

## JUDICIAL COUNCIL MEETING

### AGENDA

Monday, July 20, 2015  
1004A Conference Room, 1<sup>st</sup> Fl  
Ogden Juvenile Courthouse  
Ogden, Utah

*Chief Justice Matthew B. Durrant, Presiding*

1. 9:30 a.m. Welcome & Approval of Minutes . . . . Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:35 a.m. Chair's Report. . . . . Chief Justice Matthew B. Durrant
3. 9:40 a.m. Administrator's Report. . . . . Daniel J. Becker
4. 9:55 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant  
Liaison Committee. . . . . Judge David Mortensen  
Policy and Planning . . . . . Judge Reed Parkin  
Bar Commission. . . . . John Lund, esq.  
(Tab 2 - Information)
5. 10:10 a.m. Rules for Final Action. . . . . Alison Adams-Perlac  
(Tab 3 - Action)
6. 10:20 a.m. Senior Judge Certification. . . . . Nancy Sylvester  
(Tab 4 - Action)
7. 10:25 a.m. Legislative Update. . . . . Rick Schwermer  
(Information)
8. 10:40 a.m. Judicial Conduct Commission Update. . . . . Colin Winchester  
(Information)
- 11:00 a.m. Break
9. 11:10 a.m. Farmington Interlocal Agreement. . . . . Rick Schwermer  
(Tab 5 - Action)
10. 11:30 a.m. Board of Juvenile Court Judges Update. . . . . Judge Mary Noonan  
(Information) Dawn Marie Rubio

11. 11:50 a.m. Exccutive Session
12. 11:55 a.m. Adjourn/Tour of Ogden Juvenile Courthouse
- 12:30 p.m. Lunch/Second District and Juvenile Court Update
- 1:00 p.m. Courthouse Dedication

#### **Consent Calendar**

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

- |  |                               |
|--|-------------------------------|
| 1. Committee Appointments<br>(Tab 6)   | Nancy Volmer<br>Ron Bowmaster |
| 2. Grant Approval<br>(Tab 7)           | Alison Adams-Perlac           |
| 3. Rules for Public Comment<br>(Tab 8) | Alison Adams-Perlac           |

**TAB 1**

# JUDICIAL COUNCIL MEETING

## Minutes

Monday, June 22, 2015

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

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

### **ATTENDEES:**

Chief Justice Matthew B. Durrant  
Hon. Kimberly K. Hornak, Vice Chair  
Justice Thomas Lee  
Hon. Marvin Bagley  
Hon. Ann Boyden  
Hon. Glen Dawson  
Hon. Paul Farr  
Hon. David Marx  
Hon. David Mortensen  
Hon. Randall Skanchy  
Hon. Kate Toomey  
John Lund, esq.

### **STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Jody Gonzales  
Dawn Marie Rubio  
Debra Moore  
Rick Schwermer  
Tim Shea  
Alison Adams-Perlac  
Alyn Lunceford  
Nancy Sylvester  
Kim Allard  
Nancy Volmer

### **GUESTS:**

Judge Doug Thomas  
Judge Stephen Roth  
Judge Fred Voros  
Judge Mary Noonan  
Judge Brendan McCullagh  
Ron Bowmaster

### **EXCUSED:**

Hon. Thomas Higbee  
Hon. Reed Parkin

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

**Motion:** Judge Skanchy moved to approve the minutes from the May 29, 2015 Judicial Council meeting. Justice Lee seconded the motion, and it passed unanimously.

#### **2. OATH OF OFFICE: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant administered the Oath of Office to Judge Paul Farr.

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

Chief Justice Durrant reported on the following items:

He participated on a panel at a PEW Congressional Briefing in Washington, DC relative to justice reinvestment.

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

Mr. Becker reported on the following items:

Letter from National Center for State Courts (NCSC). Mr. Becker highlighted comments outlined in a letter from Ms. Mary McQueen, president of the National Center for State Courts (NCSC), to Chief Justice Durrant regarding the impact of Rule 26 revisions and evaluations completed by the National Center for State Courts. She expressed her gratitude to the Utah State Courts for inviting the National Center for State Courts (NCSC) to evaluate the impact of the Rule 26 revisions on discovery practices in civil cases, and complemented the Utah Courts on the success on this initiative.

Legislative Audits. AOC staff and Legislative Audit staff met in an entrance conference on June 8 regarding two audits the legislative audit staff would like to conduct. The audits relate to the following matters: 1) the warrant process in the Third District, and 2) the use of cash bonds by judges in several districts as an alternative to the use of the bail bonds process.

Judicial Appointment. Ms. Elizabeth Knight, GAL Director, has been appointed by the Governor to fill the Third District Juvenile Court judicial vacancy, pending confirmation. The GAL Oversight Committee and Mr. Becker will work together to fill her vacancy, once Ms. Knight has been confirmed.

## **5. 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 June.

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

Judge Dawson reported that the juvenile restraint rule will be discussed later in the meeting.

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

Mr. Lund reported on the following items: 1) the Bar Commission met on June 12; 2) Judge Claudia Laycock has been selected as Judge of the Year; 3) Mr. Ron Yengich has been selected as Lawyer of the Year; 4) the Bar Commission is investigating the possibility of forming an Access to Justice Commission to coordinate all access to justice initiative efforts; and 5) the US Supreme Court's decision, on behalf of the Dental Board of North Carolina, relative to people, other than dentists, providing teeth whitening services.

## **6. STANDING COMMITTEE ON CHILDREN AND FAMILY LAW UPDATE: (Judge Doug Thomas and Ray Wahl)**

Chief Justice Durrant welcomed Judge Thomas and Mr. Wahl to the meeting.

Judge Thomas expressed his appreciation to Mr. Wahl for all he does as the staff representative of the Standing Committee on Children and Family Law.

Judge Thomas and Mr. Wahl highlighted the following in their update to the Council on behalf of the Standing Committee on Children and Family Law: 1) committee membership, 2) the Council's approval to reauthorize the committee in May 2011, 3) Divorce Procedures Subcommittee tasks, 4) Custody Evaluation Subcommittee tasks, and 5) the use of special masters and potential changes to Rule 53.

The following rules are being addressed by the Divorce Procedures Subcommittee:  
1) Rule 101, 2) Rule 109, 3) Rule 108, and 4) discovery rules and how they affect domestic cases.

The Custody Evaluations Subcommittee is addressing Rule 4-903 – Uniform custody evaluations, and the subcommittee will study a shortened version of the process and parent time evaluation.

Judge Thomas provided responses to questions asked of him.

Chief Justice Durrant thanked Judge Thomas and Mr. Wahl for their update.

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

Mr. Schwermer highlighted the following from the May and June Legislative Interim meetings: 1) the Judiciary committee discussed topics for the coming year, 2) implementation and funding of the justice reinvestment initiative, and 3) discussion regarding the use of cash bail vs. bail bonds.

Discussion took place relative to the use of cash bail vs. bail bonds.

**8. SITING OF THE PROVO COURTHOUSE APPROVAL: (Alyn Lunceford)**

Chief Justice Durrant welcomed Mr. Lunceford to the meeting.

Mr. Lunceford reported on Provo City's proposal to trade three-fourths of the block currently owned by the state for construction of the Fourth District Courthouse in Provo for three-fourths of the block directly west. He highlighted the benefits of the property swap to include: 1) the city will construct a parking structure that will accommodate parking for the Utah Applied Technology College, Utah County Convention Center, and a new hotel; 2) the city parking structure will also provide public parking; therefore, parking needs for our building will be reduced; and 3) the property swap will allow the new courthouse to be constructed so the judicial chambers will overlook a residential property rather than a high-rise commercial development.

Mr. Lunceford is requesting approval from the Judicial Council to move forward with the following: 1) finalize the details of the proposed property swap with Provo City, 2) seek legislative approval, and 2) seek approval from the State Building Board.

Discussion took place. Mr. Lunceford responded to questions asked relative to the property location and the proposed swap.

Mr. Lunceford noted that selection of the design team for the Fourth District Courthouse project is forthcoming.

**Motion:** Mr. Lund moved to approve Provo City's proposal to trade three-fourths of the block currently owned by the state for construction of the Fourth District Courthouse in Provo for three-fourths of the block directly west and allow Mr. Lunceford to finalize the details of the property swap with Provo City and seek the necessary approval from the Legislature and the State Building Board. Judge Toomey seconded the motion, and it passed unanimously.

**9. JUVENILE RESTRAINT RULE: (Alison Adams-Perlac)**

Chief Justice Durrant welcomed Ms. Adams-Perlac to the meeting.

Ms. Adams-Perlac mentioned that an excerpt from Senate Bill 167 – Juvenile Offender Amendments relative to 78A-6-122 – Restraint of juveniles and a copy of the proposed rule – Rule 4-905 – Restraint of minors in juvenile court was distributed to members of the Council in a separate email prior to the meeting.

She mentioned that a subcommittee was created by the Board of Juvenile Court Judges to develop a rule that would address the circumstances by which a juvenile may be restrained while

appearing in court. Two proposals were prepared by the subcommittee, and the Board advanced a proposed rule change for consideration by the Policy and Planning Committee.

Ms. Adams-Perlac reviewed the content of the proposed rule with members of the Council.

Judge Mary Noonan provided comments, relative to the rule, on behalf of the Board of Juvenile Court Judges. Judge Noonan provided responses to questions asked of her relative to the rule.

Discussion took place. Minor changes language of the rule were suggested.

**Motion:** Judge Hornak moved to adopt Rule 4-905 – Restraint of minors in juvenile court, with the suggested language changes, and send it out for public comment. Justice Lee seconded the motion, and it passed unanimously.

**10. INDIGENT REPRESENTATION COMMITTEE INTERIM REPORT: (Judge Stephen Roth and Judge Fred Voros)**

Chief Justice Durrant welcomed Judge Roth and Judge Voros to the meeting.

Judges Roth and Voros provided an update to Council highlighting the following:

1) Appellate Indigent Defense Committee report, and 2) Trial Court Indigent Defense Committee report.

Judge Voros reviewed the status of the Appellate Indigent Defense Representation rule as proposed. The Appellate Indigent Defense Committee recommended that a Standing Committee on Appellate Representation be established under the Supreme Court Rules of Professional Practice.

Discussion took place.

**Motion:** Mr. Lund moved to endorse the concept of establishing the Standing Committee on Appellate Representation and referring it to the Supreme Court to determine the best placement of the Committee. Judge Dawson seconded the motion, and it passed unanimously.

Judge Roth reviewed the status of the Trial Court Indigent Defense Representation Committee work. He highlighted the following in his review: 1) status of the study conducted by the Sixth Amendment Center, 2) the study included a sampling of 10 Utah counties, 3) a draft report of the findings of the study was sent to the counties involved to review for accuracy, 4) the draft report was reviewed by the committee in June, 5) the final report and an executive summary are being prepared, and 6) a final report and the committee's recommendations will be presented to the Council at a later date.

Judges Roth and Voros were thanked for their update to the Council.

**11. ONLINE DISPUTE RESOLUTION PROPOSAL: (Daniel J. Becker)**

Mr. Becker mentioned that a summary of the Online Dispute Resolution proposal can be found in the Council materials. He provided background information on the proposal. He referred to a report prepared for the courts in Great Britain entitled *Online Dispute Resolution of Low Value Civil Claims*.

He highlighted the following relative to the proposal: 1) workgroup membership; 2) court settings using online dispute resolution (ODR) including the United Kingdom, British Columbia, and the Netherlands; 3) court applications in the U.S. have been limited to a few small pilot projects; 4) possible applications in a state court setting discussed by the workgroup included use of online dispute resolution in small claims cases, small amount civil actions, landlord tenant cases, and certain elements of domestic relations cases; and 4) a demonstration of

available technology by a principal commercial vendor was provided to the workgroup.

Mr. Becker reviewed the Online Dispute Resolution proposal with the Management Committee at their June meeting, and they deferred the proposal to the June Council meeting for further input and action. Mr. Becker requested feedback from members of the Council as to whether or not the workgroup should continue to research the matter further and provide a proposal to the Council at a later date.

Discussion took place.

**Motion:** Judge Skanchy moved to approve further assessment be done by the Online Dispute Resolution Workgroup and provide a report of their findings to the Council at a later date. Judge Toomey seconded the motion, and it passed unanimously.

**12. SENIOR JUDGE CERTIFICATIONS: (Nancy Sylvester)**

Judge Lesley G. Scott and Judge John L. Sandberg have applied to be certified as active senior justice court judges. Both comply with the minimum performance standards.

**Motion:** Judge Mortensen moved to forward the recommendations, on behalf of the Council, to the Supreme Court to certify the following as active senior justice court judges: 1) Judge Lesley G. Scott, and 2) Judge John L. Sandberg. Justice Lee seconded the motion, and it passed unanimously.

**13. DAVIS COUNTY/FARMINGTON INTERLOCAL AGREEMENT: (Rick Schwermer)**

Mr. Schwermer mentioned that no action is necessary today.

He provided background information, for the new Council members, relative to Davis County's previous requests to waive the two-year waiting period to dissolve their justice court. He noted that the Council, at their March 13 meeting, denied Davis County's request to waive the two-year waiting period to dissolve their justice court.

Several meetings have been held with Davis County and with affected municipalities.

Farmington is interested in creating a justice court and entering into an interlocal Agreement with Davis County and the neighboring municipalities.

Details of the proposal from Farmington are forthcoming.

**Motion:** Judge Mortensen moved to enter into an executive session to discuss a personnel matter. Judge Toomey seconded the motion, and it passed unanimously.

**14. EXECUTIVE SESSION**

An executive session was held at this time.

**15. ADJOURN**

The meeting was adjourned.



# Administrative Office of the Courts

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

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


## Sworn Statement under Rule 2-103(4)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

I, Chief Justice Matthew B. Durrant, state as follows:

1. On 6-22-15 (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:
  - ☐ the character, competence, or physical or mental health of an individual;
  - ☐ litigation;
  - ☐ the deployment of security personnel, devices, or systems;
  - ☐ allegations of criminal misconduct; or
  - ☐ consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record.
2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

I declare under penalty of perjury that the statements made in this document are true and correct.

6-22-15  
Date

  
Chief Justice Matthew B. Durrant  
Chair, Utah Judicial Council

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.

**TAB 2**

# **Management Committee Minutes**

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE  
MINUTES**

**Tuesday, July 7th, 2015  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah**

**MEMBERS PRESENT:**

Chief Justice Matthew B. Durrant, Chair  
Hon. David Marx (by phone)  
Hon. Kate Toomey

**EXCUSED:**

Hon. Kimberly Hornak  
Hon. Randall Skanchy  
Daniel J. Becker

**STAFF PRESENT:**

Ray Wahl  
Jody Gonzales  
Dawn Marie Rubio  
Tim Shea  
Alison Adams-Perlac  
Ron Bowmaster  
Nancy Volmer

**GUESTS:**

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

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

**Motion:** Judge Marx moved to approve the June 9, 2015 Management Committee meeting minutes. Judge Toomey seconded the motion, and it passed unanimously.

**2. ADMINISTRATOR'S REPORT: (Ray Wahl)**

He reported on the following items:

**Ogden Juvenile Courthouse.** The Ogden Juvenile Courthouse opened on Monday, July 6. The first day for court calendars to be held will be on July 8. Mr. Wahl reminded members of the Management Committee that the Judicial Council will hold their July 20 meeting at the new courthouse.

