JUDICIAL COUNCIL MEETING

AGENDA
Monday, May 23, 2016
Judicial Council Room
Matheson Courthouse
Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

1.	9:00 a.m.	Welcome & Approval of Minutes . . . . . Chief Justice Matthew B. Durrant (Tab 1 - Action)
2.	9:05 a.m.	Chair's Report. . . . . Chief Justice Matthew B. Durrant
3.	9:10 a.m.	Administrator's Report. . . . . .Daniel J. Becker
4.	9:20 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.	9:30 a.m.	Rules for Final Action. . . . . .Nancy Sylvester (Tab 3 - Action)
6.	9:40 a.m.	Proposed Senior Judge Rule. . . . . Nancy Sylvester (Tab 4 - Action)
7.	10:00 a.m.	Uniform Fine and Bail Committee Update. . . . . .Judge James Brady (Tab 5 - Action)
	10:20 a.m.	Break
8.	10:30 a.m.	Resources for Self-Represented Parties Committee Update. . . . . Judge Marsha Thomas (Tab 6 - Information) Nancy Sylvester
9.	10:50 a.m.	Juvenile Indigent Defense Study. . . . . .Rick Schwermer (Tab 7 – Action)
10.	11:05 p.m.	GAL Oversight Committee Update. . . . . Stacey Snyder (Information)

11.	11:25 a.m.	Justice Court Judges Certifications. . . . . . (Tab 8 - Action)	Rick Schwermer
12.	11:35 a.m.	Court Facilities Planning Committee Update. . . . . . (Tab 9 - Information)	Judge Samuel McVey Alyn Lunceford
13.	11:55 a.m.	Commissioner Nominee Approval. . . . . . (Tab 10 - Action)	Judge John Morris
14.	12:05 p.m.	Executive Session	
15.	12:10 p.m.	Adjourn/Lunch	

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 (Tab 11)	Ron Bowmaster
2. Grant Approvals (Tab 12)	Karolina Abuzyarova Dawn Marie Rubio

TAB 1

JUDICIAL COUNCIL MEETING

Minutes
Monday, April 25, 2016
Judicial Council Room
Matheson Courthouse
Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:
Chief Justice Matthew B. Durrant
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. David Mortensen
Hon. Mary Noonan
Hon. Reed Parkin
Hon. Randall Skanchy
Hon. Kate Toomey
John Lund, esq.

EXCUSED:

STAFF PRESENT:
Daniel J. Becker
Ray Wahl
Jody Gonzales
Debra Moore
Dawn Marie Rubio
Rick Schwermer
Tim Shea
Nancy Sylvester
Nini Rich
Derek Byrne
Alyn Lunceford

GUESTS:
Jennifer Yim, JPEC
David Jordan, JPEC
Shane Bahr
Hon. Royal Hansen
Robert Gehrke, SL Tribune
Hon. Noel Hyde
Hon. Fred Voros
Hon. Jeffrey Noland
Hon. Paul Lyman

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 March 11, 2016 Judicial Council meeting. Judge Toomey seconded the motion, and it passed unanimously.

2. **CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)**
Chief Justice Durrant reported the he and Mr. Becker met with Jennifer Yim, the new Executive Director of the Judicial Performance Evaluation Commission (JPEC).

3. **ADMINISTRATOR'S REPORT: (Daniel J. Becker)**
Mr. Becker reported on the following items:
Court Security Director. Mr. Becker introduced Mr. Chris Palmer to the Council members and welcomed him to the courts.

2016 Award for Reporting Excellence. Mr. Becker mentioned that the Utah courts were recognized this year relative to a court statistics project with the National Center for State Courts (NCSC). The National Center for State Courts, during a long-term effort, has worked to create consistency and more uniformity with regards to reporting of case definitions and case types. Utah is one of three states that reported 100% of the case types in Supreme Court and Court of Appeals reporting. Mr. Becker acknowledged the work of Ms. Kim Allard and Ms. Heather Marshall of the Court Services Division of the Administrative Office of the Courts for their efforts on the NCSCs court statistics project.

SJI Grant. SJI has approved a grant request submitted by the Utah courts for use with the Online Dispute Resolution (ODR) Program to allow for funding of a program coordinator.

Judicial Retirements. Judge Claudia Laycock, Fourth District Court, has announced her upcoming retirement, effective December 2016. Judge Mark Andrus, Second District Juvenile Court, has announced his upcoming retirement, effective at the end of December 2016.

First District Court TCE. Mr. Corrie Keller has announced his resignation, May 1. Mr. Keller's work in the First District was acknowledged.

Appellate Court Administrator. Mr. Shea announced his upcoming retirement, effective the end of June. Mr. Becker acknowledged Mr. Shea's many contributions to the courts.

Indigent Defense Commission – Retired Judge Recommendations. The Governor requested recommendations for a retired judge to serve on the Commission. Mr. Becker has not been able to secure three recommendations. He asked that members of the Management Committee stay after the meeting to discuss the matter further.

4. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durrant reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda.

Liaison Committee Report:

No meeting was held in April.

Policy and Planning Meeting:

Judge Parkin reported that there are several rules on the agenda for final action.

Bar Commission Report:

Mr. Lund reported on the following items: 1) the 2016 Law Day celebration will be in recognition of the 50th Anniversary of the Miranda warning with a luncheon to be held on May 2, 2) Lifetime Service Award recipients include Ms. Anne Milne for her work with legal aid and Mr. Leonard Burningham for his work on behalf of the homeless, and 3) bar election results.

The Bar election results include the following: 1) Mr. John Bradley was elected to serve as the Second District Commissioner, 2) Heather Thuet was elected as a Third District Commissioner, 3) Grace Acosta was elected as a Third District Commissioner, 4) Kara Tangaro was elected as a Third District Commissioner, and 5) John Lund was elected as the President-Elect,

5. JUDICIAL PERFORMANCE EVALUATION COMMISSION: (Jennifer Yim and David Jordan)

Chief Justice Durrant welcomed Ms. Yim and Mr. Jordan to the meeting.

Ms. Yim, Executive Director of JPEC, introduced herself and provided background of her work experience. Her plans for JPEC include: 1) improve continuity, 2) strengthening their processes, and 3) an emphasis on communication.

Ms. Yim and Mr. Jordan highlighted the following in their update to the Council: 1) provide information found on the surveys to appropriate court staff and judges in a beneficial manner; 2) upcoming vacancy resulting from the end of Mr. Eric De Rosia's term; 3) improve response rate of attorney surveys; 4) JPEC deliberations have been completed relative to the retention evaluations; 5) 96% of all judges considered received a unanimous vote for retention which included a 3% mixed retain, and 4% received a do not retain or no recommendations; 6) overall retention rates in the past three retention cycles for the 2012, 2014, 2016 elections reflected a 97% unanimous vote for retention which included a 4% mixed retain, and 3% received a do not retain or no recommendations; 7) retention reports were sent to judges in February, with a 15-day window to voice their objections to their reports, with an automatic review at the March JPEC meeting; 8) those judges who received a recommendation of do not retain could file a 100-word statement that will go at the bottom of their voter information pamphlet page due by April 29—originally set for April 15; 9) everyone who filed, will go on the website by July 16; 10) for those who decided not to file for retention, their information is protected; 11) in the process of revising JPEC's website; 12) during the non-evaluation year, JPEC will be addressing areas that will improve their processes; 13) justice court mid-level evaluations will begin soon; 14) a person will be hired to conduct in-person interviews with court patrons leaving the courtroom – beginning around August 2016; and 15) courtroom evaluations – feedback with judge's experience with courtroom observations – manner by which this could be solicited was requested.

Ms. Yim and Mr. Jordan were thanked for their update and their service on the Judicial Performance Evaluation Commission (JPEC).

6. RULES FOR FINAL ACTION: (Nancy Sylvester)

Chief Justice Durrant welcomed Ms. Sylvester to the meeting.

Ms. Sylvester noted that the public comment period has closed. Rule 4-106 received one comment. The Policy and Planning Committee recommended final action for the following rules:

CJA 03-0302 – Clerk of Court. This rule was amended to provide that the clerk's office shall be open during all business hours except Saturdays, Sundays, and holidays. It provides that during hours of operation that the clerk or deputy shall be physically present, or immediately available remotely.

CJA 04-106 – Electronic conferencing. This rule was amended to authorize the use of remote conferencing in lieu of personal appearances when certain requirements are met.

CJA 09-105 – Justice Court hours. This rule was amended to provide that during hours of operation, the justice court judge or clerk shall be physically present, or immediately available remotely.

Motion: Mr. Lund moved to approve the following rules for final action as proposed by the Policy and Planning Committee: 1) CJA 03-0302 – Clerk of Court, 2) CJA 04-106 – Electronic conferencing, and 3) CJA 09-105 – Justice Court hours. Justice Lee seconded the motion, and it passed unanimously.

CJA 03-0306.01 – Language access definitions. This is a new rule which defines terms applicable to rules 03-306.02 through 03.306.05 of the Utah Code of Judicial Administration.

CJA 03-0306.02 – Language Access Committee. This is a new rule which outlines the Language Access Committee's responsibilities.

CJA 03-0306.03 – Interpretation certification. This is a new rule which outlines the process for becoming a certified interpreter.

CJA 03-0306.04 – Interpreter appointment, payment, and fees. This is a new rule which outlines the interpreter appointment process and provides that the Judicial Council will review a market study every three years in order to set hourly rates for interpreters.

CJA 03-0306.05 – Interpreter removal, discipline, and formal complaints. This is a new rule which outlines the interpreter discipline process.

Motion: Mr. Lund moved to approve the following rules for final action as proposed by the Policy and Planning Committee: 1) CJA 03-0306.01 – Language access definitions, 2) CJA 03-0306.02 – Language Access Committee, 3) CJA 03-0306.03 – Interpretation certification, 4) CJA 03-0306.04 – Interpreter appointment, payment, and fees, and 5) CJA 03-0306.05 – Interpreter removal, discipline, and formal complaints. Judge Higbee seconded the motion, and it passed unanimously.

CJA 04-0801 – Responsibility for administration of trial courts. This rule was amended to remove Morgan from the list of district courts administered by a county or municipality, since it is administered by the Administrative Office of the Courts.

Motion: Mr. Lund moved to approve CJA 04-0801 – Responsibility for administration of trial courts for final action as proposed by the Policy and Planning Committee. Judge Mortensen seconded the motion, and it passed unanimously.

CJA 04-0602 – Victims' Rights Committees. The rule was repealed because the process for establishing Victims' Rights Committee is now outlined by Utah Code section 77-37-5.

Motion: Judge Toomey moved to approve CJA 04-0602 – Victims' Rights Committees for final action as proposed by the Policy and Planning Committee. Judge Mortensen seconded the motion, and it passed unanimously.

CJA 09-0302 – Mandatory electronic filing. This is a new rule which provides that e-filing be discretionary in justice court criminal cases from July 1, 2016 to December 31, 2016 and provides that e-filing will be mandatory in justice court criminal cases beginning December 31, 2016.

Motion: It was moved and seconded to approve CJA 09-0302 – Mandatory electronic filing for final action as proposed by the Policy and Planning Committee, as well as, with a change to the mandatory effective date of January 1, 2017. The motion passed unanimously.

CJA 04-0401.03 – Notice to public of recording. This is a new rule that establishes uniform standards and procedures for notifying the public when court proceedings are being recorded.

Motion: Judge Higbee moved to approve CJA 04-0401.03 – Notice to public of recording as proposed by the Policy and Planning Committee, on an expedited basis, with a May 10 effective date. Judge DeCaria seconded the motion, and it passed unanimously.

A revised version of this rule was distributed later in the meeting. The revised rule will allow for the courts to provide a written notice to the public that the proceedings are being recorded.

Motion: Judge Noonan moved to amend the motion as previously approved to approve the revised version of CJA 04-0401.03 – Notice to public of recording as proposed by the Policy and Planning Committee, on an expedited basis, with a May 10 effective date. Judge Higbee seconded the motion, and it passed unanimously.

CJA 01-0201 – Membership – election. This rule was amended to provide that Council members are not eligible to be voting members of a Board of Judges of a trial court.

Motion: Mr. Lund moved to approve CJA 01-0201 – Membership – election as proposed by the Policy and Planning Committee. Judge Higbee seconded the motion, and it passed unanimously.

7. RETENTION ELECTIONS: (Nancy Sylvester)

Ms. Sylvester reported to members of the Council that Judge Wayne Cooper was certified for retention election in 2016, along with a number of other judges at the September 2015 Council meeting. She noted that Judge Cooper is currently a temporary judge in Newton-Amalga and his certification was made erroneously.

Motion: Judge Bagley moved to correct the record and not certify Judge Wayne Cooper for retention election in 2016. Judge Noonan seconded the motion, and it passed unanimously.

8. PRESENTATION OF THE FY 2017 SPENDING PLAN: (Daniel J. Becker)

Mr. Becker reviewed the process for addressing the FY 2017 spending plan. He noted that there would be less carry forward funding due to the following: 1) more one-time spending in FY 2016; 2) additional senior judge funding was approved in FY 2016, from the reserve; 3) less fiscal note funding from the 2016 Legislative Session was approved; and 4) the Council obligated during FY 2016 funds for the FY 2017 spending plan. The 2017 budget obligations were: 1) funding for half of the justice court administrator position, 2) Fourth District law clerk positions (over the next three years to be funded with ongoing funding), 3) one-time funding of the Fourth District law clerk/ bailiff benefit package, and 4) CORIS rewrite project.

Mr. Becker mentioned that judicial vacancies do not generate ongoing funding, they generate one-time funding for the period of time they remain vacant.

He highlighted the FY 2017 funding sources for the ongoing spending plan to include the following: 1) ongoing turnover savings, 2) Fourth District Court Juvenile Court Judge, 3) fiscal note funding of HB 241 – Computer Abuse and Data Recovery Act, 4) fiscal note funding of SB 79 – Child Welfare Revisions, and 5) fiscal note funding of SB 124 – Gang Enhancement Provision Amendments.

Budget Obligations for FY 2017 included: 1) career track obligations, 2) Fourth District

Juvenile Court Judge, 3) justice court administrator, and 4) Fourth District law clerks (1 of 4 required FTEs).

Ongoing budget items deferred from from August Budget and Planning Session included the following: 1) Volunteer Court Visitor Program, 2) District Court Program Administrator (.75 FTE to 1.0 FTE), and 3) law clerks (2 FTE).

New ongoing budget requests included: 1) Commissioner compensation, 2) EBP training and program evaluation, and 3) Domestic Violence Program Coordinator.

Ongoing funding requests for FY 2017 totaled $1,321,800, with $885,400 in available funds.

One-time funding requests for FY 2017 totaled $2,249,600, with $1,311,300 in available funds.

Mr. Becker highlighted the following relative to one-time funding: 1) CORIS project (budget obligation), 2) Fourth District law clerk/bailiff benefit package (budget obligation), 3) computer replacement scheduled (deferred from the August Budget and Planning Session), and 4) amount funded in FY 2016, 5) proposed funding for FY 2017 one-time budget requests.

He mentioned that the FY 2017 one-time budget requests included the current FY 2016 time-limited law clerks (2) and a new budget request for time-limited law clerks (2).

Additional information for consideration was highlighted by Mr. Becker to consider prior to approving the FY 2017 spending plan to include: 1) spending plan assumptions; 2) senior judge assistance; 3) two options for increasing senior judge assistance.

Ms. Nancy Sylvester provided information on the Volunteer Court Visitor Program.

9. PROPOSED SENIOR JUDGE RULE CHANGE: (Nancy Sylvester)

Chief Justice Durrant welcomed the following board chairs to the meeting to present their board's position on the proposed senior judge rule change: 1) Judge Paul Lyman, Board of Juvenile Court Judges; 2) Judge Noel Hyde, Board of District Court Judges. Judge Toomey mentioned that Judge Voros was unable to be present and she would report on his behalf.

Judge Hyde distributed a copy of the revised changes to Rule 3-108 – Judicial assistance as prepared and approved by the Board of District Court Judges. The position of the Board of District Court Judges regarding funding for filling judicial vacancies is that the funding for judicial vacancies should be made available for use with senior judge assistance during the vacancies.

Judge Hyde reviewed the revised changes to Rule 3-108 – Judicial assistance as prepared by the Board of District Court Judges noting that the changes proposed dealt with the exigent and non-exigent circumstances used in determining assignment of an active judge.

Discussion took place.

Judge Hyde provided responses to questions asked of him.

Chief Justice Durrant thanked Judge Hyde for his comments provided on behalf of the Board of District Court Judges.

Judge Lyman reported, on behalf of the Board of Juvenile Court Judges, recommended that there be no changes to Rule 3-108 – Judicial assistance as the juvenile bench is happy with the current process for requesting senior judge assistance. Judge Jeff Noland, Second District Juvenile Court was in agreement with Judge Lyman.

Chief Justice Durrant thanked Judges Lyman and Noland for their comments.

Judge Toomey reported, on behalf of Judge Voros and the Appellate Court Judges, that they voted in favor of the concept of the proposed rule change as proposed by the Policy and Planning Committee.

Discussion took place.

The following concerns were discussed regarding the proposed rule change and the use of

senior judge assistance: 1) provisions in the rule to address emergency judicial absences versus long-term judicial vacancies, 2) unique needs in the Third District, 3) budget implications with regard to the proposed rule change, 4) presiding judge discretion regarding judicial vacancies in emergency or exigent circumstances, and 5) the use of funding resulting from judicial vacancies only for judicial assistance/coverage.

Motion: Mr. Lund moved to send Rule 3-108 – Judicial assistance back to the Policy and Planning for consideration of the following elements: 1) empowers presiding judges to seek senior judge assistance, on a short-term, unexpected basis for a period of time without seeking prior approval; 2) notification to the appropriate governing body by the presiding judge of the action taken, 3) if the need is longer than 14 days, communication of a proposed plan and discussion on what and how it would be accomplished takes place with the Administrative Office of the Courts, 4) if there is no resolution after 14 days, final approval of the appropriate plan of action will be made by the Management Committee. It was seconded by Justice Lee, and it passed unanimously.

10. UTAH MEDIATION BEST PRACTICE GUIDE: (Judge Royal Hansen and Nini Rich)

Chief Justice Durrant welcomed Judge Hansen and Ms. Rich to the meeting.

Judge Hansen provided background information regarding the current *Utah Mediation Best Practice Guide*. The ADR Committee is requesting endorsement and adoption of the *Utah Mediation Best Practice Guide* by the Judicial Council.

Judge Hansen highlighted the following relative to the Utah Mediation Best Practice Guide to include: 1) mediation practices are governed by four statutory provisions, two rule provisions and ongoing appellate court decisions; 2) the process for reviewing and updating the Utah Best Practice Guide, 3) benefits of using the best practice guide, and 4) specific topics addressed in the best practice guide.

The following benefits from using the guide were highlighted: 1) importance of a court roster, 2) harmonize potential disputes regarding confidentiality and privilege, 3) use of the guide as an educational tool, 4) use to train new mediators, 5) will serve as a resource to mediators and the legal community, and 6) use as a settlement conference tool.

Judge Hansen highlighted the following topics addressed in the Utah Mediation Best Practice Guide to include: 1) the importance of maintaining confidentiality before, during and after mediation to promote the exchange of information and ideas; 2) establish basic parameters to show how mediation should be used in ongoing settlements and litigation proceedings; 3) establish mediation practices; 4) address conflicts of interest; 5) establish guidelines in advising parties with regard to final agreements; and 6) establish guidelines in dealing with subpoenas.

Motion: Judge Higbee moved to adopt the Utah Mediation Best Practice Guide as a resource for mediation standards. Judge Toomey seconded the motion, and it passed unanimously.

11. ADOPTION OF THE FY 2017 SPENDING PLAN AND COMPENSATION ADJUSTMENT APPROVAL: (Daniel J. Becker)

Mr. Becker began with the ongoing spending plan. He mentioned that the approval of the budget obligations needs no further discussion. Prioritization of the ongoing budget items deferred from the August Budget and Planning Session and the new ongoing budget requests needs to take place.

Option A: 1) revise the ongoing base budget for senior judges to $235,100 and 2) add an additional 118,300 in one-time funding.

Option B: 1) the senior judge base budget would remain at $189,400, and 2) add an additional $127,300 in one-time funding.

Discussion took place.

With Option A, the remaining available funding totals $45,700. If Option A is approved, the following new ongoing budget requests would be partially funded or not funded at all: 1) commissioner compensation would be funded at the 2% cost-of-living adjustment, 2) EBP training and program evaluation would not be funded, and 3) Domestic Violence Program Coordinator (.5 FTE to 1.0 FTE) would not be funded.

Mr. Becker provided data relative to the historical spending for senior judge assistance relative to the proposed FY 2017 spending plan.

Motion: Judge Higbee moved to approve the ongoing spending plan as follows: 1) adoption of the recommended budget obligations, 2) increase commissioner compensation by 4.04%, 3) extra $4,300 to the senior judge budget, and 4) defer the remaining senior judge funding to be considered with one-time funding. Judge DeCaria seconded the motion, and it passed unanimously.

One-time spending plan. This plan proposes to add an additional $127,300 in funding to the senior judge budget.

Mr. Becker recommended the following regarding the one-time spending plan: 1) no additional funding for the CORIS project, deferring further action to September, 2) reduce the amount to the employee incentive awards from $200,000 to $100,000, deferring action to September, 3) no funding to be approved for the additional time-limited law clerks, 4) provide funding for the existing time-limited law clerks, 5) no funding to be approve for the leadership conference in FY 2017, 6) no funding for the juvenile court extradition funds in FY 2017, 7) reduce the judicial operations budget from $60,000 to $46,600 in FY 2017, 8) no funding for the pro tem/interpreter/jury training in FY 2017, 9) no funding for the Fourth District Juvenile Court Clerical Support in FY 2017, 10) no funding for courtroom technology, remote services in FY 2017, 11) no funding for juvenile court education liaison in FY 2017, and 12) no funding for unannotated soft copies of the Utah Code for law clerks.

Mr. Becker provided clarification on the use of the second language stipend.

Discussion took place.

Motion: Judge Noonan moved to defer the additional $400 in funding of the judicial operations budget for FY 2017 and apply that amount to the employee incentive awards. Judge DecCaria seconded the motion. The motion was withdrawn.

Motion: Judge DeCaria moved to approve the funding of $100,000 for employee incentive awards for the first half of FY 2017. Judge Noonan seconded the motion, and it passed unanimously.

Motion: Judge Toomey moved to approve the one-time spending plan for FY 2017, as proposed, including approval of Option B to fund the addition of $127,300 to the senior judge budget as well as, the $4,300 ongoing increase to the senior budget. And, to prioritize any additional discretionary funds after the close of FY 2016, first to increasing employee incentive awards and second to increasing funding for the CORIS project. Judge Marx seconded the motion, and it passed unanimously.

Motion: Judge Mortensen moved to approve the increase in commissioner compensation to $135,100 which represents a 4.04% increase and approve the 2% cost of living adjustment for court employees. Mr. Lund seconded the motion, and it passed unanimously.

Motion: Judge Noonan moved to enter into an executive session to address the character, competence, or physical or mental health of an individual. Judge Toomey seconded the motion, and it passed unanimously.

12. EXECUTIVE SESSION

An executive session was held at this time.

13. 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(5)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

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

1. On 4-25-16 (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;

   ☐ the deployment of security personnel, devices, or systems.

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.

4-25-16
Date

Justice Matthew B. Durrant
Chair, Utah Judicial Council

TAB 2

Management Committee Minutes

JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES

Tuesday, May 10, 2016
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111

MEMBERS PRESENT:
Chief Justice Matthew B. Durrant, Chair
Hon. Randall Skanchy
Hon. Thomas Higbee
Hon. David Marx
Hon. Kate Toomey

EXCUSED:

GUESTS:
Judge James Brady

STAFF PRESENT:
Daniel J. Becker
Ray Wahl
Jody Gonzales
Debra Moore
Dawn Marie Rubio
Tim Shea
Karolina Abuzyarova
Heather Mackenzie-Campbell
Keisa Williams
Nancy Sylvester
Erin McClure

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 Skanchy moved to approve the April 12, 2016 Management Committee meeting minutes. Judge Toomey seconded the motion, and it passed unanimously.

2. ADMINISTRATOR'S REPORT: (Ray Wahl)

Mr. Wahl provided the following update:

Associate General Counsel. Mr. Wahl introduced Ms. Keisa Williams, associate general counsel, filling the vacancy left by Ms. Alison Adams-Perlac. He provided background information of her work experience.

Court of Appeals Judicial Appointments. The Governor announced the appointment of Judge David Mortensen and Ms. Jill Pohlman to fill the vacancies in the Court of Appeals, both are subject to Senate confirmation. The anticipated confirmation date is June 15.

SJI Grant. SJI has approved a grant request submitted by the Utah courts for use with the Online Dispute Resolution (ODR) program. An RFP has been prepared to solicit interested parties that will provide program coordination.

Pretrial Justice Reform Summit. CCJ/COSCA will hold a Pretrial Justice Reform Summit later this week in Santa Fe, New Mexico. Mr. Wahl noted the attendees and who they represent.

Provo Courthouse Groundbreaking Ceremony. The groundbreaking ceremony for the new Provo Courthouse is scheduled for May 24 at 11 a.m. Chief Justice Durrant is scheduled to provide comments at the ceremony. All are invited to attend.

10-Month Case Filing Update. Mr. Wahl highlighted the following case filing data: 1) juvenile court referrals reflect an 11% decrease, and 2) district court case filings reflect a 5% decrease.

Scott M. Matheson Award. Mr. John McNamara, former juvenile court administrator, will receive the Scott M. Matheson Award at the Troubled Youth Conference at the Snowbird Resort on Thursday, May 12.

3. COMMITTEE APPOINTMENT: (Ray Wahl)

The Standing Committee on Technology has a vacancy for one of the two staff members from the Administrative Office of the Courts. The State Court Administrator has nominated Mr. Derek Byrne to fill the vacancy.

Motion: Judge Skanchy moved to approve the appointment of Mr. Derek Byrne to serve on the Standing Committee on Technology as one of the two staff members from the Administrative Office of the Courts and place it on the May Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

4. GRANT APPROVAL: (Dawn Marie Rubio and Karolina Abuzyarova)

Ms. Rubio requested approval of the Interstate Compact on Juveniles Grant in the amount of $10,890 and a cash match of $1,210 – total grant funding in the amount of $12,100. The grant is funded through the Juvenile Accountability Block Grant (JABG). The grant funding covers the annual dues for Utah to participate in the Interstate Compact on Juveniles and allows for the complimentary supervision of juvenile probationers across states.

Ms. Rubio noted that approval of the grant proposal by the Board of Juvenile Court Judges took place at their April meeting.

Motion: Judge Toomey moved to approve the proposed grant application for the Interstate Compact on Juveniles Grant as presented and place it on the May Judicial Council consent calendar. Judge Skanchy seconded the motion, and it passed unanimously.

Ms. Abuzyarova requested approval of the Interagency Outreach Training Initiative Grant in the amount of $30,000 from Utah State University Center for Persons with Disabilities.

The grant funding will provide for statewide training focused on improving the state's guardianship services and processes by the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS).

Motion: Judge Toomey moved to approve the proposed grant application for the Interagency Outreach Training Initiative Grant as presented and place it on the May Judicial Council consent calendar. Judge Higbee seconded the motion, and it passed unanimously.

5. HYRUM CITY JUSTICE COURT AUDIT REPORT/HEBER CITY JUSTICE COURT AUDIT REPORT: (Heather Mackenzie-Campbell)

Chief Justice Durrant welcomed Ms. Mackenzie-Campbell to the meeting.

Ms. Mackenzie-Campbell reviewed the results of the First Judicial District, Cache County, Hyrum City Justice Court Final Report. She highlighted the following in her report: 1) the Hyrum City Justice Court is a Class II court, 2) the court is staffed with two part-time clerks and the judge, 3) identified 16 commendable procedures, and 4) identified 16 of 56 observations as significant areas for improvement.

Ms. Mackenzie-Campbell highlighted the following significant areas for improvement: 1) as a one-clerk office, several procedures that require oversight were not carried out; 2) review credits, adjustments, and dismissed charges to compensate for separation of duties weaknesses; 3) cases dismissed due to an expired warrant must be supported; 4) restitution must be receipted in CORIS immediately and accounted for properly; 5) reconcile trust funds receipted and disbursed in CORIS; and 6) use of hand receipts for every payment instead of issuing a hand receipt only when CORIS is not functioning.

The hand receipt issue is the only outstanding item from the audit. Concerns were expressed regarding this matter and the clerk's resistance to using CORIS.

A concern was noted regarding the use of certified interpreters and the use of an interpreter service.

Discussion took place.

Motion: Judge Higbee moved to request Judge Paul Larsen, Hyrum City Justice Court, attend the June Management Committee to respond to questions regarding the audit report and then request the audit team to follow-up in six months. Judge Skanchy seconded the motion, and it passed unanimously.

Ms. Mackenzie-Campbell reviewed the results of the Fourth Judicial District, Wasatch County, Heber City Justice Court Final Report. She highlighted the following in her report: 1) the court moved to a building separate from the city treasurer's office in January 2016 and implemented "Accounting Model 1" with court payments receipted in CORIS by the clerical staff, 2) the court staffing includes two full-time clerks and a judge, 3) identified five commendable procedures, and 4) identified 13 of 34 observations as significant weaknesses.

Ms. Mackenzie-Campbell highlighted the following significant areas for improvement: 1) ensure monthly revenue submitted to the State Treasurer and retained by the city is accurate, 2) provide each clerk a locking device to secure payments receipted and a change fund, 3) store payments in a secure devise until deposited with the bank, 4) implement procedures to account for mail payments, 5) a second clerk must review and approve a transaction reversal (void receipt) in CORIS when available, and 6) use official hand receipt books.

Motion: Judge Skanchy moved to accept the Fourth Judicial District, Wasatch County, Heber City Justice Court Final Report as prepared. Judge Toomey seconded the motion, and it passed unanimously.

6. ADDITION TO 2016 AUDIT SCHEDULE: (Heather Mackenzie-Campbell)

Ms. Mackenzie-Campbell requested a Limited Audit of 5th District, Beaver, Iron, and Washington Counties District and Juvenile Courts to include a review of trust accounts and

accounting procedures be added to the 2016 audit schedule. The request for this audit resulted from the retirement of the clerk of court in the Fifth District.

Motion: Judge Higbee moved to approve the addition of the Limited Audit of the Fifth District Courts, resulting from the retirement of the clerk of court in the Fifth District, to the 2016 audit schedule. Judge Skanchy seconded the motion, and it passed unanimously.

7. UNIFORM FINE AND BAIL COMMITTEE: (Judge James Brady and Debra Moore)

Chief Justice Durrant welcomed Judge Brady and Ms. Moore to the meeting.

Judge Brady highlighted the following as he reviewed the recommended revisions to the Uniform Fine and Bail Schedule: 1) changes in the fine and bail schedule – regarding municipal court and the juvenile court – many of the changes in the municipal court are due to SB 187 – Reclassification of misdemeanors, and 2) request by the Uniform Fine and Bail Schedule Committee to prepare and present a proposal to the Council on what the Committee should consist of and what they should be accomplishing.

Discussion took place.

Motion: Judge Higbee moved to approve a presentation to the Council of the Committee's proposed outline as prepared by Judge Brady. Judge Toomey seconded the motion, and it passed unanimously.

Motion: Judge Toomey moved to recommend to the Judicial Council approval of the Uniform Fine and Bail Schedule as recommended by the Uniform Fine and Bail Committee. Judge Skanchy seconded the motion, and it passed unanimously.

