

## JUDICIAL COUNCIL MEETING

### AGENDA

Monday, January 28, 2013

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

*Chief Justice Matthew B. Durrant, Presiding*

1. 9:00 a.m. Welcome & Approval of Minutes . . . . Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. . . . . Chief Justice Matthew B. Durrant
3. 9:15 a.m. Administrator's Report. . . . . Daniel J. Becker
4. 9:30 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant  
Liaison Committee. . . . Justice Jill Parrish  
Policy and Planning . . . . Judge Greg Orme  
Bar Commission. . . . John Lund, esq.  
(Tab 2 - Information)
5. 9:40 a.m. Annual Report to the Community Update. . . . . Nancy Volmer  
(Information)
6. 9:50 a.m. Time to Disposition Standards Follow-Up. . . . . Kim Allard  
(Tab 3 - Action)
7. 10:10 a.m. Six-Month Case Filing Update. . . . . Kim Allard  
10:25 a.m. Break
8. 10:35 a.m. Guardian ad Litem Services to District Court. . . . . Debra Moore  
(Information) Craig Bunnell
9. 10:45 a.m. Justice Court Judges Certification. . . . . Rick Schwermer  
(Tab 4 - Action)
10. 10:55 a.m. Legislative Update/Interim Highlights. . . . . Rick Schwermer  
(Information)
11. 11:10 a.m. Senior Judge Certification. . . . . Tim Shea  
(Tab 5 - Action)
12. 11:15 a.m. Executive Session

- 12:15 p.m. Lunch
13. 12:45 p.m. Adjourn
- 2:15 p.m. State of the Judiciary Address – First in the Senate, to follow in the House

#### **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<br>(Tab 6) | Ron Bowmaster                                   |
| 2. | Grant Approvals<br>(Tab 7)       | Raechel Lizon<br>Tim Shea<br>Karolina Abuyarova |
| 3. | Rules for Comment<br>(Tab 8)     | Tim Shea  |

# TAB 1

# **JUDICIAL COUNCIL MEETING**

## **Minutes**

**Monday, December 17, 2012**

**Matheson Courthouse**

**Salt Lake City, UT**

**Chief Justice Matthew B. Durrant, Presiding**

### **ATTENDEES:**

Chief Justice Matthew B. Durrant  
Hon. Kimberly K. Hornak, vice chair  
Justice Jill Parrish  
Hon. Judith Atherton  
Hon. Glen Dawson  
Hon. George Harmond  
Hon. Paul Maughan  
Hon. Brendan McCullagh  
Hon. David Mortensen  
Hon. Gregory Orme  
Hon. Reed Parkin  
Hon. John Sandberg  
Hon. Larry Steele  
John Lund, esq.

### **EXCUSED:**

### **STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Diane Abegglen  
Lisa-Michele Church  
Jody Gonzales  
Debra Moore  
Rick Schwermer  
Tim Shea  
Brent Johnson  
Kim Allard  
Nini Rich  
Nancy Volmer

### **GUESTS:**

Aaron Falk, SL Tribune  
Marissa Lang, SL Tribune  
Judge Scott Hadley  
Judge Brent West  
Judge Royal Hansen

#### **1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant welcomed everyone to the meeting.

**Motion:** Justice Parrish moved to approve the minutes from the November 19, 2012 Judicial Council meeting. Judge Harmond seconded the motion, and it passed unanimously.

#### **2. CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant reported on the following:  
He had nothing new to report.

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

Mr. Becker reported on the following items:

He recognized Ms. Sandy Iwasaki, administrative assistant in the AOC, who will be retiring this week after 39.5 years of service with the courts. Her background was provided. Mr. Becker and Mr. Schwermer expressed their appreciation for Ms. Iwasaki's years of service.

Mr. Becker and Mr. Schwermer met with Senator Hillyard to discuss the courts' budget requests and other issues anticipated for the upcoming legislative session.

The Governor released his budget recommendations last week. The following requests from the courts' were included in his recommendations: 1) the Eighth District judgeship, 2) the Eighth Juvenile judgeship, and 3) the Ogden Juvenile court facility.

Mr. Becker reviewed a publication *Funding Justice: Strategies and Messages for Restoring Court Funding* prepared by the National Center for State Courts (NCSC) and Justice at Stake. Ms. Gonzales will distribute copies to members of the Council.

Judge Ric Oddone has announced his upcoming retirement, effective April 12, 2013.

Mr. Rick Smith's Senate Confirmation for his appointment as a Fourth Juvenile Court judge is scheduled for Wednesday, December 19. Upon his confirmation, Mr. Becker will work with the Guardian ad Litem Oversight Committee to fill the Director of Guardian ad Litem vacancy.

Mr. Brent Johnson, General Counsel for the courts, received the Utah State Bar's Heart and Hands Award.

The Executive Appropriations Committee has received the state's revenue report.

The Council photo has been distributed.

Mr. Becker commented on a new display of courthouse photos from around the state which is located outside the Council Room.

An executive session will be needed later on the agenda, followed by a planning workshop.

#### **4. COMMITTEE REPORTS:**

##### ***Management Committee Report:***

Chief Justice Durrant 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.

##### ***Liaison Committee Report:***

No meeting was held in December.

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

Judge Orme reported on the following:

He noted that the December Policy and Planning Committee meeting was held on November 30. The Policy and Planning Committee meeting minutes accurately reflect the items discussed.

Judge Orme reminded the Council of their request of Policy and Planning, at their October planning session, to consider adopting rules on the following two issues: 1) removal of a Judicial Council member as a result of a criminal or ethical complaint, this will be handled as an addition to the Council norms; and 2) minimum time on the bench for service on Judicial Council, Boards and as a presiding judge, with a rule being prepared for input from the Boards and recommendations at the January meeting.

***Bar Commission Report:***

Mr. Lund reported on the following:

The Bar is addressing changes to advertising rules for members of the Bar.

Currently, the Bar's focus is on the following: 1) the Pro Bono initiative, and 2) the Modest Means efforts.

**5. ETHICS ADVISORY – INFORMAL OPINION 12-01: (Brent Johnson)**

Chief Justice Durrant welcomed Mr. Johnson to the meeting.

Mr. Johnson provided background information on what took place in the past relative to social media and judges. He noted that the Social Interaction Policy had been used in the past. The informal opinion was presented to the Management Committee at their October meeting. The Management Committee decided to include the matter on the Council agenda for further discussion on whether the informal opinion should be considered for conversion to a formal opinion.

Mr. Johnson recommended the opinion be adopted as a formal opinion. Discussion took place.

It was suggested that judges gain experience and insight to social media interaction at future seminars and conference sessions.

The Council was in agreement to refer the matter to Policy and Planning for further review and determine the best plan of action, including the possibility of converting the informal opinion to a formal opinion.

**6. BOARD OF DISTRICT COURT JUDGES UPDATE: (Judge Scott Hadley and Debra Moore)**

Chief Justice Durrant welcomed Judge Hadley to the meeting.

Judge Hadley provided an update on the Board of District Court Judges activities to the Council. He highlighted the following in his update: 1) working with the Council's JPEC work group on various issues, 2) mental health court certification, and 3) continue monitoring the discovery rules.

He reviewed the 2012-2013 Board goals to include: 1) mandatory e-filing, 2) support an increase in clerical compensation, 3) study judicial compensation, 4) judicial outreach, and 5) study methods to help judges manage cases involving self-represented parties.

Judge Hadley was thanked for his update.

**7. ADR COMMITTEE UPDATE: (Judge Royal Hansen and Nini Rich)**

Chief Justice Durrant welcomed Judge Hansen to the meeting.

Judge Hansen provided an update on the activities of the ADR Committee. He highlighted the following in his update: 1) Rule 16 – Pretrial conferences, of the Rules of Civil Procedures was amended to require mediation or other ADR process be completed, 2) availability of an annual 40-hour Basic Mediation Training class for court personnel, 3) over 3,000 cases were mediated through nine court ADR programs, 4) an ADR staff member was the recipient of the Peacekeeper Award, and 5) gratitude was expressed for Ms. Sandy Iwasaki's years of support to the ADR Committee.

Ms. Rich highlighted the following aspects of the ADR Program: 1) available ADR programs for each court level, 2) available ADR resources, 3) newly created space at the Matheson Courthouse to allow for court mediations, 4) similar space in at the Ogden Juvenile

court facility is being developed for future use for court mediations, 5) availability of an ADR DVD to prepare parents for mediation, 6) training Self-Help Center personnel on the ADR mediation program, and 7) tracking the percentage of questions received by Self-Help Center personnel that were relative to mediation.

The question was asked if there were similar provisions in justice court. It was noted that the use of ADR in the justice court is not mandated.

Judge Hansen and Ms. Rich were thanked for their update.

**8. TIME TO DISPOSITION: (Judge Brent West and Kim Allard)**

Chief Justice Durrant welcomed Judge West and Ms. Allard to the meeting.

Ms. Allard provided background information on what has transpired in development of Utah-specific time standards. It was noted that in 2004 CourTools measures were adopted, and they were placed on the court's web page.

The following areas were researched in development of Utah-specific time standards: 1) review of average days pending data, 2) review of time to disposition information available on CourTools, 3) review of existing standards, 4) review of COSCA standards, 5) review of Bar standards, and 6) review of the model standards adopted by the Conference of Chief Justices and the Conference of State Court Administrators.

Upon completion of the research phase, a prototype was drafted. The following steps were taken to get feedback on the draft: 1) seek input from the three Boards of judges, 2) seek input from the presiding judges, and 3) seek input from various judicial teams.

Ms. Allard reviewed the proposed time to disposition guidelines for justice court and juvenile court, and Judge West reviewed the proposed time to disposition guidelines for district court. Judge West mentioned that 39 states have adopted their own time standards.

Discussion took place.

Concern was expressed with the proposed standard for small claims cases in justice court.

**Motion:** Judge Harmond moved to accept the report on the proposed time to disposition guidelines in Utah Courts and adopt the recommendations. Judge Hornak seconded the motion.

**Substitute Motion:** Judge McCullagh moved to accept the time standards with an amendment to the small claims time standard from a 6-month time period to a 12-month time period. Judge Orme seconded the motion. The motion was withdrawn.

**Motion:** Judge Maughan moved to defer action to the January meeting to allow Ms. Allard to provide a purpose statement which will accompany the time standards. Mr. Lund seconded the motion, and it passed unanimously.

**9. JUVENILE COURT E-FILINGS IMPACT REPORT: (Lisa-Michele Church and Ray Wahl)**

A copy of the draft two-year plan and a report entitled *Realizing the Opportunities of the Electronic Record in Utah's Juvenile Court* were distributed to members of the Council. The Board of Juvenile Court Judges adopted the two-year plan in July 2012. The following was highlighted from the two-year plan: 1) implementation sequence, 2) required programming, 3) needs other than programming, and 4) programming enhancements relative to efficient operation in an e-environment.

The use of an electronic record can aid in increasing timeliness of decision-making in the life of a child, promoting access and transparency, and better serving children, families and the community.

The following areas of the report were highlighted: 1) clerical transition to the electronic record, 2) probation transition to the electronic record, 3) implementation and training, and 4) opportunities and savings.

Mr. Wahl spoke to the issue of potential savings. He highlighted the following relative to the report: 1) he expressed his appreciation to the committee for their preparation of the detailed report, 2) provided a history of the juvenile court management information system, 2) outlined the juvenile court business model, and 3) explained the difference of juvenile court in rural areas.

Ms. Church summarized the findings of the report.

Mr. Becker provided background information on the court's clerical staffing, including the number of positions reduced by budget reductions and the drop in referrals in recent years.

Ms. Church and Mr. Wahl were thanked for their report.

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

Judge Clint Judkins and Judge Rand Beacham have applied to be appointed as active senior judges. Mr. Shea reported that both judges meet the minimum performance standards.

**Motion:** Judge McCullagh moved to forward the recommendations, on behalf of the Council, to the Supreme Court to certify Judge Judkins and Judge Beacham for appointment as active senior judges. Judge Sandberg seconded the motion, and it passed unanimously.

**11. EXECUTIVE SESSION**

An executive session was entered into at this time.

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

Mr. Schwermer provided a legislative update to the Council. He noted that an Interim Committee meeting was not held in December, but the Executive Appropriations Committee met.

Legislative meetings have been scheduled in each judicial district. Council members were encouraged to attend their local legislative meeting.

Mr. Schwermer highlighted the following in his update: 1) reviewed the Senate joint appropriations subcommittees and standing committee assignments, 2) reviewed the House of Representatives executive appropriations committee, subcommittee and standing committee assignments, and 3) reviewed proposed bills for the upcoming legislative session.

**13. ADJOURN**

The meeting was adjourned.



# TAB 2

# **Management Committee Minutes**

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE  
MINUTES**

**Tuesday, January 8th, 2013  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah**

**MEMBERS PRESENT:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Kimberly Hornak, vice chair  
Hon. Judith Atherton  
Hon. George Harmond  
Hon. John Sandberg

**STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Diane Abegglen  
Lisa-Michele Church  
Jody Gonzales  
Debra Moore  
Rick Schwermer  
Tim Shea  
Ron Bowmaster  
Raechel Lizon  
Karolina Abuzyarova

**EXCUSED:**

**GUESTS:**

**1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**

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

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

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

Mr. Becker reported on the following items:

Mr. Travis Erickson has been hired to fill the court executive vacancy in Second Juvenile Court, and he will begin working for the courts on January 22. Mr. Becker provided a brief background of Mr. Erickson's experience.

Legislative meetings have been scheduled in each judicial district. Mr. Becker mentioned the meeting schedule and the discussions that have taken place at several meetings already held.

Mr. Becker noted that the need for a password to access the WiFi connection in Utah's court facilities will be discontinued.

He commented on federal budget issues as they relate to the upcoming 2013 Legislative Session and the budget process.

The State Justice Institute (SJI) has granted funding for development of a web-based orientation for new judges. A committee will be formed to develop content.

Juab County has received approval of a loan to begin construction of a new county court facility. The RFP for design of the court facility will be awarded in the near future. Construction of the court facility is anticipated to begin in March or April.