**Executive and Judicial Compensation Commission.** Mr. Schwermer will provide a report to the Commission on July 9 on how the Judicial Council established the court commissioner salaries.

**Judicial Appointment.** Ms. Elizabeth Knight, the Governor's appointment to fill the Third District Juvenile court judicial vacancy, will meet with the Senate Confirmation Committee this afternoon. If approved, the full Senate confirmation hearing will be held on July 15.

**3. COMMITTEE APPOINTMENTS: (Nancy Volmer and Ron Bowmaster)**

The Standing Committee on Technology recommended the reappointment of Judge Matthew Funk to serve a second term as the representative of the justice court on the committee.

With the expiration of Judge Dane Nolan's term as the juvenile court judge representative on the committee, the Board of Juvenile Court Judges recommended Judge Angela Fannesbeck be appointed to fill the vacancy.

**Motion:** Judge Toomey moved to approve the reappointment of Judge Matthew Funk to serve a second term as the representative of the justice court on the Standing Committee on Technology, and to approve the appointment of Judge Angela Fannesbeck to fill the vacancy as the juvenile court judge representative on the committee and place it on the July Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

The Standing Committee on Judicial Outreach recommended the following reappointments: 1) Utah State Bar Executive Director Richard Dibblee to serve a third term as the Utah State Bar representative, and 2) Judge Julie Lund to serve a second term as the juvenile court judge representative.

**Motion:** Judge Toomey moved to approve the following reappointments recommended by the Standing Committee on Judicial Outreach: 1) Utah State Bar Executive Director Richard Dibblee to serve a third term as the Utah State Bar representative, and 2) Judge Julie Lund to serve a second term as the juvenile court judge representative and place it on the July Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

**4. GRANT APPROVAL: (Alison Adams-Perlac)**

A Technical Assistance Grant application through the State Justice Institute has been prepared requesting funding in the amount of \$100,000 which includes \$50,000 to be funded by the State Justice Institute and \$50,000 to be funded by AOC Information Technology (IT) and Juror, Witness and Interpreter budgets.

The grant will provide funding for the AOC to create an interface with its current software programs to track contract and staff interpreters. The system will include an interpreter component, to keep track of interpreter information and assignments; a management component, to manage interpreter credentials, invoice, mileage, and payments; and an accounting component, to collect and process interpreter invoices.

**Motion:** Judge Toomey moved to approve the Technical Assistance Grant Application as presented and place it on the July Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reviewed the proposed Council agenda for the July 20 Council meeting.

**Motion:** Judge Marx moved to approve the Council agenda for the July 20 Council meeting as amended. Judge Toomey seconded the motion, and it passed unanimously.

**6. ADJOURN**

The meeting was adjourned.

# **Policy and Planning Committee Minutes**

**Minutes of the Policy and Planning Committee**  
**July 10, 2015**  
**Draft**

**Members Present**

Marvin Bagley (by phone), Glen R. Dawson (by phone), Thomas M. Higbee, John Lund, Reed S. Parkin

**Members Excused**

Ann Boyden

**Staff**

Alison Adams-Perlac

**(1) Approval of Minutes**

Mr. Lund moved to approve the minutes of the May 1, 2015 and June 6, 2015 meetings. Judge Higbee seconded the motion and it passed unanimously.

**(2) Rules for Final Action**

Ms. Adams-Perlac stated that the public comment period for rules 1-205, 3-109, 3-112, 3-418, 4-202.02, 6-501, 9-101, and 9-108 of the Code of Judicial Administration has closed and the rules are now ready for a final recommendation from the committee to the Judicial Council. Ms. Adams-Perlac stated that there were no public comments made on the rule proposals.

**CJA 01-0205. Standing and ad hoc committees.** Amend. Eliminates the Justice Court Standards Committee. Provides that the Judicial Council's Management Committee shall review standing and ad hoc committees every six years and make a recommendation to the Judicial Council as to whether the committee should continue. Allows the committees to meet as needed.

**CJA 03-0109. Ethics Advisory Committee.** Amend. Gives the committee 60 days to issue an opinion. Allows the committee chair to extend the time for deliberations on an opinion when necessary. Allows the boards of judges to request reconsideration of an opinion.

**CJA 03-0112. Justice Court Standards Committee.** Repeal. Eliminates the Justice Court Standards Committee in conjunction with the responsibility for justice court standards being moved to the Board of Justice Court Judges.

**CJA 03-0418. Model Utah Jury Instructions.** New. Provides direction on developing jury instructions to the committees on the Model Utah Jury Instructions.

**CJA 04-0202.02. Records classification.** Amend. Classifies affidavits supporting motions to waive fees as private records.

**CJA 06-0501. Reporting requirements for guardians and conservators.** Amend. Requires a guardian or conservator to file a verified Private Information Record with the AOC within 7 days of appointment.

**CJA 09-0101. Board of Justice Court Judges. Amend.** Gives the Board of Justice Court Judges responsibility for overseeing justice court standards.

**CJA 09-0108. Justice Court Standards. New.** Outlines the justice court standards as previously provided in rule 3-112.

Judge Higbee moved to recommend all of the proposals, as written, to the Judicial Council. Mr. Lund seconded the motion and it passed unanimously.

### **(3) Public Brief Rules**

Ms. Adams-Perlac explained that the Rules of Appellate Procedure Committee has been considering the issue of public briefs that contain information that is classified as other than public, e.g. private, juvenile court legal record, etc. She stated the URAP Committee has proposed changes to the CJA in conjunction with changes to the URJP to address this issue. Ms. Adams-Perlac said the purpose of the amendments to: 1) make it clear that appellate filings and briefs are public; 2) provide that a party may move a court with jurisdiction over a case to classify the record in accordance with the CJA, or to have information redacted from the record; 3) provide that a party may move a court that no longer has jurisdiction over a case to classify the record in accordance with the CJA, or to have information redacted from the record; 4) require an appellate clerk to allow access only to those authorized under rule 4-202.03; 5) require the State Law Library to comply with an order if the order is served on it; 6) provide that the order is not binding on other individuals unless the court otherwise orders; and 7) provide that a brief on a case that has been expunged will be public unless a motion to classify it differently is granted.

Mr. Lund moved to recommend rule 4-202.02 as written for public comment. Judge Higbee seconded the motion and it passed unanimously.

Mr. Lund suggested adding "Unless otherwise ordered by the court," to the beginning of the sentence in subparagraph (7)(C). Ms. Adams-Perlac suggested that (7)(A) should also include the juvenile court legal record and juvenile court social record categories. Mr. Lund moved to recommend rule 4-202.04 with those amendments for public comment. Judge Bagley seconded the motion and it passed unanimously.

Judge Parkin moved to recommend rule 4-202.09 as written for public comment. Mr. Lund seconded the motion and it passed unanimously.

Judge Parkin moved to recommend rule 4-205 as written for public comment. Mr. Lund seconded the motion and it passed unanimously.

### **(4) Social Media Policy**

Ms. Adams-Perlac stated that social media policy proposal has been revised to incorporate the changes the committee suggested at the May meeting, including allow a judge or justice to grant a limited exception to the policy preventing employees from stating who they work for on social media to a law clerk working for the justice or judge, for only for professional networking sites.

Judge Parkin moved to recommend the proposal to the Management Committee. Mr. Lund seconded the motion and it passed unanimously.

### **(5) Juvenile Court Records Access Rules**



Ms. Adams-Perlac explained an issue going on in Juvenile Court with regard to accessing victim information in probation and other records in CARE. She stated that she proposed these rule changes, in addition to a change to the Rules of Juvenile Procedure to the Board of Juvenile Court Judges and the Board recommended these changes to the committee.

She stated that the purpose of these rule amendments is to: 1) classify probation records (except those filed in court) as protected); and 2) to provide that a person given access to a record in order to fulfill a probation purpose may access safeguarded victim information. She stated that the rule changes will allow probation to do their jobs and to distinguish between probation being under the umbrella of the court and being considered synonymous with a judge.

Mr. Lund moved to recommend rules 4-202.02 and 4-202.03 as written for public comment. Judge Higbee seconded the motion and it passed unanimously.

**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:** July 13, 2015  
**Re:** Public Comment on Rules 1-205, 3-109, 3-112, 3-418, 4-202.02, 6-501, 9-101, and 9-108 of the Code of Judicial Administration

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The public comment period for rules 1-205, 3-109, 3-112, 3-418, 4-202.02, 6-501, 9-101, and 9-108 of the Code of Judicial Administration is now closed. None of the proposals received any public comments.

**CJA 01-0205. Standing and ad hoc committees.** Amend. Eliminates the Justice Court Standards Committee. Provides that the Judicial Council's Management Committee shall review standing and ad hoc committees every six years and make a recommendation to the Judicial Council as to whether the committee should continue. Allows the committees to meet as needed.

**CJA 03-0109. Ethics Advisory Committee.** Amend. Gives the committee 60 days to issue an opinion. Allows the committee chair to extend the time for deliberations on an opinion when necessary. Allows the boards of judges to request reconsideration of an opinion.

**CJA 03-0112. Justice Court Standards Committee.** Repeal. Eliminates the Justice Court Standards Committee in conjunction with the responsibility for justice court standards being moved to the Board of Justice Court Judges.

**CJA 03-0418. Model Utah Jury Instructions.** New. Provides direction on developing jury instructions to the committees on the Model Utah Jury Instructions.

**CJA 04-0202.02. Records classification.** Amend. Classifies affidavits supporting motions to waive fees as private records.

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

450 South State Street / P.O. Box 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3821 / Fax: 801-578-3843 / email: alisonap@utcourts.gov

**CJA 06-0501. Reporting requirements for guardians and conservators.** Amend. Requires a guardian or conservator to file a verified Private Information Record with the AOC within 7 days of appointment.

**CJA 09-0101. Board of Justice Court Judges.** Amend. Gives the Board of Justice Court Judges responsibility for overseeing justice court standards.

**CJA 09-0108. Justice Court Standards.** New. Outlines the justice court standards as previously provided in rule 3-112.

The Policy and Planning Committee voted to recommend the proposals for approval by this Council. If the Council votes to approve these amendments, they will be effective November 1, 2015.

Encl. CJA 1-205  
CJA 3-109  
CJA 3-112  
CJA 3-418  
CJA 4-202.02  
CJA 6-501  
CJA 9-101  
CJA 9-108

**Rule 1-205. Standing and ad hoc committees.**

Intent:

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:

(1) Standing committees.

(1)(A) Establishment. The following standing committees of the Council are hereby established:

(1)(A)(i) Technology Committee;

(1)(A)(ii) Uniform Fine/Bail Schedule Committee;

(1)(A)(iii) Ethics Advisory Committee;

~~(1)(A)(iv) Justice Court Standards Committee;~~

(1)(A)(~~iv~~)(iv) Judicial Branch Education Committee;

(1)(A)(~~v~~)(v) Court Facility Planning Committee;

(1)(A)(~~vii~~)(vi) Committee on Children and Family Law;

(1)(A)(~~viii~~)(vii) Committee on Judicial Outreach;

(1)(A)(~~ix~~)(viii) Committee on Resources for Self-represented Parties;

(1)(A)(~~x~~)(ix) Language Access Committee; and

(1)(A)(~~xi~~)(x) Guardian ad Litem Oversight Committee.

(1)(B) Composition.

(1)(B)(i) The Technology Committee shall consist of one judge from each court of record, one justice court judge, one lawyer recommended by the Board of Bar Commissioners, two court executives, two court clerks and two staff members from the Administrative Office.

31 (1)(B)(ii) The Uniform Fine/Bail Schedule Committee shall consist of one district  
32 court judge who has experience with a felony docket, three district court judges who  
33 have experience with a misdemeanor docket, one juvenile court judge and three justice  
34 court judges.

35 (1)(B)(iii) The Ethics Advisory Committee shall consist of one judge from the Court of  
36 Appeals, one district court judge from Judicial Districts 2, 3, or 4, one district court judge  
37 from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, one justice court judge,  
38 and an attorney from either the Bar or a college of law.

39 ~~(1)(B)(iv) The Justice Court Standards Committee shall consist of one municipal~~  
40 ~~justice court judge from a rural area, one municipal justice court judge from an urban~~  
41 ~~area, one county justice court judge from a rural area, and one county justice court~~  
42 ~~judge from an urban area, all appointed by the Board of Justice Court Judges; one~~  
43 ~~mayor from either Utah, Davis, Weber or Salt Lake Counties, and one mayor from the~~  
44 ~~remaining counties, both appointed by the Utah League of Cities and Towns; one~~  
45 ~~county commissioner from either Utah, Davis, Weber or Salt Lake Counties, and one~~  
46 ~~county commissioner from the remaining counties, both appointed by the Utah~~  
47 ~~Association of Counties; a member of the Bar from Utah, Davis, Weber or Salt Lake~~  
48 ~~Counties, and a member of the Bar from the remaining counties, both appointed by the~~  
49 ~~Bar Commission; and a judge of a court of record appointed by the Presiding Officer of~~  
50 ~~the Council. All Committee members shall be appointed for four year staggered terms.~~

51 (1)(B)(v) The Judicial Branch Education Committee shall consist of one judge from  
52 an appellate court, one district court judge from Judicial Districts 2, 3, or 4, one district  
53 court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, the education  
54 liaison of the Board of Justice Court Judges, one state level administrator, the Human  
55 Resource Management Director, one court executive, one juvenile court probation  
56 representative, two court clerks from different levels of court and different judicial  
57 districts, one data processing manager, and one adult educator from higher education.  
58 The Human Resource Management Director and the adult educator shall serve as

59 non-voting members. The state level administrator and the Human Resource  
60 Management Director shall serve as permanent Committee members.

61 (1)(B)(vi) The Court Facility Planning Committee shall consist of one judge from  
62 each level of trial court, one appellate court judge, the state court administrator, a trial  
63 court executive, and two business people with experience in the construction or  
64 financing of facilities.

65 (1)(B)(vii) The Committee on Children and Family Law shall consist of one Senator  
66 appointed by the President of the Senate, one Representative appointed by the  
67 Speaker of the House, the Director of the Department of Human Services or designee,  
68 one attorney of the Executive Committee of the Family Law Section of the Utah State  
69 Bar, one attorney with experience in abuse, neglect and dependency cases, one  
70 attorney with experience representing parents in abuse, neglect and dependency cases,  
71 one representative of a child advocacy organization, one mediator, one professional in  
72 the area of child development, one representative of the community, the Director of the  
73 Office of Guardian ad Litem or designee, one court commissioner, two district court  
74 judges, and two juvenile court judges. One of the district court judges and one of the  
75 juvenile court judges shall serve as co-chairs to the committee. In its discretion the  
76 committee may appoint non-members to serve on its subcommittees.

77 (1)(B)(viii) The Committee on Judicial Outreach shall consist of one appellate court  
78 judge, one district court judge, one juvenile court judge, one justice court judge, one  
79 state level administrator, a state level judicial education representative, one court  
80 executive, one Utah State Bar representative, one communication representative, one  
81 law library representative, one civic community representative, and one state education  
82 representative. Chairs of the Judicial Outreach Committee's subcommittees shall also  
83 serve as members of the committee.

84 (1)(B)(ix) The Committee on Resources for Self-represented Parties shall consist of  
85 two district court judges, one juvenile court judge, one justice court judge, three clerks of  
86 court – one from an appellate court, one from an urban district and one from a rural  
87 district – one member of the Online Court Assistance Committee, one representative

88 from the Utah State Bar, two representatives from legal service organizations that serve  
89 low-income clients, one private attorney experienced in providing services to  
90 self-represented parties, two law school representatives, the state law librarian, and two  
91 community representatives.

