schwermer reported that the Judicial Performance Evaluation Commission has decided to withdraw H.B. 328, Judicial Performance Evaluation Amendments.



**NEXT MEETING:**

**Friday - February 17, 2012**

**Noon**

**Administrative Office of the Courts - Council Room**

**JUDICIAL COUNCIL LIAISON COMMITTEE**

**DRAFT MINUTES**

**Friday - February 17, 2012**

**Noon**

**Council Room**

***Hon. Jill Parrish, Presiding***

**MEMBERS PRESENT:**

Hon. Brendan McCullagh

Hon. David Mortensen

Hon. Jill Parrish

Hon. Larry Steele (via VIACK)

**STAFF PRESENT:**

Daniel Becker

Lisa-Michele Church

Brent Johnson

Richard Schwermer

Tim Shea

Ray Wahl

Sandy Iwasaki

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**1. WELCOME AND APPROVAL OF MINUTES: (Justice Jill Parrish)**

Justice Parrish welcomed everyone to the meeting and asked for a motion on the minutes from the February 10, 2012, committee meeting.

***Motion:*** *Judge David Mortensen moved to approve as written the minutes from the February 10, 2012, committee meeting. Judge Brendan McCullagh seconded the motion, and the motion carried unanimously.*

**2. H.B. 237 (2<sup>nd</sup> Sub.) - CHILD WELFARE AMENDMENTS:  
(Chief Sponsor: Wayne A. Harper) (Judge Larry Steele)**

This is the second substitute to the bill previously reviewed by the Liaison Committee. Judge Steele noted that the provisions on lines 1083-1095 appear to be clearer than the previous versions reviewed, but there will still be a fiscal impact because of more complex hearings resulting from the provisions. He commented that the language on lines 1085-1087 will probably require more hearings even though the child has established permanency with a guardianship placement or has established individual permanency such as an independent living situation because the language refers to "suitable adoptive placement." He suggested that if the language was changed to "suitable permanent placement," then the court would not be required to rehear these cases to determine kinship placement.

***Liaison Committee's Position: No position.***

**3. H.B. 346 - AMENDMENTS REGARDING COMPETENCY TO STAND TRIAL:  
(Chief Sponsor: LaVar Christensen) (Judge David Mortensen)**

This bill modifies the Code of Criminal Procedure regarding the procedures for determining a defendant's competency to stand trial. It modifies the hearing procedure for determining if a defendant is competent to stand trial to include for the court's consideration of all available and relevant evidence, including testimony of witnesses who have been in contact with the defendant. The bill provides that a defendant who is not restored to competency to stand trial after forensic treatment shall be temporarily detained and undergo civil commitment proceedings. Judge Mortensen commented that this provision will require a fiscal note because lines 228-232 remove any prosecutorial discretion in the civil commitment proceedings and require the court to order that the commitment proceedings be initiated.

*Liaison Committee's Position: No position, but there will be a fiscal impact.*

**4. H.B. 357 - GUARDIAN AD LITEM AMENDMENTS:  
(Chief Sponsor: LaVar Christensen) (Judge Larry Steele)**

This bill modifies provisions of Title 78A, Chapter 2, Judicial Administration, Title 78A, Chapter 7, Justice Court, and Title 78B, Chapter 15, Utah Uniform Parentage Act, by amending the procedures for appointing a guardian ad litem to represent a minor. This bill specifically authorizes the court to appoint a private attorney guardian ad litem for district court cases and the Office of Guardian ad Litem for juvenile cases.

Mr. Schwermer advised the Liaison Committee that the provision of having a private attorney guardian ad litem appointed for a child protective order is going to be removed from the bill and the Office of Guardian ad Litem will be appointed for child protective orders.

*Liaison Committee's Position: No position if the bill is amended to remove the appointment of a private attorney guardian ad litem for a child protective order.*

**5. H.B. 393 - JUVENILE COMPETENCY AMENDMENTS:  
(Chief Sponsor: Kay L. McIff) (Judge Larry Steele)**

This bill enacts standards and procedures for juvenile competency proceedings, clarifies duties and responsibilities of the Department of Human Services, defines terms, and makes technical corrections. This bill requires the department to:

- conduct juvenile competency evaluations in the least restrictive setting;
- upon a finding of good cause, use a second examiner to evaluate the juvenile; and
- prepare an attainment plan when a minor is found not competent to proceed.

This bill grants the juvenile court jurisdiction over a minor not competent to proceed. It defines the following terms: "mental disorder", "intellectual disability", "not competent to proceed", and "related condition". It establishes competency to proceed standards and procedures.

Mr. Schwermer distributed copies of a revised version of this bill. He advised the Liaison Committee that the revised version includes a process of making a decision as to whether or not the minor is competent. If the minor is found to be competent to proceed, then the court shall proceed with the delinquency proceeding. If the minor is incompetent with a substantial probability that the minor may attain competency, then the minor will go through the attainment process. If the minor is incompetent without a substantial probability of attaining competency, then the court will dismiss the case and not pursue attainment.

***Liaison Committee's Position: Support because standards and procedures for juvenile competency proceedings are needed.***

**6. H.B. 402 - SHARED PARENTING:  
(Chief Sponsor: Kraig Powell) (Judge David Mortensen)**

This bill provides substantially equal parent-time when a court makes a temporary custody or parent-time order, unless substantially equal parent-time is not in the best interest of the child. It provides that if the court denies substantially equal parent-time, the court shall state in writing the reason for its denial. Mr. Schwermer indicated that this provision will require a large fiscal note because it will result in additional hearings.

Judge Mortensen pointed out that the provision on lines 36-38 refers to "temporary orders of custody or parent-time" which would probably apply to protective orders.

***Liaison Committee's Position: No position, but the requirement for the court to state in writing the reason for its denial will require a large fiscal note.***

**7. H.B. 453 - CITATION AMENDMENTS:  
(Chief Sponsor: Don L. Ipson) (Judge Brendan McCullagh)**

This bill provides that a person who receives a citation may be required to appear at the court of the magistrate who has territorial jurisdiction and allows a peace officer, in addition to taking a person into custody, to require the person to appear at the court of the magistrate who has territorial jurisdiction. It makes organizational and technical corrections.

Judge McCullagh commented that it is unclear what the intent of the bill is.

***Liaison Committee's Position: No position, but unclear what the bill is trying to do.***

**8. H.B. 466 - FORUM REQUIREMENTS:  
(Chief Sponsor: Brian Doughty) (Judge Brendan McCullagh)**

This bill modifies the Check Cashing and Deferred Deposit Lending Registration Act to address forum requirements. It prohibits a deferred deposit lender from imposing certain forum requirements.

Judge McCullagh commented that this bill provides a substantive penalty of attorney fees and court costs for filing cases in courts that do not have subject matter jurisdiction.

*Liaison Committee's Position: No position.*

**9. S.B. 180 - POLITICAL SUBDIVISION ETHICS AMENDMENTS:  
(Chief Sponsor: Curtis S. Bramble) (Justice Jill Parrish)**

This bill enacts language related to a political subdivision officer or employee ethics violation.  
This bill:

- authorizes a municipality to establish a municipal ethics commission;
- enacts general provisions;
- defines terms;
- enacts provisions related to the Political Subdivisions Ethics Commission;
- enacts provisions related to general powers and procedures;
- enacts provisions related to a hearing on an ethics complaint;
- enacts provisions related to an ethics complaint;
- enacts provisions related to a review of an ethics complaint for compliance;
- enacts provisions related to the Commission's review of an ethics violation;
- authorizes a county to establish a county ethics commission;
- amends provisions related to a private record;
- enacts language related to filing a complaint for a violation of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and
- makes technical corrections.

Mr. Schwermer advised the Liaison Committee that there will be a substitute bill introduced.

Justice Parrish commented that the section of the bill that directly impacts the courts is on lines 369-398, Order to Compel - Enforcement. This section provides that if the ethics commission has problems with compliance with a subpoena, the ethics commission may file a motion for an order to compel obedience to the subpoena with the district court. The ethics commission can seek extraordinary writs to enforce its contempt power and those contempt issues can be directly appealed to the Utah Supreme Court.

*Liaison Committee's Position: No position.*

**10. S.B. 210 - PROCESS SERVER AMENDMENTS:  
(Chief Sponsor: Stephen H. Urquhart) (Judge Brendan McCullagh)**

This bill expands the types of process a person over the age of 18 is permitted to serve and allows private investigators to serve all civil process.

Mr. Shea pointed out that on line 27, this bill adds "notices" to what a person 18 years of age "who is not a party to the action or a party's attorney" is permitted to serve. He commented that this may prevent the service by mail by the parties or the parties' attorneys of typical notices that they have routinely served by mail directly in the past.

*Liaison Committee's Position: No position, but may alert of the possible unintended consequence of adding "notices" on line 27.*

**11. S.B. 214 - JUSTICE COURT PROCESS AMENDMENTS:  
(Chief Sponsor: Curtis S. Bramble) (Judge Brendan McCullagh)**

This bill provides that a sentence imposed by a justice court shall be immediately stayed if a defendant files a proper notice of appeal for a trial de novo in district court. Mr. Schwermer advised the Liaison Committee that there will be a substitute to this bill introduced.

*Liaison Committee's Position: No position, but reconsider the substitute bill.*

**12. S.B. 227 - YOUTH COURT AMENDMENTS:  
(Chief Sponsor: Jerry W. Stevenson) (Judge Larry Steele)**

This bill:

- requires a Youth Court that accepts referrals to be certified;
- allows the proceedings of Youth Courts to be shared with the referring agency, victim, and juvenile court under certain circumstances;
- expands the membership of the Youth Court Board to include the president of the Utah Youth Court Association and the executive director of the Commission on Criminal and Juvenile Justice;
- amends provisions regarding the appointing authority of some Board members;
- extends terms of office of Board members to four-year, rather than two-year terms; and
- makes technical corrections.

Judge Steele commented that lines 47-49 will require that the Youth Courts be certified by the Utah Youth Court Board.

Judge Steele also mentioned that lines 87-89 indicate when the case is transferred from Youth Court to Juvenile Court, the Youth Court shall provide the case file to the Juvenile Court. Mr. Schwermer pointed out that the strike out of lines 83-84 may prohibit a Youth Court case from being subsequently referred to the Juvenile Court if the youth decides not go to the Youth Court and terms have not been ordered.

*Liaison Committee's Position: No position, but point out that lines 83-84 should be reinstated in the bill.*

**13. CERTIFIED COURT REPORTING LICENSING ACT AMENDMENTS:  
(Protected Draft) (Judge David Mortensen)**

This bill:

- defines terms;
- adds legal videographer as a category of licensure under the Certified Court Reporters Licensing Act;

- creates an exemption from being licensed as a court reporter for a person making an audio or video recording, or a transcript of an audio or video recording, if the person does not represent that the recording or transcript is a certified or official verbatim record; and
- makes technical changes.

Mr. Schwermer distributed copies of a revised draft (dated 2/17/12) of this proposal. He informed the Liaison Committee that on line 66, the term “written verbatim record” has been changed to “an official written verbatim record.”

*Liaison Committee’s Position: No position.*

Since there is a conflict with the Judicial Council’s Study Committee meeting on February 24<sup>th</sup>, it was decided that the Liaison Committee meeting will be scheduled for 11:00 a.m.

**NEXT MEETING:**

**Friday - February 24, 2012  
11:00 a.m.  
Administrative Office of the Courts - Education Room**

**Policy and Planning Committee  
Minutes**



Minutes of the Policy and Planning Committee					
Meeting Date February 3, 2012			Meeting Room Court of Appeals Conference Room		
Committee Member	Present	Excused	Committee Member	Present	Excused
Judge Paul Maughan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Judge Larry Steele	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Lori Nelson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Judge Keith Stoney	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judge Gregory Orme, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Judge Thomas Willmore	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Staff: Debra Moore, Carol Price, Nini Rich, Tim Shea					

Approve minutes of January 6, 2012	By Judge Orme
Motion: Approve as prepared.	By Acclamation
Vote: Yes All No Abstain	Pass <input checked="" type="checkbox"/> No Pass <input type="checkbox"/>

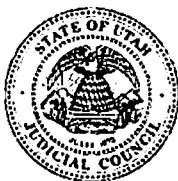
Consideration of comments to Council rules	By Carol Price, Nini Rich, Tim Shea
<p>Discussion: Ms. Price summarized Rule 3-414, which has been published for comment. Mr. Shea said there had been no comments. Judge Stoney asked how some of the provisions would operate in justice court. He said, for example, that he has no control over the allocation of keys and who comes and goes through non-public areas in the West Valley City Courthouse. Mr. Shea said that the rule has long applied to the justice court, so the court would have to propose a key manager to be appointed by the deputy state court administrator. That person would have the responsibilities of a key manager as described in the rule.</p> <p>Judge Stoney asked whether the court would have to file an annual security plan. Mr. Shea said that is already part of the recertification requirements, so possibly only every four years. The committee discussed further amending the rule to require that the security plan describe implementation of the whole rule, rather than just designation of a bailiff, but decided against the change at this time. The committee directed Ms. Price to evaluate the rule in the context of justice courts and to develop amendments to operationalize its provisions. The committee added a reference to the statute on court security and recommends that the rule be approved.</p> <p>Ms. Rich summarized the ADR rules, which have been published for comment. Mr. Shea said there had been no comments. Judge Maughan asked about the relation between the ADR rules and the rules of civil procedure. Ms. Rich said that as part of the certification of readiness for trial, a party has to represent that ADR has been completed or excused. The committee recommends that the rules be approved.</p> <p>Mr. Shea summarized Rule 4-904, which had been published for comment and said there had been no comments. The committee decided to delete the sunset clause and to invite the chair of the Board of District Court Judges to include in her periodic report to the Council any competing views on how the rule is working. The committee recommends that the rule be approved.</p>	
Motion: Recommend that the Judicial Council adopt the rules.	By Acclamation
Vote: Yes All No Abstain	Pass <input checked="" type="checkbox"/> No Pass <input type="checkbox"/>

Rule 10-1-306. (4-502)	By Debra Moore, Tim Shea
<p>Discussion: Ms. Moore explained that the Fourth District Court had adopted the same rule as the Third District Court, which satisfied the Council's condition for referring the matter to the Policy and Planning Committee. The question before the committee is whether the rule should apply statewide.</p> <p>Ms. Moore said that the Board of District Court Judges approved the Fourth District rule and recommends a statewide rule, but with a sunset provision to ensure that the process is reviewed. Judge Orme suggested that there is no need for a sunset clause because the Council reviews rules on a regular basis. He suggested instead that the Board chair include in her periodic report to the Council any competing views on how the rule is working. Mr. Shea suggested that the two local rules be repealed and that a single statewide rule be enacted. The committee reviewed the rule suggested by Mr. Shea, which is nearly identical to the two local rules. The committee recommends that the rule be published for comment. The local rules will remain in effect until repealed by the Council.</p>	
Motion: Publish the rule for comment	By Acclamation
Vote:      Yes    All                  No                  Abstain	Pass <input checked="" type="checkbox"/> No Pass <input type="checkbox"/>

Rule 3-202. Court referees.	By Judge Keith Stoney
<p>Discussion: The committee resumed its discussion of the rule on court referees. The committee:</p> <ul style="list-style-type: none"> <li>• moved the clerks' authority to Rule 4-704 and deleted any reference to juvenile probation officers;</li> <li>• required that a referee position could be created only if requested by the judge, approved by the Judicial Council, and funded by the legislative authority;</li> <li>• capped the amount by which a fine could be reduced rather than fix a percentage;</li> <li>• capped the time in which the conditions for a plea in abeyance had to be met, rather than fix a time; and</li> <li>• allowed the judge to set standard conditions for a plea in abeyance that would be uniformly imposed by a clerk or referee.</li> </ul>	
<p>Action: Mr. Shea will draft amendments for discussion at the next meeting. The committee will invite Judge Kay to the next meeting to discuss the Davis County program.</p>	

There being insufficient time, the committee did not reach the other topics on the agenda. The committee will invite Judge McCullagh to the next meeting to share his views on the committee's assignment to develop a proposed definition for what constitutes being a part-time judge.

# TAB 4



# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

## MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Judicial Council  
**From:** Tim Shea *TJS*  
**Date:** February 7, 2012  
**Re:** Rules for final action

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The comment period for the following rules has closed, and the Policy and Planning Committee recommends that they be approved.

### Rule Summary

CJA 03-0414. Court security. Amend. Removes from the rule certain architectural features for court facilities. Transfers some responsibilities from the TCEs and the Judicial Council to the Court Security Director. Regulates access keys and cards. Prohibits demonstrations inside a courthouse. Technical amendments.

CJA 04-0510.01 Alternative dispute resolution definitions. Renumber and amend. Replaces paragraph (1) of Rule 4-510. Retains the same definition of terms.

CJA 04-0510.02 Responsibilities of the Director and Administrative Office of the Courts. Renumber and amend. Replaces paragraphs (2) and (4)(A) of Rule 4-510. Retains the same responsibilities for program administration.

CJA 04-0510.03. Qualification of ADR providers. Renumber and Amend. Replaces paragraph (3) of Rule 4-510. Retains the same qualifications for ADR providers.


CJA 04-0510.04. ADR training. Renumber and Amend. Replaces paragraph (4) of Rule 4-510. Retains the same training qualifications and requirements.

CJA 04-0510.05 Referral of civil actions. Renumber and amend. Replaces paragraphs (5) through (16) of Rule 4-510. Modifies how cases involved in ADR are handled. Eliminates the requirement to view the ADR video.

CJA 04-0510.06 Cases exempt from ADR rules. Renumber and amend. Replaces the "Applicability" section Rule 4-510. Identifies the casetypes excluded from the ADR rules.

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 / POB 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3808 / Fax: 801-578-3843 / email: [tims@email.utcourts.gov](mailto:tims@email.utcourts.gov)



CJA 04-0904. Informal trial of support, custody and parent-time. New. Provides for an optional informal trial in which the parties present their cases in narrative form with questions by the judge.

**Comments**

We received no comments

Encl. Draft Rules

1       **Rule 3-414. Court security.**

2       **Intent:**

3       To promote the safety and well being of judicial personnel, members of the bar and  
4 citizens utilizing the courts.

5       To establish uniform policies for court security consistent with Section 78A-2-203.

6       To delineate responsibility for security measures by the Council, the administrative  
7 office, local judges, court executives, and law enforcement agencies.

8       **Applicability:**

9       This rule shall apply to all courts.

10       Section (7) on weapons shall not apply to trial exhibits.

11       **Statement of the Rule:**

12       (1) Definitions.

13       (1)(A) Court security. Court security includes the procedures, technology, and  
14 architectural features needed to ensure the safety and protection of individuals within  
15 the courthouse and the integrity of the judicial process. Court security is the joint effort  
16 of law enforcement and the judiciary to prevent or control such problems as ~~verbal~~  
17 ~~abuse, insult,~~ disorderly conduct, physical violence, ~~demonstrations,~~ theft, fire, ~~bomb~~  
18 threats, ~~sabotage,~~ prisoner escapes, kidnappings, assassinations, and hostage  
19 situations.

20       (1)(B) A key manager is a person authorized by the court executive or Deputy State  
21 Court Administrator to issue, retrieve, activate, and deactivate keys and/or access cards  
22 to courthouses in their districts.

23       (1)(C) Presiding judge. As used in this rule, presiding judge includes the judge of a  
24 single-judge courthouse. The presiding judge may delegate the responsibilities of this  
25 rule to another judge.

26       (2) Responsibilities of the Council.

27       (2)(A) The Council shall ensure that all design plans for renovation or new  
28 construction of court facilities are reviewed for compliance with ~~security standards.~~ The  
29 Utah Judicial System Design Standards.

30 ~~(2)(B) The Council shall promulgate general security guidelines to assist local~~  
31 ~~jurisdictions in the development of court security plans. These guidelines and local~~  
32 ~~security plans may supplement but shall not conflict with the following minimum~~  
33 ~~requirements. If a facility fails to conform to the following requirements, the security plan~~  
34 ~~for the courthouse shall note the deficiency, and the presiding judge and court executive~~  
35 ~~shall use reasonable efforts to obtain funding for necessary modifications.~~

36 ~~(2)(B)(i) All persons in custody shall be kept in a holding cell, restrained by~~  
37 ~~restraining devices, or supervised at all times while in court unless otherwise specifically~~  
38 ~~ordered by the judge in whose courtroom the individual appears.~~

39 ~~(2)(B)(ii) Reserve parking near the entrance to the court facility shall be provided for~~  
40 ~~court officials. Reserved parking shall not be identified by the name or title of the~~  
41 ~~individual assigned to the space.~~

42 ~~(2)(B)(iii) Building entrances, restrooms, holding cells and pedestrian circulation for~~  
43 ~~law enforcement personnel transporting individuals in custody shall be separate from~~  
44 ~~the general public and court officials. Building entrances, restrooms, offices and~~  
45 ~~pedestrian circulation for court officials shall be separate from the general public.~~  
46 ~~Access to non-public areas shall be controlled.~~

47 ~~(2)(B)(iv) Holding cells shall be adjacent to courtrooms.~~

48 ~~(2)(B)(v) Courtroom windows shall be draped or otherwise treated to restrict vision~~  
49 ~~from outside the courtroom and securely fastened.~~

50 ~~(2)(B)(vi) Physical barriers shall be provided between the public seating area of the~~  
51 ~~courtroom and the participants' area.~~

52 ~~(2)(B)(vii) Weapons and miscellaneous items which can be used as weapons shall~~  
53 ~~be regulated as provided in this rule.~~

54 ~~(2)(B)(viii) An emergency power system shall be provided for lighting and electrically~~  
55 ~~operated doors.~~

56 ~~(2)(B)(ix) Separate waiting areas shall be provided for defense witnesses, plaintiff or~~  
57 ~~prosecution witnesses, and jurors.~~

58 ~~(2)(B)(x) The bailiff shall maintain a clear line of sight of all courtroom participants~~  
59 ~~and shall be between individuals who are in custody and courtroom exits.~~

60 ~~(2)(C)~~ (2)(B) As a condition for the certification of a new justice court or the  
61 continued certification of an existing justice court, the justice court shall file an  
62 acceptable local security plan with the ~~statewide security coordinator~~ Court Security  
63 Director and shall file amendments to the plan with the ~~statewide security coordinator~~  
64 Court Security Director as amendments are made. The local security plan shall provide  
65 for the presence of a law enforcement officer or constable in court during court sessions  
66 or a reasonable response time by the local law enforcement agency upon call of the  
67 court.

68 (3) Responsibilities of the Administrative Office.

69 (3)(A) The state court administrator shall appoint a ~~statewide security~~  
70 ~~coordinator~~ Court Security Director who shall:

71 (3)(A)(i) review, ~~approve~~ and keep on file copies of all local security plans; and

72 (3)(A)(ii) periodically visit the various court jurisdictions to offer assistance in the  
73 development or implementation of local security plans.

74 (3)(B) The state court administrator shall appoint a court executive in each judicial  
75 district to serve as a local security coordinator.

76 ~~(3)(C) The director of human resources shall maintain as part of each official~~  
77 ~~personnel file information on each employee of the judiciary and his or her family~~  
78 ~~necessary to ensure that adequate information is available to law enforcement agencies~~  
79 ~~to respond to an emergency~~

80 (3)(C) The Court Security Director shall promulgate general security guidelines to  
81 assist local jurisdictions in the development of court security plans.

82 (4) Responsibilities of the court executive.

83 (4)(A) The court executive designated as the local security coordinator shall:

84 (4)(A)(i) in consultation with the law enforcement administrator responsible for  
85 security and with the judges responsible for the security plan, develop and implement a  
86 local security plan for each court of record facility within the district;

87 (4)(A)(ii) annually review the local security plan with the presiding judge and the law  
88 enforcement administrator to identify deficiencies in the plan and problems with  
89 implementation;



90 (4)(A)(iii) file an acceptable local security plan with the ~~statewide security~~  
91 ~~coordinator~~Court Security Director; and

92 (4)(A)(iv) file amendments to the plan with the ~~statewide security coordinator~~Court  
93 Security Director as amendments are made.

94 (4)(B) The local security plan for a courthouse and any amendments to it shall be  
95 approved by a majority of the judges of the district of any court level regularly occupying  
96 the courthouse. Voting shall be without regard to court level. As used in this subsection  
97 the term "judges of the district of any court level occupying the courthouse" shall include  
98 all judges of the district court of the district and all judges of the juvenile court of the  
99 district regardless of whether a particular judge occupies the courthouse so long as at  
100 least one judge of that court level occupies the courthouse. The term also includes the  
101 justices of the Supreme Court, the judges of the Court of Appeals and ~~any~~all justice  
102 court judges who actually occupy the courthouse.

103 ~~(4)(C) The court executive shall conduct an annual survey of all court facilities to~~  
104 ~~identify steps necessary to meet security guidelines established by the Council.~~

105 ~~(4)(D)~~ ~~(4)(C)~~ The court executive shall provide a copy of the current local security  
106 plan and annual training on the plan to all ~~employees~~ court personnel, volunteers and  
107 security personnel.

108 ~~(4)(E)~~ ~~(4)(D)~~ The local plan shall clearly delineate the responsibilities between court  
109 personnel and law enforcement personnel for all areas and activities in and about the  
110 courthouse.

111 ~~(4)(F)~~ ~~(4)(E)~~ The court clerk or probation officer, under the supervision of the court  
112 executive, shall provide timely notice to transportation officers of required court  
113 appearances and cancellation of appearances for individuals in custody. The court shall  
114 consolidate scheduled appearances whenever practicable and otherwise cooperate with  
115 transportation officers to avoid unnecessary court appearances.

116 ~~(4)(G)~~ ~~(4)(F)~~ To the extent possible, the clerk of the court shall establish certain days  
117 of the week and times of day for court appearances of persons in custody in order to  
118 permit transportation officers reasonable preparation and planning time. The court shall

119 give priority to cases in which a person in custody appears in order to prevent increased  
120 security risks resulting from lengthy waiting periods.

121 (5) Responsibilities of law enforcement agencies.

122 (5)(A) The law enforcement agency with responsibility for security of the courthouse,  
123 through a law enforcement administrator, shall:

124 (5)(A)(i) coordinate all law enforcement activities within the courthouse necessary for  
125 implementation of the security plan and for response to emergencies;

126 (5)(A)(ii) cooperate with the court executive in the development and implementation  
127 of a local security plan;

128 (5)(A)(iii) provide local law enforcement personnel with training as provided in this  
129 rule;

130 (5)(A)(iv) ~~appoint~~ provide court bailiffs; and

131 (5)(A)(v) provide building and perimeter security.

132 (5)(B) The law enforcement agency responsible for court security shall be as follows:

133 (5)(B)(i) The Department of Public Safety for the Supreme Court and the Court of  
134 Appeals when they are in session in Salt Lake County. When convening outside of Salt  
135 Lake County, security shall be provided by the county sheriff. The Department of Public  
136 Safety may call upon the Salt Lake County Sheriff for additional assistance as  
137 necessary when the appellate courts are convening in Salt Lake County.

138 (5)(B)(ii) The county sheriff for district courts and juvenile courts within the county.

139 (5)(B)(iii) The county sheriff for a county justice court and the municipal police for a  
140 municipal justice court. The county or municipality may ~~appoint~~ provide a constable to  
141 provide security services to the justice court. If a municipality has no police department  
142 or constable, then the law enforcement agency with which the municipality contracts  
143 shall provide security services to the justice court.

