

## JUDICIAL COUNCIL MEETING

### AGENDA

**Friday, August 15, 2014  
Large Conference Room A  
Matheson Courthouse  
Salt Lake City, Utah**

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

1. 1:45 p.m. Welcome & Approval of Minutes . . . . Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 1:50 p.m. Chair's Report. . . . . Chief Justice Matthew B. Durrant
3. 2:00 p.m. Administrator's Report. . . . . Daniel J. Becker
4. 2:15 p.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant  
Liaison Committee. . . . . Justice Jill Parrish  
Policy and Planning . . . . . Judge Paul Maughan  
Bar Commission. . . . . John Lund, esq.  
(Tab 2 - Information)
5. 2:25 p.m. Rules for Final Action. . . . . Alison Adams-Perlac  
(Tab 3 - Action)
6. 2:35 p.m. Senior Judge Certifications. . . . . Nancy Sylvester  
(Tab 4 - Action)
7. 2:45 p.m. Executive Session
8. 2:50 p.m. Adjourn

### **Consent Calendar**

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

1. Grant Approval  
(Tab 5) Raechel Lizon
2. Rules Published for Comment  
(Tab 6) Alison Adams-Perlac

# TAB 1

# JUDICIAL COUNCIL MEETING

Minutes  
Wednesday, July 16, 2014  
Westin Resort  
Snowmass, CO

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

**ATTENDEES:**

Chief Justice Matthew B. Durrant  
Hon. Kimberly K. Hornak, Vice Chair  
Justice Jill Parrish  
Hon. Michele Christiansen for Hon. James Davis  
Hon. Glen Dawson  
Hon. George Harmond  
Hon. Thomas Higbee  
Hon. David Marx  
Hon. Paul Maughan  
Hon. David Mortensen  
Hon. Reed Parkin  
Hon. John Sandberg  
Hon. Randall Skanchy  
John Lund, esq.

**STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Jody Gonzales  
Dawn Marie Rubio  
Debra Moore  
Rick Schwermer  
Tim Shea

**GUESTS:**

**EXCUSED:**

Hon. James Davis

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

Chief Justice Durrant welcomed everyone to the meeting. A special welcome was extended to Judge Michele Christiansen who was sitting in for Judge James Davis.

**Motion:** Judge Skanchy moved to approve the minutes from the June 23, 2014 Judicial Council meeting. Mr. Lund seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on the following items:  
Justice Nehring has announced his upcoming retirement, effective Feb 1, 2015.

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

Mr. Becker reported on the following items:  
Judicial Retirements. Judge Donald Eyre, Fourth District Court, has announced his upcoming retirement, effective January 1, 2015. Judge Robin Reese, Third District Court, has announced his upcoming retirement, effective December 31, 2014.

Currently five vacancies exist in the Third District Court to include: 1) Judge Terry Christiansen, 2) Judge Lee Dever, 3) Judge John Kennedy, 4) Judge Denise Lindberg, and 5) Judge Robin Reese. Mr. Becker reported that the Third District Nominating Commission will consider nominees to fill the five vacancies with three applicant pools. There may be a month or two at the beginning of 2015 with two vacancies not filled.

Judicial Statistics. Mr. Becker provided statistics relative to the makeup of the Utah judiciary to include: 1) average age of judges, 2) experience prior to appointment, 3) legal experience and background of legal service prior to appointment, 4) years of legal experience, and 5) average age of retiring judges.

Bar Leadership Workshop. Chief Justice Durrant and Mr. Becker will be participating in a Bar Leadership Workshop later in the afternoon.

PEW Study Update. Mr. Becker reported on the PEW Study, the CCJJ initiative to look at the current criminal justice system with focus on corrections, parole and probation, with a summary of their findings presented at the CCJJ Commission meeting on Monday, July 14. CCJJ has formed three subgroups to develop tailored policy options to be considered by the full Commission to include: 1) sentencing, 2) release, and 3) supervision and programming.

The subgroups will meet twice monthly during August and September with the following presentation schedule: 1) an initial review will be presented to the Commission at their August meeting; 2) recommendations will be presented to the Commission at their September meeting; 3) refinement of the recommendations will take place in October, if necessary; and 4) the Commission will make final recommendations at their November meeting.

August Budget and Planning Session. The budget and planning session will be held on Friday, August 15 with the Council meeting to follow.

Judicial Compensation. Matters regarding judicial compensation will be addressed by Chief Justice Durrant at future meetings of the Elected and Judicial Compensation Commission.

#### **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 July.

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

No meeting was held in July.

##### ***Bar Commission Report:***

Mr. Lund highlighted the following regarding the Bar's Summer Conference in Snowmass, Colorado: 1) he thanked the Council for holding their July meeting in Snowmass; 2) he thanked members of the Council who would be participating on panels during the sessions; 3) he noted registration numbers for the conference, 4) next year's conference will be held in Sun Valley, Idaho; 5) James Gilson will be sworn in as the new Bar president on Friday morning.

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

Mr. Schwermer highlighted the following information in his update: 1) today is Interim Day, 2) Executive Appropriations met yesterday with further efforts to look at major line items and ensure performance measures are in place for each line item, 3) looking at sentencing reform, 4) blended sentencing discussion, and 5) a proposed bill on Penalty for Traffic Violation Causing a Death.

**6. JURY INSTRUCTION COMMITTEE PLACEMENT: (Tim Shea)**

Mr. Shea distributed copies of the following two rules for consideration: 1) Rule 1-205 – Standing and Ad hoc Committees, and 2) Rule 3-418 – Model Utah Jury Instructions. If the Council is in agreement with the direction presented by Mr. Shea for placement of the Jury Instruction Committee, the draft rules can be reviewed further by the Policy and Planning Committee.

Mr. Shea provided background information on the current placement of the Jury Instruction Committee, which is under the direction of the Supreme Court.

Recent discussion has taken place regarding the best placement of the committee, whether to place the committee under the direction of the Bar Commission, or as an alternative, consider placement under the direction of the Judicial Council. The Management Committee recommended considering placement under the direction of the Judicial Council.

Both chairs for the civil and criminal jury instruction committees have recommended the committees to remain under the direction of the judiciary.

It was noted that in the past, the committees have published the instructions. If the committees are placed under the direction of the Judicial Council, the Policy and Planning Committee would determine if the instructions will continue to be published by the committees.

Discussion took place.

The following was highlighted in the discussion: 1) legitimacy of the Model Utah Jury Instruction (MUJI) process, 2) separating the instruction from the Supreme Court, 3) the decision for placing the committees under the direction of the Judicial Council rather than the Utah State Bar, and 4) the same rules, term limits, sunset review, etc would apply to the committees if placed under the direction of the Judicial Council.

**Motion:** Judge Maughan moved to approve the concept of placing The Committee on Model Utah Jury Instructions for Civil Cases and The Committee on Model Utah Jury Instructions for Criminal Cases under the direction of the Judicial Council and referring draft Rule 1-205/draft Rule 3-418 to the Policy and Planning Committee for further review. Judge Dawson seconded the motion, and it passed unanimously.

**7. BOARD OF DISTRICT COURT JUDGES – JUDICIAL OUTREACH PROJECT UPDATE: (Debra Moore)**

Ms. Moore provided an update to the Council on the Board of District Court Judges Judicial Outreach Project. The Board of District Court Judges has set a goal to increase the level of participation for district court judges with judicial outreach opportunities.

They are focusing their efforts on participating in judicial outreach opportunities with the upcoming September 17 Constitution Day. The State Bar's website currently allows teachers throughout the state, who are interested in a civic presentation or outreach opportunity, to post their requests. Judges and attorneys interested in participating can then select available dates.

Resources are also available on the Bar's website, and training is also available. The information was presented to the district bench at their April bench meeting.

District court judges interested in participating in the upcoming Constitution Day outreach opportunities would block out two to three half days the week before, during and after Constitution Day, in advance, to allow for it. After the outreach opportunity has been completed, the district court judge would provide a report to their respective presiding judge. The outreach report would then be placed on their respective district court bench meeting agenda as an item for discussion. The Board of District Court judges would also discuss these outreach efforts with the presiding judges in each district when they have their scheduled meetings.

The Board of District Court Judges is requesting endorsement of the judicial outreach program by members of the Council.

**Motion:** Justice Parrish moved to endorse the District Court Judges Judicial Outreach Project with focus on the upcoming September 17 Constitution Day. Judge Maughan seconded the motion, and it passed unanimously.

**8. SENIOR JUDGE CERTIFICATIONS: (Ray Wahl)**

Judge Ben Hadfield has applied to be appointed as an active senior judge. He meets the minimum standards for appointment

**Motion:** Judge Hornak moved to forward the recommendation, on behalf of the Council, to the Supreme Court to certify Judge Ben Hadfield as an active senior judge—effective August 16. Judge Skanchy seconded the motion, and it passed unanimously.

**9. PROBLEM SOLVING COURTS UPDATE: (Rick Schwermer and Ray Wahl)**

Mr. Schwermer provided an update on problem solving courts. He highlighted the following in his update: 1) funding was received from a statewide grant from the Bureau of Justice Assistance, 2) subcontracted with the National Center for State Courts (NCSC) to develop performance measures, 3) the national perspective on problem solving courts, 4) effectiveness of problem solving courts, 4) types of problem solving courts, 5) risk assessment tools, and 6) best practice standards for adult problem solving courts.

The types of problem solving courts include: 1) adult felony, 2) family dependency, 3) DUI, 4) mental health, and 5) veteran.

Mr. Schwermer noted that there is interest in establishing veteran courts, and two courts are in the formative stage.

Mr. Wahl provided an update on juvenile delinquency courts. He highlighted the following in his update: 1) he participated on a panel relative to juvenile delinquency drug courts at a Juvenile Justice Reform Summit in May 2014; 2) research shows that juvenile drug court treatment has lagged behind the adult drug court treatment; 3) noted the Hickert research: Evaluation of Utah Juvenile Drug Courts: Final Report, Utah Criminal Justice Center, University of Utah—target of high risk youth and focus on intensity of treatment; 4) noted Latessa research: Final Report: Outcome and Process Evaluation of Juvenile Drug Courts, University of Cincinnati, Center for Criminal Justice Research—use of a Correctional Program Checklist; and 5) noted the differences in assessment, and logistics between juveniles and adults being treated for addiction.

Discussion took place.

Program Information for the Utah State Bar Conference was distributed to members of the Council.

**10. JUDICIAL COUNCIL PLANNING: SELECTION OF 2014-2015 STUDY ITEM:  
(Daniel J. Becker and Rick Schwermer)**

Mr. Becker reminded the Council of the workshop held at the end of the October 2012 Council meeting where discussion took place regarding future items that may impact the courts.

He mentioned that since that time, the Judicial Council pulled from these items two issues for study to include: 1) use of technology to deliver remote services, and 2) strengthening the court commissioner process.

Mr. Becker and Mr. Schwermer highlighted the following during the discussion of potential 2014-2015 Judicial Council study item: 1) future issues before the courts, 2) significant developments over the next 18 months, and 3) possible 2014-2014 study items.

Discussion took place.

Additional topics can be forwarded to Mr. Becker prior to the September Council meeting. Selection of the 2014-2015 study item will be considered at the September Council meeting.

**11. EXECUTIVE SESSION:**

An executive session was not needed at this time.

**12. ADJOURN**

The meeting was adjourned.

# TAB 2



**JUDICIAL COUNCIL MANAGEMENT COMMITTEE  
MINUTES**

**Tuesday, August 5th, 2014  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah**

**MEMBERS PRESENT:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Kimberly Hornak  
Hon. George Harmond  
Hon. James Davis  
Hon. John Sandberg  
Hon. Randall Skanchy

**STAFF PRESENT:**

Daniel J. Becker  
Jody Gonzales  
Debra Moore  
Alison Adams-Perlac  
Raechel Lizon

**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:** It was moved and seconded to approve the minutes, and it passed unanimously.

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

**Navajo Nation Visit.** A contingency from the Navajo Nation, led by Chief Justice Yazzie, will be visiting the Utah courts on August 25 for discussion on the courts general administration.

**Elected and Judicial Compensation Commission.** Chief Justice Durrant and Mr. Becker plan to attend their meeting on August 11.

**Judicial Budget and Planning Session.** The budget and planning session will be held on Friday, August 15, prior to the Council and Management Committee meetings. The budget and planning session is scheduled to begin at 8:30 a.m.