8. JUVENILE INDIGENT DEFENSE – NEXT STEPS: (Rick Schwermer)

Mr. Schwermer provided background information relative to work done by the following Committees: 1) Study Committee on the Representation of Indigent Appellate Representation of Indigent Criminal Defendants, and 2) Study Committee on the Representation of Indigent Criminal Defendants in Trial Courts.

The Study Committee on the Representation of Indigent Criminal Defendants in Trial Courts provided their findings and recommendations to the Council at their November 2015. At that time, it was noted that matters relative to indigent defense in juvenile court were not addressed. The Council agreed to defer further discussion of indigent defense in juvenile court until after the 2016 Legislative Session to see if the Legislature approved creation of an Indigent Defense Commission.

Mr. Schwermer mentioned that the Indigent Defense Committee will begin meeting in a couple of months.

The Management Committee was asked for input relative to what steps should be taken to study the matter of indigent defense in juvenile court. Mr. Schwermer highlighted the following options to consider relative to studying indigent defense in juvenile court: 1) create a study group, similar to what was in place to study indigent defense in trial courts, 2) defer the study to a later date, or 3) seek input from the Board of Juvenile Court Judges on indigent defense in juvenile court and what steps should be taken to study the matter further.

Discussion took place.

Motion: Judge Skanchy moved to request the AOC prepare a proposed charge, timetable and membership of a Study Committee on the Representation of Indigent Criminal Defendants in Juvenile Court for review by the Judicial Council at their May meeting. Judge Higbee seconded the motion, and it passed unanimously.

9. LETTER FROM THE DEPARTMENT OF JUSTICE: (Nancy Sylvester)

Ms. Sylvester provided a summary of the letter sent by the U.S. Department of Justice, Civil Rights Division.

She highlighted the following: 1) in December 2015, the Department of Justice convened a group of stakeholders including judges, court administrators, lawmakers, prosecutors, defense attorneys, advocates, and impacted individuals to discuss the assessment and enforcement of fines and fees in state and local courts; and 2) provided recommendations relevant to the enforcement of fines and fees.

The recommendations included the following: 1) courts must not incarcerate a person for nonpayment of fines and fees without first conducting an indigency determination and establishing that the failure to pay was willful; 2) courts must consider alternatives to incarceration for indigent defendants unable to pay fines and fees; 3) courts must not condition access to a judicial hearing on the prepayment of fines or fees; 4) courts must provide meaningful notice and; 5) courts must not use arrest warrants or license suspensions as a means of coercing the payment of court debt when individuals have not been afforded constitutionally adequate procedural protections; 6) courts must not employ bail or bond practices that cause indigent defendants to remain incarcerated solely because they cannot afford to pay for their release; and 7) courts must safeguard against unconstitutional practices by court staff and private contractors.

Discussion took place.

Mr. Becker noted that the Conference of Chief Justices and the Conference of State Court Administrators have established a task force to examine these same issues.

Ms. Sylvester introduced Ms. Erin McClure, an extern providing assistance to the AOC Legal Department.

10. JUSTICE COURT TECHNOLOGY, SECURITY, AND TRAINING GRANT APPROVAL: (Rick Schwermer)

Mr. Schwermer reviewed the process undertaken by the Board of Justice Court Judges in approving the requests for funding from the Justice Court Technology, Security and Training Grant.

He highlighted the following relative to the funding requests: 1) the requests are for justice court technology, security and training needs, 2) clarification of several requests was provided, 3) one-time funding for ½ of the justice court administrator position is recommended, and 4) an additional request for funding of a live scan machine for the Murray City Justice Court was received after the Board of Justice Court Judges approved the grant requests.

Mr. Schwermer noted that approval of the Murray City Justice Court funding request, the available funding would be short $285. He suggested reducing the funding for out-of-state travel by $285 to approve the Murray City Justice Court funding request.

Motion: Judge Marx moved to approve the additional funding request for the Murray City Justice Court by reducing the out-of-state travel request by $285, as well as, approve the grant funding requests as approved and submitted by the Board of Justice Court Judges. Judge Higbee seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reviewed the proposed Judicial Council agenda for the April 23 Council meeting.

Motion: Judge Toomey moved to approve the agenda for the May 23 Judicial Council meeting as amended. Judge Marx seconded the motion, and it passed unanimously.

12. ADJOURN

The meeting was adjourned.

Policy and Planning Committee Minutes

Minutes of the Policy and Planning Committee
May 6, 2016
Draft

Members Present

Ann Boyden, Mark DeCaria, John Lund, Mary Noonan (by phone), Reed S. Parkin

Members Excused

Marvin Bagley

Staff

Nancy Sylvester

Keisa Williams

Guests

None

(1) Approval of Minutes and Announcements

Judge Noonan moved to approve the minutes of the April 1, 2016 meeting. Judge Boyden seconded the motion and it passed unanimously.

Ms. Sylvester introduced Keisa Williams to the committee. Ms. Williams is the newest attorney in the Office of General Counsel.

(2) Rules for Final Action

The committee discussed the following rules for final action:

- CJA 03-0403. Judicial branch education.
- CJA 04-0202.02. Records classification.
- CJA 04-0404. Jury selection and service.
- CJA 04-0903. Uniform custody evaluations (Comment)

Rule 3-403 Discussion:

Ms. Sylvester stated that the amendments to Rule 3-403 give the Management Committee authority to excuse an active senior judge applying for reappointment from completing the annual 30 hour education requirement based on good cause. To be eligible, the senior judge must have completed at least 60 total education hours in the two years preceding the effective date of reappointment. Ms. Sylvester noted that there were no comments on the rule. The committee discussed the basis for the rule, namely that there are instances when a senior judge is not able to fully comply with education requirements. The "for good cause" language gives the Management Committee discretion to excuse a senior judge from the annual requirement if he or she complies over a two-year period.

Judge DeCaria moved to recommend Rule 3-403 to the Judicial Council. Judge Boyden seconded the motion and it passed unanimously.

Rule 4-202.02 Discussion:

Ms. Sylvester stated that the amendments to Rule 4-202.02 classify jail booking sheets and nonresident violator notices of noncompliance as private. They also delete language addressing appellate brief

addenda as they are governed by other rules. She noted that the rule received no comments. She reminded the committee that the amendments related to the jail booking sheets and nonresident violator notices of noncompliance had been proposed by AOC Court services due to the sensitive personal information they contained, such as addresses and driver license numbers.

Judge Boyden moved to recommend Rule 4-202.02 to the Judicial Council. Judge DeCaria seconded the motion and it passed unanimously.

Rule 4-404 Discussion:

Ms. Sylvester stated that the amendments to Rule 4-404 incorporated 2015 amendments to Utah Code section 78B-1-110 regarding a juror's term of service. Ms. Sylvester noted that there were no comments to the rule. Judge Noonan asked whether the proposed rule language tracked the statutory language. Ms. Sylvester confirmed that it did.

Judge Parkin moved to recommend Rule 4-404 to the Judicial Council. Mr. Lund seconded the motion and it passed unanimously.

Rule 4-903 Discussion:

Ms. Sylvester stated that the amendments to Rule 4-903 clarified the list of professionals who may perform custody evaluations. They also eliminated the provision allowing two custody evaluators to be appointed if one party resides out of state and added additional factors for a custody evaluator to consider when conducting an evaluation. Ms. Sylvester noted that there was one comment to the rule from Alex Trumbo and discussed her opinion that Mr. Trumbo's comment should not change the rule. She noted that the rule primarily discussed what the parties and evaluators should do, not what the court should do. Mr. Trumbo had requested an amendment to require the court to look at ability to pay, among other factors, in considering whether to order a custody evaluation. Ms. Sylvester did not think Rule 4-903 was an appropriate vehicle for this change and the committee members agreed. Mr. Lund suggested sending the comment back to the Standing Committee on Children and Family Law.

Judge DeCaria moved to recommend Rule 4-903 to the Judicial Council. Mr. Lund seconded the motion and it passed unanimously.

(3) Senior Judge Assistance: Rule 3-108 vs. Rule 3-104

Discussion:

The committee discussed Tim Shea's suggestion to place the senior judge assistance issue in the presiding judge rule, 3-104. Ms. Sylvester noted that she had taken Mr. Shea's suggestion and placed it in a section farther up in the rule. Mr. Shea had placed the new section in its own paragraph, but Ms. Sylvester's draft placed it under the presiding judge authorities and responsibilities section, just below the coordination of judicial schedules paragraph. The committee discussed the merits of having the section in rule 3-108 versus 3-104. Committee members determined that the sticking point for the presiding judges was that there seemed to be some turf war between the AOC and the presiding judges. Affirming the presiding judges' authority by having the section dealing with senior judge assistance in 3-104 made sense.

Judge Parkin moved to place the senior judge assistance discussion in Rule 3-104. Judge DeCaria seconded the motion and it passed unanimously. The committee members also determined that where Ms. Sylvester had placed Mr. Shea's proposed language made sense.

The committee then discussed how the language should read based on Mr. Lund's motion at the Judicial Council meeting:

1) Presiding judges should have discretion for some defined period of time and amount of resources to make the decision on their own to appoint a senior judge without prior approval of anybody.

2) The presiding judge should provide notice to the appropriate management people in the Administrative Office that they made the assignment.

3) If there is going to be more than a 14 day commitment, there would be a plan put together and communicated to the Administrative Office about the staffing need the district has.

4) If there can't be amicable resolution as to how the staffing should be done, then the Management Committee of the Council should be responsible for making the final decision.

Members determined that not including "exigent circumstances" language in the rule made sense because it was already captured in the language Mr. Shea proposed: "if a judicial position is vacant or if a judge is absent due to illness, accident, or disability." The committee also determined that 14 judicial days would be the upper limit for using senior judge coverage without a plan in place. The committee took the priority language Mr. Shea had proposed in his last paragraph and moved it up to the beginning of the section so that it was clear that a presiding judge must follow the 3-108 priority list in covering vacancies and could not use a senior judge beyond the limits established in rule 11-201 (60 days).

The committee then weighed how to discuss the conflicts that can arise between presiding judges and the AOC and the final decisions that must be made on the presiding judge's plan. The committee determined the presiding judge should notify the Administrative Office when any senior judge assignment is made. The committee also determined that Mr. Shea's language regarding what the plan should contain made sense: "The plan should describe the calendars to be covered by judges of the district, judges of other districts, and senior judges. The budget should estimate the funds needed for travel by judges and for time and travel by senior judges."

The committee crafted language to capture the way the presiding judge will present the senior judge coverage plan to the Administrative Office. Members emphasized that the presiding judge would not be asking permission on the plan.

The committee then went over how and when the presiding judge's plan would be presented to the Management Committee. The committee determined based on concerns raised at the Council meeting and John's motion that if any part of the presiding judge's plan is contested by the Administrative Office, the plan would be reviewed by the Management Committee for final determination. The committee agreed that this would be the rare case.

The committee reserved a vote on the rule as edited during the meeting until the rule could be circulated by email.

Judge Parkin asked Ms. Sylvester and Ms. Williams to meet with Brent Johnson as a department to determine whether Rule 11-201(6) and proposed Rule 3-104(3)(C) were in conflict. Judge Parkin also asked Ms. Sylvester to find a place in the rules to provide for the expectation that judges will give 6 months' notice of retirement.

(6) Other Business

There was no other business and the meeting was adjourned at 2:05 p.m.

TAB 3

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

MEMORANDUM

To: Judicial Council
From: Nancy Sylvester
Date: May 13, 2016
Re: Public Comment to Rules 3-403, 4-202.02, 4-404, and 4-903

The public comment period for rules 3-403, 4-202.02, 4-404, and 4-903 of the Utah Code of Judicial Administration has closed. Only rule 4-903 received a public comment, which is discussed below. The Policy and Planning Committee recommended each of the proposals as written for final action by the Council.

> **CJA 03-0403.** Judicial branch education. Amend. Gives the Management Committee authority to excuse an active senior judge applying for reappointment from completing the annual 30 hour education requirement based on good cause. To be eligible, the senior judge must have completed at least 60 total education hours in the two years preceding the effective date of reappointment.
>
> Rule 3-403's amendments are found at lines 46-49.
>
> **CJA 04-0202.02.** Records classification. Amend. Classifies jail booking sheets and nonresident violator notices of non-compliance as private. Deletes language addressing appellate brief addenda as they are governed by other rules.
>
> Rule 4-202.02's amendments are found at lines 122, 141, and 159-165.
>
> **CJA 04-0404.** Jury selection and service. Amend. Incorporates recent amendments to the statute regarding a juror's term of service.

Rule 4-404's amendments are found at lines 40-41 and 119. The amendment on line 119 is the addition of a title to paragraph (6)(C).

> **CJA 04-0903.** Uniform custody evaluations. Amend. Clarifies the list of professionals who may perform custody evaluations. Eliminates the provision allowing two custody evaluators to be appointed if one party resides out of state. Adds additional factors for a custody evaluator to consider when conducting an evaluation.

Rule 4-903's amendments are found throughout the rule and the rule received one comment. Axel Trumbo commented on rule 4-903 as follows:

> This rule fails to address when a judge should order custody evaluations. There are some jurisdictions in which commissioners are requiring them in almost all cases before certifying the case for trial. This per se requirement seems inappropriate. I suggest the addition of a final paragraph that states something along these lines:
>
> "When determining whether to order a custody evaluation pursuant to this rule, the court must consider whether the parties can reasonably afford the evaluation, and how helpful the evaluation would be in the resolution of the particular case. The prevailing consideration in each case must be the best interest of the child."

Policy and Planning determined that Mr. Trumbo's comment did not warrant further changes to the rule. While Mr. Trumbo could have a good point about when custody evaluations should be ordered, rule 4-903 may not be an appropriate place for this kind of change. Rule 4-903 address qualifications for custody evaluators, what custody evaluators must address in a custody evaluation, what parties must do, and what will go in the court's order as direction to the parties. Mr. Trumbo's proposal, however, seeks to add policy about when the court may order a custody evaluation. Policy and Planning was not comfortable including that change. If the Judicial Council is interested in seeing the issue Mr. Trumbo raised addressed by the Standing Committee on Children and Family Law, I'm happy to send the comment back to them.

The above rules will be effective on November 1, 2016 if the Judicial Council approves the attached proposals.

Encl. **CJA 03-0403**
CJA 04-0202.02
CJA 04-0404
CJA 04-0903 and comment

1 **Rule 3-403. Judicial branch education.**
2 **Intent:**
3 To establish the Judicial Branch Education Committee's responsibility to develop and evaluate a
4 comprehensive education program for all judges, commissioners and court staff.
5 To establish education standards for judges, commissioners and court staff, including provisions for
6 funding and accreditation for educational programs.
7 To ensure that education programs, including opportunities for job orientation, skill and knowledge
8 acquisition, and professional and personal development, are available to all members of the judicial
9 branch and that such programs utilize the principles of adult education and focus on participative learning.
10 To emphasize the importance of participation by all judicial branch employees in education and
11 training as an essential component in maintaining the quality of justice in the Utah courts.
12 **Applicability:**
13 This rule shall apply to all judges, commissioners and court staff, except seasonal employees and law
14 clerks.
15 **Statement of the Rule:**
16 (1) Organization.
17 (1)(A) Judicial branch education committee. The Judicial Branch Education Committee shall
18 submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to
19 all judicial branch education activities. It shall evaluate and monitor the quality of educational programs
20 and make changes where appropriate within the approved guidelines for funding, attendance, and
21 accreditation.
22 (1)(B) Responsibilities of members. Committee members shall propose policies and procedures
23 for developing, implementing, and evaluating orientation, continuing skill development, and career
24 enhancement education opportunities for all judicial branch employees; formulate an annual education
25 plan and calendar consistent with the judicial branch education budget; and serve as advocates for
26 judicial branch education, including educating the judiciary about the purpose and functions of the
27 Committee.
28 (1)(C) Committee meetings.
29 (1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called as
30 necessary. A majority of voting members in attendance is required for official Committee action.
31 (1)(C)(ii) The chairperson may recommend to the Council that a Committee member be
32 replaced if that member is absent without excuse from two consecutive Committee meetings or fails
33 to meet the responsibilities of membership as outlined in paragraph (1)(B).
34 (2) Administration. Judicial Education Officer. The Judicial Education Officer, under the direction of
35 the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of
36 the judicial education program consistent with this rule.
37 (3) Standards for judges and court commissioners.

38 (3)(A)~~(i)~~ Program requirements. All judges and court commissioners shall participate in the first
39 designated orientation program offered after the date the judge is administered the oath of office, unless
40 attendance is excused for good cause by the Management Committee. All judges, court commissioners,
41 active senior judges, and active senior justice court judges shall complete 30 hours of pre-approved
42 education annually, to be implemented on a schedule coordinated by the Committee. Judges of courts of
43 record and court commissioners may attend a combination of approved local, state, or national programs.
44 Active and inactive senior judges and retired judges may attend approved local or state programs and the
45 annual Utah Judicial Conference, but an inactive senior judge or retired judge must pay all expenses.
46 (3)(A)(i) Active senior judge. If an active senior judge applies to be reappointed and will have
47 completed at least 60 total education hours in the two years preceding the effective date of
48 reappointment, the Management Committee may, for good cause shown, excuse the judge from having
49 to complete the annual 30 hour education requirement.
50 (3)(A)(ii) Inactive senior judges and retired judges. If an inactive senior judge or a retired judge
51 applies to be an active senior judge, the judge shall demonstrate that:
52 (3)(A)(ii)(a) less than three years has passed since he or she last complied with the continuing
53 education requirements of an active senior judge;
54 (3)(A)(ii)(b) he or she has complied with the MCLE requirements of the Utah State Bar for at least
55 three years before the application;
56 (3)(A)(ii)(c) he or she has attended 30 hours of approved judicial education within one year before
57 the application; or
58 (3)(A)(ii)(d) he or she has attended the new judge orientation for judges of the courts of record
59 within one year before the application. (3)(B)(i) Program components. Education programs for judges and
60 court commissioners shall include: a mandatory new judge orientation program; a variety of programs
61 addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and
62 programs geared to professional and personal development, to meet the continuing needs of judges and
63 court commissioners over the long term.
64 (3)(B)~~(ii)~~ Annual conferences. Justice court judges and active senior justice court judges shall
65 attend the annual justice court conference unless excused by the Management Committee for good
66 cause. Because the annual judicial conference represents the only opportunity for judges to meet and
67 interact as a group and to elect their representatives, judges, active senior judges and court
68 commissioners of the courts of record are strongly encouraged to attend that conference.
69 (4) Standards for court staff.
70 (4)(A) State employees.
71 (4)(A)(i) Program requirements. All court staff employed by the state shall complete 20 hours
72 of approved coursework annually.
73 (4)(A)(ii) Program components. Education programs for court staff employed by the state
74 shall include: on-the-job orientation for new employees as well as semi-annual Orientation Academies;

75 skill development programs that teach technical and job-related competencies; and enhancement
76 programs that promote personal and professional growth within the organization.
77 (4)(B) Local government employees.
78 (4)(B)(i) Program requirements. All court staff employed by the justice courts shall complete
79 10 hours of approved coursework annually. All other court staff employed by local government shall
80 complete 20 hours of approved coursework annually.
81 (4)(B)(ii) Program components. Education programs for court staff employed by local
82 government shall include: annual training seminar; skill development programs that teach technical and
83 job-related competencies; and enhancement programs that promote personal and professional growth.
84 (5) Reporting.
85 (5)(A) Judges, commissioners and court staff governed by these standards shall report
86 participation in education programs on a form developed by the Committee.
87 (5)(B) For court staff, compliance with judicial branch education standards shall be a performance
88 criterion in the evaluation of all staff.
89 (5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to
90 participate in the required education. Failure of a supervisor to meet the minimum education standards or
91 to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory
92 performance evaluation in the education criterion.
93 (5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an
94 unsatisfactory evaluation on the education criterion unless the employee provides documented reasons
95 that the employee's failure to meet the education standards is due to reasons beyond the employee's
96 control.
97 (6) Credit. Judicial education procedures shall include guidelines for determining which programs
98 qualify as approved education within the meaning of these standards.
99 (7) Funding.
100 (7)(A) Budget. In preparing its annual request for legislative appropriations, the Council shall
101 receive and consider recommendations from the Committee. The Committee's annual education plan
102 shall be based upon the Council's actual budget allocation for judicial education.
103 (7)(B) In-state education programs. Judicial branch funds allocated to in-state judicial education
104 shall first be used to support mandatory in-state orientation programs for all judicial branch employees
105 and then for other education priorities as established by the Committee with input from the Boards of
106 Judges and Administrative Office.
107 (7)(C) Out-of-state education programs. To provide for diverse educational development, to take
108 advantage of unique national opportunities, and to utilize education programs which cannot be offered in-
109 state, the annual education plan shall include out-of-state education opportunities. The Committee shall
110 approve national education providers and shall include in the education procedures, criteria to be applied
111 by the Administrative Office to out-of-state education requests. Criteria shall include relevance to the

112 attendee's current assignment and attendance at in-state programs. Disagreement with a decision to
113 deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's
114 request.
115 (7)(D) Tuition, fees, and travel. The Committee shall develop policies and procedures for paying
116 tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for
117 discretionary social activities, recreation, or spouse participation. The Committee may set financial limits
118 on reimbursement for attendance at elective programs, with the individual participant personally making
119 up the difference in cost when the cost exceeds program guidelines.
120
121

1 **Rule 4-202.02. Records classification.**
2 **Intent:**
3 To classify court records as public or non-public.
4 **Applicability:**
5 This rule applies to the judicial branch.
6 **Statement of the Rule:**
7 (1) Court records are public unless otherwise classified by this rule.
8 (2) Public court records include but are not limited to:
9 (2)(A) abstract of a citation that redacts all non-public information;
10 (2)(B) aggregate records without non-public information and without personal identifying
11 information;
12 (2)(C) appellate filings, including briefs;
13 (2)(D) arrest warrants, but a court may restrict access before service;
14 (2)(E) audit reports;
15 (2)(F) case files;
16 (2)(G) committee reports after release by the Judicial Council or the court that requested the
17 study;
18 (2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a
19 contract;
20 (2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;
21 (2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a
22 fair trial or interests favoring closure;
23 (2)(K) financial records;
24 (2)(L) indexes approved by the Management Committee of the Judicial Council, including the
25 following, in courts other than the juvenile court; an index may contain any other index information:
26 (2)(L)(i) amount in controversy;
27 (2)(L)(ii) attorney name;
28 (2)(L)(iii) case number;
29 (2)(K)(iv) case status;
30 (2)(L)(v) civil case type or criminal violation;
31 (2)(L)(vi) civil judgment or criminal disposition;
32 (2)(L)(vii) daily calendar;
33 (2)(L)(viii) file date;
34 (2)(~~L~~M) party name;
35 (2)(~~M~~N) name, business address, business telephone number, and business email address of an
36 adult person or business entity other than a party or a victim or witness of a crime;

37 (2)(~~N~~O) name, address, telephone number, email address, date of birth, and last four digits of the
38 following: driver's license number; social security number; or account number of a party;
39 (2)(~~O~~P) name, business address, business telephone number, and business email address of a
40 lawyer appearing in a case;
41 (2)(~~P~~Q) name, business address, business telephone number, and business email address of
42 court personnel other than judges;
43 (2)(~~Q~~R) name, business address, and business telephone number of judges;
44 (2)(~~R~~S) name, gender, gross salary and benefits, job title and description, number of hours
45 worked per pay period, dates of employment, and relevant qualifications of a current or former court
46 personnel;
47 (2)(~~S~~T) unless classified by the judge as private or safeguarded to protect the personal safety of
48 the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury
49 is discharged;
50 (2)(~~T~~U) opinions, including concurring and dissenting opinions, and orders entered in open
51 hearings;
52 (2)(~~U~~V) order or decision classifying a record as not public;
53 (2)(~~V~~W) private record if the subject of the record has given written permission to make the record
54 public;
55 (2)(~~W~~X) probation progress/violation reports;
56 (2)(~~X~~Y) publications of the administrative office of the courts;
57 (2)(~~Y~~Z) record in which the judicial branch determines or states an opinion on the rights of the
58 state, a political subdivision, the public, or a person;
59 (2)(~~Z~~AA) record of the receipt or expenditure of public funds;
60 (2)(~~AA~~BB) record or minutes of an open meeting or hearing and the transcript of them;
61 (2)(~~BB~~CC) record of formal discipline of current or former court personnel or of a person
62 regulated by the judicial branch if the disciplinary action has been completed, and all time periods for
63 administrative appeal have expired, and the disciplinary action was sustained;
64 (2)(~~CC~~DD) record of a request for a record;
65 (2)(~~DD~~EE) reports used by the judiciary if all of the data in the report is public or the Judicial
66 Council designates the report as a public record;
67 (2)(~~EE~~FF) rules of the Supreme Court and Judicial Council;
68 (2)(~~FF~~GG) search warrants, the application and all affidavits or other recorded testimony on
69 which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;
70 (2)(~~GG~~HH) statistical data derived from public and non-public records but that disclose only public
71 data;
72 (2)(~~HH~~II) Notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed
73 charging a person 14 years of age or older with a felony or an offense that would be a felony if committed

74 by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the
75 delinquency history summary of the person are public records. The delinquency history summary shall
76 contain the name of the person, a listing of the offenses for which the person was adjudged to be within
77 the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.
78 (3) The following court records are sealed:
79 (3)(A) records in the following actions:
80 (3)(A)(i) Title 78B, Chapter 6, Part 1, Utah Adoption Act six months after the conclusion of
81 proceedings, which are private until sealed;
82 (3)(A)(ii) Title 78B, Chapter 15, Part 8, Gestational Agreement, six months after the
83 conclusion of proceedings, which are private until sealed; and-
84 (3)(A)(iii) Title 76, Chapter 7, Part 304.5, Consent required for abortions performed on
85 minors; and
86 (3)(B) expunged records;
87 (3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code
88 Section 77-23a-15;
89 (3)(D) records showing the identity of a confidential informant;
90 (3)(E) records relating to the possession of a financial institution by the commissioner of financial
91 institutions under Utah Code Section 7-2-6;
92 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;
93 (3)(G) records designated as sealed by rule of the Supreme Court;
94 (3)(H) record of a Children's Justice Center investigative interview after the conclusion of any
95 legal proceedings; and
96 (3)(I) other records as ordered by the court under Rule 4-202.04.
97 (4) The following court records are private:
98 (4)(A) records in the following actions:
99 (4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;
100 (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System database;
101 (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed; and
102 (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are sealed;
103 and
104 (4)(B) records in the following actions, except that the case history; judgments, orders and
105 decrees; letters of appointment; and the record of public hearings are public records:
106 (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations orders, except that
107 an action for consortium due to personal injury under Section 30-2-11 is public;
108 (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;
109 (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;
110 (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;

111 (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;
112 (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement
113 Act;
114 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
115 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
116 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph
117 (B);
118 (4)(C) an affidavit supporting a motion to waive fees;
119 (4)(D) aggregate records other than public aggregate records under subsection (2);
120 (4)(E) alternative dispute resolution records;
121 (4)(F) applications for accommodation under the Americans with Disabilities Act;
122 (4)(G) jail booking sheets;
123 (4)(~~G~~H) citation, but an abstract of a citation that redacts all non-public information is public;
124 (4)(~~H~~I) judgment information statement;
125 (4)(~~I~~J) judicial review of final agency action under Utah Code Section 62A-4a-1009;
126 (4)(~~J~~K) the following personal identifying information about a party: driver's license number, social
127 security number, account description and number, password, identification number, maiden name and
128 mother's maiden name, and similar personal identifying information;
129 (4)(~~K~~L) the following personal identifying information about a person other than a party or a victim
130 or witness of a crime: residential address, personal email address, personal telephone number; date of
131 birth, driver's license number, social security number, account description and number, password,
132 identification number, maiden name, mother's maiden name, and similar personal identifying information;
133 (4)(~~L~~M) medical, psychiatric, or psychological records;
134 (4)(~~M~~N) name of a minor, except that the name of a minor party is public in the following district
135 and justice court proceedings:
136 (4)(~~M~~N)(i) name change of a minor;
137 (4)(~~M~~N)(ii) guardianship or conservatorship for a minor;
138 (4)(~~M~~N)(iii) felony, misdemeanor or infraction;
139 (4)(~~M~~N)(iv) child protective orders; and
140 (4)((~~M~~N)(v) custody orders and decrees;
141 (4)(~~N~~O) nonresident violator notice of noncompliance;
142 (4)(~~O~~P) personnel file of a current or former court personnel or applicant for employment;
143 (4)(~~O~~Q) photograph, film or video of a crime victim;
144 (4)(~~P~~R) record of a court hearing closed to the public or of a child's testimony taken under URCrP
145 15.5:
146 (4)(~~P~~R)(i) permanently if the hearing is not traditionally open to the public and public access
147 does not play a significant positive role in the process; or

Violation Code	Description	Default Severity	Mandatory Court Appearance	Standard Fine*	Other Statutory Penalties	Notify DLD
53-3-202(3)(B)(II)(A)	DRIVING AS PRIVATE PASSENGER CARRIER WITHOUT CDL AND TAXICAB ENDORSEMENT	INF		175	Upon conviction, court may suspend license.	
53-3-202(3)(B)(II)(B)	DRIVING AS PRIVATE PASSENGER CARRIER WITHOUT CDL AND PASSENGER ENDORSEMENT	INF		175	Upon conviction, court may suspend license.	
53-3-202(3)(B)(II)(C)	DRIVING AS PRIVATE PASSENGER CARRIER WITHOUT SCHOOL BUS ENDORSEMENT	INF		175	Upon conviction, court may suspend license.	
53-3-305(5)	MAKING A NOTIFICATION OF IMPAIRED PERSON TO DLD WITH INTENT TO HARASS	INF		175		
53-3-412(2)	DRIVING W/O PROPER CLD ENDORSEMENT	INF		175		
53-8-208	FRAUDULENT VEHICLE SAFETY INSPECTION	INF		175		
53-8-209	FAILURE TO COMPLY WITH NOTICE REQUIREMENTS AND SECURE SAFETY INSPECTION CERTIFICATE W/IN 5 DAYS	INF		175		
53B-3-107	VIOLATING TRAFFIC REGULATIONS AT STATE INSTITUTION/HIGHER EDUCATION	INF		175		
58-37f-601(1)(a)	UNLAWFUL KNOWINGLY/INTENTIONALLY RELEASE OF CONTROLLED SUBSTANCE DATABASE INFORMATION	F3	Y	525		
58-37f-601(1)(b)	NEGLIGENT OR RECKLESS UNLAWFUL RELEASE OF CONTROLLED SUBSTANCE DATABASE INFORMATION	MC		250		
58-37f-601(2)(a)	OBTAINS INFORMATION FROM DATABASE OR MONITORING PROGRAM BY FRAUD OR MISREPRESENTATION	F3	Y	525		
58-37f-601(2)(b)	OBTAINS INFORMATION FROM DATABASE FOR UNAUTHORIZED PURPOSE	F3	Y	525		
58-37f-601(3)	KNOWINGLY/INTENTIONALLY RELEASES OR PUBLISHES INFORMATION FROM DATABASE OR MONITORING PROGRAM	F3	Y	525		
65A-3-2.5(3)(a)	RECKLESS OPERATION OF UNMANNED AIRCRAFT IN PROHIBITED AREA	MB		325		
65A-3-2.5(3)(b)	OPERATION OF UNMANNED AIRCRAFT IN PROHIBITED AREA THAT INTERFERES WITH AIRCRAFT CONTAINING OR CONTROLLING A WILDFIRE	MA	Y	400		
65a-3-2.5(3)(c)	OPERATION OF UNMANNED AIRCRAFT THAT COMES INTO PHYSICAL CONTACT WITH MANNED AIRCRAFT	F3	Y	525		

Violation Code	Description	Default Severity	Mandatory Court Appearance	Standard Fine*	Other Statutory Penalties	Notify DLD
41-6A-1115.5(5)	< 14 OPERATE ELECTRIC ASST BIKE W/MOTOR ENG W/OUT SUPERVISION	INF		175		Yes
41-6A-1115.5(6)	< 8 OPERATING ELECTRIC ASSISTED BICYCLE W/MOTOR ENGAGED IN PUBLIC	INF		175		Yes
41-6A-1115.5(7)	OWNER MAY NOT AUTHORIZE OPERATION OF ELECTRIC ASSISTED BICYCLE	INF		175		Yes
41-6a-1401(1)(b)(vii)	PARKING IN RESERVED SPACE AT CAPITOL HILL COMPLEX	INF		175		Yes
41-6A-1505(1)(A)	< 18 OPERATING MOTORCYCLE W/OUT HEADGEAR	INF		175		Yes
41-6A-1505(1)(B)	< 18 OPERATING MOTOR DRIVEN CYCLE W/OUT HEADGEAR	INF		175		Yes
41-6A-1505(1)(C)	< 18 OPERATING AUTOCYCLE W/OUT HEADGEAR	INF		175		Yes
41-6A-1506(2)	AUTOCYCLE EQUIPMENT REQUIRED	INF		175		Yes
41-6a-1626(3)(a)	INOPERABLE AIR POLLUTION DEVICE	INF		175		Yes
41-6a-1626(3)(c)	AIR POLLUTION CONTROL VIOLATION	INF		175		Yes
41-6a-1630	IMPROPER VEHICLE ALTERATIONS	INF		175		Yes
41-6a-1631(1)	ILLEGAL VEHICLE ALTERATIONS	INF		175		Yes
41-6a-1631(2)	TIRE VIOLATION – WIDTH	INF		175		Yes
41-12a-303.2(5)(a)	OPERATING VEHICLE W/O PROOF OF INSURANCE SECOND OR SUBSEQUENT OFFENSE WITHIN 3 YEARS OF PRIOR	INF		175	Fine not less than $400. License suspended upon conviction.	
41-12a-303.2(5)(b)	OPERATING VEHICLE W/O PROOF OF INSURANCE SECOND OR SUBSEQUENT OFFENSE WITHIN 3 YEARS OF PRIOR	INF		175	Fine not less than $1000. License suspended upon conviction.	
~~53-3-202(3)~~	~~DRIVING VEHICLE AS A TAXICAB W/O DLD TAXICAB ENDORSEMENT~~	~~INF~~		~~210**~~	~~Upon conviction, court may suspend license.~~	
53-3-202(3)(A)	DRIVING AS TAXI DRIVER WITHOUT TAXICAB ENDORSEMENT	INF		175	Upon conviction, court may suspend license.	
53-3-202(3)(B)(I)	DRIVING AS PRIVATE PASSENGER CARRIER WITHOUT TAXICAB ENDORSEMENT	INF		175	Upon conviction, court may suspend license.	