144 (6) Court bailiffs.

145 (6)(A) Qualifications. Bailiffs shall be "law enforcement officers" as defined in Section  
146 53-13-103. At the discretion of the law enforcement administrator and with the consent  
147 of the presiding judge, bailiffs may be "special function officers" as defined by Section  
148 53-13-105.

149 (6)(B) Training. Prior to exercising the authority of their office, bailiffs shall  
150 satisfactorily complete the basic course at a certified peace officer training academy or  
151 pass a waiver examination and be certified. Bailiffs shall complete 40 hours of annual  
152 training as established by the Division of Peace Officer Standards and Training. Bailiffs  
153 shall receive annual training on the elements of the court security plan, emergency  
154 medical assistance and the use of firearms.

155 (6)(C) Physical and mental condition. Court bailiffs shall be of suitable physical and  
156 mental condition to ensure that they are capable of providing a high level of security for  
157 the court and to ensure the safety and welfare of individuals participating in court  
158 proceedings. Bailiffs shall be capable of responding appropriately to any potential or  
159 actual breach of security.

160 (6)(D) Appointment. The appointment of a bailiff is subject to the concurrence of the  
161 presiding judge.

162 (6)(E) Supervision. The court bailiff shall be supervised by the appointing authority  
163 and perform duties in compliance with directives of the appointing authority.

164 (6)(F) Responsibilities. Court bailiff responsibilities shall include but are not limited to  
165 the following.

166 (6)(F)(i) The bailiff shall prevent persons in custody from having physical contact  
167 with anyone other than the members of the defense counsel's team. Visitation shall be  
168 in accordance with jail and prison policies and be restricted to those facilities.

169 (6)(F)(ii) The bailiff shall observe all persons entering the courtroom, their movement  
170 and their activities. The bailiff shall control access to the bench and other restricted  
171 areas.

172 (6)(F)(iii) The bailiff shall search the interior of the courtroom and restricted areas  
173 prior to the arrival of any other court participants. Similar searches shall be conducted  
174 following recesses to ensure the room is clear of weapons, explosives, or contraband.

175 (6)(F)(iv) Bailiffs shall wear the official uniform of the law enforcement agency by  
176 whom they are employed.

177 (6)(F)(v) Bailiffs shall comply with the directives of the judge or commissioner with  
178 respect to security related activities and shall perform other duties incidental to the

179 efficient functioning of the court which do not detract from security functions. Activities  
180 wholly unrelated to security or function of the court, including personal errands, shall not  
181 be requested nor performed.

182 (6)(F)(vi) Bailiffs shall perform responsibilities provided for in the local court security  
183 plan.

184 (6)(F)(vii) The bailiff shall maintain a clear line of sight of all courtroom participants  
185 and shall be between individuals who are in custody and courtroom exits.

186 (7) Weapons.

187 (7)(A) Weapons generally.

188 (7)(A)(i) A courthouse is presumed to be free of all weapons and firearms unless a  
189 local security plan provides otherwise in accordance with this rule. No person may  
190 possess an explosive device in a courthouse. Except as permitted by this rule, no  
191 person may possess a firearm, ammunition, or dangerous weapon in a courthouse.

192 (7)(A)(ii) All firearms permitted under this rule and a local security plan:

193 (7)(A)(ii)(a) and carried upon the person shall be concealed unless worn as part of a  
194 public law enforcement agency uniform;

195 (7)(A)(ii)(b) shall remain in the physical possession of the person authorized to  
196 possess it and shall not be placed in a drawer, cabinet, briefcase or purse unless the  
197 person has physical possession of the briefcase or purse or immediate control of the  
198 drawer or cabinet or the drawer or cabinet is locked; and

199 (7)(A)(ii)(c) shall be secured in a holster with a restraining device.

200 (7)(B) Persons authorized to possess a firearm or other weapon.

201 (7)(B)(i) The following officers may possess a firearm and ammunition in a  
202 courthouse if the firearm is issued by or approved by the officer's appointing authority, if  
203 possession is required or permitted by the officer's appointing authority and the local  
204 security plan, and if the officer presents valid picture identification:

205 (7)(B)(i)(a) "law enforcement officer" as defined in Section 53-13-103;

206 (7)(B)(i)(b) "correctional officer" as defined in Section 53-13-104;

207 (7)(B)(i)(c) "special function officer" as defined in Section 53-13-105;

208 (7)(B)(i)(d) "federal officer" as defined in Section 53-13-106; and

209 (7)(B)(i)(e) a private security officer, licensed under Utah Code Title 58, Chapter 63,  
210 Security Personnel Licensing Act, hired by the court or the court's banker to transport  
211 money.

212 (7)(B)(ii) A judge or law enforcement official as defined in Section 53-5-711 may  
213 possess in a courthouse a firearm and ammunition for which the judge or law  
214 enforcement official has a valid certificate of qualification issued under Section 53-5-711  
215 if possession is permitted by the local security plan.

216 (7)(B)(iii) A court commissioner may possess in a courthouse a firearm and  
217 ammunition for which the court commissioner has a concealed weapons permit, but  
218 only if the court commissioner has obtained the training and annual retraining necessary  
219 to qualify for a certificate issued under Section 53-5-711 and if possession is permitted  
220 by the local security plan.

221 (7)(B)(iv) A person permitted under subsections (i), (ii) or (iii) to possess a firearm  
222 nevertheless shall not possess a firearm in a courthouse if the person is appearing at  
223 the courthouse as a party to litigation. A person possessing a firearm in a courtroom  
224 shall notify the bailiff or the judge.

225 (7)(B)(v) If permitted by the local security plan, ~~a court employee or court personnel~~  
226 and volunteers may possess in a courthouse an otherwise legal personal protection  
227 device other than a firearm. ~~An employee or Court personnel and volunteers~~ shall not  
228 possess a personal protection device while appearing as a party to litigation. ~~An~~  
229 employee or Court personnel and volunteers shall not possess a firearm while on duty.

230 (7)(C) Firearm training requirements.

231 (7)(C)(i) To requalify for a certificate issued under Section 53-5-711 a judge shall  
232 annually complete with a passing score a range qualification course for judges and law  
233 enforcement officials established by the Department of Public Safety or a course  
234 established by any law enforcement agency of the state of Utah or its political  
235 subdivision for the requalification of its officers.

236 (7)(C)(ii) The cost of firearms, ammunition, initial qualification, requalification and  
237 any other equipment, supplies or fees associated with a certificate of qualification

238 issued under Section 53-5-711 shall be the responsibility of the judge or court  
239 commissioner and shall not be paid from state funds.

240 (8) Security devices and procedures.

241 (8)(A) Metal detectors. The use of metal detectors or other screening devices,  
242 Where present, should be at the discretion of the shall be used by the law enforcement  
243 agency responsible for security/bailiff services. ~~Such devices shall be operated only by~~  
244 ~~law enforcement agencies.~~

245 (8)(B) Physical search. Searches of persons in or about the courthouse or courtroom  
246 shall be conducted at the discretion of the law enforcement agency responsible for  
247 security when the local law enforcement agency has reason to believe that the person  
248 to be searched is carrying a weapon or contraband into or out of the courthouse or  
249 when the court so orders. No other person is authorized to conduct such searches.  
250 Written notice of this policy shall be posted in a conspicuous place at the entrance to all  
251 court facilities.

252 ~~(8)(C) Emergency communication system. An emergency communications system~~  
253 ~~should be installed in each courtroom, judge's chamber, commissioner's chamber, and~~  
254 ~~clerk's office. The system should be capable of alerting the law enforcement agency~~  
255 ~~responsible for security of a disturbance situation by panic button, direct telephone line,~~  
256 ~~or walkie talkie. The system should be designed to identify the exact location of the~~  
257 ~~emergency and the circumstances of the emergency to ensure that law enforcement~~  
258 ~~may respond in a timely manner with sufficient capability to control the situation.~~

259 (8)(C) All persons in custody shall be kept in a holding cell, restrained by restraining  
260 devices, or supervised at all times while in court unless otherwise specifically ordered  
261 by the judge in whose courtroom the individual appears.

262 (8)(D) Extra security. In anticipated high risk situations or a highly publicized case,  
263 the law enforcement agency responsible for security should, on its own initiative or in  
264 response to an order of the court, provide extra security including additional personnel,  
265 controlled access, etc. A written operational plan outlining and assigning security duties  
266 should be developed in conjunction with the presiding judge, the court executive and the  
267 Court Security Director.

268 (8)(E) Courthouse Access Control. Only judges, court staff, and security and  
269 maintenance staff assigned to the courthouse will be granted access card/keys and only  
270 to those areas of the courthouse to which the individual needs access. No access cards  
271 or keys shall be issued solely for convenience purposes. Any exceptions to this rule  
272 must be pre-approved, in writing, by the Deputy State Court Administrator.

273 (8)(E)(i) Access cards or keys will be issued by a key manager only with the prior  
274 written authorization of the court executive(s) or Deputy State Court Administrator.  
275 Detailed recording of all card/key transactions will be the responsibility of the key  
276 manager. Supervisors shall recover all issued keys/cards from court personnel who are  
277 terminated, suspended or transferred or if loss of privileges is part of an adverse  
278 personnel action. Supervisors will return the cards/keys to the court executive who will  
279 deactivate the access card. If the access card is not returned as required, the  
280 supervisor will immediately contact the key manager to deactivate the card.

281 (8)(E)(ii) Court personnel shall possess their court-issued identification at all times  
282 when in the courthouse or staff parking area. Court personnel may not loan their  
283 identification cards, access cards or keys to others and must report any lost or missing  
284 identification or access card key to the key manager or their direct supervisor as soon  
285 as possible after the loss is discovered. Any lost access card will be deactivated before  
286 a replacement card is issued.

287 (8)(E)(iii) Court personnel with a court-issued identification card may bypass security  
288 screening only when they are assigned to that particular courthouse. Court personnel  
289 from other courthouses will be required to successfully pass through the security  
290 screening area before being allowed entry.

291 (8)(E)(iv) The court executive will undertake a semiannual review of access card  
292 records to ensure that no unauthorized use is occurring.

293 (8)(F) In order to protect the safety and welfare of court customers, no one is  
294 permitted to block the entry or exit of a courthouse and no one is permitted to picket,  
295 parade, proselytize, demonstrate or distribute leaflets, pamphlets, brochures or other  
296 materials for the purpose of proselytizing inside a courthouse.

297 (9) Transportation of persons in custody.

298 (9)(A) The federal, state, county or municipal agency with physical custody of a  
299 person whose appearance in court is required is responsible for transportation of that  
300 person to and from the courtroom.

301 (9)(B) The transportation officer shall:

302 (9)(B)(i) remain present at all times during court appearances;

303 (9)(B)(ii) be responsible for the custody of such persons;

304 (9)(B)(iii) support the court bailiff in the preservation of peace in the courthouse and  
305 courtroom;

306 (9)(B)(iv) provide advance notice of the transportation and of any extraordinary  
307 security requirements to the law enforcement agency responsible for court security, to  
308 the judge, and to the bailiff;

309 (9)(B)(v) comply with any regulations of the county sheriff regarding the  
310 transportation of persons in custody to court; and

311 (9)(B)(vi) return the person in custody to the proper place of confinement.

312 (9)(C) The law enforcement agency responsible for court security shall provide  
313 assistance to the transportation officer as circumstances dictate.

314



1 **Rule 4-510.01. Alternative dispute resolution definitions.**

2 **Intent:**

3 **To establish definitions for the Alternative Dispute Resolution (ADR) Program.**

4 **Applicability:**

5 **This rule applies in the district court.**

6 **Statement of the Rule:**

7 ~~(1)~~ **Definitions. As used in Rules 4-510.01 through 4-510.06:**

8 (1)~~(A)~~ "ADR" means alternative dispute resolution and includes arbitration,  
9 mediation, and other means of dispute resolution, other than court trial, authorized by  
10 this rule and URCADR.

11 ~~(1)(B)~~ ~~(2)~~ "ADR program" means the alternative dispute resolution program.

12 ~~(1)(C)~~ ~~(3)~~ "Binding arbitration" means an ADR proceeding in which the award is final  
13 and enforceable as any other judgment in a civil action unless vacated or modified by a  
14 court pursuant to statute, and in which the award is not subject to a demand for a trial  
15 de novo.

16 ~~(1)(D)~~ ~~(4)~~ "Collaborative Law" is a process in which the parties and their counsel  
17 agree in writing to use their best efforts and make a good faith effort to resolve their  
18 divorce, paternity, or annulment action by agreement without resorting to judicial  
19 intervention except to have the court approve the settlement agreement and sign orders  
20 required by law to effectuate the agreement of the parties. The parties' counsel may not  
21 serve thereafter as litigation counsel except to obtain court approval of the settlement  
22 agreement.

23 ~~(1)(E)~~ ~~(5)~~ "Court Qualified Mediator" means a mediator who is currently on the Utah  
24 Court Approved ADR Roster or who for some reason cannot join the roster due to a  
25 conflict of interest but meets all of the requirements to be on the Utah Court Approved  
26 ADR Roster.

27 ~~(1)(F)~~ ~~(6)~~ "Director" means the Director of Dispute Resolution Programs.

28 ~~(1)(G)~~ ~~(7)~~ "Domestic Mentor" means a mediator who has completed 300 hours in  
29 conducting mediation in domestic cases and completed a domestic mentor orientation.

30 ~~(1)(H)~~(8) "Master Mediator" means a provider who has completed 300 hours in  
31 conducting mediation sessions documented as required by the director. A master  
32 mediator may also act as a "Primary Trainer."

33 ~~(1)(I)~~(9) "Nonbinding arbitration" means an ADR proceeding in which the award is  
34 subject to a trial de novo;

35 ~~(1)(J)~~(10) "Primary Trainer" means a provider who qualifies as a "Master Mediator"  
36 on the court roster or a person with equivalent experience researching and teaching the  
37 theory and practice of alternative dispute resolution and may oversee mediation training  
38 that fulfills the court's 40-hour mediator training requirement for the roster.

39 ~~(1)(K)~~(11) "Roster" means the list of those persons qualified to provide services  
40 under the ADR program, and includes the information supplied by such persons  
41 pursuant to paragraph (3)(A)(i) of this rule.

42 ~~(1)(L)~~(12) "URCADR" or "Utah Rules of Court-Annexed Alternative Dispute  
43 Resolution" means the rules adopted by the Utah Supreme Court which govern the  
44 ADR program.

45

1        Rule 4-510.02. Responsibilities of the Director and Administrative Office of the  
2 Courts.

3        Intent:

4        To establish the responsibilities of the Director and the Administrative Office of the  
5 Courts to implement the ADR Program.

6        Applicability:

7        This rule applies to the Director and the AOC.

8        Statement of the Rule:

9        (1) The Director shall:

10        ~~(2)(A)-(1)(A)~~ have general responsibility for the administration of the ADR program;

11        ~~(2)(B)-(1)(B)~~ annually prepare and submit the report required by the Utah Code;

12        ~~(2)(C)-(1)(C)~~ establish and maintain the roster, ~~and provide copies of the roster upon~~  
13 ~~request on the court's web site;~~

14        ~~(2)(D)-(1)(D)~~ prepare model forms for use by the courts, counsel and parties under  
15 these rules, and provide copies of the forms upon request; and

16        ~~(2)(E)-(1)(E)~~ establish procedures for the review and evaluation of the ADR program  
17 and the performance of ADR providers.

18        (2) The Administrative Office shall establish or qualify programs for the education  
19 and training of ADR providers, attorneys, and judges in the applicable judicial districts of  
20 this State as to the purposes and operation of, and the rules governing, the ADR  
21 program.

22

1 Rule 4-510.03. Qualification of ADR providers.

2 Intent:

3 To establish eligibility and qualification requirements for inclusion on the Utah Court  
4 Approved ADR Roster including additional requirements for designation as a Divorce  
5 Roster Mediator, Master Mediator and Domestic Mentor.

6 Applicability:

7 This rule applies in the district court.

8 Statement of the Rule:

9 ~~(3) Qualification of providers.~~

10 ~~(3)(A)-(1) To be eligible for the roster, an applicant must:~~

11 ~~(3)(A)(i)-(1)(A) submit a written application to the Director setting forth:~~

12 ~~(3)(A)(i)(a)-(1)(A)(i) a description of how the applicant meets, or will meet within a~~  
13 ~~reasonable time, the requirements specified in paragraph (3)(B)(i), if applicable;~~

14 ~~(3)(A)(i)(b)-(1)(A)(ii) the major areas of specialization and experience of the~~  
15 ~~applicant, such as real estate, estates, trusts and probate, family law, personal injury or~~  
16 ~~property damage, securities, taxation, civil rights and discrimination, consumer claims,~~  
17 ~~construction and building contracts, corporate and business organizations,~~  
18 ~~environmental law, labor law, natural resources, business transactions/commercial law,~~  
19 ~~administrative law and financial institutions law;~~

20 ~~(3)(A)(i)(c)-(1)(A)(iii) the maximum fees the applicant will charge for service as a~~  
21 ~~provider under the ADR program; and~~

22 ~~(3)(A)(i)(d)-(1)(A)(iv) the judicial districts in which the applicant is offering to provide~~  
23 ~~services and the location and a description of the facilities in which the applicant intends~~  
24 ~~to conduct the ADR proceedings;~~

25 ~~(3)(A)(ii)-(1)(B) agree to complete and annually complete up to six hours of ADR~~  
26 ~~training as required and offered by the Judicial Council;~~

27 ~~(3)(A)(iii)-(1)(C) submit an annual report to the Director indicating the number of~~  
28 ~~mediations and arbitrations the ADR provider has conducted that year; and~~

29 ~~(3)(A)(iv)-(1)(D) be recertified-re-qualified annually.~~

30 ~~(3)(B)-(2) To be included on the roster as a mediator:~~

31 ~~(3)(B)(i)~~ (2)(A) all new applicants to the court roster must also have successfully  
32 completed at least 40 hours of court-approved basic formal mediation training in the last  
33 three years. This training shall be under a single training course from a single, court-  
34 approved training provider. The applicant must also complete 10 hours of experience in  
35 observing a court qualified mediator conduct mediation, and 10 hours in either  
36 conducting mediations singly or co-mediating with a court qualified mediator, or meet  
37 such other education, training and experience requirements as the Council finds will  
38 promote the effective administration of the ADR program;

39 ~~(3)(B)(ii)~~ (2)(B) successfully pass an examination on the Code of Ethics for ADR  
40 providers;

41 ~~(3)(B)(iii)~~ (2)(C) agree to conduct at least three pro bono mediations each year as  
42 referred by the Director; and

43 ~~(3)(B)(iv)~~ (2)(D) be of good moral character in that the provider has not been  
44 convicted of a felony, a misdemeanor involving moral turpitude, or any other serious  
45 crime, and has not received professional sanctions that, when considered in light of the  
46 duties and responsibilities of an ADR provider, are determined by the Director to  
47 indicate that the best interests of the public are not served by including the provider on  
48 the roster.

49 ~~(3)(C)~~ (3) To be included on the court roster for qualified divorce mediators:

50 ~~(3)(C)(i)~~ (3)(A) All new applicants to the roster of divorce mediators must also have  
51 an additional 32 hours of court-approved training specific to the skills, Utah laws, and  
52 information needed to conduct divorce mediation. This training shall be under a single  
53 training course from a single, court-approved provider.

54 ~~(3)(C)(ii)~~ (3)(B) All applicants must have a minimum of 6 hours of training specific to  
55 domestic violence and screening for domestic violence which may be included in the  
56 court approved 32 hour training referred to above.

57 ~~(3)(C)(iii)~~ (3)(C) New applicants to the court roster of divorce mediators are required  
58 to have acquired experience specific to divorce mediation. This is in addition to the 20  
59 hours of experience required for the court roster of basic mediators. The additional  
60 experience includes having observed a minimum of two divorce mediations, co-  
61 mediating two divorce mediations and having been observed conducting two divorce

62 mediations. Each of these includes debriefing and analysis afterward with a mediator  
63 who has Domestic Mentor status. The Domestic Mentor may charge a fee for this  
64 service.

65 ~~(3)(C)(iv)~~ (3)(D) The Director will maintain and make available a list of those  
66 mediators who have Domestic Mentor status.

67 ~~(3)(D)~~ (4) To be included on the roster as a Master Mediator, the provider must also  
68 have completed 300 hours in conducting mediation sessions.

69 ~~(3)(E)~~ (5) To be included on the roster as a Domestic Mentor, the provider must also  
70 have completed 300 hours in conducting mediation in domestic cases and completed a  
71 domestic mentor orientation.

72 ~~(3)(F)~~ (6) To be included on the roster as an arbitrator, the provider must also:

73 ~~(3)(F)(i)~~ (6)(A) have been a member in good standing of the Utah State Bar for at  
74 least ten years, or meet such other education, training and experience requirements as  
75 the Council finds will promote the effective administration of the ADR program;

76 ~~(3)(F)(ii)~~ (6)(B) be of good moral character in that the provider has not been  
77 convicted of a felony, a misdemeanor involving moral turpitude, or any other serious  
78 crime, and has not received professional sanctions that, when considered with the  
79 duties and responsibilities of an ADR provider are determined by the Director to indicate  
80 that the best interests of the public are not served by including the provider on the  
81 roster; and

82 ~~(3)(F)(iii)~~ (6)(C) agree to conduct at least one pro bono arbitration each year as  
83 referred by the Director.

84 ~~(3)(G)~~ (7) To be ~~recertified~~ re-qualified as a mediator, the provider must, unless  
85 waived by the Director for good cause, demonstrate that the provider has conducted at  
86 least six mediation sessions or conducted 24 hours of mediation during the previous  
87 year.

88 ~~(3)(H)~~ (8) To be ~~recertified~~ re-qualified as an arbitrator, the provider must, unless  
89 waived by the Director for good cause, demonstrate that the provider has conducted at  
90 least three arbitration sessions or conducted 12 hours of arbitration during the previous  
91 year.

92 ~~(3)(I)-(9)~~ A provider may be sanctioned for failure to comply with the code of ethics  
93 for ADR providers as adopted by the Supreme Court or for failure to meet the  
94 requirements of this rule or state statute. The committee shall inform the public of public  
95 sanctions against a provider promptly after imposing the sanction. ~~Private sanctions~~  
96 ~~may include singly or with other sanctions:~~

97 ~~(3)(I)(i) admonition;~~

98 ~~(3)(I)(ii) re-take and successfully pass the ADR ethical exam.~~

99 (9)(A) Public sanctions may include singly or with other sanctions:

100 ~~(3)(I)(iii)~~ a written warning and requirement to attend additional training;

101 ~~(3)(I)(iv)-(9)(A)(i)~~ require the mediator to allow the Director or designee to observe a  
102 set number of mediation sessions conducted by the mediator;

103 ~~(3)(I)(v)-(9)(A)(ii)~~ suspension for a period of time from the court roster; and

104 ~~(3)(I)(vi)-(9)(A)(iii)~~ removal from the court roster.

105 (9)(B) Private sanctions may include singly or with other sanctions:

106 (9)(B)(i) admonition;

107 (9)(B)(ii) re-take and successfully pass the ADR ethical exam.

108 ~~(3)(J)-(10)~~ The committee shall approve and publish procedures consistent with this  
109 rule to be used in imposing the sanction. The complainant shall file a written and signed  
110 complaint with the director. The director shall notify the provider in writing of the  
111 complaint and provide an opportunity to respond. The director may interview the  
112 complainant, the provider and any parties involved. Upon consideration of all factors,  
113 the director may impose a sanction and notify the complainant and the provider. If the  
114 provider seeks to challenge the sanction, the provider must notify the director within 10  
115 days of receipt of the notification. The provider may request reconsideration by the  
116 director or a hearing by the Judicial Council's ad hoc committee on ADR. The decision  
117 of the committee is final.

118

1 **Rule 4-510.04. ADR training.**

2 Intent: To establish course content, methodology and trainer qualifications for Court-  
3 approved 40-hour Basic Mediation Training and to establish a process for certification of  
4 training programs.

5 Applicability: This rule applies in the district court.

6 Statement of the Rule:

7 ~~(4)(A)(i)~~ (1) Course content requirements. Any trainer or training program seeking to  
8 offer a mediator training program that fulfills the Court's 40-hour mediator training  
9 requirement must abide by the following:

10 ~~(4)(A)(i)(a)~~ (2) Submission of training materials. When applying for certification and  
11 renewal, training programs shall provide the ADR Office at the AOC with all training  
12 materials which will be used in the training program. These materials shall include, but  
13 are not limited to, the following: the training manual that is given to the participants  
14 including the required readings; all exercises and handouts. Revisions, deletions and/or  
15 additions to the previously approved training materials must be reported to the Office  
16 prior to conducting any course.

17 ~~(4)(A)(i)(b)~~ (3) ADR syllabus approval. In addition to submission of training materials,  
18 each training program must seek approval of its syllabus from the Office 20 working  
19 days in advance of each offering of a certified mediation training program. The syllabus  
20 shall be reviewed by the Office for compliance with the training standards. The syllabus  
21 must be submitted in a format that easily identifies the presentation topic, the trainer(s)  
22 for each topic, the time allotted to each topic, any training activities, and the inclusion of  
23 the break times. The Office shall notify the trainer or training program of any deficiencies  
24 no later than 10 working days before the program is to be offered. Any deficiencies in  
25 the program syllabus shall be corrected prior to the commencement of the training  
26 program.

27 ~~(4)(A)(i)(c)~~ (4) Readings. All training programs must provide the participants with  
28 copies of Rule 4-510 UCJA, Rule 104 (the ethical code), Title 78B, Chapter 6, Part 2,  
29 Alternative Dispute Resolution Act, and Title 78B, Chapter 10, Utah Uniform Mediation  
30 Act. Time spent reading the required materials may not count towards the required



31 number of hours of training and can be completed by participants at times when the  
32 training program is not being conducted. Trainers shall incorporate in this program some  
33 method of ensuring that the required readings are completed.

34 ~~(4)(A)(i)(d)~~ (5) Ethics Training. Training programs shall review with participants Rule  
35 104 Code of Ethics for ADR Providers. In addition, ethics shall be woven throughout the  
36 program.

37 ~~(4)(A)(ii)~~ (6) Training Methodology:

38 ~~(4)(A)(ii)(a)~~ (6)(A) Pedagogy. The program shall include, but is not limited to, the  
39 following: lecture, group discussion, written exercises, mediation simulations and role  
40 plays. In addition, outside readings should be provided by the trainer to supplement the  
41 training.

42 ~~(4)(A)(ii)(b)~~ (6)(B) Mediation Demonstration. All training programs shall present a  
43 role play mediation simulation (either live or by video) prior to the participant's role play  
44 experience as the mediator.

45 ~~(4)(A)(iii) Trainer Qualifications. Training programs shall employ a primary trainer  
46 who meets the applicable qualifications of a primary trainer and who have been  
47 approved by the Office. In order to be approved as a primary trainer, a trainer must  
48 demonstrate the following qualifications:~~

49 ~~(4)(A)(iii)(a) Successful completion of a minimum of 40 hours of mediation training.~~

50 ~~(4)(A)(iii)(b) Participation in a minimum of 300 hours of mediation acting as the  
51 mediator.~~

52 ~~(4)(A)(iii)(c) Completion of 6 hours of continuing mediator education in the last year.~~

53 ~~(4)(A)(iii)(d) Primary trainers are approved for a three (3) year period.~~

54 ~~(4)(A)(iii)(e)~~ (6)(C) A primary trainer must be in attendance during the entire training  
55 program. It is preferable that a single primary trainer fulfill this obligation, but it is  
56 permissible that this be accomplished by more than one primary trainer.