The Judicial Performance Evaluation Commission held their monthly meeting today.

**3. COMMITTEE APPOINTMENTS: (Ron Bowmaster)**

The Standing Committee on Court Technology recommended the appointment of Mr. Rick Davis to fill one of the trial court executive vacancies left with the resignation of Mr. Russ Pearson.

**Motion:** Judge Harmond moved to approve the appointment of Mr. Rick Davis to fill the trial court executive vacancy on the Standing Committee on Court Technology and place it on the January Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

**4. GRANT APPROVAL: (Raechel Lizon, Tim Shea and Karolina Abuyarova)**

Chief Justice Durrant welcomed Ms. Lizon to the meeting.

Ms. Lizon provided information on the continuation grant JABG Interstate Compact for Juveniles. The purpose of the Compact is to facilitate the movement of youth among states for supervision purposes and to return runaway youth to their home states.

Each member state is required to pay annual dues to the national ICJ office to remain in compliance with the national and state Compact legislation and assure that Utah has a vote in changing ICJ rules. The grant request is for \$10,800 in grant funds with a \$1,200 cash match to cover the mandatory ICJ dues. Approval has been given by AOC Finance and the juvenile court administration.

**Motion:** Judge Atherton moved to approve the JABC Interstate Compact for Juveniles grant application as presented and place it on the January Judicial Council consent calendar. Judge Hornak seconded the motion, and it passed unanimously.

Chief Justice Durrant welcomed Mr. Shea to the meeting.

Mr. Shea introduced Ms. Karolina Abuzyarova, Coordinator for the Volunteer Court Visitor Program.

Mr. Shea provided background information relative to the guardianship program. He noted that the formation of a Working Interdisciplinary Network of Guardian Stakeholders (WINGS) was one of the recommendations of the Third National Guardian Summit held at the S.J. Quinney Law School in October 2011.

A grant request to the National Guardianship Network (NGN) in the amount of \$7,000 to form the workgroup has been prepared. There are no matching requirements.

Ms. Abuzyarova mentioned that the National Guardianship Network (NGN) will award four states grant funding and support the award recipients to assess their state's system of guardianship and alternatives, address policy and practice issues, and begin to serve as an ongoing problem-solving mechanism.

Mr. Becker provided his opinion in support of the grant request.

Mr. Shea noted that the Board of District Court Judges will review the request at their January meeting.

**Motion:** Judge Sandberg moved to approve the Working Interdisciplinary Network of Guardian Stakeholders (WINGS) grant request as presented and place it on the January Judicial Council consent calendar. Judge Harmond seconded the motion, and it passed unanimously.

**5. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant reviewed the proposed Council agenda for the January 28 Council meeting.

**Motion:** Judge Hornak moved to approve the agenda for the January 28 Council meeting as amended. Judge Harmond seconded the motion, and it passed unanimously.

**6. EXECUTIVE SESSION**

An executive session was held.

**7. ADJOURN**

The meeting was adjourned.

# **Liaison Committee Minutes**

# JUDICIAL COUNCIL LIAISON COMMITTEE MEETING

## Minutes

Friday, January 18, 2013  
Matheson Courthouse  
Council Room

Justice Jill Parrish, Presiding

### ATTENDEES:

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

### STAFF PRESENT:

Daniel J. Becker  
Debra Moore  
Nancy Merrill  
Rick Schwermer  
Tim Shea

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#### 1. **WELCOME: (Justice Jill Parrish)**

Justice Parrish welcomed everyone to the meeting. Mr. Schwermer introduced Nancy Merrill, his new Administrative Assistant. There was a motion to approve the minutes the motion was seconded and approved.

#### 2. **H.B 28 C a m p u s Safety Amendments (Chief Sponsor: Don L. Ipson) (Judge Brendan McCullagh)**

This bill modifies the Criminal Code by amending the provisions relating to persons interfering or trespassing on property owned by an institution of higher education.

This bill is likely a Dixie College issue. Mr. Schwermer pointed out that a Chief Administrative Officer has the authority to exclude a person based on any violation of any rule of the institution even if it has nothing to do with safety. The committee discussed in detail if this should be brought up. The committee decided it was not within their purview.

*Liaison Committee's Position: No position*

#### 3. **H.B 33 Expungement Process Amendments (Chief Sponsor: Eric K. Hutchings)(Judge David Mortensen)**

This bill provides a process by which drug –related offenses may be expunged.

The bill is clarifies the difference between a pardon and an expungement. The

main point of this bill is to allow drug related offenses to be expunged in five years rather than ten. Mr. Schwermer told the committee that this was a legislative interim study item from last year. Mr. Schwermer was on a task force committee to work on this bill. The pardon process would result in an automatic expungement.

Justice Parish suggested that the sponsor may want to clarify language as it relates to court records so the records are not destroyed as provided on line 86.

***Liaison Committees Position: No position but language may need to be clarified***

**4. H.B. 50 Dating Violence Protection Act  
(Chief Sponsor: Jennifer M. Seelig)(Judge David Mortensen)**

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

Mr. Schwermer reported to the committee the fiscal note of 124,500.

There was discussion by the committee about the details of this act and what constitutes a dating relationship.

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

**5. H.B. 268 Disorderly Conduct Amendments  
(Chief Sponsor: Paul Ray) (Justice Jill Parish)**

This bill includes displaying a dangerous weapon under certain circumstances in the definition of disorderly conduct.

Justice Parish pointed out a contradiction between line 34 and 35 and what is on line 45 through 48.

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

**6. S.B. 11 Alimony Amendments  
(Chief Sponsor Lyle W. Hillyard)(Judge David Mortensen)**

This bill expands the circumstances under which a court may order alimony.

The committee believes the bill defines fault but the question of what to do with a determination of fault is still not sufficiently answered. How the fault determination relates to the Jones factor especially need remains a question. The text needs to be articulated better to implement what the bill is trying to accomplish.



*Liaison Committee's position: No position but raise the issue of Jones factors*

**7. S.B. 13 Amendments to Ignition Interlock Program  
(Chief Sponsor: Daniel W. Thatcher) (Judge Brendan McCullagh)**

This modifies the Uniform Driver License Act by amending provisions related to the ignition interlock program.

Last year wording was added to the statute that a driver license will be suspended until a person proves they have installed an interlock device or that you do not own a motor vehicle. The "you do not own a motor vehicle" was last year. This bill adds on to you do not own a motor vehicle "registered in Utah."

Judge McCullagh points out that the addition is an improvement making it easier for Driver License and DMV to do their job.

*Liaison Committee's position: No Position*

**8. S.B. 18 Child Custody Proceedings Amendment  
(Chief Sponsor: Luz Robles)(Judge David Mortensen)**

This bill reduces the age from sixteen to fourteen for children to express their opinion in custody cases. Most Judges and practioners think this is welcome change. Judge Mortensen said it probably should have a small fiscal note.

*Liaison Committee's position: No Position*

**9. S.B. 119 Youth Court Amendment  
(Chief Sponsor: Jerry W. Stevenson)(Judge Larry Steele)**

This bill modifies provisions relating to Utah Youth Courts.

Judge Heward noted that "Juvenile court" should be added to line 84 and 85.

The bill provides for certification of each Youth Court that receives referrals Judge Steele thinks this is a good step. It is a way to oversee and correct some of the problems that are in Youth Courts.

It expands the board and pool of people that can be selected for the board. The bill also moves the terms from two years to four years.

Judge Steele pointed out a typo on line 94 there is an extra "the" on that line.

There is no concern about having a Juvenile Judge on the committee it has been addressed before.

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

**10. Restitution Amendment  
(Judge Brendan McCullagh)**

This bill amends the Individual Income Act, the Utah Code of Criminal Procedure, and provisions related to the Division of Finance and justice courts, to assist in, and increase, the collection of restitution for crime victims.

Judge McCullagh likes the idea of the bill. He wonders if OSDC is trying to clean up their authority for collecting restitution because they do collect it now. Judge McCullagh gave Mr. Schwermer a page of notes for the draft to the bill. Judge McCullagh suggested to wait until the new draft comes back to review it.

***Liaison Committee's Position: No Position until the next draft comes out***

**11. Other Business**

Mr. Schwermer brought up Senate bill 125 and 127 and assumed that the committee supported them. Judge Parrish adjourned the meeting.

**NEXT MEETING:**

**January 25, 2013**

**12:00pm**

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

# **Policy and Planning Committee Minutes**

## Minutes of the Policy and Planning Committee

Meeting Date January 4, 2013			Meeting Room Judicial Council Room		
Committee Member	Present	Excused	Committee Member	Present	Excused
Judge Glen Dawson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Judge Gregory Orme, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. John Lund	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Judge Reed Parkin	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judge Paul Maughan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Judge Larry Steele	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Staff: Tim Shea					
Guests: Christopher Morgan					

Approve minutes of November 30, 2012	By Judge Orme
Motion: Approve as prepared.	By Acclamation
Vote: Yes All No Abstain	Pass <input checked="" type="checkbox"/> No Pass <input checked="" type="checkbox"/>

Rule 7-304. Probation supervision.	By Christopher Morgan
<p>Discussion: Mr. Morgan said that the probation officers' Evidence-Based Practices Committee invited a national expert on juvenile probation to review the Utah policies on risk assessment and case planning. That evaluation concluded that the risk assessment tools are good, but that the case plans should be simplified.</p> <p>The committee presented the proposal to the chief probation officers, the trial court executives and the Board of Juvenile Court Judges, who have all endorsed the rule change. The Board will review practices after a year under the new rule.</p> <p>The amendments will use the Balanced and Restorative Justice Model throughout supervision case planning and not just when writing the plan. The time to complete the initial plan is increased from 30 to 45 days so probation officers have more time for meetings with the youth and family before writing the plan. The maximum allowable time for updating a plan is increased from 90 to 180 days because, based on national research and best practices, behavioral change takes more time.</p> <p>Judge Orme asked whether the Balanced and Restorative Justice Model is sufficiently identifiable to be capitalized. Mr. Morgan said that it is not a publication but rather a set of principles for supervising youth. Judge Steele thought the title should continue to be capitalized.</p> <p>Judge Parkin asked whether 180 days is too long for updating a plan. Mr. Morgan said that 180 days would be the maximum allowable time. The probation officer will continue to meet regularly with the probationer and will review and update the plan whenever there is a significant event in the probationer's life, regardless of the time from the last update.</p>	
Motion: Recommend that the Council publish the amendments for comment.	By Mr. Lund
Vote: Yes All No Abstain	Pass <input checked="" type="checkbox"/> No Pass <input checked="" type="checkbox"/>

Rule 4-403. Signature stamp use.	By Tim Shea
<p>Discussion: Mr. Shea referred to his memo that explained that Rule 4-403 permits a clerk to countersign her own signature, accepting a plea in abeyance under Rule 4-703, with a judge's signature stamp.</p> <p>Judge Orme reminded the committee that the rule eliminating court referees and giving clerks — in their own right — authority to accept plea in abeyance agreements went into effect January 1. When the committee discussed the changes, it had anticipated that judges would review the clerk's action, however summarily, and approve the order with a counter signature. The combination of these two rules would permit no judicial oversight at all.</p> <p>Mr. Shea said that a rule allowing no judicial involvement would probably violate the Supreme Court's opinion in Ohms.</p> <p>Judge Orme said that the other circumstances in which a clerk can use a judge's signature stamp all involve documents that put into writing a judge's earlier decision. In this circumstance there is no judicial decision being made.</p> <p>Judge Parkin described the practice in his court in which, even before the new rule, the prosecutor had filed a standing motion to allow pleas in abeyance in described circumstances. Judge Parkin allows the clerk to accept those pleas, and he does not review them. Mr. Shea said that all of that meets the requirements of the new rule, except that the judge must now countersign the order accepting the plea. Judge Parkin said that his court uses an electronic record, so he would need to have the application reprogrammed to put those orders in his work queue for review.</p> <p>Judge Orme asked Mr. Shea to draft a proposed rule change for the next meeting eliminating the authority of the clerk to use a judge's signature stamp on pleas in abeyance and to provide for the committee the new rule granting clerks the authority to accept pleas in abeyance.</p>	

Rule 2-206. Effective date of rules.	By Tim Shea
<p>Discussion: Mr. Shea said that at the Council's meeting on October 22, it was suggested that the Council consider changing the normal effective date of rule amendments so as not to be bound by the publication of printed volumes. He said the current normal dates of April 1 and November 1 are holdovers from when access to the rules was primarily through the printed volumes. He said the Supreme Court rule on rule making makes amendments effective 60 days after final action, unless otherwise stated. In practice both the Supreme Court and the Judicial Council usually have April 1 and November 1 as effective dates, although other dates are sometimes used.</p> <p>Mr. Shea said that if amendments are effective too frequently throughout the year, lawyers and judges might find it difficult to remain informed of the most current rules. He said that the rulemaking process usually requires several months to debate policies and draft text. That makes November 1 a convenient date for rule changes prompted by legislation because most legislation is effective in early May or July 1. However, some statutes are in effect for several months before the corresponding rule. Judge Maughan said that the published books are not available until several weeks or months after the effective dates so lawyers and judge have to check the online sources no matter what.</p> <p>Judge Orme said that the two main publication dates do not split the year in half. He suggested that May 1 and November 1 might be more appropriate dates. Judge Parkin asked whether rule changes required by legislation could be accomplished by May 1. Mr. Shea said that critical rule changes could more easily be made by May 1 than by April 1, but that he would probably still need to evaluate and prioritize the legislation. The committee concluded that the rule should be amended to make May 1 and November 1</p>	

the primary effective dates of rule changes, unless otherwise stated.

Judge Orme asked Mr. Shea to draft the necessary changes and circulate the rule to the committee. If the committee agrees with the draft, the rule will be put on the Council's consent calendar to be published for comment. Judge Orme will include in his report to the Council the suggestion that the Supreme Court consider evaluating the effective dates of its rules.

Rule 3-306. Language access complaint process and other changes.

By Tim Shea

Discussion: Mr. Shea said that he, Judge Steele, Dan Becker and Rosa Oakes had attended a national summit on language access in the courts sponsored by the National Center for State Courts and the State Justice Institute. His opinion is that the Utah program compares favorably to others in the country but that there are areas that can be improved.