Violation Code	Description	Default Severity	Mandatory Court Appearance	Standard Fine*	Other Statutory Penalties	Notify DLD
4-31-102	FAILING TO BURY OR DISPOSE OF DEAD DOMESTIC ANIMAL	INF		175		
4-31-103	DEPOSITING DEAD ANIMAL ON THE LAND OF ANOTHER	INF		175		
[REPEALED]~~41-31-112~~	~~FEEDING GARBAGE OR PLATE WASTE TO A SWINE~~	~~MC~~		~~250~~		
10-9a-611	SALE OF SUBDIVIDED LAND BEFORE SUBDIVISION IS APPROVED	INF		175		
10-9a-802(2)(b)	BUILDING W/O A PERMIT	INF		175		
13-32-103	PROHIBITED SALES AT A SWAP MEET	INF		175		
13-32-104	FAILURE TO RETAIN RECORDS AT A SWAP MEET	INF		175		
13-32-105	FALSIFY OR DESTROY SWAP MEET RECORDS/RECEIPTS	INF		175		
17-23-15	REMOVAL, DESTRUCTION, DEFACEMENT OF MONUMENT	INF		175		
17-23-17(2)(a)(i)	FAILURE TO FILE MAP OF BOUNDARY SURVEY	INF		175		
20A-1-604	DESTROYING ELECTION PARAPHERNALIA	INF		175		
26-15-13(4)	UNDER 18 TANNING W/O PERMISSION	INF		175		
26-15-13(7)(b)	MISREPRESENTING AGE TO TANNING FACILITY	INF		175		
31A-44-604	FALSE INFORMATION PROVIDED BY CONTINUING CARE PROVIDER	MB		325		
41-1a-401(1)(b)	LICENSE PLATE REMOVED FROM REGISTERED VEHICLE, USED ON OTHER VEHICLE	INF		175		
41-1a-702(3)	FAILURE TO DELIVER TITLE TO PURCHASER	INF		175		
41-1a-1206(7)	IMPROPER REGISTRATION OF FARM TRUCK	INF		175	Minimum $200 fine.	
41-6a-601(1)	OPERATING A VEHICLE TOO FAST FOR EXISTING CONDITIONS	INF		175		Yes
41-6a-609	USE OF RADAR JAMMING DEVICE	INF		175		Yes
41-6a-904	FAILURE TO STOP FOR EMERGENCY VEHICLE OR OBEY WARNING LIGHTS	INF		175		Yes
41-6a-904(1)	FAILURE TO STOP FOR EMERGENCY VEHICLE	INF		175		Yes
41-6a-904(2)	FAILURE TO REDUCE SPEED WHEN APPROACHING EMERGENCY VEHICLE	INF		175		Yes
41-6a-904(3)	FAILURE TO REDUCE SPEED WHEN APPROACHING HIGHWAY MAINTENANCE	INF		175		Yes
41-6A-1115.5(4)	< 16 OPERATING CLASS 3 ELECTRIC ASSISTED BICYCLE	INF		175		Yes

Violation Code	Description	Default Severity	Mandatory Court Appearance	Standard Fine*	Other Statutory Penalties	Notify DLD
R 651-212-1	FAILURE TO DISPLAY YEARLY REGISTRATION DECAL	INF		175		
R 651-212-2	FAILURE TO DISPLAY MONTHLY REGISTRATION DECAL	INF		175		
R 651-214-1(2)	OPERATING ON EXPIRED TEMPORARY REGISTRATION	INF		175		
R 651-215-5	FAILURE TO KEEP PERSONAL FLOTATION DEVICE IMMEDIATELY AVAILABLE AND ACCESSIBLE	INF		175		
R 651-215-6	CARRYING TYPE V PERSONAL FLOTATION DEVICE NOT APPROVED FOR THE ACTIVITY ENGAGED IN	INF		175		
R 651-215-7	ON A WHITEWATER RIVER W/O PROPER PERSONAL FLOTATION DEVICE	INF		175		
R 651-215-8	CARRYING PASSENGERS W/O PROPER PERSONAL FLOTATION DEVICE	INF		175		
R 651-215-9(1)	USING INFLATABLE PERSONAL FLOTATION DEVICE NOT ALLOWED BY AGE OR ACTIVITY	INF		175		
R 651-215-9(2)	FAILURE TO WEAR A PERSONAL FLOTATION DEVICE WHILE ON A PERSONAL WATERCRAFT	INF		175		
R 651-215-9(3)	PERSON 12 OR UNDER NOT WEARING PERSONAL FLOTATION DEVICE	INF		175		
R 651-215-9(4)	FAILURE TO WEAR PERSONAL FLOTATION DEVICE ON WHITEWATER	INF		175		
R 651-215-10	CARRYING PASSENGERS W/O PROPER PERSONAL FLOTATION DEVICES > 26 FEET	INF		175		
R 651-215-11	NOT USING PERSONAL FLOTATION DEVICE ACCORDING TO LABELING	INF		175		
R 651-216-8	IMPROPERLY USING NON-NAVIGATION LIGHTS	INF		175		
R 651-219-1	FAILURE TO HAVE SUFFICIENT SOUND PRODUCING DEVICE	INF		175		
R 651-219-2	FAILURE TO HAVE BAILING DEVICE ON BOARD	INF		175		
R 651-219-3	FAILURE TO HAVE A SPARE PROPULSION ON BOARD	INF		175		
R 651-219-4	VIOLATING AIRBOAT EQUIPMENT REQUIREMENT	INF		175		
R 651-219-5	FAILURE TO PROVIDE SAFETY EQUIPMENT IN GOOD SERVICEABLE CONDITION	INF		175		
R 651-219-6	NON-LAW ENFORCEMENT VESSEL WITH LIGHTS AND SIREN	INF		175		

R651-219-6	NON-LAW ENFORCMENT VESSEL WITH LIGHTS AND SIREN	Y	~~MC~~	IN	$280	$0	N	35%	N	Y	C	Change in severity - SB 187 see 73-18-8
~~R651-624-6~~	~~URINATING/DEFECATING PROHIBITED - PARKS AND REC~~	~~N~~	~~IN~~		~~$190~~	~~$0~~	~~N~~	~~35%~~	~~N~~	~~Y~~	~~C~~	REPEAL - No longer in Rule
~~R651-401-2~~	~~FAILURE TO DISPLAY BASE DECAL~~	~~N~~	~~IN~~		~~$90~~	~~$0~~	~~N~~	~~35%~~	~~N~~	~~N~~	~~C~~	REPEAL - No longer in Rule
~~R651-401-3~~	~~FAILURE TO DISPLAY REG VALIDATION STICKERS~~	~~N~~	~~IN~~		~~$90~~	~~$0~~	~~N~~	~~35%~~	~~N~~	~~N~~	~~C~~	REPEAL - No longer in Rule
~~R651-403-1(4)~~	~~FAILURE TO DISPLAY REG VALIDATION STICKERS~~	~~N~~	~~IN~~		~~$110~~	~~$0~~	~~N~~	~~35%~~	~~N~~	~~N~~	~~C~~	REPEAL - No longer in Rule
~~2260A-1206~~	~~DISPLAY GROSS LADEN WEIGHTS~~	~~N~~	~~MB~~		~~$110~~	~~$0~~	~~Y~~	~~0%~~	~~N~~	~~N~~		REPEAL
~~600.63A~~	~~NO OVERSIZE LOAD SIGN~~	~~N~~	~~MB~~		~~$160~~	~~$0~~	~~N~~	~~90%~~	~~N~~	~~N~~		REPEAL
WR1650	COUNTERFEITING OF A LICENSE	Y	~~MB~~	MA	$1,070	$0	N	90%	N	Y	C	Severity change MB to MA
WR5104	NTERFERENCE - ENCROACHMENT WITHIN 300	N	~~MC~~	IN	$750	$0	N	35%	N	Y	C	Severity change MC to IN
~~WR5205~~	~~POSSESS A FIREARM ON TEMPORARY GAME PRESERVE~~	~~N~~	IN		~~$140~~	~~$0~~	~~N~~	35%	~~N~~	~~Y~~	~~C~~	Repeal
WR5705	HUNTING MIGRATORY BIRDS WITH AN UNSIGNED STAMP	N	~~MC~~	IN	$110	$0	N	35%	N	Y	C	Severity change MC to IN
WR5901	AMPHIBIAN/REPTILE COLLECTION/POSSESSION	N	~~MC~~	IN	$210	$0	N	35%	N	Y	C	

41-22-10.3	OPERATE OHV ON STREET OR HIGHWAY NOT DESIGNATED OPEN	N	IN		$290	$0	N	35%	N	N	C	Made moving violation
41-22-11	PLACED AN OHV REGULATORY SIGN WITHOUT AUTHORIZATION	Y	IN		$630	$0	Y	0%	N	N	C	Made non-moving violation
41-22-12.7(3)	UNLAWFUL MOTOR VEHICLE USE ON PUBLIC/PRIVATE PROP W/IN 5 YRS	Y	MC		$600	$0	Y	0%	N	Y	C	Amended fine amount
53-3-202(4)	OPERATE MOTORCYCLE, ATV, OR CYCLE WITHOUT VALID LIC, ENDORSE	Y	IN		$200	$0	Y	0%	Y	Y	C	Amended fine amount
53-3-202(4)(A)	OPERATE MOTORCYCLE, ATV OR CYCLE WITHOUT VALID LIC, ENDORSE	Y	IN		$200	$0	Y	0%	Y	Y	C	Amended fine amount
~~76-10-1408(2)~~	~~METAL SELLER FALSE STATEMENT - 2ND OR SUBSEQUENT OFFENSE~~	~~Y~~	~~MB~~		~~$660~~	~~$0~~	~~N~~	~~90%~~	~~N~~	~~Y~~	~~C~~	Repeal, no longer in statute
R651-212-1	FAILURE TO DISPLAY YEARLY REGISTRATION DECAL	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Dismissed upon proof of proper display see 73-18-7
R651-212-2	FAILURE TO DISPLAY MONTHLY REGISTRATION DECAL	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Dismissed upon proof of proper display see 73-18-7
R651-214-1(2)	TEMPORARY REGISTRATION EXPIRED	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-7(1)
R651-215-2(2)	INSUFFICIENT TYPE IV PDFS ON BOARD VESSEL 16 FT OR GREATER	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-215-5	PFD NOT IMMEDIATELY AVAILABLE OR ACCESSIBLE	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-215-6	CARRIED TYPE V PFD NOT APPROVED FOR THE ACTIVITY ENGAGED IN	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-215-7	ON A WHITEWATER RIVER WITHOUT THE PROPER PFD TYPE	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-215-8	RIVER THROW BAG IN LIEU OF TYPE IV PRF	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-215-9(1)	INFLATABLE PFD NOT ALLOWED BY AGE OR ACTIVITY	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-215-9(2)	FAILURE TO WEAR A PFD WHILE ON PWC	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-215-9(3)	PERSON 12 OR UNDER NOT WEARING PFD	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-215-9(4)	FAILURE TO WEAR PFD ON WHITE WATER	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-215-10	CARRY PASSENGERS W/O PROPER PFD > 26 FT	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-215-11	PFD NOT USED ACCORDING TO LABELING	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-216-8	IMPROPERLY USED NON-NAVIGATION LIGHTS	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-219-1	INSUFFICIENT SOUND PRODUCING DEVICE	N	~~MC~~	IN	$140	$0	N	35%	N	Y	C	Change in severity - SB 187 see 73-18-8
R651-219-2	FAILURE TO HAVE A BAILING DEVICE ON BOARD	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-219-3	FAILURE TO HAVE A SPARE PROPULSION ON BOARD	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-219-4	VIOLATION OF AIRBOAT EQUIPMENT REQUIREMENT	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8
R651-219-5	FAILURE TO PROVIDE SAFETY EQUIPMENT IN GOOD SERVICEABLE COND	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187 see 73-18-8

53-3-202(3)(A)	DRIVING AS TAXI DRIVER WITHOUT TAXICAB ENDORSEMENT	N	IN	$200	$0	Y	0%	Y	Y	C	Add - New
53-3-202(3)(B)(I)	DRIVING AS PRIVATE PASSENGER CARRIER WITHOUT TAXICAB ENDORSEMENT	N	IN	$200	$0	Y	0%	Y	Y	C	Add - New
53-3-202(3)(B)(I)	DRIVING AS PRIVATE PASSENGER CARRIER WITHOUT CDL ENDORSEMENT	N	IN	$200	$0	Y	0%	Y	Y	C	Add - New
53-3-202(3)(B)(II)(B)	DRIVING AS PRIVATE PASSENGER CARRIER WITHOUT PASSENGER ENDORSEMENT	N	IN	$200	$0	Y	0%	Y	Y	C	Add - New
53-3-202(3)(B)(II)(C)	DRIVING AS PRIVATE PASSENGER CARRIER WITHOUT SCHOOL BUS ENDORSEMENT	N	IN	$200	$0	Y	0%	Y	Y	C	Add - New
58-37F-601(1)(B)(I)	NEGLIGENT RELEASE OF INFORMATION FROM OTHER STATE/FED IN OPIOID PRESCRIPTION DATABASE	N	MC	$100	$0	N	90%				Add - New
58-37F-601(1)(B)(II)	ELECTRONICALLY ACCESS INFORMATION IN THE OPIOID PRESCRIPTION DATABASE	Y	MC	$340	$0	N	90%				Add - New
65A-3-2.5	RECKLESSLY OPERATE UNMANNED AIRCRAFT	Y	MB	$680	$0	N	9000%	N	Y	C	Add - New
~~76-6-1407(1)(A)~~	~~VIOLATION OF SCRAP METAL DEALER REQUIREMENTS~~	~~N~~	~~MC~~	~~$340~~	~~$0~~	~~N~~	~~35%~~	~~N~~	~~N~~	~~C~~	Repeal and reenter with statutory mandatory minimum
76-6-1407(1)(A)	VIOLATION OF SCRAP METAL DEALER REQUIREMENTS	N	MC	$750	$0	N	35%	N	N	C	Statutory mandatory minimum of $750 if convicted
~~76-6-1408~~	~~FALSIFICATION OF METAL SELLERS STATEMENT TO DEALER~~	~~Y~~	~~MB~~	~~$660~~	~~$0~~	~~N~~	~~90%~~	~~N~~	~~Y~~	~~S~~	Repeal and reenter with statutory mandatory minimum
76-6-1408	FALSIFICATION OF METAL SELLERS STATEMENT TO DEALER	Y	MB	$1,000	$0	N	90%	N	Y	S	Statutory mandatory minimum of $1000 if convicted
~~76-6-1408(1)~~	~~METAL SELLER FALSE STATEMENT~~	~~Y~~	~~MB~~	~~$660~~	~~$0~~	~~N~~	~~90%~~	~~N~~	~~Y~~	~~S~~	Repeal and reenter with statutory mandatory minimum
76-6-1408(1)	METAL SELLER FALSE STATEMENT	Y	MB	$1,000	$0	N	90%	N	Y	S	Statutory mandatory minimum of $1000 if convicted
76-8-301(1)(A)	USES FORCE/VIOLENCE/INTIMIDATION TO INTERFERE W/PUBLIC SERVANT	Y	MB	$680	$0	N	90%			S	Add - New
76-8-301(1)(B)	KNOWINGLY/INTENTIONALLY INTERFERE W/PUBLIC SERVANT	Y	MB	$680	$0	N	90%			S	Add - New
76-8-301(1)(C)	INTERFERE W/ PUBLIC SERVANT ON STATE PROPERTY	Y	MC	$340	$0	N	35%			C	Add - New
76-10-1204.5(2)(B)	FAILURE OF COMPUTER TECH TO REPORT PORNOGRAPHIC IMAGE	Y	MB	$680	$0	N	90%			S	Add - New
41-1A-202	NEW RESIDENT FAILURE TO REGISTER VEHICLE W/IN 60 DAYS	N	MC	$1,000	$800	Y	0%	N	N	C	Corrected statutory fine amounts
41-1A-202(3)	NEW RESIDENT FAILURE TO REGISTER VEHICLE W/IN 60 DAYS	N	MC	$1,000	$800	Y	0%	N	N	C	Corrected statutory fine amounts
41-6A-1302(5)	OPERATOR OF SCHOOL BUS TO HAVE HEADLIGHTS ON	N	IN	$50	$0	Y	0%	Y	N	C	Corrected statutory fine amounts
41-6A-1409(2)	IMPROPER BOOTING IN MOBIL HOME PARK OR MULTI-FAMILY DWELLING	N	IN	$280	$0	Y	0%	N	N	C	Made non-moving violation
41-6A-1409(3)	IMPROPER BOOTING-IMPROPER NOTICE	N	IN	$280	$0	Y	0%	N	N	C	Made non-moving violation
41-6A-1409(4)	IMPROPER BOOTING - FEE FOR REMOVAL	N	IN	$340	$0	Y	0%	N	N	C	Made non-moving violation
41-6A-1616(3)(G)	CONTINUOUS FLASHING LIGHTS REPEATED ON BRAKE APPLICATION	N	IN	$50	$0	Y	0%	N	N	C	Made non-moving violation - amended fine amount
41-6A-1622	SELL SUBSTANDARD EQUIPMENT	N	IN	$340	$0	Y	0%	N	N	C	Made non-moving violation - amended fine amount

73-18-15.2(2)(B)	OPERATE PWC OVER AGE 12 UNDER AGE 16 W/O EDUCATION CERTIF	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.2(2)(C)	OPERATE PWC AGE 12 TO AGE 16 W/O CERTIFICATE IN POSSESSION	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.2(3)(A)	OPERATE PWC OVER AGE 16 UNDER 18 W/O EDUCATION CERTIFICATE	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.2(3)(B)	OPERATE PWC AGE 16 - 18 W/O EDUCATION CERTIF IN POSSESSION	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.2(5)	GAVE PERMISSION FOR UNDERAGE OPERATION	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.3	OPERATION OF PERSONAL WATERCRAFT PROHIBITED SUNSET - SUNRISE	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-16	HELD A MARINE EVENT WITHOUT PROPER AUTHORIZATION	Y	~~MC~~	IN	$300	$0	N	35%	N	N	C	Change in severity - SB 187
76-9-706	FALSE REPRESENTATION OF MILITARY AWARD	N	~~MC~~	IN	$340	$0	N	35%	N	N	C	Change in severity - SB 187
76-9-706(2)	FALSE REPRESENTATION REGARDING AWARD OF MILITARY SERVICE	N	~~MC~~	IN	$340	$0	N	35%	N	N	C	Change in severity - SB 187
76-9-706(3)	PURCHASE, POSSESS, SELL FALSE REPRESENTATION MILITARY AWARD	N	~~MC~~	IN	$340	$0	N	35%	N	N	C	Change in severity - SB 187
76-9-706(4)	WEARING/USE MILITARY AWARD UNLAWFULLY	N	~~MC~~	IN	$340	$0	N	35%	N	N	C	Change in severity - SB 187
76-9-706(5)	FALSE REPRESENTATION OF MILITARY NAME/TITLE/INSIGNIA/RITUAL	N	~~MC~~	IN	$340	$0	N	35%	N	Y	C	Change in severity - SB 187
78B-1-115(3)	MISREPRESENT MATERIAL FACTS REGARDING JURY DUTY	Y	~~MC~~	IN	$270	$0	N	35%	N	N	C	Change in severity - SB 187
78B-8-304(2)	BILL FALSELY FOR PROCESS SERVICE	Y	~~MC~~	IN	$340	$0	N	35%	N	Y	C	Change in severity - SB 187
31A-44-604	FALSE INFORMATION PROVIDED BY CONTINUING CARE PROVIDER	Y	MB		$680	$0	N	90%			C	Add - New
41-6A-1115.5(4)	< 16 OPERATING CLASS 3 ELECTRIC ASSISTED BICYCLE	N	IN		$50	$0	Y	0%			C	Add - New
41-6A-1115.5(5)	< 14 OPERATE ELECTRIC ASST BIKE W/MOTOR ENG W/OUT SUPERVISION	N	IN		$50	$0	Y	0%			C	Add - New
41-6A-1115.5(6)	< 8 OPERATING ELECTRIC ASSISTED BICYCLE W/MOTOR ENGAGED IN PUBLIC	N	IN		$50	$0	Y	0%			C	Add - New
41-6A-1115.5(7)	OWNER MAY NOT AUTHORIZE OPERATION OF ELECTRIC ASSISTED BICYCLE	N	IN		$50	$0	Y	0%			C	Add - New
41-6A-1115.5(8)(A)	DISTRIBUTOR TO PERMANENTLY AFFIX LABEL ON ELECTRIC ASSISTED BICYCLE	N	IN		$50	$0	Y	0%			C	Add - New - Effective January 1, 2017
41-6A-1115.5(8)(B)	MANUFACT/DISTRIBUTOR ENSURE AFFIXED LABEL IN ARIAL 9 PT OR LARGER	N	IN		$50	$0	Y	0%			C	Add - New - Effective January 1, 2017
41-6A-1401(1)(B)(VII)	PARKING IN RESERVED SPACE AT CAPITOL HILL COMPLEX	N	IN		$40	$0	Y	0%			C	Add - New
41-6A-1505(1)	< 18 OPERATING W/OUT HEADGEAR	N	IN		$110	$0	Y	0%			C	Add - New
41-6A-1505(1)(A)	< 18 OPERATING MOTORCYCLE W/OUT HEADGEAR	N	IN		$110	$0	Y	0%			C	Add - New
41-6A-1505(1)(B)	< 18 OPERATING MOTOR DRIVEN CYCLE W/OUT HEADGEAR	N	IN		$110	$0	Y	0%			C	Add - New
41-6A-1505(1)(C)	< 18 OPERATINGAUTOCYCLE W/OUT HEADGEAR	N	IN		$110	$0	Y	0%			C	Add - New
41-6A-1506(2)	AUTOCYCLE EQUIPMENT REQUIRED	N	IN		$50	$0	Y	0%			C	Add - New
~~53-3-202(3)~~	~~DRIVING VEHICLE AS TAXICAB WITHOUT DLD TAXICAB ENDORSEMENT~~	~~Y~~	~~IN~~		~~$200~~	~~$0~~	~~Y~~	~~0%~~	~~Y~~	~~Y~~	~~C~~	REPEAL and reenter to match statute change

73-18-8(1)(B)(III)	INAPPROPRIATE SIZE PFD	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-8(1)(E)	FAILURE TO HAVE TYPE IV PFD ON BOARD	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-8(2)	FAIL TO DISPLAY NAVIGATION LIGHTS BETWEEN SUNSET & SUNRISE	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-8(3)	IMPROPER VENTILATION	N	~~MC~~	IN	$140	$0	N	35%	N	Y	C	Change in severity - SB 187
73-18-8(4)	NON-APPROVED OR INADEQUATE NUMBER OF FIRE EXTINGUISHERS	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-8(5)	NON-APPROVED OR INADEQUATE BACKFIRE FLAME CONTROL DEVICE	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-8(7)	GAVE PERMISSION TO OPERATE WITHOUT PROPER SAFETY EQUIPMENT	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-8.1(1)	NO CAPACITY/CERTIFICATION LABEL (BOAT)	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-8.1(2)	OPERATE/PERMISSION TO OPERATE/OVERLOADED/OVERPOWERED VESSEL	N	~~MC~~	IN	$200	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-8.1(3)	ALTERED/DEFACED/REMOVED CAPACITY/CERTIFICATION LABEL	Y	~~MC~~	IN	$300	$0	N	35%	N	Y	C	Change in severity - SB 187
73-18-8.1(4)	OPERATE/PERMISSION TO OP VESSEL W/CAPACITY LABEL ALTE/DEFACE	Y	~~MC~~	IN	$300	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1	VESSEL NAVIGATION & STEERING LAWS	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(1)	FAILURE TO MAINTAIN PROPER LOOKOUT	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(2)	FAILURE TO ALTER COURSE IN MEETING SITUATION	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(3)	FAILURE TO YIELD RIGHT OF WAY WHEN CROSSING	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(4)	FAILURE TO YIELD RIGHT OF WAY WHEN OVERTAKING	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(5)	FAILURE TO STAY OUT OF WAY OF LESS MANEUVERABLE VESSEL	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(7)	FAILURE TO KEEP RIGHT IN NARROW CHANNELS	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(8)	FAILURE TO TAKE ACTION IN AVOIDING ACCIDENT	N	~~IN~~	MC	$170	$0	N	35%	N	Y	C	Change in severity - SB 187
73-18-15.1(9)	FAILURE TO YIELD SAILBOAT VS SAILBOAT	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(10)	FAILURE TO OBEY SPEED AND PROXIMITY	N	~~IN~~	MC	$270	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(11)	DAMAGE OR INJURY CAUSED BY WAKE CREATED BY OPERATORS VESSEL	N	~~IN~~	MC	$270	$0	N	35%	N	Y	C	Change in severity - SB 187
73-18-15.1(12)	PERSON RIDING ON UNAUTHORIZED PORTION OF VESSEL	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(13)	PERSON ON BOW NOT STRADDLING STANCHION OR BLOCKING VIEW	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(14)(A)	NO OBSERVER OR OBSERVER NOT OVER 8 YEARS OF AGE	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(14)(B)	TOWED PERSON BETWEEN SUNSET AND SUNRISE	N	~~IN~~	MC	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.1(15)	DISPLAY NAV LIGHTS BETWEEN SUNSET/SUNRIS	N	~~IN~~	MC	$150	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.2	OPERATE VESSEL UNDER AGE W/O ADULT	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.2(1)	UNDER 16 OP MOTOR/SAILBOAT W/O ADULT/SINGLE MB/SB SUPERVISED	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-15.2(2)(A)	OPERATE PWC OVER AGE 12 UNDER AGE 16 W/OUT ADULT SUPERVISION	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187

72-7-403(2)	TOWING REQUIREMENTS - WHIPS/SWERVES	N	~~MC~~	IN	$230	$0	N	35%	N	N	C	Change in severity - SB 187
72-7-404(1)(B)	TIRE LOAD RATING VIOLATION	N	~~MC~~	IN	$50	$0	Y	0%	N	N	C	Change in severity - SB 187
72-7-404(2)(A)	AXLE LIMITATION VIOLATION	N	~~MC~~	IN	$50	$0	Y	0%	N	N	C	Change in severity - SB 187
72-7-404(2)(B)	VEHICLE GROSS WEIGHT VIOLATION	N	~~MC~~	IN	$50	$0	Y	0%	N	N	C	Change in severity - SB 187
72-7-404(3)(A)	BRIDGE VIOLATION	N	~~MC~~	IN	$50	$0	Y	0%	N	N	C	Change in severity - SB 187
72-7-405(4)	REFUSAL TO SUBMIT TO MEASURE OR WEIGHT	Y	~~MC~~	IN	$280	$0	N	35%	N	N	C	Change in severity - SB 187
72-7-406	VIOLATION OF OVERWEIGHT/OVERSIZE PERMIT	N	~~MC~~	IN	$310	$0	Y	0%	N	N	C	Change in severity - SB 187
72-7-407	IMPLEMENTS OF HUSBANDRY - ESCORT VEHICLE REQ.	N	~~MC~~	IN	$340	$0	N	35%	N	N	C	Change in severity - SB 187
72-7-408	RESTRICTIONS ON HIGHWAY USE BECAUSE OF CLIMATIC CONDITIONS	N	~~MC~~	IN	$200	$0	N	35%	N	Y	C	Change in severity - SB 187
72-7-409	FAILURE TO SECURE LOAD ON VEHICLE	N	~~MC~~	IN	$230	$0	N	35%	N	N	C	Change in severity - SB 187
72-7-409(3)	FAILURE TO COVER LOAD	N	~~MC~~	IN	$230	$0	N	35%	N	N	C	Change in severity - SB 187
72-7-409(6)	FAILURE TO SECURE LOAD/VEHICLE OPERATED ON HWY	N	~~MC~~	IN	$230	$0	N	35%	N	N	C	Change in severity - SB 187
72-7-409(8)(B)(II)	FAILURE TO SECURE LOAD - 2ND OR SUBSEQUENT OFFENSE	Y	~~MC~~	IN	$500	$0	N	35%	N	N	C	Change in severity - SB 187 correct statutory fine amount
72-7-409(8)(C)(I)	FAILURE TO SECURE LOAD - COMMERCIAL VEHICLE	N	~~MC~~	IN	$500	$0	N	35%	N	N	C	Change in severity - SB 187 correct statutory fine amount
72-7-409(8)(C)(II)	FAIL TO SECURE LOAD - COMM VEHICLE - 2ND / SUSEQUENT OFFENSE	N	~~MC~~	IN	$1,000	$0	N	35%	N	N	C	Change in severity - SB 187 correct statutory fine amount
73-18-6(1)	FAILURE TO DISPLAY BOW NUMBERS	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-7	BOATING REGISTRATION VIOLATION	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-7(1)	EXPIRED, IMPROPER OR NO CURRENT REGISTRATION	N	~~MC~~	IN	$140	$10	N	35%	N	Y	C	Change in severity - SB 187
73-18-7(3)	NO REG IN VEHICLE WHILE OPERATING (BOAT)	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-7(3)(B)	NO REGISTRATION CARD ON VESSEL	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-7(4)(A)	IMPROPER LOCATION / ATTACHEMENT OF BOW NUMBERS	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-7(4)(B)	BOW NUMBERS/PLAIN VERTICAL BLOCK CHARACTERS AT LEAST 3" HIGH	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-7(4)(C)	BOW NUMBERS CONTRAST W/COLOR BACKGROUND/VISIBLE & LEGIBLE	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-7(4)(D)	NO SPACES OR HYPHENS BETWEEN GROUPINGS OF BOW NUMBER	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-7(4)(E)	BOW NUMBERS NOT READ FROM LEFT TO RIGHT	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-7(6)	NONRES OWNER OPERATING BOAT IN EXCESS OF RECIPROCITY PERIOD	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-7(15)	UNASSIGNED NUMBER DISPLAYED ON BOAT	Y	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-8	SAFETY EQUIPMENT REQUIRED TO BE ON BOARD VESSELS	N	~~MC~~	IN	$140	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-8(1)(A)	INSUFFICIENT APPROVED PFD'S	N	~~MC~~	IN	$170	$0	N	35%	N	Y	C	Change in severity - SB 187
73-18-8(1)(B)(I)	PFD IN UNSERVICEABLE CONDITION	N	~~MC~~	IN	$170	$0	N	35%	N	N	C	Change in severity - SB 187
73-18-8(1)(B)(II)	NO USCG APPROVAL ON PFD	N	~~MC~~	IN	$170	$0	N	35%	N	Y	C	Change in severity - SB 187