57 ~~(4)(A)(iv)~~ (6)(D) Participant attendance: Participants must complete their training  
58 requirement by attending one entire program. The primary trainer is responsible for  
59 ensuring that the approved syllabus is complied with. Under no circumstances may a

60 participant be excused from attending portions of the training; any portion of training  
61 missed shall be made up as directed by the primary trainer.

62 ~~(4)(B) The Administrative Office shall prepare a videotape demonstrating the use of~~  
63 ~~ADR and the application of this rule and the URCADR to the ADR program. The~~  
64 ~~videotape shall include information as to the differences between mediation and~~  
65 ~~arbitration, and the different procedures and the different effects of an award between~~  
66 ~~nonbinding and binding arbitration. Sufficient copies of the videotape shall be available~~  
67 ~~for use as required by paragraph (6)(A)(i) of this rule, and for the purchase or rental by~~  
68 ~~members of the Bar and other persons interested in the ADR program.~~

69 (7) Trainer Qualifications. Training programs shall employ a primary trainer who  
70 meets the applicable qualifications of a primary trainer and who have been approved by  
71 the Office. In order to be approved as a primary trainer, a trainer must demonstrate the  
72 following qualifications:

- 73 (7)(A) Successful completion of a minimum of 40 hours of mediation training.
- 74 (7)(B) Participation in a minimum of 300 hours of mediation acting as the mediator.
- 75 (7)(C) Completion of 6 hours of continuing mediator education in the last year.
- 76 (7)(D) Primary trainers are approved for a three (3) year period.

77

1 Rule 4-510.05. Referral of civil actions.

2 Intent:

3 To establish procedures for the referral of civil actions to the ADR program

4 Applicability:

5 This rule applies in the district court.

6 Statement of the Rule:

7 ~~(5) Referral of civil actions pending on January 1, 1995. Any party may file a motion~~  
8 ~~that the case or any unresolved or specified issues therein be referred to the ADR~~  
9 ~~program. If the motion is granted, the matter shall proceed pursuant to the URCADR.~~

10 ~~(6) Referral of civil actions filed after January 1, 1995.~~

11 ~~(6)(A) All cases subject to this rule shall be referred to the ADR program, pursuant to~~  
12 ~~this rule and URCADR, upon the filing of a responsive pleading unless the parties have~~  
13 ~~participated in a collaborative law process. The matter will proceed to mediation 30 days~~  
14 ~~after the filing of the responsive pleading unless one of the following occurs:~~

15 ~~(6)(A)(i) One or more parties file with the clerk a statement asking the court to defer~~  
16 ~~ADR consideration until a later date. The statement shall be signed by both counsel and~~  
17 ~~the party and shall state that counsel and the party have reviewed the ADR videotape~~  
18 ~~and have discussed proceeding under the ADR program, but have determined that~~  
19 ~~participation in ADR should be deferred. If participation in the ADR program is deferred,~~  
20 ~~the court and parties are required to address the usefulness of mediation or arbitration~~  
21 ~~in resolving the case no later than the first pretrial conference. In no event shall this~~  
22 ~~supersede a trial judge's ability to proceed with a trial on a date certain.~~

23 ~~(6)(A)(ii) All parties file with the clerk a written agreement signed by counsel and the~~  
24 ~~parties to submit the case to nonbinding arbitration pursuant to URCADR Rule 102.~~

25 ~~(6)(A)(iii) All the parties file with the clerk a written agreement signed by counsel and~~  
26 ~~the parties to submit the case to binding arbitration as provided by law.~~

27 ~~(6)(B) At the time a complaint is filed, the clerk shall provide to the party filing the~~  
28 ~~complaint a notice stating the requirements and options set forth in the preceding~~  
29 ~~subparagraphs. The notice shall include directions for obtaining a copy of the videotape.~~  
30 ~~The party shall serve a copy of the notice on the other parties.~~

31 ~~(6)(C) If no response has been filed under (6)(A)(i), (ii) or (iii) within 30 days after the~~  
32 ~~responsive pleading is filed, the action shall be stayed pending compliance with~~  
33 ~~URCADR rules applicable to mediation.~~

34 ~~(6)(D) If the parties have timely filed an agreement to submit the case to nonbinding~~  
35 ~~arbitration under URCADR Rule 102, the court shall issue an order staying the action~~  
36 ~~and all discovery under the Utah Rules of Civil Procedure, except that discovery may~~  
37 ~~continue under URCADR Rule 102(e). All subsequent proceedings shall be conducted~~  
38 ~~in accordance with URCADR Rule 102 and such timetable as the court may establish to~~  
39 ~~ensure the arbitration is instituted and completed without undue delay or expense. All~~  
40 ~~timelines shall be tolled during the pendency of the ADR proceedings, and the timelines~~  
41 ~~shall resume upon notification to the court of the final conclusion of ADR proceedings.~~

42 ~~(7) At any time:~~

43 ~~(7)(A) the court, on its own motion, may refer the action or any issues therein to the~~  
44 ~~ADR program.~~

45 ~~(7)(B) upon its own motion, or for good cause shown upon motion by a party, the~~  
46 ~~court may order that an action that has been referred to the ADR program be withdrawn~~  
47 ~~from the ADR program and restored to the trial calendar.~~

48 ~~(7)(C) a party, believing that continuing in mediation is no longer productive, may~~  
49 ~~terminate participation and shall notify the other party and mediator.~~

50 ~~(8) If a party unilaterally terminates a nonbinding arbitration procedure after the~~  
51 ~~hearing has begun, that party shall be responsible for all of the ADR provider's fee, and~~  
52 ~~any other party may move that the court also award reasonable attorney fees against~~  
53 ~~the terminating party unless the terminating party shows good cause for the termination.~~

54 ~~(9) The judge to whom an action is assigned shall retain full authority to supervise~~  
55 ~~the action consistent with the Utah Rules of Civil Procedure and these rules.~~

56 (1) General Provisions.

57 (1)(A) Upon the filing of a responsive pleading, all cases subject to this rule shall be  
58 referred to the ADR program, unless the parties have participated in another ADR  
59 process, such as arbitration, collaborative law, early neutral evaluation or a settlement  
60 conference, or unless excused by the court.

61 (1)(B) Upon its own motion or the motion of a party, the court may excuse the parties  
62 from participating in the ADR program upon a showing of good cause.

63 (1)(C) Upon its own motion or the motion of a party, the court may refer an action or  
64 any issues in the action to the ADR program.

65 (1)(D) Upon its own motion or the motion of a party, the court may order that an  
66 action that has been referred to the ADR program be withdrawn and restored to the trial  
67 calendar upon a showing of good cause.

68 (1)(E) If a party believes that mediation is no longer productive, the party may  
69 terminate mediation by notifying the other party and mediator.

70 (1)(F) The judge to whom an action is assigned shall retain full authority to supervise  
71 the action consistent with the Utah Rules of Civil Procedure and these rules.

72 (2) Non-binding arbitration.

73 (2)(A) If the parties have timely filed an agreement to submit the case to non-binding  
74 arbitration under URCADR Rule 102, the action is stayed and the timelines of the Rules  
75 of Civil Procedure are tolled, except that discovery may continue under URCADR Rule  
76 102(e). All subsequent proceedings shall be conducted in accordance with URCADR  
77 Rule 102 and a timetable established by the court to ensure the arbitration is completed  
78 without undue delay. The timelines of the Rules of Civil Procedure resume when the  
79 court is notified of the conclusion of ADR proceedings.

80 (2)(B) If a party unilaterally terminates non-binding arbitration after the hearing has  
81 begun, that party is responsible for the ADR provider fees and the reasonable attorney  
82 fees of the non-terminating party, unless the terminating party shows good cause for the  
83 termination.

84 ~~(10)-(3) Notice requirements.~~

85 ~~(10)(A) Any time the parties determine to use mediation or arbitration in the~~  
86 ~~resolution of the case, the plaintiff shall notify the court and specify the expected date~~  
87 ~~for completion of the ADR process.~~

88 ~~(10)(B) (3)(A) Upon conclusion of an ADR process, the plaintiff shall notify the court~~  
89 ~~of the outcome of the ADR process on a form provided by the court.~~

90 (3)(B) When the case is ready for trial the parties shall certify in accordance with  
91 URCP 16.

92 ~~(11)(4)~~ Selection of ADR provider(s).

93 ~~(11)(A)(4)(A)~~ Upon referral of a case or any issues therein to the ADR program, the  
94 Director shall provide the parties with a copy of the roster, and the parties shall choose  
95 the ADR provider(s) for the case. If mediation is the selected ADR process, one  
96 mediator shall be selected. If arbitration is the selected ADR process, one arbitrator  
97 shall be selected, unless the parties stipulate to or the court orders the use of a panel of  
98 three arbitrators. ~~If a panel is used, the Director shall, from the panel selected,~~  
99 ~~designate a chair who shall preside at all arbitration proceedings.~~

100 ~~(11)(B)(4)(B)~~ The parties may select:

101 ~~(11)(B)(i)(4)(B)(i)~~ An ADR provider from the roster on the Court's web site; or

102 ~~(11)(B)(ii)(4)(B)(ii)~~ An ADR provider pro tempore having specialized skill, training, or  
103 experience in relevant subject matter. Pro tempore providers must agree in writing to  
104 comply with this rule and the URCADR.

105 ~~(11)(C)(4)(C)~~ If the parties are unable to select a provider within 15 days of referral  
106 of the case to the ADR program, the parties shall return the list a copy of the court roster  
107 to the Director with the names of up to half of the members of the roster stricken. If  
108 there are more than two parties, each party shall be permitted to strike a proportion of  
109 names equal to or less than its proportion of the number of the parties. The Director  
110 shall select the provider(s) from among those providers not stricken by any party. ~~If the~~  
111 ~~parties do not return the list within 15 days or express no preference, the Director shall~~  
112 ~~make the selection.~~ The Director shall mail notice of the selection to all parties and the  
113 selected ADR provider.

114 ~~(11)(D)(4)(D)~~ If a party, within 10 days of mailing of the notice of selection, files a  
115 written request that the selected provider be disqualified under Canon II of URCADR  
116 Rule 104, or if the ADR provider requests to withdraw for good reason from participation  
117 in a particular case to which that provider was appointed, the Director shall select  
118 another available qualified ADR provider to participate in that case, giving deference to  
119 the expressed preferences of the parties, if any, as provided in these rules.

120 ~~(11)(E)~~ ~~If the parties choose to utilize mediation or non-binding arbitration, the~~ ~~(4)(E)~~  
121 The parties shall contact the ADR provider directly for services.

122 ~~(12)~~(5) The fees of the ADR provider shall be paid in advance and divided equally  
123 between or among the parties unless otherwise provided by the court or agreed by the  
124 parties. Any party may petition the court for a waiver of all or part of the fees so  
125 allocated on a showing of impecuniosity or other compelling reason. If such waiver is  
126 granted, the party shall contact the Director who will appoint a pro bono ADR provider.

127 ~~(13)~~(6) An ADR provider acting as a mediator or arbitrator in cases under the ADR  
128 program shall be immune from liability to the same extent as judges of this state, except  
129 for such sanctions the judge having jurisdiction of the case may impose for a violation of  
130 URCADR Rule 104 which raises a substantial question as to the impartiality of the ADR  
131 provider and the conduct of the ADR proceeding involved.

132 ~~(14)~~(7) No ADR provider may be required to testify as to any aspect of an ADR  
133 proceeding except as to any claim of violation of URCADR Rule 104 which raises a  
134 substantial question as to the impartiality of the ADR provider and the conduct of the  
135 ADR proceeding involved.

136 ~~(15)~~(8) All ADR providers providing services pursuant to the ADR program shall be  
137 subject to this rule and the URCADR.

138 ~~(16)~~(9) Location of ADR Proceedings. Unless otherwise agreed upon by all the  
139 parties, all ADR proceedings shall be held at the office of the ADR provider or such  
140 other place designated by the ADR provider.

141

1 Rule 4-510.06. Cases exempt from ADR rules.

2 Intent:

3 To identify the actions exempt from Rules 4-510.01 through 4-510.05.

4 Applicability:

5 This rule applies in the district court.

6 Statement of the Rule:

7 This rule does ~~(1)~~ Rules 4-510.01 through 4-510.05 do not apply to the following  
8 actions:

9 ~~(1)(1)(A) Title 26, Chapter 19, Medical Benefits Recovery Act;~~

10 ~~(2)(1)(B) Title 62A, Chapter 11, Recovery Services;~~

11 ~~(3) Title 78A, Chapter 8, Small Claims Court;~~

12 ~~(4) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer;~~

13 ~~(5)(1)(C) Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act;~~

14 ~~(6) Title 78B, Chapter 12, Utah Child Support Act;~~

15 ~~(7) Title 78B, Chapter 15, Utah Uniform Parentage Act;~~

16 ~~(8) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement~~  
17 ~~Act;~~

18 ~~(9)(1)(D) Title 62A, Chapter 15, Substance Abuse and Mental Health Act;~~

19 ~~(10)(1)(E) Rules 65A, 65B and 65C of the Utah Rules of Civil Procedure; and~~

20 ~~(11) temporary orders requested under Title 30, Husband and Wife;~~

21 ~~(12)(1)(F) uncontested matters brought under:~~

22 ~~(12)(A) Title 42, Chapter 1, Change of Name;~~

23 ~~(12)(B) Title 75, Utah Uniform Probate Code;~~

24 ~~(12)(C) Title 78B, Chapter 5, Part 3, Foreign Judgment Act;~~

25 ~~(12)(D) Title 78B, Chapter 6, Part 1, Adoption; or~~

26 ~~(13) actions pursued by an assignee of a claim.~~

27 ~~This rule applies in the district court. Paragraph (6) applies only in judicial districts 2,~~  
28 ~~3 and 4.~~

29 (2) Rules 4-510.01 through 4-510.05 do not apply to the following actions, but they  
30 may undergo ADR procedures under other programs:

31 (2)(A) Title 78A, Chapter 8, Small Claims Court; and



- 32        (2)(B) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer.
- 33        (3) Rules 4-510.01 through 4-510.05 do not apply to the following actions, but the
- 34 judge may direct that they undergo ADR procedures under these rules:
- 35        (3)(A) Title 78B, Chapter 12, Utah Child Support Act;
- 36        (3)(B) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
- 37        (3)(C) Title 78B, Chapter 15, Utah Uniform Parentage Act;
- 38        (3)(D) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
- 39 Enforcement Act; and
- 40        (3)(E) temporary orders requested under Title 30, Husband and Wife, except
- 41 temporary separation orders under 30-3-4.5.
- 42

1 Rule 4-904. Informal trial of support, custody and parent-time.

2 Intent:

3 To allow the parties and judge to agree to a trial of select issues in an informal  
4 manner.

5 Applicability:

6 This rule applies to the district court.

7 Statement of the Rule:

8 (a) Upon waiver and stipulated motion of all parties and approval by the court, the  
9 court will conduct an informal trial of child support, child custody and parent-time issues.  
10 The waiver and motion shall be made verbally on the record or in a signed writing. To  
11 qualify for an informal trial, the court must find that the parties have made a valid waiver  
12 of their right to a regular trial.

13 (b) If the court grants the motion, the informal trial shall proceed as follows:

14 (b)(1) The party who bears the burden of proof on an issue speaks to the court  
15 under oath about his or her desires about child support, child custody and parent-time.  
16 The party is not questioned by counsel or the other party but may be questioned by the  
17 court.

18 (b)(2) That party may present any document or other evidence. The court shall  
19 determine what weight to give any documents or other evidence. The court may order  
20 the record to be supplemented.

21 (b)(3) Counsel for that party may identify any other areas of inquiry, and the court  
22 may make the inquiry.

23 (b)(4) The process is repeated for the other parties.

24 (b)(5) If there is an expert, the expert's report is entered into evidence as the court's  
25 exhibit. The expert may be questioned by counsel, parties or the court upon request.

26 (b)(6) Each party is offered:

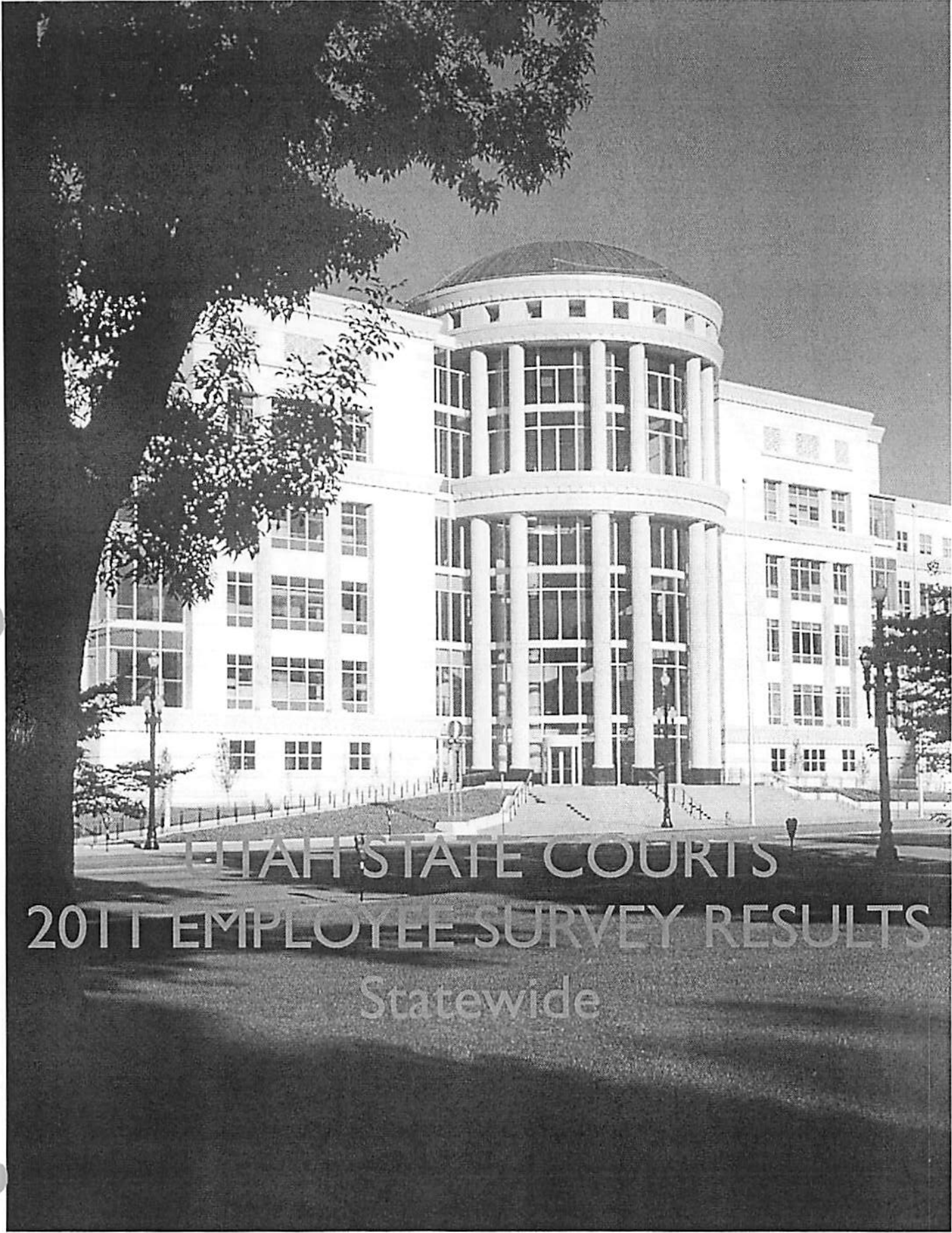
27 (b)(6)(i) the opportunity to respond to the statements, documents or other evidence  
28 of the other parties; and

29 (b)(6)(ii) the opportunity to make legal arguments.

30        (b)(7) The court will enter an order which has the same force and effect as if entered  
31        after a traditional trial. If the order is a final order, it may be appealed on any grounds  
32        that do not rely upon the Utah Rules of Evidence.

33

# TAB 5



ILLIAH STATE COURTS  
2011 EMPLOYEE SURVEY RESULTS  
Statewide

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## BACKGROUND

The first employee survey was conducted in the Fall of 2006 and results were reported on both a statewide and district basis. The design of the survey followed the format provided as part of the CourtTools resources created by the National Center for State Courts. The survey was re-administered in the same format each Fall from 2007-2009. Survey results were utilized to inform management of the work environment successes and challenges, as well as, to provide a point of reference for each successive year to measure whether modifications in management practices impacted survey results.

For 2011 the Employee Survey has been redesigned specifically for the Utah Courts with the goal of measuring the factors which contribute to establishing a positive work environment which allows staff to be engaged and motivated to contribute to the mission of the Courts.

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

The Survey was administered throughout the months of November and December and all staff were invited to participate by following a link to a third party website. All respondents were asked to identify their district, position, and length of tenure with the courts with all responses remaining confidential. In addition, each statement allowed respondents to provide any further written information in an open ended format. The results are reported on both a statewide and district basis with the flexibility to examine down to the position level. There were a total of 785 responses statewide (625 staff and 160 management) which is 72% of the total workforce. Table 1 details responses by district.

**Table 1 Response by District**

<b>District</b>	<b>Respondents</b>	<b>Percent of District Staff</b>
1st District	40	87%
2nd District	53	67%
2nd Juvenile	64	81%
3rd District	142	82%
3rd Juvenile	98	62%
4th District	59	75%
4th Juvenile	54	72%
5th District	48	77%
6th District	19	66%
7th District	32	89%
8th District	20	74%
Appellate/Supreme Courts	29	50%
AOC	82	77%
Guardian ad Litem	49	64%

## THE VALUE OF THE EMPLOYEE SURVEY

The Employee Survey is designed to solicit input from staff at all levels in a variety of areas which can be identified as contributing factors to a productive and positive workplace. This includes: immediate supervisors, management in the district, work environment, and engagement factors. All responses are rated on a five point scale as follows: 1- strongly disagree, 2 - disagree, 3 - neutral, 4 - agree, 5 - strongly agree. Responses with an average rating closer to 1.0 indicate there may be a concern in the particular area the statement is addressing. Conversely, responses with an average rating closer to 5.0 indicate more successful practices in a particular area. Statements rated closer to 3.0 suggest there are nearly an equal amount of both positive and negative perceptions in the workplace.

In every instance the value of the feedback found in the Employee Survey is determined by how an individual supervisor, district (or office) management team, and individual employee strive to make a positive contribution to the work environment. The goal in each area surveyed should be to have a series of 5.0 ratings for each statement. For example: if the response to the statement "*communication with my supervisor is effective*" is rated at 2.50, then individual supervisors in that particular district/office should reflect on their individual practices and ask "what am I doing to contribute either negatively or positively to the rating" and take the appropriate action.

### FACTOR 1 - AN EMPLOYEE'S IMMEDIATE SUPERVISOR

A primary factor in an employees' job satisfaction is their relationship with their immediate supervisor. In a 2011 nationwide survey conducted by the Society for Human Resource Management an employee's relationship with their immediate supervisor was ranked by 55% of the respondents as being very important, trailing only job security (63%) and opportunities to use skills and abilities (62%).

Table 2 Immediate Supervisor:

	All	Staff	Management
<b>My supervisor makes effective use of my skills and abilities.</b>	3.94	3.90	4.12
<b>Communication with my supervisor is effective.</b>	3.88	3.84	4.06
<b>I receive adequate feedback on my performance from my supervisor.</b>	3.85	3.81	3.99
<b>My supervisor encourages people in my work group to function as a team.</b>	4.04	3.99	4.24
<b>My supervisor encourages people to exchange opinions and ideas.</b>	3.79	3.73	4.05
<b>My supervisor works effectively with the staff they supervise.</b>	3.80	3.79	3.87
<b>I am satisfied with how my supervisor handles conflict when it arises.</b>	3.61	3.55	3.83

### FACTOR 2 - THE MANAGEMENT TEAM

In most district/offices the management team is responsible for overseeing operations and offices throughout the district/office. In our organization the management team establishes the tone for the entirety of the operation and are where supervisors and staff take the cues on organizational culture and expectations.



**Table 3 Management Team:**

	All	Staff	Management
<b>The information I receive from the management team in my district is clear and timely.</b>	3.46	3.35	3.88
<b>I am confident the management team in my district listens and responds to employees' concerns.</b>	3.29	3.16	3.82
<b>Communication within my district is effective.</b>	3.24	3.15	3.57
<b>I trust the management team in my district.</b>	3.45	3.33	3.92
<b>The management team in my district holds people accountable.</b>	3.33	3.24	3.70
<b>I believe employees are promoted based on their skills and performance within the guidelines outlined by policy.</b>	3.03	2.84	3.72
<b>The management team in my district understands the importance to employees of a good work/life balance.</b>	3.66	3.55	4.07
<b>Staff meetings are held on a regular basis.</b>	3.82	3.72	4.22

**FACTOR 3 - THE WORK ENVIRONMENT**

An office's work environment is influenced by the collection of individuals working within it and the expected standards established to govern interaction. Recent restructuring throughout the court system has created an increased reliance on a team oriented approach to accomplish the work of the court both inside and outside the courtroom. A high performing team should embrace the factors in this area while offices and districts should work to reinforce a team oriented culture. Employees' who enjoy a positive work environment are often more productive and engaged, and while setting the tone for the workplace is the task of management, maintaining the environment is the charge of every employee.

**Table 4 Work Environment:**

	All	Staff	Management
<b>I feel I am treated with respect in the workplace.</b>	3.89	3.84	4.11
<b>My colleagues and I work well as a team.</b>	4.20	4.17	4.32
<b>Morale in my district is generally high.</b>	3.06	2.99	3.31
<b>The workload on my team is fairly distributed.</b>	3.65	3.57	3.94
<b>The people I work with help each other out when needed.</b>	4.21	4.14	4.48
<b>There is an effective working relationship between my team and other teams within my district.</b>	3.54	3.45	3.91
<b>I am proud that I work in the courts.</b>	4.12	4.03	4.45
<b>I understand the mission of the courts.</b>	4.30	4.25	4.50

## FACTOR 4 - ENGAGEMENT

While all the factors of the Employee Survey contribute to employee engagement the statements in this area are most directly related to an individual employees' sense of their own value within the organization. The more valued and empowered an employee feels in their work and career potential the greater their sense of engagement. From a management perspective the practice of the fundamental principles delivered in the Excellence in Management Series training will assist a supervisor in maximizing the potential for staff to be engaged.