Mr. Becker highlighted the following in his preview of the 2015 budget requests: 1) a total of 16 budget requests were received, 2) a request for a judgeship in the Fourth Juvenile Court and a judgeship in the Fifth District court, 3) trust fund vs. general fund resolution, 4) request for four additional law clerks, and 5) continued funding of the court visitor program.

**Case Filings and Referrals.** Mr. Becker reported that case filings in district court currently reflect a 4% decrease in raw filings, but that weighted case filings have increased. Referrals in juvenile court currently reflect a 5% decrease, and they reflect a slight increase in weighted referrals.

**3. JUSTICE COURT SPRING CONFERENCE – JUDGE ATTENDANCE**  
**CLARIFICATION: (Daniel J. Becker)**

Justice Court Judge Jack Peterson has requested, after the fact, to be excused from the 2014 Justice Court Judges Spring Conference due to a medical condition.

**Motion:** Judge Skanchy moved to approve Judge Peterson's request to be excused from the 2014 Justice Court Judges Spring Conference. Judge Davis seconded the motion, and it passed unanimously.

**4. COMMISSIONER ATTORNEY EXCLUSIONS: (Alison Adams-Perlac)**

Ms. Adams-Perlac distributed a memo to members of the Management Committee regarding Commissioner attorney survey exclusions. Commissioner Faulkner and Commissioner Tack have requested attorney exclusions from their surveys this year.

Discussion took place regarding the requested attorney exclusions.

**Motion:** Judge Hornak moved to approve Commissioner Faulkner's request for attorney exclusions from his survey this year. Judge Harmond seconded the motion, and it passed unanimously.

**Motion:** Judge Skanchy moved to defer the decision to approve or deny Commissioner Tack's request for attorney exclusions until additional information has been provided to members of the Management Committee, electronically. Judge Sandberg seconded the motion, and it passed unanimously.

The Management Committee voted, electronically, to deny Commissioner Tack's request for attorney exclusions from her survey this year.

**5. RECORDS APPEAL: (Alison Adams-Perlac)**

Ms. Adams-Perlac provided background information relative to the records appeal made by Mr. Roger Bryner. With his appeal, he is allowed an opportunity to attend the Management Committee meeting to make a statement. He will join the meeting by phone.

Discussion took place.

Chief Justice welcomed Mr. Bryner to the meeting.

Mr. Bryner highlighted the following in his opening statement: 1) not adequate consideration of a fee waiver for documents relative to his case(s), 2) consideration of a fee waiver for a broader records search of other documents not related to his case(s), and 3) access to other records of other cases for comparative value.

Questions were asked of Mr. Bryner relative to documents not received in his current case, and relative to being found impecunious and being appointed defense counsel. Mr. Bryner responded to the questions asked of him.

Mr. Bryner was thanked for providing details regarding his records appeal to the Management Committee. Chief Justice Durrant mentioned that members of the Management Committee would discuss the matter further and respond to his request in writing.

Discussion took place.

The Management Committee was in agreement to provide Mr. Bryner with documents related to his case(s) at no charge, and refer him to the appropriate rule on how to obtain additional requested information. A response to Mr. Bryner will be drafted and reviewed by members of the Management Committee at the August 15 Management Committee meeting.

**6. GRANT APPROVAL: (Raechel Lizon)**

Ms. Lizon requested grant approval for renewal of the Juvenile Accountability Block Grant, specifically for the Juvenile Program Evaluation Grant, in the amount of \$68,072, which includes a cash match of \$6,807. This grant provides program evaluations through the Utah Criminal Justice Center at the University of Utah, programming in the CARE database, and improved research resources.

**Motion:** Judge Hornak moved to recommend approval of the grant application as presented and place it on the August Judicial Council consent calendar for approval. Judge Skanchy seconded the motion, and it passed unanimously.

**7. SENIOR JUSTICE COURT JUDGE APPLICATION: (Alison Adams-Perlac)**

Judge Kent Nielsen, retired justice court judge from the Richfield Court, recently applied for appointment as an active justice court judge for a limited term not to exceed December 31, 2014. Originally, he had not intended on applying for appointment as an active senior justice court judge. However, the new judge appointed to the Richfield Justice Court is a former county prosecutor, and there is concern that numerous conflicts will arise in the initial months of the new judge's term of office. With the Richfield Justice Court located in a rural area, there are no other senior justice court judges in the area.

As he had not intended on applying for appointment as an active senior justice court judge, he did not attend the 2014 Justice Court Judges Spring Conference, and has requested to be excused, after the fact, from attending the conference.

**Motion:** Judge Davis moved to approve the waiver of education requirements for Judge Kent Nielsen. Judge Hornak seconded the motion, and it passed unanimously.

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


Chief Justice Durrant reviewed the proposed Council agenda for the August 15 Council meeting.

**Motion:** Judge Hornak moved to approve the agenda for the August 15 Council meeting. Judge Sandberg seconded the motion, and it passed unanimously.

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

**9. ANNUAL AWARDS: (Daniel J. Becker)**

This matter was discussed in an executive session.



**10. EXECUTIVE SESSION:**  
An executive session was held at this time.

**11. ADJOURN**  
The meeting was adjourned.

# TAB 3



## 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:** Alison Adams-Perlac *Alison Adams-Perlac*  
**Date:** August 8, 2014  
**Re:** Rules for Final Action

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The public comment periods for the following rules are closed and the rules are now ready for final action by the Judicial Council.

1. **CJA 3-306. Language Access in the courts.** Amend. Adds a Utah residency requirement for individuals seeking to be credentialed as court-certified interpreters. Removes the Registered II designation credentialing designation. Makes minor technical changes.

The proposal received the following comments:

I am for the change in policy for Registered-II Interpreters. I've gone through all tests, DeLaMora interpreting training, but I have very few requests for interpretations. I'm ready to take Oral Proficiency Interview at any time.

Eleonor Balasanian - Russian Interpreter, May 30, 2014

I think the court should maintain the interpreters as is and implement the new change for new coming interpreters.

I am the very first one appeared in the court list in 1990s and have completed several trainings and many proceedings. I oppose for the new test and suggest to move the current list to the Approved Status and implement your new rules for new interpreters. Another alternative is that you require a CV from each interpreter and review their qualification and experience to determine their status.

Eric Cheng , June 2, 2014

Dear Madame Adams-Perlac,

My name is Tien Pham, I am one of the Registered II Interpreters. I wanted to voice my concern about the Oral Proficiency Interview.

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

We are some poor Interpreters, and don't get a call that often due to the demand for our languages are requested at a very minimal and not a frequent need by the Court. It is a burden to make us pay for these tests. We ask that the Court help us by give us a scholarship on these fees. The reason is that: You may need of us someday, if you are deleted us out of your list or demoted us due to some of us cannot pay the interview fees. When the time come there will be none on your list anymore. The list that you are having now is a ghost list. It is only names but they do not actively doing it anymore. (Laotian, Thai and Vietnamese)

For example: The Vietnamese or Laotian languages, we only have a handful of people that really doing it.

Yes, their name is on your list but they do not respond to an assignment. If the one person that is always doing, the Vietnamese language went out of town or the country, the Court will have to move the Court date just for that person, because they are no one else on the list. This is a fact. I have been sitting in for those assignments. This is just a thought.

Thank you for allowing us to voice our concern.

Tien Pham, May 22, 2014

The Policy and Planning Committee voted to recommend the proposed rule, as written, to the Council.

**2. CJA 4-902. Limited scope investigation of domestic issues.**

New. Provides a process for the court to appoint a custody evaluator to investigate select issues in a domestic case rather than ordering a full custody evaluation.

The proposal received the following public comment:

With respect to the reintroduction of UCJA 4-902, "Limited scope investigation of domestic issues", I think that the most important paragraph is shown below:  
"(2) The purpose of the investigation is to report to the court observations about the issues referred. The report shall not contain the investigator's recommendations, nor may the investigator testify about recommendations."

Paragraph 2 states that the Judge retains the authority to draw conclusions of law. In most 4-903 reports that I have read, the evaluator goes through the 4-903(5)(E) elements and informs the judge how the evidence favors one party or the other for each element. Finally, the evaluator then provides a final interpretation of all the elements. In effect, under Rule 4-903, the Court shares its fact finding and conclusion drawing authority with the evaluator. A challenge to an evaluator is taken up as a challenge not only to the evaluator's observed facts, but also to the evaluator's expert ability to draw legal conclusions. Once the Court appoints the evaluator as a Rule 706 expert, the Court has extended fact finding duties to that expert.

Paragraph 2 specifically reigns in the 706 expert and states, "You may not draw conclusions. Legal conclusions are to be drawn by the trier of fact."

Rules for Final Action

August 8, 2014

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One must wonder why 4-902 would preclude a 706 expert from drawing legal conclusions while 4-903 does not. One must wonder why any "General" appointment should be made under Rule 4-903 or whether all appointments should be limited according to Rule 4-902.

My conclusion is that paragraph 2 should be added to Rule 4-903 as well and that the new Rule 4-902 should be used for all custody evaluations until paragraph 2 is added to Rule 4-903.

Posted by John W. Murray June 6, 2014 11:37 AM

The Policy and Planning Committee voted to recommend the proposed rule, as written, to the Council.

Encl.           CJA 3-306  
                  CJA 4-902



**Rule 3-306. Language access in the courts.**

**Intent:**

To state the policy of the Utah courts to secure the rights of people under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. in legal proceedings who are unable to understand or communicate adequately in the English language.

To outline the procedure for certification, appointment, and payment of interpreters for legal proceedings.

To provide certified interpreters in legal proceedings in those languages for which a certification program has been established.

**Applicability:**

This rule shall apply to legal proceedings in the courts of record and not of record. This rule shall apply to interpretation for non-English speaking people and not to interpretation for persons with a hearing impairment, which is governed by Utah and federal statutes.

**Statement of the Rule:**

**(1) Definitions.**

(1)(A) "Appointing authority" means a judge, commissioner, referee or juvenile probation officer, or delegate thereof.

(1)(B) "Approved interpreter" means a person who has been rated as "superior" in testing and has fulfilled the requirements established in paragraph (3).

(1)(C) "Certified interpreter" means a person who has successfully passed the examination of the Consortium for Language Access in the Courts and has fulfilled the requirements established in paragraph (3).

(1)(D) "Committee" means the Language Access Committee established by Rule 1-205.

(1)(E) "Conditionally-approved interpreter" means a person who, in the opinion of the appointing authority after evaluating the totality of the circumstances, has language skills, knowledge of interpreting techniques, and familiarity with interpreting sufficient to interpret the legal proceeding. A conditionally approved interpreter shall read and is

bound by the Code of Professional Responsibility and shall subscribe the oath or affirmation of a certified interpreter.

(1)(F) "Code of Professional Responsibility" means the Code of Professional Responsibility for Court Interpreters set forth in Code of Judicial Administration Appendix H. An interpreter may not be required to act contrary to law or the Code of Professional Responsibility.

(1)(G) "Legal proceeding" means a proceeding before the appointing authority, court-annexed mediation, communication with court staff, and participation in mandatory court programs. Legal proceeding does not include communication outside the court unless permitted by the appointing authority.

(1)(H) "Limited English proficiency" means the inability to understand or communicate in English at the level of comprehension and expression needed to participate effectively in legal proceedings.

(1)(I) "Registered interpreter I" means a person who interprets in a language in which testing is not available and who has fulfilled the requirements established in paragraph (3) other than paragraph (3)(A)(v).

~~(1)(J) "Registered interpreter II" means a person who interprets in a language in which testing is available and who has fulfilled the requirements established in paragraph (3) other than paragraph (3)(A)(v).~~

(1)(KJ) "Testing" means using an organization approved by the committee that uses the American Council on the Teaching of Foreign Languages (ACTFL) scale.

(2) Language Access Committee. The Language Access Committee shall:

(2)(A) research, develop and recommend to the Judicial Council policies and procedures for interpretation in legal proceedings and translation of printed materials;

(2)(B) issue informal opinions to questions regarding the Code of Professional Responsibility, which is evidence of good-faith compliance with the Code; and

(2)(C) discipline court interpreters.

(3) Application, training, testing, roster.

(3)(A) Subject to the availability of funding, and in consultation with the committee, the administrative office of the courts shall establish programs to certify and approve

60 interpreters in English and the non-English languages most frequently needed in the  
61 courts. The administrative office shall publish a roster of certified, approved, and  
62 registered interpreters. To be certified, approved or registered, an applicant shall:

63 (3)(A)(i) file an application form approved by the administrative office;

64 (3)(A)(ii) pay a fee established by the Judicial Council;

65 (3)(A)(iii) pass a background check;

66 (3)(A)(iv) provide proof that the applicant is a Utah resident;

67 (3)(A)(v) complete training as required by the administrative office;

68 (3)(A)(vi) obtain a passing score on the court interpreter's test(s) as required by the  
69 administrative office;

70 (3)(A)(vi) complete 10 hours observing a certified interpreter in a legal proceeding;  
71 and

72 (3)(A)(vii) take and subscribe the following oath or affirmation: "I will make a true and  
73 impartial interpretation using my best skills and judgment in accordance with the Code  
74 of Professional Responsibility."