Violation Code	Description	Man Appr	Deflt Sev	New Deflt Sev	Suggest Bail Includes Sec Surcharge $50	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comments
4-31-102	DUTY OF OWNER TO BURY OR DISPOSE OF DEAD DOMESTIC ANIMAL	N	~~MC~~	IN	$340	$0	N	35%	N	N	C	Change in severity - SB 187
4-31-103	DEPOSIT DEAD ANIMAL ON ANOTHERS LAND WITHOUT CONSENT	N	~~MC~~	IN	$340	$0	N	35%	N	N	C	Change in severity - SB 187
~~4-31-112~~	~~FEEDING GARBAGE OR PLATE WASTE TO SWINE~~	~~N~~	~~MC~~		~~$340~~	~~$0~~	~~N~~	35%	~~N~~	~~N~~	~~C~~	Repeal - SB 187
10-9A-611	SALE OF SUBDIVIDED LAND BEFORE SUBDIVISION IS APPROVED	N	~~MC~~	IN	$340	$0	N	35%	N	Y	C	Change in severity - SB 187
10-9A-802(2)(B)	BUILDING WITHOUT A PERMIT	N	~~MC~~	IN	$340	$0	N	35%	N	N	C	Change in severity - SB 187
13-32-103	PROHIBITED SALES - SWAP MEET	N	~~MC~~	IN	$200	$0	N	35%	N	Y	C	Change in severity - SB 187
13-32-104	RETENTION OF RECEIPTS & TRANSACTIONS - SWAP MEET	N	~~MC~~	IN	$200	$0	N	35%	N	Y	C	Change in severity - SB 187
13-32-105	FALSIFY/DESTROY RECORDS/RECEIPTS - SWAP MEET VENDOR	N	~~MC~~	IN	$340	$0	N	35%	N	Y	C	Change in severity - SB 187
20A-1-604	DESTROYING ELECTION PARAPHERNALIA	Y	~~MC~~	IN	$340	$0	N	35%	N	Y	C	Change in severity - SB 187
26-15-13(4)	VIOLATE TANNING REGULATION -MINORS NEED WRITTEN PERMISSION	N	~~MC~~	IN	$340	$0	N	35%	N	N	C	Change in severity - SB 187
26-15-13(7)(B)	MISREPRESENT TO TANNING FACILITY THAT PERSON IS 18 OR OLDER	N	~~MC~~	IN	$340	$0	N	35%	N	Y	C	Change in severity - SB 187
41-1A-401(1)(B)	LIC PLT REMOV FROM REG VEH, USED ON OTH	Y	~~MC~~	IN	$280	$0	Y	0%	N	Y	C	Change in severity - SB 187
41-1A-702(3)	FAIL TO DELIVER TITLE	Y	~~MC~~	IN	$280	$0	Y	0%	N	Y	C	Change in severity - SB 187
41-1A-1206	IMPROPER REGISTRATION OF FARM TRUCK	N	~~MC~~	IN	$200	$0	Y	0%	N	Y	C	Change in severity - SB 187
41-6A-601	SPEEDING	N	~~MC~~	IN	$120	$0	N	35%	Y	N	C	Change in severity - SB 187
41-6A-601(1)	TOO FAST FOR EXISTING CONDITIONS	N	~~MC~~	IN	$120	$0	N	35%	Y	N	C	Change in severity - SB 187
41-6A-601(3)	SPEEDING - TOO FAST FOR EXISTING CONDITIONS	N	~~MC~~	IN	$120	$0	N	35%	Y	N	C	Change in severity - SB 187
41-12A-303.2	NO PROOF OF INSURANCE	Y	~~MC~~	IN	$400	$0	Y	0%	Y	Y	C	Change in severity - SB 187 correct statutory fine amount
41-12A-303.2(2)	NO PROOF OF INSURANCE	Y	~~MC~~	IN	$400	$0	Y	0%	Y	Y	C	Change in severity - SB 187 correct statutory fine amount
41-12A-303.2{2}	NO PROOF OF INSURANCE - 2ND OR SUBSEQUENT OFFENSE	Y	~~MC~~	IN	$1,000	$0	Y	0%	Y	Y	C	Change in severity - SB 187 correct statutory fine amount
53-3-305	NOTICE TO DL OF IMPAIRED PERSON W/INTENT TO ANNOY, HARASS,IN	N	~~MC~~	IN	$340	$0	N	35%	N	N	C	Change in severity - SB 187
53-3-305(5)	NOTIFY OF IMPAIRMENT WITH INTENT TO ANNOY, HARASS SUBJECT	N	~~MC~~	IN	$340	$0	N	35%	N	N	C	Change in severity - SB 187
53-3-404	NO COMMERCIAL DRIVER LICENSE	N	~~MC~~	IN	$310	$0	Y	0%	Y	Y	C	Change in severity - SB 187
53-3-412	CDL CLASSIFICATION ENDORSEMENT AND RESTRICTION VIOLATION	N	~~MC~~	IN	$160	$0	Y	0%	Y	N	C	Change in severity - SB 187 made a non-moving violation
53-8-209	INSPECTION BY PEACE OFFICER	N	~~MC~~	IN	$340	$0	N	35%	N	Y	C	Change in severity - SB 187 made a non mandatory appearance
53B-3-107	VIOLATE TRAFFIC REGULATIONS AT STATE INSTITUTION/HIGHER ED	N	~~MC~~	IN	$130	$0	N	35%	N	N	C	Change in severity - SB 187
72-7-403	TOWING REQUIREMENTS	N	~~MC~~	IN	$230	$0	N	35%	N	N	C	Change in severity - SB 187

legislature, (2) change the fine amount for those reclassified offenses based on the existing standard fine amounts for juvenile offenses, (3) and add new offenses enacted by the legislature.

Ms. Iwasaki indicated that changing the fine amounts for the reclassified offenses may cause the juvenile fines to be greater than the fines for adults for the same violation. After the adult schedule has been approved by the ~~Judicial~~ Council, she will compare the amounts in the two schedules and return to the Committee with additional recommendations. The Committee took the following action:

> **Judge Parker made a motion to approve the reclassification of offenses in the Juvenile Fine/Bail Schedule as recommended by staff and to change the fine amounts to be consistent with the standard fine amounts for juvenile offenses. Judge Blanch seconded the motion. The motion was carried unanimously.**

Ms. Iwasaki reviewed with the Committee additional changes recommended in response to legislation as reflected in the handout (Attachment B). The following action was taken:

> **Judge Parker moved to approve all of the remaining requested changes to the juvenile fine/bail schedule as shown in the handout. The motion was seconded and the motion passed unanimously.**

11. Schedule 2017 Annual Meeting

The Committee selected a tentative date of Wednesday, April 12, 2017, noon to 4 p.m., at the Matheson Courthouse for its next annual meeting to address new legislation. If the ~~Judicial~~ Council determines that the Committee should restructure the schedule, additional meeting dates will be scheduled in the interim.

There being further business, the meeting was adjourned.

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8. Justice Court requests

There were no requests to the Committee from justice courts.

9. Other requests

Ms. Crenshaw reviewed with the Committee requests submitted to the Administrative Office of the Courts by the Division of Wildlife Resources and the Division of Parks and Recreation. The Committee determined to make the recommendations reflected on Attachment A to these minutes.

Judge Brady explainted ~~noted~~ that, except for offenses included in the Utah Code, the schedule uses numbers for indexing purposes. For example, index numbers are used for Wildlife Resources, Parks and Recreations, and Transportation violation codes. Some are historical numbers that are included as placeholders because law enforcement and others still use them. If the source of the offense is not apparent, staff may be contacted to answer questions.

Ms. Crenshaw related that DWR has asked to add the corresponding Utah Code number into the description for wildlife resource offenses. This will assist them in electronically filing citations. The Committee members agreed that the Utah Code number should be included.

Ms. Crenshaw pointed out a statement in the fine/bail schedule (p. 2) stating that certain turning lane and other traffic violations have a $50 fine and are non-mandatory. The statement is inconsistent with the fine amounts in the schedule itself. The Committee determined that the statement no longer serves a purpose and should be removed.

Ms. Crenshaw advised the Committee that the serious offenses included on a table in the Fine/Bail Schedule had been added to the schedule itself, so that now the table and the schedule match.

Ms. Crenshaw informed the Committee that she had copied the aggravating and mitigating circumstances from the Sentencing Guidelines into the Fine/Bail Schedule. The Committee approved adopting the aggravating and mitigating circumstances listed in the Guidelines.

The AOC received a comment from Mr. Greg Ostler, as a private citizen, expressing concern about violations of traffic laws and the need for deterrence. The Committee discussed Mr. Ostler's comments. Judge Brady ~~stated that he~~ will write to Mr. Ostler and inform him that the Committee is aware of and understands his concerns.

10. Juvenile court fine and bail schedule

Ms. Emily Iwasaki joined the meeting to present recommendations from the Juvenile Court Administration to update the Juvenile Fine/Bail Schedule in light of legislative changes. She provided a handout to the Committee that highlighted those changes. The handout is attached to these minutes as Attachment B. The recommendation is to (1) change the severity of offenses reclassified by the

Judge Brady noted that the Committee should not make changes to this year's Fine/Bail Schedule based on the pretrial release study committee's recommendation to eliminate the bail schedule. A substitute process is needed and has not yet been put into place. An observation was made that the bail schedule applies primarily to justice court. The recommendation to convert bail from an offense-driven to an offender-driven process is more applicable to district court. One question is how to create a substitute process that still allows individuals the option of waiving a court appearance by paying bail. A suggestion has been made to eliminate bail and re-designate the process as payment of a fine, which would reflect the reality of what occurs.

The discussion turned to a lack of consistency in how judges consider multiple charges when setting bail. Some will set bail based on the most serious offense. Others will add the bail for all charges together. The Committee discussed whether to make a recommendation to encourage a consistent practice around the state. This would be an interim measure until the Pretrial Release Committee created a new process for setting bail. A consensus emerged that the Committee should make a recommendation~~recommendation as follows~~:

> **Judge Blanch moved that the Committee recommend a rule providing that when there are multiple charges, there is a presumption that bail be based on the most serious offense charged and that charges not be aggregated. The rule should state that it is subject to the judge's discretion in consideration of aggravating and mitigating circumstances. The motion was seconded.**
>
> **Judge Brady made an amendment, which was accepted by Judge Blanch and Judge Parker, to request the Judicial Council to identify an appropriate mechanism to educate judges regarding the need to consider aggravating and mitigating circumstances in setting bail.**
>
> **The motion as amended carried unanimously.**

Ms. Crenshaw projected a spreadsheet of the Fine/Bail Schedule with notations added regarding offenses that were impacted or created by bills passed in this year's legislative session. Additional notations were made on some offenses for which Ms. Crenshaw had questions or concerns for the Committee's consideration. The Committee reviewed the offenses line-by-line and made recommendations for changes as shown on Attachment A to these minutes.

An extended discussion took place regarding Utah Code 41-22-12.7(3), unlawful motor vehicle use on public/private property within 5 years. It was noted that the legislature established a maximum fine of $1000 for this offense. The discussion concluded as follows:

> **Judge Baxter made a motion to lower the recommended fine amount to $600 for a violation of Utah Code 41-22-12.7(3). The motion was seconded by Judge Blanch and passed by a vote of 3 to 2.**

When new offenses are created in the future, the Committee should have a way to determine what the fine should be in the context of all offenses within the schedule under the principle of proportionality. To categorize 2,000 offenses will take time. It should be done with the approval of the Committee and the ~~Judicial~~ Council. Judge Brady reviewed with the Committee estimates of the revenue impact of different approaches using weighted averages. The survey asked judges about various approaches the Committee could take, including doing nothing~~ and continuing to recommend fine amounts each year for new offenses~~. Of ninety responses, sixty percent were from justice court judges and 40% from district court judges. Judge Brady reviewed the judges' responses to the survey questions. Two-thirds of the judges rely on the schedule. Seventy-five percent thought the schedule should be restructured. About the same percent rated the importance of restructuring as a 3 or above on a 1-5 scale, with 5 being the most important. Over half thought there should be fewer recommended fines in each offense level, but not just one fine in each level.

Discussion took place regarding whether to restructure the schedule. It was observed that the schedule should be restructured, not according to a weighted average, but within each level based on severity. The aggravating and mitigating circumstances need to be added. It was noted that the schedule is only a recommendation and the judge should consider the aggravating and mitigating circumstances for each offender. Consistency would be created by putting each offense into context with other offenses. There should be a recommended conversion rate for community service. The schedule for some types of offenses such as speeding has a structure that should be retained.

Judge Brady noted that restructuring the schedule would take several meetings over the course of the summer. Agreement was voiced with the suggestion of taking the time to restructure the schedule. The rationale for fines for various wildlife offenses seemed particularly difficult to discern. Fines in plea agreements among inexperienced prosecutors and different administrations in prosecutors' offices vary substantially. Establishing tiers within offense levels would help to address such concerns by providing the judge more of a basis for questioning the prosecutor before assessing a fine. Proportionality, enhanceable offenses such as with shoplifting, and impact on fairness should be carefully considered. The schedule should be simpler and cleaner and therefore easier to use.

A motion was made and seconded to seek the approval of the Judicial Council to restructure the fine/bail schedule. The motion passed unanimously.

Judge Brady reviewed some of the survey comments. A frequent comment was that bail should be separate from fines. Breaking down offense levels into categories with the exception offenses that are already structured was supported. Wildlife offenses were frequently commented on. Judge Lockwood noted that there are inconsistencies in the schedule for mandatory fines. Some offenses are listed as non-mandatory contrary to statute. She provided a list of such offenses. Judge Brady asked staff to look at her list and provide an analysis. Another comment was that the fines change frequently and there should be fewer changes in fines from year to year. Some suggestions in the comments would be inconsistent with what is required by statute.

7. 2016 Legislation

designates about 40 offenses as "non-serious." The courts are allowing BCI to determine who should, and who should not, receive an OTN, which is a delegation of a core judicial function.

In addition, application of the rule is inconsistent: when BCI designates an offense as serious and the Committee determines that it is non-mandatory, only individuals who plead not guilty are not assigned an OTN while those who plead guilty and do not appear receive an OTN.

Judge Brady suggested that the Committee express concern to the ~~Judicial~~ Council about those two issues. Judge Baxter added a concern that requiring the courts to be involved in the fingerprinting process is requiring the judiciary to perform a police function. The courts should not be told they "shall" require fingerprints. In response to an invitation from Judge Brady,

> **A motion was made by Judge Baxter and was seconded by Judge Blanch to raise the Committee's concerns regarding the fingerprinting and OTN process with the Judicial Council. A unanimous vote was in favor of the motion.**

Judge Parker noted that the issue of assigning ~~assignment of~~ an OTN is related to criminal records and the need to file a petition for expungement to remove the record. He stated that he does not see this as a core judicial function, but does have concern about the inconsistency in application of the rule between the treatment of persons who plead guilty and those who plead not guilty.

6. Discussion of survey results

Judge Brady reviews highlights from a summary of survey results and other data he sent to the Committee members a couple of weeks before the meeting. Judge Brady noted that over 2,000 offenses are included on the Fine/Bail Schedule, of which about 1,000 were charged in the last fiscal year. Using those 1,000, an analysis was performed of what changes to the schedule will do to the revenue. There are multiple fine amounts for Class B and Class C offenses, and infractions. This points to Judge Brady's concern about a lack of consistency within the schedule. There are 390 infractions with 34 levels of suggested fines that range from $25 to $820. The number, levels of fines, and range of fines for Class B and for Class C misdemeanors shows a similar pattern. In sum, there are 120 levels of fines. Many times, the difference between levels is $10. It is not apparent why there are differences in fines for similar offenses. No guidelines exist except for speeding, DUIs, and severe crimes such as some assaults and domestic violence. Over the years, the Committee has recommended fines for new offenses without conducting a comprehensive review of existing offenses, resulting in a lack of consistency. Judge Brady discussed different possible approaches to creating proportionality, including:

a. determine a fine amount for infractions, for Class B misdemeanors, and for Class C misdemeanors; or,
b. recommend a fine for each level of offense to be adjusted for aggravating and mitigating circumstances; or
c. break offense levels into categories such as traffic, property, and person crimes and determine a fine for each category.

4. Notice to Agencies

Judge Brady suggested that the Committee establish a policy on notifying agencies and the courts of the Committee meetings as provided by CJA 4-302(8). In the past, Clerks of Court, judges, and presiding judges have made recommendations. The Committee discussed whether invitations to submit recommendations should be sent and received from all participants in the court system. Judge Baxter expressed the opinion that he would prefer that recommendations be submitted by and through judges rather than clerks. The determination of the amount of fines is a core judicial function. Other issues come up such as whether an offense has a minimum mandatory amount. Judge Eddington stated that he agrees that recommendations for the Committee should be screened by a judge. Such a process would screen out recommendations that are based on someone's own opinion. Judge Parker agreed. Judge Baxter noted that as a presiding judge, he is in constant contact with the court staff and isn't aware of problems that don't come to him. ~~The discussion was concluded by:~~

> **Judge Eddington made a ~~A~~ motion ~~from Judge Eddington~~, seconded by Judge Parker, that comments and recommendations by court staff be submitted to the Committee through a presiding judge. T~~Without further discussion, t~~he motion passed by a unanimous vote~~ly~~.**

Judge Brady indicated for the minutes that the notice to the presiding judges should indicate that they are welcome to submit any recommendations from staff in their court but that the Committee would prefer not to hear directly from staff.

The Committee agreed that notice should continue to go to the Divisions of Wildlife Services and of Parks and Recreation of the Utah Department of Natural Resources, and to the Motor Vehicle Division of the Utah Department of Transportation.

Notice should also be sent to the Utah Association of Criminal Defense Lawyers, the Utah Prosecution Council, the Criminal Section of the Utah State Bar, the Utah League of Cities and Towns, and the Utah Association of Counties. The Committee will consider giving notice to the Utah Indigent Defense Commission after it is operating pursuant to a bill passed in this year's legislative session.

The Committee determined that the notice should be sent 15 days before the end of the legislative session and should provide a cut-off date of 30 days from the notice. The cut-off should be at least 10 days before the date of the Committee meeting to allow staff sufficient time to compile the responses.

5. Procedures for BCI reportable offenses

Judge Brady related two concerns to the Committee regarding the OTN ~~Offender Tracking Number~~ process: (1) the delegation of a judicial function by rule and (2) inconsistent ~~the~~ application of the rule ~~is inconsistent~~. CJA 4-609 provides that prosecutors, law enforcement, courts and others ensure an OTN be assigned to all defendants booked into jail before first appearance. The rule provides an exception for offenses designated by the Utah Bureau of Criminal Identification as "Non-Serious." The bail schedule designates about 1,000 offenses as non-mandatory appearance allowing individuals to send in their bail without appearing. BCI

Judge Shaughnessy emphasized that the study committee recommended that it would be ill-advised to eliminate the bail schedule without having a substitute process in place. Without another process, judges would have nothing to go by to determine bail. An advantage of the bail schedule is to increase uniformity across the state of treatment of persons in similar situations. There needs to be some standards in place but those standards would take into account individual circumstances with the assistance of an assessment tool for risk of failure to appear or committing another offense while on bail. Use of an assessment tool would be consistent with the research and with evidence-based practices. The study committee recommended the creation of a standing committee on pretrial release. The Council is in the process of sorting out membership and creating rules to establish a new standing committee. The standing committee will need to interact with the Fine and Bail Schedule Committee to implement the recommendations.

Judge Brady thanked Judge Shaughnessy for updating the committee.

3. Review purpose and function of Uniform Fine and Bail Schedule Committee

Judge Brady gave an overview of the law governing the work of the UFBSC~~Uniform Fine and Bail Committee~~. The responsibility of recommending amounts for bail stems from court rule not from statute. Utah Code section 76-3-301.5 directs the ~~Judicial~~ Council to create only a fine committee. CJA 1-205 creates the UFBSC~~Uniform Fine/Bail Schedule Committee~~ and establishes its~~the~~ membership. CJA 4-302 provides that the Committee will establish a uniform recommended fine/bail schedule. Judge Brady noted that the Pretrial Release Study Committee found that although the intent of the schedule as stated in Rule 4-302 is to promote consistency, bail determinations around the state are inconsistent. A survey distributed to jails by the Pretrial Release Study Committee received a response from jails representing 70% of the population. Jail policies vary about who they will accept and how long they will hold the person.

Judge Brady noted that the rule states that the recommended fines shall be proportional to the seriousness of the offense and the offenders' criminal history. Judge Brady stated a concern about whether the current schedule is proportional as intended by this provision and, if not, whether the schedule should be revised. Further discussion on this concern took place later in the meeting ~~and is summarized below~~.

The rule indicates that the schedule shall include aggravating and mitigating circumstances. The schedule previously included them but they were inadvertently omitted from last year's schedule. Staff confirmed that they will reinsert the aggravating and mitigating circumstances into the schedule this year.

The Committee has been meeting at least annually as required by the rule. Staff has given notice of the Committee's annual meetings to the Division of Wildlife Services and the Division of Parks and Recreation of the Department of Natural Resources, ~~-~~and the Motor Carrier Division of the Department of Transportation. Judge Brady went over a list included in the meeting packet of tasks performed by staff in preparation for the annual meeting.

c. The Offender Tracking Number (OTN) process that judges follow is a matter of concern. An individual brought into court by summons is instructed to go to the jail and get an OTN number. Judge Brady will ask the Committee to give him guidance in addressing with the~~the Judicial~~ Council some conflicts he ~~Judge Brady~~ sees with the OTN process.

d. The Committee will also address:

   i. legislative actions in the recent session;
   ii. questions that have been raised about the schedule in the last year;
   iii. the juvenile offense schedule;
   iv. requests from agencies;
   v. restoring the Sentencing Guidelines into the bail schedule; and
   vi. creating a process for soliciting agency requests for changes to the schedule.

2. Update on Judicial Council's Standing Committee on Pretrial Release Procedures

Judge Brady welcomed Judge Todd Shaughnessy to the meeting for a report on ~~the activities of~~ the Standing Committee on Pretrial Release Procedures. Judge Shaughnessy reported that the ~~Judicial~~ Council's study item last year was to take a look at pretrial release. A committee was formed and included Judge Brady, Sen. Lyle Hillyard, Rep. Eric Hutchings, judges at every court level, and ~~a~~ representatives from the bail industry~~,~~ and the Insurance Commission, which ~~that~~ regulates the bail industry. The committee made 12 recommendations, include (1) ~~such as~~ developing and implementing across the state a pretrial risk assessment tool, (2) improving pretrial supervision programs, and (3) using cite and release rather than booking for low level offenses. The overarching theme was to stop looking at pretrial release as an offense-driven rather than an offender-driven inquiry. One recommendation was to eliminate bail commissioners and the bail part of the fine and bail schedule, which would require that judges determine initial bail amounts. This was unpopular in the bail industry.

Some ~~study committee recommendations were for~~ legislative changes were also recommended. The committee put together a bill to accomplish some of those recommendations. The bill was sponsored by Sen. Hillyard. The bail industry had a competing bill aimed at cash bail and other issues. ~~An allegation was made that court practices competed with the bail industry, which was determined by an audit and a supplemental audit to not be the case.~~ During the legislative session, the bail industry brought in national representatives to address the issues. A compromise bill was not reached and both bills died. Although the study committee had recommended elimination of the bail part of the fine and bail schedule, Sen. Hillyard's bill had not addressed that issue because the bail part of the schedule is a creation of the Council not the legislature.

Judge Shaughnessy noted that there is a national movement to eliminate bail schedules, with support by a non-profit group that has been remarkably successful in having courts strike down bail schedules as unconstitutional or entering into consent decrees with municipalities requiring elimination of bail schedules. Post-Ferguson, the Department of Justice has pushed to get rid of bail schedules. The efforts go beyond bail schedules to address fine schedules that have the impact of forcing people who cannot pay to pay fines.

UNIFORM FINE AND BAIL SCHEDULE COMMITTEE
Minutes
April 13, 2016, noon to 3:30 p.m.
Council Room, Matheson Courthouse

COMMITTEE MEMBERS
Hon. James Brady, Chair
Hon. John Baxter
Hon. James Blanch
Hon. Keith Eddington (by Vidyo)
Hon. David Hamilton
Hon. Paul Parker

STAFF
Debra Moore
Kim Allard
Lisa Crenshaw
Emily Iwasaki
Clayson Quigley

EXCUSED
Hon. Augustus Chin
Hon. Scott Cullimore

1. Welcome and approval of minutes

Judge James Brady welcomed everyone in attendance. The presence of a quorum was noted. Judge Brady provided a preview of the items on the meeting agenda. He noted that:

a. The recommendations of the Judicial Council's study committee on pretrial release procedures, chaired by Judge Todd Shaughnessy, were presented to the ~~Judicial~~ Council. A bill to implement some of the recommendations did not pass in the recent legislative session. Some of the issues will continue to be pursued either in the legislature or by court rules. There will be a move to separate bail from fines in the Uniform Fine and Bail Schedule Committee (UFBSC or Committee) that the Committee will hear more about.

b. Judge Brady noted that at the last meeting, he expressed concerns about the structure of the fine schedule. The schedule has become convoluted over time and needs a "spring cleaning." If this Committee likes the idea, it will go to the Council's Management Committee for a recommendation and then on to the Council for a decision on whether the Committee should proceed. If the Committee wants to proceed, it should consider today what guidelines to recommend to the ~~Judicial~~ Council for restructuring the schedule.

A survey was distributed to all justice ~~court~~ and district court judges. There was a good response, about 50%. Rick Schwermer has expressed concern about the fiscal impact of restructuring the schedule. If the Committee proceeds, it should be from a policy standpoint and not to increase or decrease revenue.

MEMORANDUM

TO: **Judicial Council**

FROM: **Hon. James Brady**

RE: **Requests for Authorization from Judicial Council**

The Fine and Bail Committee requests authorization from the Judicial Council to study, evaluate and return with specific recommendations which may significantly change the Uniform Fine and Bail Schedule and the Committee operations. The Fine and Bail Committee believes it has conducted sufficient study to demonstrate the need for further study and change recommendations in the following three areas. If the Judicial Council grants the authorizations requested, the Fine and Bail Committee will return to the Judicial Council with their reports and recommendations by May, 2017.

Authorizations:

The Judicial Council authorizes the Uniform Fine and Bail Committee undertake the following specific assignments, and prepare a report on each assignment to be reviewed by the Judicial Council at its May 2017 meeting:

1. Study and recommend changes to the current Uniform Fine and Bail Schedule to:
   a. Identify all crimes with maximum mandatory fines established by the legislature and confirm that they reflect the proper amount.
   b. Treat similar types of crimes with similar fine recommendations (e.g., person crimes, property crime, crimes against public order, crimes against moral order, regulatory crimes, traffic offenses, etc).
   c. Significantly reduce the number of different recommended fine amounts within each category of crime.
   d. Recommend fine levels that would demonstrably result in no, or minimal deviation of the total amount of fines ordered by the courts in 2015 and 2016.

2. Study and recommend changes in the current rules and or statutes necessary to separate a Uniform Bail Schedule from a Uniform Fine Schedule. Prepare to issue a Uniform Fine Schedule without linkage to a Uniform Bail Schedule.

3. Study and recommend alternatives for obtaining Offense Tracking Numbers (OTNs) for defendants that are not arrested, which do not create a conflict between BCI's purposes, the operations of the Committee, or create constitutional issues for the courts.