*Table 5 Engagement:*

	All	Staff	Management
<b>I am allowed to make decisions that affect how I complete my work.</b>	3.89	3.81	4.22
<b>I am involved in the goal setting process for my performance plan.</b>	4.00	3.95	4.19
<b>I feel free to express my honest opinions on work related issues to my supervisor.</b>	3.75	3.68	4.03
<b>I feel an effort is made to get my input before decisions are made that impact me.</b>	3.15	3.03	3.58
<b>I feel my work is appreciated.</b>	3.72	3.64	4.01
<b>I receive the training necessary to perform my job effectively.</b>	3.69	3.62	3.96
<b>I clearly understand the expectations of my position.</b>	4.19	4.18	4.21
<b>I am allowed opportunities to work on the Online Training Program.</b>	3.14	3.06	N/A

**Table 6 Clerical (C), Probation(P) and, Administrative (A) Staff**

	<b>C</b>	<b>P</b>	<b>A</b>
<b>My supervisor makes effective use of my skills and abilities.</b>	3.83	3.96	3.74
<b>Communication with my supervisor is effective.</b>	3.75	3.91	3.76
<b>I receive adequate feedback on my performance from my supervisor.</b>	3.81	3.88	3.55
<b>My supervisor encourages people in my work group to function as a team.</b>	3.90	4.12	3.78
<b>My supervisor encourages people to exchange opinions and ideas.</b>	3.53	3.93	3.78
<b>My supervisor works effectively with the staff they supervise.</b>	3.71	3.86	3.74
<b>I am satisfied with how my supervisor handles conflict when it arises.</b>	3.41	3.65	3.60
<b>The information I receive from the management team in my district is clear and timely.</b>	3.24	3.21	3.55
<b>I am confident the management team in my district listens and responds to employees' concerns.</b>	3.00	3.05	3.42
<b>Communication within my district is effective.</b>	2.97	3.08	3.19
<b>I trust the management team in my district.</b>	3.17	3.23	3.54
<b>The management team in my district holds people accountable.</b>	3.02	3.25	3.54
<b>I believe employees are promoted based on their skills and performance within the guidelines outlined by policy.</b>	2.72	2.90	2.94
<b>The management team in my district understands the importance to employees of a good work/life balance.</b>	3.44	3.48	3.69
<b>Staff meetings are held on a regular basis.</b>	3.38	4.26	3.78
<b>I feel I am treated with respect in the workplace.</b>	3.76	3.83	3.78
<b>My colleagues and I work well as a team.</b>	4.10	4.29	3.96
<b>Morale in my district is generally high.</b>	2.78	2.90	3.30
<b>The workload on my team is fairly distributed.</b>	3.47	3.75	3.46
<b>The people I work with help each other out when needed.</b>	4.00	4.29	4.05
<b>There is an effective working relationship between my team and other teams within my district.</b>	3.31	3.45	3.56
<b>I am proud that I work in the courts.</b>	4.00	3.90	4.00
<b>I understand the mission of the courts.</b>	4.15	4.23	4.33
<b>I am allowed to make decisions that affect how I complete my work.</b>	3.66	3.77	3.94
<b>I am involved in the goal setting process for my performance plan.</b>	3.90	4.19	3.68
<b>I feel free to express my honest opinions on work related issues to my supervisor.</b>	3.60	3.69	3.63
<b>I feel an effort is made to get my input before decisions are made that impact me.</b>	2.94	2.98	3.18
<b>I feel my work is appreciated.</b>	3.59	3.61	3.58
<b>I receive the training necessary to perform my job effectively.</b>	3.51	3.77	3.41
<b>I clearly understand the expectations of my position.</b>	4.15	4.20	3.95
<b>I am allowed opportunities to work on the Online Training Program.</b>	3.36	N/A	N/A

**Table 7 Clerical (C), Probation(P) and, Administrative (A) Management**

	<b>C</b>	<b>P</b>	<b>A</b>
<b>My supervisor makes effective use of my skills and abilities.</b>	4.07	4.21	4.10
<b>Communication with my supervisor is effective.</b>	3.90	4.31	4.24
<b>I receive adequate feedback on my performance from my supervisor.</b>	3.93	4.14	3.86
<b>My supervisor encourages people in my work group to function as a team.</b>	4.19	4.31	4.30
<b>My supervisor encourages people to exchange opinions and ideas.</b>	3.87	4.38	4.29
<b>My supervisor works effectively with the staff they supervise.</b>	3.73	4.10	3.95
<b>I am satisfied with how my supervisor handles conflict when it arises.</b>	3.64	4.14	4.05
<b>The information I receive from the management team in my district is clear and timely.</b>	3.76	4.07	4.05
<b>I am confident the management team in my district listens and responds to employees' concerns.</b>	3.64	4.07	4.19
<b>Communication within my district is effective.</b>	3.35	3.86	4.00
<b>I trust the management team in my district.</b>	3.76	4.03	4.33
<b>The management team in my district holds people accountable.</b>	3.40	4.28	4.19
<b>I believe employees are promoted based on their skills and performance within the guidelines outlined by policy.</b>	3.54	4.00	4.14
<b>The management team in my district understands the importance to employees of a good work/life balance.</b>	3.97	4.17	4.30
<b>Staff meetings are held on a regular basis.</b>	4.07	4.45	4.67
<b>I feel I am treated with respect in the workplace.</b>	3.92	4.41	4.38
<b>My colleagues and I work well as a team.</b>	4.30	4.28	4.43
<b>Morale in my district is generally high.</b>	3.11	3.45	3.95
<b>The workload on my team is fairly distributed.</b>	3.95	4.03	3.70
<b>The people I work with help each other out when needed.</b>	4.49	4.55	4.38
<b>There is an effective working relationship between my team and other teams within my district.</b>	3.88	3.76	4.25
<b>I am proud that I work in the courts.</b>	4.36	4.45	4.81
<b>I understand the mission of the courts.</b>	4.40	4.62	4.76
<b>I am allowed to make decisions that affect how I complete my work.</b>	4.13	4.28	4.33
<b>I am involved in the goal setting process for my performance plan.</b>	4.11	4.38	4.10
<b>I feel free to express my honest opinions on work related issues to my supervisor.</b>	3.85	4.41	4.19
<b>I feel an effort is made to get my input before decisions are made that impact me.</b>	3.33	4.00	4.00
<b>I feel my work is appreciated.</b>	4.00	4.00	4.05
<b>I receive the training necessary to perform my job effectively.</b>	3.87	4.03	4.10
<b>I clearly understand the expectations of my position.</b>	4.17	4.17	4.29
<b>I am allowed opportunities to work on the Online Training Program.</b>	3.76	N/A	N/A

**Table 8 Clerical Staff and Clerical Management**

	<b>S</b>	<b>M</b>
<b>My supervisor makes effective use of my skills and abilities.</b>	3.83	4.07
<b>Communication with my supervisor is effective.</b>	3.75	3.90
<b>I receive adequate feedback on my performance from my supervisor.</b>	3.81	3.93
<b>My supervisor encourages people in my work group to function as a team.</b>	3.90	4.19
<b>My supervisor encourages people to exchange opinions and ideas.</b>	3.53	3.87
<b>My supervisor works effectively with the staff they supervise.</b>	3.71	3.73
<b>I am satisfied with how my supervisor handles conflict when it arises.</b>	3.41	3.64
<b>The information I receive from the management team in my district is clear and timely.</b>	3.24	3.76
<b>I am confident the management team in my district listens and responds to employees' concerns.</b>	3.00	3.64
<b>Communication within my district is effective.</b>	2.97	3.35
<b>I trust the management team in my district.</b>	3.17	3.76
<b>The management team in my district holds people accountable.</b>	3.02	3.40
<b>I believe employees are promoted based on their skills and performance within the guidelines outlined by policy.</b>	2.72	3.54
<b>The management team in my district understands the importance to employees of a good work/life balance.</b>	3.44	3.97
<b>Staff meetings are held on a regular basis.</b>	3.38	4.07
<b>I feel I am treated with respect in the workplace.</b>	3.76	3.92
<b>My colleagues and I work well as a team.</b>	4.10	4.30
<b>Morale in my district is generally high.</b>	2.78	3.11
<b>The workload on my team is fairly distributed.</b>	3.47	3.95
<b>The people I work with help each other out when needed.</b>	4.00	4.49
<b>There is an effective working relationship between my team and other teams within my district.</b>	3.31	3.88
<b>I am proud that I work in the courts.</b>	4.00	4.36
<b>I understand the mission of the courts.</b>	4.15	4.40
<b>I am allowed to make decisions that affect how I complete my work.</b>	3.66	4.13
<b>I am involved in the goal setting process for my performance plan.</b>	3.90	4.11
<b>I feel free to express my honest opinions on work related issues to my supervisor.</b>	3.60	3.85
<b>I feel an effort is made to get my input before decisions are made that impact me.</b>	2.94	3.33
<b>I feel my work is appreciated.</b>	3.59	4.00
<b>I receive the training necessary to perform my job effectively.</b>	3.51	3.87
<b>I clearly understand the expectations of my position.</b>	4.15	4.17
<b>I am allowed opportunities to work on the Online Training Program.</b>	3.36	3.76

**Table 9 Probation Staff and Probation Management**

	<b>S</b>	<b>M</b>
<b>My supervisor makes effective use of my skills and abilities.</b>	3.96	4.21
<b>Communication with my supervisor is effective.</b>	3.91	4.31
<b>I receive adequate feedback on my performance from my supervisor.</b>	3.88	4.14
<b>My supervisor encourages people in my work group to function as a team.</b>	4.12	4.31
<b>My supervisor encourages people to exchange opinions and ideas.</b>	3.93	4.38
<b>My supervisor works effectively with the staff they supervise.</b>	3.86	4.10
<b>I am satisfied with how my supervisor handles conflict when it arises.</b>	3.65	4.14
<b>The information I receive from the management team in my district is clear and timely.</b>	3.21	4.07
<b>I am confident the management team in my district listens and responds to employees' concerns.</b>	3.05	4.07
<b>Communication within my district is effective.</b>	3.08	3.86
<b>I trust the management team in my district.</b>	3.23	4.03
<b>The management team in my district holds people accountable.</b>	3.25	4.28
<b>I believe employees are promoted based on their skills and performance within the guidelines outlined by policy.</b>	2.90	4.00
<b>The management team in my district understands the importance to employees of a good work/life balance.</b>	3.48	4.17
<b>Staff meetings are held on a regular basis.</b>	4.26	4.45
<b>I feel I am treated with respect in the workplace.</b>	3.83	4.41
<b>My colleagues and I work well as a team.</b>	4.29	4.28
<b>Morale in my district is generally high.</b>	2.90	3.45
<b>The workload on my team is fairly distributed.</b>	3.75	4.03
<b>The people I work with help each other out when needed.</b>	4.29	4.55
<b>There is an effective working relationship between my team and other teams within my district.</b>	3.45	3.76
<b>I am proud that I work in the courts.</b>	3.90	4.45
<b>I understand the mission of the courts.</b>	4.23	4.62
<b>I am allowed to make decisions that affect how I complete my work.</b>	3.77	4.28
<b>I am involved in the goal setting process for my performance plan.</b>	4.19	4.38
<b>I feel free to express my honest opinions on work related issues to my supervisor.</b>	3.69	4.41
<b>I feel an effort is made to get my input before decisions are made that impact me.</b>	2.98	4.00
<b>I feel my work is appreciated.</b>	3.61	4.00
<b>I receive the training necessary to perform my job effectively.</b>	3.77	4.03
<b>I clearly understand the expectations of my position.</b>	4.20	4.17
<b>I am allowed opportunities to work on the Online Training Program.</b>	N/A	N/A

**Table 10 Administrative Staff and Administrative Management**

	<b>S</b>	<b>M</b>
<b>My supervisor makes effective use of my skills and abilities.</b>	3.74	4.10
<b>Communication with my supervisor is effective.</b>	3.76	4.24
<b>I receive adequate feedback on my performance from my supervisor.</b>	3.55	3.86
<b>My supervisor encourages people in my work group to function as a team.</b>	3.78	4.30
<b>My supervisor encourages people to exchange opinions and ideas.</b>	3.78	4.29
<b>My supervisor works effectively with the staff they supervise.</b>	3.74	3.95
<b>I am satisfied with how my supervisor handles conflict when it arises.</b>	3.60	4.05
<b>The information I receive from the management team in my district is clear and timely.</b>	3.55	4.05
<b>I am confident the management team in my district listens and responds to employees' concerns.</b>	3.42	4.19
<b>Communication within my district is effective.</b>	3.19	4.00
<b>I trust the management team in my district.</b>	3.54	4.33
<b>The management team in my district holds people accountable.</b>	3.54	4.19
<b>I believe employees are promoted based on their skills and performance within the guidelines outlined by policy.</b>	2.94	4.14
<b>The management team in my district understands the importance to employees of a good work/life balance.</b>	3.69	4.30
<b>Staff meetings are held on a regular basis.</b>	3.78	4.67
<b>I feel I am treated with respect in the workplace.</b>	3.78	4.38
<b>My colleagues and I work well as a team.</b>	3.96	4.43
<b>Morale in my district is generally high.</b>	3.30	3.95
<b>The workload on my team is fairly distributed.</b>	3.46	3.70
<b>The people I work with help each other out when needed.</b>	4.05	4.38
<b>There is an effective working relationship between my team and other teams within my district.</b>	3.56	4.25
<b>I am proud that I work in the courts.</b>	4.00	4.81
<b>I understand the mission of the courts.</b>	4.33	4.76
<b>I am allowed to make decisions that affect how I complete my work.</b>	3.94	4.33
<b>I am involved in the goal setting process for my performance plan.</b>	3.68	4.10
<b>I feel free to express my honest opinions on work related issues to my supervisor.</b>	3.63	4.19
<b>I feel an effort is made to get my input before decisions are made that impact me.</b>	3.18	4.00
<b>I feel my work is appreciated.</b>	3.58	4.05
<b>I receive the training necessary to perform my job effectively.</b>	3.41	4.10
<b>I clearly understand the expectations of my position.</b>	3.95	4.29
<b>I am allowed opportunities to work on the Online Training Program.</b>	N/A	N/A

Table 11 Combined District/Juvenile/Appellate Courts - Staff and Management

	1st District		5th District		6th District		7th District		8th District		Appellate Courts	
	S	M	S	M	S	M	S	M	S	M	S	M
<b>My supervisor makes effective use of my skills and abilities.</b>	4.03	4.00	3.86	3.83	3.92	4.00	4.00	4.70	4.33	4.75	4.65	4.80
<b>Communication with my supervisor is effective.</b>	3.90	4.40	3.67	3.83	3.92	4.00	3.73	4.60	4.29	4.75	4.52	4.40
<b>I receive adequate feedback on my performance from my supervisor.</b>	4.00	4.00	4.03	3.92	3.50	4.00	4.09	4.50	4.20	5.00	4.43	4.00
<b>My supervisor encourages people in my work group to function as a team.</b>	3.93	4.60	3.97	3.92	3.55	4.14	3.95	4.70	4.29	5.00	4.64	4.00
<b>My supervisor encourages people to exchange opinions and ideas.</b>	3.97	4.60	3.74	3.67	3.42	3.86	4.05	4.60	4.00	5.00	4.55	4.25
<b>My supervisor works effectively with the staff they supervise.</b>	3.76	4.20	3.53	3.75	3.83	4.00	3.86	4.50	4.27	4.75	4.57	4.00
<b>I am satisfied with how my supervisor handles conflict when it arises.</b>	3.55	4.20	3.37	3.67	3.67	4.00	3.50	4.40	4.14	4.75	4.30	3.60
<b>The information I receive from the management team in my district is clear and timely.</b>	3.48	4.00	3.56	3.58	3.00	3.71	3.59	4.50	3.93	4.75	4.14	4.00
<b>I am confident the management team in my district listens and responds to employees' concerns.</b>	3.69	4.60	3.11	3.50	3.17	3.57	3.68	4.50	4.00	5.00	4.05	4.00
<b>Communication within my district is effective.</b>	3.28	4.00	3.31	3.50	2.92	3.57	3.59	4.20	3.87	4.25	4.00	4.00
<b>I trust the management team in my district.</b>	3.86	4.40	3.14	3.58	3.25	4.14	4.05	4.80	3.86	5.00	4.19	4.00
<b>The management team in my district holds people accountable.</b>	3.90	4.40	3.14	3.42	3.58	3.86	3.73	4.10	3.93	4.75	3.85	3.60
<b>I believe employees are promoted based on their skills and performance within the guidelines outlined by policy.</b>	3.45	4.00	2.86	3.33	3.08	3.86	3.41	4.70	3.40	4.50	3.80	4.40
<b>The management team in my district understands the importance to employees of a good work/life balance.</b>	4.10	4.60	3.56	3.92	3.67	4.00	3.91	4.70	4.14	5.00	4.43	4.40
<b>Staff meetings are held on a regular basis.</b>	4.21	4.60	4.28	3.92	3.17	3.86	4.09	4.30	4.14	4.75	3.41	4.50
<b>I feel I am treated with respect in the workplace.</b>	4.21	3.83	4.00	3.92	3.67	3.86	3.82	4.50	4.47	4.50	4.43	4.40
<b>My colleagues and I work well as a team.</b>	4.52	4.60	4.28	4.33	4.09	4.14	4.23	4.70	4.50	5.00	4.32	4.00
<b>Morale in my district is generally high.</b>	3.75	3.40	3.00	2.83	3.17	3.71	3.55	4.30	3.64	4.25	3.86	4.20
<b>The workload on my team is fairly distributed.</b>	3.69	4.60	3.53	3.92	4.09	3.71	3.91	4.80	3.93	4.50	4.41	3.80
<b>The people I work with help each other out when needed.</b>	4.48	4.33	4.14	4.33	3.92	4.43	4.09	4.80	4.40	4.50	4.30	4.80
<b>There is an effective working relationship between my team and other teams within my district.</b>	3.90	4.00	3.56	3.92	3.55	4.00	3.82	4.50	3.79	4.25	3.85	3.40
<b>I am proud that I work in the courts.</b>	4.28	4.40	4.22	4.08	4.00	4.43	4.27	4.90	4.21	4.75	4.55	4.80
<b>I understand the mission of the courts.</b>	4.28	4.60	4.25	4.25	4.17	4.14	4.32	4.70	4.21	5.00	4.73	5.00
<b>I am allowed to make decisions that affect how I complete my work.</b>	4.07	4.40	3.83	3.75	3.75	4.29	3.86	4.70	4.07	4.50	4.62	4.40
<b>I am involved in the goal setting process for my performance plan.</b>	4.03	4.40	4.11	4.00	4.25	4.14	4.36	4.70	4.07	5.00	4.19	5.00
<b>I feel free to express my honest opinions on work related issues to my supervisor.</b>	4.03	4.00	3.69	3.75	3.50	4.00	3.77	4.40	4.60	5.00	4.39	3.80
<b>I feel an effort is made to get my input before decisions are made that impact me.</b>	3.28	3.67	3.11	3.33	2.83	3.57	3.45	4.60	3.87	4.75	4.00	3.60
<b>I feel my work is appreciated.</b>	4.03	4.20	3.72	3.67	3.42	4.29	3.91	4.60	4.00	4.25	4.38	5.00
<b>I receive the training necessary to perform my job effectively.</b>	3.66	3.83	3.23	3.58	3.75	4.00	3.91	4.60	3.67	4.25	4.39	4.20
<b>I clearly understand the expectations of my position.</b>	4.10	4.20	3.94	3.83	4.17	4.29	4.23	4.70	4.33	4.75	4.64	4.40
<b>I am allowed opportunities to work on the Online Training Program.</b>												



Table 12 District/Juvenile Court and AOC - Staff and Management

	2nd District		2nd Juvenile		3rd District		3rd Juvenile		4th District		4th Juvenile		AOC	
	S	M	S	M	S	M	S	M	S	M	S	M	S	M
	My supervisor makes effective use of my skills and abilities.	4.03	3.92	3.63	4.00	3.80	4.04	3.77	4.13	4.05	4.17	4.21	4.00	3.69
Communication with my supervisor is effective.	3.97	4.08	3.65	4.06	3.72	3.64	3.77	4.31	4.20	4.00	4.02	3.50	3.68	4.14
I receive adequate feedback on my performance from my supervisor.	4.03	4.00	3.52	3.88	3.78	3.96	3.69	4.00	3.85	4.00	4.19	3.60	3.42	3.57
My supervisor encourages people in my work group to function as a team.	4.28	4.17	3.73	4.13	3.92	4.04	4.05	4.38	4.05	4.42	4.23	3.90	3.70	4.23
My supervisor encourages people to exchange opinions and ideas.	3.81	3.73	3.47	4.06	3.42	3.73	3.79	4.20	3.90	4.00	4.23	3.90	3.73	4.21
My supervisor works effectively with the staff they supervise.	4.05	3.67	3.63	3.50	3.63	3.74	3.79	4.06	4.05	3.75	3.98	3.40	3.64	3.86
I am satisfied with how my supervisor handles conflict when it arises.	3.81	3.58	3.30	3.75	3.30	3.61	3.58	4.00	3.78	3.92	4.07	3.10	3.56	3.86
The information I receive from the management team in my district is clear and timely.	3.38	4.00	2.64	3.31	3.18	3.57	3.01	4.06	3.65	4.00	3.81	3.90	3.48	3.93
I am confident the management team in my district listens and responds to employees' concerns.	3.16	3.83	2.42	3.63	2.84	3.18	2.93	4.19	3.53	3.67	3.14	3.60	3.36	4.07
Communication within my district is effective.	3.16	3.38	2.43	3.19	2.88	3.04	2.89	3.63	3.32	3.50	3.47	3.30	3.09	4.00
I trust the management team in my district.	3.35	3.73	2.52	3.75	3.02	3.45	3.14	4.00	3.79	4.00	3.29	3.30	3.51	4.21
The management team in my district holds people accountable.	3.41	3.33	2.91	3.75	2.68	3.09	3.22	4.13	3.02	3.33	3.23	3.30	3.57	4.21
I believe employees are promoted based on their skills and performance within the guidelines outlined by policy.	2.95	3.17	2.21	4.00	2.43	3.17	2.75	3.75	3.30	3.67	3.05	3.50	2.89	3.93
The management team in my district understands the importance to employees of a good work/life balance.	3.32	3.58	3.02	4.06	3.40	3.87	3.29	4.13	3.88	4.17	3.53	3.40	3.69	4.15
Staff meetings are held on a regular basis.	3.57	4.17	3.74	4.25	3.14	3.86	3.81	4.25	3.32	4.17	4.44	4.50	3.76	4.79
I feel I am treated with respect in the workplace.	3.86	3.77	3.27	4.19	3.57	3.70	3.81	4.44	4.20	4.25	4.02	4.20	3.78	4.14
My colleagues and I work well as a team.	4.30	4.09	4.02	4.00	4.01	4.27	4.27	4.56	4.17	4.50	4.26	3.80	3.97	4.36
Morale in my district is generally high.	2.81	2.83	2.41	3.31	2.67	2.52	2.75	3.38	3.05	3.50	2.76	2.70	3.30	3.86
The workload on my team is fairly distributed.	3.56	3.75	3.59	3.69	3.23	3.61	3.77	4.19	3.85	4.25	3.63	3.60	3.42	3.54
The people I work with help each other out when needed.	4.00	4.54	3.68	4.25	3.97	4.39	4.31	4.50	4.24	4.75	4.47	4.70	4.06	4.29
There is an effective working relationship between my team and other teams within my district.	3.51	3.92	3.21	4.00	3.03	3.62	3.21	3.44	3.60	3.58	3.77	4.20	3.56	4.38
I am proud that I work in the courts.	3.92	3.92	3.84	4.31	3.85	4.23	3.77	4.63	4.27	4.42	4.05	4.60	4.06	4.79
I understand the mission of the courts.	4.30	4.25	4.11	4.38	4.03	4.09	4.18	4.69	4.39	4.67	4.28	4.80	4.41	4.79
I am allowed to make decisions that affect how I complete my work.	3.76	4.17	3.25	4.19	3.72	4.00	3.59	4.25	4.05	4.42	3.98	3.90	3.95	4.14
I am involved in the goal setting process for my performance plan.	3.92	4.17	3.86	4.06	3.85	3.86	4.03	4.06	3.98	4.33	4.21	4.30	3.51	3.77
I feel free to express my honest opinions on work related issues to my supervisor.	3.62	4.08	3.18	4.00	3.55	3.91	3.63	4.31	3.95	4.25	3.98	3.20	3.51	4.00
I feel an effort is made to get my input before decisions are made that impact me.	2.76	3.38	2.36	3.31	2.80	3.09	2.95	3.81	3.71	3.67	3.14	3.00	3.08	3.86
I feel my work is appreciated.	3.51	4.00	3.28	4.00	3.57	3.73	3.47	4.13	4.05	4.00	3.68	3.70	3.59	3.86
I receive the training necessary to perform my job effectively.	3.76	3.92	3.48	3.69	3.22	3.78	3.75	4.13	4.00	3.83	4.05	4.00	3.45	4.00
I clearly understand the expectations of my position.	4.22	4.17	3.91	3.94	4.20	3.96	4.28	4.50	4.29	4.33	4.37	3.90	3.94	4.29
I am allowed opportunities to work on the Online Training Program.	3.07				3.15				3.12					

Table 13 Staff and Management by Years of Service

	0 to 2 years		2 to 4 years		4 to 6 years		8 to 10 years		10 years +	
	S	M	S	M	S	M	S	M	S	M
<b>My supervisor makes effective use of my skills and abilities.</b>	4.10	4.25	4.02	*	3.83	4.00	3.36	4.44	3.90	4.12
<b>Communication with my supervisor is effective.</b>	4.16	4.50	3.97		3.62	4.00	3.48	3.78	3.78	4.06
<b>I receive adequate feedback on my performance from my supervisor.</b>	4.05	4.75	3.85		3.73	3.88	3.36	3.89	3.79	3.97
<b>My supervisor encourages people in my work group to function as a team.</b>	4.24	4.25	4.20		3.89	4.38	4.04	4.38	3.94	4.24
<b>My supervisor encourages people to exchange opinions and ideas.</b>	4.17	4.00	3.80		3.66	3.94	3.48	4.00	3.59	4.08
<b>My supervisor works effectively with the staff they supervise.</b>	4.10	4.75	3.90		3.66	3.69	3.56	3.78	3.70	3.88
<b>I am satisfied with how my supervisor handles conflict when it arises.</b>	3.94	4.00	3.71		3.39	3.63	3.14	3.78	3.48	3.86
<b>The information I receive from the management team in my district is clear and timely.</b>	3.94	4.50	3.40		3.24	3.63	2.81	4.22	3.23	3.89
<b>I am confident the management team in my district listens and responds to employees' concerns.</b>	3.89	4.00	3.34		2.86	3.88	2.58	3.89	2.96	3.83
<b>Communication within my district is effective.</b>	3.89	4.25	3.30		2.95	3.31	2.43	3.78	2.98	3.56
<b>I trust the management team in my district.</b>	4.03	4.25	3.45		3.21	3.75	2.54	4.00	3.12	3.93
<b>The management team in my district holds people accountable.</b>	3.91	4.00	3.28		2.96	3.19	2.85	3.67	3.16	3.76
<b>I believe employees are promoted based on their skills and performance within the guidelines outlined by policy.</b>	3.68	4.50	3.04		2.66	3.69	2.39	3.67	2.56	3.70
<b>The management team in my district understands the importance to employees of a good work/life balance.</b>	4.12	4.50	3.71		3.31	4.19	2.89	4.00	3.42	4.05
<b>Staff meetings are held on a regular basis.</b>	3.96	4.50	3.56		3.72	3.75	3.48	4.25	3.74	4.27
<b>I feel I am treated with respect in the workplace.</b>	4.41	4.25	4.03		3.69	4.13	3.25	4.33	3.67	4.10
<b>My colleagues and I work well as a team.</b>	4.47	4.00	4.29		4.06	4.44	3.70	4.22	4.13	4.30
<b>Morale in my district is generally high.</b>	3.93	3.25	3.17		2.71	3.44	2.43	3.56	2.73	3.27
<b>The workload on my team is fairly distributed.</b>	3.99	4.00	3.55		3.52	3.94	3.25	4.38	3.50	3.91
<b>The people I work with help each other out when needed.</b>	4.52	4.00	4.22		4.06	4.56	3.75	4.44	4.04	4.47
<b>There is an effective working relationship between my team and other teams within my district.</b>	3.77	4.25	3.55		3.32	4.06	2.93	3.75	3.40	3.94
<b>I am proud that I work in the courts.</b>	4.49	5.00	4.23		3.90	4.31	3.36	4.25	3.93	4.45
<b>I understand the mission of the courts.</b>	4.37	4.75	4.40		4.25	4.38	3.75	4.56	4.24	4.49
<b>I am allowed to make decisions that affect how I complete my work.</b>	4.12	4.25	3.90		3.70	4.00	3.32	4.44	3.78	4.23
<b>I am involved in the goal setting process for my performance plan.</b>	4.01	4.50	3.97		3.97	4.19	3.41	4.13	3.89	4.22
<b>I feel free to express my honest opinions on work related issues to my supervisor.</b>	4.13	4.25	3.90		3.55	4.00	3.11	3.89	3.53	4.02
<b>I feel an effort is made to get my input before decisions are made that impact me.</b>	3.89	4.50	3.30		2.78	3.19	2.23	2.89	2.79	3.66
<b>I feel my work is appreciated.</b>	4.14	3.75	3.77		3.44	4.00	3.11	4.22	3.57	4.00
<b>I receive the training necessary to perform my job effectively.</b>	4.01	4.50	3.70		3.51	3.75	3.11	4.11	3.56	3.94
<b>I clearly understand the expectations of my position.</b>	4.33	4.50	4.31		4.10	4.06	3.75	4.33	4.21	4.21

I am allowed opportunities to work on the Online Training Program.