92 (1)(B)(x) The Language Access Committee shall consist of one district court judge,  
93 one juvenile court judge, one justice court judge, one trial court executive, one court  
94 clerk, one interpreter coordinator, one probation officer, one prosecuting attorney, one  
95 defense attorney, two certified interpreters, one approved interpreter, one expert in the  
96 field of linguistics, and one American Sign Language representative.

97 (1)(B)(xi) The Guardian ad Litem Oversight Committee shall consist of seven  
98 members with experience in the administration of law and public services selected from  
99 public, private and non-profit organizations.

100 (1)(C) The Judicial Council shall designate the chair of standing committees.  
101 Standing committees shall meet as necessary to accomplish their work ~~but a minimum~~  
102 ~~of once every six months.~~ Standing committees shall report to the Council as necessary  
103 but a minimum of once every ~~six months~~ year. Council members may not serve,  
104 participate or vote on standing committees. Standing committees may invite  
105 participation by others as they deem advisable, but only members designated by this  
106 rule may make motions and vote. All members designated by this rule may make  
107 motions and vote unless otherwise specified. Standing committees may form  
108 subcommittees as they deem advisable.

109 (1)(D) ~~Six months before the scheduled termination of a standing committee, At least~~  
110 once every six years, the Management Committee shall review the performance of the  
111 each committee and ~~make recommendations to the Judicial Council regarding~~  
112 ~~reauthorization. Unless reauthorized by the Judicial Council, the committees shall~~  
113 ~~terminate on the date indicated and every six years thereafter. If the Management~~  
114 Committee determines that a committee continues to serve its purpose, the  
115 Management Committee shall recommend to the Judicial Council that the committee



continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

~~(1)(D)(i) The Technology Committee shall terminate on June 30, 2006.~~

~~(1)(D)(ii) The Uniform Fine/Bail Schedule Committee shall terminate on June 30, 2007.~~

~~(1)(D)(iii) The Ethics Advisory Committee shall terminate on June 30, 2008.~~

~~(1)(D)(iv) The Justice Court Standards Committee shall terminate on June 30, 2008.~~

~~(1)(D)(v) The Judicial Branch Education Committee shall terminate on June 30, 2008.~~

~~(1)(D)(vi) The Court Facility Planning Committee shall terminate on June 30, 2009.~~

~~(1)(D)(vii) The Committee on Children and Family Law shall terminate on June 30, 2009.~~

~~(1)(D)(viii) The Committee on Judicial Outreach shall terminate on June 30, 2010.~~

~~(1)(D)(ix) The Committee on Resources for Self-represented Parties shall terminate on June 30, 2010.~~

~~(1)(D)(x) The Language Access Committee shall terminate on June 30, 2017.~~

~~(1)(D)(xi)(i)~~ Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) Ad hoc committees. The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) General provisions.

(3)(A) Appointment process.

(3)(A)(i) Administrator's responsibilities. The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) Council's responsibilities. The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) Terms. Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) The Administrative Office shall serve as secretariat to the Council's committees.

**Rule 3-109. Ethics Advisory Committee.****Intent:**

To establish the Ethics Advisory Committee as a resource for judges to request advice on the interpretation and application of the Code of Judicial Conduct.

To establish a process for recording and disseminating opinions on judicial ethics.

**Applicability:**

This rule shall apply to all employees of the judicial branch of government who are subject to the Code of Judicial Conduct.

**Statement of the Rule:**

(1) The Ethics Advisory Committee is responsible for providing opinions on the interpretation and application of the Code of Judicial Conduct to specific factual situations.

(2) The Administrative Office shall provide staff support through the Office of General Counsel and shall distribute opinions in accordance with this rule.

**(3) Duties of the committee.****(3)(A) Preparation of opinions.**

(3)(A)(i) The Ethics Advisory Committee shall, in appropriate cases, prepare and publish written opinions concerning the ethical propriety of professional or personal conduct when requested to do so by the Judicial Council, the Boards of Judges, the Judicial Conduct Commission, judicial officers and employees, judges pro tempore or candidates for judicial office. The Committee may interpret statutes, rules, and case law as may be necessary to answer a request for an opinion.

(3)(A)(ii) The Committee shall respond to an inquiry into the conduct of others only if

(3)(A)(ii)(a) the inquiry is made by the Judicial Council, a Board of Judges, or the Judicial Conduct Commission; and

(3)(A)(ii)(b) the inquiry is limited to matters of general interest to the judiciary or a particular court level.

(3)(A)(iii) The Committee shall not answer requests for legal opinions or inquiries concerning conduct ~~which~~that has already taken place, unless it is of an ongoing nature.

(3)(B) The Committee may receive proposals from the Judicial Council, the Boards of Judges, the Judicial Conduct Commission, and judicial officers and employees or

initiate its own proposals for necessary or advisable changes in the Code of Judicial Conduct and shall submit appropriate recommendations to the Supreme Court for consideration.

(4) Submission of requests.

(4)(A) Requests for advisory opinions shall be in writing addressed to the Chair of the Committee, through General Counsel, and shall include the following:

(4)(A)(i) A brief statement of the contemplated conduct.

(4)(A)(ii) Reference to the relevant section(s) of the Code of Judicial Conduct.

(4)(A)(iii) Citation to any relevant ethics opinions or other authority, if known.

(4)(B) The request for an opinion and the identity of the requesting party is confidential unless waived in writing by the requesting party.

(5) Consideration of requests.

(5)(A) As used in these rules, the term "informal opinion" refers to an opinion ~~which~~that has been prepared and released by the Committee. The term "formal opinion" refers to an opinion ~~which~~that has been considered and released by the Judicial Council. "Formal opinions" will usually be reserved for situations of substantial and general interest to the public or the judiciary.

(5)(B) Upon receipt of a request for an advisory opinion, General Counsel shall research the issue and prepare a preliminary recommendation for the Committee's consideration. The opinion request, preliminary recommendation and supporting authorities shall be distributed to the Committee members within ~~45~~21 days of receipt of the request.

(5)(C) The Committee members shall review the request and recommendation and submit comments to General Counsel within ~~40~~14 days of their receipt of the request and preliminary recommendation.

(5)(D) General Counsel shall review the comments submitted by the Committee members and, within ~~40~~14 days of receipt of the comments, prepare a responsive informal opinion in writing which shall be distributed to the Committee members for approval.

61 (5)(E) A majority vote of the Committee members is required for issuance of an  
62 opinion and may be obtained by electronic means or, upon the request of a Committee  
63 member, the Chair may continue the vote until the next meeting of the Committee.

64 (5)(F) Informal opinions shall be released to the requesting party within ~~45~~60 days of  
65 receipt of the request unless the chair determines that additional time is needed for the  
66 committee members to deliberate and finalize the ~~opinion is contrary to previous~~  
67 ~~opinions of the Committee~~ or the matter is referred to the Judicial Council.

68 (5)(G) Upon the written request of a party and for good cause, the Committee may  
69 issue a response to a request within a shorter period of time than provided for in these  
70 rules. The requesting party has the responsibility of establishing that the request is of an  
71 emergency nature and requires an abbreviated response time.

72 (6) Referral to Judicial Council. Upon an affirmative vote of a majority of the  
73 Committee members, a motion of the requesting party, or a motion by the Judicial  
74 Council, an opinion request and Committee recommendation shall be referred to the  
75 Judicial Council for consideration. Within 60 days of receipt of the referral, the Council  
76 shall consider the request and recommendation and take the following action:

77 (6)(A) Approve or modify the opinion and direct the Committee to release the  
78 opinion, as initially drafted or modified, to the requesting party as an informal opinion of  
79 the Committee, or

80 (6)(B) Approve or modify the opinion and release the opinion as a formal opinion of  
81 the Council.

82 (7) Reconsideration of opinions.

83 (7)(A) Within ~~40~~14 days of the issuance of an opinion, the requesting party or a  
84 Committee member may request reconsideration. Within 30 days of the issuance of the  
85 opinion, a Board of Judges may request reconsideration if the Board was not the  
86 requesting party and the opinion addresses matters of general interest to the judiciary or  
87 to a particular court level. Requests for reconsideration of informal opinions must be  
88 made in the first instance to the Committee and then to the Judicial Council. Requests  
89 for reconsideration of formal opinions shall be made to the Judicial Council. Requests  
90 for reconsideration shall be in writing addressed to the Chair of the Committee or the

91 Presiding Officer of the Council, through General Counsel, and shall include the  
92 following:

93 (7)(A)(i) A brief statement explaining the reasons for reconsideration.

94 (7)(A)(ii) Identification of any new facts or authorities not previously submitted or  
95 considered.

96 (7)(B) The Committee or Council shall consider the request as soon as practicable  
97 and may take the following action:

98 (7)(B)(i) Approve the request for reconsideration and modify the opinion;

99 (7)(B)(ii) Approve the request for reconsideration and approve the opinion as  
100 originally published; or

101 (7)(B)(iii) Deny the request.

102 (7)(C) The Committee shall be kept advised of the status of any request to  
103 reconsider an opinion.

104 (8) Recusal. Circumstances ~~which~~that require recusal of a judge shall require  
105 recusal of a Committee member from participation in Committee action. If the chair  
106 is recused, a majority of the remaining members shall select a chair pro tempore. If a  
107 member is recused, the chair may appoint a judge of the same court and if applicable  
108 the same geographic division or a lawyer to assist the Committee with its deliberations.  
109 Preference should be given to former members of the Committee.

110 (9) Publication. All opinions of the Committee and the Judicial Council shall be  
111 numbered upon issuance, and published in a format approved by the Judicial Council.  
112 No published opinion rendered by the Committee or the Council shall identify the  
113 requesting party whose conduct is the subject of the opinion unless confidentiality of the  
114 requesting party is waived in writing.

115 (10) Legal effect. Compliance with an informal opinion shall be considered evidence  
116 of good faith compliance with the Code of Judicial Conduct. Formal opinions shall  
117 constitute a binding interpretation of the Code of Judicial Conduct.

118

119

**~~Rule 3-112. Justice Court Standards Committee.~~**

**~~Intent:-~~**

~~To establish the responsibility for certifying new justice courts and recertifying existing justice courts.-~~

**~~Applicability:-~~**

~~This rule shall apply to the judiciary.-~~

**~~Statement of the Rule:-~~**

~~(1) Responsibilities of Justice Court Standards Committee. The Committee shall be responsible for the following:-~~

~~(A) To recommend to the Council:-~~

~~(i) minimum guidelines which demonstrate the need for a justice court, and which take into account the population, the number of case filings, the public convenience, the availability of law enforcement agencies and court support services, the proximity of other courts and other factors, and-~~

~~(ii) operational standards for statutorily required support services such as public facilities, clerical support, bailiff services, prosecution and indigent defense services.-~~

~~(B) To recommend to the Council the creation and recertification of justice courts.-~~

~~(C) To recommend to the Council procedures for reviewing requests for waivers or extensions of time to meet guidelines or standards.-~~

~~(2) Adoption and review of standards.-~~

~~(A) Proposed minimum guidelines for establishing the need for court and operational standards shall be distributed for comment to affected agencies and organizations before submission to the Council for approval.-~~

~~(B) Operational standards shall be reviewed and updated every two years, beginning in 1992.-~~

~~(3) Publication. Guidelines for establishing the need for a court, operational standards and the procedures for requesting waivers or extensions of time to meet the standards shall be made available upon request.-~~

1 **Rule 3-418. Model Utah Jury Instructions.**

2 **Intent:**

3 **To develop jury instructions that are an accurate statement of Utah law**  
4 **using simple structure and, where possible, words of ordinary meaning.**

5 **Applicability:**

6 **This rule applies to the committees on Model Utah Jury Instructions.**

7 **Statement of the Rule:**

8 **The committees on Model Utah Jury Instructions will develop jury**  
9 **instructions that are accurate statements of Utah law using simple structure**  
10 **and, where possible, words of ordinary meaning. If Utah law is unclear or not**  
11 **yet established, the committees may draft an instruction with two or more**  
12 **alternatives based on differing authority. The order of the alternatives does not**  
13 **imply preference.**



**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;

(2)(T) order or decision classifying a record as not public;

(2)(U) private record if the subject of the record has given written permission to make the record public;

(2)(V) probation progress/violation reports;

(2)(W) publications of the administrative office of the courts;

(2)(X) record in which the judicial branch determines or states an opinion on the rights of the state, a political subdivision, the public, or a person;

(2)(Y) record of the receipt or expenditure of public funds;

(2)(Z) record or minutes of an open meeting or hearing and the transcript of them;  
(2)(AA) record of formal discipline of current or former court personnel or of a person regulated by the judicial branch if the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained;

(2)(BB) record of a request for a record;

(2)(CC) reports used by the judiciary if all of the data in the report is public or the Judicial Council designates the report as a public record;

(2)(DD) rules of the Supreme Court and Judicial Council;

(2)(EE) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;

(2)(FF) statistical data derived from public and non-public records but that disclose only public data;

(2)(GG) Notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult, the petition, 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)(A)(iii) Title 76, Chapter 7, Part 3, Consent required for abortions performed on minors;

(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 the National Instant Check System database;

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

(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 qualified domestic relations orders, 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) affidavits supporting a motion to waive fees;

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

(4)(~~D~~E) alternative dispute resolution records;

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

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

(4)(~~G~~H) judgment information statement;

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

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

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

(4)(~~K~~L) medical, psychiatric, or psychological records;

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

(4)(~~L~~M)(i) name change of a minor;

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

(4)(~~L~~M)(iii) felony, misdemeanor or infraction;

(4)(~~L~~M)(iv) child protective orders; and

(4)((~~L~~M)(v) custody orders and decrees;

(4)(~~MN~~) personnel file of a current or former court personnel or applicant for employment;

(4)(~~NO~~) photograph, film or video of a crime victim;

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

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

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

(4)(~~RS~~) reports of investigations by Child Protective Services;

(4)(~~SI~~) victim impact statements;

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

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

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

(4)(~~WX~~)(i) adoption;

(4)(~~WX~~)(ii) termination of parental rights;

(4)(~~WX~~)(iii) abuse, neglect and dependency;

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

(4)(~~WX~~)(v) protective orders or dating violence protective orders;

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

(5) The following court records are protected:

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

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

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

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

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

198 (5)(F) court security plans;

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

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

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

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

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

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

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

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

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

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

215 (5)(M) record the disclosure of which would impair governmental procurement or  
216 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:



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

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

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

260 (8)(D) location information, contact information and identity information other than  
261 name of a prospective juror summoned to attend court;

262 (8)(E) the following information about a victim or witness of a crime:

263 (8)(E)(i) business and personal address, email address, telephone number and  
264 similar information from which the person can be located or contacted;

265 (8)(E)(ii) date of birth, driver's license number, social security number, account  
266 description and number, password, identification number, maiden name, mother's  
267 maiden name, and similar personal identifying information.

**Rule 6-501. Reporting requirements for guardians and conservators.**

**Intent:**

To establish the requirements sufficient to satisfy the Utah Uniform Probate Code.

**Applicability:**

This rule applies to guardians and conservators with the following exceptions:

This rule does not apply if the guardian or conservator is the parent of the ward.

Paragraph (1) does not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school.

Paragraph (1) does not apply to a conservator licensed under the Title 7, Chapter 5, Trust Business, to a guardian licensed under §75-5-311(1)(a), or to the Office of Public Guardian.