TAB 5

147 (3)(~~J~~K)(vi) Refer the problem to a the Judicial Council or to the Chief Justice.
148 (3)(~~J~~K)(vii) In the event that the options listed above in subsections (i) through (vi) do not resolve the
149 problem and where the refusal or conduct is willful, continual, and the presiding judge believes the
150 conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall refer the problem
151 to the Council or the Judicial Conduct Commission.
152 (3)(~~K~~L) Cases under advisement.
153 (3)(~~K~~L)(i) A case is considered to be under advisement when the entire case or any issue in the case
154 has been submitted to the judge for final determination. The final determination occurs when the judge
155 resolves the pending issue by announcing the decision on the record or by issuing a written decision,
156 regardless of whether the parties are required to subsequently submit for the judge's signature a final
157 order memorializing the decision.
158 (3)(~~K~~L)(ii) Once a month each judge shall submit a statement on a form to be provided by the
159 ~~Administrative Office~~State Court Administrator notifying the presiding judge of any cases or issues held
160 under advisement for more than two months and the reason why the case or issue continues to be held
161 under advisement.
162 (3)(~~K~~L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under
163 advisement for more than two months to the appropriate state level administrator and indicate the
164 reasons why the case or issue continues to be held under advisement.
165 (3)(~~K~~L)(iv) If a case or issue is held under advisement for an additional 30 days, the state level
166 administrator shall report that fact to the Council.
167 (3)(~~L~~M) Board of judges. The presiding judge shall serve as a liaison between the court and the
168 Board for the respective court level.
169 (3)(~~M~~N) Supervision and evaluation of court commissioners. The presiding judge is responsible for
170 the development of a performance plan for the Court Commissioner serving in that court and shall
171 prepare an evaluation of the Commissioner's performance on an annual basis. A copy of the performance
172 plan and evaluation shall be maintained in the official personnel file in the Administrative Office.
173

110 (3)(~~F~~G)(iii) Annually, the state level administrator shall consult with the presiding judge in the
111 preparation of an evaluation of the court executive's performance for the previous year, also taking into
112 account input from all judges in the district.
113 (3)(~~F~~G)(iv) The presiding judge shall be aware of the day-to-day activities of the court executive,
114 including coordination of annual leave.
115 (3)(~~F~~G)(v) Pursuant to Council policy and the direction of the state level administrator, the court
116 executive has the responsibility for the day-to-day supervision of the non-judicial support staff and the
117 non-judicial administration of the court. The presiding judge, in consultation with the judges of the
118 jurisdiction, shall coordinate with the court executive on matters concerning the support staff and the
119 general administration of the court including budget, facility planning, long-range planning, administrative
120 projects, intergovernmental relations and other administrative responsibilities as determined by the
121 presiding judge and the state level administrator.
122 (3)(~~G~~H) Courtrooms and facilities. The presiding judge shall direct the assignment of courtrooms and
123 facilities.
124 (3)(~~H~~I) Recordkeeping. Consistently with Council policies, the court executive, in consultation with the
125 presiding judge, shall:
126 (3)(~~H~~I)(i) coordinate the compilation of management and statistical information necessary for the
127 administration of the court;
128 (3)(~~H~~I)(ii) establish policies and procedures and ensure that court personnel are advised and aware of
129 these policies;
130 (3)(~~H~~I)(iii) approve proposals for automation within the court in compliance with administrative rules.
131 (3)(~~I~~J) Budgets. The court executive, in consultation with the presiding judge, shall oversee the
132 development of the budget for the court. In contract sites, the court executive shall supervise the
133 preparation and management of the county budget for the court on an annual basis and in accordance
134 with the Utah Code.
135 (3)(~~J~~K) Judicial officers. In the event that another judge or commissioner of the court fails to comply
136 with a reasonable administrative directive of the presiding judge, interferes with the effective operation of
137 the court, abuses his or her judicial position, exhibits signs of impairment or violates the Code of Judicial
138 Conduct, the presiding judge may:
139 (3)(~~J~~K)(i) Meet with and explain to the judge or commissioner the reasons for the directive given or
140 the position taken and consult with the judge or commissioner.
141 (3)(~~J~~K)(ii) Discuss the position with other judges and reevaluate the position.
142 (3)(~~J~~K)(iii) Present the problem to the court en banc or a committee of judges for input.
143 (3)(~~J~~K)(iv) Require the judge or commissioner to participate in appropriate counseling, therapy,
144 education or treatment.
145 (3)(~~J~~K)(v) Reassign the judge or commissioner to a different location within the district or to a different
146 case assignment.

74 (3)(C)(iii) If more than 14 judicial days of coverage will be required, the presiding judge will promptly
75 present to the State Court Administrator a plan for meeting the needs of the court for the anticipated
76 duration of the vacancy or absence and a budget to implement that plan. The plan should describe the
77 calendars to be covered by judges of the district, judges of other districts, and senior judges. The budget
78 should estimate the funds needed for travel by judges and for time and travel by senior judges.
79 (3)(C)(iv) If any part of the proposed plan is contested by the State Court Administrator, the plan will
80 be reviewed by the Management Committee of the Judicial Council for final determination.
81 (3)(D~~C~~) Court committees. The presiding judge shall, where appropriate, make use of court
82 committees composed of other judges and court personnel to investigate problem areas, handle court
83 business and report to the presiding judge and/or the court en banc.
84 (3)(~~D~~E) Outside agencies and the media.
85 (3)(~~D~~E)(i) The presiding judge or court executive shall be available to meet with outside agencies,
86 such as the prosecuting attorney, the city attorney, public defender, sheriff, police chief, bar association
87 leaders, probation and parole officers, county governmental officials, civic organizations and other state
88 agencies. The presiding judge shall be the primary representative of the court.
89 (3)(~~D~~E)(ii) Generally, the presiding judge or, at the discretion of the presiding judge, the court
90 executive shall represent the court and make statements to the media on matters pertaining to the total
91 court and provide general information about the court and the law, and about court procedures, practices
92 and rulings where ethics permit.
93 (3)(~~E~~F) Docket management and case and judge assignments.
94 (3)(~~E~~F)(i) The presiding judge shall monitor the status of the dockets in the court and implement
95 improved methods and systems of managing dockets.
96 (3)(~~E~~F)(ii) The presiding judge shall assign cases and judges in accordance with supplemental court
97 rules to provide for an equitable distribution of the workload and the prompt disposition of cases.
98 (3)(~~E~~F)(iii) Individual judges of the court shall convey needs for assistance to the presiding judge. The
99 presiding judge shall, through the ~~Administrative Office~~State Court Administrator, request assistance of
100 visiting judges or other appropriate resources when needed to handle the workload of the court.
101 (3)(~~E~~F)(iv) The presiding judge shall discuss problems of delay with other judges and offer necessary
102 assistance to expedite the disposition of cases.
103 (3)(~~F~~G) Court executives.
104 (3)(~~F~~G)(i) The presiding judge shall review the proposed appointment of the court executive made by
105 the ~~s~~State ~~C~~court ~~A~~administrator and must concur in the appointment before it ~~can be effected~~ will be
106 effective. The presiding judge shall obtain the approval of a majority of the judges in that jurisdiction prior
107 to concurring in the appointment of a court executive.
108 (3)(~~F~~G)(ii) The presiding judge for the respective court level and the state level administrator shall
109 jointly develop an annual performance plan for the court executive.

37 (2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a majority of the judges
38 may call additional meetings as necessary.
39 (2)(A)(vi) Minutes of each meeting shall be taken and preserved.
40 (2)(A)(vii) Other than judges and court executives, those attending the meeting shall be by court
41 invitation only.
42 (2)(A)(viii) The issues on which judges should vote shall be left to the sound discretion and judgment
43 of each court and the applicable sections of the Utah Constitution, statutes, and this Code.
44 (2)(B) Absence of presiding judge. When the presiding judge and the associate presiding judge, if
45 any, are absent from the court, an acting presiding judge shall be appointed. The method of designating
46 an acting presiding judge shall be at the discretion of the presiding judge. All parties that must necessarily
47 be informed shall be notified of the judge acting as presiding judge.
48 (3) Administrative responsibilities and authority of presiding judge.
49 (3)(A)(i) Generally. The presiding judge is charged with the responsibility for the effective operation of
50 the court. He or she is responsible for the implementation and enforcement of statutes, rules, policies and
51 directives of the Council as they pertain to the administration of the courts, orders of the court en banc
52 and supplementary rules. The presiding judge has the authority to delegate the performance of non-
53 judicial duties to the court executive. When the presiding judge acts within the scope of these
54 responsibilities, the presiding judge is acting within the judge's judicial office.
55 (3)(A)(ii) Caseload. Unless the presiding judge determines it to be impractical, there is a presumption
56 that the judicial caseload of the presiding judge shall be adjusted to provide the presiding judge sufficient
57 time to devote to the management and administrative duties of the office. The extent of the caseload
58 reduction shall be determined by each district.
59 (3)(A)(iii) Appeals. Any judge of the judicial district may ask the Chief Justice or Judicial Council to
60 review any administrative decision made by the presiding judge of that district.
61 (3)(B) Coordination of judicial schedules.
62 (3)(B)(i) The presiding judge shall be aware of the vacation and education schedules of judges and
63 be responsible for an orderly plan of judicial absences from court duties.
64 (3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence to the presiding
65 judge consistent with Rule 3-103(4).
66 (3)(C) Authority to appoint senior judges.
67 (3)(C)(i) The presiding judge is authorized to use senior judge coverage for up to 14 judicial days if a
68 judicial position is vacant or if a judge is absent due to illness, accident, or disability. Before assigning a
69 senior judge, the presiding judge will consider the priorities for requesting judicial assistance established
70 in Rule 3-108. The presiding judge may not assign a senior judge beyond the limits established in Rule
71 11-201(6).
72 (3)(C)(ii) The presiding judge will notify the State Court Administrator when a senior judge assignment
73 has been made.

1 **Rule 3-104. Presiding judges.**
2 Intent:
3 To establish the procedure for election, term of office, role, responsibilities and authority of presiding
4 judges and associate presiding judges.
5 Applicability:
6 This rule shall apply to presiding judges and associate presiding judges in the District and Juvenile
7 Courts.
8 Statement of the Rule:
9 (1) Election and term of office.
10 (1)(A) Presiding judge. The presiding judge in multi-judge courts shall be elected by a majority vote of
11 the judges of the court. The presiding judge's term of office shall be at least two years. A district, by
12 majority vote of the judges of the court, may re-elect a judge to serve successive terms of office as
13 presiding judge. In the event that a majority vote cannot be obtained, the presiding judge shall be
14 appointed by the presiding officer of the Council to serve for two years.
15 (1)(B) Associate presiding judge.
16 (1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court to the
17 office of associate presiding judge. An associate presiding judge shall be elected in the same manner and
18 serve the same term as the presiding judge in paragraph (1)(A).
19 (1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the
20 responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned
21 by the presiding judge or by the court.
22 (1)(C) A presiding judge or associate presiding judge may be removed as the presiding judge or
23 associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or
24 associate presiding judge shall then be selected as provided in this rule.
25 (2) Court organization.
26 (2)(A) Court en banc.
27 (2)(A)(i) Multi-judge courts shall have regular court en banc meetings, including all judges of the court
28 and the court executive, to discuss and decide court business. The presiding judge has the discretion to
29 excuse the attendance of the court executive from court en banc meetings called for the purpose of
30 discussing the performance of the court executive. In single-judge courts, the judge shall meet with the
31 court executive to discuss and decide court business.
32 (2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither the presiding judge
33 nor associate presiding judge, if any, is present, the presiding judge's designee shall preside.
34 (2)(A)(iii) Each court shall have a minimum of four meetings each year.
35 (2)(A)(iv) An agenda shall be circulated among the judges in advance of the meeting with a known
36 method on how matters may be placed on the agenda.

The Policy and Planning Committee looks forward to discussing this rule with the Council.

Encl. **CJA 03-0104**

no process and, other than fixing them in the priority list, nothing about senior judges. The discussion thus far has focused exclusively on the extent of the presiding judge's authority, so that is where I recommend we put it.

At its May meeting, the Policy and Planning Committee agreed with Mr. Shea's suggestion that Rule 3-104 would be the more appropriate vehicle for this language. It agreed that affirming the presiding judge's authority to appoint a senior judge was important and used Mr. Shea's proposal as a guide in crafting language to conform to Mr. Lund's motion and the spirit of previous discussions.

Attached is Utah Code of Judicial Administration Rule 3-104 as amended by the Policy and Planning Committee. The amendments are found in lines 66-80 and the major points are as follows (this is the language verbatim):

1) The presiding judge is authorized to use senior judge coverage for up to 14 judicial days if a judicial position is vacant or if a judge is absent due to illness, accident, or disability.
2) Before assigning a senior judge, the presiding judge will consider the priorities for requesting judicial assistance established in Rule 3-108. The presiding judge may not assign a senior judge beyond the limits established in Rule 11-201(6).
3) The presiding judge will notify the State Court Administrator when a senior judge assignment has been made.
4) If more than 14 judicial days of coverage will be required, the presiding judge will promptly present to the State Court Administrator a plan for meeting the needs of the court for the anticipated duration of the vacancy or absence and a budget to implement that plan. The plan should describe the calendars to be covered by judges of the district, judges of other districts, and senior judges. The budget should estimate the funds needed for travel by judges and for time and travel by senior judges.
5) If any part of the proposed plan is contested by the State Court Administrator, the plan will be reviewed by the Management Committee of the Judicial Council for final determination.

To make the rule consistent throughout with respect to when the State Court Administrator is involved, Policy and Planning also made the following changes throughout the rule: 1) capitalizing "state court administrator" in paragraph (3)(G)(i), and 2) changing "Administrative Office" to "State Court Administrator" in paragraphs (3)(F)(iii) and (3)(L)(ii). "Administrative Office" in paragraph (3)(N) was not changed because the paragraph references where personnel files are kept.

Policy and Planning made one other correction to the rule that is worth noting. On line 105, the language currently reads, "The presiding judge shall review the proposed appointment of the court executive made by the state court administrator and must concur in the appointment **before it can beeffected**." (emphasis added). The committee changed the language at issue to, "before it will be effective."

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

MEMORANDUM

To: Judicial Council
From: Nancy Sylvester
Date: May 16, 2016
Re: Senior Judge Assignments under CJA Rule 3-104

On April 25, the Judicial Council discussed how to manage senior judge assistance with the chairs of the boards of judges. In essence, the discussion revolved around how to balance the needs of a court for immediate assistance when sudden vacancies occur, the role of the presiding judge in addressing those needs, budgetary considerations surrounding longer-term needs, and the role of the Administrative Office and Council in the decisions to use senior judges.

To provide guidance to Policy and Planning on what the rule language should include, John Lund made the following motion:

> 1) Presiding judges should have discretion for some defined period of time and amount of resources to make the decision on their own to appoint a senior judge without prior approval of anybody.
>
> 2) The presiding judge should provide notice to the appropriate management people in the Administrative Office that they made the assignment.
>
> 3) If there is going to be more than a 14 day commitment, there would be a plan put together and communicated to the Administrative Office about the staffing need the district has.
>
> 4) If there can't be amicable resolution as to how the staffing should be done, then the Management Committee of the Council should be responsible for making the final decision.

The Council adopted the motion unanimously.

The Policy and Planning Committee originally drafted language addressing senior judge coverage in rule 3-108(3)(A). But Tim Shea thought the better course would be to draft the language in rule 3-104, the presiding judge rule. Mr. Shea, in proposing new language, said,

> I recommend against using Rule 3-108 as the vehicle. Rule 3-108 establishes the reasons to ask for judicial assistance and establishes the priority of whom to ask. Paragraph (3) of that rule establishes the conditions under which judges of one district or court level can provide assistance in another. The rule includes almost

TAB 4

One thought on "Code of Judicial Administration – Comment Period Closed April 23, 2016"

Axel Trumbo

March 4, 2016 at 6:05 pm Edit

CJA Rule 4-903. This rule fails to address when a judge should order custody evaluations. There are some jurisdictions in which commissioners are requiring them in almost all cases before certifying the case for trial. This per se requirement seems inappropriate. I suggest the addition of a final paragraph that states something along these lines:

"When determining whether to order a custody evaluation pursuant to this rule, the court must consider whether the parties can reasonably afford the evaluation, and how helpful the evaluation would be in the resolution of the particular case. The prevailing consideration in each case must be the best interest of the child."

73 (~~5~~ 4)(F)(iii) moral character; ~~and~~
74 (~~5~~ 4)(F)(iv) emotional stability;
75 (~~5~~ 4)(~~E~~ F)(~~ii~~ v) duration and depth of desire for custody and parent-time;
76 (~~5~~ 4)(~~E~~ F)(~~iii~~ vi) ability to provide personal rather than surrogate care;
77 (~~5~~ 4)(~~E~~ F)(~~iv~~ vii) significant impairment of ability to function as a parent through drug
78 abuse, excessive drinking or other causes;
79 (~~5~~ 4)(~~E~~ F)(~~v~~ viii) reasons for having relinquished custody or parent-time in the past;
80 (~~5~~ 4)(~~E~~ F)(~~vi~~ ix) religious compatibility with the child;
81 (~~5~~ 4)(~~E~~ F)(~~vii~~ x) ~~kinship, including in extraordinary circumstances stepparent status~~ the
82 child's interaction and relationship with the child's step-parent(s), extended family members, and/or any
83 other person who may significantly affect the child's best interest;
84 (~~5~~ 4)(~~E~~ F)(~~viii~~ xi) financial ~~condition~~ responsibility; ~~and~~
85 (~~5~~ 4)(~~E~~ F)(~~ix~~ xii) evidence of abuse of the subject child, another child, or spouse; ~~and~~
86 (~~5~~ 4)(G) factors affecting a determination for joint legal and/or physical custody as set forth in
87 Utah Code 30-3-10.2; and
88 (~~5~~ 4)(~~F~~ H) any other factors deemed important by the evaluator, the parties, or the court.
89 (~~6~~ 5) In cases in which specific areas of concern exist such as domestic violence, sexual abuse,
90 substance abuse, mental illness, and the evaluator does not possess specialized training or experience in
91 the area(s) of concern, the evaluator shall consult with those having specialized training or experience.
92 The assessment shall take into consideration the potential danger posed to the child's custodian and the
93 child(ren).
94 (~~7~~ 6) In cases in which psychological testing is employed as a component of the evaluation, it shall be
95 conducted by a licensed psychologist who is trained in the use of the tests administered, and adheres to
96 the ethical standards for the use and interpretation of psychological tests in the jurisdiction in which he or
97 she is licensed to practice. If psychological testing is conducted with adults and/or children, it shall be
98 done with knowledge of the limits of the testing and should be viewed within the context of information
99 gained from clinical interviews and other available data. Conclusions drawn from psychological testing
100 should take into account the inherent stresses associated with divorce and custody disputes.
101 ~~Advisory Committee Note. The qualifications enumerated in this rule are required for the performance of a~~
102 ~~custody evaluation. However, if the qualifications are met, a practitioner from another state with a different~~
103 ~~title will not be barred from performing a custody evaluation.~~

36 (3)(F) require the evaluator to provide written notice to the court, counsel and parties within five
37 business days of completion (of information-gathering) or termination of the evaluation and, if terminated,
38 the reason;
39 (3)(G) require counsel ~~or~~ and parties to ~~schedule~~ complete a ~~settlement~~ custody evaluation
40 conference with the court and the evaluator within 45 days of notice of completion (of information
41 gathering) or termination unless otherwise directed by the court so that evaluator may issue a verbal
42 report; and
43 (3)(H) require that any party wanting a written custody evaluation report ~~to be prepared~~ give
44 written notice to the evaluator within 45 days after the ~~settlement~~ custody evaluation conference.
45 ~~(4) In divorce cases where custody is at issue, one evaluator may be appointed by the court to conduct~~
46 ~~an impartial and objective assessment of the parties and submit a written report to the court. When one of~~
47 ~~the prospective custodians resides outside of the jurisdiction of the court two individual evaluators may be~~
48 ~~appointed. In cases in which two evaluators are appointed, the court will designate a primary evaluator.~~
49 ~~The evaluators must confer prior to the commencement of the evaluation to establish appropriate~~
50 ~~guidelines and criteria for the evaluation and shall submit only one joint report to the court.~~
51 (~~5~~ 4) The purpose of the custody evaluation will be to provide the court with information it can use to
52 make decisions regarding custody and parenting time arrangements that are in the child's best
53 interest. ~~This is accomplished by assessing the prospective custodians' capacity to parent, the~~
54 ~~developmental, emotional, and physical needs of the child, and the fit between each prospective~~
55 ~~custodian and child.~~ Unless otherwise specified in the order, evaluators must consider and respond to
56 each of the following factors:
57 (~~5~~ 4)(A) the developmental needs of the child (including, but not limited to physical, emotional,
58 educational, medical and any special needs), and the parents' demonstrated understanding of,
59 responsiveness to, and ability to meet, those needs.
60 (~~5~~ 4)(~~A~~ B) ~~the child's preference~~ the stated wishes and concerns of each child, taking into the
61 consideration the child's cognitive ability and emotional maturity.
62 (~~5~~ 4)(~~B~~ C) the relative benefit of keeping siblings together;
63 (~~5~~ 4)(~~C~~ D) the relative strength of the child's bond with ~~one or both of~~ the prospective
64 custodians, meaning the depth, quality and nature of the relationship between a prospective custodian
65 and child;
66 (~~5~~ 4)(~~D~~ E) ~~the general interest in continuing~~ previous~~ly determined custody~~ parenting
67 arrangements where the child ~~is~~ has been happy and well adjusted;
68 (~~5~~ 4)(~~E~~ F) factors relating to the prospective custodians' character ~~or status or~~ and their
69 capacity ~~or~~ and willingness to function as parents, including:
70 (~~5~~ 4)(~~E~~ F)(i) parenting skills
71 (~~5~~ 4)(F)(ii) co-parenting skills (including, but not limited to, the ability to facilitate the
72 child's relationship with the other parent, and to appropriately communicate with the other parent);

Rule 4-903. Uniform custody evaluations.

Intent:

To establish uniform guidelines for the ~~preparation~~ performance of custody evaluations.

Applicability:

This rule shall apply to the district and juvenile courts.

Statement of the Rule:

~~(1) Custody evaluations shall be performed by persons with the following minimum qualifications:~~

~~(1)(A) Social workers who hold the designation of Licensed Clinical Social Worker or equivalent license by the state in which they practice may perform custody evaluations within the scope of their licensure.~~

~~(1)(B) Doctoral level psychologists who are licensed by the state in which they practice may perform custody evaluations within the scope of their licensure.~~

~~(1)(C) Physicians who are board certified in psychiatry and are licensed by the state in which they practice may perform custody evaluations within the scope of their licensure.~~

~~(1)(D) Marriage and family therapists who hold the designation of Licensed Marriage and Family Therapist (Masters level minimum) or equivalent license by the state in which they practice may perform custody evaluations within the scope of their licensure.~~

(1) Custody evaluations shall be performed by professionals who have specific training in child development, and who are licensed by the Utah Department of Occupational and Professional Licensing as either a (a) Licensed Clinical Social Worker, (b) Licensed Psychologist, (c) Licensed Physician who is board certified in psychiatry, or (d) Licensed Marriage and Family Therapist.

(2) Every motion or stipulation for the performance of a custody evaluation shall include:

(2)(A) the name, address, and telephone number of each evaluator nominated, or the evaluator agreed upon;

(2)(B) the anticipated dates of commencement and completion of the evaluation and the estimated cost of the evaluation;

(2)(C) specific factors, if any, to be addressed in the evaluation.

(3) Every order requiring the performance of a custody evaluation shall:

(3)(A) require the parties to cooperate as requested by the evaluator;

(3)(B) restrict disclosure of the evaluation's findings or recommendations and privileged information obtained except in the context of the subject litigation or other proceedings as deemed necessary by the court;

(3)(C) assign responsibility for payment from the beginning of the evaluation through the custody evaluation conference, as well as the costs of the written report if requested;

(3)(D) specify dates for commencement and completion of the evaluation;

(3)(E) specify any additional factors to be addressed in the evaluation;

110 (6) Summons from the qualified jury list.

111 (6)(A) After consultation with the judges or the presiding judge of the court, the clerk shall
112 determine the number of jurors needed for a particular day. The number of prospective jurors summoned
113 should be based upon the number of panels, size of the panels, any alternates, the total number of
114 peremptory challenges plus the anticipated number of prospective jurors to be postponed, excused from
115 service or removed for cause. The clerk shall summon the smallest number of prospective jurors
116 reasonably necessary to select a trial jury.

117 (6)(B) The judge may direct that additional jurors be summoned if, because of the notoriety of the
118 case or other exceptional circumstances, the judge anticipates numerous challenges for cause.

119 <u>(6)(C) Juror summons.</u>

120 (6)(C)(i) The summons may be by first class mail delivered to the address provided on the
121 juror qualification form or by telephone.

122 (6)(C)(ii) Mailed summonses shall be on a form approved by the state court administrator.
123 The summons may direct the prospective juror to appear at a date, time, and place certain or may direct
124 the prospective juror to telephone the court for further information. The summons shall direct the
125 prospective juror to present the summons for payment. The summons may contain other information
126 determined to be useful to a prospective juror.

127 (6)(C)(iii) If summons is made by telephone, the clerk shall follow the procedures of
128 paragraph (9) of this rule.

129 (7) Assignment of qualified prospective jurors to panels. Qualified jurors may be assigned to panels in
130 the random order in which they appear on the qualified jury list or may be selected in any other random
131 order. If a prospective juror is removed from one panel, that prospective juror may be reassigned to
132 another panel if the need exists and if there are no prospective jurors remaining unassigned.

133 (8) Selection of prospective jurors for voir dire. Qualified jurors may be selected for voir dire in the
134 random order in which they appear on the qualified jury list, or may be selected in any other random
135 order.

136 (9) Calling additional jurors. If there is an insufficient number of prospective jurors to fill all jury panels,
137 the judge shall direct the clerk to summon from the qualified jury list such additional jurors as necessary.
138 The clerk shall make every reasonable effort to contact the prospective jurors in the order listed on the
139 qualified jury list. If after reasonable efforts the clerk fails to contact a juror, the clerk shall attempt to
140 contact the next juror on the list. If the clerk is unable to obtain a sufficient number of jurors in a
141 reasonable period of time, the court may use any lawful method for acquiring a jury.

73 (4)(D) If a prospective juror is unable to complete the answers, they may be completed by
74 another person. The person completing the answers shall indicate that fact.
75 (4)(E) If the clerk determines that there is an omission, ambiguity, or error in the answers, the
76 clerk shall return the form to the prospective juror with instructions to make the necessary addition,
77 clarification, or correction and to file the answers with the clerk within ten days after it is received.
78 (4)(F) The clerk shall review all answers and record the prospective juror as qualified or
79 disqualified as defined by statute.
80 (4)(G) The clerk shall notify the state court administrator of any determination that a prospective
81 juror is not qualified to serve as a juror, and the state court administrator shall accordingly update the
82 master jury list.
83 (4)(H) A prospective juror whose qualification form is returned by the United States Postal Service
84 as "undeliverable," or "moved - left no forwarding address," or "addressee unknown," or other similar
85 statement, shall not be pursued further by the clerk. The clerk shall notify the state court administrator
86 who shall accordingly update the master jury list.
87 (4)(I) If a prospective juror fails to respond to the qualification questionnaire and the form is not
88 returned by the U.S. Postal Service as undeliverable, the clerk shall mail the qualification form a second
89 time with a notice that failure to answer the questions may result in a court order requiring the prospective
90 juror to appear in person before the clerk to complete the qualification form. If a prospective juror fails to
91 answer the questions after the second mailing, the qualification form and a summons may be delivered to
92 the sheriff for personal service upon the prospective juror. The summons shall require the prospective
93 juror to answer the questions and file them with the court within ten days or to appear before the clerk to
94 prepare the form. Any prospective juror who fails to answer the questions or to appear as ordered shall
95 be subject to the sanctions set forth in the Utah Code.
96 (5) Excuse or postponement from service.
97 (5)(A) No competent juror is exempt from service.
98 (5)(B) Persons on the qualified juror list may be excused from jury service, either before or after
99 summons, for undue hardship, public necessity or because the person is incapable of jury service under
100 the Utah Code. The court shall make reasonable accommodations for any prospective juror with a
101 disability. Excuse from jury service satisfies the prospective juror's statutory service obligation.
102 (5)(C) A prospective juror may be postponed to later in the term or to a future term for good
103 cause.
104 (5)(D) Without more, being enrolled as a full or part-time post-high school student is not sufficient
105 grounds for excuse from service.
106 (5)(E) Disposition of a request for excuse from service or postponement may be made by the
107 judge presiding at the trial to which panel the prospective juror is assigned, the presiding judge of the
108 court, or the judge designated by the presiding judge for that purpose. The presiding judge may establish
109 written standards by which the clerk may dispose of requests for excuse from service or postponement.

37 (2)(A)(i) serving on a jury panel for one trial whether as a primary or alternate juror regardless
38 of whether the jury is called upon to deliberate or return a verdict;
39 (2)(A)(ii) reporting once to the courthouse for potential service as a juror;
40 (2)(A)(iii) except for a juror living in a county of the fourth, fifth, or sixth class or a county of
41 the third class with populations up to 75,000, complying with a summons as directed, even if not directed
42 to report to the courthouse; or
43 (2)(A)(iii) expiration of the term of availability.
44 (2)(B) The term of availability of jurors shall be as follows, unless a shorter term is ordered by the
45 court:
46 (2)(B)(i) one month for the trial courts of record in Salt Lake county;
47 (2)(B)(ii) three months for the trial courts of record in Davis, Utah, and Weber counties; and
48 (2)(B)(iii) six months for all other courts.
49 (3) Random selection procedures.
50 (3)(A) Random selection procedures shall be used in selecting persons from the master jury list
51 for the qualified jury list.
52 (3)(B) Courts may depart from the principle of random selection in order to excuse or postpone a
53 juror in accordance with statute or these rules and to remove jurors challenged for cause or peremptorily.
54 (4) Qualified jury list.
55 (4)(A) For each term of availability as defined above, the state court administrator shall provide,
56 based on a random selection, to the court the number of jurors requested by that court. This shall be the
57 list from which the court qualifies prospective jurors. The names of prospective jurors shall be delivered to
58 the requesting court in the random order in which they were selected from the master jury list. The court
59 shall maintain that random order through summons, assignment to panels, selection for voir dire,
60 peremptory challenges, and final call to serve as a juror; or the court may rerandomize the names of
61 jurors at any step.
62 (4)(B) For each term of availability the court should request no more than the number of
63 prospective jurors reasonably calculated to permit the selection of a full jury panel with alternates if
64 applicable for each trial scheduled or likely to be scheduled during the term. The number of prospective
65 jurors requested should be based upon the size of the panel plus any alternates plus the total number of
66 peremptory challenges plus the anticipated number of prospective jurors to be postponed, excused from
67 service or removed for cause less the number of jurors postponed to that term.
68 (4)(C) The clerk of the court shall mail to each prospective juror a qualification form. The
69 prospective juror shall file the answers to the questions with the clerk within ten days after it is received.
70 The state court administrator shall develop a uniform form for use by all courts. In addition to the
71 information required by statute, the qualification form shall contain information regarding the length of
72 service, and procedures and grounds for requesting an excuse or postponement.