\* only 1 response received

# TAB 6

## Executive Summary

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The original *Judicial System Master Plan for Capital Facilities* was created in 1987 and updated in 1997. This document, although modern at the time of release, does not reflect the current judicial facility needs. A number of key building systems are not adequately addressed in the previous standard; including but not limited to building security procedures and technologies, audio/visual requirements, enhanced ADA access and sustainable design criteria.

The newly minted *Utah Judicial Facility Design Standards* brings through the over arching Judicial Facility goals and objectives from the original document and adds a number of sections to address current and future building procedures, systems and technologies.

This document was designed to be a living document. It can be modified on a section by section basis to ensure the State of Utah has a Judicial Facility Standard that reflects the ever evolving legal process.

In total, the updated Utah Judicial Facility Design Standards is a more comprehensive and user-friendly document that reflects the current needs of the State's Judicial Facilities while allowing for updates and modifications over the life of the document.

The following identifies additions and modifications to the document within each specific section.

### **SECTION 1.0 OPERATIONAL AND FACILITY PLANNING PRINCIPLES**

Slight modifications to this section were made and a few additional concepts were added to address new building sciences as well as updated judicial facility requirements. These additions include:

- Provide for the Protection of Judicial Resources: This additional section addresses security in judicial facilities at the introduction of the document.
- Planning Procedures: Text was added to explain and promote an integrated design process. This ensures all parties are at the table from the beginning of planning through construction, ensuring a collective vision is achieved for the facility.

### **SECTION 2.0 JUDICIAL BUILDING REQUIREMENTS**

The title of this section was modified to building requirements rather than design guidelines as the building elements presented in this section are mandatory for all Utah Judicial Facilities.

This section was greatly expanded to adequately address the myriad of considerations and requirements for a judicial facility. Key additions to this section include:

- Site Selection
  - Site Design
  - Architectural and Interior Design
  - Accessibility and Universal Design
  - Sustainable Design
  - Structural Systems
-

- Mechanical Systems
- Electrical Systems
- Building System Management
- Acoustic Design
- Communication and Information Technology
- Audio Visual Systems
- Commissioning

### **SECTION 3.0 JUDICIAL FACILITY SECURITY**

An entire section has been added to address the complex security needs in today's Judicial Facilities. This section includes information on the following:

- Building Security Plan
- Architectural Security
- Intrusion and Duress Alarm System
- Access Control
- Communications and Intercom Systems
- Video Surveillance
- Enterprise Command and Control Integration

### **SECTION 4.0 FACILITY TYPES AND ROLES**

This section has been added to explain the variation in court types and facilities to help the reader understand the functional and spacial differences of the Supreme Court and Court of Appeals, District Court and Juvenile Court. Basic courthouse facility adjacency diagrams are also presented in this section.

### **SECTION 5.0 JUDICIAL FACILITY SPACE STANDARDS**

In order to create a more user friendly document, all of the standards related to a specific space have been compiled into a single section. This will allow the users of this document to understand the space type, usage, design features, system requirements, security requirements and specialty needs without moving from section to section, or table to table within the document. This format also allows for updates and modifications to space requirements without updating the entire document.

All of the standard judicial facility spaces are addressed in this section of the document.

# TAB 8

# Utah State Courts

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Social Media Subcommittee  
of the  
Judicial Outreach Committee

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Recommendations for the Court's Use of Social Media  
February 2012

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## **Recommendations for Court’s Use of Social Media**

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## (1) Introduction

The recent growth of social media and other Web 2.0 communication technologies has been explosive. Facebook now has more than 800 million members and is the most visited site in the world; four years ago it didn't register in the top 10.<sup>1</sup> LinkedIn has over 180 million members. Sixty-six percent of American adults who are on the Internet and 85 percent of teens ages 12-17 now use social media on a daily basis.<sup>2</sup> These platforms provide an easy and convenient way of generating and instantaneously sharing information globally.

The amount of information posted on the Internet and shared through social media is staggering. For example, every 60 seconds there are:

600 videos uploaded on YouTube, amounting to 25+ hours of content

700,000 Facebook status updates

1,500 new blog posts

90,000 tweets

13,000 iPhone apps downloaded

20,000 new posts on micro-blogging platform Tumblr

100 new LinkedIn accounts opened

Mobile access to social media and the Internet is also growing at a dizzying rate. Of the world's 4 billion mobile phones in use, 1.08 billion are "smart phones." In the fourth quarter of 2010, for the first time, the number of smart phones sold outnumbered PCs.<sup>3</sup> Almost 40% of all Americans own smart phones and by 2014, it is projected that mobile Internet usage will exceed desktop Internet usage.<sup>4</sup>

Social media permeates every aspect of our lives, from how we do business, to how we learn, to how we communicate with each other, to how we entertain ourselves, to how we organize and express ourselves politically, to how we interact with government.

The judicial system must adapt to and incorporate the new communications platforms and the growing use of mobile devices in order to stay relevant and meet the demands of its various users and other constituencies. More and more Americans are obtaining their news from the Internet. According to a January, 2011 report by the Pew Research Center, more Americans obtain their news from the Internet than from newspapers or radio. And the public's views and opinions of government institutions, including the

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<sup>1</sup>The Business of Social Media [Infographic] by Shea Bennett, November 16, 2011 available at [http://www.mediabistro.com/alltwitter/business-social-media\\_b15829](http://www.mediabistro.com/alltwitter/business-social-media_b15829).

<sup>2</sup>Pew Internet & American Life Project report "Why Americans Use Social Media," November 15, 2011.

<sup>3</sup>Huffington Post, January 8, 2011.

<sup>4</sup>"Infographic: Mobile Statistics, Stats & Facts 2011," Digitalbuzzblog, April 4, 2011.

judiciary, are increasingly being formed and shaped by social media. With the decline of resources devoted by the legacy media to reporting on the courts, public information about the judicial system will increasingly come from three sources: (1) citizen journalists and bloggers; (2) mainstream reporters who rely on social media as sources of news; and (3) the court system itself.

Live streaming of court proceedings on the Internet is becoming a reality. In Massachusetts, a pilot program in Quincy County District Court has been live streaming court proceedings on the Internet since May of this year. The site has had tens of thousands of views.<sup>5</sup> The West Virginia Supreme Court of Appeals offers live webcasts of its oral arguments, as do several other appellate courts across the country. There are now two television networks, The Courtroom View Network and In Session (formerly Court TV) that offer live Internet streaming of court proceedings in almost a dozen states. The Casey Anthony murder trial in Florida was watched by millions on the Internet and citizens could download apps to obtain real time trial updates on their mobile phones. The Fox News app for the trial of Michael Jackson's doctor Conrad Murray, was the number one seller on the Apple store the day after it was released.<sup>6</sup>

Increasingly in other states, audiences are viewing high-profile case proceedings using mobile apps.

One way to improve the public's access and understanding of the court system is to provide information through the communications platforms the public is already using—video streams, social media, smart phones and wireless networks. These platforms not only promote judicial transparency, but offer multiple opportunities for the judiciary to tell its story in an unfiltered, real-time way.

Effective use of social media requires resources and a strong commitment to increasing judicial outreach through technology. In the age of austere budgets, it is a challenge to fund all but the essentials of administering justice. It is the subcommittee's view, however, that adapting to the new mobile, social media-driven world is essential to maintaining public trust and confidence in the judiciary. Fortunately, many of the technologies presented in this report are free and easy to use.

## **(2) Use of Social Media by Other Court Systems**

In 2011, the Conference of Court Public Information Officers (CCPIO) conducted a survey in partnership with the National Center for State Courts and the E.W. Scripps School of Journalism at Ohio University. The survey findings are part of a national collaborative research project now entering its third year.<sup>7</sup>

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<sup>5</sup><http://opencourt.us/quincy-district-court/>

<sup>6</sup>"Fox's Michael Jackson Doctor Trial App Tops iTunes," September 28, 2011, available at <http://www.mediabistro.com>

<sup>7</sup>"2011 CCPIO New Media Survey, New Media and the Courts: The Current Status and A Look at the Future," <http://ccpio.org/documents/newmediaproject/CCPIO2011Report.pdf> (visited November 22, 2011).

The survey revealed that the institutional use of social media in court settings is gaining acceptance. The survey shows a 7.6 percent increase in the number of respondents who agree that courts as institutions can maintain a social media site without compromising ethics.

According to Thomas Hodson, director of the E.W. Scripps School of Journalism at Ohio University, "the research continues to clearly show that judges and courts recognize the importance of understanding new media and the value in communications in new ways to build public trust and confidence in the judicial branch."

The CCPIO Report reads:

"The judicial branch has a particular interest in studying the effects of new media technologies because it has long been recognized that the courts have a special obligation to be transparent, accessible, and understandable. For as long as mass media has had primary control of driving the public's perceptions of the courts and courts have had a desire to instead deliver the message directly, courts have had to work to understand the evolving changes in how information is communicated and how people understand the world. This has become more complicated in recent years with the rise of social medias a major force when compounded by other significant continuing changes in the media world."

The 2011 survey looked at the actual and planned uses by courts as institutions of five categories of new media technology. The survey also queried the actual and planned functions for the technology, expanding the 2010 survey list to include: to post job openings, for internal communications, for media relations, for juror communications, to drive traffic to the court's main website, or to gather and monitor news and information.

Respondents identified Facebook as the social media profile site most often used by their court (83.3 percent), followed by LinkedIn (6.0 percent) and MySpace (4.8 percent). The top five reasons for using these sites were as follows: public education, promote events, media relations, explain court processes and procedure, and release decisions.

Most courts that use Facebook nationwide are local courts, and they are primarily communicating information to the public about courthouse activities and operations: announcements of new staff and judges, courthouse-closure dates, and specific court events.

Microblogging technology, such as Twitter, is used by 10.9 percent of respondents in the following top five ways: promote events, public education, media relations, release decisions, and drive traffic to the main website.

According to the *Future Trends in State Courts 2011*, approximately 25 courts nationwide use Twitter. Visual media websites, such as YouTube, are used by 6 percent of survey respondents for the following top five ways: public education, media relations, promote events, explain court processes and procedure, and drive traffic to the main website.

Posting videos on visual media sharing sites is the most popular method of using social media to share information with self-represented litigants. These short videos, usually one to six minutes, educate litigants about what to expect when filling out forms, filing documents with the clerk, or appearing in court.<sup>8</sup> The Indiana Supreme Court was one of the first courts to post videos for self-represented litigants on a visual-media-sharing site. The California Administrative Office of the Courts has also posted videos on YouTube.

Just 6.9 percent of respondents reported working at courts that, as institutions, maintain blogs. The top five uses were as follows: media relations, internal communications, promote events, public education, and explain court processes and procedure.

For a chart of states currently using social media, go to Addendum A.

### (3) Use of Social Media by the Utah Executive and Legislative Branches of Government

There are many Utah state agencies and public officials using social media. About 60 different agencies of Utah's executive branch use Facebook.

The levels of communication from agencies run from one-way announcements to two-way conversations with the public. The table below lists some of the content from Utah executive and legislative agencies and Utah's congressional representatives.

Entity	Social Media Tool	Content
Governor's Office	Facebook	Public appearances, new initiatives, links to blogs and other social media content, links to related press articles
Governor's Office	Twitter	Announcements, links
Governor's Office	YouTube	Utah.gov channel – economic development, tourism
Senate	Facebook	Seeking comments, links to media articles, allows moderated postings
Senate	Twitter	Links, actual conversation with others, retweets
Senate	YouTube	Interviews or short presentations by legislators on bills and hot legislative topics

<sup>8</sup>Future Trends in State Courts 2011: Using Social Media to Support Self-Represented Litigants, <http://www.ncsc.org/sitecore/content/microsites/future-trends/home> (visited November 22, 2011).

Entity	Social Media Tool	Content
House of Representatives	Facebook	Links to blogs, articles and press, no user postings or comments
House of Representatives	Twitter	Links to articles, retweets
<b>Congress:</b>		
Rep. Jim Matheson	Facebook	Public appearances, links
Rep. Jim Matheson	Twitter	Thanks and acknowledgements, announcements
Rep. Rob Bishop	Facebook	Political opinion, allows user comments
Rep. Jason Chaffetz	Facebook	Links, allows user comments
Sen. Orrin Hatch	Facebook	Policy statements, allows user comments
Sen. Mike Lee	Facebook	Policy statements, allows user comments
All of the above are also on Twitter.		

#### (4) Current Use of Social Media by Utah's Court System

The Administrative Office of the Courts presently uses the following social media tools to communicate with Utah State Court audiences, including the media, court users (such as attorneys and self-represented litigants) students and the public.

**Facebook.** The court's Facebook profile was created in September 2009. The page is used to post information about court events and happenings, judicial vacancies and appointments, and public education information. As of November 2011, the site had 700 "friends." Comments are not enabled and there is no opportunity for conversations between the court and friends.

**Twitter.** The court's Twitter account was created in September 2009. The account is used primarily to post information about high-profile cases. Followers are limited primarily to members of the media; however, there are also public information officers from other courts, judges, TCE's, and a few others with an interest in following the tweets. As of November 2011, the site had 165 followers.

**YouTube.** The court's YouTube channel was created in August 2010. The channel includes presentations produced by the court and the State Law Library. The

current videos include jury orientation, courtroom etiquette, the rights of criminal defendants, guardianship, small claims, collecting a judgment, landlord-tenant issues and child welfare mediation. Recently a State of the Judiciary Address and Constitution Day Celebration videos were added. As of November 2011, there were nearly 1500 views.

**Appellate Courts.** The Utah Supreme Court began audio streaming oral arguments in February 2004. In October 2005, the Utah Court of Appeals began audio streaming oral arguments. Audio streaming is accessible via the court's website at <http://www.utcourts.gov/courts/sup/streams> and <http://www.utcourts.gov/courts/appell/streams>

The **Utah State Law Library** also uses a Facebook page and blog to communicate with patrons and to provide information about court resources. The library's Facebook page has 200 "likes" and the blog averages more than 700 visitors each month.

### **(5) Reasons for Establishing a More Robust Social Media Presence**

**Promoting positive public opinion and transparency.** Many governmental entities are using social media to help explain and discuss reasons behind actions and decisions and to promote mechanisms for appropriate feedback. This connection creates a more accessible government and better understanding about how the courts work.

**Promoting understanding and public trust and confidence in the judicial branch.** Traditionally, the most important influence on the public's understanding and opinion of the judicial system has been the news media. The media's long-standing role is in significant decline. Emerging new media have the potential to have a greater impact on how the public receives information and understands the world. More people get news and information from a wide range of new and emerging media and rely on those sources to form their opinions. Governments at all levels are starting to experiment with many of these technologies in the hope that their collaboration can transform the relationships between governmental entities and their constituents.<sup>9</sup>

**Mitigating negative public opinion.** Governments should create their own social media presence to pre-empt someone else from creating an unofficial or "fake" presence.<sup>10</sup>

An official social media presence allows government agencies to provide accurate information. The judiciary will be better able to respond to negative or inaccurate information about judges on the Web in judicial retention elections. The state's printed voter information pamphlet setting forth the results of the Judicial Council's performance

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<sup>9</sup> The National Association for Court Management's Media Guide for Today's Court, "Putting Social Media to Work for the Court," authored by Chris Davey, Director of Public Information, The Supreme Court of Ohio and Treasurer, The Conference of Court Public Information Officers

<sup>10</sup> Story by ABC4's Chris Vanocur, [http://www.abc4.com/content/news/state/story/More-fake-Twitter-pages-of-Utah-politicians-now/d\\_O9RSPp00WRqfbNQp7Crg.csp?rss=1451](http://www.abc4.com/content/news/state/story/More-fake-Twitter-pages-of-Utah-politicians-now/d_O9RSPp00WRqfbNQp7Crg.csp?rss=1451).

evaluation of judges now competes with an ever growing number of online judge evaluation sites, which are primarily a forum for disgruntled litigants. We live in an era of search and “reputation by Google.” The judiciary must recognize that public opinion is shaped through social media and must be fully engaged in this arena.

**Obtaining appropriate feedback and input.** Social media's usefulness as a communication tool goes beyond just a one-way means of informing the public. The convenience and instantaneous nature of it offers an excellent way to receive public comment, concerns, and feedback. Its flexibility allows moderating the publicly generated content actually published to maintain appropriate and ethical decorum on any court website. Its often anonymous nature may provide candid input that some members of the public or the Bar might otherwise be hesitant to provide. By soliciting and establishing a forum for public input, we advance the goals of transparency and public confidence discussed above. While substantive input on specific pending cases would not be appropriately received in this way, litigants' perception of procedural justice could be enhanced by providing a forum for both positive and negative comments about their experiences with the courts. Legitimate comments might concern the mundane (e.g. concerns about parking, or cafeteria food), practical (I waited too long in security, or for court to begin) or the process itself (the opposing attorney was rude, the judge wouldn't listen to me, or your forms are confusing). The courts regularly solicit public input regarding how the courts are fulfilling their mission. Social media provides an inexpensive, obvious and convenient way of both soliciting and publishing that input.

#### **(6) Prospective Use of Social Media by the Utah State Courts**

As referenced in *Future Trends in State Courts 2011*, the courts must decide not *if* to use social media, but *when*, and to what degree. Utah courts should use social media in a more robust way to inform public opinion. This will require the judiciary to commit additional resources to the effort.

In recent years, news has become an increasingly two-way conversation. The challenge for the courts is to keep accurate information in the public forum and help educate citizens and the media about how the courts work. Despite all of its pitfalls, social media offers the tremendous benefit of reaching an audience that may not typically read about the courts. Social media use skews to a younger audience, which creates a great opportunity to inform and educate this population about how the legal system works. Instead of relying solely on journalists to disseminate information about the judicial branch, courts can employ social media to make their own news.<sup>11</sup>

Social media can be used in the ongoing challenge to build public trust and confidence in the court system. Posting a welcome from the presiding judge on our YouTube channel or having a judge explain a court procedure not only helps educate viewers, but

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<sup>11</sup>Laura Click, *Future Trends in State Courts: From Sketch Pads to Smart Phones: How Social Media Has Changed Coverage of the Judiciary*, <http://www.ncsc.org/sitecore/content/microsites/future-trends/home> (visited November 22, 2011).

also puts a face on judges who often are seen as shielded and inaccessible. There are numerous examples throughout the country where judges blog on a variety of court-related topics. The California state court system features regular videos of judges talking about topics ranging from jury service to the concept of judicial independence on their YouTube channel.

One of the most obvious changes that social media has created in media coverage is the rapid pace at which information is disseminated. Twitter is an indispensable tool to communicate quickly with the public and the media, especially in a crisis situation where events change rapidly.

Using social media to support self-represented litigants may be a new trend for courts, but educating self-represented litigants about the legal system is not.<sup>12</sup> The use of Twitter as an online help desk, especially for self-represented litigants is a viable use of this social media tool.

Posting content and responding to questions and comments requires someone who has knowledge of court policies, who can be trusted to represent the court in a professional manner, and who understands the needs of self-represented litigants.

#### **(7) General Recommendations**

- a. Integrate social media and other emerging communications platforms into existing and future court functions and programs as appropriate for the purpose of fostering transparency and promoting public trust and understanding of the judicial system.
- b. Emphasize the development of tools and applications to make court information easily accessible by the public and the media through mobile devices.
- c. Educate judges and court staff about the appropriate use of social media.

#### **(8) Specific Recommendations**

- a. Post educational videos on video sharing sites to educate and inform the public about the courts and how they operate.
- b. Add social media monitoring to existing media monitoring activities for stories and commentary about the courts and judges. Use Twitter to disseminate information to the media.
- c. Create apps or mobile-friendly web pages to enhance access to court dockets, court calendaring, hearings, court website and other information.

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<sup>12</sup>Katherine Barlow and Joyce Raby, Future Trends in State Courts: Using Social Media to Support Self-Represented Litigants and Increase Access to Justice, <http://www.ncsc.org/sitecore/content/microsites/future-trends/home> (visited November 22, 2011)..



- d. Provide video or live Internet streaming of Judicial Council meetings on the Judiciary's website.
- e. Expand access to wireless networks in court facilities to allow the media and the public to use mobile devices.
- f. Explore a pilot program for judges interested in having an electronic bench book to facilitate dissemination to various audiences.

APPENDIX A

NCSC New Media State List

State Supreme Courts and ADCs Using New Media (As of April 22, 2011)											
	Facebook			Twitter			YouTube			Notes	
	Using	n of Fans	First Post	Using	n of Followers	First Tweet	Using	Upload Views	Joined Date		n of Videos
Arizona				✓	103	9/29/2010					Supreme Court
California				✓	939	1/22/2010	✓	18754	1/22/2009	23	Judicial Branch
District of Columbia	✓	93	9/30/2010	✓	499	9/24/2009					Superior Court and Court of Appeals
Florida				✓	942	4/5/2010					
Georgia	✓	46	2/12/2009	✓	28	1/12/2010					ALL
Hawaii	✓	296	1/2/2010	✓	531	1/5/2010					State Judiciary
Illinois				✓	1,551	6/14/2009					Supreme Court
Indiana				✓	603	11/18/2009	✓	139,800	9/11/2008	129	Supreme Court
Kentucky	✓	439	2/2/2010	✓	98	2/21/2010					Judicial Branch
Michigan				✓	140	6/24/2009					Supreme Court PIO
New Hampshire				✓	80	1/25/2009					
New Jersey	✓	1755	6/1/2009	✓	1250	5/27/2009	✓	30,327	3/17/2009	13	Judicial Branch
Ohio				✓	226	2/18/2009					Supreme Court PIO
Tennessee				✓	1402	5/12/2009					Supreme Court PIO
Utah	✓	487	5/1/2009	✓	124	5/1/2009	✓	70	8/15/2010	8	Judicial Branch
West Virginia				✓	96	10/1/2010					Supreme Court

## APPENDIX B

### List of Utah Agencies Using Facebook

Attorney General  
Be Ready Utah  
Bear Lake State Park  
Camp Floyd / Stagecoach Inn State Park and Museums  
Clear the Air Challenge  
Department of Agriculture and Food  
Department of Natural Resources  
Department of Workforce Services - Bear River Area  
Division of Wildlife Resources (DWR)  
Envision Utah  
GEW Utah  
Governor Herbert  
Healthy Utah  
Heart - Healthiest 2010  
Lt. Governor Greg Bell  
Meals on Wheels Utah  
Parents Empowered  
Pete Suazo Utah Athletic Foundation  
Relay Utah  
State of Utah  
TravelWise Utah  
UDOT  
Unified Fire Authority  
Utah Act Early  
Utah Air National Guard  
Utah AMBER Alert  
Utah Archives Month  
Utah Arthritis Program  
Utah Commission on Volunteers  
Utah Council for Citizen Diplomacy  
Utah Department of Public Safety  
Utah Department of Workforce Services  
Utah Department of Workforce Services Director, Kristen Cox  
Utah Diabetes Program  
Utah Driver License Division  
Utah Envirothon  
Utah Film Commission  
Utah Fire  
Utah Fire and Rescue Academy  
Utah Flu Fighters  
Utah Geological Survey  
Utah Health Department - Utah Asthma Program  
Utah Highway Safety  
Utah Highway Safety Office  
Utah National Guard  
Utah of Natural History  
Utah Public Art Program  
Utah Science Technology and Research Initiative  
Utah State Capitol  
Utah State Courts  
Utah State Fair  
Utah State Law Library  
Utah State Parks and Recreation  
Utah State Senate  
Utah Task Force 1  
Utah TeleHealth Network  
Utah Travel Council  
Utah's Own  
VIPP Program (Health)

# TAB 9

# Utah Court of Appeals

Chambers of  
Judge Carolyn B. McHugh

450 South State Street  
Salt Lake City, Utah 84114 - 0230  
(801) 578-3950  
FAX (801) 238-7981

January 18, 2012

Chief Justice Christine M. Durham  
Chairperson, Utah Judicial Council  
Matheson Courthouse, 450 South State Street  
Salt Lake City, Utah 84111

Re: Recommendation of the Standing Committee on Technology to Utilize Goggle Apps, a Cloud-Hosted eMail System

Dear Chief Justice Durham:

At its January 11, 2012 meeting, the Standing Committee on Technology unanimously approved a motion requesting that the Judicial Council authorize the IT Division to migrate the court eMail system from GroupWise to the Google Apps cloud-hosted e-mail. As the Chairperson of the Committee, I ask that the Council act favorably on this request.

This software option became available when the State of Utah entered into state purchasing contract AR 143 with Tempus Nova and Google, Inc. The agreement established a government pricing schedule for Google Apps that may be executed by any state or local government entity. As a result, the Technology Committee established a sub-committee chaired by Justice Thomas Lee that examined the costs and benefits of taking advantage of the state contract with Tempus Nova. Based on the sub-committee report, the full Committee voted to recommend that the courts migrate from GroupWise to the Google Apps cloud-hosted eMail system.

Although the annual cost of Google Apps is expected to be approximately \$20,000.00 more than GroupWise, the Committee concluded that the benefits outweighed that added cost. These benefits include additional services for voice, video, collaboration, smart device synchronization, and application interfaces that GroupWise does not provide. In addition, data storage, server and software maintenance, real-time failover, and backup and recovery support will be provided by Google. This relieves the IT Division of those responsibilities, allowing it to recover hardware and storage

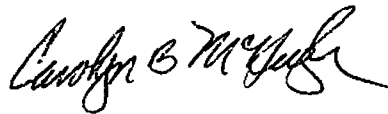
and to avoid additional hardware and maintenance costs. In addition to the on-going cost, there will be a one-time cost of approximately \$17,750.00 to convert from the GroupWise e-mail system to Google. Overall, the Committee was convinced that the added expense was justified by the increased flexibility of the Google Apps system, as well as the reduced burden on the courts' IT Division.