Paragraphs (6)(A), (6)(B) and (6)(C) do not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school. A person interested in the minor may request a report under Utah Code Section 75-5-209.

Paragraph (6)(D) does not apply to the guardian of a minor if the minor's estate is deposited in an account requiring judicial approval for withdrawal or if there is no estate. A person interested in the minor may request an accounting under Utah Code Section 75-5-209.

**Statement of the Rule:**

(1)(A) Before the court ~~entering~~ an order appointing a guardian or conservator, ~~the court shall require the guardian or conservator to~~ shall file a verified statement showing satisfactory completion of a court-approved examination on the responsibilities of a guardian or conservator.

(1)(B) After the court enters the order of appointment, the guardian or conservator shall file within 7 days a completed and verified Private Information Record form provided by the Administrative Office of the Courts. The guardian or conservator shall continue to keep the court apprised of any changes to the guardian or conservator's contact information.

(2) The guardian shall keep contemporaneous records of significant events in the life of the ward and produce them if requested by the court. The conservator shall keep contemporaneous receipts, vouchers or other evidence of income and expenses and

32 produce them if requested by the court. The guardian and conservator shall maintain  
33 the records until the appointment is terminated and then deliver them to the ward, if  
34 there is no successor, to the successor guardian or conservator, or to the personal  
35 representative of the ward's estate.

36 (3) Definitions.

37 (3)(A) "Accounting" means the annual accounting required by Utah Code Section 75-  
38 5-312 and Section 75-5-417 and the final accounting required by Utah Code Section 75-  
39 5-419.

40 (3)(B) "Interested persons" means the ward, if he or she is of an appropriate age and  
41 mental capacity to understand the proceedings, the ward's guardian and conservator,  
42 the ward's spouse, adult children, parents and siblings and anyone requesting notice  
43 under Utah Code Section 75-5-406. If no person is an interested person, then interested  
44 person includes at least one of the ward's closest adult relatives, if any can be found.

45 (3)(C) "Inventory" means the inventory required by Utah Code Section 75-5-418.

46 (3)(D) "Serve" means any manner of service permitted by Utah Rule of Civil  
47 Procedure 5.

48 (3)(E) "Report" means the annual report on the status of the ward required by Utah  
49 Code Section 75-5-209 and Section 75-5-312.

50 (3)(F) "Ward" means a minor or an incapacitated person for whom the court appoints  
51 a guardian or a protected person for whom the court appoints a conservator.

52 (4) Subject to the requirements of Paragraph (5):

53 (4)(A) forms substantially conforming to the forms produced by the Utah court  
54 website are acceptable for content and format for the report and accounting filed under  
55 the Utah Uniform Probate Code;

56 (4)(B) a corporate fiduciary may file its internal report or accounting; and

57 (4)(C) if the ward's estate is limited to a federal or state program requiring an annual  
58 accounting, the fiduciary may file a copy of that accounting.

59 (5) The report, inventory and accounting shall contain sufficient information to put  
60 interested persons on notice of all significant events and transactions during the  
61 reporting period. Compliance with Paragraph (4) is presumed sufficient, but the court

62 may direct that a report or accounting be prepared with content and format as it deems  
63 necessary.

64 (6)(A) The guardian shall file with the appointing court a report on the status of the  
65 ward no later than 60 days after the anniversary of the appointment. The guardian shall  
66 file the report with the court that appointed the guardian unless that court orders a  
67 change in venue under Utah Code Section 75-5-313. The reporting period is yearly from  
68 the appointment date unless the court changes the reporting period on motion of the  
69 guardian. The guardian may not file the report before the close of the reporting period.  
70 For good cause the court may extend the time for filing the report, but a late filing does  
71 not change the reporting period.

72 (6)(B) The guardian shall serve a copy of the report on all interested persons with  
73 notice that the person may object within 30 days after the notice was served.

74 (6)(C) If an interested person objects, the person shall specify in writing the entries  
75 to which the person objects and state the reasons for the objection. The person shall file  
76 the objection with the court and serve a copy on all interested persons. If an objection is  
77 filed, the judge shall conduct a hearing. The judge may conduct a hearing even though  
78 no objection is filed. If the judge finds that the report is in order, the judge shall approve  
79 it.

80 (6)(D) If there is no conservator, the guardian shall file the inventory and accounting  
81 required of a conservator.

82 (7)(A) Within 90 days after the appointment, the conservator shall file with the  
83 appointing court the inventory required by Utah Code Section 75-5-418. For good cause  
84 the court may extend the time for filing the inventory.

85 (7)(B) The conservator shall serve a copy of the inventory on all interested persons  
86 with notice that the person may object within 30 days after the notice was served.

87 (7)(C) If an interested person objects, the person shall specify in writing the entries  
88 to which the person objects and state the reasons for the objection. The person shall file  
89 the objection with the court and serve a copy on all interested persons. If an objection is  
90 filed, the judge shall conduct a hearing. The judge may conduct a hearing even though  
91 no objection is filed. If the judge finds that the inventory is in order, the judge shall  
92 approve it.

(8)(A) The conservator shall file with the appointing court an accounting of the estate of the ward no later than 60 days after the anniversary of the appointment. The conservator shall file the accounting with the court that appointed the conservator unless that court orders a change in venue under Utah Code Section 75-5-403. The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the conservator. The conservator may not file the accounting before the close of the reporting period. For good cause the court may extend the time for filing the accounting, but a late filing does not change the reporting period.

(8)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that the person may object within 30 days after the notice was served.

(8)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in order, the judge shall approve it.

(9)(A) The conservator shall file with the court a final accounting of the estate of the ward with the motion to terminate the appointment.

(9)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that the person may object within 30 days after the notice was served.

(9)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in order, the judge shall approve it.

**Rule 9-101. Board of Justice Court Judges.**

**Intent:**

To prescribe the membership, method of selection, term of office and basic procedures of the Board.

**Applicability:**

This rule shall apply to the Board of Justice Court Judges.

**Statement of the Rule:**

(1) There is hereby established a Board of Justice Court Judges comprised of the chair, six at-large members, and the three Council representatives.

(2) The Justice Court judges shall, by majority vote of those in attendance at the annual spring training conference, elect the members of the Board.

(3) The chair and the at-large members shall serve staggered two year terms. The Council representatives shall serve during the length of their term as Council representatives.

(4) The chair shall preside over all meetings of the Board and over the Justice Court judges' training conferences. The chair may not simultaneously serve as a Council representative.

(5) Members of the Board shall elect a vice-chair and an education liaison. The vice-chair shall serve as chair in the absence of the chair or upon request of the chair. Neither the vice-chair nor the education liaison may simultaneously serve as a Council representative.

(6) There shall be an Executive Committee comprised of the chair, vice-chair and one of the Council representatives designated by the chair. The Executive Committee may take necessary action on behalf of the Board between Board meetings.

(7) If vacancies occur for any reason on the Board between elections, the Board shall elect a replacement for the unexpired term of the vacancy.

(8) Should the chair resign or leave the Board for any reason, the vice-chair shall become chair for the remainder of the term.

(9) Should the vice-chair of the Board resign or leave the Board for any reason, a new vice-chair shall be elected by the Board from among its members to serve the unexpired term of the vice-chair.

(10) If a vacancy occurs for any reason among the representatives to the Council, the Board shall designate an interim representative to serve until the next annual training conference, at which time a representative shall be elected to fill the unexpired term.

(11) The Board shall meet at least quarterly to transact any and all business that is within its jurisdiction. The Board shall rule by majority vote. All members, except the three Council representatives, are voting members. Four voting members of the Board constitute a quorum. Board meetings shall be conducted generally in accordance with Robert's Rules of Order.

(12) All business conducted by the Board shall be conducted in accordance with this Code.

(13) The Board shall be responsible for certifying new justice courts and recertifying existing justice courts to the Judicial Council as outlined in Rule 9-108.

1 **Rule 9-108. Justice Court Standards.**

2 **Intent:**

3 To establish the responsibility for certifying new justice courts and recertifying  
4 existing justice courts.

5 **Applicability:**

6 This rule shall apply to the judiciary.

7 **Statement of the Rule:**

8 (1) Responsibilities of the Board of Justice Court Judges. The Board shall be  
9 responsible for the following:

10 (A) To recommend to the Council:

11 (i) minimum guidelines which demonstrate the need for a justice court, and which  
12 take into account the population, the number of case filings, the public convenience, the  
13 availability of law enforcement agencies and court support services, the proximity of  
14 other courts and other factors, and

15 (ii) operational standards for statutorily required support services such as public  
16 facilities, clerical support, bailiff services, prosecution and indigent defense services.

17 (B) To recommend to the Council the creation and recertification of justice courts.

18 (C) To recommend to the Council procedures for reviewing requests for waivers or  
19 extensions of time to meet guidelines or standards.

20 (2) Adoption and review of standards.

21 (A) Proposed minimum guidelines for establishing the need for court and operational  
22 standards shall be distributed for comment to affected agencies and organizations  
23 before submission to the Council for approval.

24 (B) Operational standards shall be reviewed and updated every two years, beginning  
25 in 1992.

26 (3) Publication. Guidelines for establishing the need for a court, operational  
27 standards and the procedures for requesting waivers or extensions of time to meet the  
28 standards shall be made available upon request.



**TAB 5**



# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR

DOUG ANDERSON  
JOHN BILTON  
BRIGHAM N. MELLOR  
CORY R. RITZ  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

**June 19, 2015**

Rick Schwermer  
Assistant Utah Courts Administrator  
450 South State  
P. O. Box 140241  
Salt Lake City, UT 84114-0241

Re: Farmington City's Petition to Create a Justice Court

Dear Mr. Schwermer,

Pursuant to *Utah Code Ann.* §78A-7-102, I write to formally petition the Utah Judicial Council for authorization and any necessary waivers of time restrictions pursuant to *Utah Code Ann.* §78A-7-102(5) for the City of Farmington to open a Justice Court to begin operation on January 1, 2016.

The following municipalities and political subdivisions have given verbal approval, subject to signed interlocal agreement(s) and approval from the Judicial Council, that they will be sending their justice court cases to the proposed Farmington City Justice Court.

- West Bountiful
- Kaysville City
- Fruit Heights City
- West Point
- Davis County

I have enclosed a draft of the Interlocal agreement that the City of Farmington intends to have in place with each of the above named entities.

Due to the sudden dissolution of the Davis County Justice Court, Farmington City requests an additional 30 days to finalize agreements with the above noted entities. The dissolution of the Davis County Justice Court leaves the above-referenced entities without a court for the prosecution of their cases. The location of the Court in Farmington City is central to the participating cities and is the same location as the existing Court. I believe we will be able to complete all of this by the end of July 2015. During that time City staff will be reviewing all financial aspects of the operation of the Justice Court.

The minimum requirements under *Utah Code Ann.* §78A-7-103 will be met and we intend to move quickly to have everything in place to begin operation on January 1, 2016.

Please let me know of any additional information you need from the City and I will work to expedite the process and documentation.

We look forward to working with you.


---

Dave Millheim, City Manager  
Farmington City

Cc: Mayor Jim Talbot  
Todd Godfrey  
Keith Johnson



## INTERLOCAL AGREEMENT FOR JUSTICE COURT SERVICES

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015 by and between the City of Farmington ("City"), a municipal corporation of the State of Utah, and Davis County ("County"), a political sub-division of the State of Utah.

### RECITALS

This Agreement is made and entered into by and between the parties based upon the following recitals, which are incorporated and are integral to this Agreement:

- A. *Utah Code Ann.* §78A-7-102, allows the City to create and operate a Justice Court for public convenience. Accordingly, the City had determined it is in the best interests of the residents of the City to establish a Justice Court.
- B. The County determined that it will dissolve its Justice Court by or before January 1, 2016, subject to approval of the Judicial Council of the State of Utah.
- C. The County is a political subdivision of the State of Utah and in addition to unincorporated areas of Davis County, the County has assumed jurisdictional responsibility for the prosecution of misdemeanor and small claims court cases within the jurisdiction of the cities of West Bountiful, West Point and Kaysville.
- D. The County hereby desires to amend its method of assuming responsibility for the jurisdiction of its Justice Court by entering into this Agreement with the City and to adjudicate all matters within the jurisdiction of the County Justice Court in the Farmington City Justice Court as more particularly provided herein.
- E. The parties are authorized by the *Utah Interlocal Cooperation Act* as set forth in Title 11, Chapter 13, *Utah Code Ann.*, to enter into this Agreement for the provision of Justice Court Services.
- F. The parties desire to enter into an agreement for the provision of justice court services to both jurisdictions under the terms and provisions of this interlocal cooperation agreement.
- G. The City is willing to enter into this Agreement and thereby assume responsibility for the operation of a Justice Court and other related services covered in this agreement.

- H. The County hereby reserves its rights to amend its method of administering its local responsibility in the future and to operate its municipal justice court in accordance with law in the event that this Agreement is terminated for any reason.
- I. The City reserves its right to enter into similar agreements with other municipalities to provide justice court services to those municipalities on terms as negotiated between the City and such municipalities; provided however, that such other contracts shall not interfere with the City's performance of the terms of this Agreement.

NOW, THEREFORE, the City shall provide justice court services, including both criminal and small claims to the City and to the unincorporated territory of the County pursuant to Utah Code Ann. §78A-7-204(5), through the Farmington City Justice Court. In consideration of the mutual covenants and promises contained hereafter the parties hereto agree as follows:

1. **Scope of Services to be Provided.** Farmington agrees to furnish all court services to Davis County reasonably necessary to enforce and adjudicate, within the territorial jurisdiction of Davis County for Class B Misdemeanors and lesser offenses, the County ordinances and all applicable federal and state laws. The court services provided by Farmington shall include, without limitation, the following:
  - a. All related court transport and bailiff services inside the Courtroom;
  - b. A court operation with trained judge(s), defendant defense counsel services, necessary interpreter services, and staff approved and certified under the Utah Judicial Council standards and policies;
  - c. Daily court operations, including traffic school;
  - d. A Court Referee or similar program to provide simplified resolution of minor traffic offenses;
  - e. Secure holding facilities for defendants transported from the jail or prison;
  - f. Fiscal management with separate accounting for all cases arising from within the territorial jurisdiction of Davis County as maintained by CORIS case management system;
  - g. Records management, segregated by jurisdiction and maintained in a manner which will allow, easily and without material cost or delay, separation of all files, information and data concerning Davis County Cases from other jurisdictions handled by the Court and dissemination to the County of all such information and data;

- h. CORIS case management system;
- i. Specialty court program for domestic violence; and
- j. Alcohol related incidents statistics and data, as required by state agencies, to be filed with applicable state agencies including all required information and reports to entitle the County to its share of periodic distributions of state-administered liquor tax attributable to its Alcohol Related Incidents.

## **2. Territorial Jurisdiction**

The jurisdiction of the Court shall extend into all of the unincorporated territory of the County, the territory within the corporate limits of the City and such other territory as authorized by law, and any other territory authorized and approved by the Judicial Council.

## **3. Court Jurisdiction**

The Court shall have the jurisdiction granted to it by the applicable laws and rules of the State of Utah and, in particular, that jurisdiction granted by *Utah Code Ann.* §78A-7-106. The Court shall have the authority to enforce the County's Ordinances.

## **4. Justice Court Judge Authority**

The judge of the Court shall have such authority as is granted by State law and applicable rules including those enumerated in *Utah Code Ann.* §78A-7-104.