1 **Rule 4-404. Jury selection and service.**
2 **Intent:**
3 To identify the source lists from which the master jury list is built.
4 To establish a uniform procedure for jury selection, qualification, and service.
5 To establish administrative responsibility for jury selection.
6 To ensure that jurors are well informed of the purpose and nature of the obligations of their service at
7 each stage of the proceedings.
8 **Applicability:**
9 This rule shall apply to all trial courts.
10 **Statement of the Rule:**
11 (1) Master jury list and jury source lists; periodic review.
12 (1)(A) The state court administrator shall maintain for each county a master jury list as defined by
13 the Utah Code.
14 (1)(B) The master jury list for each county shall be a compilation of the following source lists:
15 (1)(B)(i) driver licenses and identification cards for citizens of the United States 18 years of
16 age and older from the Drivers License Division of the Department of Public Safety; and
17 (1)(B)(ii) the official register of voters from the Elections Division of the Office of the Lt.
18 Governor.
19 (1)(C) The Judicial Council may use additional source lists to improve the inclusiveness of the
20 master jury list for a county.
21 (1)(D) At least twice per year the state court administrator shall obtain from the person
22 responsible for maintaining each source list a new edition of the list reflecting any additions, deletions,
23 and amendments to the list. The state court administrator shall renew the master jury list for each county
24 by incorporating the new or changed information.
25 (1)(E) The master jury list shall contain the name, address, and date of birth for each person
26 listed and any other identifying or demographic information deemed necessary by the state court
27 administrator. The state court administrator shall maintain the master list on a data base accessible to the
28 district courts and justice courts of the state.
29 (1)(F) The state court administrator shall compare the number of persons on each master jury list
30 for a county with the population of the county 18 years of age and older as reported by the Economic and
31 Demographic Data Projections published for the year by the Office of Planning and Budget. The state
32 court administrator shall report the comparison to the Judicial Council at its October meeting during even
33 numbered years. The sole purpose of this report is to improve, if necessary, the inclusiveness of the
34 master jury list.
35 (2) Term of service and term of availability of jurors.
36 (2)(A) The following shall constitute satisfactory completion of a term of service of a juror:

220 (7)(A) accounting records;
221 (7)(B) discovery filed with the court;
222 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings,
223 orders, decrees;
224 (7)(D) name of a party or minor;
225 (7)(E) record of a court hearing;
226 (7)(F) referral and offense histories
227 (7)(G) and any other juvenile court record regarding a minor that is not designated as a social
228 record.
229 (8) The following are safeguarded records:
230 (8)(A) upon request, location information, contact information and identity information other than
231 name of a petitioner and other persons to be protected in an action filed under Title 77, Chapter 3a,
232 Stalking Injunctions or Title 78B, Chapter 7, Protective Orders;
233 (8)(B) upon request, location information, contact information and identity information other than
234 name of a party or the party's child after showing by affidavit that the health, safety, or liberty of the party
235 or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform
236 Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family
237 Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;
238 (8)(C) location information, contact information and identity information of prospective jurors on
239 the master jury list or the qualified jury list;
240 (8)(D) location information, contact information and identity information other than name of a
241 prospective juror summoned to attend court;
242 (8)(E) the following information about a victim or witness of a crime:
243 (8)(E)(i) business and personal address, email address, telephone number and similar
244 information from which the person can be located or contacted;
245 (8)(E)(ii) date of birth, driver's license number, social security number, account description
246 and number, password, identification number, maiden name, mother's maiden name, and similar
247 personal identifying information.
248

183 (5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes,
184 audit or discipline purposes, or licensing, certification or registration purposes, if the record reasonably
185 could be expected to:
186 (5)(J)(i) interfere with an investigation;
187 (5)(J)(ii) interfere with a fair hearing or trial;
188 (5)(J)(iii) disclose the identity of a confidential source; or
189 (5)(J)(iv) concern the security of a court facility;
190 (5)(K) record identifying property under consideration for sale or acquisition by the court or its
191 appraised or estimated value unless the information has been disclosed to someone not under a duty of
192 confidentiality to the courts;
193 (5)(L) record that would reveal the contents of settlement negotiations other than the final
194 settlement agreement;
195 (5)(M) record the disclosure of which would impair governmental procurement or give an unfair
196 advantage to any person;
197 (5)(N) record the disclosure of which would interfere with supervision of an offender's
198 incarceration, probation or parole;
199 (5)(O) record the disclosure of which would jeopardize life, safety or property;
200 (5)(P) strategy about collective bargaining or pending litigation;
201 (5)(Q) test questions and answers;
202 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
203 (5)(S) record of a Children's Justice Center investigative interview before the conclusion of any
204 legal proceedings;
205 (5)(T) presentence investigation report;
206 (5)(U) except for those filed with the court, records maintained and prepared by juvenile
207 probation; and
208 (5)(V) other records as ordered by the court under Rule 4-202.04.
209 (6) The following are juvenile court social records:
210 (6)(A) correspondence relating to juvenile social records;
211 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance
212 abuse evaluations, domestic violence evaluations;
213 (6)(C) medical, psychological, psychiatric evaluations;
214 (6)(D) pre-disposition and social summary reports;
215 (6)(E) probation agency and institutional reports or evaluations;
216 (6)(F) referral reports;
217 (6)(G) report of preliminary inquiries; and
218 (6)(H) treatment or service plans.
219 (7) The following are juvenile court legal records:

148 (4)(~~P~~R)(ii) if the hearing is traditionally open to the public, until the judge determines it is
149 possible to release the record without prejudice to the interests that justified the closure;
150 (4)(~~Q~~S) record submitted by a senior judge or court commissioner regarding performance
151 evaluation and certification;
152 (4)(~~R~~T) record submitted for in camera review until its public availability is determined;
153 (4)(~~S~~U) reports of investigations by Child Protective Services;
154 (4)(~~T~~V) victim impact statements;
155 (4)(~~U~~W) name of a prospective juror summoned to attend court, unless classified by the judge as
156 safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;
157 (4)(~~V~~X) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except
158 briefs filed pursuant to court order;
159 (4)(~~W~~Y) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure; and
160 ~~(4)(X) an addendum to an appellate brief filed in a case involving:~~
161 ~~(4)(X)(i) adoption;~~
162 ~~(4)(X)(ii) termination of parental rights;~~
163 ~~(4)(X)(iii) abuse, neglect and dependency;~~
164 ~~(4)(X)(iv) substantiation under Section 78A-6-323; or~~
165 ~~(4)(X)(v) protective orders or dating violence protective orders;~~
166 (4)(Z) other records as ordered by the court under Rule 4-202.04.
167 (5) The following court records are protected:
168 (5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or
169 other representative of the courts concerning litigation, privileged communication between the courts and
170 an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation
171 of litigation or a judicial, quasi-judicial, or administrative proceeding;
172 (5)(B) records that are subject to the attorney client privilege;
173 (5)(C) bids or proposals until the deadline for submitting them has closed;
174 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before
175 issuance of the final recommendations in these areas;
176 (5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed
177 would reveal the court's contemplated policies or contemplated courses of action;
178 (5)(F) court security plans;
179 (5)(G) investigation and analysis of loss covered by the risk management fund;
180 (5)(H) memorandum prepared by staff for a member of any body charged by law with performing
181 a judicial function and used in the decision-making process;
182 (5)(I) confidential business records under Utah Code Section 63G-2-309;

Violation Code	Description	Default Severity	Mandatory Court Appearance	Standard Fine*	Other Statutory Penalties	Notify DLD
65A-3-2.5(3)(d)	OPERATION OF UNMANNED AIRCRAFT THAT CAUSES MANNED AIRCRAFT TO COLLIDE W/GROUND	F2	Y	575		
72-7-403(1)	TOWING REQUIREMENTS VIOLATION	INF		175		
72-7-403(2)	TOWING REQUIREMENTS VIOLATION – WHIPS/SWERVES	INF		175		
72-7-404	VIOLATING VEHICLE WEIGHT LIMITATIONS	INF		175		
72-7-405(4)	REFUSAL TO SUBMIT TO MEASURE OR WEIGHT	INF		175		
72-7-406	DRIVING VEHICLE OVER WEIGHT LIMIT W/O PERMIT	INF		175		
72-7-407	ESCORT VEHICLE REQUIREMENT VIOLATIONS	INF		175		
72-7-408	VIOLATING HIGHWAY RESTRICTIONS ON CLIMATIC CONDITIONS	INF		175		
72-7-409	FAILURE TO FASTEN LOAD	INF		175	1st violation - $100 minimum. 2nd or subsequent violation - $250 minimum. Violation with a commercial vehicle increases fines	
72-7-409(3)	FAILURE TO COVER LOAD	INF		175	1st violation - $200 minimum. 2nd or subsequent violation - $500 minimum. Violation with a commercial vehicle increases fines	
72-7-409(8)(c)	FAILURE TO SECURE LOAD – COMMERCIAL VEHICLE	INF		175	1st violation - $500 minimum. 2nd or subsequent violation - $1000 minimum. Violation with a commercial vehicle increases fines	
73-18-6(1)	FAILURE TO DISPLAY BOW NUMBERS	INF		175		
73-18-7	BOATING REGISTRATION VIOLATION	INF		175		
73-18-7(1)	OPERATING BOAT ON EXPIRED, IMPROPER, OR NOT CURRENT REGISTRATION	INF		175		

Violation Code	Description	Default Severity	Mandatory Court Appearance	Standard Fine*	Other Statutory Penalties	Notify DLD
73-18-7(3)(b)	OPERATING BOAT W/O REGISTRATION IN VEHICLE	INF		175		
73-18-7(4)(a)	IMPROPER LOCATION/ATTACHMENT OF BOW NUMBERS	INF		175		
73-18-7(4)(b)	IMPROPER BOW NUMBER FORMAT	INF		175		
73-18-7(4)(c)	BOW NUMBERS NOT VISIBLE/LEGIBLE	INF		175		
73-18-7(4)(d)	NO SPACES OR HYPHENS BETWEEN GROUPINGS OF BOW NUMBERS	INF		175		
73-18-7(4)(e)	BOW NUMBERS NOT READ FROM LEFT TO RIGHT	INF		175		
73-18-7(15)	UNASSIGNED NUMBER DISPLAYED ON BOAT	INF		175		
73-18-8(1)(a)	INSUFFICIENT APPROVED PERSONAL FLOTATION DEVICES	INF		175	$10 fine per individual	
73-18-8(1)(b)(i)	PERSONAL FLOTATION DEVICES IN UNSERVICEABLE CONDITION	INF		175		
73-18-8(1)(b)(ii)	NO USCG APPROVAL ON PERSONAL FLOTATION DEVICE	INF		175		
73-18-8(1)(b)(iii)	INAPPROPRIATE SIZE OF PERSONAL FLOTATION DEVICE	INF		175		
73-18-8(1)(e)	FAILURE TO HAVE TYPE IV PERSONAL FLOTATION DEVICE ON BOARD	INF		175		
73-18-8(2)	FAILURE TO DISPLAY NAVIGATION LIGHTS BETWEEN SUNSET AND SUNRISE	INF		175		
73-18-8(3)	IMPROPER VENTILATION	INF		175		
73-18-8(4)	NON-APPROVED OR INADEQUATE NUMBER OF FIRE EXTINGUISHERS	INF		175	$10 fine per individual	
73-18-8(5)	NON-APPROVED OR INADEQUATE BACKFIRE FLAME CONTROL DEVICE	INF		175		
73-18-8(7)	GIVING PERMISSION TO OPERATE W/O PROPER SAFETY EQUIPMENT	INF		175		
73-18-8.1(1)	NO CAPACITY/CERTIFICATION LABEL (BOAT)	INF		175		
73-18-8.1(2)	OPERATING/GIVING PERMISSION TO OPERATE OVERLOADED/OVERPOWERED VESSEL	INF		175		
73-18-8.1(3)	ALTERED/DEFACED/REMOVED CAPACITY OR CERTIFICATION LABEL	INF		175		
73-18-8.1(4)	OPERATING/GIVING PERMISSION TO OPERATE VESSEL W/ CAPACITY LABEL ALTERED OR DEFACED	INF		175		

Violation Code	Description	Default Severity	Mandatory Court Appearance	Standard Fine*	Other Statutory Penalties	Notify DLD
73-18-15.1	VIOLATION OF VESSEL AND NAVIGATION STEERING LAWS	MC		250		
73-18-15.1(1)	FAILURE TO MAINTAIN PROPER LOOKOUT	MC		250		
73-18-15.1(2)	FAILURE TO ALTER COURSE WHEN MEETING ANOTHER BOAT	MC		250		
73-18-15.1(3)	FAILURE TO YIELD RIGHT-OF-WAY WHEN CROSSING ANOTHER BOAT	MC		250		
73-18-15.1(4)	FAILURE TO YIELD RIGHT OF WAY WHEN OVERTAKING ANOTHER BOAT	MC		250		
73-18-15.1(5)	FAILURE TO STAY OUT OF WAY OF LESS MANEUVERABLE VESSEL	MC		250		
73-18-15.1(7)	FAILURE TO KEEP RIGHT IN NARROW CHANNELS	MC		250		
73-18-15.1(8)	FAILURE TO TAKE ACTION IN AVOIDING ACCIDENT	MC		250		
73-18-15.1(9)	FAILURE TO YIELD SAILBOAT VS. SAILBOAT	MC		250		
73-18-15.1(10)	FAILURE TO OBEY SPEED AND PROXIMITY	MC		250		
73-18-15.1(12)	PERSON RIDING ON UNAUTHORIZED PORTION OF VESSEL	MC		250		
73-18-15.1(13)	PERSON ON BOW BLOCKING VIEW OR NOT STRADDLING ANCHION	MC		250		
73-18-15.1(14)(a)	NO OBSERVOR OR OBSERVOR UNDER 9 YEARS OLD	MC		250		
73-18-15.1(14)(b)	TOWING A PERSON BETWEEN SUNSET AND SUNRISE	MC		250		
73-18-15.1(15)	FAILURE TO DISPLAY NAVIGATION LIGHTS BETWEEN SUNSET AND SUNRISE	MC		250		
73-18-15.2(1)(a)	UNDER 16 OPERATING A MOTORBOAT W/O SUPERVISION	INF		175		
73-18-15.2(2)(a)	OVER AGE 12 BUT UNDER AGE 16 OPERATING A PERSONAL WATERCRAFT W/O ADULT SUPERVISION	INF		175		
73-18-15.2(2)(b)	AGE 16 TO 18 OPERATING A PERSONAL WATERCRAFT W/O EDUCATION CERTIFICATE	INF		175		
73-18-15.2(2)(c)	OPERATING PERSONAL WATERCRAFT AGE 12 TO AGE 16 W/O EDUCATION CERTIFICATE	INF		175		
73-18-15.2(3)(a)	OPERATING PERSONAL WATERCRAFT OVER AGE 16 BUT UNDER AGE 18 W/O EDUCATION CERTIFICATE	INF		175		
73-18-15.2(3)(b)	OPERATING A PERSONAL WATERCRAFT AGE 16 TO 18 W/O EDUCATION CERTIFICATE IN POSSESSION	INF		175		

Violation Code	Description	Default Severity	Mandatory Court Appearance	Standard Fine*	Other Statutory Penalties	Notify DLD
73-18-15.2(5)	AUTHORIZING UNDERAGE OPERATION	INF		175		
73-18-15.3	OPERATION OF PERSONAL WATERCRAFT BETWEEN SUNSET AND SUNRISE	INF		175		
73-18-16	HOLDING A MARINE EVENT W/O PROPER AUTHORIZATION	INF		175		
76-5-102.7(2)(A)	ASSAULT HEALTH CARE WORKER/EMS WITH SUBSTANTIAL BODILY INJURY AND INTENTIONAL/KNOWINGLY	F3	Y	525		
76-6-1407(1)(a)	DEALER OF REGULATED METAL VIOLATION	MC		250	Mandatory fine of at least $750	
76-6-1407(1)(a)	DEALER OF REGULATED METAL VIOLATION SUBSEQUENT CONVICTION	MA	Y	400	Mandatory fine of at least $2,500	
76-6-1408	FALSIFICATION OF SELLER'S STATEMENT TO DEALER OF REGULATED METAL	MB		325	Mandatory fine of at least $1,000	
76-6-1408	FALSIFICATION OF SELLER'S STATEMENT TO DEALER OF REGULATED METAL SUBSEQUENT CONVICTION	MA	Y	400	Mandatory fine of at least $2,500	
76-8-301(1)(A)	USES FORCE/VIOLENCE/INTIMIDATION TO INTEREFER W/PUBLIC SERVANT	MB		325		
76-8-301(1)(B)	KNOWINGLY/INTENTIONALLY INTERFERE W/PUBLIC SERVANT	MB		325		
76-8-301(1)(C)	INTERFERE W/ PUBLIC SERVANT ON STATE PROPERTY	MC		250		
76-9-702.3	PUBLIC URINATION	INF		175		
76-9-706(2)	FALSE REPRESENTATION OF MILITARY AWARD	INF		175		
76-9-706(3)	UNLAWFULLY PURCHASING, POSSESSING, SELLING A SERVICE MEDAL OR IMITATION	INF		175		
76-9-706(4)	WEARING OR USING A SERVICE MEDAL WITH INTENT TO DEFRAUD	INF		175		
76-9-706(5)	USING A MILITARY DESIGNATION WITH INTENT TO DEFRAUD	INF		175		
76-10-1204.5(2)(b)	FAILURE OF COMPUTER TECH TO REPORT PORNOGRAPHIC IMAGE	MB		325		
76-10-1507(2)	HIGHLY FLAMMABLE/HAZARDOUS MATERIAL IN TERMINAL OR BUS	F3	Y	525		
78B-1-115	MISREPRESENTATION OF MATERIAL FACT REGARDING JURY DUTY	INF		175		
78B-8-304(2)	BILLING FALSEY FOR PROCESS SERVICE	INF		175		

TAB 6

The Standing Committee on Resources for Self-represented Parties' 2016 Annual Update to the Judicial Council

Priorities listed in the September 2015 Strategic Plan

(a) Continue support for the Self Help Center.

The Self-Help Center serves thousands of self-represented parties each year. Due to the Judicial Council's commitment to continue its financial support of the Center, the Center, in turn, continues to increase the services it provides.

The committee supports additional funding for the Self-Help Center to allow expansion of the services they provide to self-represented parties; to increase educational efforts to judges, court staff, social services and government agency staff and to self-represented parties.

(b) Develop and implement a court navigator program.

Building on successful models from other states, design a program where AmeriCorps/JusticeCorps members or clerks could provide procedural and navigational assistance to self-represented court patrons.

The committee recommends investigating how other states have developed these programs, and if feasible, supports implementation of a pilot program.

(c) Continue to develop forms.

A forms subcommittee meets regularly to review forms and forms-related issues and create new forms and informational web pages. Proposed forms are forwarded to appropriate judicial leadership for review and once finalized are posted on the Utah courts' website and used extensively.

The committee recommends continuing the forms subcommittee and process.

(d) Analyze and improve the third year practice rule.

The purpose of the 'third year practice rule' (Rule 14-807 of the Utah Code of Judicial Administration) is "to provide eligible law school students and recent law school graduates with supervised practical training in the practice of law for a limited period of time and to assist the Bar and the judiciary to discharge their responsibilities to help create a legal system which helps provide access to those individuals of limited means."

The committee recommends analyzing and suggesting changes to the third year practice rule in order to increase valuable skills-building opportunities for law students and also increase access to legal services for individuals of limited means.

(e) Encourage improvement of lawyer directories, webpage triage efforts and referral sources.

The Utah State Bar provides directories for lawyer referral services and it is also in the process of creating a guided referral webpage to direct consumers and social service providers to the appropriate legal resources.

The committee recognizes the importance of these directories, guiding webpages and referral sources for self-represented parties. The committee recommends supporting these efforts and increasing collaboration between the providers and users of these directories and webpages so that the end result is comprehensive and beneficial to all users.

(f) Support increasing availability of malpractice insurance for volunteer attorneys in all capacities.

The Utah State Bar and some legal service providers currently provide malpractice insurance for volunteer attorneys, but generally the attorneys must take on a full case to be covered. So there is still a gap in coverage for volunteer attorneys that provide legal services other than those requiring an appearance to be entered, such as simple legal advice and document preparation.

The committee recommends that this area be studied and that recommendations be made to close this gap and enable more attorneys, including non-traditional attorneys, to volunteer.

(g) Support the development and implementation of virtual services in rural areas.

The delivery of legal services to rural communities is often the first thing to be impacted when non-profit legal service organizations' funds are cut. But new technology is now changing how and in what circumstances legal services can be provided to these communities. Virtual services, such as remote document preparation, offer new hope for self-represented litigants who are isolated by geography and a lack of meaningful access to legal services.

The committee supports the increased use of technology to provide virtual legal services delivery to self-represented parties, especially to those in rural communities. Both Utah Legal Services and Timpanogos Legal Clinic are currently working on rural virtual service delivery projects and the committee supports their efforts and those like them.

(h) Suggest opportunities for educating those who interact with self- represented parties.

The responsibility for educating those who interact with self-represented parties is shared among many organizations.

The committee recognizes and promotes the importance of efficiently announcing new resources for self-represented litigants to those stakeholders who educate judges, court staff, law school personnel, and social service providers.

TAB 7

Judicial Council 2016 Study Item: Indigent Juvenile Defense Representation

Committee Charge

The committee is charged with conducting a thorough assessment of the provision of indigent representation services for juveniles in both delinquency and dependency referrals before the Juvenile Court. The committee should be guided by the results of the recently completed study of the adult indigent representation system and expand that inquiry sufficiently to identify those problems and issues unique to juvenile representation. Specifically, the committee should:

- Determine what constitutes "best practices" in the delivery of delinquency and dependency representation
- Assess the strengths and weaknesses in the delivery of such representation
- Assess the availability and collection of data associated with juvenile representation and make recommendations for improving such
- Assess caseloads being carried by juvenile defense counsel and make recommendations with respect to acceptable caseloads
- Advance recommendations which will strengthen representation contracting
- Evaluate structures and resources and advance recommendations which will enhance the competency and quality of juvenile representation, taking into consideration both the resource/cost implications and any potential efficiency measures
- Assess current education and training provided to defense counsel in both delinquency and dependency cases and make recommendations for strengthening such
- Consider whether juvenile representation issues are best incorporated into the work of the newly formed Indigent Defense Commission or dealt with separately, and, if combined with the work of the commission, what, if any, changes would need to be made in the commission's responsibilities and membership

Timetable

The committee should make at least an initial report to the Judicial Council at the November 2016 Judicial Council Meeting. This will allow the Judicial Council time to decide whether legislation should be prepared for the 2017 legislative session, or whether additional work is required and legislation should be deferred until the following year.

Membership

Supreme Court Justice (1), Chair

Delinquency Defense Counsel - urban (1)

Rural Defense Counsel (1)

Attorney General Representative (1)

Local Government Representative (1)

Member of Indigent Defense Commission (1)

Juvenile Court Judges - urban and rural (2)

Dependency Defense Counsel – urban (1)

Prosecutor (1)

GAL Director or designee

Legislator (1)

AOC Representatives (2)

The committee will be staffed by the AOC General Counsel's Office.

TAB 9

Standing Committee Report 2016
Courts Facility Planning

Rule 3-409

Intent:

To provide for the responsibilities of the Courts Facility Planning Committee.
To provide for the effective planning of courts capital facilities.
To promote the efficient use of new and existing courthouses through application of co-location and multi-use court facility concepts.
To establish a framework for the conceptual, planning, developmental and implementation phases of court capital facilities.
To provide for Council review and approval of all proposed court capital facilities.
To ensure adherence to the design and space guidelines and other requirements of the Utah Judicial System Capital Facilities Master Plan.

Committee Responsibilities:

Review trends and projections in population, caseload, and other growth indicators to anticipate courthouse construction needs:

Studies Current and ongoing

Sanpete County
Wasatch County
Iron County
Davis County

Capital Development Projects

Second District- Juvenile Courthouse Weber County – Complete
Eighth District- District and Juvenile Courthouse Duchesne County phase 1-Complete
Eighth District- District and Juvenile Courthouse Duchesne County phase 2-Construction
Sixth District – Juvenile Probation remodel and move to the Courthouse - Construction
Fourth District - District and Juvenile Courthouse Utah County – Design
Seventh District - District and Juvenile Courthouse Carbon County - Design

Review the evaluations of courthouses required by this rule and recommend the prioritized placement of courthouse construction projects within the Master Plan:

The Committee evaluates and prioritizes all court sites and court facilities for the Facility Master Plan. The information is used to evaluate facility for capital development, capital improvement, facility maintenance and remodel projects. The Master Plan includes all court facilities; state owned, leased and contract sites. **(Attached)**

Review recommendations from the facility coordinator on construction projects and the Master Plan:

As part of the budget process the facility coordinators are required to submit a list of projects for funding consideration to the Committee. These requests are reviewed, evaluated and prioritized for the Capital Improvement Project funding.

Make recommendations to the Council regarding the reordering of Master Plan priorities and amendments to design and space guidelines:

The Master Plan is reviewed as events, conditions or opportunities develop. The Committee evaluates the prioritization of the Master Plan annually and presents recommendations and changes to the Judicial Council as needed.

The Design and Space Guidelines are updated at the end of each Capital Development project; the Design and Space Guidelines have been updated to reflect the lessons learned at the completion of each Capital Development Project. Ogden Juvenile Courthouse and the Duchesne Courthouse lessons learned include changes to the clerical work area, courtroom holding cells and courthouse security. The Design and Space Guidelines have been updated to reflect these changes.

Compare construction requests with the Design and Space Guidelines of the Master Plan to ensure the current and anticipated needs of the court are met:

All construction requests are reviewed for compliance to the Design and Space Guidelines. The guidelines are updated as needed to ensure they meet the current needs of the courts.

Develop timetable for construction requests so that the Committee presents its recommendations to the Council in advance of the Annual Planning Workshop:

The Master Plan prioritizes all court facilities. This prioritization is used to select the order of Capital Development and Capital Improvement requests based on the needs of the courts and included in the annual report of the Standing Committee.

Make recommendations to the Council for the approval, modification or disapproval of construction requests:

All Capital Development Project Requests are evaluated for need and compliance with the Master Plan and Design Guide Lines before presentation to the Council. The Council can modify or change the list before taking action.

Develop procedures for the delegation of committee responsibilities to the facility coordinator:

The Committee has delegated the responsibility of defining and requesting improvement projects to the facility coordinators for each district. The procedures for evaluating and developing these requests have been incorporated into the annual budget request process. The facility coordinators are attending the construction meetings within their district.

Utah State Courts
Facility Master Plan 2016

Owned Court Facilities

District Site	Scope and Cost Estimates	Update Status
Fourth District **Provo** **District and Juvenile Courthouse** Status: Projected completion date Fall 2018	To provide a new Court facility in Provo to replace the Provo District Courthouse, Provo Juvenile Courthouse and the Orem Juvenile Courthouse. This project will replace the nine District courtrooms and four Juvenile courtrooms and have at least two courtrooms (shelled) for growth. **FY 2016 project cost $91,000,000**	2015 Legislature Approved an $88,000,000 revenue bond to funded project. 2016 Legislature Approved an additional $3,000,000 lease revenue bond for the parking structure.
Fifth District **Cedar City**	To provide additional courtrooms and program space when needed. Current courthouses could probably accommodate Courts until 2020. **No cost estimate at this time**	This project will need additional consideration when the Legislature funds a new judicial position.
Second District **Davis County Court Facilities** Layton, Farmington and Bountiful	Space needs will be defined in the feasibility study when projections indicate additional courtrooms and program space are needed. The feasibility study will evaluate the needs of all three court facilities in Davis County. Current courthouses could probably accommodate Courts until 2025. **No cost estimate at this time**	**No action has been taken or planned.**
Sixth District **Richfield**	Identify timing for expansion of existing courthouse. Current courthouses could probably accommodate Courts until 2025. **No cost estimate at this time**	**No action has been taken or planned.**

Leased Court Facilities

District Landlord Site	Project Description and Cost Estimates	Update Status
Eighth District **Duchesne County** **Duchesne**	Build a new District courtroom, Juvenile courtroom, Judges chambers and remodel the Clerical work area. County funded the project with a twenty year CIB loan. The new lease rate reflects the CIB loan. **Project Cost $5,400,000 – Phase 1 is complete – Phase 2 will be completed this summer.**	**2013 Legislature** authorized two new judicial positions in 8th District. Additional funding will be a budget request for **FY 2018.**
Seventh District **Carbon County** **Price**	Construct a new courthouse on the site of the old Carbon County office building. This building site is located on the main street of Price and has the support of the County and City. **The County is financing up to $15,000,000 for design and construction.**	**Carbon county has secured funding and the project is in design.**
Sixth District **Sanpete County** **Manti**	Construct a new courthouse in the central business district of Manti City. Sanpete County is not interested in participating in the project. **Property Acquisition cost - $400,000** **Estimated Project cost will be $12,000,000**	This request is pending Judicial Council approval. **This project should be presented to the 2017 Legislature for full funding.**
Seventh District **San Juan County Monticello**	Remodel the current facility to improve security and operational issues. Construct additional space for Juvenile Probation and secure holding for Juvenile defendants in custody. **No cost estimate at this time**	No action has been taken. **This project should be presented to the 2019 Legislature.**
Second District **Morgan County** **Morgan**	Construct a new courthouse in the central business district of Morgan City. Morgan County is not interested in participating in the project. **No cost estimate at this time**	No action has been taken. **This project should be presented to the 2022 Legislature.**

Juvenile Probation Facilities

District City	Project Description and Cost Estimates	Update Status
Second District **Juvenile Probation / GAL Offices** **Ogden**	Remodel the old Ogden Juvenile Courthouse to properly house the Juvenile Probation Supervision staff and relocate GAL from Layton to Ogden. **This project in under construction and will be completed this fall**	**Remodeling the existing space will be completed fall 2016**
Sixth District **Juvenile Probation** **Kanab**	Remodel and Relocate the move the staff and work crew to the Kane County office building. This will consolidate all District and Juvenile court functions in Kane County to a single location and reduce the annual costs. **This project in under construction and will be completed this summer**	**Remodeling the county building will be complete August 2016**
Sixth District **Juvenile Probation** **Manti**	Construct a new courthouse in the central business district of Manti City that will consolidate all District and Juvenile functions in Sanpete County to a single location.	This request is pending Judicial Council approval. **This project should be presented to the 2017 Legislature**

Other Projects

These projects require local government funding and are paid for through the Contract and Lease Budget

1. **Wayne County**
   Letter has been received from Wayne County stating the County will need a new County court facility within 10 years, and wants the State to participate. No formal talks have yet been scheduled with the County. Wayne County is talking with DFCM about Planning and Programming a new county facility that would include the Courts needs.

2. **Wasatch County**
   Fourth Juvenile Court Judges have requested Courts to consider adding additional court space to the current facility. We are evaluating the request based on case load and population.