The Committee was also satisfied that security and confidentiality are protected with this software as a Service option. All eMail messages will be stored on servers located within the United States, all messages are encrypted as they traverse the Internet, and all messages are encrypted when stored on the cloud servers.

The Committee's final consideration was the ability to implement the court's eMail retention policy. The Committee is confident that the IT Division will be able to configure the Google Apps system to comply with the retention policy.

Based on the foregoing, I respectfully request that the Judicial Council to authorize the IT Division to migrate the court's e-mail system from GroupWise to Google Apps as soon as is practical.

Sincerely,



Carolyn B. McHugh  
Presiding Judge,  
Utah Court of Appeals

✓c: Jody Gonzales  
Ron Bowmaster

# TAB 10

# Utah Court of Appeals

Chambers of  
Judge Carolyn B. McHugh

450 South State Street  
Salt Lake City, Utah 84114 - 0230  
(801) 578-3950  
FAX (801) 238-7981

January 18, 2012

Chief Justice Christine M. Durham  
Chairperson, Utah Judicial Council  
Matheson Courthouse, 450 South State Street  
Salt Lake City, Utah 84111

Re: Recommendation of the Standing Committee on Technology to Extend Its  
Operational Authority for an Additional Four Years.

Dear Chief Justice Durham:

By rule, the authority for the operation of the Standing Committee on Technology is scheduled to expire on June 30, 2012. At its January 11, 2012 meeting, the Committee unanimously adopted a motion to request that the Judicial Council extend the operational authority of the Committee for an additional four years.

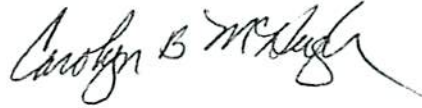
The Technology Committee assists the Judicial Council in developing the state courts' strategic objectives concerning information technology and oversees the tactical implementation of projects designed to advance those objectives. In the last four years, the Committee has recommended and, upon approval of the Council, then implemented technological changes that have moved the state courts closer to these strategic goals. These projects include the recognition by rule of an electronic court record, the creation of an electronic mail retention policy, the expansion of electronic filing, the adoption of a digital audio record, the restructuring of the transcript process, the adoption of video conference capability, the conversion of Justice Courts to a single computing system, and most recently a recommendation to change the court's electronic Email system.

In the next four years, the role of technology will become increasingly important as the state courts evolve to a fully-electronic records system. Accordingly, I ask that



the Judicial Council act favorably on the request to extend the authority of the Standing Committee on Technology.

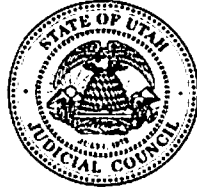
Sincerely,



Carolyn B. McHugh  
Presiding Judge,  
Utah Court of Appeals

✓c: Jody Gonzales  
Ron Bowmaster

# TAB 11



# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

February 23, 2012

Daniel J. Becker  
State Court Administrator  
Ray Wahl  
Deputy Court Administrator

## MEMORANDUM

**TO: Judicial Council**

**FROM: Mark Bedel, District Court Program Administrator**

**RE: District Court representative – Judicial Council Education Standing Committee**

---

There is a vacancy on the Education Standing Committee of the Judicial Council. The Council requested the Board of District Court Judges to make recommendations, in order of priority, for district judges to fill the position. Under the rule, this position must be filled by a judge from Judicial Districts 1, 5, 6, 7, or 8.

The Board recommends the following judges in the listed priority:

1. Judge Ben Hadfield, 1st district, is currently chairing the Domestic Case Study Committee of the Board of District Court Judges.
2. Judge Marvin Bagley, 6th district associate presiding Judge, currently serves on the Uniform Fine and Bail Schedule Committee.

The Management Committee recommends Judge Ben Hadfield be appointed to the Education Standing Committee.

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



## Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

February 23, 2012

Daniel J. Becker  
State Court Administrator  
Ray Wahl  
Deputy Court Administrator

### MEMORANDUM

**TO: Judicial Council**

**FROM: Mark Bedel, District Court Program Administrator**

**RE: Appointment of Justice Court representatives for the Uniform Fine and Bail Schedule Standing Committee of the Judicial Council**

---

There are two vacancies for Justice Court Judges on the Uniform Fine and Bail Schedule Standing Committee of the Judicial Council. The Council requested the Board of Justice Court Judges to make recommendations for justice court judges to fill the positions.

The Board of Justice Court Judges decided to recommend the following judges for the Judicial Council's consideration to serve on the Uniform Fine and Bail Schedule Standing Committee of the Judicial Council:

(Listed in priority order)

1. Judge Augustus Chin, Holladay-Cottonwood Heights. Judge Chin currently serves on the Justice Court Standards Committee and the Supreme Court's Advisory Committee on Professionalism.
2. Judge Scott Cullimore, Utah County.
3. Judge L. G. Cutler, Salt Lake City.
4. Judge David Miller, Centerville and North Salt Lake.

The Management Committee recommends appointment of Judge Augustus Chin and Judge Scott Cullimore to the Uniform Fine and Bail Schedule Standing Committee.

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

# TAB 12

**Judicial Council Grant Application Proposal  
Code of Judicial Administration 3-411**

**FEDERAL GRANTS**

Contact Person/Phone: Katie Gregory Date: 27-Feb-12

Judicial District or Location: Administrative Office of the Courts

Grant Title Court Improvement Program (CIP) Grant Grantor Children's Bureau (DHHS)

Grant type (check one):  New  Renewal  Revision

Grant Level (check one):  Low  Med  High.  
Under \$1,000,000 \$1,000,000 to \$10,000,000 Over \$10,000,000

Issues to be addressed by the Project: Improvements in delivery of child welfare services and case management in juvenile courts; including training of juvenile judges and child welfare professionals and improvements to systems that collect, share and report child welfare data

Explanation of how the grant funds will contribute toward resolving the issues identified: Funding programs, training, equipment, assessments, computer programming and data collection and analysis.

Fill in the chart(s) for estimated state fiscal year expenditures for up to three years:

**Total Funding Sources**

		(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)						
		MATCHING STATE DOLLARS						
	Grant Amount	Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
CASH MATCH								
State Fiscal Year								
FY								\$0
FY								\$0
FY								\$0

		(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)						
		MATCHING STATE DOLLARS						
	Grant Amount	Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
IN-KIND MATCH								
State Fiscal Year								
FY 12-14 (Basic)	\$173,912		\$57,971					\$231,883
FY12-14 (Training)	\$148,092		\$49,364					\$197,456
FY12-14 (Data)	\$151,441		\$50,480					\$201,921

Comments The Children's Bureau combined 3 CIP grants into one application. The combined request is \$473,445 with an in-kind match of \$157,815.

Will additional state funding be required to maintain or continue this program or its infrastructure when this grant expires or is reduced? Yes  No  If yes, explain:

Will the funds to continue this program come from within your existing budget: Yes  No  N/A

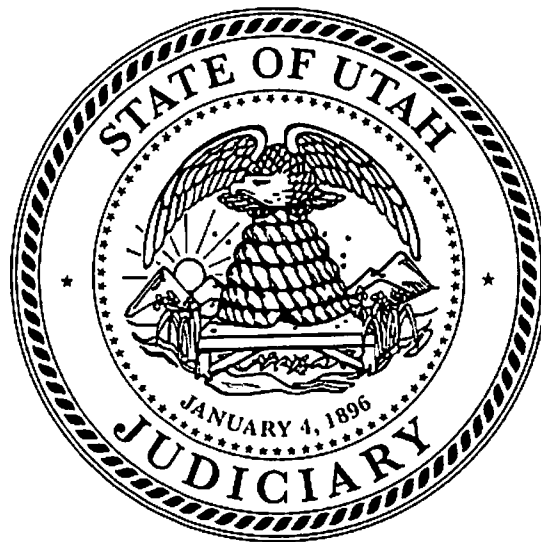
How many additional permanent FTEs are required for the grant? 0 Temp FTEs: 2

This proposal has been reviewed and approved by the following:  
 The court executives and judges in the affected district(s)  
 The Grant Coordinator and the Budget Manager at the Administrative Office of the Courts.  
 The affected Board(s) of Judges.

Approved by the Judicial Council \_\_\_\_\_ by \_\_\_\_\_  
 Date \_\_\_\_\_ Court Administrator

Copy forwarded to Legislative Fiscal Analyst \_\_\_\_\_  
 date \_\_\_\_\_

**Utah Court Improvement Program**  
Grant Application  
February 29, 2012



**Administrative Office of the Courts**  
450 South State Street  
PO Box 140241  
Salt Lake City, UT 84114

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# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chief, Utah Judicial Council

Daniel J. Becker  
State Court Administrator  
Raymond H. Wohl  
Deputy Court Administrator

February 29, 2012

Tim Koehn  
United States Department of Health and Human Services  
Administration for Children and Families  
999 18<sup>th</sup> Street  
South Terrace, Suite 499  
Denver, CO 80202

Dear Mr. Koehn:

Enclosed is the application of the Utah State Courts for the FY 2012 Court Improvement Program Grants pursuant to the terms and conditions of federal Program Instruction ACYF-CB-P1-12-02, issued on January 11, 2012. The Utah State Courts requests funding for the following three grants in the amounts designated: Basic Grant (\$173,912); Training Grant (\$148,092) and Data Collection and Analysis Grant (\$151,441).

Pursuant to Section III, paragraph 2 of the Program Instruction, the Utah State Courts makes the following assurances:

1. At least one representative per each CIP grant received will attend the annual CIP Grantee Meeting each year funding is received.
2. Utah law requires that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding held with respect to the child and are afforded the right to be heard. (See U.C.A. Section 78A-6-317, formerly Section 78-3a-314). The 2007 CIP Program Instruction required that states either implement a rule or provide a letter from their Chief Justice mandating that lower courts ensure that the required notice is provided. Attached is a copy of the July 27, 2007 letter from Chief Justice Christine Durham to all Utah juvenile judges requesting they insure compliance with the statutory notice requirement.

This grant application has been approved by the Utah Judicial Council and has the full and ongoing support of the Administrative Office of the Utah State Courts. If you have any questions

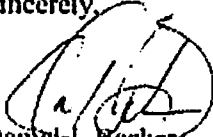
The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.

450 South State Street • P.O. Box 110241 • Salt Lake City, UT 84114-0241 • 801-578-3800 • FAX: 801-578-3843

T. Koehn  
February 29, 2012  
Page 2

or concerns regarding the enclosed grant application, please feel free to contact Katie Gregory,  
Utah's Court Improvement Program Director, at (801) 578-3929.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. Becker", written over a circular stamp or seal.

Daniel J. Becker  
State Court Administrator



Chambers of  
Chief Justice Christine M. Durham

## Supreme Court of Utah

450 South State Street  
P.O. Box 140210  
Salt Lake City, Utah 84114-0210  
Telephone (801) 238-7045  
Fax (801) 238-7980

July 27, 2007

Dear Juvenile Court Judges:

Each year Utah's juvenile courts receive federal grant funding from the Court Improvement Program ("CIP"). The federal government designates these funds for use by states to improve child welfare related court activities. In passing the Safe and Timely Placement of Children Act of 2006, Congress placed additional requirements on states wishing to apply for ongoing CIP funding. These requirements are detailed in the attached memorandum from Katie Gregory, Utah's CIP Grant Coordinator, and include the necessity of some sort of "mandate" from the Chief Justice for compliance.

I fully endorse the approach set out in Katie's memorandum, and urge you to exercise your judicial leadership and authority to ensure that the appropriate parties are providing notice of court proceedings as she has explained and pursuant to § 78-3A-314(1). I am sure you require no reminder, but it is important for me to meet my obligation under the grant. I commend your dedication to improving the lives of children and extend my sincere appreciation for the work you do on behalf of the children and families served by Utah's Juvenile Courts.

Sincerely,

Christine M. Durham  
Chief Justice, Utah Supreme Court

# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

July 27, 2007

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator

Dear Juvenile Court Judges:

As coordinator for Utah's Court Improvement Program ("CIP") I would like to make you aware of a new grant requirement, which I have discussed with Chief Justice Durham. In July, 2006, Congress passed Public Law 109-239, the Safe and Timely Placement of Foster Children Act of 2006, and amended section 438 of the Social Security Act to place additional requirements on states receiving CIP funding. To continue receiving CIP funding, States must do the following:

- 1) implement a court rule requiring that all foster parents, pre-adoptive parents, and relative care givers of children in foster care receive notice of any proceedings held with respect to the child; and
- 2) provide these individuals a right to be heard at such hearings or proceedings.

In response to this federal legislation, the Utah legislature amended UCA 78-3a-314(1) to include these requirements during the 2007 legislative session. However, in a recent Program Instruction issued by the Administration for Children and Families of the United States Department of Health and Human Services, state courts receiving CIP funding have been asked to take additional steps to ensure compliance with the new law. The Program Instruction states as follows:

"The highest State court in each State must issue a mandate to lower courts requiring them to ensure that notice of court proceedings (i.e., permanency hearings and periodic reviews, if held by the court) is being provided consistent with section 438 of the Act. The highest State court may determine the appropriate format for the mandate. Some States may choose to enact court rules. Other States may issue a letter from the Chief Justice to all State courts that conduct the relevant proceedings.

Although the highest State court must ensure that such notice is taking place, the courts themselves are not required by section 438(b)(1) to issue the notices. Therefore, the State child welfare agency and the court may continue their notice procedures consistent with a preexisting title IV-E requirement in section 475(5)(G) of the Act. . . , provided that the requirement of section 438(b)(1) is met. The court is encouraged to collaborate closely with the State child welfare agency to ensure that there is an effective mechanism for notice and that there is follow-up to ensure that it is taking place."

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.

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Juvenile Court Judges  
July 27, 2007

Chief Justice Durham has chosen to issue a letter to you in lieu of enacting additional court rules regarding notice. If you have any questions concerning her attached letter or the notice requirements contained in UCA 78-3a-314(1), please feel free to contact me at (801) 578-3929 or [katieg@email.utcourts.gov](mailto:katieg@email.utcourts.gov).

Sincerely,



Katie Gregory  
Assistant Juvenile Court Administrator and  
CIP Grant Coordinator



GARY R. HERBERT  
Governor

GREG BELL  
Lieutenant Governor

DEPARTMENT OF HUMAN SERVICES

PALMER DePAULIS  
Executive Director

Division of Child and Family Services

BRENT PLATT  
Director

February 8, 2012

Tim Koehn  
United States Department of Health and Human Services  
Administration for Children and Families  
999 18<sup>th</sup> Street  
South Terrace, Suite 499  
Denver, CO 80202

Dear Mr. Koehn:

On behalf of the Utah Division of Child and Family Services (DCFS) it is my pleasure to write this letter supporting the FY 2012 application of the Utah State Courts for Court Improvement Program (CIP) funding. I want to assure you that this grant has my full support. DCFS will be an active participant in supporting ongoing collaboration efforts specific to this grant, PIP activities and the Court Improvement process as a whole.

Pursuant to the requirements of Program Instruction ACYF-CB-PI-12-02, DCFS makes additional assurances as follows:

- DCFS will engage in ongoing collaboration with the State court on CIP and PIP activities;
- DCFS will invite and include the State court or its appointed designees to participate in the CFSR, Title IV-E Foster Care Eligibility Review and program improvement processes;
- DCFS will participate in ongoing engagement, consultation and coordination with the State court on the Child and Family Services Plan and the Annual Progress and Services Report as required by 45 CFR 1357.16; and
- DCFS will partner with the State court to provide ongoing administrative data sharing, including AFCARS and SACWIS data..

Thank you for the opportunity to add my support to this collaborative program. Please feel free to contact me if you have need for further information. I can be reached at 801-368-5122.

Sincerely,

Brent Platt, Director  
Division of Child and Family Services

## Grant Request

Through this application, Utah's Court Improvement Program (CIP) formally requests funding for the CIP Basic, Training and Data Collection & Analysis Grants. The request for all three grants is made to support the following seven outcomes identified during the strategic planning process.

1. Electronic solutions for data collection and juvenile court case management of child welfare cases will be explored and/or enhanced to: 1) develop specific timeliness measures to assist the juvenile court in tracking and assessing compliance with federally required timelines; 2) automate existing paper processes such as form orders; and 3) expand existing use of electronic warrants.
2. Families will be engaged in the court process.
3. Meaningful and ongoing collaboration will be established between state and tribal courts through access to information and ICWA compliance.
4. Foster parents and older youth will have access to information regarding upcoming hearings.
5. The State court will participate in the CFSR and Title IV-E foster care eligibility review process.
6. Trainings will be used to support meaningful and ongoing collaboration among the courts in the State, the Title IV-B/IV-E agency and the tribes, to meet the specific training needs of participants, and to support Continuous Quality Improvement.
7. Support and service delivery systems will be developed to help youth set and attain educational goals, navigate the education system, and increase academic achievement and advancement.

While some activities tie exclusively to one grant funding stream, most outcomes require combinations of all three funding streams. To successfully complete each outcome a comprehensive, coordinated approach is required and each grant plays an essential role. Specific descriptions of activities and their accompanying funding stream are contained in the strategic plan section of this grant application.

## Application Process

The Utah State Courts are a statewide, unified system with a dedicated juvenile court. Utah has 29 juvenile court judges and 1.5 commissioners serving eight court districts. Judges are appointed by the Governor to serve on the juvenile court and do not rotate to other court levels. Utah's juvenile courts utilize the practice of one family, one judge in the majority of both dependency and delinquency cases. Utah's Court Improvement Program (CIP) is at the core of its collaborative effort. The Utah CIP has been in existence since 1993 and by delegation of the Utah Supreme Court is currently chaired by the Hon. Kay A. Lindsay, a juvenile court judge from Utah's Fourth District Juvenile Court. Utah's CIP is directed by Katie Gregory, the Assistant Juvenile Court Administrator over Child Welfare. The CIP Data and Training Grants are managed by Misty Butler, CIP Project Coordinator.

Utah's Court Improvement Program Committee serves as its statewide multidisciplinary task force and meets at least once a quarter.

### Court Improvement Program Committee

**Hon. Kay A. Lindsay**  
Utah State Courts  
4<sup>th</sup> District Juvenile Court Judge  
CIP Committee Chair

**Martha Pierce**  
Office of the Guardian ad Litem  
Guardian ad Litem

**Hon. Mark Andrus**  
Utah State Courts  
2<sup>nd</sup> District Juvenile Court Judge

**Brent Platt**  
Division of Child and Family Services  
Director

**Misty Butler**  
Utah State Courts  
CIP Project Coordinator

**Hon. Debra Ridley**  
Ute Tribe  
Ute Tribal Juvenile Judge

**Lisa-Michele Church**  
Utah State Courts  
Juvenile Court Administrator

**Mike Scholl**  
Casey Family Programs  
Senior Director

**Hon. Christine Decker**  
Utah State Courts  
3<sup>rd</sup> District Juvenile Court Judge  
NCJFCJ Model Court Lead Judge

**Sharon Sipes**  
Parental Defense Alliance of Utah  
Parent Defense Counsel



**Katie Gregory**  
Utah State Courts  
Assistant Juvenile Court Administrator  
CIP Director

**Brent Kelsey**  
Utah Division of Substance Abuse & Mental  
Health  
Deputy Director

**Lisa Lokken**  
Law Office of Lokken and Associates  
Parent Defense Counsel

**Hon. Julie Lund**  
Utah State Courts  
3rd District Juvenile Judge

**Hon. Sharon McCully**  
Utah State Courts  
3rd District Juvenile Court Judge (ret.)

**Daryl Melton**  
Foster Parent

**Hon. Mary Noonan**  
Utah State Courts  
4th District Juvenile Court Judge

**Jim Peters**  
Utah State Courts  
4th District Juvenile Court  
Trial Court Executive

**Bob Smith**  
Utah Attorney General's Office  
Division Chief- Child Protection

**Rick Smith**  
Office of the Guardian ad Litem  
Director

**Hon. Larry A. Steele**  
Utah State Courts  
8th District Juvenile Court Judge

**Hon. William Thorne**  
Utah State Courts  
Utah Court of Appeals

**Laurieann Thorpe**  
Utah Department of Health and Human  
Services  
Education Liaison

**Doug Thomas**  
Utah Division of Substance Abuse & Mental  
Health  
Deputy Director

**Carol Verdoia**  
Utah Attorney General's Office  
Assistant Attorney General

The executive steering committee for Utah's CIP is the Statewide Table of Six. The Table of Six typically meets once a quarter unless necessity requires members to meet more frequently.

**Table of Six**

**Hon. Kay A. Lindsay**  
Utah State Courts  
4<sup>th</sup> District Juvenile Court Judge  
CIP Committee Chair

**Brent Platt**  
Division of Child and Family Services  
Director

**Lisa-Michele Church**  
Utah State Courts  
Juvenile Court Administrator

**Rick Smith**  
Office of the Guardian ad Litem  
Director

**Bob Smith**  
Utah Attorney General's Office  
Division Chief- Child Protection

**Lisa Lokken**  
Parent Defense Counsel  
Law Office of Lokken and Associates

**Katie Gregory**  
Utah State Courts  
Assistant Juvenile Court Administrator  
CIP Director

**Misty Butler**  
Utah State Courts  
CIP Project Coordinator

The Statewide Table of Six has primary responsibility for the development and maintenance of the strategic plan. To prepare this grant application, members began a series of targeted strategic planning sessions beginning in the summer of 2011. Although Utah's CIP has always worked towards measuring success, these planning sessions were different in that they were specifically focused on using data to identify, inform and systematically monitor the implementation and results of programs and interventions.

Drafts of the strategic plan and correlating budgets were presented to the Court Improvement Program Committee in January 2012. The strategic plan and budgets were approved and will become the work plan for all CIP related activities pursuant to this grant application. The strategic plan will become a living document and will be adjusted to ensure continuous quality improvement.

## Meaningful and Ongoing Collaboration

Utah's CIP understands that collaboration should result in institutional and infrastructural changes that lead to measurably improved outcomes for the children and families the State is serving. Utah's CIP has a history of building collaboration with diverse stakeholders and community partners. With experience that measurable results and systemic change are not achieved in isolation, Utah's CIP seeks to include diverse views in its work. Therefore, in addition to the Court Improvement Committee and the Statewide Table of Six, Utah's CIP supports four additional committees that advance collaboration among system partners implementing CIP outcomes.

### 1. Initiative on Utah Children in Foster Care

Utah's CIP has expanded its influence and collaboration into the wider Utah community through the Initiative on Utah Children in Foster Care (IOU). IOU is chaired by the Honorable Christine M. Durham, Chief Justice of the Utah Supreme Court. IOU builds collaboration between all branches of Utah government and other key participants in the child welfare system, including leaders of the business, education, religious and charitable community. The approximately twenty-five members were selected for their ability to influence policy and obtain accountability on issues affecting Utah's child welfare system.

#### Initiative on Utah Children in Foster Care

**Hon. Christine Durham**  
Chief Justice, Utah Supreme Court  
IOU Chairperson

**Karen Crompton**  
Voices for Utah Children  
Executive Director

**Pamela Atkinson**  
Community Advocate

**Judge Christine Decker**  
Third District Juvenile Court  
Juvenile Court Judge

**Tani Downing**  
Utah Division of Risk Management  
State Risk Manager

**Professor David Groot**  
University of Utah  
School of Social Work

**Martin Bates**  
Granite School District  
Superintendent

**Palmer DePaulis**  
Utah Department of Human Services  
Executive Director

**Daniel Becker**  
Utah State Courts Administrator

**Jean Hill**  
Catholic Diocese of Salt Lake City

**Court Administrator**

**Lori N. Cerar**  
Allies with Families  
Executive Director

**Lisa-Michele Church**  
Utah State Courts  
Juvenile Court Administrator

**Lisa McDonald**  
Christmas Box House International  
Executive Director

**Mark Shurtleff**  
State of Utah  
Attorney General  
(Designee Robert Smith, Jr.)

**Thomas Metcalf, M.D.**  
Pediatrician (retired)

**Kelly Peterson**  
Executive Director  
Utah Foster Care Foundation

**Larry Shumway**  
Utah Superintendent of Public Instruction  
(Designee: Marty Kelly)

**James Whitaker**  
Director, Central Region and Operations  
Department of Workforce Services

**Katie Gregory**  
Assistant Juvenile Court Administrator  
IOU Committee Staff

**Diocesan Government Liaison**

**Hon. Kay A. Lindsay**  
Fourth District Juvenile Court Judge  
Chair, Court Improvement Committee

**Hon. Sharon P. McCully**  
Third District Juvenile Court  
Juvenile Court Judge (retired)

**Lana Stohl**  
Utah Division of Substance Abuse & Mental  
Health  
Director

**Hon. William Thorne, Jr.**  
Utah Court of Appeals Judge  
Member, Pew Commission on Children in  
Foster Care

**Elder Merrill J. Bateman**  
Church of Jesus Christ of Latter-Day Saints

**Brent Platt**  
Director  
Utah Division of Child and Family Services

**Ray Wahl**  
Deputy State Court Administrator  
Utah State Courts

**Floyd Wyasket**  
Director, Ute Tribe Social Services

**2. CARE/SAFE Interface Workgroup**

In 2007, a project coordinator was hired through the CIP Data Collection and Analysis grant to coordinate the design and build of the CARE/SAFE interface. The coordinator formed and manages the Interface Workgroup, which oversees the design work and policy issues relating to interfacing the two systems. The Interface Workgroup is

comprised of professional partners with the skills needed to complete interface related projects.

**CIP Interface Workgroup**

**Misty Butler**  
CIP Project Coordinator  
Interface Workgroup Chair

**Douglas Call**  
Division of Child and Family Services  
Information Analyst

**Penny Rainaldi**  
Administrative Office of the Courts  
Programmer Analyst

**Kent Karren**  
Division of Juvenile Justice Services  
Information Analyst

**Navina Forsythe**  
Division of Child and Family Services  
Information Director

**Rick Smith**  
Office of the Guardian ad Litem  
Director

**Carol Verdoia**  
AG's Child Protection Division  
Assistant Attorney General

**Brody Arishita**  
Administrative Office of the Courts  
Lead CARE Programmer

**Wade Owen**  
Department of Technology Services  
Business Analyst

**Katie Gregory**  
Assistant Juvenile Court Administrator  
CIP Director

**3. Training Steering Committee**

The CIP Training Steering Committee was created in January of 2008. The Steering Committee, under the direction of the overall CIP Committee and Statewide Table of Six, is responsible for planning and implementing all training strategies. The Committee is chaired by the Program Coordinator for the CIP Training Grant.