75 (3)(B) A person who is certified in good standing by the federal courts or by a state  
76 having a certification program that is equivalent to the program established under this  
77 rule may be certified without complying with paragraphs (3)(A)(iv) through (3)(A)(vii) but  
78 shall pass an ethics examination and otherwise meet the requirements of this rule.

79 (3)(C) No later than December 31 of each even-numbered calendar year, certified,  
80 approved, and registered interpreters shall pass the background check for applicants,  
81 and certified interpreters shall complete at least 16 hours of continuing education  
82 approved by the administrative office of the courts.

83 (4) Appointment.

84 (4)(A) Except as provided in paragraphs (4)(B), (4)(C) and (4)(D), if the appointing  
85 authority determines that a party, witness, victim or person who will be bound by the  
86 legal proceeding has a primary language other than English and limited English  
87 proficiency, the appointing authority shall appoint a certified interpreter in all legal  
88 proceedings. A person requesting an interpreter is presumed to be a person of limited  
89 English proficiency.

(4)(B) An approved interpreter may be appointed if no certified interpreter is reasonably available.

(4)(C) A registered interpreter may be appointed if no certified or approved interpreter is reasonably available.

(4)(D) A conditionally-approved interpreter may be appointed if the appointing authority, after evaluating the totality of the circumstances, finds that:

(4)(D)(i) the prospective interpreter has language skills, knowledge of interpreting techniques and familiarity with interpreting sufficient to interpret the legal proceeding; and

(4)(D)(ii) appointment of the prospective interpreter does not present a real or perceived conflict of interest or appearance of bias; and

(4)(D)(iii) a certified, approved, or registered interpreter is not reasonably available or the gravity of the legal proceeding and the potential consequence to the person are so minor that delays in obtaining a certified or approved interpreter are not justified.

(4)(E) The appointing authority may appoint an interpreter with certified or approved or equivalent credentials from another state if the appointing authority finds that the approved, registered or conditionally approved interpreters who are reasonably available do not have the language skills, knowledge of interpreting techniques, or familiarity with interpreting sufficient to interpret the legal proceeding. The appointing authority may consider the totality of the circumstances, including the complexity or gravity of the legal proceeding, the potential consequences to the person of limited English proficiency, and any other relevant factor.

(4)(F) No interpreter is needed for a direct verbal exchange between the person and court staff if the court staff can fluently speak the language understood by the person and the state court employee is acting within guidelines established in the Human Resources Policies and Procedures. An approved, registered or conditionally approved interpreter may be appointed if the court staff does not speak the language understood by the person.

(4)(G) The appointing authority will appoint one interpreter for all participants with limited English proficiency, unless the judge determines that the participants have

adverse interests, or that due process, confidentiality, the length of the legal proceeding or other circumstances require that there be additional interpreters.

(4)(H) A person whose request for an interpreter has been denied may apply to review the denial. The application shall be decided by the presiding judge. If there is no presiding judge or if the presiding judge is unavailable, the clerk of the court shall refer the application to any judge of the court or any judge of a court of equal jurisdiction. The application must be filed within 20 days after the denial.

(5) Payment.

(5)(A) The fees and expenses for language access shall be paid by the administrative office of the courts in courts of record and by the government that funds the court in courts not of record. The court may assess the fees and expenses as costs to a party as otherwise provided by law. (Utah Constitution, Article I, Section 12, Utah Code Sections 77-1-6(2)(b), 77-18-7, 77-32a-1, 77-32a-2, 77-32a-3, 78B-1-146(3), URCP 54(d)(2), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and regulations and guidance adopted under that title.)

(5)(B) A person who has been ordered to pay fees and expenses for language access may apply to the presiding judge to review the order. If there is no presiding judge, the person may apply to any judge of the court or any judge of a court of equal jurisdiction. The application must be filed within 20 days after the order.

(6) Waiver. A person may waive an interpreter if the appointing authority approves the waiver after determining that the waiver has been made knowingly and voluntarily. A person may retract a waiver and request an interpreter at any time. An interpreter is for the benefit of the court as well as for the non-English speaking person, so the appointing authority may reject a waiver.

(7) Removal from legal proceeding. The appointing authority may remove an interpreter from the legal proceeding for failing to appear as scheduled, for inability to interpret adequately, including a self-reported inability, and for other just cause.

(8) Discipline.

(8)(A) An interpreter may be disciplined for:

(8)(A)(i) knowingly making a false interpretation in a legal proceeding;

(8)(A)(ii) knowingly disclosing confidential or privileged information obtained in a legal proceeding;

(8)(A)(iii) knowingly failing to follow standards prescribed by law, the Code of Professional Responsibility and this rule;

(8)(A)(iv) failing to pass a background check;

(8)(A)(v) failing to meet continuing education requirements;

(8)(A)(vi) conduct or omissions resulting in discipline by another jurisdiction; and

(8)(A)(vii) failing to appear as scheduled without good cause.

(8)(B) Discipline may include:

(8)(B)(i) permanent loss of certified or approved credentials;

(8)(B)(ii) temporary loss of certified or approved credentials with conditions for reinstatement;

(8)(B)(iii) suspension from the roster of certified or approved interpreters with conditions for reinstatement;

(8)(B)(vi) prohibition from serving as a conditionally approved interpreter;

(8)(B)(v) suspension from serving as a conditionally approved interpreter with conditions for reinstatement; and

(8)(B)(vi) reprimand.

(9) Complaints.

(9)(A) Any person may file a complaint about a matter for which an interpreter can be disciplined. A party, witness, victim or person who will be bound by a legal proceeding, may file a complaint about the misapplication of this rule.

(9)(B) The complaint shall allege an act or omission for which an interpreter can be disciplined or that violates this rule. The complaint shall be in writing and signed and filed with the program coordinator. The complaint may be in the native language of the complainant, which the AOC shall translate in accordance with this rule. The complaint shall describe the circumstances of the act or omission, including the date, time, location and nature of the incident and the persons involved.

178 (9)(C) The program coordinator may dismiss the complaint if it is plainly frivolous,  
179 insufficiently clear, or does not allege an ~~act or omission~~ act or omission for which an  
180 interpreter can be disciplined or that does not violate this rule.

181 (9)(D) If the complaint alleges that the court did not provide language access as  
182 required by this rule, the program coordinator shall investigate and recommend  
183 corrective actions that are warranted.

184 (9)(E) If the complaint alleges an act or omission for which the interpreter can be  
185 disciplined, the program coordinator shall mail the complaint to the interpreter at the  
186 address on file with the administrative office of the courts and proceed as follows:

187 (9)(E)(i) The interpreter shall answer the complaint within 30 days after the date the  
188 complaint is mailed or the allegations in the complaint are deemed true and correct. The  
189 answer shall admit, deny or further explain each allegation in the complaint.

190 (9)(E)(ii) The program coordinator may review records and interview the  
191 complainant, the interpreter and witnesses. After considering all factors, the program  
192 coordinator may propose a resolution, which the interpreter may stipulate to. The  
193 program coordinator may consider aggravating and mitigating circumstances such as  
194 the severity of the violation, the repeated nature of violations, the potential of the  
195 violation to harm a person's rights, the interpreter's work record, prior discipline, and the  
196 effect on court operations.

197 (9)(E)(iii) If the complaint is not resolved by stipulation, the program coordinator will  
198 notify the committee, which shall hold a hearing. The committee chair and at least one  
199 interpreter member must attend. If a committee member is the complainant or the  
200 interpreter, the committee member is recused. The program coordinator shall mail  
201 notice of the date, time and place of the hearing to the interpreter. The hearing is closed  
202 to the public. Committee members and staff may not disclose or discuss information or  
203 materials outside of the meeting except with others who participated in the meeting or  
204 with a member of the Committee. The committee may review records and interview the  
205 interpreter, the complainant and witnesses. A record of the proceedings shall be  
206 maintained but is not public.

(9)(E)(iv) The committee shall decide whether there is sufficient evidence of the alleged conduct or omission, whether the conduct or omission violates this rule, and the discipline, if any. The chair shall issue a written decision on behalf of the committee within 30 days after the hearing. The program coordinator shall mail a copy of the decision to the interpreter.

(9)(E)(v) The interpreter may review and, upon payment of the required fee, obtain a copy of any records to be used by the committee. The interpreter may attend all of the hearing except the committee's deliberations. The interpreter may be represented by counsel and shall be permitted to make a statement, call and interview the complainant and witnesses, and comment on the claims and evidence. The interpreter may obtain a copy of the record of the hearing upon payment of the required fee.

(9)(E)(vi) If the interpreter is certified in Utah under Paragraph (3)(B), the committee shall report the findings and sanction to the certification authority in the other jurisdiction.

(10) Fees.

(10)(A) In April of each year the Judicial Council shall set the fees and expenses to be paid to interpreters during the following fiscal year by the courts of record. Payment of fees and expenses shall be made in accordance with the Courts Accounting Manual.

(10)(B) The local government that funds a court not of record shall set the fees and expenses to be paid to interpreters by that court.

(11) Translation of court forms. Forms must be translated by a team of at least two people who are interpreters certified under this rule or translators accredited by the American Translators Association.

(12) Court employees as interpreters. A court employee may not interpret legal proceedings except as follows.

(12)(A) A court may hire an employee interpreter. The employee will be paid the wages and benefits of the employee's grade and not the fee established by this rule. If the language is a language for which certification in Utah is available, the employee must be a certified interpreter. If the language is a language for which certification in Utah is not available, the employee must be an approved interpreter. The employee



237 must meet the continuing education requirements of an employee, but at least half of  
238 the minimum requirement must be in improving interpreting skills. The employee is  
239 subject to the discipline process for court personnel, but the grounds for discipline  
240 include those listed in this rule.

241 (12)(B) A state court employee employed as an interpreter has the rights and  
242 responsibilities provided in the Utah state court human resource policies, including the  
243 Code of Personal Conduct, and the Court Interpreters' Code of Professional  
244 Responsibility also applies. A justice court employee employed as an interpreter has the  
245 rights and responsibilities provided in the county or municipal human resource policies,  
246 including any code of conduct, and the Court Interpreters' Code of Professional  
247 Responsibility also applies.

248 (12)(C) A court may use an employee as a conditionally-approved interpreter under  
249 paragraph (4)(C). The employee will be paid the wage and benefits of the employee's  
250 grade and not the fee established by this rule.

**Rule 4-902. Limited scope investigation of domestic issues.**

**Intent:**

**To establish guidelines for referring select issues for investigation and report.**

**To give the court discretion to control the issues referred for investigation, the methods of gathering information relevant to the issues, and timely completion of the report consistent with the nature of the issues and the methods of information gathering.**

**Applicability:**

**This rule shall apply to family law cases in the district court.**

**Statement of the Rule:**

**(1) On motion or stipulation of the parties or on its own initiative, the court may refer select issues for investigation and report. Investigations and reports shall be performed by persons with the minimum qualifications required for a custody evaluation under Rule 4-903.**

**(2) The purpose of the investigation is to report to the court observations about the issues referred. The report shall not contain the investigator's recommendations, nor may the investigator testify about recommendations.**

**(3) Every motion or stipulation for an investigation and report shall include:**

**(3)(A) the name, address, and telephone number of each person nominated or agreed upon to conduct the investigation;**

**(3)(B) the anticipated dates of commencement of the investigation and completion of the report and the estimated cost;**

**(3)(C) the issues to be addressed in the report;**

**(3)(D) the methods of information gathering, which may include:**

**(3)(D)(i) review records from a variety of sources, (for example, court records, school records, healthcare records, childcare records and records from agencies and other institutions);**

**(3)(D)(ii) clinical observations;**

**(3)(D)(iii) observation of the child's current and proposed home;**

**(3)(D)(iv) interview parents, children, members of the extended family, friends and other collateral sources;**

31     (3)(D)(v) psychological testing;  
32     (3)(D)(vi) other information gathering methods; and  
33     (3)(E) the name, address, and telephone number of each person the investigator  
34     should interview or observe.  
35     (4) Every order for an investigation shall:  
36     (4)(A) require the parties to cooperate as requested by the investigator;  
37     (4)(B) restrict disclosure of the report except to the parties and to the court;  
38     (4)(C) assign responsibility for payment;  
39     (4)(D) specify dates for commencement of the investigation and completion of the  
40     report;  
41     (4)(E) specify the issues referred, which may include those described in Rule 4-903;  
42     (4)(F) specify the methods of information gathering, which may include those  
43     described in paragraph (3).  
44     (4)(F) require the investigator to file the report with the court and serve it on counsel  
45     or parties within 7 days after the report is completed;  
46     (4)(G) if the investigation or report is terminated, require the investigator to notify the  
47     court and counsel or parties of the reason within seven days after termination; and  
48     (4)(H) require counsel or parties to schedule a settlement conference with the court  
49     and the investigator within 45 days after receiving the report.  
50     (5) If it is the investigator's professional judgment that the scope of the investigation  
51     should be widened, the investigator shall seek the approval of the court before going  
52     beyond the court order.  
53     (6) If the investigator does not possess the training or experience necessary for the  
54     issue referred, the investigator shall notify the court and counsel or parties.  
55     (7) If psychological tests are administered, they shall be conducted by a licensed  
56     psychologist who is trained in the use of the tests and who adheres to the ethical  
57     standards for the use and interpretation of psychological tests in the jurisdiction in which  
58     he or she is licensed to practice.