All Court Facilities by District 2016

Facility #	District	County	Facility Type	State / Contract	Unit Name	Leased / Owned	Courtrooms	Square Feet	Security	Condition	Adequacy	Total
2602	1	Box Elder	Courthouse	State	Brigham City	Owned	3	35,000	9	9	9	27
2603	1	Cache	Courthouse	State	Logan	Owned	6	73,644	9	9	10	28
2604	1	Rich	Courthouse	Contract	Randolph	Leased	1	2,415	3	5	10	18
2607	2	Davis	Courthouse	State	Bountiful	Leased	2	26,804	8	8	9	25
2608	2	Davis	Courthouse	State	Farmington	Owned	10	131,699	7	8	9	24
2610	2	Davis	Courthouse	State	Layton	Owned	2	20,025	7	5	8	20
2611	2	Morgan	Courthouse	State	Morgan	Leased	1	2,727	2	4	7	13
2612	2	Weber	Courthouse	State	Ogden Dist	Owned	11	91,000	8	8	9	25
2614	2	Weber	Courthouse	State	Ogden JV	Owned	3	87,000	9	10	10	29
2618	3	Salt Lake	Courthouse	State	Matheson	Owned	37	417,000	9	8	10	27
2619	3	Salt Lake	Courthouse	State	West Jordan	Owned	10	117,439	9	8	9	26
2621	3	Summit	Courthouse	State	Park City (Silver Summit)	Leased	2	15,100	8	8	10	26
2622	3	Tooele	Courthouse	State	Tooele	Owned	2	58,968	9	9	10	28
2625	4	Juab	Courthouse	State	Nephi	Leased	1	3,080	9	9	10	28
2627	4	Millard	Courthouse	Contract	Fillmore	Leased	1	8,598	4	6	9	19
2628	4	Utah	Courthouse	State	American Fork	Leased	3	27,588	8	8	8	24
2629	4	Utah	Courthouse	State	Orem	Owned	4	16,080	3	5	5	13
2631	4	Utah	Courthouse	State	Provo Dist	Owned	9	59,928	3	5	1	9
2633	4	Utah	Courthouse	State	Provo JV	Owned	3	18,303	3	5	4	12
2634	4	Utah	Courthouse	Contract	Salem	Leased	-	104	N/A	N/A	N/A	N/A
2635	4	Utah	Courthouse	State	Spanish Fork	Leased	2	31,779	9	9	9	27
2637	4	Wasatch	Courthouse	State	Heber City	Leased	1	10,043	8	7	1	16
2640	5	Beaver	Courthouse	State	Beaver	Leased	1	7,088	6	8	9	23
2641	5	Iron	Courthouse	State	Cedar City	Owned	3	17,037	7	7	7	21
2643	5	Iron	Courthouse	State	Parowan	Leased	1	3,077	2	4	9	15
2644	5	Washingto	Courthouse	State	St George	Owned	8	95,550	9	10	10	29
2647	6	Garfield	Courthouse	Contract	Panguitch	Leased	1	2,481	6	9	9	24
2648	6	Piute	Courthouse	Contract	Junction	Leased	1	4,120	6	8	9	23
2649	6	Kane	Courthouse	State	Kanab	Leased	1	3,846	5	7	8	20
2651	6	Sanpete	Courthouse	State	Manti	Leased	2	7,301	3	3	5	11
2653	6	Sevier	Courthouse	State	Richfield	Owned	2	19,839	8	9	9	26
2654	6	Wayne	Courthouse	Contract	Loa	Leased	1	2,600	2	2	9	13
2657	7	Carbon	Courthouse	State	Price	Leased	3	18,279	3	3	3	9
2658	7	Emery	Courthouse	State	Castle Dale	Leased	1	8,800	6	8	9	23
2659	7	Grand	Courthouse	State	Moab	Leased	1	11,936	5	5	9	19
2661	7	San Juan	Courthouse	State	Monticello	Leased	1	3,206	5	4	7	16
2665	8	Daggett	Courthouse	Contract	Manila	Leased	1	3,137	2	4	8	14
2666	8	Duchesne	Courthouse	State	Duchesne	Leased	1	7,013	9	9	9	27
2667	8	Duchesne	Courthouse	State	Roosevelt	Leased	1	4,786	5	5	7	17
2668	8	Uintah	Courthouse	State	Vernal	Owned	3	33,331	8	9	9	26

Major court facility construction project

Major probation office remodel project

Con[illegible]te

Owned Court Facilities 2016

Facility #	District	County	Facility Type	State / Contract	Unit Name	Leased / Owned	Courtrooms	Square Feet	Security	Condition	Adequacy	Total Score
2631	4	Utah	Courthouse	State	Provo Dist	Owned	9	59,928	3	5	1	9
2633	4	Utah	Courthouse	State	Provo JV	Owned	3	18,303	3	5	4	12
2629	4	Utah	Courthouse	State	Orem	Owned	4	16,080	3	5	5	13
2610	2	Davis	Courthouse	State	Layton	Owned	2	20,025	7	5	8	20
2641	5	Iron	Courthouse	State	Cedar City	Owned	3	17,037	7	7	7	21
2608	2	Davis	Courthouse	State	Farmington	Owned	10	131,699	7	8	9	24
2612	2	Weber	Courthouse	State	Ogden Dist	Owned	11	91,000	8	8	9	25
2653	6	Sevier	Courthouse	State	Richfield	Owned	2	19,839	8	9	9	26
2619	3	Salt Lake	Courthouse	State	West Jordan	Owned	10	117,439	9	8	9	26
2668	8	Uintah	Courthouse	State	Vernal	Owned	3	33,331	8	9	9	26
2618	3	Salt Lake	Courthouse	State	Matheson	Owned	37	417,000	9	8	10	27
2602	1	Box Elder	Courthouse	State	Brigham City	Owned	3	35,000	9	9	9	27
2622	3	Tooele	Courthouse	State	Tooele	Owned	2	58,968	9	9	10	28
2603	1	Cache	Courthouse	State	Logan	Owned	6	73,644	9	9	10	28
2614	2	Weber	Courthouse	State	Ogden JV	Owned	3	87,000	9	10	10	29
2644	5	Washington	Courthouse	State	St George	Owned	8	95,550	9	10	10	29

The new Fourth District, District and Juvenile court facility will be operational fall 2018

Leased Court Facilities 2016

2657	7	Carbon	Courthouse	State	Price	Leased	3	18,279	3	3	3	9
2651	6	Sanpete	Courthouse	State	Manti	Leased	2	7,301	3	3	5	11
2611	2	Morgan	Courthouse	State	Morgan	Leased	1	2,727	2	4	7	13
2643	5	Iron	Courthouse	State	Parowan	Leased	1	3,077	2	4	9	15
2661	7	San Juan	Courthouse	State	Monticello	Leased	1	3,206	5	4	7	16
2637	4	Wasatch	Courthouse	State	Heber City	Leased	1	10,043	7	8	1	16
2667	8	Duchesne	Courthouse	State	Roosevelt	Leased	1	4,786	5	5	7	17
2659	7	Grand	Courthouse	State	Moab	Leased	1	11,936	5	5	9	19
2649	6	Kane	Courthouse	State	Kanab	Leased	1	3,846	5	7	8	20
2640	5	Beaver	Courthouse	State	Beaver	Leased	1	7,088	6	8	9	23
2658	7	Emery	Courthouse	State	Castle Dale	Leased	1	8,800	6	8	9	23
2628	4	Utah	Courthouse	State	American Fork	Leased	3	27,588	8	8	8	24
2607	2	Davis	Courthouse	State	Bountiful	Leased	2	26,804	8	8	9	25
2621	3	Summit	Courthouse	State	Park City (Silver Summit)	Leased	2	15,100	8	8	10	26
2635	4	Utah	Courthouse	State	Spanish Fork	Leased	2	31,779	9	9	9	27
2666	8	Duchesne	Courthouse	State	Duchesne	Leased	1	7,013	9	9	9	27
2625	4	Juab	Courthouse	State	Nephi	Leased	1	3,080	9	9	10	28

The new Seventh District Court facility in Carbon County, Price City, will be open spring 2018

Major remodel projects in the probation offices in Duchesne and Kane County facilities to correct security, condition and adequacy issues

Contract Court Sites 2016

Facility #	District	County	Facility Type	State / Contract	Unit Name	Leased / Owned	Courtrooms	Square Feet	Security	Condition	Adequacy	Total
2634	4	Utah	Courthouse	Contract	Salem	Leased	0	104	N/A	N/A	N/A	N/A
2654	6	Wayne	Courthouse	Contract	Loa	Leased	1	2,600	2	2	9	13
2665	8	Daggett	Courthouse	Contract	Manila	Leased	1	3,137	2	4	8	14
2604	1	Rich	Courthouse	Contract	Randolph	Leased	1	2,415	3	5	10	18
2627	4	Millard	Courthouse	Contract	Fillmore	Leased	1	8,598	4	6	9	19
2648	6	Piute	Courthouse	Contract	Junction	Leased	1	4,120	6	8	9	23
2647	6	Garfield	Courthouse	Contract	Panguitch	Leased	1	2,481	6	9	9	24

These facilities are contract sites - we work with the Counties to improve the facilities but the County controls the facilities.

Juvenile Probation Facilities 2016

Facility #	District	County	Facility Type	State / Contract	Unit Name	Leased / Owned	Courtrooms	Square Feet	Security	Condition	Adequacy	Total
		Owned Facilities										
2669	8	Uintah	Probation Office	State	Vernal training / public programs	Owned	0	4,786	4	5	8	17
2617	3	Salt Lake	Probation Office	State	South Valley Work Crew building	Owned	0	20,594	5	6	7	18
2613	2	Weber	Probation Office	State	Ogden JV Probation / GAL	Owned	3	23,857	7	5	10	22
2620	3	Salt Lake	Probation Office	State	West Valley City JV Prob	Owned	1	26,300	7	7	10	24
2633.5	4	Utah	Probation Office	State	Provo JV Work Crew building	Owned	0		7	9	9	25
2616	3	Salt Lake	Probation Office	State	City Center Probation	Owned	0	8,312	8	9	9	26

Juvenile probation (supervision) and GAL remodel project in the old Ogden Juvenile courthouse; the project will be complete fall 2016

		Leased Facilities										
2662	7	San Juan	Probation Office	State	Monticello JV Prob	Leased	0	320	4	4	7	15
2652	6	Sanpete	Probation Office	State	Manti JV	Leased	0	1,940	3	4	10	17
2660	7	San Juan	Probation Office	State	Blanding JV	Leased	0	374	7	6	5	18
2626	4	Millard	Probation Office	State	Delta JV Prob	Leased	0	702	6	7	10	23
2642	5	Iron	Probation Office	State	Cedar City JV Prob	Leased	0	5,089	7	7	10	24

TAB 11

Chambers of
Justice John A. Pearce

Supreme Court
State of Utah

450 South State Street, S520
PO Box 140210
Salt Lake City, Utah 84114-0210
Telephone: (801) 238-7935
Fax: (801) 238-7980
Email: supremecourt@utcourts.gov

May 16, 2016

Chief Justice Matthew B. Durrant
Utah State Courts
450 South State Street
Salt Lake City, UT 84114

In re: Appointment to the Standing Committee on Technology

To Chief Justice Durrant:

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

There exists a vacancy on the Committee consisting of one of the two staff members of the Administrative Office of the Courts. The Administrative Office has nominated Derek Byrne to fill the position left vacant by Brian Ross.

I would ask that you act favorably on the nomination of Derek Byrne to the Technology Committee.

Sincerely,

John A. Pearce
Chair, Standing Committee on Technology

cc: Ron Bowmaster

TAB 12

Grant Request

Interagency Outreach Training Initiative

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

NON-FEDERAL GRANTS

Contact Person/Phone: Karolina Abuzyarova Date: 03.28.2016

Judicial District or Location: Administrative Office of the Courts (statewide

Grant Title: Interagency Outreach Training Initiative Grantor: Utah State University, Center for Persons with Disabilities

Grant type (check one): [X] New [ ] Renewal [ ] Revision

Grant Level (check one): [X] Low $10,000 to $50,001 [ ] Med. $50,000 to $1,000,000 [ ] High. Over $1,000,000

Issues to be addressed by the Project: Education for caregivers, guardians and vulnerable adults on life planning tools, guardianship procedures and community resources

Explanation of how the grant funds will contribute toward resolving the issues identified: Training will be implemented by the WINGS (Working Interdisciplinary Network of Guardianship Stakeholders), a court-community partnership focused on improving the state's guardianship services and processes. WINGS partners and program coordinator will implement statewide training. It will be converted into the online training program to be accessed on the Court website.

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

Total Funding Sources

CASH MATCH			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION) MATCHING STATE DOLLARS					
State Fiscal Year	Grant Amount	Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
FY 2017	$30,000							$30,000
FY								$0
FY								$0

IN-KIND MATCH			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION) MATCHING STATE DOLLARS					
State Fiscal Year	Grant Amount	Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
FY 2017	In-kind							$0
FY								$0
FY								$0

Comments:

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

Will the funds to continue this program come from within your exiting budget: Yes_____ No_____ N/A_X___

How many additional permanent FTEs are required for the grant? _____ 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

UtahStateUniversity
CENTER FOR PERSONS WITH DISABILITIES

Interagency Outreach Training Initiative
FY 2017 LETTER OF INTEREST & PROPOSAL COVER SHEET

Date Submitted 04/27/2016	**Submitted By (organization)** Utah State Courts, Administrative Office of the Courts

Address (*street address, city, county, state, and zip code*)

450 South State Street, Salt Lake City, Utah 84114

Name of contact person:

Telephone Number: 801-578-3925

Email Address: karolinaa@utcourts.gov

Training Category :

- [ ] Supported and Customized Employment
- [ ] Behavioral Supports in Homes and Communities
- [ ] Shared Plans of Care
- [x] Aging Persons with Disabilities and their Families
- [x] Field Initiated Training

Descriptive Title of the Proposed Project

Education for caregivers, guardians and vulnerable adults on life planning tools, guardianship procedures and community resources.

Target Training Audience *(check all that apply):*

- [x] Paraprofessionals
- [x] Individuals with disabilities
- [x] Families/Care Providers
- [x] Professionals

Estimated Number of Individuals to be Trained:

Training of trainers (200), Community members accessing online training program (unlimited public access)

Estimated Training Cost

Total IOTI Funds Requested: $ 30,000

Contributed Funds, if any (do not include in-kind contributions): $

Typed/Printed Name of Authorized Representative: Daniel Becker	**Title:** Utah State Courts Administrator
Signature (not required for Letter of Interest)	**Date** 04/21/2016

Working Interdisciplinary Network of Guardianship Stakeholders
Interagency Outreach Training Initiative Proposal Abstract
Fiscal Year 2017

According to U.S. Census Bureau's projection, the older adult population will double between 2010 and 2030. As the population ages, courts will see an increase in the types of cases that they process involving aging persons — guardianships, conservatorships, elder abuse protection petitions, and matters pertaining to estate. Already there are about 500 new adult guardianship and conservatorship petitions filed in the Utah State Courts every year. There are about 12,000 active cases at any time. These numbers are projected to grow.

In 2013 The Utah State Courts formed a court-community partnership, Working Interdisciplinary Network of Guardianship Stakeholders (WINGS), an ongoing problem solving body that works on improving the system of services for vulnerable adults, caregivers and guardians. WINGS participants represent community-based organizations, state agencies, caregivers, guardians, attorneys, social workers, and medical professionals. At a statewide summit held in late 2013, WINGS members identified the need for in-person training for guardians, caregivers and vulnerable adults on the available community resources, court procedures in guardianship and conservatorship, and life planning tools, including advance healthcare directive, powers of attorney and representative payee.

In fall 2015 the first series of classes took place at the senior centers in Salt Lake County. Classes were presented by WINGS members including elder law attorneys, court staff, and a local non-profit representative. In January 2016 a Latino Education subcommittee was formed to focus on outreach to the Utah Spanish-speaking population. Classes for professionals serving Latino community were held in spring 2016 at the Consulate of Mexico in Salt Lake City.

The training program developed by WINGS partners has the following objectives:

- Safety, dignity and respect for vulnerable adults.
- Families, professionals, and vulnerable adults are prepared to navigate the world of advance life planning tools, guardianship procedures, and community services.

To achieve these objectives WINGS identified the following training topics:

1. Life planning tools and alternatives to guardianship.
2. Guardianship process and community resources.

Currently the Courts are in the process of translating a wealth of information on life-planning tools and guardianship into Spanish that will help to refer minority groups to the Utah State Courts web pages. Trainings, both for English speakers and minorities, will be offered to professionals and general public.

Trainings will be held in Logan, Ogden, Salt Lake City, Park City, Vernal, Provo, St. George, Moab and Price. Trainings have scripts that will be converted into the online training program. The online training program will be posted on the court website and will be available to the public. Funding is requested to cover travel expenses to the remote areas, staff time for coordinating the trainings, presenters'reimbursment, and advertising training classes in newspapers, radio and TV.

Working Interdisciplinary Network of Guardianship Stakeholders

Interagency Outreach Training Initiative Proposal

Fiscal Year 2017

1. Statement of Need

According to U.S. Census Bureau's projection, the older adult population will double between 2010 and 2030. As the population ages, courts will see an increase in the types of cases that they process involving aging persons — guardianships, conservatorships, elder abuse protection petitions, and matters pertaining to estate. Already there are about 500 new adult guardianship and conservatorship petitions filed in the Utah State Courts every year. There are about 12,000 active cases at any time. These numbers are projected to grow.

- The Governor's Office of Planning and Budget estimates that the number of Utahns age 65 and older, about 250,000 in the 2010 census, will increase by about one-third by 2020, and that by 2030 the number will more than double to about 523,000.
- Utah's State Plan for Alzheimer's Disease and Related Dementias estimates that the number of Utahns with Alzheimer's disease, about 32,000 in 2010, will increase by about one-quarter by 2020, and that by 2025 the number will have increased by 56% to about 50,000. Utah has the highest per capita increase of Alzheimer's disease cases in the country.

While aging alone does not foretell the need for a guardianship, we know that an increasing aging population means that more people will face the need for help in decision making and advance life planning tools. A guardian is a person or institution appointed by the court to make decisions about the personal well-being of a vulnerable adult: residence, health care, nutrition, education, personal care, finances, etc.

In addition, the need for access to information on life planning tools and guardianship was identified by Court-community partners. In 2013 The Utah State Courts formed a court-community partnership, Working Interdisciplinary Network of Guardianship Stakeholders (WINGS), an ongoing problem solving body that works on improving the system of services for vulnerable adults, caregivers and guardians. WINGS participants represent community-based organizations, state agencies, caregivers, guardians, attorneys, social workers, and medical professionals.

At a statewide summit held in late 2013 WINGS members identified the need for in-person training for guardians, caregivers and vulnerable adults on the available community resources, court procedures in guardianship and conservatorship, and life planning tools, including advance healthcare directive, power of attorney and representative payee. A panel of caregivers and family guardians was a central part of the WINGS summit and clearly identified the need for a dialogue, face to face learning opportunities and difficulty in breaking though the bureaucratic structures that seemed not to share the information between each other.

A new educational program coordinated by WINGS partners will educate families about decision making with and for vulnerable adults, help to plan ahead, educate about guardianship alternatives, appropriate community resources, and guardianship procedures. The training program will address the need identified by WINGS partners including families and organizations of people with disabilities. In addition, it will respond to the growing need of the Utah population in services and information for adults with impaired decision-making abilities, their guardians and caregivers.

2. Objectives

The training developed and delivered by WINGS partners has the following objectives:

- Safety, dignity and respect for vulnerable adults.
- Families, professionals, and vulnerable adults are prepared to navigate the world of advance life planning tools, guardianship procedures, and community services.

To achieve these objectives WINGS Education Subcommittee identified the following training topics:

1. Life planning tools and alternatives to guardianship.
2. Court-appointed guardianship process and community resources for caregivers, guardians, and vulnerable adults

The court-community partnership of WINGS will reach out to caregivers, guardians, and vulnerable adults, as well as minority groups, and professionals. WINGS will offer the opportunity to take live classes to about 200 participants throughout the state of Utah in Logan, Ogden, Salt Lake City, Park City, Vernal, Provo, Price, Moab and St. George.

In addition, an online training program will be created by the Court online training specialist. The scripts have already been prepared and utilized in presentations in 2015-2016. The online training program on the Utah State Courts website will have unlimited access by the public. For example, in the last six month of 2015, the Court's webpages on guardianship related topic received an online traffic of over 23,800 page views.

The outcomes we are hoping to accomplish are: change of attitude among people serving vulnerable adults that will show modified behavior and, in its turn, will lead to improved quality of life of vulnerable adults who are treated with dignity and respect.

3. Work Plan

WINGS partners are offering a series of statewide classes on life planning tools, guardianship procedures and community resources for caregivers, guardians and vulnerable adults. The classes will be open to professionals, general public and minority groups.

The planning process for the classes and curriculum development was guided by the WINGS Education subcommittee. Members of the education subcommittee include: a representative of the Elder Law Section and Estate Planning Section of the Utah State Bar and an experienced elder law attorney, Kent Alderman, and Mary Jane Ciccarello, Executive Director of the Courts Self-Help Center and Co-Director of Borchard Foundation Center on Law and Aging. Among other members of the education subcommittee are: Patricia Vigo of the Utah Parent Center, Gabriel Gill of the Consulate of Mexico in Salt Lake City, Helena Rosales – a Spanish-speaking volunteer of the Court Visitor Volunteer Program, a guardianship monitoring program of the Courts. WINGS engaged Latino community representatives in developing a targeted training and delivery methods that are culturally sensitive and secure attendance of professionals who serve ethnic and minority groups.

WINGS Education subcommittee experts, Mary Jane Ciccarello and Kent Alderman have many years of experience in the area of elder law and guardianship and prepared the scripts and materials for the training sessions. The curriculum was tested at the presentations in the senior centers in fall 2015 and at the Consulate of Mexico in Salt Lake City in spring 2016. First round of trainings took place in September, October and November 2015 and was targeted towards general public. Second round of trainings is offered in April and May 2016 at the Consulate of Mexico with the target population of professionals serving Latino

community. These trainings are in Spanish and are presented by an attorney of the Court Self-Help Center and are organized, advertized and facilitated by WINGS Program Coordinator. WINGS group is planning to involve in making presentations existing local partners who are experts in the field of elder law. For example, the Court Visitor Volunteer Program engaged local attorneys in Price, St. George and Moab to train volunteers on guardianship procedures. We are planning to utilize the existing network where possible. When coverage is not possible, experts from the WINGS group and attorneys of the Court Self-Help Center will be engaged to travel to the remote locations and make presentations. WINGS and Court Visitor Program Coordinator will be present at all classes in order to facilitate presentations, take care of logistics and distribute and collect evaluation materials.

Funding is requested to schedule classes in diverse geographical areas of Utah: Logan, Ogden, Salt Lake City, Park City, Vernal, Provo, Price, Moab and St. George. Utah State Courts has courthouses in all of those locations that could be used for presentations. Alternatively, community centers, public libraries, senior centers are available through our partners at the Division of Adult and Aging Services and Area Agencies on Ageing. WINGS and Court Visitor Program Coordinator will be the main organizational link between WINGS members, experts, community groups, and local facilities.

Finally, webpages with various resources are already available on the Courts' website. Once the online training program is prepared by the court online training specialist, it will have unlimited public access. The Interagency Outreach Training Initiative is an opportunity to spread the word about the information that is available and will be accessible online and walk the public through the Courts' webpages: http://www.utcourts.gov/howto/family/gc.

Activity Timeline:

Activity	Person(s) responsible	Days	Completion Date
Plan classes; Adjust curriculum Schedule trainers; Secure space; Develop advertizing materials; Place advertizing materials Develop online training program	WINGS Education Subcommittee WINGS Coordinator Court online training program specialist	30-45 days	July 2016
Conduct class in **Vernal** Facilitate and conduct class evaluation Continue developing online training program	WINGS members or local experts WINGS Coordinator Court online training program specialist	1 day	**August 2016**
Conduct class in **Logan** Facilitate and conduct class evaluation Plan future classes; Schedule trainers; Secure space; Advertize upcoming classes Publish online training program Write and submit quarterly report.	WINGS members or local experts WINGS Coordinator Education Subcommittee, WINGS Coordinator Court IT Services WINGS Coordinator	1 day 30 days 2 weeks 3 days	**September 2016**
Conduct class in **Provo** Facilitate and conduct class evaluation	WINGS members or local experts WINGS Coordinator	1 day	**October 2016**

Conduct class in **Ogden** Facilitate and conduct class evaluation	WINGS members or local experts WINGS Coordinator	1 day	**November 2016**
Write and submit quarterly report	WINGS Coordinator	3 days	December 2016
Plan future classes; Schedule trainers, secure space; advertize upcoming classes	WINGS Education Subcommittee WINGS Coordinator	30 days 30 days	January 2017
Conduct class in **St. George** Facilitate and conduct class evaluation	WINGS members or local experts WINGS Coordinator	1 day	**February 2017**
Conduct class in **Price** and **Moab** Facilitate and conduct class evaluation Write and submit quarterly report	WINGS members or local experts WINGS Coordinator WINGS Coordinator	1 days 3 days	**March 2017**
Conduct classes in **Salt Lake City** and **Park City** Facilitate and conduct class evaluation	WINGS members or local experts WINGS Coordinator	2 days	**April 2017**
Summarize and analyze evaluation data, prepare and review report	WINGS Education Subcommittee; WINGS Coordinator	30 days	May 2017
Submit final report	WINGS Coordinator	1 day	June 2017

4. Evaluation Plan

The evaluation will be conducted for the live classes and online training modules. Evaluation surveys of live classes will be distributed among participants and collected and analyzed by the WINGS Coordinator. Coordinator will be present at all in-person trainings to facilitate the class and perform evaluation. The surveys will provide data on the outcome evaluation, e.g.: understanding the taught concepts and ability to apply them in practice.

As for the online training program, we will be able to track traffic on the publicly accessible Courts' webpages with the help of Google Analytics. Assessment of traffic will be provided by the Courts' IT Department.

5. Capability of the Applicant

Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) is a Court-community partnership under the leadership of the Utah State Courts. WINGS were formed in March 2013 with funding from the National Guardianship Network with only three other states nationwide receiving the funding. WINGS has established organizational bylaws and is housed under the judiciary. Current Chair of WINGS is the Second District Court Judge, David Connors, who is serving a 3-year term and became a chair in fall 2015. Committee meets bimonthly. All meeting agendas, a list of the Executive committee and general members are located at http://www.utcourts.gov/utc/wings.

WINGS brings together professionals in the fields of law, social work, medicine, aging services, non-profit and private agencies, guardians and caregivers, and others. WINGS established connections between agencies that often served the same population but did not communicate with each other. A list of WINGS accomplishments could be found on the above indicated website under "Links" entitled "WINGS efforts –January 2016".

6. Budget and Budget Narrative

Funds are requested to take the classes with an established curriculum to different parts of the state to Logan, Ogden, Salt Lake City, Park City, Vernal, Provo, Price, Moab, and St. George. WINGS is housed under the judiciary that sponsors bimonthly meetings. Curriculum was developed by WINGS members who are experts in elder law and volunteered to make presentations. This curriculum will be utilized by the Committee to provide the classes. Funding is necessary to cover travel expenses of the experts to remote areas, when local experts are not available. A portion of funding will cover Program Coordinator's time for managing the training program, scheduling trainers, organizing classes and performing evaluation of the program outcomes. Program Coordinator will be accompanying presenters in all classes to facilitate the training and conduct evaluations. In addition, the classes will be advertized in local media, including community calendars, newspapers and radio. In certain instances, when space for classes is not available through community partners, this cost will be covered as well.

Budget Item	Cost
Personnel: Program Coordinator	$12,000
Subcontracts: presenters' honorarium	$500x9=$4,500
Travel expenses: mileage reimbursement, hotel, per diem, facility rental	$8,000
Advertisement: design, newspaper flyer placement, radio announcements.	$5,500
Total:	**$30,000**

Second District Court

Judge David M. Connors

April 25, 2016

Utah State University
Center for Persons with Disabilities
Interagency Outreach Training Initiative (IOTI)
6808 Old Main Hill
Logan, UT 84322-6808

IOTI Steering Council:

This letter supports the Utah Judicial Council's application for an Interagency Outreach Training Initiative grant for fiscal year 2017. Since March 2013, I have been a member of the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) and participated in the Utah Guardianship Summit in fall 2013. At that time, I was a member of the workgroup that focused on medical evidence of incapacity in guardianship cases. WINGS is a new approach to the way the Court does business, and includes stakeholders from non-legal areas, such as social work, medicine, non-profits, private and family guardians, and minority groups. I currently serve as the Chair of Utah WINGS.

In addition to my involvement with WINGS, I have been involved with guardianship actions in Utah for many years, both before and after being appointed to the bench. I was in private practice here for over 25 years before being appointed in early 2008 as a District Court Judge in Utah's Second District Court. In reference to the application currently before you, I am one of several judges willing and ready to participate in the training regarding guardianship processes and procedures, as well as life planning tools and alternatives to guardianship, including the use of advanced healthcare directives, appointment of healthcare agents, durable powers of attorney, trusts, and other strategies of benefit to vulnerable adults and their caregivers.

I think the Courts are well positioned to coordinate an interagency training program that will have statewide reach. I will provide any necessary support in the form of teaching classes, spreading the word about training opportunities, and assisting in any other way with the administration and presentation of this training program.

Please feel free to contact me with any questions.

Sincerely,

David M. Connors

800 W. State Street, P.O. Box 769 / Farmington, Utah 84025 / 801-447-3860

Utah State Courts' Self-Help Center

April 13, 2016

Letter of Support for the Utah State Courts WINGS Grant Application

This letter presents my strong support for the WINGS grant application. WINGS offers a unique opportunity to provide information and training to the public and professionals concerning guardianship including person-centered planning, supported decision making, alternatives to guardianship, court proceedings and requirements, and community resources. WINGS is dedicated to reaching out to people throughout the state and especially to working with people in geographically isolated areas and with ethnic and minority communities.

I have been involved with WINGS since its beginnings serving on the steering committee and chairing one of the workgroups for the November 2013 Utah Summit. I co-authored one of the articles resulting from the summit. I currently serve on the WINGS executive committee and the curriculum development subcommittee.

I participate in WINGS as the director of the Utah State Courts Self-Help Center. We provide information, forms, and resource referrals to anyone who contacts us. Our services are virtual, available through our toll-free telephone line, email, text, and website. All services are immediately available in English and Spanish. We respond to thousands of people each year, anticipating that in this fiscal year we will have communicated with over 20,000 people representing themselves in court. We often respond to questions concerning guardianship and related matters. To better help the public, several colleagues and I wrote the webpages available at http://www.utcourts.gov/howto/family/gc/. These pages present court forms and information about guardianship proceedings but also explain alternatives to guardianship and resources available to persons with diminished decisional abilities and their caregivers.

I have been involved with guardianship and related issues for over twenty-five years. Prior to joining the courts in 2007, I served as a private elder law attorney in Salt Lake and also provided Older Americans Act Title IIIB legal services in Wasatch and Summit counties. I also served as the Legal Services Developer for the Utah Division of Aging & Adult Services, as a staff attorney with Utah Legal Services, and as an adjunct professor of elder law at the University of Utah S.J. Quinney College of Law. I have published several professional articles on guardianship issues, participated in three national guardianship conferences, and was a member of the planning committee for the Third World Guardianship Congress in 2014 in Washington, D.C.

I will continue to participate in ongoing trainings for the Court Visitor Program and in the WINGS presentations on guardianship and related issues. These will include live presentations in a variety of community settings throughout the state and the posting of training modules on the WINGS webpage.

Sincerely yours,

Mary Jane Ciccarello
Director, Self-Help Center, Utah State Courts

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.

Self-Help Center: 888-683-0009 | selfhelp@utcourts.gov
P.O. Box 140220 | Salt Lake City, UT 84114-0220

LEWIS HANSEN
ATTORNEYS AT LAW

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April 19, 2016

Utah State University
Center for Persons with Disabilities
Interagency Outreach Training Initiative

Ladies and Gentlemen,

I am writing this letter in support of the grant application filed by the Working Interdisciplinary Network of Guardianship Shareholders (WINGS).

This group, working with the support of Utah State Courts, is seeking to educate the public and the disability community regarding the resources which are available in Utah to both the elderly and disabled community.

As a former chairman of the Utah State Bar Needs of the Elderly Committee and Estate Planning Section, I have had a long time interest in issues facing disabled individuals and their families.

Working with the WINGS group over the past several years, it became clear to us that the resources and information which have been made available on the Court's website regarding guardianships and conservatorships and the procedures for family members and supporters of disabled and elderly individuals was not as readily accessible as was anticipated.

As a result, over the past year, members of the education subcommittee of the WINGS working group have worked on developing scripts for presentations, which we are working to present throughout the State. These scripts cover three subject areas: (1) advance planning to avoid the need for guardianship; (2) Court proceedings, procedures and forms which need to be filed to establish a guardianship or conservatorship if necessary; and (3) resources available to guardians once a guardianship is in place.

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I am the author of the script which deals with the Court proceedings, procedures and filings. I was also the first presenter of the presentation which took place at the Draper Senior Center this past year.

The script and presentation was designed to take a family member, friend or other interested party through the full process of going to Court on a Pro Se basis and obtaining a guardianship and/or conservatorship. The script leads the person through this process of finding a computer and accessing the web site. It is a step by step set of instructions on what needs to be filed. It provides an introduction to the forms that are available on-line and gives instructions on how to fill out the forms, how to file them with the Court, and who needs to receive notice of the proceedings.

The WINGS group and the Education subcommittee are working to refine the scripts and the presentations to make the access to the information on the Court's website more user friendly and available to families seeking information on guardianship and desiring to represent themselves in guardianship proceedings.

Funding from the grant will allow the dissemination of the educational resources throughout the State and aid persons with disabilities who need guardianships and their families to have access to this information.

Very Truly Yours,

Kent B. Alderman

DISABILITY LAW CENTER
Your rights matter.

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April 11, 2016

Sue Olsen, M.Ed.
Center for Persons with Disabilities
Utah State University
6808 Old Main Hill
Logan, Utah 84322-6808

Sent via U.S. First Class Mail

RE: Working Interdisciplinary Network of Guardianship Stakeholders Grant Request

Dear Ms. Olsen:

I am writing to express the Disability Law Center's (DLC) support for the Working Interdisciplinary Network of Guardianship Stakeholders' (WINGS) IOTI grant request. The DLC has been a member of WINGS since its inception.