Mr. Shea said that as a result of the summit, the Utah delegates decided to recommend establishing a process for filing a complaint that the requirements of the court interpreter rule had not been met. Currently the complaint process focuses only on ethical violations by the interpreter. Mr. Shea said he is struggling with describing the steps to be taken in response to a valid complaint. Basically, he wants the program manager to investigate and recommend corrective steps as needed.

Judge Orme said that adding the administrative complaint process to the right of appeal probably goes too far. Judge Maughan said that the complaint process should be narrowly defined. After considering alternatives the committee concluded that the complaint should be called a "grievance," and that, since the court is required to provide an interpreter for a party, witness, victim, or person who will be bound by the result, the opportunity to file a grievance should be limited to those persons.

Judge Parkin asked what steps would be taken to enforce the rule in the face of a valid complaint. Mr. Shea said that he would meet with the people involved, but that he can take only limited steps since he serves in a staff role, not a supervisory role. He can recommend actions to those who are in a supervisory role.

Mr. Shea said that this is just the first step. He will redraft the rule and present it to the Court Interpreter Committee for their consideration before bringing it back to this committee.

Rule 4-610.

By Tim Shea

Discussion: Mr. Shea said that a Supreme Court opinion requires preliminary hearings in class A misdemeanors, so the reference to preliminary hearings in felony cases should be eliminated. The committee agreed.

Motion: Recommend that the Council publish the amendments for comment.

By Acclamation

Vote: Yes All No Abstain

Pass ☒ No Pass ☐

Credentials for custody evaluations

By Tim Shea

Discussion: Mr. Shea said that he has been contacted by Mr. Joel Touchet, who has a certificate from the Professional Academy of Custody Experts, asking that the PACE certificate be recognized as qualified to

conduct custody evaluations. PACE certifies mental health professionals to practice the specialties of custody evaluator and or parenting coordinator. The PACE minimum requirements for certification are:

- doctoral or masters degree in a mental health specialty from a university or college that is regionally accredited; and
- currently licensed by a state board of examiners to practice a mental health specialty at the independent practice level or;
- member of a recognized mental health professional association that has published relevant standards of practice for a mental health specialty or;
- minimum of two years experience working with a family court system; and
- a minimum of two years custody evaluation experience, during which the applicant has independently conducted a minimum of five comprehensive custody evaluations; and
- two references and a \$338 fee
- Annual renewal is \$129 and 6 hours of continuing education.

PACE is not an academy. If an applicant meets these requirements, PACE will issue their certificate.

Mr. Touchet's email also requested including Associate Marriage and Family Therapists and Certified Social Workers working under appropriate supervision. Mr. Shea said that CSWs were intentionally omitted from the rule when it was first adopted, but he could not remember why.

The committee concluded that the proposed credentials did not meet the high standards expected by the current rule.

Action: Mr. Shea will advise Mr. Touchet that his proposal was not approved.

# TAB 3



## **Time to Disposition Guidelines in Utah Courts**

### **Overview**

The Time to Disposition guidelines, used in conjunction with other case management measures, are intended to advise districts in case management efforts. Actual times to disposition should be compared with these guidelines to determine where case management practices are strong and where adjustments may be needed.

These guidelines are based on the courts' current assessment of how long it should take to resolve most court cases. The use of a 95% resolution rate acknowledges that about 5% of cases take longer than the standard to reach final disposition.

The guidelines divide civil cases into sub-categories to reflect the time required to resolve different types of cases and provide more precise case management feedback. The guidelines will be reviewed periodically to determine what, if any, adjustments should be made. These guidelines are intended to be aspirational in nature. They are goals to strive for at a system level.

### **Administration**

Because these standards are system benchmarks, not individual judicial or case standards, time to disposition is reported at the state and district level only. The reporting tool approved by the Utah Judicial Council will be updated and distributed for monitoring purposes as follows.

**Presiding judges and management teams** will receive monthly reports for information and monitoring purposes. These reports used in conjunction with case pending reports will provide a basis from which case management improvement efforts can be made and monitored. The information may also be helpful evaluating district resource allocations.

**Boards of Judges** will receive semi-annual reports for information purposes to assist in evaluating resource requests. In the absence of a presiding judge and management team structure in justice courts, the Board of Justice Court Judges will be asked to distribute justice court time to disposition reports through Board meeting minutes.

The **Judicial Council** will receive semi-annual reports for information purposes to assist in annual resource decision-making and system performance monitoring.

The **Administrative Office of the Courts** will provide ongoing data quality monitoring and facilitate periodic reviews of the measurement protocols. The time to disposition standards will be formally reviewed every 3 years and recommendations for updates made to the Judicial Council.

## Proposed Time to Disposition Guidelines in Utah Courts

Time to disposition provides information on the time it takes to process cases. It is typically shown as the percentage of cases disposed of within established time guidelines.<sup>1</sup> Time to disposition differs from age of active pending cases. Time to disposition focuses on resolved cases rather than cases in progress. Time to disposition allows a district to compare its timeliness to established guidelines.

Case Category and Case Type	Percentage of Cases Disposed Within Time Period
<b>Criminal</b> Time is measured from case filing to charge disposition. <sup>2</sup> Time from charge disposition to sentencing is not included.	
<b>Felonies and Misdemeanors (District Cts)</b> Includes: Felony, Class A misdemeanors, appeals on Class B and C misdemeanor cases.	95% in 12 months
<b>Misdemeanors (Justice Cts)<sup>3</sup></b> Includes: Class B and C misdemeanor cases.	95% in 6 months
<b>Traffic (Justice Cts)</b> Time is measured from citation or case filing to charge disposition.	95% in 90 days
<b>Civil</b> Time is measured from case filing to entry of case disposition. Dispositions entered for the purposes of transferring cases are not counted.	
<b>Civil Cases Includes:</b> Administrative Agency Appeals, Attorney Discipline, Civil Rights, Civil Stalking, Contempt, Contract, Forfeiture of Property, Interpleader, Miscellaneous Civil, Small Claims De Novo, Tax Court, Writs, and Wrongful Termination, Condemnation, Lien/Mortgage Foreclosure, Property Rights, Malpractice, Personal Injury, Property Damage, Wrongful Death cases. Asbestos cases are not included.	95% in 24 months
<b>Debt Collection Cases</b>	95% in 12 months
<b>Eviction Cases</b>	95% in 9 months
<b>Small Claims Cases (Justice Courts)</b>	95% in 9 months

<sup>1</sup> National Center for State Courts CourTools

<sup>2</sup> Time is suspended for: 1) the filing of an interlocutory appeal; 2) filing of bankruptcy proceedings in federal court; 3) issuance of a criminal bench warrant; or 4) mental competency treatment.

<sup>3</sup> In justice court cases, time is measured for cases filed after the completed conversion to CORIS-Court Records Information System on 7/1/2011.

Case Category and Case Type	Percentage of Cases Disposed Within Time Period
<b>Domestic</b> <b>Divorce, Custody/Support and Paternity</b> Time is measured from case filing to entry of case disposition. Dispositions entered to transfer cases are not counted.  <b>Domestic Modifications</b> Time is measured from filing of petition to modify to entry of judgment; or from filing of motion to modify to order on motion to adjust child support.  <b>Temporary Protective Orders</b> Time is measured from filing of petition to granting of temporary protective order or denial to issue temporary protective order	<b>95% in 15 months</b>   <b>95% in 12 months</b>   <b>95% in 10 days</b>
<b>Probate</b> <b>Administration of Estates</b> Time is measured from filing of petition to the appointment of a personal representative in Informal and Formal Estate cases or dismissal of case.  <b>Guardianship/Conservatorship of Incapacitated Adult</b> Time is measured from filing of petition to appointment of administrator or dismissal of case.  <b>Involuntary Civil Commitment</b> Time is measured from filing of petition to commitment order or dismissal of case.	<b>95% in 12 months</b>   <b>95% in 90 days</b>   <b>95% in 15 days</b>
<b>Juvenile</b> <b>Delinquency/Status Offenses</b> Time is measured from filing of referral or citation to adjudication.  <b>Child Welfare Proceedings: Shelter Hearing to Adjudication</b> Time is measured from shelter hearing to adjudication  <b>Child Welfare Proceedings: Disposition Hearing to Adjudication</b> Time is measured from disposition hearing to adjudication	<b>95% in 90 days</b>   <b>95% in 60 days</b>   <b>95% in 30 days</b>

# Time to Disposition for Cases Disposed in Utah Courts

January 1, 2012 to November 30, 2012 (For Judicial Council Mtg. January 28, 2013)

Case Category	Case Type	Time Goal	% of Dispositions Meeting Time Goal By District and Statewide								
			Statewide	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth
Criminal	Felonies and Misdemeanors (District Cts)	12 m	95%	95%	97%	95%	95%	90%	92%	97%	95%
	Misdemeanors (Justice Cts) <sup>3</sup>	6 m	95%								
Traffic	Traffic (Justice Cts) <sup>3</sup>	90 d	94%								
Civil	All Civil except Small Claims and Evictions	24 m	97%	99%	98%	97%	98%	91%	97%	100%	96%
	Debt Collection	12 m	93%	95%	96%	93%	94%	85%	94%	99%	85%
	General Civil	24 m	87%	90%	94%	85%	89%	78%	84%	96%	82%
	Torts	24 m	79%	77%	74%	81%	78%	76%	88%	100%	79%
	Eviction	9 m	85%	85%	91%	84%	88%	63%	81%	95%	59%
	Small Claims (Justice Cts) <sup>3</sup>	9 m	98%								
Domestic	Divorce, Paternity, Custody and Support	15 m	87%	88%	88%	86%	93%	83%	86%	95%	80%
	Domestic Modifications	12 m	93%	96%	88%	94%	94%	85%	98%	97%	94%
	Temporary Protective Orders	10 d	100%	99%	99%	100%	100%	100%	100%	100%	99%
Probate	Administration of Estates	12 m	97%	97%	97%	98%	98%	91%	92%	100%	90%
	Guardian/Conservatorship: Incapacitated Persons	90 d	84%	65%	78%	90%	85%	75%	67%	75%	80%
	Involuntary Civil Commitment	15 d	94%	70%	91%	98%	95%	61%	---	0%	---
Juvenile	Delinquency and Status Offenses	90 d	95%	98%	98%	92%	93%	95%	99%	97%	96%
	Child Welfare: Shelter to Adjudication	60 d	97%	100%	96%	94%	98%	96%	100%	98%	99%
	Child Welfare: Disposition to Adjudication	30 d	95%	99%	98%	90%	96%	89%	100%	93%	95%

<sup>1</sup> The number of days used as a reference in the column labeled "Within" are based on the National Center for State Courts Guidelines. The days have been modified in several cases to reflect local statute and procedures. For more information, see [Case Type Descriptions and Time Standards Notes](#) for more information.

<sup>2</sup> The National Center for State Courts suggests 98% percent of cases should be disposed during the time standard. The Utah Courts have not yet determined an appropriate % of cases to be disposed during a time stand nor have they finalized the time standards used in this report.

<sup>3</sup> All justice court measures include only cases filed since conversion to CORIS (Court Records Information System) on July 1, 2011.

# TAB 6

# 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

December 7, 2012

Judicial Council  
Management Committee  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah 84111

Attention: Jody Gonzales

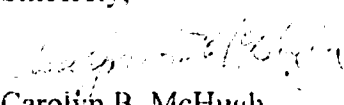
Re: The Standing Committee on Court Technology

Dear Council Members,

The Technology Committee develops and recommends to the Judicial Council the information technology, plans and priorities governing the courts of record. Currently, there is a vacancy on the Committee consisting of one of the two trial court representatives.

As the chairperson of the Technology Committee, I recommend that Rick Davis be appointed to fill that vacancy. This recommendation is with the approval and concurrence of the Trial Court Executives.

Sincerely,

  
Carolyn B. McHugh  
Presiding Judge  
Utah Court of Appeals

c/ Ron Bowmaster

# TAB 7

**Grant 1 - JABG Interstate Compact  
for Juveniles**



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

**FEDERAL GRANTS**

Contact Person/Phone: Neira Siaperas (801-578-3811) Date: 12/19/2012

Judicial District or Location: Administrative Office of the Court

Grant Title JABG Interstate Compact for Juveniles Grantor: JABG Funds Office of Juvenile Justice & Delinquency Prevention

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: Utah is a member of the Interstate Compact for Juveniles (ICJ). The purpose of the Compact is to facilitate the movement of youth among states for supervision purposes and to return runaway youth to their home states. Each member state is required to pay annual dues to the national ICJ office to remain in compliance with the national and state compact legislation and assure that Utah has a vote in changing ICJ rules.

Explanation of how the grant funds will contribute toward resolving the issues identified: This grant will be used to pay the mandatory ICJ dues to the national ICJ office.