# TAB 5

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

## FEDERAL GRANTS

Contact Person/Phone: Raechel Lizon Date: 7/30/2104

Judicial District or Location: AOC

Grant Title: Juvenile Program Evaluation Grant Grantor: OJDP/CCJJ

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: This grant is focused on determining the effectiveness of developing juvenile court programs and improving the availability of output and outcome data for management decisions.

Explanation of how the grant funds will contribute toward resolving the issues identified: This grant provides program evaluations through the Utah Criminal Justice Center at the University of Utah, programming in the CARE database, and improved research resources.

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				
			General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort
State Fiscal Year	Grant Amount	Other Matching Funds from Non-State Entities					Total Funds
FY 2014	\$61,285		\$6,807				\$68,072
FY							\$0
FY							\$0

### IN-KIND MATCH

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

Comments This is an OJDP/JABG grant; JABG grants require a 10% cash.

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 exiting budget: Yes ☐ No ☐ N/A ☒

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

This proposal has been reviewed and approved by the following:  
 x The court executives and judges in the affected district(s). (Juvenile Court Administrator  
 x The Grant Coordinator and the Budget Director at the Administrative Office of the Courts.  
 NA 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 Application


**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 & Address**  
 (Include full 9 digit zip code)

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

**2. Director's phone number:** 801-578-3830

Director's cellular number:

Dir. E-mail Address: raechell@utcourts.gov

**3. Authorized Official's phone #:** 801- 578-3806

Authorized Officials cellular #:

E-mail Address: danb@utcourts.gov

**4. Will this award (check one):**
☒ Enhance an Existing Program      ☐ Initiate a New Program

**5. Beginning & Ending Dates of Program:**

August 15, 2014 to July 31, 2015

Previous grant # (if applicable): 10L07

**6. DUNS Number:**

096311365

**7. CCR Number**
**8. CCR Expiration Date:**
**9. Congressional District(s) Served:**

 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>
**10. Federal Tax Identification Number**  
 (87-?????)

87-876000545

**11. Title which describes the program to be funded:**  
 Program Evaluation

1. Budget Summary	Total Project Costs	Federal Grant Funds	Cash Match
Personnel	\$0	\$0	\$0
Consultant/Contract	\$59,000	\$59,000	\$0
Equipment / Supplies & Operating (ESO)	\$5,572	\$2,265	\$3,307
Travel/Training	\$3,500	\$0	\$3,500
<b>Column Totals</b>	<b>\$68,072</b>	<b>\$61,265</b>	<b>\$6,807</b>

**13. \*Print Name & Title of Official Authorized to Sign**

Dan Becker

**14. Signature of Official Authorized to Sign**

Date:

**15. \*\*Print Name of Program Director**

Raechel Lizon

**16. Signature of Program Director**

Date:

**For CCJJ Use Only**
**Ronald B. Gordon, Jr.**  
**Executive Director of CCJJ**

Date:

 .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 requires 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>01</b>	<b>Graduated Sanctions</b>	<b>\$</b>
<b>06</b>	<b>Training for Law Enforcement &amp; Court Personnel</b>	<b>\$</b>
<b>15</b>	<b>Court/Probation Programming</b>	<b>\$61,265.00</b>

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

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

The need to incorporate research, data, evaluation, and the measurement of outcomes into organizational processes is an essential component of effective organizations. Part of this process includes evaluating the effectiveness of programs to determine whether the targeted outcomes are achieved. In addition, there is a need to understand current research and have the capacity to appropriately measure outcomes and report results in a timely manner. Without these essential tools, it is difficult for organizations to determine whether a course of action or an intervention will result in the desired outcomes. Research, data and evaluation allow organizations to more fully implement evidence based practices and achieve positive outcomes with youth and families.

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

This project is designed to provide managers and decision makers with the research and information necessary to more fully incorporate evidence based practices in the Juvenile Court and to provide timely data to help inform management decisions. To accomplish this goal, the Juvenile Court will utilize a four pronged approach. First, the Juvenile Court will evaluate developing programs through the continued implement of the Correctional Program Checklist (CPC). Second, the Juvenile Court will develop a module in the Juvenile Court database that will be used to provide timely data and outcome measures that will allow managers access to real time data for decision making. Third, the Juvenile Court will continue to produce an annual report card which provides cross-year analysis of trends. Fourth, the Juvenile Court will increase their capacity to provide effective research support through the training of the research analyst and the purchase of resource materials and analysis tools. These tools and approaches will provide managers with more informed information to make data driven decisions based on evidence based practices.

#### **Goals and Objectives**

- (a) Complete program assessments and provide ongoing coaching to developing state supervision programs
- (b) Develop a module in the Juvenile Court database that provides timely data and outcome measures
- (c) Produce and publish an annual report card that provides cross-year trend information
- (d) Increase the access of Juvenile Court to effective research support

#### **Programmatic Activities**

The Juvenile Court will contract with the University of Utah Criminal Justice Center to provide program assessments and ongoing EBP coaching for developing programs. The Juvenile Court will also contract for programming services through the Utah State Courts IT Department to develop a data module in the Juvenile Court database.

In addition, the Juvenile Court Research Analyst will produce and publish a report card that provides cross-year trend information. The Research Analyst will also attend national research conferences to expand her knowledge of evidence-based practices and program evaluation. Resource materials and analysis tools will also be purchased related to data management, statistics, surveys, analysis, etc .

#### **Participating Agencies**

The Utah Criminal Justice Center at the University of Utah, a partnership among the Colleges of Law, Social and Behavioral Science and Social Work, will partner on this project.

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

Given current budget conditions, it is unlikely that the Utah State Courts or Legislature would be able to fund these activities without grant funding. However, the Juvenile Court is utilizing the grant funds, in part, to increase internal capacity. For example, the development of the module in the Juvenile Court database will allow for the measurement of data will be a resource that remains after grant funds are no longer available as will the resource materials purchased using grant funds.



## Section 1: 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 applicable Core measures and two optional output measures, and 2) two Non-Mandatory output and outcome measures (total of 4 non-mandatory measures). Use the JABG Performance Measures found at: [https://www.ojjdp-dctat.org/help/program\\_logic\\_model.cfm?grantID=17](https://www.ojjdp-dctat.org/help/program_logic_model.cfm?grantID=17)

Program Name: Program Evaluation

Program Area: 15. Juvenile Courts and Probation

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>						
<b>1. Number and percent of programs/initiatives employing evidence-based programs or practices</b>	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	Raechel Lizon	Utah Criminal Justice Center, Administrative Office of the Courts	CPC Program Assessment Records
<b>2. Number and percent of youth with whom an evidence-based program or practice was used</b>	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)
<b>3. Number of program youth and/or families served during the reporting period</b>	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)

<p><b>4. Number and percent of program youth completing program requirements</b></p>	<p>The number and percent of program 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>A. Number of program youth who exited the program having completed program requirements B. Total number of youth who exited the program during the reporting period (either successfully or unsuccessfully) C. Percent (A/B)</p>				<p>Not applicable (Not a direct services program)</p>
<p><b>5. Number and percent of program youth who OFFEND</b> (short term)</p> <p>Updated 04/01/2012</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 B. Number of program youth tracked during the reporting period C. Of B, the number of program youth who had an arrest or delinquent offense during the reporting period D. Number of program youth who were committed to a juvenile facility during the reporting period E. Number of program youth who were sentenced to adult prison during the reporting period F. Number of youth who received another sentence during the reporting period 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)

Updated 04/01/2012

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)

Updated 04/01/2012

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 offenses. Ideally this number should be all

- 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 youth who were

Not applicable  
(Not a direct services program)

	<p>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>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>Updated 04/01/2012</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, therefore the 'B' value should be recorded</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>

	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'.				
<b>9. Number and percent of program youth who are VICTIMIZED (short term)</b>  Updated 04/01/2012	<p>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.</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 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.</p>	<p>A. Total number of program youth served</p> <p>B. Number of program youth tracked during the reporting period for victimization</p> <p>C. Of B, the number of program youth who were victimized</p> <p>D. Percent VICTIMIZED (C/B)</p>			Not applicable (Not a direct services program)
<b>10. Number and percent of program youth who are VICTIMIZED (long term)</b>  Updated 04/01/2012	<p>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.</p> <p>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.</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, 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.</p>	<p>A. Number of program youth who exited the program 6-12 months ago that you are tracking for victimization</p> <p>B. Of A, the number of program youth who were victimized during the reporting period</p> <p>C. Percent VICTIMIZED (B/A)</p>			Not applicable (Not a direct services program)
<b>11. Number and percent of program youth who</b>	The re-victimization measure counts the number of youth who experienced	A. Total number of program youth served			Not applicable (Not a direct services program)

<p>are RE-VICTIMIZED (short term)</p> <p>Updated 04/01/2012</p>	<p>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>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>12. Number and percent of program youth who are RE-VICTIMIZED (long term)</p> <p>Updated 04/01/2012</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>13A. Substance use (short term)</p>	<p>The number and percent of program youth who have exhibited a decrease in substance use during the reporting period. Self-report, staff rating, or urinalysis are most likely data sources.</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 target behavior during</p>				<p>Not applicable (Not a direct services program)</p>

the reporting period  
C. Percent (A/B)

# Non Mandatory Measures

## OUTPUT MEASURES

404. Number of training requests RECEIVED	This measure represents the number of training requests received during the reporting period. Requests can come from individuals or organizations served.	A. Number of training requests received during the reporting period.	Annually	Grant Director	Administrative Office of the Courts	UCJC Coaching Request Records
408. Number of people trained during the reporting period	This measure represents the number of people trained during the reporting period. The number is the raw number of people receiving any formal training relevant to the program or their position as program staff. Include any training from any source or medium received during the reporting period as long as receipt of training can be verified. Training does not have to have been completed during the reporting period. Preferred data source is program records.	A. Number of people trained	Annually	Grant Director	Administrative Office of the Courts	UCJC Coaching Request Records

## OUTCOME MEASURES

410. Number of program policies changed, improved, or rescinded during the reporting period	This measure represents the number of cross-program or agency policies or procedures changed, improved, or rescinded during the reporting period. A policy is a plan or specific course of action that guides the general goals and directives of programs and/or agencies. Include policies that are relevant to the topic area of the program or that affect program operations. Preferred data source is program records.	A. Number of programs policies changed during the reporting period B. Number of programs policies rescinded during the reporting period	Annually	Grant Director	Administrative Office of the Courts	Grant Records
416. Number of different accountability sanctioning options available	Determine coverage of the accountability approach. Most appropriate for grantees implementing or referring youth to accountability programming. Report raw number of different accountability sanctions available to youth. Different implies that the programs either employ different techniques or activities, target different populations, or have different goals.	A. Number of different sanctions available to youth	Annually	Grant Director	Administrative Office of the Courts	UCJC Program Evaluation Reports

## Section 1: Performance Measures Targets

**Instructions:** Transfer only the applicable measures (those you can realistically collect and are applicable to the project) from the previous section to the chart below. Please add or remove rows as needed. (The annual target will not always match the sum of the four quarters. For example, the number of youth served each quarter will most likely not equal the total number of youth served during the grant year as youth carry over from one quarter to the next.) Use the columns to indicate the target or goal you plan to reach each quarter, aggregating the targets/goals for an annual total in the final column. Use raw numbers and the reporting format identified in the OJJDP Performance Measurement Data Collection Tool.