## **5. Court Location**

- a. The Court will be held, subject to negotiation of a lease for the court, in the Davis County Justice Center at 800 West State Street, Farmington City, Davis County, Utah.
- b. The Court may be held elsewhere within the Court's territorial jurisdiction as may be appropriate and reasonable under the circumstances.

## **6. Certification**

The Court shall, at all times, meet the minimum requirements for the certification of a justice court as provided in *Utah Code Ann.* §78A-7-103.

## **7. Justice Court Judge**

- a. The Judge shall be appointed and confirmed in accordance with state law.
- b. In accordance with *Utah Code Ann.* §78A-7-202 (7), the Judge shall be subject to a retention election in which all registered voters within the territorial jurisdiction of the court may vote.

- c. The Justice Court Judge must meet the requirements specified in *Utah Code Ann.* §78A-7-201 for Justice Court Judge eligibility and be certified by the Utah Judicial Council to hold office.
- d. The Justice Court Judge shall be paid in accordance with *Utah Code Ann.* §78A-7-207.
- e. The Justice Court Judge shall comply with all state requirements for continuing education and attend all orientation and training sessions required by law and the Utah Judicial Council.
- f. The Mayor and City Council may appoint another Judge to serve as a temporary Justice Court Judge in the absence or disqualification of the Justice Court Judge.
- g. In the event of a vacancy in the position of justice court judge, the Justice Court Advisory Committee shall assist in the selection and appointment of a new justice court judge by submitting recommendations.

#### **8. Court Hours and Facilities**

- a. All official court business shall be conducted in the courtroom or an office located in the Davis County Justice Center or at another location which is conducive and appropriate to the administration of justice.
- b. The hours of the Court shall be posted conspicuously at the Davis County Justice Center and at such public buildings located with the City as may be deemed appropriate by the City.
- c. The Court shall have regularly scheduled hours at which the judge of the court shall be present and the hours that the Court shall be open shall be in compliance with any requirements imposed by State law or the Utah Judicial Council.

#### **9. Copies of Ordinances and Materials**

The City shall provide the Court with current copies of *Motor Vehicles Laws of the State of Utah*, *Utah Code Annotated*, and the *Justice Court Manual* published by the Court Administrators Office, and any other State laws affecting local government. Each participating political subdivision and municipal entity shall be responsible to supply the Court with current copies of its ordinances.

#### **10. Employment Status and Expenses and Performance Standards**

- a. Replacement or Addition of Key Personnel.

- i. To the extent reasonably possible under then applicable law, the County shall be invited to attend the interviewing process if Farmington (a) replaces the sitting judge due to disability, resignation, failure to be retained in an election, or otherwise, or (b) if the City appoints another judge for the Court, provided however, that the City need not obtain the County's approval concerning such appointment(s).
- b. The County shall have no liability for the payment of salaries, wages or other compensation to the judge(s), and Court personnel, including, without limitation, any unfunded or underfunded salaries wages or benefits to Court personnel.
- c. Any judge(s) and Court personnel shall be Farmington City employees and have no right to County pension, civil service, or any other County employment benefits for services provided under this Agreement.
- d. Adequate, competent and appropriate staff shall be provided to the Court to conduct the business of the Court.
- e. Court clerical personnel shall be employees of the City of Farmington and therefore, subject to selection, supervision, discipline and personnel policies and procedures of Farmington as set forth in the *City of Farmington Personnel Policies and Procedures*.
- f. The cost and expenses for travel and training of clerical personnel and training sessions conducted by the Judicial Council shall be the responsibility of the Farmington.
- g. Farmington shall assume responsibility for all expenses of the Court. In no event shall court space costs, either capital or operational, be considered as an expense in computing the percentage of gross revenues to be allocated to the cities and County pursuant to paragraph 14 of this agreement.

## **11. Records**

- a. The records of the Court shall be maintained at the office of the Court but shall be made available, as required by law, to parties and the general public in accordance with the *Government Records Access and Management Act* as well as applicable court rules.
- b. The City and County shall work together to complete the transfer of such records as are necessary and appropriate from the Davis County Justice Court to the Farmington City Justice Court to implement this Agreement, including records



and files of open cases, collections and other relevant matter. The transfer of records and the computer data conversion of such records shall comply with the transition process set forth in Section 17 and any terms and conditions as required by the Utah Judicial Counsel and/or the Administrative Office of the Courts.

## **12. Prosecution**

The prosecution of all cases brought before the Court in which the County is a party or in which the violation of County ordinances is an issue shall be the responsibility of the County.

## **13. Budget**

- A. Farmington shall review, determine and approve the budget for the court as part of its annual budgeting process.
- B. Budget approval for the Court shall be in accordance with the provisions of the *Uniform Fiscal Procedures for Utah Cities* as set forth in *Utah Code Ann.* §10-6.
- C. The fiscal year for the court shall be from July 1 to June 30 of each year.

## **14. Distribution of Gross Revenues**

The parties have reviewed and considered the various economic benefits and consequences to both parties and other factors of the County and the City in order to determine in the full and unique circumstances of the parties what is the appropriate and reasonable allocation of justice court revenues. Based upon this review and consideration, as well as the negotiations involved, the parties have determined that the allocation of justice court gross revenues is as follows:

- a. The allocation and distribution of the gross revenues of the court shall be determined and made monthly on the following basis:
  - i. Fifty per cent (50%) of the gross revenues attributable to citations issued by the Utah Highway Patrol, the Davis County Sheriff's Office and any other agency which would be cited into the Unincorporated Davis County Justice Court, if such court continued to exist and receive cases, shall be allocated and distributed to the City.
  - ii. Fifty per cent (50%) of the gross revenues attributable to citations issued by the Utah Highway Patrol, the Davis County Sheriff's Office and any other agency which would be cited into the Unincorporated Davis County Justice Court if such court continued to exist and receive cases, shall be allocated and distributed to the County.
- b. An accounting of all revenues and expenses of the Court, as well as distribution of the revenues to the parties should be made quarterly to the parties.

- c. In those cases which are opened in the Davis County Justice Court and which are transferred as open cases to the Farmington City Justice Court, if a fine has been imposed as part of a sentence, and funds continue to be collected on that case, the allocation of the revenues actually collected shall be Fifty (50%) per cent to the County and Fifty (50%) to the City.
- d. "Gross revenues" means, for the purposes of this Agreement, the total of all fines and filing fees actually received by the Court, but does not include any court or other costs assessed against a party, bail, restitution, program fees or costs or any surcharges received pursuant to *Utah Code Ann. §59-9-4 et seq.*
- e. The City shall not be obligated to pay, nor is the County entitled to receive, any interest on the share of the gross revenues allocated and distributed to the City.

#### **15. Reports**

- a. In accordance with Section 78A-7-215, *Utah Code Ann.*, the Justice Court Judge shall file monthly reports with the Office of the Utah State Court Administrator as well as copies to the County and Farmington. The report shall include, at the least, the number of cases, the dispositions entered and other information as specified in forms provided by the State Court Administrator's Office.
- b. Annually, the Justice Court Judge shall appear before the Board of County Commissioners, if requested to do so, for the purpose of making a report of the Court and its activities as they pertain to the County and to respond to any inquiries of the Board of County Commissioners.

#### **16. Effective Date**

This Agreement shall become effective upon execution by the parties and approval of the creation of the Farmington City Justice Court by the Utah Judicial Council. The transition of cases and records shall comply with the transition process set forth in Section 17 and as approved by the Utah Judicial Council and the Administrative Office of the Courts.

#### **17. Transition**

- a. The parties desire to commence the transition of cases from Davis County Justice Court to the Farmington City Justice Court as efficiently and timely as possible. Subject to final approval by the Utah Judicial Council and the Administrative Office of the Courts, the parties desire to start transitioning new cases from the Davis County Justice Court on January 1, 2016. The parties further desire to complete the transition of all cases from the Davis County Justice Court to the Farmington City Justice Court and to close the Davis County Justice Court as soon as possible.

- b. Subject to the terms and conditions of Subsection A, all new citations issued on or after January 1, 2016, which would be cited into the Davis County Justice Court, will be cited and forwarded to the Farmington City Justice Court.
- c. Subject to the terms and conditions of Subsection A, all cases that are open and existing within the Davis County Justice Court as of December 31, 2015, shall be transferred to the Farmington City Justice Court by November 1, 2016, or as soon thereafter as is feasible by the Administrative Office of the Courts.
- d. The Davis County Justice Court shall close and be deemed dissolved on \_\_\_\_\_ 2016, or as soon thereafter as is approved by the Utah Judicial Council and the Administrative Office of the Courts.
- e. The County shall notify all agencies which currently cite cases into the Davis County Justice Court of the transfer of cases to the Farmington Justice Court and the requirement that all citations issued on or after January 1, 2016, be cited into the Farmington City Justice Court.

#### **18. Termination**

- a. This Agreement shall continue in effect until terminated by:
  - i. The mutual consent of the parties; or
  - ii. The submission by either party, with or without cause, of a written notice six (6) months prior to the end of the City's fiscal year.
- b. The termination shall take effect at the end of the City's fiscal year.
- c. In no event shall the term of the Agreement exceed fifty (50) years.

#### **19. Resolutions of Approval**

This interlocal cooperation Agreement shall be conditioned upon approval and adoption by resolution of the legislative body of each party in accordance with *Utah Code Ann.* §11-13-202.5,

#### **20. Attorney Opinions**

This interlocal cooperation agreement shall be conditioned upon the written approval of the authorized attorney of each party approving this Agreement as to its form and compatibility with state law in accordance with *Utah Code Ann.* §11-13-202.5.

#### **21. Authorization**

The individuals executing this Agreement on behalf of the parties confirm that they are the duly authorized representatives of the parties and are lawfully authorized to execute this Agreement on behalf of the parties.

## **22. Notice**

Any notice required or permitted to be given under this Agreement shall be deemed sufficient if given by a communication in writing and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within two days after such notice is deposited in the United States Mail, postage prepaid, and certified and addressed to the Parties as set forth below:

Farmington: Farmington City  
Attn: City Manager  
160 S Main St.  
Farmington, UT 84025

With a copy to: Todd J. Godfrey  
Hayes Godfrey Bell, P.C.  
2118 E. 3900 S. #300  
Holladay, UT 84124

Davis County: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **23. Integration**

This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter hereof, and supersedes all prior agreements and understandings concerning Court Services.


## **24. Severability**

In the event that any condition, covenant or other provision hereof is held to be invalid or void, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other covenant or condition herein contained. If such condition, covenant or other provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

## **25. Counterparts**

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

## **26. Applicable Law**



The provisions of this Agreement shall be governed and construed in accordance with the laws of the State of Utah.

*[Signature page to follow]*

**TAB 6**

# Utah Court of Appeals



John A. Pearce  
Judge

450 South State Street, Fifth Floor  
P.O. Box 140230  
Salt Lake City, Utah 84114-0230  
(801)-578-3950  
FAX (801)-238-7981

June 17, 2015

Chief Justice Matthew B. Durrant  
Utah State Courts  
450 South State Street  
Salt Lake City, UT 84111

RE: Justice Court Appointment to the Standing Committee on Technology

Dear Chief Justice Durrant:

The Standing Committee on Technology (Committee) develops and makes recommendations to the Judicial Council relating to the plans, priorities, and strategies that guide and govern the technology used by the Utah Courts.

Judge Matthew Funk's first term as a representative of the Justice Court to the Committee expired on February 26, 2015. The Board of Justice Court Judges has asked that Judge Funk be re-appointed to the Committee.

In recognition of Judge Funk's valuable contributions to the Committee, I echo the request that he be appointed to a second term.

Best Regards,

A handwritten signature in black ink, appearing to read "John A. Pearce", is written over the typed name.

John A. Pearce

Chair, Standing Committee on Technology

cc: Ron Bowmaster

# Utah Court of Appeals



John A. Pearce  
Judge

450 South State Street, Fifth Floor  
P.O. Box 140230  
Salt Lake City, Utah 84114-0230  
(801)-578-3950  
FAX (801)-238-7981

June 17, 2015

Chief Justice Matthew B. Durrant  
Utah State Courts  
450 South State Street  
Salt Lake City, UT 84111

RE: Juvenile Court Appointment to the Standing Committee on Technology

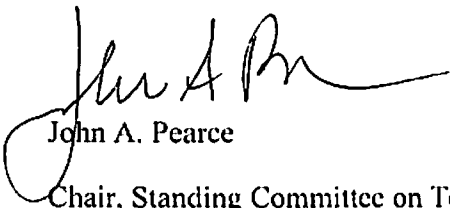
Dear Chief Justice Durrant:

The Standing Committee on Technology (Committee) develops and makes recommendations to the Judicial Council relating to the plans, priorities, and strategies that guide and govern the technology used by the Utah Courts.

Judge Dane Nolan has represented the Board of Juvenile Court Judges on the Committee. His term has recently expired and the Board has recommended that Judge Angela Fonnesbeck be appointed to replace Judge Nolan.

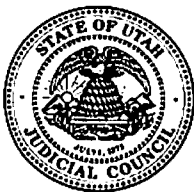
Judge Fonnesbeck would be a wonderful addition to our Committee. I request that she be appointed.

Best Regards,

  
John A. Pearce  
Chair, Standing Committee on Technology

cc: Ron Bowmaster





## Administrative Office of the Courts

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

July 16, 2015

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

### MEMORANDUM

**TO:** Utah Judicial Council's Management Committee

**FROM:** Nancy Volmer, Communications Director

**RE:** Judicial Outreach Committee Renewals

---

The Standing Committee on Judicial Outreach Chair Judge Elizabeth Hruby-Mills recommends the following committee appointments:

- Utah State Bar Assistant Executive Director Richard Dibblee has completed his second term on the committee and would like to serve a third term. The committee rule states that one Utah State Bar representative should serve on the committee.
- Third District Juvenile Court Judge Julie Lund has completed her first term on the committee and would like to serve a second term. The committee rule states that one Juvenile Court judge is to serve on the committee.

#### **Rule 3-114. Judicial Outreach Standing Committee on Judicial Outreach**

Intent of the committee:

- To foster a greater role for judges in service to the community.
- To provide leadership and resources for outreach.
- To improve public trust and confidence in the judiciary.

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

**TAB 7**

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

**FEDERAL GRANTS**

Contact Person/Phone: Alison A. Adams-Perlac Date: 7/1/2015

Judicial District or Location: AOC

Grant Title: Technical Assistance Grant Grantor: State Justice Institute

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: Statewide Court Interpreter Management and Accounting Interface

Explanation of how the grant funds will contribute toward resolving the issues identified: The grant will provide funding for the AOC to create an interface with its current software programs to track contract and staff interpreters. The system will include an interpreter component, to keep track of interpreter information and assignments; a management component, to manage interpreter credentials, invoice, mileage, and payments; and an accounting component, to collect and process interpreter invoices. The grant funds will be matched by the court and will provide contract programmers to develop the interface.

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

Total Funding Sources			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION) MATCHING STATE DOLLARS					
CASH MATCH		Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
State Fiscal Year	Grant Amount							
FY 2016	\$50,000		\$50,000					\$100,000
FY 2016								\$0
FY 2016								\$0

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

Comments: Total Grant will be \$100,000--\$50,000 from SJI and \$50,000 from the State Courts. State funds will be paid from IT and JWI budgets.