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					
CASH MATCH		General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
State Fiscal Year	Grant Amount						
FY 2013	\$10,800	\$1,200					\$12,000
FY							\$0
FY							\$0

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

Comments As in previous years, a 10 percent cash match is required by the federal government for all JABG grant funds. The request is for \$10,800 in grant funds with a \$1200 cash match

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 ☒ X

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

This proposal has been reviewed and approved by the following:  
The court executives and judges in the affected district(s).  
X The Grant Coordinator and the Budget Director 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 \_\_\_\_\_

## SECTION 1: COVER SHEET

# Juvenile Accountability Block Grant



## State of Utah Commission on Criminal and Juvenile Justice

Utah State Capitol Complex  
Senate Building Suite 330  
PO Box 142330  
Salt Lake City, Utah 84114-2330  
Ph: (801) 538-1031  
Fax: (801) 538-1024

For CCJJ use ONLY:

## 1. Implementing Agency Name &amp; Address:

Utah Administrative Office of the Courts  
450 South State. P.O. Box 140241  
Salt Lake City Utah 84114-0241

c/o Applicant Agency:

## 2. Type of Application (check one)

☐ Initial    ☒ Continuation    ☐ 2<sup>nd</sup>    ☐ 3<sup>rd</sup>    ☐ 4<sup>th</sup>

If continuation, previous grant #: 9L09

## 4. Director Phone number:

801-578-3811

## Director Fax number:

801-578-3843

Dir. E-mail Address: neiras@email.utcourts.gov

## 7. Will this award (check one)

☒ Enhance an Existing Program

☐ Initiate a New Program

## 3. Agency Type (check one)

☒ State    ☐ City

☐ County    ☐ Not for Profit

## 5. Beginning &amp; Ending Dates of Program:

12/31/12 to 6/30/13

## 6. Type of Criminal Justice Agency: (Check one)

<input type="checkbox"/> Law Enforcement	<input type="checkbox"/> Pretrial Services	<input type="checkbox"/> Victim Assistance
<input type="checkbox"/> Corrections	<input type="checkbox"/> Prosecution	<input checked="" type="checkbox"/> Juvenile
<input type="checkbox"/> Adjudication	<input type="checkbox"/> Public Defense	<input type="checkbox"/> Other

## 8. Congressional District(s) Served

First, Second and Third

## 9. Federal Tax Identification Number (87-?????)

87-876000545

## 10. Title which describes the program to be funded:

Interstate Compact for Juveniles

## 11. Budget Summary

## Total Project Costs

## Federal Grant Funds

## Cash Match

A. Personnel

\$0

\$0

\$0

B. Consultant/Contract

\$0

\$0

\$0

C. Equipment / Supplies &amp; Operating

\$12,000

\$10,800

\$1200

D. Travel/Training

\$0

\$0

\$0

Column Totals

\$12,000

\$10,800

\$1200

## 12. \*Name of Official Authorized to Sign

Dan Becker

## 13. \*\*Name of Program Director

Neira Siaperas

## 14. Signatures

For CCJJ use ONLY

Authorizing Official

Program Director

Approval Signature

Date

\* (e.g. Mayor, County Commissioner, State Agency CEO) NOTE: Chiefs and Sheriffs are not authorized to approve contracts for their local government. \*\* This is the individual responsible for the day-to-day management of the grant program

## Section 2: PROGRAM AREA CHECKLIST

The Office of Juvenile Justice and Delinquency Prevention require all projects to identify the purpose for which these funds will be used on the table below. You must account for 100% of the requested funds in one purpose area.

<b>Program Area</b>		
<b>02</b>	<b>Corrections/Detention Facilities</b>	<b>\$</b>
<b>03</b>	<b>Court Staffing &amp; Pretrial Services</b>	<b>\$</b>
<b>06</b>	<b>Training for Law Enforcement &amp; Court Personnel</b>	<b>\$</b>
<b>09</b>	<b>Juvenile Records System</b>	<b>\$</b>
<b>10</b>	<b>Information Sharing</b>	<b>\$12,000</b>
<b>11</b>	<b>Accountability</b>	<b>\$</b>
<b>15</b>	<b>Courts/Probation Programming</b>	<b>\$</b>

### **Section 3: PROJECT SUMMARY (Sections will expand. Limit to one page.)**

#### **Problem Statement (problem being addressed)**

Prior to the passage of the legislation that created the Interstate Compact for Juveniles (ICJ), the movement of youth among states was governed and monitored by a professional organization, the Association of Juvenile Compact Administrators (AJCA). In the late 1990's, it became apparent that not all states were going to comply with the rules set up by a professional organization. This was concerning because states could only encourage cooperation from other states, without any recourse if states did not follow the established rules.

Partially because of those concerns, national legislation was written and passed by the required majority of the states for the Adult Compact. The Juvenile Compact followed a similar path and passed legislation in the required number of states. The purpose of the compact is to facilitate the movement of youth amongst states for their supervision and to return runaway youth to their home states. Utah passed legislation during the 2004 Legislative session and waited quite some time before it could be adopted nationally. Presently, every state and two territories have joined the Compact with the exception of Georgia. The first meeting of the National Commission was held in December 2008. Rules were promulgated for enacting states and there was a transition period between the use of old rules and the adoption of new rules. The new rules called for the adoption of state councils to serve as an advisory and advocacy body for state policymakers. Utah has developed its ICJ State Council which held three meetings thus far: October 2011, April 2012, and October 2012. The next State Council meeting is scheduled for April 2013.

#### **Project Description (include numbers served)**

The Interstate Compact for Juveniles office is administered by the Administrative Office of the Courts. The Interstate Compact office is lead by a Compact Commissioner appointed by the Governor, and a designated ICJ coordinator is responsible for case processing and communication with other states. This office pays mandatory dues to the national compact office, conducts the day-to-day operations relating to the compact, and is responsible to schedule meetings for the ICJ State Council. The Utah ICJ office will also coordinate and oversee training for court staff on the new electronic national ICJ database (JIDS) that each state is required to use to process cases.

This grant would underwrite the annual dues that each state is required to pay to the national ICJ office to remain in compliance and an active member of the compact.

#### **Objectives**

1. Hold quarterly meetings of the Utah ICJ State Council to ensure that Utah is compliance with the rules of the compact and to address issues of policy and practice.
2. Pay the required \$12,000 in dues to the national ICJ office
3. Coordinate and provide web based training on the national ICJ database system JIDS to court staff

#### **Programmatic Activities**

- Hold quarterly meetings of the Utah ICJ State Council
- Track and report on the number of youth who are in Utah on ICJ
- Track and report on the number of youth who are sent to other states from Utah on ICJ
- Provide web based training to court staff on JIDS

#### **Participating Agencies**

Juvenile Court and Juvenile Justice staff as well as policymakers and community partners.

#### **Plans for Supplemental and Future Funding of the Project**

With state budget reductions, it has become difficult to pay the required dues to the national ICJ office. When the compact legislation was passed, the total dues amount was not appropriated because it was not known at that time what the dues structure would be. The State of Utah is committed to following compact rules, thereby supporting the safe transfer of juveniles across state lines.

## Section Performance Measurement Data Collection Plan

The Office of Juvenile Justice and Delinquency Prevention requires projects identify and report on select performance measures from OJJDP's performance measurement system and develop a data collection plan that specifies the collection method and measurement. Projects are required to report: 1) All mandatory and two optional output measures, and 2) All mandatory and two optional outcome measures.

Use the JABG Performance Measures found at: [https://www.ojjdp-dctat.org/help/program\\_logic\\_model.cfm?grantID=1](https://www.ojjdp-dctat.org/help/program_logic_model.cfm?grantID=1)

Program Name: Interstate Compact for Juveniles Program Area: 10: Information Sharing

MEASURE & ITS #	DEFINITION	REPORTING FORMAT	FREQUENCY OF COLLECTION	RESPONSIBLE FOR COLLECTION	DATA SOURCE (UNIT AND/OR AGENCY)	HOW PROCESSED OR RETRIEVED
<b>Core Measures</b>						
1. Number and percent of programs/initiatives employing evidence-based programs or practices	Report the number and percent of programs/initiatives employing evidence based programs or practices. These include programs and practices that have been shown, through rigorous evaluation and replication, to be effective at preventing or reducing juvenile delinquency or related risk factors, such as substance abuse. Model programs can come from many valid sources (e.g., Blueprints, OJJDP's Model Programs Guide, SAMHSA's Model Programs, state model program resources, etc.).	A. Number of program/initiatives employing evidence based programs or practices B. Total number of programs/initiatives C. Percent (A/B)	Annually	Neira Siaperas, Asst. Juvenile Court Administrator	Administrative Office of the Courts, Judicial Training Institute	Training Records
2. Number and percent of youth with whom an evidence-based program or practice was used	The number and percent of youth served with whom an evidence-based program or practice was used. These include programs and practices that have been shown, through rigorous evaluation and replication, to be effective at preventing or reducing juvenile delinquency or related risk factors, such as substance abuse. Model programs can come from many valid sources (e.g., Blueprints for Violence Prevention, OJJDP's Model Programs Guide, SAMHSA's Model Programs, etc.).	A. The number of youth served using an evidence-based program or practice B. Total number of youth served during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
3. Number of program youth and/or families served during the reporting period	An unduplicated count of the number of youth (or youth and families) served by the program during the reporting period. Program records are the preferred data source.	A. Number of program youth/families carried over from the previous reporting period B. New admissions during the reporting period C. Total youth/families served during the reporting period (A+B)				Not applicable (Not a direct services program)
4. Number and percent	The number and percent of program	A. Number of program				Not applicable

<p>of program youth completing program requirements</p>	<p>youth who have successfully fulfilled all program obligations and requirements. This does not include youth who are still participating in ongoing programs. Program obligations will vary by program, but should be a predefined list of requirements or obligations that clients must meet before program completion. The total number of youth (the "B" value) includes those youth who have exited successfully and unsuccessfully. Program records are the preferred data source.</p>	<p>youth who exited the program having completed program requirements</p> <p>B. Total number of youth who exited the program during the reporting period (either successfully or unsuccessfully)</p> <p>C. Percent (A/B)</p>				<p>(Not a direct services program)</p>
<p><b>5. Number and percent of program youth who OFFEND</b> (short term)</p>	<p>The number and percent of participating program youth who were arrested or seen at a juvenile court for a delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source.</p> <p>The number of youth tracked should reflect the number of program youth that are followed or monitored for arrests or offenses. Ideally, this number should be all youth served by the program during the reporting period.</p> <p>A youth may be 'committed' to a juvenile facility anytime that he/she is held overnight.</p> <p>Certain jurisdictions refer to adjudications as 'sentences'.</p> <p>Other sentences may be community based sanctions, such as community service, probation etc.</p> <p>Example: If I am tracking 50 program youth then, 'B' would be 50. Of these 50 program youth that I am tracking, if 25 of them were arrested or had a delinquent offense during the reporting period, then 'C' would be 25. This logic should follow for 'D' and 'E' and 'F' values. The percent of youth offending measured short-term will be auto calculated in 'G'.</p>	<p>A. Total number of program youth served</p> <p>B. Number of program youth tracked during the reporting period</p> <p>C. Of B, the number of program youth who had an arrest or delinquent offense during the reporting period</p> <p>D. Number of program youth who were committed to a juvenile facility during the reporting period</p> <p>E. Number of program youth who were sentenced to adult prison during the reporting period</p> <p>F. Number of youth who received another sentence during the reporting period</p> <p>G. Percent OFFENDING (C/B)</p>				<p>Not applicable (Not a direct services program)</p>

**6. Number and percent of program youth who OFFEND**  
(long term)

The number and percent of participating program youth who were arrested or seen at a juvenile court for a delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source.

The number of youth tracked should reflect the number of program youth that are followed or monitored for arrests or offenses 6-12 months after exiting the program.

A youth may be 'committed' to a juvenile facility anytime that he/she is held overnight.

Certain jurisdictions refer to adjudications as 'sentences'.

Other sentences may be community based sanctions, such as community service, probation etc.

Example: A grantee may have several youth who exited the program 6-12 months ago, however, they are tracking only 100 of them, therefore, the 'A' value will be 100. Of these 100 program youth that exited the program 6-12 months ago, 65 had an arrest or delinquent offense during the reporting period, therefore the 'B' value should be recorded as 65. This logic should follow for 'C' and 'D' and 'E' values. The percent of youth offending measured long-term will be auto calculated in 'F'

- A. Total number of program youth who exited the program 6-12 months ago that you are tracking
- B. Of A, the number of program youth who had an arrest or delinquent offense during the reporting period
- C. Number of program youth who were committed to a juvenile facility during the reporting period
- D. Number of program youth who were sentenced to adult prison during the reporting period
- E. Number of youth who received another sentence during the reporting period
- F. Percent OFFENDING (B/A)

Not applicable  
(Not a direct services program)

**7. Number and percent of program youth who RE-OFFEND**  
(short term)

The number and percent of participating program youth who were arrested or seen at a juvenile court for a new delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source.

The number of youth tracked should reflect the number of program youth that are followed or monitored for new arrests or

- A. Total number of program youth served
- B. Number of program youth tracked during the reporting period
- C. Of B, number of program youth who had a new arrest or new delinquent offense during the reporting period
- D. Number of program

Not applicable  
(Not a direct services program)

	<p>offenses. Ideally this number should be all youth served by the program during the reporting period.</p> <p>Certain jurisdictions refer to adjudications as 'sentences'.</p> <p>Other sentences may be community based sanctions, such as community service, probation etc.</p> <p>Example: If I am tracking 50 program youth then the 'B' value would be 50. Of these 50 program youth that I am tracking, if 25 of them had a new arrest or had a new delinquent offense during the reporting period, then 'C' would be 25. This logic should follow for 'D', 'E', and 'F' values. The percent of youth re-offending measured short-term will be auto calculated in 'G'.</p>	<p>youth who were recommitted to a juvenile facility during the reporting period</p> <p>E. Number of program youth who were sentenced to adult prison during the reporting period</p> <p>F. Number of youth who received another sentence during the reporting period</p> <p>G. Percent RECIDIVISM (C/B)</p>		
<p><b>8. Number and percent of program youth who RE-OFFEND (long term)</b></p>	<p>The number and percent of participating program youth who were arrested or seen at a juvenile court for a new delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source.</p> <p>The number of youth tracked should reflect the number of program youth that are followed or monitored for new arrests or offenses 6-12 months after exiting the program.</p> <p>Certain jurisdictions refer to adjudications as 'sentences'.</p> <p>Other sentences may be community based sanctions, such as community service, probation etc.</p> <p>Example: A grantee may have several youth who exited the program 6-12 months ago, however, they are tracking only 100 of them for re-offenses, therefore, and the 'A' value will be 100. Of these 100 program youth that exited the program 6-12 months ago 65 had a new arrest or new delinquent offense during the reporting period.</p>	<p>A. Number of program youth who exited the program 6-12 months ago that you are tracking</p> <p>B. Of A, the number of program youth who had a new arrest or new delinquent offense during the reporting period</p> <p>C. Number of program youth who were recommitted to a juvenile facility during the reporting period</p> <p>D. Number of program youth who were sentenced to adult prison during the reporting period</p> <p>E. Number of youth who received another sentence during the reporting period</p> <p>F. Percent RECIDIVISM (B/A)</p>		<p>Not applicable (Not a direct services program)</p>



therefore the 'B' value should be recorded as 65. This logic should follow for 'C', 'D', and 'E' values. The percent of youth offending measured long-term will be auto calculated in 'F'.