Program Name: Program Evaluation

Program Area: 15. Juvenile Courts and Probation

#	MEASURE	1 <sup>ST</sup> QUARTER TARGET	2 <sup>ND</sup> QUARTER TARGET	3 <sup>RD</sup> QUARTER TARGET	4 <sup>TH</sup> QUARTER TARGET	ANNUAL TARGET OR GOAL TOTAL
<b>CORE MEASURES</b>						
<b>OUTPUT MEASURES</b>						
404	Number of training requests RECEIVED	1	1	1	1	4
408	Number of people trained during the reporting period	2	2	2	2	2
<b>OUTCOME MEASURES</b>						
410	Number of program policies changed, improved, or rescinded during the reporting period	0	0	0	1	1
416	Number of different accountability sanctioning options available	2	2	2	2	2



## Section 5: TARGET POPULATION

### A. TARGET POPULATION DESCRIPTION:

Provide a description of the overall target population.

This is not a direct services program.

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:** ☐ 0-10 ☐ 11-17 ☐ 18 and over  
☐ Youth population not served directly

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

**Populations Served:** ☐ Mental Health ☐ 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.

State supervision probation programs serve youth from a variety of racial and ethnic groups. The courts are aware that minority families face many barriers as they navigate the juvenile justice system. The most obvious barrier is language. The courts maintain a list of approved interpreters covering 36 different languages. Approved interpreters complete a one-day course, pass an ethics exams and meet other requirements in order to be listed. The courts also have a list of certified interpreters for Spanish and Vietnamese. Certified interpreters complete a two-day course and must pass a rigorous exam in the simultaneous, consecutive, and sight modes of interpretation. Court rule requires the use of a certified interpreter unless one is not available. Probation officers can access the interpreter pool for preliminary inquiry meetings and other court-related meetings. If the probation officer is fluent in the language, the officer may conduct the meeting in the family's native language. The probation order and other court related documents have also been translated into different languages, with Spanish being the primary language. By conducting meetings in the youth and family's native language and by providing translated materials, the court is increasing equal access to the justice system.

In addition to addressing issues related to language, the courts have also worked to elevate the cultural competency of our staff through required cultural competency training. Within the first year of hire, all court staff must 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 the cultural practices and traditions of that population. This training helps staff learn effective means for communicating with and working with diverse populations. 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 successful outcomes.

The courts also require our program providers to demonstrate an understanding of the unique needs of diverse populations. In our Requests for Proposals we require applicants to identify how they will meet the needs of families who do not speak English or who are identified as ethnic minorities. The assessment criteria for these grant reviews are weighted appropriately for this category to ensure that services are accessible to all youth and families referred.

## **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 and the SMART system provided by OJJDP. Data from other official sources (.e.g. school district, units of local government, state government, federal government or institution of higher learning) may also be included. Limit of three pages.

The use of evidence based approaches by programs is an essential aspect of reducing recidivism and improving outcomes for youth involved with the Juvenile Court. Research shows that when programs incorporate evidence based practices reductions in recidivism can be realized (Latessa & Gordon 1994, Lipsey & Wilson 1998, Joplin et al 2004). However, many developing programs are unaware of what constitutes an evidence based approach. The program improvement process outlined in this grant will help to address this issue. By partnering with expert researchers from the University of Utah, programs receive an initial assessment and then are provided with ongoing technical assistance and coaching on evidence based practices. This process allows for a collaborative rather than adversarial relationship between the assessment team and the program. Through this process, reductions in recidivism have been achieved by Juvenile Court programs. In previous years, programs that have received and incorporated feedback from the continuous program evaluation process have shown reductions in recidivism of 8 percent or more (Davis, Tanana, Vanderloo 2012)

In order to ensure that evidence based practices are utilized throughout the Juvenile Court process it is essential for Juvenile Court research staff to acquire a broad knowledge of current research in the field. The Research Analyst needs to maintain expertise in current research and best practices to be able to provide ongoing technical assistance to managers and programs. Researchers cannot train managers and programs on principles that they are not familiar with themselves. Participation and training at national conferences allows the Juvenile Court Research Analyst to obtain the knowledge necessary to ensure proper implementation of best practices in the Juvenile Court.

In order to ensure better access to research, data, and evaluations, it is also necessary to develop tools for managers that provide timely and accessible results for making data informed decisions. Without access to quality research and data, it can be difficult to determine organizational direction (Raul & Dwyer 2003). Access to data and outcomes on program and initiatives allows for more effective decision making (Harris 2003). The development of a data and outcome module in the Juvenile Court database will help to address this issue and provide managers with increased access to timely data.

## **References**

Davis, Matt, Mike Tanana, Mindy Vanderloo. 2012. Update on the State Supervision Evaluation and Improvement Project. Utah Criminal Justice Center, University of Utah.

Harris, David. (2003) Reality of Racial Disparity in Criminal Justice: The Significance of Data Collection. Law and Contemporary Problems, Vol. 66, Issue 3 (Summer 2003), pp. 71-98.

Latessa, E.J. & J. Gordon. (1994). Examining the Factors Related to Success or Failure with Felony Probationers: A Study of Intensive Supervision. In C. B. Fields (Ed.), Community-Based Corrections: Innovative Trends and Specialized Strategies. Garland Press.

Lipsey, M.W. and D.B. Wilson. (1998). Effective Intervention for Serious Juvenile Offenders: A Synthesis of Research. In R. Loeber and D. P. Farrington (Eds.), Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions, Thousand Oaks, CA: Sage. Criminology, 28(3), 369-404.

Raul, Alan, & Dwyer, Julie. (2003). Regulatory Daubert: A Proposal to Enhance Judicial Review of Agency Science by Incorporating Daubert Principles into Administrative Law. Law and Contemporary Problems, Vol. 66, Issue 4 (Autumn 2003), pp. 7-44.

## Section 7: PROJECT DESIGN AND MANAGEMENT

Explain how your program will 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, client flow, staffing, and collaboration. Include a timeline identifying program activities for the entire grant year.

Is the project an evidence based program? ☒ YES ☐ NO

Name of the evidence based model: \_\_\_\_\_  
Correctional Program Checklist and the principles of evidence-based practices

If yes, select one source from which the program model was cited:

- |   |   |
|---|---|
| <input type="checkbox"/> Blueprints for Violence Prevention                               | <input type="checkbox"/> Hamilton Fish Institute                                |
| <input type="checkbox"/> CASEL (Collaborative for Academic, Social, & Emotional learning) | <input type="checkbox"/> Institute for Medicine                                 |
| <input type="checkbox"/> Centers for Disease Control and Prevention                       | <input type="checkbox"/> NIDA Preventing Drug Abuse                             |
| <input type="checkbox"/> Community Guide to Helping America's Youth                       | <input type="checkbox"/> National Institute of Justice What Works Report        |
| <input type="checkbox"/> Department of Education Safe, Disciplined, & Drug-free Schools   | <input type="checkbox"/> OJJDP Model Programs Guide                             |
| <input type="checkbox"/> Drug Strategies, Inc.  | <input type="checkbox"/> Promising Practices Network                            |
| <input type="checkbox"/> Making the Grade   | <input type="checkbox"/> SAMSHA Model Programs                                  |
|   | <input type="checkbox"/> Surgeon General's Youth Violence Report                |
|   | <input checked="" type="checkbox"/> Other (e.g., State model program resources) |

If other, please specify: Correctional Program Checklist and the principles of evidence-based practices

Please indicate the name of the evidence-based program implemented: Correctional Program Checklist and the principles of evidence-based practices

The program evaluation portion of this grant project will use the evidence-based Correctional Program Checklist (CPC). The CPC is a tool developed for assessing correctional intervention programs, and is used to ascertain how closely correctional programs meet known principles of effective intervention. Studies conducted by the University of Cincinnati on both adult and juvenile programs were used to develop and validate the indicators on the CPC. These studies found strong correlations with positive outcomes between both domain areas and individual items on the CPC (Holsinger, 1999; Lowenkamp and Latessa, 2003, Lowenkamp, 2003; Lowenkamp & Latessa, 2005a; Lowenkamp and Latessa, 2005b).

The CPC is divided into two basic areas: content and capacity. The capacity area is designed to measure whether a correctional program has the capability to deliver evidence-based interventions and services for offenders. There are three domains in the capacity area including: Leadership and Development, Staff, and Quality Assurance. The content area focuses on the substantive domains of Offender Assessment and Treatment, and the extent to which the program meets the principles of risk, need, responsivity and treatment. There are a total of seventy-seven indicators, worth up to 83 total points that are scored during the assessment. Each area and all domains are scored and rated as either "highly effective" (65% to 100%); "effective" (55% to 64%); "needs improvement" (46% to 54%); or "ineffective" (45% or less). The scores in all five domains are totaled and the same scale is used for the overall assessment score. It should be noted that not all of the five domains are given equal weight, and some items may be considered "not applicable," in which case they are not included in the scoring.

Data are collected through structured interviews with selected program staff and program participants, and observation of groups and services. Staff surveys are also used to gather additional information. Other sources of information include policy and procedure manuals, schedules, treatment materials, manuals, and curricula, a review of selected case files and other relevant program materials. Once the information is gathered and reviewed the program is scored, and a report is generated which highlights the strengths, areas that need improvement, and recommendations for each of the five areas. Program scores are also compared to the national norm.

There are several advantages to the CPC. First, it is applicable to a wide variety of program types such as programs for sexual offending, substance abuse, and anger management. Second, all of the indicators included in the CPC have been found to be correlated with reductions in recidivism. Third, the process provides a measure of program integrity and quality; it provides insight into the "black box" of a program, something that an outcome

study alone does not provide. Fourth, the results can be obtained relatively quickly; usually the process takes a day or two and a report is generated within a few weeks. Fifth, it identifies both the strengths and weaknesses of a program and provides recommendations designed to improve the integrity of the program and to increase effectiveness.

### **References:**

- Andrews, D.A. and Bonta, J. (2006). *The Psychology of Criminal Conduct*. Cincinnati, OH: Anderson Publishing.
- Clawson, Elyse, Brad Bogue, Lore Joplin, *Implementing Evidence-based Practices in Corrections*, Jan. 2005, pgs. 3-4.
- Holsinger, A. M. (1999). *Opening the 'black box': Assessing the relationship between program integrity and recidivism*. Doctoral Dissertation. University of Cincinnati.
- Lowenkamp, C. T. (2003). *A Program Level Analysis of the Relationship Between Correctional Program Integrity and Treatment Effectiveness*. Doctoral Dissertation. University of Cincinnati.
- Lowenkamp, C. T. and E. J. Latessa (2003). *Evaluation of Ohio's Halfway Houses and Community Based Correctional Facilities*. Center for Criminal Justice Research, University of Cincinnati, Cincinnati, OH.
- Lowenkamp, C. T. and E. J. Latessa (2005a). *Evaluation of Ohio's CCA Programs*. Center for Criminal Justice Research, University of Cincinnati, Cincinnati, OH.
- Lowenkamp, C. T. and E. J. Latessa (2005b). *Evaluation of Ohio's Reclaim Funded Programs, Community Correctional Facilities, and DYS Facilities*. Center for Criminal Justice Research, University of Cincinnati, Cincinnati, OH.
- Smith, P., Gendreau, P., & Goggin, C. (2005). *Correctional treatment: Accomplishments and Realities*. In P. Van der Horst, M. Braswell & D. Lester (Eds.), *Correctional Counseling and Rehabilitation* (Fifth edition). Cincinnati, OH: Anderson Publishing.