**CIP Training Steering Committee**

**Misty Butler**  
CIP Project Coordinator  
Chair, Training Steering Committee

**Craig Bunnell**  
Guardian ad Litem's Office  
Training Coordinator

**Bob Smith**  
AG's Child Protection Division  
Division Chief

**Sharon Sipes**  
Training Coordinator  
Parental Defense Alliance of Utah

**Katy Larsen**  
Division of Child and Family Services  
Training Coordinator

**Hon. Julie Lund**  
3<sup>rd</sup> District Juvenile Court  
Juvenile Court Judge

#### 4. Utah Tribe Child Welfare Collaboration Committee

State courts are required to demonstrate meaningful, ongoing collaboration between the courts, the child welfare agency and Indian tribes. Utah's CIP has taken a great interest in collaborating with Utah's tribes and formed the Utah Tribe Child Welfare Collaboration Committee to work towards improved outcomes for tribal children in state's care. The majority of its focus has been on building healthy relationships between the tribes and state agencies. The Committee meets monthly and has committed to hold an annual Indian Child Welfare Conference. It also plans to assess ICWA compliance and improve tribe access to case information.

#### Child Welfare Tribe Collaboration Committee

**Hon. William Thorne**  
Utah Court of Appeals  
Committee Chair

**Misty Butler**  
Utah State Courts  
CIP Project Coordinator

**Floyd Wyasket**  
Ute Tribe  
Social Services Director

**Rodger Williams**  
Division of Child and Family Services  
ICWA Program Specialist

**Brent Platt**  
Division of Child and Family Services  
Director

**Cole Christensen**  
Division of Child and Family Services  
Program Manager

**Donna Russell**  
Office of the Public Guardian  
Director

**Hon. Larry A. Steele**  
Utah State Courts  
8<sup>th</sup> District Juvenile Court Judge

**Mike Hamblin**  
Foster Care Foundation  
Program Manager

**Hon. Debra Ridley**  
Ute Tribe  
Ute Tribal Juvenile Judge

**Quanah Powaukee**  
Ute Tribe  
Social Service Worker

**Hon. Sharon P. McCully**  
Third District Juvenile Court  
Juvenile Court Judge (retired)

**Sheldon Spotted Elk**  
Utah Legal Services  
Tribe Guardian ad Litem

**Timothy Koehn**  
ACF- Children's Bureau  
Child Welfare Specialist

**Tyler Goddard**  
Paiute Nation  
Social Services Manager

**Mike Scholl**  
Casey Family Programs  
Senior Director

## Continuous Quality Improvement

Each major activity of the strategic plan has been designed to support continuous quality improvement efforts. Data will be used to identify the extent of the issue, target areas of needed improvement, and then determine the effectiveness of these changes. This will be accomplished using a number of different approaches that apply specifically to the area or outcome being measured.

For example, in order to improve court timeliness on child welfare measures (Outcome #1), a means of collecting accurate data will be developed and then the data will be used to determine which measures fall below established standards. After using the data to identify specific problem areas, CIP will collaborate with juvenile court judges and agency partners to develop a plan to address the targeted area. The child welfare timeline measures will then be used to determine if the changes were effective, and if so, the data from the child welfare timeline measures will be used to identify further areas of needed improvement. Through this process, the data from the child welfare timeline measures will be used to provide continuous feedback to improve court timeliness.

The effort to provide meaningful quality trainings (Outcome #6) will utilize a similar data-driven approach but with a slightly different set of methods that are more applicable to the outcome area. With this outcome, first, a training needs assessment will be completed to identify the areas where additional training would be most effective. A pre/post evaluation survey of knowledge on the subject will be utilized in addition to a feedback survey on the effectiveness of the training. This information will be used to further target areas of future training, evaluate the effectiveness of the training, and improve the meaningfulness of the training. This ongoing process of assessing training needs, identifying pre/post knowledge changes, and applying feedback on effectiveness will allow CIP to target trainings towards areas of the greatest need and continuously improve the trainings that are provided.

While the approach for implementing continuous quality improvement is based on the type of outcome expected and the process of implementation, each element of the strategic plan utilizes a method of ensuring continuous quality improvement. The strategic plan provides additional detail on how the continuous quality improvement is implemented for each outcome.

## Strategic Plan

Utah submits the following strategic plan that reflects the use of all three grants. The plan incorporates Continuous Quality Improvement and accurately reflects anticipated outcomes, measureable objectives, and use of data and findings. The plan is a living document and will be reviewed, updated, approved, and reported on annually to demonstrate progress towards the identified objectives.

During the collaborative strategic planning process, Utah's Court Improvement Program identified and developed the following seven outcomes it anticipates the State court will achieve:

1. Electronic solutions for data collection and juvenile court case management of child welfare cases will be explored and/or enhanced to:  
1) develop specific timeliness measures to assist the juvenile court in tracking and assessing compliance with federally required timelines; 2) automate existing paper processes such as form orders; and 3) expand existing use of electronic warrants.
2. Families will be engaged in the court process.
3. Meaningful and ongoing collaboration will be established between state and tribal courts through access to information and ICWA compliance.
4. Foster parents and older youth will have access to information regarding upcoming hearings.
5. The State court will participate in the CFSR and Title IV-E foster care eligibility review process.
6. Trainings will be used to support meaningful and ongoing collaboration among the courts in the State, the Title IV-B/IV-E agency and the tribes, to meet the specific training needs of participants, and to support Continuous Quality Improvement.
7. Support and service delivery systems will be developed to help youth set and attain educational goals, navigate the education system, and increase academic achievement and advancement.



Utah's Court Improvement Program Strategic Plan  
Approval date 2012-September 30, 2015

**Overall Goal/Mission of CIP:** *The mission of Utah's Court Improvement Program is to provide timely, tangible and measurable improved outcomes for children and families in the child welfare system, relating to safety, permanency and well-being.*

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**Outcome #1:** Electronic solutions for data collection and juvenile court case management of child welfare cases will be explored and/or enhanced to: 1) develop specific timeliness measures to assist the juvenile court in tracking and assessing compliance with federally required timelines; 2) automate existing paper processes such as form orders; and 3) expand existing use of electronic warrants.

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**Need Driving Activities and Data Source:** Juvenile Court Judges and staff needed a reliable and easy to use method to track whether child welfare cases were meeting the timeline standards set in statute. However, the juvenile court was unable to determine how many of its cases were meeting the established timeline without completing a laborious and time consuming hand evaluation of existing cases or hand entering data into a separate database. Consequently, it was determined a more accurate and accessible system of tracking compliance with child welfare timelines was needed. A committee was formed, definitions were determined, appropriate layout and calculations were identified, and computer programming was completed.

To facilitate use of the timeline measures, court staff trained Presiding Judges, Trial Court Executives, and Clerks of Court on how to locate and use the measures and how to address any problem areas identified. In addition to this training, a handout was created that provided a step-by-step overview of how to access the measures in CARE. Court staff report compliance information semi-annually to the Board of Juvenile Court Judges, the Trial Court Executives, and the Clerks of Court. Semi-annual review of the timeline measures provides opportunities for continuous quality improvement, both in compliance with statutory timeframes and to ensure that programming captures data in a manner that is accurate, reliable and easy to use.

The data source for the child welfare timelines measures is the statewide CARE management information system, which includes the official court record for all child welfare cases.

The juvenile court has prioritized the need to create fully electronic case records in CARE. Electronic case records allow greater efficiencies for judges and court staff in the viewing and processing of court documents. Building an electronic case record also benefits all stakeholders by enhancing remote access to case documents for attorneys, caseworkers and the public. CIP will assist the court and its partners by giving system input on automating existing paper processes in child welfare cases.

During 2011, the CIP Director worked in partnership with juvenile judges, court Information Technology staff, the Attorney General's Office, DCFS and the Department of Public Safety to automate the process of submitting and approving warrants for child welfare removals. The e-warrant system is now in use statewide. DCFS CPS workers and Assistant Attorneys General create and submit child welfare removal warrants through an electronic system which sends the warrant to the juvenile judge on call. Once a judge digitally signs a warrant, the warrant, affidavit and return of service are electronically stored in the court's records where a clerk may electronically associate them to a case in CARE. Currently, the warrant template does not contain the federal language necessary to comply with ICWA. Thus, warrants in cases with known ICWA issues must still be processed with paper documents. CIP will explore the development of an ICWA compliant e-warrant.

**Measurable Objective:** Electronic solutions for data collection and juvenile court case management will be explored for viability or enhancement as follows:

- 1) all judicial districts will receive and use the Child Welfare Timeline measures at least on a semi-annual basis. Seventy-five percent of cases statewide will meet or exceed the established Child Welfare Timeline measures or efforts will be made to identify and address the underlying causes of lower measures;
- 2) CIP will take an active role in exploring the feasibility of automating existing paper processes to create an electronic case record;  
and

3) the child welfare e-warrant system will be expanded to include an ICWA compliant form of warrant or obstacles to programming the warrant will be identified.

**Strategic Category:** Court Function Improvement

Activity or Project Description	CIP Funding Stream	Collaborative Partners	Timeframe	Anticipated Outputs and Results of Activity	Target Improvement	Data Source	Feedback Vehicle
Improve the accuracy of the child welfare timeline measures by identifying any programming errors that incorrectly calculate timeframes	CIP Basic and Data Grants	Courts	November 2013	The accuracy of these measures will be considered verified when the Board of Juvenile Court Judges, CIP Director, CIP Coordinator, Research Analyst, CARE IT Manager, Clerks of Court, and Trial Court Executives have reviewed and agreed upon the definitions being used in the computer	The 11 measures contained in the Child Welfare Legislative Oversight Panel (CWLOP) report will be verified for programming accuracy. The judicial branch provides the report annually to the CWLOP pursuant to Utah Code Ann. Section 62A-4a-207(4).	CARE: statewide juvenile court database containing child welfare cases	Obtain feedback from Clerks of Court, judges, and districts through meetings and discussions, and work with the IT department to resolve any programming issues identified during these feedback meetings and discussions.

				programming used to calculate these measures.			
Analyze CWLOP statewide measures of timeliness in child welfare cases on an annual basis	CIP Basic and Data Grants	Courts	Ongoing	Statewide measures of timelines in child welfare cases will be measured on an annual basis for the CWLOP report.	The CWLOP report will include 11 measures of child welfare timeliness.	CARE: statewide juvenile court database containing child welfare cases	The results of the CWLOP report will be shared with the Utah State Legislature and the report will also be available publicly.
Provide ongoing feedback to judges, districts, and manager on compliance with child welfare timeline measures	CIP Basic and Data Grants	Courts	Ongoing	The CIP Director and/or Research Analyst will ensure that juvenile court judges have access to the statewide child welfare timeline measures by ensuring that the measures from the CWLOP report	All of Utah's 29 juvenile judges will have access to measures on the statewide CWLOP report.	CARE: statewide juvenile court database containing child welfare cases	The CWLOP report measures will be discussed with the Board of Juvenile Court Judges, Trial Court Executives, and Clerks of Court. The Board will be encouraged to share the measures with their local benches. The

				are available to all districts.			Trial Court Executives will be asked to share the information with their managers, and Clerks of Court will be encouraged to share the information with their clerical managers.
Train judges on how to understand and apply the statewide CWLOP timeliness measures	CIP Training Grant	Courts	Ongoing	Judges will receive electronic or paper copies of guides outlining the process of applying the CWLOP timeliness measures reports to judicial practice.	All 29 juvenile judges will have access to training on how to identify measures from the statewide CWLOP report that are low and identify issues that might be influencing this trend.	CARE: statewide juvenile court database containing child welfare cases	Judges will receive a guide explaining how to work with the child welfare timeliness measures and guidance on how to address possible problem areas

<p>Ensure ongoing use of the child welfare timeliness measures</p>	<p>CIP Basic Grant</p>	<p>Courts</p>	<p>Ongoing</p>	<p>Paper copies of the CWLOP report timeliness measures will be provided to the Board of Juvenile Court Judges, Trial Court Executives, and Clerks of Court at least annually. Electronic copies of the report will also be sent to juvenile court judges, Clerks of Court, and Trial Court Executives.</p>	<p>The measures from the CWLOP report will be presented to the Board of Juvenile Court Judges, Trial Court Executives, and Clerks of Court on at least an annual basis, where a discussion will be held to identify problem areas and possible solutions for improvement</p>	<p>CARE: statewide juvenile court database containing child welfare cases</p>	<p>Trial Court Executives will be encouraged to use the CWLOP timeliness measures to discuss methods of addressing measures that are low. Clerks of Court will be encouraged to discuss clerical related issues identified by the CWLOP timeliness measures with their clerical managers. The Board will be encouraged to discuss the results of the CWLOP report with their local bench. All groups will be encouraged to</p>
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							use the report to address issues that are causing timelines to not be met.
Develop additional child welfare timeline measures required by the CIP grant	CIP Basic and Data Grants	Courts	November 2013	Three additional measures will be developed in order to meet the CIP grant requirements. These measures include: 1. Time to all Subsequent Permanency Hearings, 2. Time to Permanent Placement, 3. Time to Termination of Parental Rights Petition. The remaining two CIP required measures will also be examined to	Five of the five required CIP timeline measures will be developed by November 2013.	CARE: statewide juvenile court database containing child welfare cases	Quality assurance of the five new measures will be ensured by obtaining feedback from Clerks of Court, judges, Trial Court Executives, analysts, and a review of CARE records. These five measures will be incorporated into the same continuous quality improvement plan used for the CWLOP timeliness measures.

				ensure the proper measurement can be achieved using the CWLOP report.			
CIP and its system partners will meet to discuss the feasibility of automating existing paper processes such as form orders, and evaluate resources needed to move toward electronic case records;	CIP Basic and Data Grant	Courts, Attorney General, GAL, Parent Defense, DCFS	October 2013	Court efforts to implement electronic case records will include input from collaborative partners listed	Greater efficiency in management of juvenile court records and accessibility to collaborative partners	CARE	Feedback from CARE users through meetings and discussions
Develop a form of electronic warrant with language sufficient to meet ICWA requirements. Courts and Attorney General's Office	Department of Public Safety, CIP Basic Grant	Department of Public Safety, DCFS, Attorney General, Courts	October 2012	Child welfare removal warrants for children with tribal associations will use the same automated process as other	Uniform method of processing child welfare removal warrants in all cases	CARE	Judges, Clerks of Court, DCFS, Assistant Attorneys General



to meet with the Department of Public Safety to discuss options for programming the ICWA warrant into the existing child welfare e-warrant system.				removal warrants			
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**Outcome #2: Families will be engaged in the court process**

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**Need Driving Activities and Data Source:** The CIP Committee raised the issue of whether or not youth were attending the court hearings related to their respective cases. This was an area of concern because youth who attend the hearings are more likely to feel like they have input into the process. An initial analysis was undertaken to determine the number and percent of youth attending hearings, the type of hearings they were most likely to attend, and the variation across districts using the statewide database management system. The results of the initial study showed that accurate information on a child’s attendance in court was not being recorded. Additional research is needed to determine whether children are not attending hearings, or whether children are present, but the data is not being properly recorded. A variety of data sources will be used to help address the issue of child’s attendance in the courtroom. Some data will be used from the statewide CARE database, if the accuracy can be verified.

**Measurable Objective:** Utah will report the number and percent of youth attending the court hearings related to their case by type and age.

**Strategic Category:** Court Function Improvement

Activity or Project Description	CIP Funding Stream	Collaborative Partners	Timeframe	Anticipated Outputs and Results of Activity	Target Improvement	Data Source	Feedback Vehicle
Identify the source of the data quality problem in CARE related to children’s attendance at court hearings	CIP Basic and Data Grants	Courts	September 2013	The source of the accuracy problem with CARE data will be identified and it will be determined whether a solution is possible or whether a different data source is necessary.	95 percent of child welfare hearings will include accurate data on a child’s attendance; if it is determined an electronic solution is possible.	CARE: statewide juvenile court database containing child welfare cases	The CIP Director will work with the Clerks of Court to determine whether a resolution is possible using the completed report by the Research Analyst.
Identify alternative data sources in event CARE data cannot achieve reliability	CIP Basic and Data Grants	Courts, Guardians ad Litem, DCFS	September 2013	At least two possible alternative data sources for accurate information on Children’s	At least 75 percent of hearings from alternative data sources will have accurate data on a	Courtroom observations, hand counts, DCFS database	The CIP Director will meet with the Guardians ad Litem to determine whether

				attendance at court hearings will be identified.	child's attendance at court hearings.		information can be provided on the number of their clients attending hearings. The CIP Director will also meet with DCFS to determine if there are alternative data sources available on children's court attendance in the DCFS database.
Examine the frequency with which children attend court hearings related to their case	CIP Basic and Data Grants	Courts, Guardians ad Litem, DCFS, Foster parents	November 2014	A report will be produced based on the best available data source that examines children's attendance during hearings. The report will include the number and	The Juvenile Court will have accurate data on the number and percent of youth attending their court hearings for at least 70 percent of youth, or an appropriate representative stratified	CARE, Courtroom observations, hand counts, DCFS database	The report will be distributed to agency partners such as Guardians ad Litem, DCFS, and judges; and the data will be used to identify districts where children are not attending court

				percent of children attending hearings by hearing type and district.	random sample.		hearings.
Identify barriers related to attendance and possible solutions for addressing the problem	CIP Basic and Data Grants	Courts, Guardians ad Litem, DCFS	February 2015	Issue will be examined at the local and statewide levels and plans will be developed to address any areas of concern.	The Juvenile Court will obtain feedback on barriers from 8 of the 8 Judicial Districts in Utah.	Analysis Report referenced in previous item, feedback from community partners	Local groups of stakeholders will be gathered to discuss the barriers identified in the report. Guardians ad Litem, foster parents, DCFS caseworkers, and other community partners will discuss the trends that were identified in their area and collaborate to determine possible causes and barriers to children attending court.

Work with community partners and stakeholders to address barriers to children's attendance in court	CIP Basic and Data Grants	Courts, Guardians ad Litem, DCFS, Foster parents	September 2015	The number and percent of youth statewide who are attending the court hearings related to their case will increase through collaborative work with community partners to remove barriers to attendance.	The percent of total youth attending court hearings statewide will increase by 5 percent or more from the baseline measure identified in the previous item.	CARE, observations, hand counts	Meetings will be held with Judges, Guardians ad Litem, DCFS, and foster parents. These groups will receive information on the number of children attending hearings and the barriers that were identified in the previous item. These groups will work collaboratively in order to address these barriers and promote children's attendance at court hearings.
Increase children's familiarity with	CIP Basic Grant	Courts, Guardians ad Litem, DCFS,	A Kids and Judges Day and a Teens and	Juvenile court judges, Guardians ad	5 or more judges will attend the Kids	Observation, hand count	Planning committee will meet each year

<p>the court process</p>		<p>Foster parents, foster children, community organizations</p>	<p>Judges Day will be held on at least an annual basis.</p>	<p>Litem, foster parents, and DCFS caseworkers will meet at the courthouse and provide activities that de-mystify the court process. Children will have an opportunity to meet their judges and ask questions in a less formal setting, have the court processes explained to them in an understandable way, and become familiar with the court setting.</p>	<p>and Judges Day or Teens and Judges Day activities.</p>		<p>to evaluate success of prior year's events and build improvements into current year's events.</p>
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Outcome #3: Meaningful and ongoing collaboration will be established between state and tribal courts through access to information and ICWA compliance.

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**Need Driving Activities and Data Source:** The Indian Child Welfare Act (ICWA) of 1978 recognizes that there is a government to government relationship between the United States and the Tribes. The purpose of ICWA is *to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum federal standards for the removal of Indian children (25 U.S.C §1902)*. Utah recognizes a formal analysis is necessary to ensure compliance with ICWA provisions. Utah also recognizes that information sharing between state and tribal courts is essential to ensure meaningful and ongoing collaboration and that cross training is needed to disseminate consistent information between the state and tribes.

Data will be obtained from CARE, SAFE and Utah’s five incorporated tribes.

**Measurable Objective:** Utah will report on statewide ICWA compliance as well as shared access to information between tribes and the juvenile court.

**Strategic Category:** System Reform

Activity or Project Description	CIP Funding Stream	Collaborative Partners	Timeframe	Anticipated Outputs and Results of Activity	Target Improvement	Data Source	Feedback Vehicle
Statewide training opportunities	CIP Training Grant	Court Improvement Program,	May 2013	Training on the requirements of ICWA and the	Increased knowledge, skills and abilities	Survey measuring pre and post ICWA	Utah Tribe Child Welfare Committee will

		<p>Department of Human Services, Division of Child and Family Services, Casey Family Programs, Juvenile Court, five incorporated tribes of Utah, Children's Bureau</p> <p>CIP Coordinator</p>	<p>December 2012</p> <p>March 2012 and annually thereafter.</p>	<p>relationship of ICWA to the other federal legislation on child welfare such as the ASFA and the Fostering Connections Act for Utah's juvenile court judges. Tribal judges will also be invited to participate in the training.</p> <p>Provide a description of the state's tribal courts in the new judge orientation.</p> <p>Annual ICWA Partnership Training</p>	<p>regarding the requirements of ICWA.</p> <p>New judges have the information they need to meet ICWA legal requirements.</p> <p>Judges, attorneys, child welfare professionals and tribes have an increase in knowledge, skills and abilities when applying</p>	<p>knowledge and effectiveness of the training.</p> <p>Feedback from new judges on the effectiveness of the information provided.</p> <p>Survey regarding the usefulness and effectiveness of the training.</p>	<p>review the results of the activities and use them to guide future initiatives and training.</p>
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					ICWA to child welfare cases.		
Offer access to each tribal court in the state to the juvenile court case management system.	CIP Data Grant	Court Improvement Program, Juvenile Court, Tribal Courts, Interface Workgroup	June 2013	Utah tribal courts will have access to CARE (statewide juvenile court case information system).	Beyond access, the Court Improvement Program will measure the frequency of information access usage by the tribes.	CARE	The Interface Workgroup will review the usefulness of the provided access and determine if there is more information that needs to be shared.
ICWA Compliance Assessment	CIP Basic Grant	Court Improvement Program, a national resource center, Department of Human Services, the Juvenile Court.	July 2013	A completed statewide IWCA compliance assessment.	Compliance measures on the following criteria: <ul style="list-style-type: none"> <li>• Identification of ICWA cases;</li> <li>• Jurisdiction;</li> <li>• Placement;</li> <li>• Criteria for termination of parental rights; and</li> <li>• Consequences</li> </ul>	CARE, SAFE, Tribe records	Utah Tribe Child Welfare Committee will review the results of the ICWA compliance assessment and use them to guide future initiatives and training.

Strategic Category: Court Function Improvement/System Reform

regarding upcoming hearings.

Measurable Objective: Utah will report on the number of foster parents and older youth who receive adequate information

Data will be obtained from CARE and from foster parent surveys.

finer owed.

Need Driving Activities and Data Source: Child and Family Services has an informal process for notifying parents of the date and time for court hearings. Due to cancellations and rescheduling of hearings, foster parents may not have up-to-date information on when courts hearings will be held. It is also important for older youth to know when their court hearings are scheduled. Utah will be working to educate foster parents and youth on accessing their court information through "My Case" on CARE, the courts management information system. The "My Case" functionality allows individuals to access information on court hearing dates and

Outcome #4: Foster parents and older youth have access to information regarding upcoming hearings

									for failing to follow ICWA.		
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Activity or Project Description	CIP Funding Stream	Collaborative Partners	Timeframe	Anticipated Outputs and Results of Activity	Target Improvement	Data Source	Feedback Vehicle
Provide training to foster youth on accessing MyCase through the court's CARE system.	DCFS, CIP Training Grant	DCFS, Juvenile Court	March 2012          October 2012	Instructional document for foster youth on accessing My Case through the court's CARE system     Training for foster youth at Youth Council or Youth Summit meetings	95% of foster youth will receive information on how to access MyCase	Distribution of instructional document, attendance at Youth Council and Youth Summit meetings	CIP CARE/SAFE Interface, Court Improvement Committee
Determine the effectiveness of current process of notifying foster parents of court hearings	DCFS	DCFS	March 2012          April 2012	Notification reminder for caseworkers and supervisors to notify foster parents of court hearings and allow for youth to attend if appropriate.     Survey of foster parents: 1) on the effectiveness of the current notification; and 2) to determine	Analyze survey results to determine if further action is needed to notify foster parents of upcoming court hearings	Foster Parent Survey	Share survey results with CIP Interface Workgroup and determine if further action is needed.

				whether they are provided with an opportunity to be heard in court hearings.			
If further action is needed, create access for foster parents to the MyCase application on CARE	CIP Data and Training Grants	DCFS, Foster Care Foundation, Utah Juvenile Court	March 2012	Determine what parts of MyCase can legally be accessible to foster parents	95% of foster parents will receive instruction on how to access MyCase	Distribution of training materials.  Attendance at trainings	CIP CARE/SAFE Interface, Court Improvement Committee, DCFS Administration
			October 2012	Complete system enhancement/ programming in CARE/SAFE Interface			
			January 2013	Create training materials for foster parents and staff using MyCase to check for court hearing information			
			April 2013	Arrange for training on use of MyCase foster parents by the Utah Foster Care			

			April 2013	Foundation Advertize the new MyCase process in the Foster Roster newsletter.			
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**Outcome #5:** The State court will participate in the CFSR and Title IV-E foster care eligibility review process.

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**Need Driving Activities and Data Source:** In order to help States achieve positive outcomes for children and families, the Children's Bureau monitors State child welfare services through the Child and Family Services Reviews (CFSRs) and Title IV-E Foster Care Eligibility Reviews. The Child and Family Services Reviews are designed to enable the Children's Bureau to ensure that State child welfare agency practice is in conformity with Federal child welfare requirements, to determine what is actually happening to children and families as they are engaged in State child welfare services, and to assist States to enhance their capacity to help children and families achieve positive outcomes. Periodic Title IV-E foster care eligibility reviews assist in the validation of the accuracy of a State's claim for reimbursement of payments made on behalf of eligible children placed in eligible homes and institutions.

Recognizing the need for the State courts to be involved in both of these reviews; the Utah juvenile court commits to being part of the process. Data will be obtained by accounting for court involvement in the review process.

**Measurable Objective:** The Utah juvenile court will be involved in the CFSR and Title IV-E foster care eligibility review processes.

**Strategic Category:** System Reform

Activity or Project Description	CIP Funding Stream	Collaborative Partners	Timeframe	Anticipated Outputs and Results of Activity	Target Improvement	Data Source	Feedback Vehicle
The State court will be involved in the CFSR and Title IV-E foster care eligibility review processes	CIP Basic Grant	Division of Child and Family Services, ACYF-Children's Bureau, Juvenile Court	TBD	Participation in and on: <ul style="list-style-type: none"> <li>• review teams</li> <li>• entrance and exit interviews; and</li> <li>• Program Improvement Plan teams</li> </ul>	State courts will provide performance, outcome and any additional relevant data collected through required CIP activities to the teams working on the CFSR and Title IV-E foster care eligibility reviews when appropriate.	CIP Continuous Quality Improvement results.	Court Improvement Committee will continually review activity outcomes and determine what information is relevant to share with CFSR and Title IV-E foster care eligibility review teams.

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**Outcome #6: Trainings will be used to support meaningful and ongoing collaboration among the courts in the State, the Title IV-B/IV-E agency and the tribes. Trainings will improve the knowledge, skills and abilities of participants and will support Continuous Quality Improvement.**

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**Need Driving Activities and Data Source:** Multi-discipline trainings are opportunities for child welfare professionals to receive consistent information. The anticipated result is to increase knowledge skills and abilities of participants and, in-turn, improve the outcomes for children and families. Training opportunities must also be designed to advance ongoing monitoring and assessment. Utah's Court Improvement Program recognizes the importance of using data to inform and implement cross-discipline education. To completely capitalize on training opportunities, the Court Improvement Program must examine current law, policies and practice to identify areas in need of improvement and provide trainings that support the findings and recommendations.