**9. Number and percent of program youth who are VICTIMIZED (short term)**

The measure determines the number of program youth who are harmed or adversely affected by someone else's criminal actions. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property. The number of youth tracked should reflect the number of program youth that are followed or monitored for victimization. Ideally this number should be all youth served by the program during the reporting period.

Example: If I am tracking 50 program youth, then, the 'B' value would be 50. Of these 50 program youth that I am tracking, if 25 of them were victimized during the reporting period, then 'C' would be 25. The percent of youth who are victimized measured short-term will be auto calculated in 'D' based on 'B' and 'C' values.

- A. Total number of program youth served
- B. Number of program youth tracked during the reporting period for victimization
- C. Of B, the number of program youth who were victimized
- D. Percent VICTIMIZED (C/B)

Not applicable  
(Not a direct services program)

**10. Number and percent of program youth who are VICTIMIZED (long term)**

The measure determines the number of program youth who are harmed or adversely affected by someone else's criminal actions. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property.

The number of youth tracked should reflect the number of program youth that are followed or monitored for victimization 6-12 months after exiting the program.

Example: A grantee may have several youth who exited the program 6-12 months ago, however, they are tracking only 100 of them, therefore, and the 'A' value will be 100. Of these 100 program youth that exited the program 6-12 months ago 65 had been victimized during the reporting period, therefore the 'B' value should be recorded as 65. The percent of youth who are victimized measured long-term will be auto calculated in 'C' based on 'A' and 'B' values.

- A. Number of program youth who exited the program 6-12 months ago that you are tracking for victimization
- B. Of A, the number of program youth who were victimized during the reporting period
- C. Percent VICTIMIZED (B/A)

Not applicable  
(Not a direct services program)

**11. Number and percent**

The re-victimization measure counts the

- A. Total number of program

<p>of program youth who are RE-VICTIMIZED (short term)</p>	<p>number of youth who experienced subsequent victimization. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property.</p> <p>The number of youth tracked should reflect the number of program youth that are followed or monitored for re-victimization. Ideally this number should be all youth served by the program during the reporting period.</p> <p>Example: If I am tracking 50 program youth, then, the 'B' value would be 50. Of these 50 program youth that I am tracking, if 25 of them were re-victimized during the reporting period, then 'C' would be 25. The percent of youth who are re-victimized measured short-term will be auto calculated in 'D' based on 'B' and 'C' values.</p>	<p>youth served</p> <p>B. Number of program youth tracked during the reporting period for re-victimization</p> <p>C. Of B, the number of program youth who were re-victimized</p> <p>D. Percent RE-VICTIMIZED (C/B)</p>				<p>Not applicable (Not a direct services program)</p>
<p>12. Number and percent of program youth who are RE-VICTIMIZED (long term)</p>	<p>The re-victimization measure counts the number of youth who experienced subsequent victimization. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property.</p> <p>The number of youth tracked should reflect the number of program youth that are followed or monitored for re-victimization 6-12 months after exiting the program.</p> <p>Example: If I am tracking 50 program youth, then, the 'A' value would be 50. Of these 50 program youth that I am tracking, if 25 of them were re-victimized during the reporting period, then 'B' would be 25. The percent of youth who are re-victimized measured long-term will be auto calculated in 'C' based on 'A' and 'B' values.</p>	<p>A. Number of program youth who exited the program 6-12 months ago that you are tracking for re-victimization</p> <p>B. Of A, the number of program youth who were re-victimized during the reporting period</p> <p>C. Percent RE-VICTIMIZED (B/A)</p>				<p>Not applicable (Not a direct services program)</p>
<p>Select one of the following from 13A through 13L depending on the primary focus of the program &amp; delete the remain other rows.</p>						
<p>13L. Cultural Skill building/Cultural Pride (short term)</p>	<p>The number of program youth who exhibit increased knowledge and/or understanding of tribal background, history, traditions, language and/or values.</p>	<p>A. Number of program youth served during the reporting period with the noted behavioral change</p> <p>B. Total number of youth receiving services for the</p>				<p>Not applicable (Not a direct services program)</p>

target behavior during  
the reporting period  
C. Percent (A/B)

# **Non Mandatory Measures**

## **OUTPUT MEASURES**

268. Number of partner agencies	This measure represents the number of agencies that have formal partnership agreements.	A. Number of partner agencies	Quarterly	Neira Siaperas Assistant Juvenile Court Administrator	Administrative Office of the Courts	ICJ State Council Membership
276. Number of planning or training events held during the reporting period	This measure represents the number of planning or training activities held during the reporting period. Planning and training activities include creation of task forces or inter-agency committees, meetings held, needs assessments undertaken, etc. Preferred data source is program records.	A. Number of planning or training activities held during the reporting period	Quarterly	Neira Siaperas Assistant Juvenile Court Administrator	Administrative Office of the Courts	Grant file meeting and training records

## **OUTCOME MEASURES**

280. Number of program policies changed, improved or rescinded during the reporting period	This measure represents the number of cross-agency policies or procedures changed, improved, or rescinded during the reporting period.	A. Number of program policies	Quarterly	Neira Siaperas Assistant Juvenile Court Administrator	Administrative Office of the Courts	Grant file meeting records
282. Number of interagency information requests	This measure represents the number of requests for information to the grantee's agency from partner agencies or from the grantee's agency to partner agencies.	A. Number of requests for information	Quarterly	Jessica Eldredge ICJ Coordinator	ICJ coordinator's records	Information sharing records / email / phone calls / meetings

## Section 5: TARGET POPULATION

### A. TARGET POPULATION DESCRIPTION:

This project is not a direct service project. The target population is Juvenile Court staff and community partners.

Check all that apply to the project's service population:

**Justice Related Criteria:** ☐ At-Risk Population (no priors) ☐ First Time Offenders ☐ Repeat Offenders  
☐ Sex Offenders ☐ Status Offenders ☐ Violent Offenders  
☒ Youth population not served directly

**Age:** ☐ Under 11 ☐ 12-13 ☐ 14-15 ☐ 16-17 ☐ 16-17 ☐ 18 and over  
☒ Youth population not served directly

**Geographic:** ☐ Rural ☐ Suburban ☐ Tribal ☐ Urban ☒ Not Applicable

**Populations Served:** ☐ Mental Health ☐ Pregnant ☐ Substance Abuse ☐ Truant/Dropout  
☒ Youth population not served directly

### B. ESTIMATED NUMBERS TO BE SERVED BY PROJECT (use raw numbers, not percentages):

Gender		Ages	
Males	_____	_____ To _____	
Females	_____	_____ To _____	

OJJDP requires each state to examine the disproportionate confinement of minorities in the juvenile justice system and to develop a plan to address the problem. The following data assists the state in identifying any programs that serve this population.

### C. ESTIMATED NUMBER OF YOUTH TO BE SERVED (use raw numbers, not percentages):

Race/Ethnicity	Totals	Male	Female	Age Ranges
American Indian & Alaska Native				
Asian				
Black/African American				
Hispanic Origin (of any race)				
Native Hawaiian & other Pacific Islander				
Two or More Races				
White				
<b>GRAND TOTALS</b>				

#### D. DESCRIBE SERVICES PROVIDED SPECIFICALLY FOR MINORITIES:

1. Will the project provide targeted services for any of the racial/ethnic groups noted above? If so, which?
2. Demonstrate extensive knowledge of the barriers that clients face. Show how they are appropriately addressed and removed. How will the cultural competency of the staff be ensured. Demonstrates extensive knowledge of specific cultural characteristics of the target population.

The mission of the Utah Court requires fair and equal justice for all patrons of the system. The Courts are addressing disproportionate minority representation in the system in several ways. First, all staff and judges are required to attend cultural competency training. The Court's Education Department also offers several classes each year that focus on one or more minority populations for a more in-depth understanding of cultural practices and traditions of that population. This training helps staff learn effective means for communicating and working with diverse population. The Court has recently created a class for Probation Officers that focuses on effective casework practices in working with immigrant and refugee youth and families, which will be held on January 15, 2013. By creating an atmosphere of inclusiveness, the courts are striving to fully engage youth and families in the court process. Youth and families who have greater trust in the process will likely be more invested. A stronger relationship is also built between the youth and the probation officer, increasing the likelihood of a successful outcome and decreasing the potential for a physical confrontation or unsafe situation.

Secondly, the courts have been successful in hiring staff that reflect the racial makeup of clients served. The employment of a diverse workforce provides an added benefit of staff being able to communicate to parents and youth in their native language. Financial incentives are provided for staff that use their language skills on the job. For staff who are not bi-lingual, the courts maintain a list of approved interpreters covering 36 different languages. These interpreters are available for court hearings as well as for probation preliminary inquiries and other court-related meetings. The probation order and other printed materials are also provided in both English and Spanish. By conducting meetings in the youth and family's native language and by providing translated materials, the court is assuring equal access to the justice system.

Thirdly, the Juvenile Courts has taken steps to improve the collection of racial data on the patrons it serves and continuously monitors the collection of data in districts. Changes to the CARE information system have provided information that is more specific when race cannot be collected. These distinctions allow staff to identify if the lack of data is due to the youth or family refusing to provide the information or if the information was not readily available at the time the record was created. With this additional information, staff are in a better position to know when additional efforts are needed to collect that information. The Utah Juvenile Court continues to work on areas identified as a concern by RRI.

Fourthly, the Juvenile Court continues their efforts to reduce disproportionate minority contact (DMC) by working with the Utah Commission on Criminal and Juvenile Justice (CCJJ) to reduce overrepresentation at multiple points in the system. Currently, the Juvenile Court is working with both the Utah Criminal Justice Center (UCJC) and CCJJ to reduce the disparity in diversion rates for minority youth. DMC groups have been formed in the three districts selected by CCJJ to address issues on a local level. Additionally, Juvenile Court probation managers are taking an active role in evaluating current policies and practices and adopting new practices to reduce this disparity.

## Section 6: PROBLEM STATEMENT

Describe the problem this project will address. Provide statistics documenting identified risk and protective factors. Include data from the UBJJ Risk & Protective Factors Tool (<http://www.juvenile.utah.gov>) and the SMART system (<http://smart.gismapping.info/smart/UserLogin.aspx?ReturnUrl=%2fsmart%2fdefault.aspx>). Data from other official sources (e.g. school district, units of local government, state government, federal government or institution of higher learning) may be included. Limit of three pages.

Prior to its adoption, the Interstate Compact for Juveniles (ICJ) relied on the cooperation of the sending and receiving state for those youth crossing state boundaries and being supervised in another jurisdiction. Furthermore, a professional organization developed rules to operate the compact but had no authority to enforce the rules. Similar to the adult compact, the ICJ wrote model legislation, which was passed by the required percentage of states to make it law. Utah passed compact legislation in 2004 and was one of the first states to do so. Utah waited until 2008 before the required number of states acted upon and passed legislation. The ICJ now exists, has a national office located in Lexington, Kentucky and is affiliated with the Council of State Governments. As part of the compact, Utah is required to pay dues to the national office, which is charged with adopting a set of rules for states to abide by, the development of training materials, a website and a national database that will be used by member states. The first meeting of the National Interstate Commission for Juveniles was held in December 2008.

Very few policymakers are aware of ICJ, which includes law enforcement personnel. One rule of ICJ directed each state to develop a state Council that would adopt local rules and educate those organizations that need to know about ICJ. Utah State Council has been formed and the Council has held three meetings thus far. Members of the Council include community partners, legislators, probation, juvenile court judges, community representatives, etc. The Council has recently established by-laws and has discussed numerous ICJ policies and processes such as collaboration of the Utah ICJ and ICPC offices, probation policies specific to interstate youth, and handling of runaway youth.

Budget reductions throughout the state have made it difficult to pay the required ICJ membership dues and any future assessments to develop the national database.

For further information on ICJ and its history, one can go to their website at [www.juvenilecompact.org](http://www.juvenilecompact.org). Rules, training materials, member states, minutes of various committees, including the executive committee, and survey information are all part of the website. The website, however, is not widely known by staff and policy makers.

Little is also known about the interstate compact juvenile population on a national basis because, until recently, there was no national database to collect information. Instead, each state was required to maintain their own data about juveniles served and to submit that information annually. The information, however, was not redistributed. Exchange of information between states about interstate youth was primarily handled manually, with forms and packets sent via regular mail. Use of electronic forms was very limited, making the process time-consuming and resulting in many delays. A national database and creation of electronic reporting forms, which was released in November 2012, will streamline the process, minimize delays, and reduce staff time needed to comply with interstate compact rules.

## Section 7: PROJECT DESIGN AND MANAGEMENT

Explain what will make your program work. Cite relevant research to show that the program strategy is effective. Explain each step or phase of the project in the following areas: project activities, staffing, and collaboration.

☒ the project an evidence based program? ☐ YES ☐ NO (*not a direct service program*)

This is not applicable as ICJ is based on federal legislation, and is not a direct service program. However, ICJ was formed "to promote, develop, and facilitate a uniform standard that provides for the welfare and protection of juveniles, victims, and the public by governing the Compacting states' transfer of supervision of juveniles, temporary travel of defined offenders and return of juveniles who have absconded, escaped, fled to avoid prosecution or run away" (ICJ 2012). The Office of Juvenile Justice and Delinquency Prevention led the effort to create a more uniform approach to ICJ issues, in collaboration with the Council of State Governments. To find more information about the purpose and mission of ICJ, please visit [www.juvenilecompact.org](http://www.juvenilecompact.org).