## 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
Aug 2014 to Aug 2015	<b>Continuous Program Evaluation</b> <ul style="list-style-type: none"><li>• Evaluation protocol for programs is implemented using the CPC</li><li>• Programs are assessed and feedback meetings are held.</li><li>• Coaching is provided to the programs</li></ul>	Utah Criminal Justice Center	Statewide
Aug 2014 to Jul 2015	<b>Increase Access to Effective Research Support</b> <ul style="list-style-type: none"><li>• Research Analyst will attend research related conferences to increase knowledge of EBP, program evaluation, and best practices in the field.</li><li>• Purchase subscription to SurveyMonkey</li><li>• Purchase Reference Materials</li></ul>	Research Analyst	To be determined
Aug 2014 to Jul 2015	<b>Juvenile Court Report Card</b> <ul style="list-style-type: none"><li>• Analyze data and draft report</li><li>• Complete translation of report</li><li>• Complete publication of report</li></ul>	Research Analyst	Statewide
Aug 2014 to Jul 2015	<b>Data Module Programming</b> <ul style="list-style-type: none"><li>• Design project with computer programmers</li><li>• Program module</li><li>• Provide access to module</li></ul>	IT Department Consultants	Statewide

## 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.

<b>Goal: Improve the Use of Evidence Based Practices by Developing Programs</b>	
<b>Project Objective</b> (a) Evaluate developing programs using the CPC	<b>Project Objective</b> <ul style="list-style-type: none"><li>• Coordinate the site visit and complete the evaluation and provide a report</li><li>• Hold a feedback meeting</li></ul>
(b) Provide ongoing coaching to developing programs	<b>Project Objective</b> <ul style="list-style-type: none"><li>• Create a canvas page for the programs</li><li>• Provide ongoing coaching assistance</li></ul>

<b>Goal: Increase access to timely data</b>	
<b>Project Objective</b> (a) Program an assessment module	<b>Project Objective</b> <ul style="list-style-type: none"><li>• Complete a contract with the programmers</li><li>• Design the module</li><li>• Program the module</li></ul>
(b) Complete a report card	<b>Project Objective</b> <ul style="list-style-type: none"><li>• Collect and analyze data</li><li>• Create a set of reports</li><li>• Translate reports</li><li>• Printing of reports</li></ul>
(c) Increase access to effective research	<b>Project Objective</b> <ul style="list-style-type: none"><li>• Attendance at research conferences by Research Analyst</li><li>• Purchase of reference materials</li><li>• Purchase of analysis tools</li></ul>

## Section 10: BUDGET MATRIX AND NARRATIVE

<i>Category</i>	<i>Cash Match</i>	<i>Grant Funds</i>	<i>Total</i>
Personnel	\$0	\$0	\$0
Consultant/Contract	\$0	\$59,000	\$59,000
Equipment / Supplies/ Operating	\$3,307	\$2,265	\$5,572
Travel & Training	\$3,500	\$0	\$3,500
Total	\$6,807	\$61,265	\$68,072

### FISCAL OFFICER (IMPLEMENTING AGENCY)

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

Milton Margaritas  
Budget Officer  
450 S. State, P.O. Box 140241  
SLC, Ut. 84114-0241  
801-578-3863 office phone  
801-578-3854 Fax  
miltonm@email.utcourts.gov



## PERSONNEL 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 a 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
IT Contractor (TBD)	Computer programming of the program assessment module	TBD	TBD (Amount will exceed the hourly rate limit. Please see note below)	\$35,000
Utah Criminal Justice Center at the University of Utah	2 program evaluations and coaching of two programs	-Rob Butters (42 Hours) -Jennifer Loeffler (297 hours) -Research Assistant (187 hours) -Contract Officer (104 hours)	-Rob Butters (\$45.80 /hour) -Jennifer Loeffler (\$31.51/hour) -Research Assistant (\$21.82/hour) -Contract Officer (\$21.72/hour)	\$24,000 (see below for additional detail)

### Consultant Expenses

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

CJC

Mileage: 214 miles in travel at 56 cents a mile for a total of \$120.

### Consultant Fee Justification

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

#### IT Programming

The selection of the programmer will be made by the Utah State Courts IT Department, which manages the consultant/subcontractor contracts. The IT Department follows standard state purchasing requirements in the selection of contractors, RFPs, and contracts. The IT Department manages these contracts because they have the expertise necessary to identify the needed skills and abilities to complete programming on the databases they manage, and also to ensure that the work is being completed as required. The programming of the Juvenile Court database requires an experienced JAVA programmer. The Utah State Courts IT Department has followed the state required RFP process for JAVA programmers and the lowest bid received was more than \$82 an hour. No contractors offered a rate within the state or federal per hour limits for this service. Consequently, the Utah State Courts selected the lowest priced contractors because this is the only option available. The expertise required for this type of programming has led to competitive pay that exceeds the state and federal limits. Consequently,

the per hour rate for the JAVA contractor employed on this grant will almost certainly be above the state and federal limit.

# **UCIC**

The University of Utah is a government entity and state purchasing guidelines are followed for contracts between the Utah State Courts and the University of Utah. Below is the cost summary associated with this contract.

PERSONNEL SALARIES AND FRINGE BENEFITS							
NAME	HOURLY RATE	PERCENT ON CONTRACT	TOTAL HOURS	SALARY REQUESTED	BENEFIT RATE	BENEFITS REQUESTED	TOTAL REQUESTED
ROB BUTTERS	\$ 45.80	2.0%	42	\$ 1,905.16	37%	\$ 704.91	\$ 2,610.06
JENNIFER LOEFFLER	\$ 31.51	14.3%	297	\$ 9,348.22	37%	\$ 3,458.84	\$ 12,807.06
RESEARCH ANALYST/ASSISTANT	\$ 21.82	9.0%	187	\$ 4,085.10	37%	\$ 1,511.49	\$ 5,596.59
GRANTS/CONTRACT OFFICER	\$ 21.72	5.0%	104	\$ 2,258.79	37%	\$ 835.75	\$ 3,094.54
			588	\$ 15,692.11		\$ 5,806.08	\$ 21,498.18
MILEAGE							
TYPE		MILES	RATE	TOTAL REQUESTED			
PERSONAL		214	0.56	\$ 120.00			
				\$ 120.00			
SUPPLIES/OPERATIONS/EQUIPMENT							
ITEM				TOTAL REQUESTED			
EVALUATION MATERIALS				\$ 200			
				\$ 200.00			
TOTAL DIRECT COSTS				\$ 21,818.18			
INDIRECT COSTS (10%)				\$ 2,181.82			
TOTAL REQUESTED				\$ 24,000.00			

Grant Funds Requested	Match Provided (if applicable)	Consultants Total
\$59,000	\$0	\$59,000

**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			
Telephone			
Non-consultant Contract Help			
a. Bookkeeping/Audit			
b. Maintenance			
c. Other (Specify)			
Auto Lease/Short-Term Rental			
Equipment Lease/Short-Term Rental			
Photocopying			
Printing: Report Card	\$4,972		
Grant Management Costs (In-Kind)			
Other (Specify): Reference Books	\$300		
Other (Specify): Access to survey creation tool (SurveyMonkey)	\$300		
Other (Specify)			

**Procurement Method to be Used** (cell will expand)

The report card will be printed using Utah Correctional Industries as required by the governor if feasible given timelines, printing requirements, etc.

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

**Report Card Printing**

While the Utah Juvenile Court provides copies of the report card electronically via its website, paper copies in English and Spanish are also provided at courthouse locations to increase access and transparency. This publication is often placed in Juvenile Court and Juvenile Probation waiting rooms to provide information to patrons of Juvenile Court.

**Reference Books**

As grant funds diminish, it is necessary to provide resources that can be used after the end of available funds. Consequently, reference books related to such topics as research, best practices, statistics, analysis, etc. are needed as access to such resources as researchers at the University of Utah diminishes.

**Survey Tool**

As part of the effort to provide better timely data to managers, a subscription to the SurveyMonkey tool will be purchased. This allows for timely feedback from staff and partners on outcomes and initiatives related to the Juvenile Court.

Grant Funds Requested	Match Provided (if applicable)	"Other" Total
\$2,265	\$3,307	\$5,572

## 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.) The mileage rate may not exceed \$.50/mile.

Vehicle	# Miles	Mileage Rate	Total
Air, Bus, etc.	Destination	Fare	Total
Per Diem	# Days	Per Diem Rate	Total
Conference Registration	# People	Rate	Total
Other			Total
Research Conferences	3 trips	\$1,167 per trip (air, hotel, registration and per diem)	\$3,500 (cash match)

### Travel and Training Justification and Narrative

As grant funds decline, Juvenile Court will no longer have the resources to contract with entities such as the University of Utah. Consequently, it is necessary to build internal capacity and expertise in the area of research and analysis. The knowledge gained at research conferences allows for this type of capacity building.

Grant Funds Requested	Match Provided (if applicable)	Travel & Training Total
\$0	\$3,500	\$3,500

## 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.

6.

7.

Authorized Signature

Typed Name

Title

# TAB 6



## 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:** Alison Adams-Perlac *Alison Adams-Perlac*  
**Date:** August 8, 2014  
**Re:** Recommended Amendments to the Utah Code of Judicial Administration

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The Policy and Planning Committee recommends the following amendments to the Utah Code of Judicial Administration. If no concerns are raised, the proposed amendments will be opened for public comment. The proposed amendments are subject to change after the public comment period.

**CJA 3-104. Presiding judges.** Amend. Clarifies that the final determination for purposes of a case under advisement occurs when the judge resolves the pending issue by announcing the decision on the record or issuing a written decision, regardless of whether the parties are required to submit a subsequent final order for the judge's signature.

**CJA 3-403. Judicial branch education.** Amend. Requires new judges to attend the first orientation program held after the have taken the oath of office. Provides an exception if attendance is excused by the Management Committee based on good cause.

**CJA 4-202.02. Records classification.** Amend. Makes actions to remove an individual from the National Instant Background Check System private. Makes Qualified Domestic Relations Orders private.

**CJA 4-403. Signature stamp use.** Amend. Provides for the clerks' use of judges' and commissioners' electronic signatures when the clerk otherwise has permission under the rule to use the signature stamp.

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.

Recommended Amendments to the Utah Code of Judicial Administration  
August 8, 2014  
Page 2

Encl.       CJA 3-104  
              CJA 3-403  
              CJA 4-202.02  
              CJA 4-403

**Rule 3-104. Presiding judges.**

**Intent:**

To establish the procedure for election, term of office, role, responsibilities and authority of presiding judges and associate presiding judges.

**Applicability:**

This rule shall apply to presiding judges and associate presiding judges in the District and Juvenile Courts.

**Statement of the Rule:**

**(1) Election and term of office.**

(1)(A) Presiding judge. The presiding judge in multi-judge courts shall be elected by a majority vote of the judges of the court. The presiding judge's term of office shall be at least two years. A district, by majority vote of the judges of the court, may re-elect a judge to serve successive terms of office as presiding judge. In the event that a majority vote cannot be obtained, the presiding judge shall be appointed by the presiding officer of the Council to serve for two years.

**(1)(B) Associate presiding judge.**

(1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court to the office of associate presiding judge. An associate presiding judge shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A).

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned by the presiding judge or by the court.

(1)(C) A presiding judge or associate presiding judge may be removed as the presiding judge or associate presiding judge by a two-thirds vote of all

judges in the district. A successor presiding judge or associate presiding judge shall then be selected as provided in this rule.

(2) Court organization.

(2)(A) Court en banc.

(2)(A)(i) Multi-judge courts shall have regular court en banc meetings, including all judges of the court and the court executive, to discuss and decide court business. The presiding judge has the discretion to excuse the attendance of the court executive from court en banc meetings called for the purpose of discussing the performance of the court executive. In single-judge courts, the judge shall meet with the court executive to discuss and decide court business.

(2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither the presiding judge nor associate presiding judge, if any, is present, the presiding judge's designee shall preside.

(2)(A)(iii) Each court shall have a minimum of four meetings each year.

(2)(A)(iv) An agenda shall be circulated among the judges in advance of the meeting with a known method on how matters may be placed on the agenda.

(2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a majority of the judges may call additional meetings as necessary.

(2)(A)(vi) Minutes of each meeting shall be taken and preserved.

(2)(A)(vii) Other than judges and court executives, those attending the meeting shall be by court invitation only.

(2)(A)(viii) The issues on which judges should vote shall be left to the sound discretion and judgment of each court and the applicable sections of the Utah Constitution, statutes, and this Code.

54 (2)(B) Absence of presiding judge. When the presiding judge and the  
55 associate presiding judge, if any, are absent from the court, an acting  
56 presiding judge shall be appointed. The method of designating an acting  
57 presiding judge shall be at the discretion of the presiding judge. All parties that  
58 must necessarily be informed shall be notified of the judge acting as presiding  
59 judge.

60 (3) Administrative responsibilities and authority of presiding judge.

61 (3)(A)(i) Generally. The presiding judge is charged with the responsibility  
62 for the effective operation of the court. He or she is responsible for the  
63 implementation and enforcement of statutes, rules, policies and directives of  
64 the Council as they pertain to the administration of the courts, orders of the  
65 court en banc and supplementary rules. The presiding judge has the authority  
66 to delegate the performance of non-judicial duties to the court executive.

67 When the presiding judge acts within the scope of these responsibilities, the  
68 presiding judge is acting within the judge's judicial office.