Data to inform and direct trainings will come from a statewide training needs assessment.

**Measurable Objective:** Trainings will be developed based on a statewide training needs assessment. Trainings will result in an increase in knowledge, skills and abilities that are specifically tied to improved outcomes for children and families.

**Strategic Category:** Capacity Building

Activity or Project Description	CIP Funding Stream	Collaborative Partners	Timeframe	Anticipated Outputs and Results of Activity	Target Improvement	Data Source	Feedback Vehicle
Statewide Training Needs Assessment	CIP Training Grant	Court Improvement Program, Juvenile Court Judges, Attorney General's Office- Child Protection Division, Office of the Guardian ad Litem, Parental Defense Alliance, Division of Child and Family Services	May 2012	Completed training needs assessment to be used to inform and direct the work of CIP trainings	Specific data elements will be identified based on assessment results. Thresholds will be identified and used to target specific training activities.	Training needs assessment.	The CIP Training Steering Committee will use assessment results to inform and direct the work of CIP trainings
Attorney Skills Training	CIP Training Grant	Attorney General's Office- Child Protection Division, Office of the Guardian ad Litem, Parental	Summer 2013	Juvenile Court Judges and child welfare attorneys will receive skills training	Skills will be identified from the statewide training needs assessment and a survey will be used to measure	Training needs assessment, pre/post survey	The Court Improvement Committee and CIP Training Steering Committee will review the results of the survey and



		Defense Alliance, Juvenile Court Judges			perceived increases in skills and abilities.		adjust future trainings accordingly.
Biennial CIP Summit	CIP Training Grant	Court Improvement Program, Juvenile Court Judges, Attorney General's Office- Child Protection Division, Office of the Guardian ad Litem, Parental Defense Alliance, Division of Child and Family Services	August 16-17, 2012 and every two years thereafter	Utah's CIP will host and sponsor its biennial CIP Summit.	Topics will be identified from the statewide training needs assessment and evaluations will be used to measure an increase in knowledge, skills and abilities.	Training needs assessment, evaluation survey	The Court Improvement Committee and CIP Training Steering Committee will review the results of the survey and adjust future trainings accordingly.
SDM Partners Training	CIP Training Grant	Court Improvement Program, Juvenile Court Judges, Attorney General's Office- Child Protection	Summer 2012	Local cross-discipline information sharing sessions to support the implementation of Structured Decision	Progress will be measured by the consistent use of the structured tools.	SAFE (DCFS SACWIS system)	The Structured Decision Making Committee will monitor and analyze the consistent use of the tools and provide feedback on how to

		Division, Office of Guardian ad Litem, Parental Defense Alliance, Division of Child and Family Services		Making, an evidence-based set of tools to improve decision making in child welfare cases.			improve.
Support for local trainings	CIP Training Grant	Children's Justice Centers, Attorney General's Office- Child Protection Division, Office of the Guardian ad Litem, Parental Defense Alliance	Annually	CIP Training funds will be used to support applicable trainings (Attorney General's Child Protection Conference, Guardian ad Litem Conference, Parent Defense Conference, Juvenile Judges Conferences, Children's Justice Symposium).	Progress will be measure by evaluation surveys that specifically examine an increase in knowledge, skills and abilities.	Evaluation surveys	The Steering Committee will review the results of the surveys and adjust future trainings accordingly.

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**Outcome #7: Support and service delivery system will be developed to help youth set and attain educational goals, navigate the education system, and increase academic achievement and advancement.**

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**Need Driving Activities and Data Source:** Utah currently lacks adequate baseline data on educational outcomes for youth in foster care. With a baseline CIP will be able to focus its collaborative efforts, time and resources on the areas that will have the most impact. The data will be extremely valuable in the implementation of continuous quality improvement.

One area in which Utah is making great strides is in education advocacy. Utah's Department of Human Services recently received the ACYF- Collaborations to Increase Educational Stability Grant to make an education advocate for all children in foster care. The Court Improvement Program's role is to provide infrastructure for grant administration and to help facilitate coordination. Data will be obtained from the Division of Child and Family Services' SACWIS system and the Utah State Office of Education's management information system.

**Measurable Objective:** Children in foster care in Utah will have comparable educational outcomes as those of peers not in state's custody.

**Strategic Category:** Capacity Building /System Reform

Activity or Project Description	CIP Funding Stream	Collaborative Partners	Timeframe	Anticipated Outputs and Results of Activity	Target Improvement	Data Source	Feedback Vehicle
Coordination and oversight of children's educational needs between juvenile court, education, and child family services.	CIP Basic Grant, Department of Human Services	Division of Child and Family Services (DCFS), Juvenile Court, Court Improvement Program, Initiative on Utah Children in Foster Care (IOU), Utah State Office of Education(USOE), Department of Human Services (DHS).	Ongoing	Continued oversight and coordination by the IOU Education Workgroup, the Blue Ribbon Commission on Children in Foster Care and the Utah Coordinating Council for Youth in Custody.	Statewide coordination and oversight will utilize the results of the statewide study on the educational outcomes of children in foster care.	DCFS SACWIS system (SAFE), USOE management information system	Statewide coordination and oversight will utilize the results of the statewide study on the educational outcomes of children in foster care.
Data collection and analysis of Utah specific, educational outcomes for children in foster care.	Department of Human Services	Division of Child and Family Services (DCFS), Initiative on Utah Children in Foster Care (IOU), Utah State Office of Education (USOE), Utah State University.	March 2012  June 2012  January 2013	Data match between the Department of Human Services and the Utah State of Education.  Focus groups conducted with youth ages 10-17.  Data analysis of qualitative and quantitative data resulting in baseline	Stakeholders are aware of and support the results of the data collection and analysis and will utilize it to create informed, system change that improves education outcomes for children in foster care.	DCFS SACWIS system (SAFE), USOE management information system	Results will be shared with IOU Committee, the IOU Education Workgroup, the Blue Ribbon Commission on Children in Foster Care and the Utah Coordinating Council for Youth in Custody and

				of education outcomes for youth in foster care.			will provide a baseline of where to focus time and resources to improve education outcomes for youth in foster care.
Education advocacy, facilitation of children's access to educational services, and provision of educational role models to children in foster care.	ACYF- Collaborations to Increase Educational Stability Grant	University of Utah Social Research Institute, Utah State Juvenile Courts, USOE, DCFS, DHS, ACYF, CASA, DHS- Executive Director's Office, School Districts, Court Improvement Program	December 2012            March 2013	Recruit 300 new CASA volunteers. Provide training to the 300 new and 308 existing CASA volunteers who will learn to advocate for, mentor, and act as role models to children and youth in foster care. CASAs will serve as liaisons to juvenile court, education, and child welfare services.  Train education, child welfare, and juvenile court staff on the educational	-Number of new CASA volunteers recruited. -Number of CASA volunteers receiving training. -CASAs understanding and knowledge of practices. -Number of staff identified to receive and that attend training. -Participant's understanding and support of CASA roles and responsibilities. -Publications	-CASA volunteer reports -CASA Volunteer Coordinator reports. -Class rosters -CASA volunteer pre-post self assessment -Test scores -CASA post training evaluations. - Lists of staff to attend training provided by educational,	The Project Director and Education Coordinator will provide monthly reports to the Executive Director for the Department of Human Services and quarterly reports to the USOE, IOU Education Workgroup, UCCYIC, ACYF and DCFS.  A monthly report of activities will be

				<p>advocacy, facilitation process, and roles and responsibilities of CASA volunteers</p> <p>Distribute CASA volunteer educational assessments, advocacy results and findings to education, child welfare, and juvenile court stakeholders. Integrate findings into planning activities, and data collection efforts coordinated by current statewide collaborations that address educational issues faced by children in foster care.</p> <p>CASA Volunteers meet with children in foster care to</p>	<p>reporting results of CASA activities.</p> <ul style="list-style-type: none"> <li>-Number of communications between CASA, stakeholders and collaboration.</li> <li>-Number of children contacted.</li> <li>-Number of communications between CASAs and education, child welfare, and juvenile court stakeholders.</li> </ul>	<p>child welfare, and juvenile court systems.</p> <ul style="list-style-type: none"> <li>-Course rosters</li> <li>-Participant reaction surveys.</li> <li>-CASA activity reports.</li> <li>-Collaboration minutes</li> <li>-Case files</li> <li>-Activity rosters and reports</li> <li>-Child satisfaction surveys</li> <li>-Child and Family Team minutes</li> <li>-Education, child welfare, and juvenile court staff reports</li> </ul>	<p>posted on the CASA website and the Project Director and CASA Coordinator will provide quarterly reports to the GAL Administrators and court administration.</p>
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				<p>provide evidence-based services including assessments of the child's educational needs and advocacy on behalf of the child. CASAs will act as role models to children and youth and liaise with juvenile courts, education, and child welfare services in an effort to strengthen systems that support those children.</p>			
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## Budget Justification

<b>Utah CIP Basic Grant Application FFY2011-FFY2013</b>	
<b>Proposed Line-Item Budget and Budget Justification</b>	
<b>Salaries, Benefits and Related Office Equipment</b> CIP Director (30% grant funded 10/1/11-9/30/12) Juvenile Court Research Analyst (20% grant funded 10/1/11-9/30/12) Juvenile Court Law Clerk (50% grant funded 10/01/11-9/30/12)	\$89,000.00
<b>Meetings and Meals</b> Support for meetings of CIP, its subcommittees, and the Initiative on Utah Children in Foster Care	\$4,500.00
<b>Travel and Training</b> Travel and registration fees for annual CIP Conferences and related CIP and child welfare national conferences; in-state travel to support activities of local collaborative "Tables of Six" Committees	\$12,000.00
<b>Equipment and Telephone Charges</b>	\$1,300.00
<b>Training Equipment and Software</b>	\$1,000.00
<b>ICWA Compliance Assessment</b>	\$20,000.00
Court I.T. Programming for Electronic Solutions in Court Case Processing and Child Welfare Timeliness Measures	\$42,312.00
<b>Ongoing and Special Projects to Support Involvement of Children and Families in the Court Process</b> Annual Adoption Day and Kids & Judges Day Celebrations; GAL Camera/printer supplies for children's court file photos; Youth mentor activities; Support for Dependency Drug Court projects.	\$3,800.00
<b>Total</b>	<b>\$173,912.00</b>
<b>In-Kind Match</b> (A portion of salary/benefits and overhead for CIP Director, Katie Gregory)	\$57,971.00



**Utah CIP Basic Grant Application FFY2010-FFY2012**

**Updated Line-Item Budget and Budget Justification as of 1/20/12**

<p><b>Salaries, Benefits and Related Office Equipment</b>                  CIP Director (30% grant funded 10/1/11-9/30/12)                  Juvenile Court Research Analyst (20% grant funded 10/1/11-9/30/12)                  Juvenile Court Law Clerk (50% grant funded 10/01/11-9/30/12)</p>	\$82,000.00
<p><b>Meetings and Meals</b>                  Support for meetings of CIP, its subcommittees, and the Initiative on Utah Children in Foster Care</p>	\$4,500.00 <sup>1</sup>
<p><b>Travel and Training</b>                  Travel and registration fees for annual CIP Conferences and related CIP and child welfare national conferences; in-state travel to support activities of local collaborative "Tables of Six" Committees</p>	\$15,000.00
<p><b>Equipment and Telephone Charges</b></p>	\$1,300.00 <sup>2</sup>
<p><b>Training Equipment and Software</b></p>	\$2,300.00 <sup>3</sup>
<p><b>Specialized Project Funds for Local District Court Teams and/or Statewide Training</b>                  Utah's Juvenile Court is divided in Eight Judicial Districts. Collaborative "Table of Six" teams in each District will have the opportunity to submit funding proposals to the Statewide CIP Committee for consideration. Emphasis will be placed on proposals that relate to Strategic Plan activities, including items identified in the CFSR and PIP.                  As of 1/20/2012, Project Funds will be distributed as follows:                  National Association of Counsel for Children for Additional Attorneys Testing and Certification as Child Welfare Law Specialists (\$4,000)</p>	\$63,390.00

<sup>1</sup> Amount increased by \$500 to cover additional costs associated with new subcommittee on tribes.

<sup>2</sup> Amount decreased by \$500 due to reduction in phone service costs.

<sup>3</sup> Amount increased by \$1,300 to reflect additional equipment costs to support child welfare e-warrant program statewide.

Dual Adjudication Tool Kit (\$10,000) Court I. T. Programming for GAL "Voice" Case Management System (\$7,000); Court I.T. Programming for Electronic Solutions in Court Case Processing and Child Welfare Timeliness Measures (\$30,390) Child Welfare Training-Additional Expenses for Annual Attorney Trainings (\$12,000)	
<b>Ongoing and Special Projects</b> Annual Adoption Day and Kids & Judges Day Celebrations; GAL Camera/printer supplies for children's court file photos; Youth mentor activities; Support for Dependency Drug Court projects.	\$2,000.00 <sup>4</sup>
<b>Total</b>	\$172,190.00
<b>In-Kind Match</b> (A portion of salary/benefits and overhead for CIP Director, Katie Gregory)	\$57,397.00

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<sup>4</sup> Amount decreased by \$3,000.00. Kids & Judges Day activities were moved to date after 9/30/12 and most of the event expenses will be included in the FY2012 grant application.

**Utah CIP Data Collection and Analysis Grant Application FFY2011-FFY2013**

**Proposed Line-Item Budget and Budget Justification**

<b>Project Coordinator</b> Salary, benefits and equipment for .5 FTE from 10/1/12- 9/30/13	\$36,000.00
<b>DCFS Contracted Programmer</b> Supplement current programming efforts to achieve strategic plan activities.	\$20,000.00
<b>Court Programming</b> Supplement current programming efforts to achieve strategic plan activities.	\$95,441.00
<b>Total</b>	<b>\$151,441.00</b>
<b>In-Kind Match</b> The State Courts will supply the match with existing programmer and technical support time utilized on child welfare support for CARE	\$50,480.00

**Utah CIP Data Collection and Analysis Grant Application FFY2010-FFY2012**

**Updated Line-Item Budget and Budget Justification**

<b>Project Coordinator</b> Salary, benefits and equipment for .5 FTE from 10/1/11- 9/30/12	\$36,000.00
<b>DCFS Programming</b> Supplement current programming efforts to achieve strategic plan activities.	\$16,000.00
<b>Court I.T. Programming for Electronic Solutions in Court Case Processing and Child Welfare</b> Supplement current programming efforts to achieve strategic plan activities.	\$95,293.45
<b>Total</b>	<b>\$151,441.00</b>
<b>In-Kind Match</b> The State Courts will supply the match with existing programmer and technical support time utilized on child welfare support for CARE	\$50,480.00

**Utah CIP Training Grant Application FFY2011-FFY2013**

**Proposed Line-Item Budget and Budget Justification**

<b>Project Coordinator</b> Salary, benefits and equipment for .5 FTE from 10/1/12- 9/30/13	\$36,000.00
<b>Indian Child Welfare Conference</b> Biennial child welfare cross-system summit	\$15,000.00
<b>Support for Annual Statewide Training Conferences</b> Annual training for juvenile judges, parent defense counsel, attorneys general, GALs, DCFS staff, and related community partners.	\$22,000.00
<b>Attorney Skills Training</b>	\$75,092.00
<b>Total</b>	<b>\$148,092.00</b>
<b>In-Kind Match</b> An in-kind match is supplied by the Utah Department of Administrative Services (DAS) through a portion of its yearly contractual expense to provide training to parents' defense counsel in child welfare proceeding. DAS contracts with the organization, to provide statewide child welfare training services to Utah's parental defense attorneys.	\$49,364.00

**Utah CIP Training Grant Application FFY2010-FFY2012**

Updated Line-Item Budget and Budget Justification as of 1/20/12

<b>Project Coordinator</b> Salary, benefits and equipment for .5 FTE from 10/1/11- 9/30/12	\$36,000.00
<b>CIP Summit</b> Biennial child welfare cross-system summit	\$54,062.97 <sup>5</sup>
<b>Support for Annual Statewide Training Conferences</b> Annual training for juvenile judges, parent defense counsel, attorneys general, GALs, DCFS staff, and related community partners.	\$22,000.00 <sup>6</sup>
<b>Structured Decision Making Partners Training</b>	\$13,000.00 <sup>7</sup>
<b>Indian Child Welfare Conference</b>	\$15,000.00 <sup>8</sup>
<b>Total</b>	<b>\$148,934.00</b>
<b>In-Kind Match</b> An in-kind match is supplied by the Utah Department of Administrative Services (DAS) through a portion of its yearly contractual expense to provide training to parents' defense counsel in child welfare proceeding. DAS contracts with the organization, to provide statewide child welfare training services to Utah's parental defense attorneys.	\$49,644.67

Previous categories of Trials Skills training and Local District Trainings were removed to the amount of \$46,372

<sup>5</sup> Amount increased by \$14,062.97 to cover cost of 2012 CIP Summit

<sup>6</sup> Expenditure moved from Basic Grant to Training Grant

<sup>7</sup> New expense added to support partners training on newly implemented DCFS SDM training

<sup>8</sup> New expense added to support Indian child welfare training under the direction of the CIP subcommittee on tribes


## Certifications and Signature

The undersigned is authorized by the applicant, Utah State Courts, to submit this Court Improvement Program grant application and by his signature below attests to the applicant's intent to comply with each of the following certifications:

- Certification Regarding Drug-Free Work Place;
- Debarment Certification; and
- Certification Regarding Environmental Tobacco Smoke

Applicant further submits the attached and fully executed Anti-Lobbying Certification and Disclosure Form pursuant to 45 CFR, Part 93.

Dated: 2/29/12

  
\_\_\_\_\_  
Daniel J. Becker  
State Court Administrator

## CERTIFICATION REGARDING LOBBYING

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### Statement for Loan Guarantees and Loan Insurance

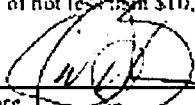
The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

  
STATE COURT ADMINISTRATOR  
ADMINISTRATIVE OFFICE OF THE COURTS



# TAB 13



## Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

### MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Judicial Council  
**From:** Tim Shea *TJS*  
**Date:** February 7, 2012  
**Re:** Rules for comment

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The Policy and Planning Committee recommends that the following rules be published for comment.

#### Rule Summary

CJA 04-0502. Expedited procedures for resolving discovery issues. Renumber 10-1-306 and 10-1-406 and amend. Describes a process for resolving discovery disputes quickly to minimize the impact on time to complete discovery.

Encl. Draft Rules

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 / POB 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3808 / Fax: 801-578-3843 / email: [tims@email.utcourts.gov](mailto:tims@email.utcourts.gov)

1 **Rule ~~10-1-306~~ 4-502. Expedited procedures for resolving discovery issues.**

2 **Intent:**

3 To further the just, speedy, and inexpensive determination of civil actions. (~~Utah R.~~  
4 ~~Civ. P. 1~~).

5 **Applicability:**

6 This rule shall apply to the ~~Third District Court~~. This rule is effective ~~November 17,~~  
7 2014 motions and stipulations for extraordinary discovery, motions to compel discovery  
8 and motions for a discovery protective order in the district court.

9 **Statement of the Rule:**

10 (1) Status and scheduling matters are handled differently by each judge. Contact  
11 one of the judicial assistants for the assigned judge for specific questions. In all cases,  
12 however, counsel shall:

13 (1)(A) Promptly notify the court of any stipulations for extraordinary discovery  
14 entered pursuant to Rule 26(c)(6)(A), including notice to the court of any stipulations  
15 that extend the presumptive deadlines set forth in Rule 26(c)(5). Stipulations shall be  
16 prepared on or substantially comply with the form accompanying this rule; and

17 (1)(B) Promptly notify the court of any settlements or stipulations in the case,  
18 particularly where such settlements or stipulations may affect a pending motion or trial  
19 date.

20 (2) The parties shall do the following before filing with the court any discovery  
21 motion, including a Motion for Extraordinary Discovery (Utah R. Civ. P. 26(c)(6)(B)),  
22 Motion to Compel, or Motion for Protective Order (Utah R. Civ. P. 37):

23 (2)(A) Meet and confer regarding the issues, in person or by telephone, and attempt  
24 in good faith to resolve or narrow the issues without court involvement.

25 (2)(B) File and serve on all parties a "Statement of Discovery Issues", in a form  
26 consistent with the requirements of Rule 10. The statement shall not exceed four pages,  
27 shall not include exhibits, and shall include a certification stating that the parties have  
28 met and conferred regarding the issues and attempted in good faith to resolve or narrow  
29 the issues without court involvement. The statement should contain at least the  
30 following:

31 (2)(B)(i) the precise relief sought;

32 (2)(B)(ii) the basis or reason for the relief sought;

33 (2)(B)(iii) a statement regarding proportionality (Utah R. Civ. P. 26(b)(2)); and

34 (2)(B)(iv) a statement in compliance with Rule 26(c)(6), if applicable.

35 The party shall also file a separate proposed form of Order consistent with the relief  
36 sought.

37 (2)(C) Within five days following service of the "Statement of Discovery Issues", any  
38 party objecting to the relief sought may file and serve a "Statement in Opposition" in a  
39 form consistent with the requirements of Rule 10. The opposition shall not exceed four  
40 pages and shall not include exhibits. The opposition should briefly address pertinent  
41 issues raised in the statement. The party shall also file a separate proposed form of  
42 Order consistent with the relief sought. The parties' written submissions will be docketed  
43 and placed in the court file.

44 (2)(D) Upon filing the opposition, or expiration of the time for doing so, either party  
45 may, and the party seeking relief shall, file with the court a Request to Submit for  
46 Decision. (Utah R. Civ. P. 7(d)).

47 (2)(E) The court will promptly set a telephone conference to discuss the matter, and  
48 will advise the parties by email or telephone of the date and time for the conference.  
49 The court reserves the right to decide the issue(s) without a telephone conference if it  
50 determines that a conference is unnecessary, and in its discretion, may require the  
51 appearance of counsel and/or the parties in lieu of a telephone conference.

52 (2)(F) The court will resolve most if not all discovery issues during or in advance of  
53 the phone conference. The court anticipates that no discovery motions will be  
54 necessary, but if appropriate, the court will use the telephone conference to set a  
55 briefing schedule for a motion addressing all unresolved issues together with a hearing  
56 date, if needed. In most circumstances, the court anticipates adopting one or the other  
57 of the proposed Orders.

58 (3) The parties are reminded that stipulations for extraordinary discovery pursuant to  
59 Rule 26(c)(6)(A) are appropriate only "after reaching the limits of standard discovery  
60 imposed by [the] rules..." and only if that discovery is proportional.

61 (4) Upon the filing of a responsive pleading, all cases subject to Rule 4-510.05 shall  
62 be referred to the ADR program, unless the parties have participated in another ADR  
63 process, such as arbitration, collaborative law, early neutral evaluation or a settlement  
64 conference, or unless excused by the court. At the close of the presumptive case  
65 deadline, the parties shall file with the court a certificate confirming that good faith  
66 mediation (or other ADR process) has been completed or excused. (Utah R. Civ. P.  
67 16(b)).

68 (5) If the discovery deadline passes and a Certificate of Readiness for Trial has not  
69 been filed, the court may at its discretion issue an order to show cause why the case  
70 should not be dismissed. At that hearing, the court will dismiss the case without  
71 prejudice, order deadlines for specific actions to be taken, or set a trial date. If actions  
72 are not completed as ordered, the matter may be dismissed without further notice. If  
73 parties wish to stay proceedings, they should file an appropriate motion during the  
74 pendency of the case deadlines.

75 (6) Proposed orders should be prepared and circulated in accordance with the  
76 requirements of Rule 7(f)(2) of the Utah Rules of Civil Procedure. Additionally, the order  
77 should be electronically filed with the clerk's office, or a copy of the order in native  
78 electronic form (e.g., Word or WordPerfect) should be emailed to the court's judicial  
79 assistant including orders provided pursuant to paragraph 2(b) and (c) above.

- 80 • Stipulation for Extraordinary Discovery -  [PDF](#) |  [Word](#)

81

# TAB 14

# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

## MEMORANDUM

TO: Judicial Council

FROM: Richard Schwermer, Assistant State Court Administrator

DATE: January 18, 2012

RE: 2012 RE-CERTIFICATION OF MUNICIPAL JUSTICE COURTS

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Pursuant to statute, justice courts are certified every four years by the Judicial Council. The certification process involves application by the sponsoring governmental entity, and a review of compliance with statutes and with Judicial Council operational standards. Compliance is first reviewed by the Council's Justice Court Standards Standing Committee, which makes recommendations to the Council. In this case the Management Committee has also had an opportunity to review those recommendations. Management concurred with the committee's recommendations except where noted below in italics.

Municipalities were notified of the standing committee's recommendations, and they were invited to be heard if they disagreed with the recommendations. Several municipalities replied to the notification, and their responses are noted below as well. Municipal courts not listed below were found to be in compliance with applicable statutes and rules, and they are recommended for re-certification.

- ▶ **Delta** Delta is open Monday through Thursday, and they hold court two Fridays per month, so two or three Fridays per month they are not open. They do comply with the statute, however, by being open 11 hours per day four days per week.

The committee recommends a waiver if the city agrees to post its hours on their website, and if they add a drop-box so that filings and payments can be made on Fridays when the court is not open. Delta has agreed to the conditions.

- ▶ **Draper** As a Class I court (filings over 500 per month), the judge is presumed to be full-time. A waiver was granted in 2009, based on an appearance by Judge Bertch. Filings then averaged 707. They report an average of 625 currently. The weighted caseload is .9

The committee recommended a denial of the waiver. *Management recommends a broader study of the term "full-time judge" as it relates to the Code of Judicial Conduct.*

- ▶ **Heber** There is no victim/witness room available in the facility, and the judge finds a gavel "unnecessary."

The committee recommends no waivers.

- ▶ **Hildale** They do not appear to be open on Fridays, their other hours are insufficient for the statutory requirements, and the judge is "temporary" after several years now.

The committee recommends no waivers.

Hildale responded that they will be open on Fridays, but would like permission to keep Judge Carr for a year while they "conduct the process of finding a replacement."

- ▶ **Naples** The Naples facility is not within the boundaries of the municipality. This is a recent move, based on the new county facility opening and security concerns. The judge requested a two month waiver so that security issues can be addressed. However, the location requirement is statutory.

Naples now responds that they will comply with the statutory requirement.

- ▶ **Orderville** There is no space for a jury, and there is no jury deliberation room. The judge requests a waiver because he suggests that should a jury trial be held, they would move to the county facility in Kanab. And there have been no jury trials in recent years. Or not recent years.

The committee recommends no waivers.

The judge responds that they will comply.



- ▶ **Parowan** The city requests waiver of the requirement for two separate tables for counsel. This waiver has been provided in the past

The committee recommends the waiver since the table is 12 feet long, and sufficient separation is provided.

- ▶ **Santa Clara** The court is not open on Fridays, and has insufficient alternate hours to comply with the statute.

Santa Clara responds that it will open on Fridays as required.

- ▶ **Kanab** The judge has submitted a re-certification affidavit on his own, and a copy of the attorney opinion. There is no resolution requesting re-certification, but the city is asking for an extension of time to consider all of their options relative to the court.