If yes, cite the name of the evidence based model to be implemented: NA

Provide the source of the model program: NA

## Section 8: WORK PLAN AND TIMETABLE

Provide a detailed WORK PLAN, using the chart below, giving a month-by-month description of activity for the time period covered by this application. You must include the following (table will expand to fit):

- Activities necessary to achieve objectives
- Timetable for completion of each activity
- Staff position or consultants to be assigned to each activity
- Location where the activity will occur

Calendar Months	Activities	Assigned Position	Location
03/01/2013 to 03/30/2013	Plan the State Council meeting	Greg Johnson and Lisa-Michele Church	To be determined
4/23/2013	Hold the Utah Council meeting	Greg Johnson and Lisa-Michele Church	To be determined
4/01/2013 to 6/30/2013	Process invoice for dues	Neira Siaperas	AOC
1/1/2013 to 06/30/2013	Coordinate and provide web based training on JIDS	Jessica Eldredge	Judicial districts



## Section 9: PROJECT GOALS AND OBJECTIVES

Goals and objectives should be directly related to the Problem Statement. **Goals** should describe what you expect your project to achieve when it is completed. Goals need to be both realistic and achievable. **Objectives** identify what your agency will do to reach the project goals. They are the short-term results produced by the project that together will lead to the accomplishment of the goals. **Activities** are the specific actions that will help reach your goals and objectives.

Goal: Ensure compliance with Interstate Compact Rules	
Project Objective	Activities
1. Pay required ICJ dues	1) Process invoice and pay dues to the national office
2. Ensure that all staff is trained on using the new ICJ electronic database JIDS	1) Probation chiefs and the ICJ coordinator Jessica Eldredge to coordinate web training in each district
3. Hold a quarterly ICJ Council meeting	1) Plan the meeting in March 2) Send the agenda and invite guests 3) Hold the quarterly meetings

## Section 10: BUDGET MATRIX AND NARRATIVE

Category	In-Kind Match	Cash Match	Grant Funds	Total
Personnel	\$0	\$0	\$0	\$0
Consultant/Contract	\$0	\$0	\$0	\$0
Equipment / Supplies/ Operating	\$0	\$1200	\$10,800	\$12,000
Travel & Training	\$0	\$0	\$0	\$0
Total	\$0	\$1200	\$10,800	\$12,000

### FISCAL OFFICER (IMPLEMENTING AGENCY)

(Name, title, mailing address and zip code, area code and phone, fax, e-mail)

Milton Margaritas, Budget Officer  
450 South State, P.O. Box 140241  
Salt Lake City, Utah 84114-0241  
801-578-3863 office  
801-578-3854 fax  
[miltonm@email.utcourts.gov](mailto:miltonm@email.utcourts.gov)

## SALARIES AND FRINGE BENEFITS

This section is for full or part-time salaried employees. Employees who are not on the payroll are classified as consultants. If known, list name of individual. If a person has not been hired, type "vacant" and give the title of the position. "Number of hours" refers to total hours spent on the grant implementation. **Do not request grant funding for an employee who is already on the payroll unless the original position held by that person will be filled by a new employee.** Salaries may not exceed those normally paid for comparable positions in the community or the unit of government associated with the project. The hourly rate for personnel salaries can be determined on the basis of 8 hours per day, 40 hours per week, 173.33 hours per month, or 2,080 hours per year. Paid vacation and sick leave are allowable expenditures, but *must not exceed the time that is normally allowed by the agency or unit of government* associated with the project. All leave earned must be used or paid during the period of the grant. See Guidelines for additional information regarding overtime restrictions.

Name	Title	# Hours	Hourly Rate	Total Salary
Salary Subtotal				

## EMPLOYER'S SHARE OF FRINGE BENEFITS

Fringe benefits are to be based on the employer's share only. Enter the percentage of monthly rate for each fringe benefit, the total wage amount, the number of months, if applicable, and the total amount of the employer's share of benefits. Fringe benefit base wage amounts for part-time employees must be prorated according to the percentage of total time spent with each employer. "FICA", "Pension", "Health Insurance", "Workers Compensation", and "Unemployment Compensation" are matters that should be reviewed by the applicant's fiscal or personnel officer before completing this part of the application.

Fringe Benefits	% or Monthly Rate	Eligible Wage Amount or Number of Months	Total Employer's Share of Fringe Benefits
FICA			
Pension/Medicare			
Health Insurance			
Worker's Comp			
Unemployment Comp			
Other (explain)			
Other (explain)			
Fringe Subtotal			\$

Grant Funds Requested	Match Provided (if applicable)	Personnel Total
\$0	\$0	\$0

**BUDGET NARRATIVE/PERSONNEL**

Provide a brief description of the duties of personnel charged to this project, including educational background and prior work experience. If administrative personnel not engaged in the day-to-day activities of the project are included in this budget, explain why they are essential to the project's operation.

PERSONNEL	NARRATIVE

## CONSULTANTS/CONTRACTS

Persons with specialized skills who are not on the payroll are considered consultants. **When a consultant is known, a resume listing the consultant's qualifications and contract must accompany the application.** However, if the position is vacant and the project receives funding, this information must be forwarded to UBJJ/CCJJ when a contract with the consultant is signed. All procurement transactions whether negotiated or competitively bid without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. Describe the procedure to be used in acquiring the consultant (i.e., small purchase procedures, competitively sealed bids, non-competitive negotiation, etc.) **Consultant fees for individuals may not exceed \$56.25 per hour or \$450 per day, for an 8-hour day, plus expenses, without prior approval from UBJJ/CCJJ. Fee justification must be provided in the budget narrative.**

Consultant Name	Services to be Provided	# Hours	Hourly Rate	Total Cost

### Consultant Expenses

(May include travel, training, food, lodging, and other allowable incidental travel costs.)

### Consultant Fee Justification

(Include the basis of selection and method of procurement. Any sole source consultant requires prior approval from CCJJ.)

Grant Funds Requested	Match Provided (if applicable)	Consultants Total
\$0	\$0	\$0

**EQUIPMENT / SUPPLIES / OPERATING**

Equipment: items to be purchased that are over \$5,000. Supplies: office supplies, cleaning, maintenance, AND OPERATING supplies, training materials, books and subscriptions, research forms, postage stamps, food, and other materials that are expendable with the life of the project. All equipment and supply purchases covered by this grant must be necessary for the project to achieve its goals and objectives. All procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide a maximum open and free competition. Purchases between \$1,000 and \$5,000: Quotes should be obtained (by phone, fax or letter) from at least two vendors. Awards must be made to vendor submitting the lowest quote meeting the minimum specifications and required delivery date. Purchases exceeding \$5,000: A competitive sealed bid process must be conducted. Sole source contracts must be approved by CCJJ prior to being awarded.

Item	Cost	Time Period	Total
Rent-Facilities For State Council meetings			
Telephone			
Non-consultant Contract Help Judicial Education to help set up Council meetings			
a. Bookkeeping/Audit			
b. Maintenance			
c. Other (Specify) ICJ Dues	\$12,000		\$12,000
Auto Lease/Short-Term Rental AV equipment in training locations			
Equipment Lease/Short-Term Rental			
Photocopying (Trainings and State Council)			
Printing			
Grant Management Costs (In-Kind)			
Other (Specify) Assessment to build national database (based on Adult Compact assessment)			
Other (Specify) Notebooks for State Council			
Other (Specify) Programming of CARE for reports that will upload information into the national database			

Procurement Method to be Used (cell will expand)

**Equipment / Supplies / Operating Justification and Narrative:** Justify the purpose and use of each item noted above.

Annual fees of \$12,000.00 are required to be paid to the national ICJ office by each state. The fees enable Utah to remain in compliance with national and state legislation, to access the national database, and to vote on ICJ rule changes.

Grant Funds Requested	Match Provided (if applicable)	"Other" Total
\$10,800	\$1200	\$12,000

## TRAVEL & TRAINING

Grant related travel charges must not exceed the rates allowed by the State of Utah. Organizations whose written travel policies are less restrictive than the State of Utah, or that do not have their own written travel policy, must adhere to the State of Utah travel policy. "Per Diem" includes food and lodging. Meals provided gratis must be deducted from the per diem rate allowed. The "Other" category includes parking, telephone, or other allowable incidental travel costs. (This applies to grant funded employees only, not consultants.)

<b>Vehicle</b>	<b># Miles</b>	<b>Mileage Rate</b>	<b>Total</b>
<b>Air, Bus, etc.</b>	<b>Destination</b>	<b>Fare</b>	<b>Total</b>
<b>Per Diem</b>	<b># Days</b>	<b>Per Diem Rate</b>	<b>Total</b>
<b>Conference Registration</b>	<b># People</b>	<b>Rate</b>	<b>Total</b>
<b>Other</b>			<b>Total</b>

### Travel and Training Justification and Narrative

<b>Grant Funds Requested</b>	<b>Match Provided (if applicable)</b>	<b>Travel &amp; Training Total</b>
\$0	\$0	\$0

## SECTION 12: LETTERS OF PARTICIPATION

Applicants must submit a Letter of Participation from each local agency or organization that is involved with the project, contributing resources, or making referrals (e.g., courts, treatment programs, shelters). Applicants should refer to the appropriate category in the Guidelines to ensure that appropriate letters are included. Failure to submit the appropriate Letters of Participation may remove the application from further funding consideration. List below the agencies providing letters of participation and the number of referrals:

Participating Agency Name and Role	Projected # of Referrals (if applicable)

**Attach copies of each letter to all copies of the application.**



## LETTER OF PARTICIPATION FORMAT

All responses must show active cooperation with the applicant and with the project and must use the format below.  
Please do not solicit or include letters of support. Each participating agency should use its letterhead and this format.

To: Utah Board of Juvenile Justice

From: (Participating Agency)

Re: (Project Name)

Date: (Must be current dated letter)

We hereby commit to providing the following services or referrals to further the objective of \_\_\_\_\_ project:

1.

2.

3.

4.

5.

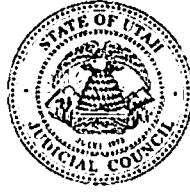
7.

Authorized Signature

Typed Name

Title

**Grant 2 - Working Interdisciplinary  
Network of Guardian Stakeholders  
(WINGS)**



## Administrative Office of the Courts

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

### MEMORANDUM

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

**To:** Management Committee  
**From:** Tim Shea *TS*  
**Date:** January 2, 2013  
**Re:** WINGS grants and workgroup

---

I am requesting that the Management Committee and Judicial Council approve our application for a grant from the National Guardianship Network. The grant is a modest amount for the purpose of initiating a Working Interdisciplinary Network of Guardian Stakeholders (WINGS). The formation of such a workgroup was one of the recommendations of the Third National Guardianship Summit held at the S.J. Quinney Law School in October 2011.

For several years, the Judicial Council has endorsed and supported a variety of efforts in the area of guardianships. And we have the beginnings of a WINGS workgroup in the Volunteer Court Visitor Steering Committee that the Council appointed in May 2011. That committee can be phased out and replaced with this workgroup. Also, the Guardianship Alliance, a collaborative effort spearheaded by the Office of Public Guardians, would be replaced by this workgroup.

With A WINGS workgroup we would build a forum for developing and implementing concrete steps for improving the guardianship process and the circumstances of guardians and the persons they are charged with protecting.

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@utcourts.gov](mailto:tims@utcourts.gov)

A Utah WINGS provides the opportunity to organize the described efforts to focus on the larger tasks of overseeing and improving the existing system of guardianship and its alternatives.

- **How will the project establish and convene a WINGS group? What key tasks will be involved?**
- **How will the state WINGS group set working goals and objectives?**

The first action by our WINGS will be to organize a statewide summit to establish a long-term strategic plan. The Courts will host a pre-summit meeting where invited stakeholders will identify guardianship-related problems they face in their work and how they think the network can help them find solutions. The Courts will articulate the key issues outlined in section a) Statement of Need of this proposal.

The WINGS planning group will prioritize several topics essential to a strategic plan, invite people with expertise in those topics to write briefs, invite other experts and stakeholders to a one-day conference to investigate the briefs and selected topics, and develop recommendations for action. The recommendations will then become the basis for the ongoing work of WINGS, and will be converted into an action plan with a corresponding timeline. After the opening summit we suggest holding quarterly meetings of our WINGS

- **What kinds of technical assistance will the project need from NGN?**

Guidance will be helpful in:

- Narrowing guardianship reform priorities from the topics voiced by the group;
- Selecting topics for research and moderating group research;
- Implementing education and practice standards for guardians;
- Working with Limited English Proficiency (LEP) stakeholders and developing education materials in at least Spanish and that are sensitive to the needs of various ethnic communities.
- Developing a sustainability plan; e.g., fundraising sources and strategies.

**c. Budget (20 of 100 evaluation points)**

- **How will the project use the \$7,000 incentive funds? Submit brief budget.**

Part of the \$7,000 will be used to hold the one-day summit to develop the WINGS strategic plan. Remaining funds will be used to pay for lunches and related costs for the quarterly WINGS meetings and for public and professional education materials.

Type of activity	Amount
1. Summit planning	
a. Expert briefs honorariums (3 persons)	\$400x3=\$1200
b. Planning meeting lunch (15 persons)	\$13x15=\$195
2. Summit:	
a. Space rental	In-kind
b. Key note speakers/experts flight or other travel (3 persons)	\$500x3=\$1500
c. Key note speakers/experts stay (2 nights, 3 persons)	\$95x3x2=\$570
d. Summit breakfast (30 participants)	\$9x30=\$270
e. Summit lunch (30 participants)	\$13x30=\$390
f. Coffee break (30 participants)	\$4x30=\$120
g. Printing, flash-drives	In-kind
3. Follow up Wings meetings:	
a. Lunches (4 meetings, 15 participants)	\$13x15x4=\$780
b. Outreach events (advertising, copying, poster design)	\$1975
<b>Total:</b>	<b>\$7000.00</b>

• **In addition to the \$7,000 incentive grant, what other resources can be devoted to the project?**  
In-kind resources of the AOC; Court Visitor Program staff time; staff time of other court staff attorneys. We will pay for the technical assistance expert stay in Utah at a hotel in Salt Lake City that accepts the state rate.

• **How will the WINGS group be sustained beyond the grant period?**  
In-kind contributions of various stakeholders; private foundation funds, court support.