69 (3)(A)(ii) Caseload. Unless the presiding judge determines it to be  
70 impractical, there is a presumption that the judicial caseload of the presiding  
71 judge shall be adjusted to provide the presiding judge sufficient time to devote  
72 to the management and administrative duties of the office. The extent of the  
73 caseload reduction shall be determined by each district.

74 (3)(A)(iii) Appeals. Any judge of the judicial district may ask the Chief  
75 Justice or Judicial Council to review any administrative decision made by the  
76 presiding judge of that district.

77 (3)(B) Coordination of judicial schedules.

78 (3)(B)(i) The presiding judge shall be aware of the vacation and education  
79 schedules of judges and be responsible for an orderly plan of judicial  
80 absences from court duties.

81 (3)(B)(ii) Each judge shall give reasonable advance notice of his or her  
82 absence to the presiding judge consistent with Rule 3-103(4).

83 (3)(C) Court committees. The presiding judge shall, where appropriate,  
84 make use of court committees composed of other judges and court personnel  
85 to investigate problem areas, handle court business and report to the  
86 presiding judge and/or the court en banc.

87 (3)(D) Outside agencies and the media.

88 (3)(D)(i) The presiding judge or court executive shall be available to meet  
89 with outside agencies, such as the prosecuting attorney, the city attorney,  
90 public defender, sheriff, police chief, bar association leaders, probation and  
91 parole officers, county governmental officials, civic organizations and other  
92 state agencies. The presiding judge shall be the primary representative of the  
93 court.

94 (3)(D)(ii) Generally, the presiding judge or, at the discretion of the presiding  
95 judge, the court executive shall represent the court and make statements to  
96 the media on matters pertaining to the total court and provide general  
97 information about the court and the law, and about court procedures, practices  
98 and rulings where ethics permit.

99 (3)(E) Docket management and case and judge assignments.

100 (3)(E)(i) The presiding judge shall monitor the status of the dockets in the  
101 court and implement improved methods and systems of managing dockets.

102 (3)(E)(ii) The presiding judge shall assign cases and judges in accordance  
103 with supplemental court rules to provide for an equitable distribution of the  
104 workload and the prompt disposition of cases.

105 (3)(E)(iii) Individual judges of the court shall convey needs for assistance to  
106 the presiding judge. The presiding judge shall, through the Administrative



Office, request assistance of visiting judges or other appropriate resources when needed to handle the workload of the court.

(3)(E)(iv) The presiding judge shall discuss problems of delay with other judges and offer necessary assistance to expedite the disposition of cases.

(3)(F) Court executives.

(3)(F)(i) The presiding judge shall review the proposed appointment of the court executive made by the state court administrator and must concur in the appointment before it can be effected. The presiding judge shall obtain the approval of a majority of the judges in that jurisdiction prior to concurring in the appointment of a court executive.

(3)(F)(ii) The presiding judge for the respective court level and the state level administrator shall jointly develop an annual performance plan for the court executive.

(3)(F)(iii) Annually, the state level administrator shall consult with the presiding judge in the preparation of an evaluation of the court executive's performance for the previous year, also taking into account input from all judges in the district.

(3)(F)(iv) The presiding judge shall be aware of the day-to-day activities of the court executive, including coordination of annual leave.

(3)(F)(v) Pursuant to Council policy and the direction of the state level administrator, the court executive has the responsibility for the day-to-day supervision of the non-judicial support staff and the non-judicial administration of the court. The presiding judge, in consultation with the judges of the jurisdiction, shall coordinate with the court executive on matters concerning the support staff and the general administration of the court including budget, facility planning, long-range planning, administrative projects,

133 intergovernmental relations and other administrative responsibilities as  
134 determined by the presiding judge and the state level administrator.

135 (3)(G) Courtrooms and facilities. The presiding judge shall direct the  
136 assignment of courtrooms and facilities.

137 (3)(H) Recordkeeping. Consistently with Council policies, the court  
138 executive, in consultation with the presiding judge, shall:

139 (3)(H)(i) coordinate the compilation of management and statistical  
140 information necessary for the administration of the court;

141 (3)(H)(ii) establish policies and procedures and ensure that court personnel  
142 are advised and aware of these policies;

143 (3)(H)(iii) approve proposals for automation within the court in compliance  
144 with administrative rules.

145 (3)(I) Budgets. The court executive, in consultation with the presiding  
146 judge, shall oversee the development of the budget for the court. In contact  
147 sites, the court executive shall supervise the preparation and management of  
148 the county budget for the court on an annual basis and in accordance with the  
149 Utah Code.

150 (3)(J) Judicial officers. In the event that another judge or commissioner of  
151 the court fails to comply with a reasonable administrative directive of the  
152 presiding judge, interferes with the effective operation of the court, abuses his  
153 or her judicial position, exhibits signs of impairment or violates the Code of  
154 Judicial Conduct, the presiding judge may:

155 (3)(J)(i) Meet with and explain to the judge or commissioner the reasons for  
156 the directive given or the position taken and consult with the judge or  
157 commissioner.

158 (3)(J)(ii) Discuss the position with other judges and reevaluate the position.

159 (3)(J)(iii) Present the problem to the court en banc or a committee of  
160 judges for input.

161 (3)(J)(iv) Require the judge or commissioner to participate in appropriate  
162 counseling, therapy, education or treatment.

163 (3)(J)(v) Reassign the judge or commissioner to a different location within  
164 the district or to a different case assignment.

165 (3)(J)(vi) Refer the problem to a the Judicial Council or to the Chief Justice.

166 (3)(J)(vii) In the event that the options listed above in subsections (i)  
167 through (vi) do not resolve the problem and where the refusal or conduct is  
168 willful, continual, and the presiding judge believes the conduct constitutes a  
169 violation of the Code of Judicial Conduct, the presiding judge shall refer the  
170 problem to the Council or the Judicial Conduct Commission.

171 (3)(K) Cases under advisement.

172 (3)(K)(i) A case is considered to be under advisement when the entire case  
173 or any issue in the case has been submitted to the judge for final  
174 determination. The final determination occurs when the judge resolves the  
175 pending issue by announcing the decision on the record or by issuing a  
176 written decision, regardless of whether the parties are required to  
177 subsequently submit for the judge's signature a final order memorializing the  
178 decision.

179 (3)(K)(ii) Once a month each judge shall submit a statement on a form to  
180 be provided by the Administrative Office notifying the presiding judge of any  
181 cases or issues held under advisement for more than two months and the  
182 reason why the case or issue continues to be held under advisement.

183 (3)(K)(iii) Once a month, the presiding judge shall submit a list of the cases  
184 or issues held under advisement for more than two months to the appropriate

185 state level administrator and indicate the reasons why the case or issue  
186 continues to be held under advisement.

187 (3)(K)(iv) If a case or issue is held under advisement for an additional 30  
188 days, the state level administrator shall report that fact to the Council.

189 (3)(L) Board of judges. The presiding judge shall serve as a liaison  
190 between the court and the Board for the respective court level.

191 (3)(M) Supervision and evaluation of court commissioners. The presiding  
192 judge is responsible for the development of a performance plan for the Court  
193 Commissioner serving in that court and shall prepare an evaluation of the  
194 Commissioner's performance on an annual basis. A copy of the performance  
195 plan and evaluation shall be maintained in the official personnel file in the  
196 Administrative Office.

**Rule 3-403. Judicial branch education.**

**Intent:**

To establish the Judicial Branch Education Committee's responsibility to develop and evaluate a comprehensive education program for all judges, commissioners and court staff.

To establish education standards for judges, commissioners and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

**Applicability:**

This rule shall apply to all judges, commissioners and court staff, except seasonal employees and law clerks.

**Statement of the Rule:**

**(1) Organization.**

(1)(A) Judicial branch education committee. The Judicial Branch Education Committee shall submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It shall evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) Responsibilities of members. Committee members shall propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

(1)(C) Committee meetings.

(1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) Administration. Judicial Education Officer. The Judicial Education Officer, under the direction of the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) Standards for judges and court commissioners.

(3)(A)(i) Program requirements. All judges and court commissioners shall participate in a the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee~~during their first year~~. All judges, court commissioners, active senior judges, and active senior justice court judges shall complete 30 hours of pre-approved education annually, to be implemented on a schedule coordinated by the Committee. Judges of courts

55 of record and court commissioners may attend a combination of approved  
56 local, state, or national programs. Active and inactive senior judges and  
57 retired judges may attend approved local or state programs and the annual  
58 Utah Judicial Conference, but an inactive senior judge or retired judge must  
59 pay all expenses.

60 (3)(A)(ii) Inactive senior judges and retired judges. If an inactive senior  
61 judge or a retired judge applies to be an active senior judge, the judge shall  
62 demonstrate that:

63 (3)(A)(ii)(a) less than three years has passed since he or she last complied  
64 with the continuing education requirements of an active senior judge;

65 (3)(A)(ii)(b) he or she has complied with the MCLE requirements of the  
66 Utah State Bar for at least three years before the application;

67 (3)(A)(ii)(c) he or she has attended 30 hours of approved judicial education  
68 within one year before the application; or

69 (3)(A)(ii)(d) he or she has attended the new judge orientation for judges of  
70 the courts of record within one year before the application. (3)(B)(i) Program  
71 components. Education programs for judges and court commissioners shall  
72 include: a mandatory new judge orientation program; a variety of programs  
73 addressing substantive and procedural law topics, aimed at skill and  
74 knowledge acquisition; and programs geared to professional and personal  
75 development, to meet the continuing needs of judges and court  
76 commissioners over the long term.

77 (3)(B)(ii) Annual conferences. Justice court judges and active senior justice  
78 court judges shall attend the annual justice court conference unless excused  
79 by the Management Committee for good cause. Because the annual judicial  
80 conference represents the only opportunity for judges to meet and interact as  
81 a group and to elect their representatives, judges, active senior judges and

82 court commissioners of the courts of record are strongly encouraged to attend  
83 that conference.

84 (4) Standards for court staff.

85 (4)(A) State employees.

86 (4)(A)(i) Program requirements. All court staff employed by the state shall  
87 complete 20 hours of approved coursework annually.

88 (4)(A)(ii) Program components. Education programs for court staff  
89 employed by the state shall include: on-the-job orientation for new employees  
90 as well as semi-annual Orientation Academies; skill development programs  
91 that teach technical and job-related competencies; and enhancement  
92 programs that promote personal and professional growth within the  
93 organization.

94 (4)(B) Local government employees.

95 (4)(B)(i) Program requirements. All court staff employed by the justice  
96 courts shall complete 10 hours of approved coursework annually. All other  
97 court staff employed by local government shall complete 20 hours of approved  
98 coursework annually.

99 (4)(B)(ii) Program components. Education programs for court staff  
100 employed by local government shall include: annual training seminar; skill  
101 development programs that teach technical and job-related competencies;  
102 and enhancement programs that promote personal and professional growth.

103 (5) Reporting.

104 (5)(A) Judges, commissioners and court staff governed by these standards  
105 shall report participation in education programs on a form developed by the  
106 Committee.

107 (5)(B) For court staff, compliance with judicial branch education standards  
108 shall be a performance criterion in the evaluation of all staff.



109 (5)(B)(i) Supervisory personnel are responsible to ensure that all  
110 staff have an opportunity to participate in the required education. Failure of a  
111 supervisor to meet the minimum education standards or to provide staff with  
112 the opportunity to meet minimum education standards will result in an  
113 unsatisfactory performance evaluation in the education criterion.

114 (5)(B)(ii) Failure of staff to meet the minimum education requirements will  
115 result in an unsatisfactory evaluation on the education criterion unless the  
116 employee provides documented reasons that the employee's failure to meet  
117 the education standards is due to reasons beyond the employee's control.

118 (6) Credit. Judicial education procedures shall include guidelines for  
119 determining which programs qualify as approved education within the  
120 meaning of these standards.

121 (7) Funding.

122 (7)(A) Budget. In preparing its annual request for legislative appropriations,  
123 the Council shall receive and consider recommendations from the Committee.  
124 The Committee's annual education plan shall be based upon the Council's  
125 actual budget allocation for judicial education.

126 (7)(B) In-state education programs. Judicial branch funds allocated to in-  
127 state judicial education shall first be used to support mandatory in-state  
128 orientation programs for all judicial branch employees and then for other  
129 education priorities as established by the Committee with input from the  
130 Boards of Judges and Administrative Office.