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

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

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

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

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

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

# STATE JUSTICE INSTITUTE APPLICATION

<b>1. APPLICANT</b> a. Organization Name <u>Utah Administrative Office of the Courts</u> b. Street/P.O. Box <u>450 South State Street, P.O. Box 140241</u> c. City <u>Salt Lake City</u> d. State <u>Utah</u> e. Zip Code <u>84114-0241</u> f. Phone Number <u>801-578-3800</u> g. Fax Number <u>801-578-3843</u> h. Web Site Address <u>www.utcourts.gov</u> i. Name & Phone Number of Contact Person <u>Allison A. Adams-Perlae 801-578-3821</u> j. Title <u>Language Access Program Manager</u> k. E-Mail Address <u>allisonap@utcourts.gov</u>	<b>2. TYPE OF APPLICANT (Check appropriate box)</b> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> State Court  <input type="checkbox"/> National organization operating in conjunction with State court  <input type="checkbox"/> National State court support organization  <input type="checkbox"/> College or university             </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Other non-profit organization or agency  <input type="checkbox"/> Individual  <input type="checkbox"/> Corporation or partnership  <input type="checkbox"/> Other unit of government  <input type="checkbox"/> Other _____                  (Specify) _____             </td> </tr> </table>	<input checked="" type="checkbox"/> State Court <input type="checkbox"/> National organization operating in conjunction with State court <input type="checkbox"/> National State court support organization <input type="checkbox"/> College or university	<input type="checkbox"/> Other non-profit organization or agency <input type="checkbox"/> Individual <input type="checkbox"/> Corporation or partnership <input type="checkbox"/> Other unit of government <input type="checkbox"/> Other _____ (Specify) _____								
<input checked="" type="checkbox"/> State Court <input type="checkbox"/> National organization operating in conjunction with State court <input type="checkbox"/> National State court support organization <input type="checkbox"/> College or university	<input type="checkbox"/> Other non-profit organization or agency <input type="checkbox"/> Individual <input type="checkbox"/> Corporation or partnership <input type="checkbox"/> Other unit of government <input type="checkbox"/> Other _____ (Specify) _____										
<b>3. PROPOSED START DATE</b> _____ <u>January 4, 2016</u>											
<b>4. PROJECT DURATION (months)</b> <u>6-7 Months</u>											
<b>5. APPLICANT FINANCIAL CONTACT</b> a. Organization Name <u>Utah Administrative Office of the Courts</u> b. Street/P.O. Box <u>450 South State Street, P.O. Box 140241</u> c. City <u>Salt Lake City</u> d. State <u>Utah</u> e. Zip Code <u>84114-0241</u> f. Phone Number <u>801-578-3800</u> g. Fax Number <u>801-578-3843</u> h. Web Site Address <u>www.utcourts.gov</u> i. Name & Phone Number of Contact Person <u>Derek Byrne 801-578-3867</u> j. Title <u>Budget Manager</u> k. E-Mail Address <u>derekb@utcourts.gov</u> l. Organization EIN <u>876000545</u>	<b>6. IF THIS APPLICATION HAS BEEN SUBMITTED TO OTHER FUNDING SOURCES, PLEASE PROVIDE THE FOLLOWING INFORMATION:</b> Source <u>NCSC Language Access Services Section</u> Date Submitted <u>September 3, 2013</u> Amount Requested <u>\$102,298</u> Disposition (if any) or Current Status <u>Request denied</u>										
<b>7. a. AMOUNT REQUESTED FROM SJI \$</b> <u>50,000</u> <b>b. AMOUNT OF MATCH</b> <table style="width: 100%;"> <tr> <td style="width: 50%;">Cash Match</td> <td style="width: 50%;">\$ <u>50,000</u></td> </tr> <tr> <td>In-kind Match</td> <td>\$ _____</td> </tr> <tr> <td><b>c. TOTAL MATCH</b></td> <td><b>\$</b> <u>50,000</u></td> </tr> <tr> <td><b>d. OTHER CASH</b></td> <td><b>\$</b> _____</td> </tr> <tr> <td><b>e. TOTAL PROJECT COST</b></td> <td><b>\$</b> <u>100,000</u></td> </tr> </table>		Cash Match	\$ <u>50,000</u>	In-kind Match	\$ _____	<b>c. TOTAL MATCH</b>	<b>\$</b> <u>50,000</u>	<b>d. OTHER CASH</b>	<b>\$</b> _____	<b>e. TOTAL PROJECT COST</b>	<b>\$</b> <u>100,000</u>
Cash Match	\$ <u>50,000</u>										
In-kind Match	\$ _____										
<b>c. TOTAL MATCH</b>	<b>\$</b> <u>50,000</u>										
<b>d. OTHER CASH</b>	<b>\$</b> _____										
<b>e. TOTAL PROJECT COST</b>	<b>\$</b> <u>100,000</u>										
<b>8. TITLE OF PROPOSED PROJECT</b> <u>Statewide Court Interpreter Management and Accounting Interface</u>											
<b>9. CONGRESSIONAL DISTRICT OF:</b> <u>All Utah Representatives, Districts 1 through 4</u> <div style="display: flex; justify-content: space-between;"> <span><small>Name of Representative; District Number</small></span> <span><small>Project location (if different from applicant location): Name of Representative, District Number</small></span> </div>											
<b>10. CERTIFICATION</b> On behalf of the applicant, I hereby certify that to the best of my knowledge the information in this application is true and complete. I have read the attached assurances (Form D) and understand that if this application is approved for funding, the award will be subject to those assurances. I certify that the applicant will comply with the assurances if the application is approved, and that I am lawfully authorized to make these representations on the behalf of the applicant. <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 60%;">               SIGNATURE OF RESPONSIBLE OFFICIAL              (For applications from State and local courts, Form B - Certificate of State Approval, must be attached)         </div> <div style="width: 35%; text-align: center;"> <u>Language Access Program Manager</u>              TITLE  <u>07/01/2015</u>              DATE         </div> </div>											

## **STATE JUSTICE INSTITUTE ASSURANCES**

The applicant hereby assures and certifies that it possesses legal authority to apply for the grant, and that if funds are awarded by the State Justice Institute pursuant to this application, it will comply with all applicable provisions of law and the regulations, policies, guidelines and requirements of SJI as they relate to the acceptance and use of SJI funds pursuant to this application. The applicant further assures and certifies with respect to this application, that:

1. No person will, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by SJI funds, and that the applicant will immediately take any measures necessary to effectuate this assurance.
2. In accordance with 42 U.S.C. 10706(a), funds awarded to the applicant by SJI will not be used, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive order or similar promulgation by federal, state or local agencies, or to influence the passage or defeat of any legislation or constitutional amendment by any federal, state or local legislative body.
3. In accordance with 42 U.S.C. 10706(a) and 10707(c):
  - a. It will not contribute or make available SJI funds, project personnel, or equipment to any political party or association, to the campaign of any candidate for public or party office, or to influence the passage or defeat of any ballot measure, initiative, or referendum;
  - b. No officer or employee of the applicant will intentionally identify SJI or applicant with any partisan or nonpartisan political activity or the campaign of any candidate for public or party office; and,
  - c. No officer or employee of the applicant will engage in partisan political activity while engaged in work supported in whole or in part by SJI.
4. In accordance with 42 U.S.C. 10706(b), no funds awarded by SJI will be used to support or conduct training programs for the purpose of advocating particular non-judicial public policies or encouraging non-judicial political activities.
5. In accordance with 42 U.S.C. 10706(d), no funds awarded by SJI will be used to supplant state or local funds supporting a program or activity; to construct court facilities or structures, except to remodel existing facilities or to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program; or to solely purchase equipment for a court system.
6. It will provide for an annual fiscal audit of the project.
7. It will give the Institute, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award.
8. In accordance with 42 U.S.C. 10708(b) (as amended), research or statistical information that is furnished during the course of the project and that is identifiable to any specific individual, shall not be used or revealed for any purpose other than the purpose for which it was obtained. Such information and copies thereof shall be immune from legal process, and shall not be offered as

17. The person signing the application is authorized to do so on behalf of the applicant, and to obligate the applicant to comply with the assurances enumerated above.

STATE JUSTICE INSTITUTE

Certificate of State Approval

The Utah Judicial Council

\_\_\_\_\_  
Name of State Supreme Court or Designated Agency or Council

has reviewed the application entitled Statewide Court Interpreter Management and Accounting Interface

prepared by the Utah Administrative Office of the Courts

\_\_\_\_\_  
Name of Applicant

approves its submission to the State Justice Institute, and

☐ agrees to receive and administer and be accountable for all funds awarded by SJI pursuant to the application;

☐ hereby requests consideration of a reduction in cash match as requested by the applicant (**NOTE: only applicable to Project Grant applications**);

☐ designates \_\_\_\_\_

\_\_\_\_\_  
Name of Trial or Appellate Court or Agency

as the entity to receive, administer, and be accountable for all funds awarded by SJI pursuant to the application.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Matthew B. Durrant

\_\_\_\_\_  
Name

Chair

\_\_\_\_\_  
Title

# STATE JUSTICE INSTITUTE

## PROJECT BUDGET

### (TABULAR FORMAT)

**Applicant:** Utah Administrative Office of the Courts

**Project Title:** Statewide Court Interpreter Management and Accounting Interface

**For Project Activity from** 01/04/2016 **to** 08/04/2016

**Total Amount Requested for Project from SJI \$** 50,000.00

ITEM	SJI FUNDS	STATE FUNDS	FEDERAL FUNDS	APPLICANT FUNDS	OTHER FUNDS	IN-KIND SUPPORT	TOTAL
Personnel				17,500.00			17,500.00
Fringe Benefits				7,500.00			7,500.00
Consultant / Contractual	50,000.00			25,000.00			75,000.00
Travel							0.00
Equipment							0.00
Supplies							0.00
Telephone							0.00
Postage							0.00
Printing / Photocopying							0.00
Audit							0.00
Other (specify)							0.00
<b>Subtotal, Direct Costs</b>	<b>50,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>50,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100,000.00</b>
<b>Indirect Costs</b>							0.00
<b>Grand Total</b>	<b>50,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>50,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>100,000.00</b>

**Remarks:**



## **State Justice Institute Grant Budget Narrative**

The Utah Administrative Office of the Courts seeks grant funding to create an interface with its current software programs, in order to track contract and staff interpreters. The system will include three main components: one for interpreters, one for the program coordinator, and one for accounting.

The interpreter component will keep track of interpreter information and assignments. An interpreter would be able to sign in, update personal and certification information, accept and track assignments, and view messages from the program coordinator. The program will also keep track of the interpreter's calendar of assignments, and will allow an interpreter to schedule their availability. Additionally, the program will allow the interpreter to view and approve invoices for their assignments.

The management component will allow the program manager to manage credentialed interpreters statewide, to review interpreter invoices and mileage, and to approve payment for interpreters. The program will also allow court staff to track an interpreter's appearances, including start time and end time, and will track the interpreter's mileage and location, as well as any down time the interpreter has between hearings. The program will also collect requests for interpreters, and allow court staff to make assignments electronically.

The accounting component will collect and process interpreter invoices for submission to accounting for payment.

Currently, nearly all of the tracking and assignment of interpreters for state court hearings in Utah is being done manually. This process is extremely time-consuming and inefficient, and it creates the potential for human error. With grant assistance, the Utah Administrative Office of the Courts can develop the above-described program, which will automate the process. We believe that other states looking for better ways to track court interpreters could benefit from the type of program Utah would like to create.

The court estimates that it will take 1,032 programming hours to complete this project. The court seeks grant funds to assist the court in contracting with programmers. The programmers are needed to create the functionalities in the Court's internal CARE and CORIS programs, utilizing Java and Powerbuilder technologies. Additionally the programmers are needed to work on the interpreter application and its interface to CARE and Coris utilizing Java, Ajax, SQL, and Extjs technologies. In addition to contract programmers, internal court programmers will be used to assist with this project.

The following tasks are necessary for this project to be completed:

1. Web Service Services
  - a. Receive from Coris/CARE interpreter request & post to interpreter app
  - b. Receive from Coris/CARE reschedules and cancellations & post/process in interpreter app
  - c. Receive from CORIS/CARE stop time of hearing & post to interpreter app
  - d. Post back to case management of scheduled interpreter when assigned

## 2. Application

- a. Database stacks
- b. Application definition
- c. Enhancements to personnel database
- d. Management level
  - i. Add, edit, define attributes of interpreters (includes languages, locations, etc.)
  - ii. Assign interpreters to requested hearings (create workqueue item and email for interpreter)
  - iii. View payment request and payment history per interpreter
  - iv. Process payments - review, edit, add and submit payment requests based on "attended" hearings
  - v. View interpreter calendar
  - vi. Manage court location distances/time
  - vii. Create tickler for self and interpreters
- e. Interpreter level
  - i. Edit profile attributes of selves (includes languages, locations etc.)
  - ii. View payment requests & payment history for self
  - iii. Request payment - submit payment requests for hearings marked as attended
  - iv. View calendar
  - v. Schedule times when not available
  - vi. Create tickler for self and management
- f. Court location person level
  - i. specify when Interpreter appears at court location
  - ii. record when different interpreter appears in place of scheduled interpreter
- g. Workqueue functionality, posting, automation (available for managers and interpreters)
- h. Batch program that calculates payments, records payment request amount & sends report to Finance
- i. MyWorkspace - add feature to record stop time of hearing

## 3. CARE Changes

- a. Post to web service on interpreter request for hearing
- b. Post to web service when interpreter on hearing and hearing is cancelled or rescheduled
- c. Record stop time in court minutes
- d. Update reports to specify the assigned interpreter

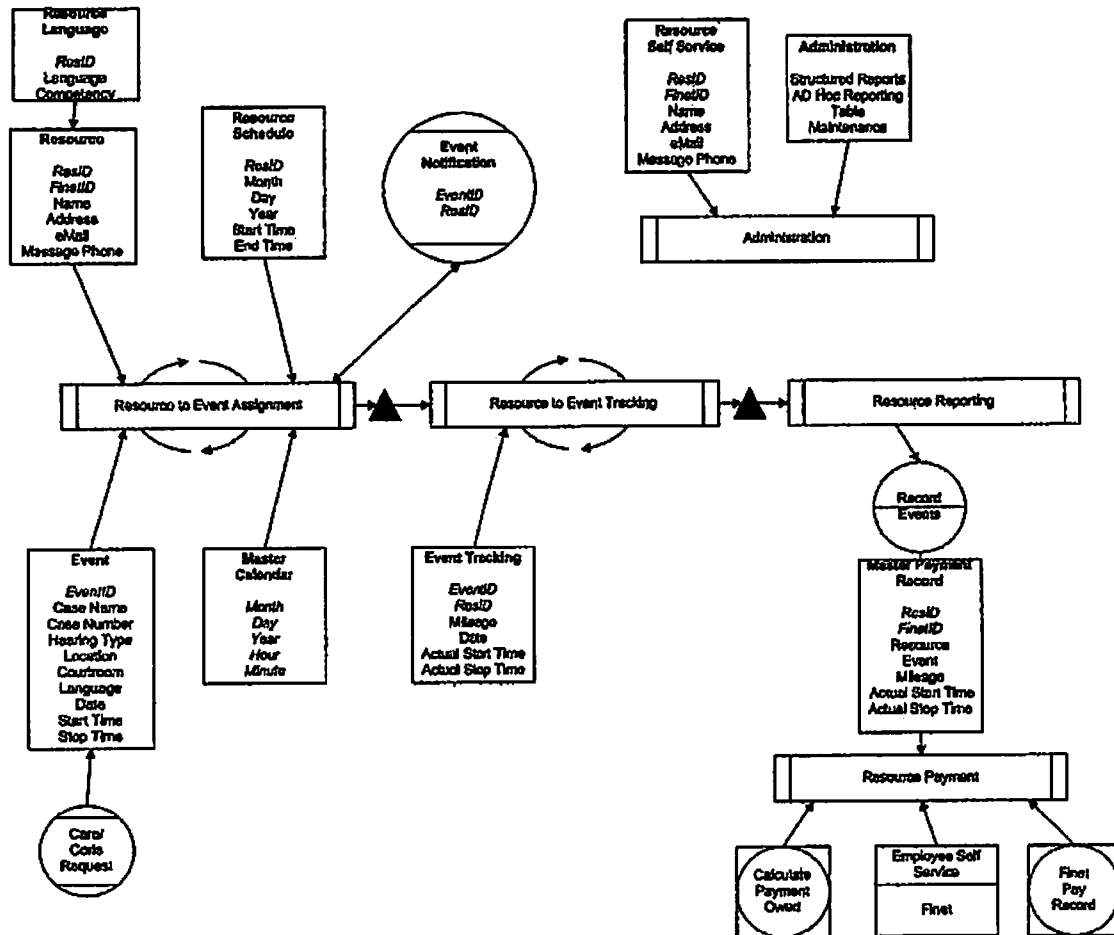
## 4. CORIS Changes

- a. Post to web service on interpreter request for hearing

- b. Post to web service when interpreter on hearing and hearing is cancelled or rescheduled
- c. Modify CORIS to associate minutes to a hearing and add ability to record stop of hearing
- d. Handle hearings with multiple start and stop times

The court projects that it will take 1,032 programming hours to complete this project. The court seeks \$50,000 in grant assistance to allow the court to contract with programmers for 516 programming hours. The court will provide \$25,000 toward contract programmers working on this project for 258 hours. In addition to contract programmers, the court will use internal court programmers to assist with this project. The court will also provide \$17,500 to cover personnel costs for 258 programming hours and \$7,500 to cover fringe benefits costs for the project. The program will cost \$100,000 with \$50,000 to be funded by the applicant, the Utah Administrative Office of the Courts.