# Conference of Chief Justices Conference of State Court Administrators

Government Relations Office

111 2<sup>nd</sup> Street, NE  
Washington, DC 20002  
(866) 941-0229  
FAX: (202) 544-0978

## CCJ PRESIDENT

Honorable Myron T. Steele  
Supreme Court of Delaware  
57 The Green  
Dover, DE 19901  
(302) 739-4214  
(302) 739-2004 (fax)

## COSCA PRESIDENT

Donald D. Goodnow  
Director  
Administrative Office of the Courts  
Supreme Court of New Hampshire  
Two Charles Doe Drive  
Concord, NH 03301  
(603) 513-5401  
(603) 513-5454 (fax)

November 28, 2012

Honorable Matthew B. Durrant  
Chief Justice  
Supreme Court of Utah  
Scott Matheson Courthouse  
450 South State Street, 5th Floor  
P.O. Box 140210  
Salt Lake City, UT 84114-0210

Mr. Daniel J. Becker  
State Court Administrator  
450 South State  
P.O. Box 140241  
Salt Lake City, UT 84114-0241

## **E: Request for Proposals for Working Interdisciplinary Networks of Guardianship Stakeholders**

Dear Chief Justice Durrant and Mr. Becker:

A mark of court excellence is how it works with its partners in the justice system and community on cases involving vulnerable individuals, such as the growing number of elders and those with disabilities who need decision-making support. Indeed the older population is expected to increase by 36% between 2010 and 2020, with an especially rapid rise in the 85+ group. Thus, in 2012, at the initiative of the CCJ/COSCA Elders and the Courts Committee, the Conference of Chief Justices and the Conference of State Court Administrators passed a resolution encouraging each state court system to review and consider implementation of the 2011 *Third National Guardianship Summit Standards and Recommendations* – including the development of “Working Interdisciplinary Networks of Guardianship Stakeholders” (WINGS).

In the attached Request for Proposals, the National Guardianship Network (NGN) invites the highest court in each state to take a leadership role in adult guardianship reform – and specifically in the creation of an ongoing WINGS group. Under the WINGS project, NGN will support the highest court in four states in partnering with key community stakeholders to assess the state’s system of guardianship and alternatives, address policy and practice issues, and begin to serve as an ongoing problem-solving mechanism. Courts selected for the WINGS project will:

- Receive a start-up mini-grant of \$7,000 toward the establishment of a state WINGS group – which can be applied toward convening meetings, commissioning research, conducting initial needs assessments and engaging in outreach;
- Receive at least one technical assistance visit by an NGN expert;

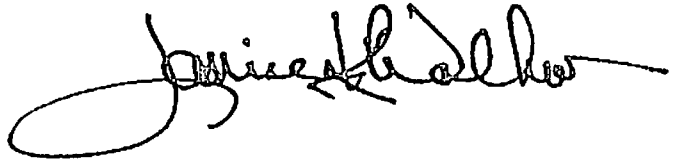
November 28, 2012

- Increase public trust and confidence in the role of the courts for at-risk individuals who may need help in decision-making;
- Be at the forefront of reform and gain national visibility as a model for other courts; and
- Advance CCJ and COSCA policy.

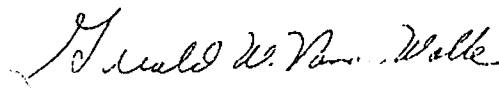
The National Guardianship Network, established in 2002, consists of 10 national organizations dedicated to effective adult guardianship law and practice, including the National Center for State Courts and the National College of Probate Judges.

The due date for applications is January 31, 2013. These grants will provide an opportunity to demonstrate the impact of leadership for ensuring that the growing number of elders, individuals with intellectual disabilities, and persons with mental illness or brain injuries receive the decision-making support they need.

Sincerely,



Ms. Janice K. Walker  
Co-Chair  
CCJ/COSCA Elders in the Court Committee



Hon. Gerald W. VandeWalle  
Co-Chair  
CCJ/COSCA Elders in the Court Committee

c: Ms. Kay Farley  
Ms. Brenda Williams  
Ms. Shelley Rockwell  
Ms. Brenda Uekert

Enclosure



## National Guardianship Network

**Mary Joy Quinn**  
Chair

**Peter G. Wacht, CAE**  
Executive Director

Member Organizations  
**AARP**

**ABA Commission on Law  
and Aging**

**ABA Section of Real  
Property, Trust and Estate  
Law**

**Alzheimer's Association**

**American College of Trust  
and Estate Counsel**

**Center for Guardianship  
Certification**

**National Academy of Elder  
Law Attorneys**

**National Center for State  
Courts**

**National College of Probate  
Judges**

**National Guardianship  
Association**

## Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) -- Request for Proposals from State Courts

**Purpose:** The aim of this Project is for the state's highest court to partner with community groups in establishing and maintaining "working interdisciplinary networks of guardianship stakeholders" (WINGS). Such a stakeholder network will: (1) identify strengths and weaknesses in the state's current system of adult guardianship and less restrictive decision-making options; (2) address key policy and practice issues; (3) engage in outreach, education and training; and (4) serve as an ongoing problem-solving mechanism to enhance the quality of care and quality of life of adults in or potentially in the guardianship and alternatives system.

**Eligible Applicants:** Eligible applicants are the highest court of each state, in collaboration with key community stakeholders. Stakeholders must include at minimum the State Unit on Aging under the Older Americans Act, the state Adult Protective Services office, and the federally-mandated state Protection & Advocacy agency or state Council on Developmental Disabilities. Applications that also include additional stakeholders such as the following will be favorably rated: state guardianship associations (including family guardian representation), regional VA offices, local Social Security offices, the public and private bar, the long-term care ombudsman, and aging & disability resource centers (ADRCs).

**Awards and Requirements:** A total of four states each will receive a \$7,000 incentive grant plus technical assistance from the National Guardianship Network. Experience in these four demonstration states will be used to promote ongoing WINGS groups in other jurisdictions; and the selected states will gain high visibility nationally. Each state will receive at least one in-person visit from NGN experts. States must agree to participate in at least two planning calls before the WINGS meeting and the NGN visit, and two calls following the visit. States that can contribute additional matching funds, including supporting the cost of a second NGN site visit, will be favorably rated.

**Sponsoring and Funding Entities:** The WINGS Project is sponsored by the National Guardianship Network (NGN), which includes ten national organizations dedicated to effective adult guardianship law and practice: AARP, the American Bar Association Commission on Law and Aging, the American Bar Association Section of Real Property, Trust and Estate Law, the Alzheimer's Association, the American College of Trust and Estate Counsel, the Center for Guardianship Certification, the National Academy of Elder Law Attorneys, the National Center for State Courts, the National College of Probate Judges, and the National Guardianship Association. The ABA Commission on Law and Aging is coordinating the WINGS Project on behalf of NGN.

Funding for the WINGS Project is provided by the State Justice Institute and the Borchard Center on Law and Aging (a program of the Albert and Elaine Borchard Foundation).

**Background:** In October 2011, the National Guardianship Network (NGN) convened the Third National Guardianship Summit, a landmark consensus conference funded by the State Justice Institute and the Borchard Center on Law and Aging (a program of the Albert and Elaine Borchard Foundation). The Summit focused on post-appointment guardian performance and decision-making across several key areas of practice. Its 93 participants crafted some 43 Standards for Guardians and 21 Recommendations for Action by courts, legislators and others. See [www.guardianshipsummit.org](http://www.guardianshipsummit.org).

A key Summit focus was the need for coordinated court-community partnerships to implement the Standards and Recommendations, and to drive changes that will affect the ways courts and guardian practice, as well as improve the lives of incapacitated people. A central thrust of the Summit Recommendations was that implementation and reform can best be accomplished by ongoing state multidisciplinary entities for problem-solving, trend identification, and action strategies.

States have lacked this kind of ongoing mechanism to continually evaluate “on the ground” guardian practice, to consistently target solutions for key problems, and to ensure a regular protocol of communication among stakeholders. All too often, state task forces gather, discuss needed legislative changes, and advocate effectively for those changes – only to disappear before the changes are fully implemented. Moreover, such state task forces may not always include the essential gamut of stakeholders to involve aging and disability advocates, family members, the mental health community, and guardianship professionals.

The Summit recommended that states create ongoing WINGS – Working Interdisciplinary Networks of Guardianship Stakeholders. Through the WINGS Project, NGN will work with states to establish such active stakeholder networks. NGN will select four states to receive technical assistance and a small incentive grant of \$10,000 toward the establishment of a state WINGS group. The incentive funds could be used, for instance, for commissioning research, conducting an initial needs assessment, convening meetings, and conducting outreach. NGN will work intensively with each grant-funded state to create a WINGS group, help the group define priorities for reform, and develop a sustainability plan. Examples of WINGS priorities, as set out in the Summit Recommendations, include: encouraging and supporting court monitoring and data collection; evaluating court procedures; expanding the use of technology, developing standardized forms and web resources; supporting education and cross-training; and promoting standards of conduct and best practices for guardians.

The creation of state WINGS is squarely in line with policy of the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA). In 2010, COSCA adopted a policy paper (*The Demographic Imperative: Guardianships and Conservatorships*) that called for the creation of statewide multidisciplinary task forces “to review the guardianship process, court rules, and statutes; to make and prioritize recommendations for improvement; and to implement best practices.” In 2012 CCJ and COSCA passed resolutions encouraging each state court system to review and consider implementation of the Summit Standards and Recommendations, including the development of WINGS.

The WINGS vision is that at the state level, key players will be involved on an ongoing basis to consider how adult guardianship is working in the state, what the priority needs and pressure points are, what solutions might work, and how to promote other less restrictive decision-making options. In the end, this may be the real engine driving reform.



# TAB 8



## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
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 *T. Shea*  
**Date:** January 9, 2013  
**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 02-0206. Effective date of rules. Amend. Designates May 1 and November 1 as the presumed effective date of Council rules.

CJA 04-0610. Appointment of justice court judges to preside at first appearances, preliminary hearings and arraignments. Amend. Technical amendment.

CJA 07-0304. Probation supervision. Amend. Changes the time for filing and reviewing supervision plans. Includes the Balanced and Restorative Justice Model throughout the case planning process.

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@utcourts.gov](mailto:tims@utcourts.gov)

**Rule 2-206. Effective date of rules.**

Intent:

To assure that persons affected by Council policies have sufficient time to conform their practice to the policy.

Applicability:

This rule shall apply to all rules of the Council.

Statement of the Rule:

Except as provided by this rule and by Rule 2-205, rules adopted by the Council shall be effective ~~upon the date of publication of the rule in a regularly published law reporter service. The Council may establish the effective date of a rule as a date certain following the date of publication on May 1 or November 1 first following final action by~~ the Council, unless the Council specifies a different date.

**Rule 4-610. Appointment of justice court judges to preside at first appearances, preliminary hearings and arraignments-in-felony-cases.**

Intent:

To establish the criteria for the appointment of justice court judges to preside at first appearances, preliminary hearings and arraignments-in-felony-cases.

Applicability:

This rule shall apply to the district and the justice courts.

Statement of the Rule:

(1) The presiding district court judge may appoint a justice court judge to preside at a first appearance, preliminary hearing or arraignment if:

(A) the justice court judge consents to the appointment; and

(B) the justice court judge has either completed a course in the conducting of first appearances, preliminary hearings and arraignments, or has presided over at least five first appearances, preliminary hearings and arraignments prior to the effective date of this rule.

(2) A justice court judge may only accept a plea of not guilty, or not guilty by reason of insanity.

(3) The Justice Court Administrator shall maintain a list of those justice court judges who meet the qualifications set forth in paragraph (1)(B) above.

(4) The administrative office shall offer courses in the conducting of first appearances, preliminary hearings and arraignments, and shall pay the expenses of justice court judges attending such courses not offered in conjunction with the annual justice court judges conference.

(5) Hearings conducted pursuant to this rule shall be conducted on the record.

**Rule 7-304. Probation supervision.**

Intent:

To establish the duties, responsibilities and authority of the probation officer during supervision of minors placed on probation.

Applicability:

This rule shall apply to the Juvenile Court.

Statement of the Rule:

(1) Definition. Probation means the legal status created by court order following an adjudication on the ground of a violation of law where a minor is permitted to remain at home or in a foster home under prescribed conditions and under the supervision of the probation department, or other agencies or individuals designated by the court.

(2) Assignment of probation officer. When the court has placed a minor on probation, a probation officer shall be assigned to supervise the minor.

(3) Probation guidelines.

(3)(A) Probation should be limited to minors who are identified as medium to high risk to the community because of the frequency or severity of the offenses for which they have been adjudicated.

(3)(B) Probation should begin with an intensive orientation by a probation officer and assignment to a probation level based on the results of a risk assessment. Probation should not extend longer than six months, except when special circumstances are present.

(3)(C) Probation status should not be continued solely for the reason of monitoring payment of fines and restitution for a minor who otherwise has complied with the conditions of probation.

(3)(D) Probation should not be used for a youth referred only for status offenses or minor infractions. Other dispositional alternatives should be considered for this type of case such as a fine, compensatory service, delayed disposition or continuing

jurisdiction, without requiring the intervention and supervision of the probation department.

(3)(E) A court created status of continuing jurisdiction should be considered for less serious offenders that does not require probation department supervision but does require the youth to demonstrate a period of legally acceptable behavior before termination.

(3)(F) ~~Probation is generally reserved for a higher risk youth.~~ Detention should be available as a short term option during probation, when determined appropriate, within the provisions of the law.

(3)(G) Probation should not be continued on an inactive basis if no future contacts are determined necessary by the probation department. A continuing jurisdiction status may be created to phase out probation.

(3)(H) Interim probation progress reviews may be conducted by a probation supervisor. Termination of probation and modifications of the conditions of probation must be approved by the court.

(3)(I) If further criminal acts require commitment of the youth to the Division of Juvenile Justice Services, probation should be terminated and subsequent responsibility for supervision assigned to the Division.

(3)(J) When the court places a youth on probation, it should be a formal proceeding where the specific conditions are reviewed by the court, the future probation review date set, and the severity of this sanction emphasized.