131 (7)(C) Out-of-state education programs. To provide for diverse educational  
132 development, to take advantage of unique national opportunities, and to utilize  
133 education programs which cannot be offered in-state, the annual education  
134 plan shall include out-of-state education opportunities. The Committee shall  
135 approve national education providers and shall include in the education

136 procedures, criteria to be applied by the Administrative Office to out-of-state  
137 education requests. Criteria shall include relevance to the attendee's current  
138 assignment and attendance at in-state programs. Disagreement with a  
139 decision to deny an out-of-state education request may be reviewed by a  
140 quorum of the Committee at the applicant's request.

141 (7)(D) Tuition, fees, and travel. The Committee shall develop policies and  
142 procedures for paying tuition, fees, per diem, and travel for approved  
143 programs. State funds cannot be used to pay for discretionary social activities,  
144 recreation, or spouse participation. The Committee may set financial limits on  
145 reimbursement for attendance at elective programs, with the individual  
146 participant personally making up the difference in cost when the cost exceeds  
147 program guidelines.

148

149

**Rule 4-202.02. Records classification.**

Intent:

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) Court records are public unless otherwise classified by this rule.

(2) Public court records include but are not limited to:

(2)(A) abstract of a citation that redacts all non-public information;

(2)(B) aggregate records without non-public information and without personal identifying information;

(2)(C) arrest warrants, but a court may restrict access before service;

(2)(D) audit reports;

(2)(E) case files;

(2)(F) committee reports after release by the Judicial Council or the court that requested the study;

(2)(G) contracts entered into by the judicial branch and records of compliance with the terms of a contract;

(2)(H) drafts that were never finalized but were relied upon in carrying out an action or policy;

(2)(I) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;

(2)(J) financial records;

(2)(K) indexes approved by the Management Committee of the Judicial Council, including the following, in courts other than the juvenile court; an index may contain any other index information:

(2)(K)(i) amount in controversy;

(2)(K)(ii) attorney name;

(2)(K)(iii) case number;

(2)(K)(iv) case status;

(2)(K)(v) civil case type or criminal violation;

(2)(K)(vi) civil judgment or criminal disposition;

(2)(K)(vii) daily calendar;

(2)(K)(viii) file date;

(2)(K)(ix) party name;

(2)(L) name, business address, business telephone number, and business email address of an adult person or business entity other than a party or a victim or witness of a crime;

(2)(M) name, address, telephone number, email address, date of birth, and last four digits of the following: driver's license number; social security number; or account number of a party;

(2)(N) name, business address, business telephone number, and business email address of a lawyer appearing in a case;

(2)(O) name, business address, business telephone number, and business email address of court personnel other than judges;

(2)(P) name, business address, and business telephone number of judges;

(2)(Q) name, gender, gross salary and benefits, job title and description, number of hours worked per pay period, dates of employment, and relevant qualifications of a current or former court personnel;

(2)(R) unless classified by the judge as private or safeguarded to protect the personal safety of the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury is discharged;

(2)(S) opinions, including concurring and dissenting opinions, and orders entered in open hearings;

- 55 (2)(T) order or decision classifying a record as not public;
- 56 (2)(U) private record if the subject of the record has given written
- 57 permission to make the record public;
- 58 (2)(V) probation progress/violation reports;
- 59 (2)(W) publications of the administrative office of the courts;
- 60 (2)(X) record in which the judicial branch determines or states an opinion
- 61 on the rights of the state, a political subdivision, the public, or a person;
- 62 (2)(Y) record of the receipt or expenditure of public funds;
- 63 (2)(Z) record or minutes of an open meeting or hearing and the transcript of
- 64 them;
- 65 (2)(AA) record of formal discipline of current or former court personnel or of
- 66 a person regulated by the judicial branch if the disciplinary action has been
- 67 completed, and all time periods for administrative appeal have expired, and
- 68 the disciplinary action was sustained;
- 69 (2)(BB) record of a request for a record;
- 70 (2)(CC) reports used by the judiciary if all of the data in the report is public
- 71 or the Judicial Council designates the report as a public record;
- 72 (2)(DD) rules of the Supreme Court and Judicial Council;
- 73 (2)(EE) search warrants, the application and all affidavits or other recorded
- 74 testimony on which a warrant is based are public after they are unsealed
- 75 under Utah Rule of Criminal Procedure 40;
- 76 (2)(FF) statistical data derived from public and non-public records but that
- 77 disclose only public data;
- 78 (2)(GG) Notwithstanding subsections (6) and (7), if a petition, indictment, or
- 79 information is filed charging a person 14 years of age or older with a felony or
- 80 an offense that would be a felony if committed by an adult, the petition,
- 81 indictment or information, the adjudication order, the disposition order, and the

delinquency history summary of the person are public records. The delinquency history summary shall contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.

(3) The following court records are sealed:

(3)(A) records in the following actions:

(3)(A)(i) Title 78B, Chapter 6, Part 1, Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Title 78B, Chapter 15, Part 8, Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed; and

(3)(B) expunged records;

(3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code Section 77-23a-15;

(3)(D) records showing the identity of a confidential informant;

(3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code Section 7-2-6;

(3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;

(3)(G) records designated as sealed by rule of the Supreme Court;

(3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings; and

(3)(I) other records as ordered by the court under Rule 4-202.04.

(4) The following court records are private:

(4)(A) records in the following actions:

(4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;

(4)(A)(ii) Section 76-10-532, Removal from National Instant Check System database;

(4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed; and

(4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are sealed; and

(4)(B) records in the following actions, except that the case history; judgments, orders and decrees; letters of appointment; and the record of public hearings are public records:

(4)(B)(i) Title 30, Husband and Wife, including a Qualified Domestic Relations Order, except that an action for consortium due to personal injury under Section 30-2-11 is public;

(4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;

(4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;

(4)(B)(iv) Title 78B, Chapter 7, Protective Orders;

(4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;

(4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;

(4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;

(4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and

(4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph (B);

(4)(C) aggregate records other than public aggregate records under subsection (2);

(4)(D) alternative dispute resolution records;

(4)(E) applications for accommodation under the Americans with Disabilities Act;

134 (4)(F) citation, but an abstract of a citation that redacts all non-public  
135 information is public;

136 (4)(G) judgment information statement;

137 (4)(H) judicial review of final agency action under Utah Code Section 62A-  
138 4a-1009;

139 (4)(I) the following personal identifying information about a party: driver's  
140 license number, social security number, account description and number,  
141 password, identification number, maiden name and mother's maiden name,  
142 and similar personal identifying information;

143 (4)(J) the following personal identifying information about a person other  
144 than a party or a victim or witness of a crime: residential address, personal  
145 email address, personal telephone number; date of birth, driver's license  
146 number, social security number, account description and number, password,  
147 identification number, maiden name, mother's maiden name, and similar  
148 personal identifying information;

149 (4)(K) medical, psychiatric, or psychological records;

150 (4)(L) name of a minor, except that the name of a minor party is public in  
151 the following district and justice court proceedings:

152 (4)(L)(i) name change of a minor;

153 (4)(L)(ii) guardianship or conservatorship for a minor;

154 (4)(L)(iii) felony, misdemeanor or infraction;

155 (4)(L)(iv) child protective orders; and

156 (4)(L)(v) custody orders and decrees;

157 (4)(M) personnel file of a current or former court personnel or applicant for  
158 employment;

159 (4)(N) photograph, film or video of a crime victim;



(4)(O) record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5:

(4)(O)(i) permanently if the hearing is not traditionally open to the public and public access does not play a significant positive role in the process; or

(4)(O)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to release the record without prejudice to the interests that justified the closure;

(4)(P) record submitted by a senior judge or court commissioner regarding performance evaluation and certification;

(4)(Q) record submitted for in camera review until its public availability is determined;

(4)(R) reports of investigations by Child Protective Services;

(4)(S) victim impact statements;

(4)(T) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

(4)(U) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;

(4)(V) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;

(4)(W) an addendum to an appellate brief filed in a case involving:

(4)(W)(i) adoption;

(4)(W)(ii) termination of parental rights;

(4)(W)(iii) abuse, neglect and dependency;

(4)(W)(iv) substantiation under Section 78A-6-323; or

(4)(W)(v) protective orders or dating violence protective orders;

(4)(X) other records as ordered by the court under Rule 4-202.04.

(5) The following court records are protected:

(5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the courts concerning litigation, privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;

(5)(B) records that are subject to the attorney client privilege;

(5)(C) bids or proposals until the deadline for submitting them has closed;

(5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the court's contemplated policies or contemplated courses of action;

(5)(F) court security plans;

(5)(G) investigation and analysis of loss covered by the risk management fund;

(5)(H) memorandum prepared by staff for a member of any body charged by law with performing a judicial function and used in the decision-making process;

(5)(I) confidential business records under Utah Code Section 63G-2-309;

(5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be expected to:

(5)(J)(i) interfere with an investigation;

(5)(J)(ii) interfere with a fair hearing or trial;

(5)(J)(iii) disclose the identity of a confidential source; or

(5)(J)(iv) concern the security of a court facility;

(5)(K) record identifying property under consideration for sale or acquisition by the court or its appraised or estimated value unless the information has been disclosed to someone not under a duty of confidentiality to the courts;

(5)(L) record that would reveal the contents of settlement negotiations other than the final settlement agreement;

(5)(M) record the disclosure of which would impair governmental procurement or give an unfair advantage to any person;

(5)(N) record the disclosure of which would interfere with supervision of an offender's incarceration, probation or parole;

(5)(O) record the disclosure of which would jeopardize life, safety or property;

(5)(P) strategy about collective bargaining or pending litigation;

(5)(Q) test questions and answers;

(5)(R) trade secrets as defined in Utah Code Section 13-24-2;

(5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;

(5)(T) presentence investigation report; and

(5)(U) other records as ordered by the court under Rule 4-202.04.

(6) The following are juvenile court social records:

(6)(A) correspondence relating to juvenile social records;

(6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;

(6)(C) medical, psychological, psychiatric evaluations;

(6)(D) pre-disposition and social summary reports;

(6)(E) probation agency and institutional reports or evaluations;

(6)(F) referral reports;

(6)(G) report of preliminary inquiries; and

(6)(H) treatment or service plans.

(7) The following are juvenile court legal records:

(7)(A) accounting records;

(7)(B) discovery filed with the court;

(7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees;

(7)(D) name of a party or minor;

(7)(E) record of a court hearing;

(7)(F) referral and offense histories

(7)(G) and any other juvenile court record regarding a minor that is not designated as a social record.

(8) The following are safeguarded records:

(8)(A) upon request, location information, contact information and identity information other than name of a petitioner and other persons to be protected in an action filed under Title 77, Chapter 3a, Stalking Injunctions or Title 78B, Chapter 7, Protective Orders;

(8)(B) upon request, location information, contact information and identity information other than name of a party or the party's child after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;

(8)(C) location information, contact information and identity information of prospective jurors on the master jury list or the qualified jury list;

267 (8)(D) location information, contact information and identity information  
268 other than name of a prospective juror summoned to attend court;  
269 (8)(E) the following information about a victim or witness of a crime:  
270 (8)(E)(i) business and personal address, email address, telephone number  
271 and similar information from which the person can be located or contacted;  
272 (8)(E)(ii) date of birth, driver's license number, social security number,  
273 account description and number, password, identification number, maiden  
274 name, mother's maiden name, and similar personal identifying information.

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**Rule 4-403. Electronic signature and signature stamp use.**

Intent:

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

This rule shall apply to all trial courts of record and not of record.

Statement of the Rule:

(1) A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or "signature stamp" in lieu of obtaining the judge's or commissioner's signature on the following:

(1)(A) bail bonds from approved bondsmen;

(1)(B) bench warrants;

(1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4(b);

(1)(E) orders to show cause;

(1)(F) orders to take into custody;

(1)(G) summons;

(1)(H) supplemental procedure orders;

(1)(I) orders setting dates for hearing and for notice;

(1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion; and

(1)(K) orders for transportation of a person in custody to a court hearing.

(2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his

28 or her name on the document directly beneath the electronic signature or  
29 stamped imprint of the judge's or commissioner's signature.

30 (3) All other documents requiring the judge's or commissioner's signature  
31 shall be personally signed by the judge or commissioner, unless the judge or  
32 commissioner, on a document by document basis, authorizes the clerk to use the  
33 judge's or commissioner's electronic signature or signature stamp in lieu of the  
34 judge's or commissioner's signature. On such documents, the clerk shall indicate  
35 in writing that the electronic signature or signature stamp was used at the  
36 direction of the judge or commissioner and shall sign his or her name directly  
37 beneath the electronic signature or stamped imprint of the judge's or  
38 commissioner's signature.