# Interpreter Functional Diagram



## DISCLOSURE OF LOBBYING ACTIVITIES

*The State Justice Institute Act prohibits grantees from using funds awarded by the Institute to directly or indirectly influence the passage or defeat of any legislation by Federal, State or local legislative bodies. 42 U.S.C. 10706 (a). It also is the policy of the Institute to award funds only to support applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner.*

*Consistent with this policy and the provisions of 42 U.S.C. 10706 (a), the Institute will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application. As a means of implementing that prohibition, SJI requires organizations submitting applications to the Institute to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts. This form must be submitted with your application.*

Name of Applicant: Utah Administrative Office of the Courts

Title of Application: State Justice Institute Application for

Statewide Court Interpreter Management and Accounting Interface

☐ Yes ☒ No

Has the applicant (or an entity that is part of the same organization as the applicant) directly or indirectly advocated a position before Congress on any issue within the past five years?


### SPECIFIC SUBJECTS OF LOBBYING EFFORTS

If you answered YES above, please list the specific subjects on which your organization (or another entity that is part of your organization) has directly or indirectly advocated a position before Congress within the past five years. If necessary, you may continue on the back of this form or on an attached sheet.

Subject	Year

### STATEMENT OF VERIFICATION

I declare under penalty of perjury that the information contained in this disclosure statement is correct and that I am authorized to make this verification on behalf of the applicant.



Alison A. Adams-Perlac

Signature

Name (Typed)

Language Access Program Manager

7/1/2015

Title

Date

**TAB 8**



## Administrative Office of the Courts

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

### MEMORANDUM

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

**To:** Judicial Council  
**From:** Alison Adams-Perlac *Alison Adams-Perlac*  
**Date:** July 13, 2015  
**Re:** Amendments to the Utah Code of Judicial Administration Recommended for Public Comment

---

The Policy and Planning Committee recommends the following amendments to rules 4-202.02, 4-202.03, 4-202.04, 4-202.09, 4-205, and 4-901 of the Utah Code of Judicial Administration. If no concerns are raised, the proposed amendments will be published for comment and will be subject to change after the comment period.

**CJA 4-202.02. Records classification.** Amend. Classifies appellate filings, including briefs, as public. Classifies records maintained and prepared by juvenile probation, except for those filed with the court, as protected.

**CJA 4-202.03. Records access.** Amend. Provides that a person given access to a record in order for juvenile probation to fulfill a probation responsibility may access a safeguarded record.

**CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case.** Amend. Provides that a party with an interest in a case may move or petition a court with jurisdiction or a court that no longer has jurisdiction to reclassify a record or to have information redacted from the record. Adds all possible classifications. Provides that the relevant rules of procedure apply to such motions or petitions. Gives the appellate clerk responsible for protecting sealed briefs and removing information ordered to be redacted. Provides that a court order is only binding on the court, the parties to the petition, and the state law library, unless otherwise ordered.

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

450 South State Street / P.O. Box 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3821 / Fax: 801-578-3843 / email: alisonap@utcourts.gov

**CJA 4-202.09. Miscellaneous. Amend.** Provides that a party may move, or a non-party interested in a record may petition, to classify a record as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social, or to redact non-public information from a public record.

**CJA 4-205. Security of court records. Amend.** Provides that an appellate clerk is responsible for expunging records upon an order of expungement, but that a brief will be public unless it is otherwise classified through an order on a motion or petition.

**CJA 4-901. Mandatory electronic filing in juvenile court. New.** Requires that pleadings and other papers filed in existing juvenile court cases on or after December 1, 2015 shall be filed electronically in C.A.R.E. Requires that pleadings and other papers filed to initiate juvenile court cases on or after August 1, 2016 shall be filed electronically in C.A.R.E.

The Policy and Planning Committee voted to recommend each of the proposals, for public comment.

Encl.	CJA 4-202.02
	CJA 4-202.03
	CJA 4-202.04
	CJA 4-202.09
	CJA 4-205
	CJA 4-901



**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) appellate filings, including briefs;~~(2)(C)~~ (2)(D) arrest warrants, but a court may restrict access before service;~~(2)(D)~~ (2)(E) audit reports;~~(2)(E)~~ (2)(F) case files;~~(2)(F)~~ (2)(G) committee reports after release by the Judicial Council or the court that requested the study;~~(2)(G)~~ (2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a contract;~~(2)(H)~~ (2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;~~(2)(I)~~ (2)(J) 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)~~ (2)(K) financial records;~~(2)(K)~~ (2)(L) 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)~~ (2)(L)(i) amount in controversy;~~(2)(K)(ii)~~ (2)(L)(ii) attorney name;~~(2)(K)(iii)~~ (2)(L)(iii) case number;~~(2)(K)(iv)~~ (2)(L)(iv) case status;~~(2)(K)(v)~~ (2)(L)(v) civil case type or criminal violation;~~(2)(K)(vi)~~ (2)(L)(vi) civil judgment or criminal disposition;~~(2)(K)(vii)~~ (2)(L)(vii) daily calendar;~~(2)(K)(viii)~~ (2)(L)(viii) file date;~~(2)(K)(ix)~~ (2)(L) party name;~~(2)(L)~~ (2)(M) 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)~~ (2)(N) 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;

38 ~~(2)(N)~~-~~(2)(O)~~ name, business address, business telephone number, and business email address of a  
39 lawyer appearing in a case;

40 ~~(2)(O)~~-~~(2)(P)~~ name, business address, business telephone number, and business email address of  
41 court personnel other than judges;

42 ~~(2)(P)~~-~~(2)(Q)~~ name, business address, and business telephone number of judges;

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

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

49 ~~(2)(S)~~-~~(2)(T)~~ opinions, including concurring and dissenting opinions, and orders entered in open  
50 hearings;

51 ~~(2)(T)~~-~~(2)(U)~~ order or decision classifying a record as not public;

52 ~~(2)(U)~~-~~(2)(V)~~ private record if the subject of the record has given written permission to make the  
53 record public;

54 ~~(2)(V)~~-~~(2)(W)~~ probation progress/violation reports;

55 ~~(2)(W)~~-~~(2)(X)~~ publications of the administrative office of the courts;

56 ~~(2)(X)~~-~~(2)(Y)~~ record in which the judicial branch determines or states an opinion on the rights of the  
57 state, a political subdivision, the public, or a person;

58 ~~(2)(Y)~~-~~(2)(Z)~~ record of the receipt or expenditure of public funds;

59 ~~(2)(Z)~~-~~(2)(AA)~~ record or minutes of an open meeting or hearing and the transcript of them;

60 ~~(2)(AA)~~-~~(2)(BB)~~ record of formal discipline of current or former court personnel or of a person  
61 regulated by the judicial branch if the disciplinary action has been completed, and all time periods for  
62 administrative appeal have expired, and the disciplinary action was sustained;

63 ~~(2)(BB)~~-~~(2)(CC)~~ record of a request for a record;

64 ~~(2)(CC)~~-~~(2)(DD)~~ reports used by the judiciary if all of the data in the report is public or the Judicial  
65 Council designates the report as a public record;

66 ~~(2)(DD)~~-~~(2)(EE)~~ rules of the Supreme Court and Judicial Council;

67 ~~(2)(EE)~~-~~(2)(FF)~~ search warrants, the application and all affidavits or other recorded testimony on  
68 which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;

69 ~~(2)(FF)~~-~~(2)(GG)~~ statistical data derived from public and non-public records but that disclose only  
70 public data;

71 ~~(2)(GG)~~-~~(2)(HH)~~ Notwithstanding subsections (6) and (7), if a petition, indictment, or information is  
72 filed charging a person 14 years of age or older with a felony or an offense that would be a felony if  
73 committed by an adult, the petition, indictment or information, the adjudication order, the disposition order,  
74 and the delinquency history summary of the person are public records. The delinquency history summary

75 shall contain the name of the person, a listing of the offenses for which the person was adjudged to be  
76 within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.

77 (3) The following court records are sealed:

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

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

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

83 (3)(A)(iii) Title 76, Chapter 7, Part 304.5, Consent required for abortions performed on minors; and

84 (3)(B) expunged records;

85 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code Section  
86 77-23a-15;

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

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

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

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

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

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

95 (4) The following court records are private:

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

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

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

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

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

102 (4)(B)(i) Title 30, Husband and Wife, except that an action for consortium due to personal injury under  
103 Section 30-2-11 is public;

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

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

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

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

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

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

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

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

- 112 (4)(C) aggregate records other than public aggregate records under subsection (2);  
113 (4)(D) alternative dispute resolution records;  
114 (4)(E) applications for accommodation under the Americans with Disabilities Act;  
115 (4)(F) citation, but an abstract of a citation that redacts all non-public information is public;  
116 (4)(G) judgment information statement;  
117 (4)(H) judicial review of final agency action under Utah Code Section 62A-4a-1009;  
118 (4)(I) the following personal identifying information about a party: driver's license number, social  
119 security number, account description and number, password, identification number, maiden name and  
120 mother's maiden name, and similar personal identifying information;  
121 (4)(J) the following personal identifying information about a person other than a party or a victim or  
122 witness of a crime: residential address, personal email address, personal telephone number; date of birth,  
123 driver's license number, social security number, account description and number, password, identification  
124 number, maiden name, mother's maiden name, and similar personal identifying information;  
125 (4)(K) medical, psychiatric, or psychological records;  
126 (4)(L) name of a minor, except that the name of a minor party is public in the following district and  
127 justice court proceedings:  
128 (4)(L)(i) name change of a minor;  
129 (4)(L)(ii) guardianship or conservatorship for a minor;  
130 (4)(L)(iii) felony, misdemeanor or infraction;  
131 (4)(L)(iv) child protective orders; and  
132 (4)(L)(v) custody orders and decrees;  
133 (4)(M) personnel file of a current or former court personnel or applicant for employment;  
134 (4)(N) photograph, film or video of a crime victim;  
135 (4)(O) record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5:  
136 (4)(O)(i) permanently if the hearing is not traditionally open to the public and public access does not  
137 play a significant positive role in the process; or  
138 (4)(O)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to  
139 release the record without prejudice to the interests that justified the closure;  
140 (4)(P) record submitted by a senior judge or court commissioner regarding performance evaluation  
141 and certification;  
142 (4)(Q) record submitted for in camera review until its public availability is determined;  
143 (4)(R) reports of investigations by Child Protective Services;  
144 (4)(S) victim impact statements;  
145 (4)(T) name of a prospective juror summoned to attend court, unless classified by the judge as  
146 safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;  
147 (4)(U) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs  
148 filed pursuant to court order;

149 (4)(V) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure;  
150 (4)(W) an addendum to an appellate brief filed in a case involving:  
151 (4)(W)(i) adoption;  
152 (4)(W)(ii) termination of parental rights;  
153 (4)(W)(iii) abuse, neglect and dependency;  
154 (4)(W)(iv) substantiation under Section 78A-6-323; or  
155 (4)(W)(v) protective orders or dating violence protective orders;  
156 (4)(X) other records as ordered by the court under Rule 4-202.04.  
157 (5) The following court records are protected:  
158 (5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or  
159 other representative of the courts concerning litigation, privileged communication between the courts and  
160 an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation  
161 of litigation or a judicial, quasi-judicial, or administrative proceeding;  
162 (5)(B) records that are subject to the attorney client privilege;  
163 (5)(C) bids or proposals until the deadline for submitting them has closed;  
164 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance  
165 of the final recommendations in these areas;  
166 (5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would  
167 reveal the court's contemplated policies or contemplated courses of action;  
168 (5)(F) court security plans;  
169 (5)(G) investigation and analysis of loss covered by the risk management fund;  
170 (5)(H) memorandum prepared by staff for a member of any body charged by law with performing a  
171 judicial function and used in the decision-making process;  
172 (5)(I) confidential business records under Utah Code Section 63G-2-309;  
173 (5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or  
174 discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be  
175 expected to:  
176 (5)(J)(i) interfere with an investigation;  
177 (5)(J)(ii) interfere with a fair hearing or trial;  
178 (5)(J)(iii) disclose the identity of a confidential source; or  
179 (5)(J)(iv) concern the security of a court facility;  
180 (5)(K) record identifying property under consideration for sale or acquisition by the court or its  
181 appraised or estimated value unless the information has been disclosed to someone not under a duty of  
182 confidentiality to the courts;  
183 (5)(L) record that would reveal the contents of settlement negotiations other than the final settlement  
184 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) except for those filed with the court, records maintained and prepared by juvenile probation; and

(5)(V) 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;

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

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

229 (8)(D) location information, contact information and identity information other than name of a  
230 prospective juror summoned to attend court;

231 (8)(E) the following information about a victim or witness of a crime:

232 (8)(E)(i) business and personal address, email address, telephone number and similar information  
233 from which the person can be located or contacted;

234 (8)(E)(ii) date of birth, driver's license number, social security number, account description and  
235 number, password, identification number, maiden name, mother's maiden name, and similar personal  
236 identifying information.  
237

**Rule 4-202.03. Records access.**

Intent:

To identify who may access court records.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) Any person may access a public court record.

(2) An adoptive parent or adult adoptee may obtain a certified copy of the adoption decree upon request and presentation of positive identification. Otherwise, no one may access a sealed court record except by order of the court. A judge may review a sealed record when the circumstances warrant.