(4) Supervision and correctional plan. The Balanced and Restorative Justice Model should be considered throughout the case planning process. When a youth is placed on probation, the assigned probation officer, when ordered by the court, shall file a supervision and correctional plan with the court within ~~30~~ 45 days of the entry of the probation order. The plan shall be based on the Pre-Screen Risk Assessment (PSRA) or the Protective Risk Assessment (PRA). The plan shall be reviewed and, if appropriate, updated at least every ~~90~~ 180 days as the PRA is updated or more

frequently as the plan's intended outcomes and goals are completed or the minor's needs change. The plan shall include the following:

(4)(A) the specific risk and protective factors;

(4)(B) the services needed to address the risk and protective factors;

~~(4)(C) the Balanced and Restorative Justice Model for each domain used in the plan;~~

(4)(C) a statement of the intended outcomes and or goals; and

~~(4)(E) the role of each signing party in meeting the intended outcomes and goals;~~  
and

(4)(D) if the plan is an updated plan, a statement that specifies progress toward the intended outcomes and goals.

(5) Supervision. Supervision activities by the probation officer may include but are not limited to:

(5)(A) Recommending to the court the appropriate restrictive conditions of probation to minimize the risk to the community in allowing the youth to remain in his home or alternative living arrangement.

(5)(B) Monitoring a youth's compliance with the court ordered conditions of probation. This may include periodic progress reports which focus on compliance with the conditions of probation established at the time the youth was placed on probation and the number and type of contacts made by the probation officers or other agency.

(5)(C) Reporting violations of court ordered probation conditions and making appropriate recommendations to the court.

(5)(D) Identifying and developing available community resources to meet special needs of the youth and/or the family identified in the supervision and correctional plan, including work placement, tutoring and social services.

(5)(E) Developing community work sites for the involvement of a youth and encouraging constructive use of time.

83 (5)(F) Counseling for short periods of time, but not to the extent that it supplants  
84 services which can be provided by other community resources.

85 (6) Review. The probation department shall submit a written report to the court prior  
86 to each review hearing updating the supervision and correctional plan as necessary and  
87 reporting on the probationer's progress.

88 (7) Court reporting. If a youth is suspected of violating the terms and conditions of  
89 probation, the probation department shall immediately report the alleged violation to the  
90 court and may make appropriate recommendations based upon the alleged violation.  
91



**ADDITIONAL COUNCIL  
MEETING HANDOUTS**

## **Utah Judicial Council Norms (updated 1/28/13)**

- 1. Administrative role and judicial role**
  - **Judicial Council business takes priority and court calendars and vacation time should be set accordingly.**
- 2. Members are charged with representing the interests of the system as a whole**
  - **Members are not permitted to advocate for their court or court level.**
- 3. Members are not permitted to make presentations at Judicial Council meetings.**
- 4. Members have no independent authority; the Judicial Council acts collectively.**
- 5. Members are not permitted to serve on Judicial Council standing committees.**
- 6. Members should seek the input of the appropriate board when the Judicial Council is considering a policy that affects that court level.**
- 7. Boards should be consulted for recommendations to standing committees before such appointments are considered by the Judicial Council.**
- 8. Members are charged with the responsibility to report on Judicial Council meetings and decisions to their court level boards, local bench, and conference business meetings.**
- 9. No item can be calendared for a Judicial Council meeting without the approval of the Management Committee.**
- 10. Consent calendar items are deemed approved unless a member requests that a consent calendar item be added to the formal agenda for discussion.**
- 11. Presentations at Judicial Council meetings should be completed before questions are asked of a presenter.**
- 12. Presenters at Judicial Council meetings must be excused from the table before a motion is made and a vote is taken.**
- 13. Substitutes may attend Judicial Council meetings and participate in discussion, but cannot vote.**

14. **A member will notify the chair of the Judicial Council of any complaint filed with the Judicial Conduct Commission or the Utah State Bar of which the member becomes aware, any misdemeanor or felony criminal charge, and any judicial or administrative proceeding claiming the member violated a position of trust or committed a breach of ethics.**

**The member will not admit or deny the claims, but will provide the chair with a copy of the charging document.**

**The chair will notify the other members of the Judicial Council in appropriate cases.**

**The chair may, personally or by designee, advise the member on the best interests of the Judicial Council and the member's best interests, including the opportunity to resign from the Judicial Council.**

## **Time to Disposition Guidelines in Utah Courts**

### **Overview**

The Time to Disposition guidelines, used in conjunction with other case management measures, are intended to advise districts in case management efforts. Actual times to disposition should be compared with these guidelines to determine where case management practices are strong and where adjustments may be needed.

These guidelines are based on the courts' current assessment of how long it should take to resolve most court cases. The use of a 95% resolution rate acknowledges that about 5% of cases take longer than the standard to reach final disposition.

The guidelines divide civil cases into sub-categories to reflect the time required to resolve different types of cases and provide more precise case management feedback. The guidelines will be reviewed periodically to determine what, if any, adjustments should be made. These guidelines are intended to be aspirational in nature. They are goals to strive for at a system level.

### **Administration**

Because these standards are system benchmarks, not individual judicial or case standards, time to disposition is reported at the state and district level only. The reporting tool approved by the Utah Judicial Council will be updated and distributed for monitoring purposes as follows.

**Presiding judges and management teams** will receive monthly reports for information and monitoring purposes. These reports used in conjunction with case pending reports will provide a basis from which case management improvement efforts can be made and monitored. The information may also be helpful evaluating district resource allocations.

**Boards of Judges** will receive semi-annual reports for information purposes to assist in evaluating resource requests. In the absence of a presiding judge and management team structure in justice courts, the Board of Justice Court Judges will be asked to distribute justice court time to disposition reports through Board meeting minutes.

**The Judicial Council** will receive semi-annual reports for information purposes to assist in annual resource decision-making and system performance monitoring.

**The Administrative Office of the Courts** will provide ongoing data quality monitoring and facilitate periodic reviews of the measurement protocols. The time to disposition standards will be formally reviewed every 3 years and recommendations for updates made to the Judicial Council.

# Time to Disposition for Cases Disposed in Utah Courts

January 1, 2012 to November 30, 2012 (For Judicial Council Mtg. January 28, 2013)

Case Category	Case Type	Time Goal	% of Dispositions Meeting Time Goal By District and Statewide								
			Statewide	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth
Criminal	Felonies and Misdemeanors (District Cts)	12 m	95%	95%	97%	95%	95%	90%	92%	97%	95%
	Misdemeanors (Justice Cts) <sup>3</sup>	6 m	95%								
Traffic	Traffic (Justice Cts) <sup>3</sup>	90 d	94%								
Civil	All Civil except Small Claims and Evictions	24 m	97%	99%	98%	97%	98%	91%	97%	100%	96%
	Debt Collection	12 m	93%	95%	96%	93%	94%	85%	94%	99%	85%
	General Civil	24 m	87%	90%	94%	85%	89%	78%	84%	96%	82%
	Torts	24 m	79%	77%	74%	81%	78%	76%	88%	100%	79%
	Eviction	9 m	85%	85%	91%	84%	88%	63%	81%	95%	59%
	Small Claims (Justice Cts) <sup>3</sup>	9 m	98%								
Domestic	Divorce, Paternity, Custody and Support	15 m	87%	88%	88%	86%	93%	83%	86%	95%	80%
	Domestic Modifications	12 m	93%	96%	88%	94%	94%	85%	98%	97%	94%
	Temporary Protective Orders	10 d	100%	99%	99%	100%	100%	100%	100%	100%	99%
Probate	Administration of Estates	12 m	97%	97%	97%	98%	98%	91%	92%	100%	90%
	Guardian/Conservatorship: Incapacitated Persons	90 d	84%	65%	78%	90%	85%	75%	67%	75%	80%
	Involuntary Civil Commitment	15 d	94%	70%	91%	98%	95%	61%	---	0%	---
Juvenile	Delinquency and Status Offenses	90 d	95%	98%	98%	92%	93%	95%	99%	97%	96%
	Child Welfare: Shelter to Adjudication	60 d	97%	100%	96%	94%	98%	96%	100%	98%	99%
	Child Welfare: Disposition to Adjudication	30 d	95%	99%	98%	90%	96%	89%	100%	93%	95%

<sup>1</sup> The number of days used as a reference in the column labeled "Within" are based on the National Center for State Courts Guidelines. The days have been modified in several cases to reflect local statute and procedures. For more information, see Case Type Descriptions and Time Standards Notes for more information.

<sup>2</sup> The National Center for State Courts suggests 98% percent of cases should be disposed during the time standard. The Utah Courts have not yet determined an appropriate % of cases to be disposed during a time stand nor have they finalized the time standards used in this report.

<sup>3</sup> All justice court measures include only cases filed since conversion to CORIS (Court Records Information System) on July 1, 2011.

## Proposed Time to Disposition Guidelines in Utah Courts

Time to disposition provides information on the time it takes to process cases. It is typically shown as the percentage of cases disposed of within established time guidelines.<sup>1</sup> Time to disposition differs from age of active pending cases. Time to disposition focuses on resolved cases rather than cases in progress. Time to disposition allows a district to compare its timeliness to established guidelines.

Case Category and Case Type	Percentage of Cases Disposed Within Time Period
<b>Criminal</b> Time is measured from case filing to charge disposition. <sup>2</sup> Time from charge disposition to sentencing is not included.	
<b>Felonies and Misdemeanors (District Cts)</b> Includes: Felony, Class A misdemeanors, appeals on Class B and C misdemeanor cases.	95% in 12 months
<b>Misdemeanors (Justice Cts)<sup>3</sup></b> Includes: Class B and C misdemeanor cases.	95% in 6 months
<b>Traffic (Justice Cts)</b> Time is measured from citation or case filing to charge disposition.	95% in 90 days
<b>Civil</b> Time is measured from case filing to entry of case disposition. Dispositions entered for the purposes of transferring cases are not counted.	
<b>Civil Cases</b> Includes: Administrative Agency Appeals, Attorney Discipline, Civil Rights, Civil Stalking, Contempt, Contract, Forfeiture of Property, Interpleader, Miscellaneous Civil, Small Claims De Novo, Tax Court, Writs, and Wrongful Termination, Condemnation, Lien/Mortgage Foreclosure, Property Rights, Malpractice, Personal Injury, Property Damage, Wrongful Death cases. Asbestos cases are not included.	95% in 24 months
<b>Debt Collection Cases</b>	95% in 12 months
<b>Eviction Cases</b>	95% in 9 months
<b>Small Claims Cases (Justice Courts)</b>	95% in 9 months

<sup>1</sup> National Center for State Courts CourtTools

<sup>2</sup> Time is suspended for: 1) the filing of an interlocutory appeal; 2) filing of bankruptcy proceedings in federal court; 3) issuance of a criminal bench warrant; or 4) mental competency treatment.

<sup>3</sup> In justice court cases, time is measured for cases filed after the completed conversion to CORIS-Court Records Information System on 7/1/2011.

Case Category and Case Type	Percentage of Cases Disposed Within Time Period
<p><b>Domestic</b></p> <p><b>Divorce, Custody/Support and Paternity</b> Time is measured from case filing to entry of case disposition. Dispositions entered to transfer cases are not counted.</p> <p><b>Domestic Modifications</b> Time is measured from filing of petition to modify to entry of judgment; or from filing of motion to modify to order on motion to adjust child support.</p> <p><b>Temporary Protective Orders</b> Time is measured from filing of petition to granting of temporary protective order or denial to issue temporary protective order</p>	<p><b>95% in 15 months</b></p> <p><b>95% in 12 months</b></p> <p><b>95% in 10 days</b></p>
<p><b>Probate</b></p> <p><b>Administration of Estates</b> Time is measured from filing of petition to the appointment of a personal representative in Informal and Formal Estate cases or dismissal of case.</p> <p><b>Guardianship/Conservatorship of Incapacitated Adult</b> Time is measured from filing of petition to appointment of administrator or dismissal of case.</p> <p><b>Involuntary Civil Commitment</b> Time is measured from filing of petition to commitment order or dismissal of case.</p>	<p><b>95% in 12 months</b></p> <p><b>95% in 90 days</b></p> <p><b>95% in 15 days</b></p>
<p><b>Juvenile</b></p> <p><b>Delinquency/Status Offenses</b> Time is measured from filing of referral or citation to adjudication.</p> <p><b>Child Welfare Proceedings: Shelter Hearing to Adjudication</b> Time is measured from shelter hearing to adjudication</p> <p><b>Child Welfare Proceedings: Disposition Hearing to Adjudication</b> Time is measured from disposition hearing to adjudication</p>	<p><b>95% in 90 days</b></p> <p><b>95% in 60 days</b></p> <p><b>95% in 30 days</b></p>

## HB 357 (2012): Proposed Options for 2013

There are two primary aspects to HB 357 that go into effect July 1, 2013: repeal of UCA 78A-2-227 (GAL Office in district court) and amendments to UCA 78A-2-228 (PGAL statute).

In anticipation of a forthcoming bill to keep the Office of GAL involved in district court cases for a period of time, the following temporary-solution options have been proposed thus far as to the two aspects of HB 357.

### I. Delay repeal of UCA 78A-2-227 portion of HB 357 until after 2014 legislative session (e.g., May 1, 2014), leaving GAL Office in district court.

Option A: Due to due-diligent reallocation of some GAL Office resources from district court to juvenile court as intended and dictated by HB 357 (78A-2-228(18)), the Office would attach a fiscal note for:

- 1) 2 temporary FTE GAL Attorneys/1 FTE Staff (one-time funding) *if* GAL building block request for 1 FTE GAL Attorney/1 FTE Staff is denied; or,
- 2) 1 temporary FTE GAL Attorney/1 FTE Staff (one-time funding) *if* GAL building block request is granted.

This option serves the immediate needs of all entities concerned until the end of the 2014 session.

Option B: Limit the GAL Office involvement in district court to the following:

District court **may** appoint the Office of Guardian ad Litem to represent the best interests of minors in the following district court matters:

- a. Protective-order proceedings; and
- b. District court actions wherein:
  - i. child abuse, child sexual abuse, or neglect, and the report thereof to Child Protection Services, is alleged in a formal complaint, petition, or counterclaim; **and**
  - iii. the court has made a finding that the adult parties are indigent as defined by UCA 77-32-202(3)(a).

This option serves the most immediate needs of the district bench and DCFS, and the GAL Office will be able to delay the reallocation to juvenile court of some resources and use those resources temporarily for district court without requesting a fiscal note at this time.