(3) The following may access a private court record:

(3)(A) the subject of the record;

(3)(B) the parent or guardian of the subject of the record if the subject is an unemancipated minor or under a legal incapacity;

(3)(C) a party or attorney for a party to litigation in which the record is filed;

(3)(D) an interested person to an action under the Uniform Probate Code;

(3)(E) the person who submitted the record;

(3)(F) the attorney for a person who may access the private record or an individual who has a written power of attorney from the person or the person's attorney;

(3)(G) an individual with a release from a person who may access the private record signed and notarized no more than 90 days before the date the request is made;

(3)(H) anyone by court order;

(3)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(3)(J) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(3)(K) a governmental entity with which the record is shared under Rule 4-202.10.

(4) The following may access a protected court record:

(4)(A) the person or governmental entity whose interests are protected by closure;

(4)(B) the parent or guardian of the person whose interests are protected by closure if the person is an unemancipated minor or under a legal incapacity;

(4)(C) the person who submitted the record;

(4)(D) the attorney for the person who submitted the record or for the person or governmental entity whose interests are protected by closure or for the parent or guardian of the person if the person is an unemancipated minor or under a legal incapacity or an individual who has a power of attorney from such person or governmental entity;

(4)(E) an individual with a release from the person who submitted the record or from the person or governmental entity whose interests are protected by closure or from the parent or guardian of the person



if the person is an unemancipated minor or under a legal incapacity signed and notarized no more than 90 days before the date the request is made;

(4)(F) a party or attorney for a party to litigation in which the record is filed;

(4)(G) anyone by court order;

(4)(H) court personnel, but only to achieve the purpose for which the record was submitted;

(4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(4)(J) a governmental entity with which the record is shared under Rule 4-202.10.

(5) The following may access a juvenile court social record:

(5)(A) the subject of the record, if 18 years of age or over;

(5)(B) a parent or guardian of the subject of the record if the subject is an unemancipated minor;

(5)(C) an attorney or person with power of attorney for the subject of the record;

(5)(D) a person with a notarized release from the subject of the record or the subject's legal representative dated no more than 90 days before the date the request is made;

(5)(E) the subject of the record's therapists and evaluators;

(5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

(5)(G) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and Juvenile Justice Services;

(5)(H) the Department of Human Services, school districts and vendors with whom they or the courts contract (who shall not permit further access to the record), but only for court business;

(5)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(5)(J) a governmental entity with which the record is shared under Rule 4-202.10;

(5)(K) the person who submitted the record;

(5)(L) anyone by court order.

(5)(M) Juvenile court competency evaluations, psychological evaluations, psychiatric evaluations, psychosexual evaluations, sex behavior risk assessments, and other sensitive mental health and medical records may be accessed only by:

(5)(M)(i) the subject of the record, if age 18 or over;

(5)(M)(ii) an attorney or person with power of attorney for the subject of the record;

(5)(M)(iii) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

(5)(M)(iv) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and Juvenile Justice Services;

(5)(M)(v) court personnel, but only to achieve the purpose for which the record was submitted;

(5)(M)(vi) anyone by court order.

(5)(N) When records may be accessed only by court order, a juvenile court judge will permit access consistent with Rule 4-202.04 as required by due process of law in a manner that serves the best interest of the child.

(6) The following may access a juvenile court legal record:

(6)(A) all who may access the juvenile court social record;

(6)(B) a law enforcement agency;

(6)(C) a children's justice center;

(6)(D) a public or private agency providing services to the subject of the record or to the subject's family; and

(6)(E) the victim of a delinquent act may access the disposition order entered against the defendant.

(7) The following may access a safeguarded record:

(7)(A) the subject of the record;

(7)(B) the person who submitted the record;

(7)(C) the attorney for a person who may access the record or an individual who has a written power of attorney from the person or the person's attorney;

(7)(D) an individual with a release from a person who may access the record signed and notarized no more than 90 days before the date the request is made;

(7)(E) anyone by court order;

(7)(F) court personnel, but only to achieve the purpose for which the record was submitted;

(7)(G) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(7)(H) a governmental entity with which the record is shared under Rule 4-202.10-; and

(7)(I) a person given access to the record in order for juvenile probation to fulfill a probation responsibility.

(8) Court personnel shall permit access to court records only by authorized persons. The court may order anyone who accesses a non-public record not to permit further access, the violation of which may be contempt of court.

(9) If a court or court employee in an official capacity is a party in a case, the records of the party and the party's attorney are subject to the rules of discovery and evidence to the same extent as any other party.

**Rule 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case.**

Intent:

To establish the process for accessing a court record associated with a case.

Applicability:

This rule applies to court records associated with a case.

Statement of the Rule:

(1) A request to access a public court record shall be presented in writing to the clerk of the court unless the clerk waives the requirement. A request to access a non-public court record to which a person is authorized access shall be presented in writing to the clerk of the court. A written request shall contain the requester's name, mailing address, daytime telephone number and a description of the record requested. If the record is a non-public record, the person making the request shall present identification.

(2)(A) If a written request to access a court record is denied by the clerk of court, the person making the request may file a motion to access the record.

(2)(B) A person not authorized to access a non-public court record may file a motion to access the record. If the court allows access, the court may impose any reasonable conditions to protect the interests favoring closure.

~~(2)(C) A (3)(A) If the court record is associated with a case over which the court has jurisdiction, a person with an interest in a court record may file a motion to classify the record as private, protected, or sealed, safeguarded, juvenile court legal, or juvenile court social; or to have information redacted from the record. The court shall deny access to the record until the court enters an order-is entered.~~

~~(3)(B) If the court record is associated with a case over which the court no longer has jurisdiction, a person with an interest in the record may file a petition to classify the record as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social; or to have information redacted from the record. The court shall deny access to the record until the court enters an order.~~

~~(4) The court may classify the record as private, protected, or sealed, if it safeguarded, juvenile court legal, or juvenile court social, or redact information from the record if the record or information:~~

~~(2)(C)(i)-(4)(A) is so-classified as private, protected, sealed, or safeguarded under Rule 4-202.02;~~

~~(2)(C)(ii)-(4)(B) is classified as private, controlled, or protected by a governmental entity and shared with the court under the Government Records Access and Management Act;~~

~~(2)(C)(iii)-(4)(C) is a record regarding the character or competence of an individual; or~~

~~(2)(C)(iv)-(4)(D) is a record containing information the disclosure of which constitutes an unwarranted invasion of personal privacy.~~

~~(2)(D) Motions-(5) As appropriate for the nature of the case with which the record is associated, the motion or petition shall be filed and proceedings shall be conducted under Utah Rule of Civil Procedure 7 and served under Utah Rule of Civil Procedure 5 the rules of civil procedure, criminal procedure, juvenile procedure, or appellate procedure. The person filing the motion or petition shall serve any representative~~

of the press who has requested notice in the case. The court shall conduct a closure hearing when a motion or petition to close a record is contested, when the press has requested notice of closure motions or petitions in the particular case, or when the judge-court decides public interest in the record warrants a hearing.

~~(3)-(6)~~ In deciding whether to allow access to a court record or whether to classify a court record as private, protected, ~~or sealed, or safeguarded or to redact information from the record,~~ the court may consider any relevant factor, interest, or policy ~~presented by the parties,~~ including but not limited to the interests described in Rule 4-202. In ruling on a motion or petition under this rule the judge-court shall:

~~(3)(A)-(6)(A)~~ make findings and conclusions about specific records;

~~(3)(B)-(6)(B)~~ identify and balance the interests favoring opening and closing the record; and

~~(3)(C)-(6)(C)~~ if the record is ordered closed, determine there are no reasonable alternatives to closure sufficient to protect the interests favoring closure.

(7)(A) If an appellate brief is sealed, the clerk of the court shall seal the brief under Rule 4-205. If an appellate brief is classified as private, protected, safeguarded, juvenile court legal, or juvenile court social, the clerk of the court shall allow access only to persons authorized by Rule 4-202.03. If the court orders information redacted from the brief, the clerk of the court shall remove the information and allow public access to the edited brief.

(7)(B) If the petitioner serves the order on the director of the State Law Library, the director shall comply with the order in the same manner as the clerk of the court under paragraph (7)(A).

(7)(C) Unless otherwise ordered by the court, the order is binding only on the court, the parties to the petition, and the state law library. Compliance with the order by any other person is voluntary.

~~(4)-(8)~~ A request under this rule is governed also by Rule 4-202.06. A motion or petition under this rule is not governed by Rule 4-202.06 or Rule 4-202.07.

**Rule 4-202.09. Miscellaneous.**

Intent:

To set forth miscellaneous provisions for these rules.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) The judicial branch shall provide a person with a certified copy of a record if the requester has a right to inspect it, the requester identifies the record with reasonable specificity, and the requester pays the fees.

(2)(A) The judicial branch is not required to create a record in response to a request.

(2)(B) Upon request, the judicial branch shall provide a record in a particular format if:

(2)(B)(i) it is able to do so without unreasonably interfering with its duties and responsibilities; and

(2)(B)(ii) the requester agrees to pay the additional costs, if any, actually incurred in providing the record in the requested format.

(2)(C) The judicial branch need not fulfill a person's records request if the request unreasonably duplicates prior records requests from that person.

(3) If a person requests copies of more than 50 pages of records, and if the records are contained in files that do not contain records that are exempt from disclosure, the judicial branch may provide the requester with the facilities for copying the requested records and require that the requester make the copies, or allow the requester to provide his own copying facilities and personnel to make the copies at the judicial branch's offices and waive the fees for copying the records.

(4) The judicial branch may not use the form in which a record is stored to deny or unreasonably hinder the rights of persons to inspect and receive copies of a record.

(5) Subpoenas and other methods of discovery under state or federal statutes or rules of procedure are not records requests under these rules. Compliance with discovery shall be governed by the applicable statutes and rules of procedure.

(6) If the judicial branch receives a request for access to a record that contains both information that the requester is entitled to inspect and information that the requester is not entitled to inspect, it shall allow access to the information in the record that the requester is entitled to inspect, and shall deny access to the information in the record the requester is not entitled to inspect.

(7) The Administrative Office shall create and adopt a schedule governing the retention and destruction of all court records.

(8) The courts will use their best efforts to ensure that access to court records is properly regulated, but assume no responsibility for accuracy or completeness or for use outside the court.

(9)(A) Non-public information in a public record. The person filing a public record shall omit or redact non-public information. The person filing the record shall certify that, upon information and belief, all non-public information has been omitted or redacted from the public record. The person filing a private,

38 protected or sealed, safeguarded, juvenile court legal, or juvenile court social record shall identify the  
39 classification of the record at the top of the first page of a classified document or in a statement  
40 accompanying the record.

41 (9)(B) ~~If a person believes that a record qualifies as a non-public record, the person may file with the~~  
42 ~~record a motion to classify the record as private, protected or sealed. Under Rule 4-202.04, the clerk shall~~  
43 ~~deny access to the record until the motion is decided. Unless filed with a motion to classify as private,~~  
44 ~~protected or sealed, public records, even with non-public information, will be accessible. A party may~~  
45 ~~move or a non-party interested in a record may petition to classify a record as private, protected, sealed,~~  
46 ~~safeguarded, juvenile court legal, or juvenile court social or to redact non-public information from a public~~  
47 ~~record.~~

48 (9)(C) If the following non-public information is required in a public record, only the designated  
49 information shall be included:

50 (9)(C)(i) social security number: last four digits;

51 (9)(C)(ii) financial or other account number: last four digits;

52 (9)(C)(iii) driver's license number: state of issuance and last four digits;

53 (9)(C)(iv) address of a non-party: city, state and zip code;

54 (9)(C)(v) email address or phone number of a non-party: omit; and

55 (9)(C)(vi) minor's name: initials.

56 (9)(D) If it is necessary to provide the court with private personal identifying information, it must be  
57 provided on a cover sheet or other severable document, which is classified as private.

58 ~~(10) A vendor or governmental agency that provides a court information technology support to gather,~~  
59 ~~store, or make accessible court records is bound by rules 4-202 through 4-202.10.~~

**Rule 4-205. Security of court records.****Intent:**

To assure that the security and accuracy of court records are maintained.

To assure that authorized personnel have access to court records when appropriate.

To establish responsibility of court personnel for security of court records.

To establish the procedures for securing non-public records.

**Applicability:**

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

**Statement of the Rule:**

(1) Court records restricted. All court records shall be kept in a restricted area of the court closed to public access.

(2) The clerk of the court may authorize, in writing, abstractors, credit bureau representatives, title company representatives and others who regularly research court records to have direct access to public court records. The clerk of the court shall ensure that persons to whom such authorization is granted are trained in the proper retrieval and filing of court records. The clerk of court may set reasonable restrictions on time and place for inspecting and copying records.

(3) Removal of records. Court records shall not be removed from their normal place of storage except by court personnel or by individuals obtaining the written authorization of the clerk of the court or the judge assigned to the case. Court records shall not be removed from the courthouse without permission of the court. Records removed from the courthouse shall be returned within two days, except that records removed for the purpose of an appeal shall be returned within such time as specified by the clerk of the court, unless otherwise ordered by the judge. Any person removing a record is responsible for the security and the integrity of the record.

**(4) Management of non-public records.**

(4)(A) Method of sealing and storage. Non-public records which are part of a larger public record shall be filed apart from the public record or in a manner that clearly distinguishes the record as not public. Sealed records shall be placed in an envelope which is securely sealed. The clerk of the court shall record the case number and record classification on the envelope and shall inscribe across the sealed part of the envelope the words "Not to be opened except upon permission of the court."

**(4)(B) Expunged records.**

(4)(B)(i) Upon entry of an order of expungement, the clerk of the court shall:

(4)(B)(i)(a) obliterate or destroy all reference to the expunged portion of the record in the paper copy of the index and maintain a separate index of expunged records not available to the public;

~~(4)(B)(ii)~~ (4)(B)(i)(b) cover, without obliterating or destroying, all entries in the paper copy of the register of actions, including case identifying information other than the court docket number; and

36        ~~(4)(B)(iii)~~ (4)(B)(i)(c) place an entry in the computer record that restricts retrieval of case identifying  
37 information and the register of actions to court personnel with authorization to review such information.  
38 The security restriction shall not be removed except upon written order of the court.

39        (4)(B)(ii) Upon being served with an order of expungement, the clerk of an appellate court shall  
40 comply with paragraph (4)(B)(i). A brief will not be classified as private, protected, sealed, or safeguarded,  
41 juvenile court legal, or juvenile court social unless a motion or petition to do so under Rule 4-202.04 is  
42 granted.

43        (4)(C) Record of event. The record of expunging or sealing a record shall be entered in the register of  
44 actions.



**Rule 4-901. Mandatory electronic filing in juvenile court.**

**Intent:**

**To require that documents in juvenile court cases be filed electronically.**

**To provide for exceptions.**

**Applicability:**

**This rule applies in the juvenile court.**

**Statement of the Rule:**

**(1)(A) Except as provided in Paragraph (2), pleadings and other papers filed in existing juvenile court cases on or after December 1, 2015 shall be electronically filed using the juvenile court's Court and Agency Records Exchange (C.A.R.E.).**

**(1)(B) Except as provided in Paragraph (2), pleadings and other papers filed to initiate a new juvenile court case on or after August 1, 2016 shall be electronically filed using C.A.R.E.**

**(2)(A) A self-represented party who is not a lawyer may file pleadings and other papers using any means of delivery permitted by the court.**

**(2)(B) A lawyer whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any means of delivery permitted by the court. To request an exemption, the lawyer shall submit a written request outlining why an exemption is necessary to the Juvenile Court Administrator.**

**(3) The electronic filer shall obtain and use a unique C.A.R.E. login for all filings in the juvenile court.**