Guardianship can be a critical element of the well-being of an individual with limited decision-making capacity. On the other hand, it has its downside. An individual with limited cognitive capacity can be vulnerable to exploitation and may not have access to essential services and supports that require informed consent. At the same time, a finding of incapacity and appointment of a guardian results in the loss of an individual's freedom to direct one's life and make basic choices. It is a delicate, complicated balance between maintaining one's fundamental rights and protecting that individual from harm. Understanding and responding to this challenge is difficult for individuals without experience and knowledge about these factors.

The training conducted by WINGS members strikes this balance, and provides invaluable information to those interested in the needs of their family members and professionals who serve them. They describe the nature of guardianship, explain the process, provide documents to help individuals considering filing a guardianship petition and discuss the array of alternatives to guardianship. The presenters not only have expertise in guardianship, but estate planning in general and alternatives to guardianship, such as supported decision-making. This year the training organizers are making an increased effort to reach underserved populations, specifically the Hispanic and Native American populations. Trainings will also be provided to community-based professional organizations that work with people with diminished decision-making capacity. These professionals can be the first people to notify family

members and individuals with diminishing capacity about the need for guardianship, and more appropriate alternatives in the right circumstances.

The DLC remains committed to supporting the WINGS statewide training on issues of capacity, substitute decision-making, the guardianship process, alternatives to guardianship and resources for people with limited cognitive capacity and their family members.

Sincerely,

Robert B. Denton
Senior Attorney
Disability Law Center

Cc: CCF

/su

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF HUMAN SERVICES

ANN SILVERBERG WILLIAMSON
Executive Director

DIVISION OF AGING AND ADULT SERVICES

NELS HOLMGREN
Director

April 18, 2016

Attn: Interagency Outreach Training Initiative Steering Council

To Whom It May Concern:

I am writing this letter in support of the Utah WINGS initiative's grant application to train individuals and organizations regarding life planning tools and guardianship procedures in the state of Utah. These complicated issues can create tremendous frustration for families and providers, and WINGS has the ability to explain the information and help individuals navigate the issues and the resources available in the community and across the state.

The Utah Division of Aging and Adult Services includes Adult Protective Services and the Long-term Care Ombudsman programs, both of which are tasked with protecting and advocating for very vulnerable individuals throughout the state. Our clients are more likely to experience guardianship issues, particularly at end of life, and the Division works closely with the Office of Public Guardianship (OPG), also within the Department for Human Services, to resolve issues and to ensure that the individuals we serve receive the best possible care. Both the Division and OPG are active participants in the WINGS coalition, and we appreciate their efforts in the community.

The partnership between WINGS and the Division creates the opportunity for presentations on these issues to be taken to seniors across the state via local senior centers. This grant would allow WINGS to broaden its reach and scope by more easily and locally connecting with vulnerable adults across the state. My agency is pleased to be able to continue its relationship with WINGS in further developing the network serving seniors and vulnerable adults, and I am confident the WINGS initiative is an excellent investment for the grant. I appreciate your consideration and would be happy to answer any questions you may have. I can be reached at nholmgren@utah.gov or 801-538-3921.

Yours truly,

Nels R. Holmgren
Director
Utah Division of Aging and Adult Services

NAMI Utah
National Alliance on Mental Illness

Help Hope Healing

April 13, 2016

To: IOTI Steering Council (Interagency Outreach Training Initiative)

Re: Letter of Support for Utah State Court

As a Family and Consumer Mentor for the National Alliance on Mental Illness-Utah (NAMI Utah), I am writing in support of the Utah State Court's application for the Interagency Outreach Training Initiative grant.

I am currently NAMI's representative on the WINGS committee. In addition to attending the 2013 WINGS Guardianship Summit to represent the many family members who have a loved one with serious and persistent mental illness (SPMI), I also regularly attend WINGS meetings to provide a voice for family members and individuals dealing with mental illness.

Because incapacity in mental illness can be episodic and petitioning for guardianship for individuals with SPMI may be on an urgent basis depending on acuity of illness, NAMI Utah is pleased to "have a seat at the table" when it comes to guardianship issues -- both to provide input and to better learn how to support potential guardians who may need additional guidance regarding the process, requirements, obligations, and community resources available. Our WINGS participation has allowed us to better help people who have questions about guardianship and direct them to the appropriate resources. We are also able to disseminate information about guardianship classes to our network of families, individuals, and mental health providers.

We feel guardianship is a little-understood process, and wholeheartedly support the continued work of the WINGS committee in training families, professional guardians, and vulnerable adults on this vital issue.

Sincerely,

Wendy Fayles

Wendy Fayles

Family and Consumer Mentor

NAMI Utah

1600 West 2200 South · Suite 202 · West Valley City · Utah 84119 · (801) 323-9900 · Fax (801) 323-9799
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Jamie Winn
Information Speciallst
Eric Stoker

April 13, 2016

Utah State University
Center for Persons with Disabilities
Interagency Outreach Training Initiative
6808 Old Main Hill
Logan, UT 84322

IOTI Steering Council,

The Utah Developmental Disabilities Council is very excited to support Utah State Courts/WINGS application to the IOTI grants committee. So many of the families and individuals that we represent are faced with guardianship issues; and the coordinated work of the WINGS group. This information is critical in helping families navigate the guardianship process and life planning tools.

We are most happy to have targeted outreach to the professionals and minority groups including Spanish-speaking families, as well as providing trainings around the state to maximize the reach for this vital information.

We will support this project with advertising and other ways that might be appropriate once WINGS are developing and holding the trainings. Utah citizens will certainly benefit from this information.

We certainly hope that the IOTI grants committee will support this proposal.

Sincerely,

Claire Mantonya

Claire Mantonya

Grant Request

Juvenile Accountability Block Grant Application

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

FEDERAL GRANTS

Contact Person/Phone: Krista Airam Date: 5/2/2016

Judicial District or Location: Administrative Office of the Courts

Grant Title: Interstate Compact on Juveniles Grantor: Utah Commission on Criminal & Juvenile Justice

Grant type (check one): [ ] New [X] Renewal [ ] Revision

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

Issues to be addressed by the Project: This grant funds Utah's annual dues for the Interstate Compact on Juveniles (ICJ) and the ICJ Council. ICJ is a national organization of states that allows for the transfer of juvenile probation supervision across states.

Explanation of how the grant funds will contribute toward resolving the issues identified: This grant is essential to fund the annual grant dues for Utah that are required to participate in the Interstate Compact on Juveniles. This grant is funded through JABG grants provided by CCJJ/OJJJDP and allow for the complimentary supervision of juvenile probationers across states.

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

Total Funding Sources

CASH MATCH			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION) MATCHING STATE DOLLARS					
State Fiscal Year	Grant Amount	Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
FY 2017 (FED FY13)	$10,890		$1,210					$12,100
FY								$0
FY								$0

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

Comments:

Will additional state funding be required to maintain or continue this program or its infrastructure when this grant expires or is reduced? Yes X No _____ If yes, explain: Utah is required to pay annual ICJ dues every year as part of being a member state.

Will the funds to continue this program come from within your exiting budget: Yes_____ No_____ N/A_____

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

This proposal has been reviewed and approved by the following:

The court executives and judges in the affected district(s).

X The Grant Coordinator and the Budget Director at the Administrative Office of the Courts.

X The affected Board(s) of Judges.

Approved by the Judicial Council_____ by_____

Date Court Administrator

Copy forwarded to Legislative Fiscal Analyst _____

date

SECTION 1: COVER SHEET

Juvenile Accountability Block Grant Application

State of Utah
Commission on Criminal and Juvenile Justice
Utah State Capitol Complex
Senate Building Suite 330
PO Box 142330
Salt Lake City, Utah 84114-2330
Ph: (801) 538-1031
Fax: (801) 538-1024

For CCJJ use ONLY:

1. Implementing Agency Name & Address (Include full 9 digit zip code)

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

2. Director's phone number:	801-578-3811	**3.** Authorized Official's phone #:	801-578-3807
Director's cellular number:		Authorized Officials cellular #:	
Dir. E-mail Address: kristaa@utcourts.gov		E-mail Address: danb@utcourts.gov	

4. Will this award (check one):

X Enhance an Existing Program ☐ Initiate a New Program

5. Beginning & Ending Dates of Program:

07/01/2016 to 12/31/2016

Previous grant # (if applicable): 12L09

6 DUNS Number: **096311365**	**7.** CCR Number	**8.** CCR Expiration Date:
9. Congressional District(s) Served: First, Second, Third, Fourth	**10.** Federal Tax Identification Number (87-?????) 87-876000545	**11.** Title which *describes* the program to be funded: Interstate Compact for Juveniles

12. Budget Summary	Total Project Costs	Federal Grant Funds	Cash Match
Personnel	$0	$0	$0
Consultant/Contract	$0	$0	$0
Equipment / Supplies & Operating (ESO)	$12,000	$10,790	$1,210
Travel/Training	$100	$100	0
Column Totals	**$12,100**	**$10,890**	**$1,210**

13. *Print Name & Title of Official Authorized to Sign	Daniel Becker, Utah State Courts Administrator	
14. Signature of Official Authorized to Sign		Date:
15. **Print Name of Program Director	Krista Airam, Assistant Juvenile Court Administrator	
16. Signature of Program Director		Date:
For CCJJ Use Only		
Ronald B. Gordon, Jr. **Executive Director of CCJJ**		Date:

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

Section 2: PROGRAM AREA CHECKLIST

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

Program Area		
01	Graduated Sanctions	$
06	Training for Law Enforcement & Court Personnel	$
15	Court/Probation Programming	$
10	Information Sharing	$12,100

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

Problem Statement (problem being addressed)

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

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

Project Description (include numbers served)

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

This grant would underwrite the annual dues that each state is required to pay to the national ICJ office to remain in compliance and to be an active member of the compact. The grant would also allow the ICJ coordinator to conduct state wide ICJ training sessions for probation officers to assure accurate and effective processing of ICJ cases, attend the ICJ Annual Business meeting, and to hold training for probation officers on special topics related to ICJ such as human trafficking.

Goals and Objectives

1. Hold an annual meeting of the Utah ICJ State Council to ensure that Utah is compliance with the rules of the compact and to address issues of policy and practice.
2. Pay the required $12,000 in dues to the national ICJ office in July 2016.
3. Attend the Annual Business meeting and training in August, 2016 in Boston, MA.
4. Inform court staff and partner agencies of ICJ rule changes, coordinate and provide in person training on national ICJ issues or new ICJ Rules.

Programmatic Activities

1. Pay the annual due for membership in the Interstate Compact for Juveniles by July 2016.
2. Hold an annual Utah ICJ State Council and/or prepare a newsletter for distribution to Council members.
3. Attend the Annual Business meeting and vote on ICJ rule changes in August 2016 in Boston, MA.
4. Provide training to probation officers and allied agencies on applicable rule changes.

Participating Agencies

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

Plans for Supplemental and Future Funding of the Project:

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

Utah Juvenile Court administrators have been submitting budget requests for one time funding for ICJ extradition costs that are not covered under this grant during the last two years. Additionally, as JABG funding runs out, the Juvenile Court Administrator will submit a budget request for one time funding for the ICJ dues on a yearly basis. It is anticipated that ICJ dues will increase beginning in FY2018, therefore additional funding will be needed to be in compliance with the compact rules.

Section 4a: Performance Measurement Data Collection Plan

The Office of Juvenile Justice and Delinquency Prevention requires projects identify and report on select performance measures from OJJDP's performance measurement system and develop a data collection plan that specifies the collection method and measurement. Projects are required to report: 1) All applicable Core measures and two optional output measures, and 2) two Non-Mandatory output and outcome measures (total of 4 non-mandatory measures). Use the JABG Performance Measures found at: https://www.ojjdp-dctat.org/help/program_logic_model.cfm?grantID=17

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

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

4. Number and percent of program youth completing program requirements	The number and percent of program youth who have successfully fulfilled all program obligations and requirements. This does not include youth who are still participating in ongoing programs. Program obligations will vary by program, but should be a predefined list of requirements or obligations that clients must meet before program completion. The total number of youth (the "B" value) includes those youth who have exited successfully and unsuccessfully. Program records are the preferred data source.	A. Number of program youth who exited the program having completed program requirements B. Total number of youth who exited the program during the reporting period (either successfully or unsuccessfully) C. Percent (A/B)				Not applicable (Not a direct services program)
5. Number and percent of program youth who OFFEND (short term) Updated 04/01/2012	The number and percent of participating program youth who were arrested or seen at a juvenile court for a delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source. The number of youth tracked should reflect the number of program youth that are followed or monitored for arrests or offenses. Ideally this number should be all youth served by the program during the reporting period. A youth may be 'committed' to a juvenile facility anytime that he/she is held overnight. Certain jurisdictions refer to adjudications as 'sentences'. Other sentences may be community based sanctions, such as community service, probation etc.Example: If I am tracking 50 program youth then, 'B' would be 50. Of these 50 program youth that I am tracking, if 25 of them were arrested or had a delinquent offense during the reporting period, then 'C' would be 25. This logic should follow for 'D' and 'E' and 'F' values. The percent of youth offending measured short-term will be auto calculated in 'G'.	A. Total number of program youth served B. Number of program youth tracked during the reporting period C. Of B, the number of program youth who had an arrest or delinquent offense during the reporting period D. Number of program youth who were committed to a juvenile facility during the reporting period E. Number of program youth who were sentenced to adult prison during the reporting period F. Number of youth who received another sentence during the reporting period G. Percent OFFENDING (C/B)				Not applicable (Not a direct services program)

6. Number and percent of program youth who OFFEND (long term) Updated 04/01/2012	The number and percent of participating program youth who were arrested or seen at a juvenile court for a delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source. The number of youth tracked should reflect the number of program youth that are followed or monitored for arrests or offenses 6-12 months after exiting the program. A youth may be 'committed' to a juvenile facility anytime that he/she is held overnight. Certain jurisdictions refer to adjudications as 'sentences'. Other sentences may be community based sanctions, such as community service, probation etc. Example: A grantee may have several youth who exited the program 6-12 months ago, however, they are tracking only 100 of them, therefore, the 'A' value will be 100. Of these 100 program youth that exited the program 6-12 months ago, 65 had an arrest or delinquent offense during the reporting period, therefore the 'B' value should be recorded as 65. This logic should follow for 'C' and 'D' and 'E' values. The percent of youth offending measured long-term will be auto calculated in 'F'	A. Total number of program youth who exited the program 6-12 months ago that you are tracking B. Of A, the number of program youth who had an arrest or delinquent offense during the reporting period C. Number of program youth who were committed to a juvenile facility during the reporting period D. Number of program youth who were sentenced to adult prison during the reporting period E. Number of youth who received another sentence during the reporting period F. Percent OFFENDING (B/A)				Not applicable (Not a direct services program)
7. Number and percent of program youth who RE-OFFEND (short term) Updated 04/01/2012	The number and percent of participating program youth who were arrested or seen at a juvenile court for a new delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source. The number of youth tracked should reflect the number of program youth that are followed or monitored for new arrests or offenses. Ideally this number should be all	A. Total number of program youth served B. Number of program youth tracked during the reporting period C. Of B, number of program youth who had a new arrest or new delinquent offense during the reporting period D. Number of program youth who were				Not applicable (Not a direct services program)

	youth served by the program during the reporting period. Certain jurisdictions refer to adjudications as 'sentences'. Other sentences may be community based sanctions, such as community service, probation etc. Example: If I am tracking 50 program youth then the 'B' value would be 50. Of these 50 program youth that I am tracking, if 25 of them had a new arrest or had a new delinquent offense during the reporting period, then 'C' would be 25. This logic should follow for 'D', 'E', and 'F' values. The percent of youth re-offending measured short-term will be auto calculated in 'G'.	recommitted to a juvenile facility during the reporting period E. Number of program youth who were sentenced to adult prison during the reporting period F. Number of youth who received another sentence during the reporting period G. Percent RECIDIVISM (C/B)				
8. Number and percent of program youth who RE-OFFEND (long term) Updated 04/01/2012	The number and percent of participating program youth who were arrested or seen at a juvenile court for a new delinquent offense during the reporting period. Appropriate for any youth-serving program. Official records (police, juvenile court) are the preferred data source. The number of youth tracked should reflect the number of program youth that are followed or monitored for new arrests or offenses 6-12 months after exiting the program. Certain jurisdictions refer to adjudications as 'sentences'. Other sentences may be community based sanctions, such as community service, probation etc. Example: A grantee may have several youth who exited the program 6-12 months ago, however, they are tracking only 100 of them for re-offenses, therefore, and the 'A' value will be 100. Of these 100 program youth that exited the program 6-12 months ago 65 had a new arrest or new delinquent offense during the reporting period,	A. Number of program youth who exited the program 6-12 months ago that you are tracking B. Of A, the number of program youth who had a new arrest or new delinquent offense during the reporting period C. Number of program youth who were recommitted to a juvenile facility during the reporting period D. Number of program youth who were sentenced to adult prison during the reporting period E. Number of youth who received another sentence during the reporting period F. Percent RECIDIVISM (B/A)				Not applicable (Not a direct services program)

	therefore the 'B' value should be recorded as 65. This logic should follow for 'C', 'D', and 'E' values. The percent of youth offending measured long-term will be auto calculated in 'F'.					
9. Number and percent of program youth who are VICTIMIZED (short term) Updated 04/01/2012	The measure determines the number of program youth who are harmed or adversely affected by someone else's criminal actions. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property. The number of youth tracked should reflect the number of program youth that are followed or monitored for victimization. Ideally this number should be all youth served by the program during the reporting period. Example: If I am tracking 50 program youth, then, the 'B' value would be 50. Of these 50 program youth that I am tracking, if 25 of them were victimized during the reporting period, then 'C' would be 25. The percent of youth who are victimized measured short-term will be auto calculated in 'D' based on 'B' and 'C' values.	A. Total number of program youth served B. Number of program youth tracked during the reporting period for victimization C. Of B, the number of program youth who were victimized D. Percent VICTIMIZED (C/B)				Not applicable (Not a direct services program)
10. Number and percent of program youth who are VICTIMIZED (long term) Updated 04/01/2012	The measure determines the number of program youth who are harmed or adversely affected by someone else's criminal actions. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property. The number of youth tracked should reflect the number of program youth that are followed or monitored for victimization 6-12 months after exiting the program.Example: A grantee may have several youth who exited the program 6-12 months ago, however, they are tracking only 100 of them, therefore, and the 'A' value will be 100. Of these 100 program youth that exited the program 6-12 months ago 65 had been victimized during the reporting period, therefore the 'B' value should be recorded as 65. The percent of youth who are victimized measured long-term will be auto calculated in 'C' based on 'A' and 'B'	A. Number of program youth who exited the program 6-12 months ago that you are tracking for victimization B. Of A, the number of program youth who were victimized during the reporting period C. Percent VICTIMIZED (B/A)				Not applicable (Not a direct services program)

11. Number and percent of program youth who are RE-VICTIMIZED (short term) Updated 04/01/2012	The re-victimization measure counts the number of youth who experienced subsequent victimization. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property. The number of youth tracked should reflect the number of program youth that are followed or monitored for re-victimization. Ideally this number should be all youth served by the program during the reporting period. Example: If I am tracking 50 program youth, then, the 'B' value would be 50. Of these 50 program youth that I am tracking, if 25 of them were re-victimized during the reporting period, then 'C' would be 25. The percent of youth who are re-victimized measured short-term will be auto calculated in 'D' based on 'B' and 'C' values.	A. Total number of program youth served B. Number of program youth tracked during the reporting period for re-victimization C. Of B, the number of program youth who were re-victimized D. Percent RE-VICTIMIZED (C/B)				Not applicable (Not a direct services program)
12. Number and percent of program youth who are RE-VICTIMIZED (long term) Updated 04/01/2012	The re-victimization measure counts the number of youth who experienced subsequent victimization. Victimization can be physical or psychological; it also includes harm or adverse effects to youth's property. The number of youth tracked should reflect the number of program youth that are followed or monitored for re-victimization 6-12 months after exiting the program. Example: If I am tracking 50 program youth, then, the 'A' value would be 50. Of these 50 program youth that I am tracking, if 25 of them were re-victimized during the reporting period, then 'B' would be 25. The percent of youth who are re-victimized measured long-term will be auto calculated in 'C' based on 'A' and 'B' values.	A. Number of program youth who exited the program 6-12 months ago that you are tracking for re-victimization B. Of A, the number of program youth who were re-victimized during the reporting period C. Percent RE-VICTIMIZED (B/A)				Not applicable (Not a direct services program)
Select one of the following from 13A through 13L depending on the primary focus of the program & delete the remain other rows.						
13A. Substance use (short term)	The number and percent of program youth who have exhibited a decrease in substance use during the reporting period. Self-report, staff rating, or urinalysis are	A. Number of program youth served during the reporting period with the noted behavioral change				Not applicable (Not a direct services program)

	most likely data sources.	B. Total number of youth receiving services for target behavior during the reporting period C. Percent (A/B)				
13A. Substance use (long term)	The number and percent of program youth who exhibited a decrease in substance use 6-12 months after exiting the program. Self-report, staff rating, or urinalysis are most likely data sources.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)
13B. Social competence (short term)	The number and percent of program youth who have exhibited a desired change in social competencies during the reporting period. Social competence is the ability to achieve personal goals in social interaction while simultaneously maintaining positive relationships with others over time and across situations. Self-report or staff ratings are the most likely data sources.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for the target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
13B. Social competence (long term)	The number and percent of program youth who exhibited a desired change in social competencies 6-12 months after exiting the program. Social competence is defined as the ability to achieve personal goals in social interaction while simultaneously maintaining positive relationships with others over time and across situations. Self-report or staff ratings are the most likely data sources.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)
13C. School attendance (short term)	The number and percent of program youth who have exhibited a desired change in school attendance during the reporting period. Self-report or official records are the most likely data sources.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for the target behavior during the reporting period				Not applicable (Not a direct services program)

		C. Percent (A/B)				
13C. School attendance (long term)	The number and percent of program youth who exhibited a desired change in school attendance 6–12 months after exiting the program. Self-report or official records are the most likely data sources.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)
13D. GPA (short term)	The number and percent of program youth who have exhibited a desired change in GPA during the reporting period. Self-report or official records are the most likely data sources.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
13D. GPA (long term)	The number and percent of program youth who exhibited a desired change in GPA 6-12 months after exiting the program. Self-report or official records are the most likely data sources.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)
13E. GED (short term)	The number and percent of program youth who earned their GED during the reporting period. Self-report or staff ratings are the most likely data sources.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
13E. GED (long term)	The number and percent of program youth who earned their GED 6-12 months after exiting the program. Self-report or staff ratings are the most	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral				Not applicable (Not a direct services program)

	likely data sources.	change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				
13F. High School Completion (short term)	The number of youth who have completed High School during the reporting period. Program records are the preferred data source.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
13F. High School Completion (long term)	The number and percent of program youth who exhibited an increase in high school completion 6-12 months after exiting the program. Program records are the preferred data source.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)
13G. Job Skills (short term)	The number and percent of program youth who exhibited an increase in job skills during the reporting period. Self-report or staff rating is most likely data source.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
13G. Job Skills (long term)	The number and percent of program youth who exhibited an increase in job skills 6-12 months after exiting the program. Self-report or staff rating is most likely data source.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the				Not applicable (Not a direct services program)

		program 6-12 months ago C. Percent (A/B) D.				
13H. Employment status (short term)	The number of program youth who have exhibited an improvement in employment status during the reporting period. Self-report or staff ratings are most likely data sources.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
13H. Employment status (long term)	The number and percent of program youth who exhibited an improvement in employment status 6-12 months after exiting the program. Self-report or staff ratings are most likely data sources.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)
13I. Family relationships (short term)	The number and percent of program youth who have exhibited a desired change in family relationships during the reporting period. Such changes are positive ones that could be related to increased positive interaction with family members. Examples are improved communication and increased emotional and practical support. Self-report or staff ratings are the most likely data sources.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
13I. Family relationships (long term)	The number and percent of program youth who have exhibited a desired change in family relationships 6–12 months after exiting the program. Such changes are positive ones that could be related to increased positive interaction with family members. Examples are improved communication and increased emotional and practical support. Self-report or staff ratings are the most likely data sources.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)

13J. Antisocial behavior (short term)	The number and percent of program youth who have exhibited a desired change in antisocial behavior during the reporting period. Antisocial behavior is a pervasive pattern of behavior that displays disregard for and violation of the rights of others, societal mores, or the law (such as deceitfulness, irritability, fighting, disruptive behavior, consistent irresponsibility, lack of remorse, or failure to conform to social norms). Self-report or staff ratings are the most likely data sources.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for the target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
13J. Antisocial behavior (long term)	The number and percent of program youth who exhibited a desired change in antisocial behavior 6–12 months after exiting the program. Antisocial behavior is a pervasive pattern of behavior that displays disregard for and violation of the rights of others, societal mores, or the law (such as deceitfulness, irritability, fighting, disruptive behavior, consistent irresponsibility, lack of remorse, or failure to conform to social norms). Self-report or staff ratings are the most likely data sources.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)
13K. Gang resistance/ involvement (short term)	The number and percent of program youth who have exhibited a desired change in gang resistance behavior during the reporting period. Self-report or staff ratings are the most likely data sources.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for the target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
13K. Gang resistance/ involvement (long term)	The number and percent of program youth who exhibited a desired change in gang resistance behavior 6–12 months after exiting the program. Self-report or staff ratings are the most likely data sources.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)

13L. Cultural Skill building/Cultural Pride (short term)	The number of program youth who exhibit increased knowledge and/or understanding of tribal background, history, traditions, language and/or values.	A. Number of program youth served during the reporting period with the noted behavioral change B. Total number of youth receiving services for the target behavior during the reporting period C. Percent (A/B)				Not applicable (Not a direct services program)
13L. Cultural Skill building/Cultural Pride (long term)	The number of program youth who exhibit increased knowledge and/or understanding of tribal background, history, traditions, language and/or values 6-12 months after exiting the program.	A. Total number of youth who exited the program 6-12 months ago who had the noted behavioral change B. Total number of youth who received services for the target behavior and who exited the program 6-12 months ago C. Percent (A/B)				Not applicable (Not a direct services program)
MEASURE & ITS #	**DEFINITION**	**REPORTING FORMAT**	**FREQUENCY OF COLLECTION**	**RESPONSIBLE FOR COLLECTION**	**DATA SOURCE (UNIT AND/OR AGENCY)**	**HOW PROCESSED OR RETRIEVED**
OUTPUT MEASURES						
2. Number of partner agencies	Number of agencies that have a formal partnership agreements	Number of partner agencies	Quarterly	Krista Airam Assistant Juvenile Court Administrator and ICJ Coordinator	ICJ Council Membership records	Manually
10. Number of people trained during the reporting period.	This measure represents the number of people trained during the reporting period.	Number of people trained during the reporting period	Quarterly	Krista Airam Assistant Juvenile Court Administrator & ICJ Coordinator	Meeting and training records	Manually
OUTCOME MEASURES						
16.Number of interagency information requests	Number of requests for information to the grantee's agency from partner agencies or from the grantee's agency to partner agencies.	Number of interagency information requests	Quarterly	ICJ Coordinator	ICJ coordinator's information sharing records (email / phone calls / meetings)	Manually

Section 4b: Performance Measures Targets

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

Program Name: Interstate Compact for Juveniles Sharing

Program Area: 10-Information

#	Measure	1st Quarter Target	2nd Quarter Target	3rd Quarter Target	4th Quarter Target	Annual Target or Goal Total
Output Measures						
2.	Number of partner agencies	12	12			12*
11.	Number of people trained during the reporting period	2	10			12
Outcome Measures						
16.	Number of interagency information requests	20	20			40

*There are currently 12 members of the ICJ Council therefore this is a consistent number that will continue throughout the grant.

Section 5: TARGET POPULATION

A. TARGET POPULATION DESCRIPTION:

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

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

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

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

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

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

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

Gender		Ages
Males	___	___ To ___
Females	___	___ To ___

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

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

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

D. DESCRIBE SERVICES PROVIDED SPECIFICALLY FOR MINORITIES:

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

The mission of the Utah Court requires fair and equal justice for all patrons of the system. The Courts are addressing disproportionate minority representation in the system in several ways. First, all employees and judges are required to attend cultural competency training. Additionally, the Administrative Office of the Courts is working with the Utah State Court's Judicial Institute to incorporate cultural competency in all probation officer training. By creating an atmosphere of inclusiveness, the courts are striving to fully engage youth and families in the court process.

The Juvenile Court continues their efforts to reduce disproportionate minority contact (DMC) by working with CCJJ to reduce overrepresentation at multiple points in the system. Three of our Chief Probation Officers are participating in local working groups to address disproportionate minority representation in the juvenile justice in Weber, Salt Lake, and Utah county. These DMC groups have been working for several years. Most recently, probation staff or management have been involved in presenting Juvenile Court process and philosophy during trainings conducted at the school level

Secondly, the courts have been successful in hiring employees that reflect the racial makeup of clients served. The employment of a diverse workforce provides an added benefit of employees being able to communicate to parents and youth in their native language. Financial incentives are provided for employees who use their language skills for their job. Additionally, the court has a court interpreter program which maintains a list of interpreters statewide, provides training, and continually strives to improve the program. Interpreters are available for court hearings as well as for probation preliminary inquiries and other court-related meetings.

Thirdly, the Juvenile Court has taken steps to improve the collection of racial data on the patrons it serves and continuously monitors the collection of data in districts. Changes to the C.A.R.E. information system have provided information that is more specific when race is not able to be collected. These distinctions allow court employees to identify if the lack of data is due to the youth or family declining to provide the information or if the information was not readily available at the time the record was created. With this additional information, employees are in a better position to know when additional efforts are needed to collect that information. This information is used to identify areas of disparity and then to adopt approaches to help address this disparity. The Utah Juvenile Court continues to work on areas identified as a concern by RRI in collaboration with the Utah Commission on Criminal and Juvenile Justice.

Section 6: PROBLEM STATEMENT

Describe the problem this project will address. Provide statistics documenting identified risk and protective factors. Include data from the UBJJ Risk & Protective Factors Tool and the SMART system provided by OJJDP. Data from other official sources (.e.g. school district, units of local government, state government, federal government or institution of higher learning) may also be included. Limit of three pages.

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

As part of the Interstate Compact for Juveniles each state is required to develop a State Council which serves as an oversight board to help educate the community on Interstate Compact. The Utah State Council has been formed and has held several meetings to date. Members of the Council include community partners, legislators, probation managers, juvenile court judges, community representatives, etc. The Council has established by-laws and has discussed numerous ICJ policies and processes such as collaboration of the Utah ICJ and ICPC offices, probation policies specific to interstate youth, and handling of runaway youth.

A national database (JIDS) was released in November 2012 and since that time Utah has taken an active role in ensuring our state is in compliance with entering information into the system, training our staff on the utilization of the system, and ensuring quality assurance of our users.

Additionally, ICJ has been incorporated into the new Probation Officer Academy in order to ensure probation officers are aware of the requirements at the onset of their employment. Additionally, the ICJ Coordinator works with each of the individual districts to formalize training as needed to ensure existing staff are aware of compact requirements.

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

Section 7: PROJECT DESIGN AND MANAGEMENT

Explain how your program will work. Cite relevant research to show that the program strategy is effective. Explain each step or phase of the project in the following areas: project activities, client flow, staffing, and collaboration. Include a timeline identifying program activities for the entire grant year.

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

Name of the evidence based model: NA

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

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

If other, please specify: NA

Please indicate the name of the evidence-based program implemented: NA

Section 8: WORK PLAN AND TIMETABLE

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

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

Calendar Months	Activities	Assigned Position	Location
July	Process invoice for dues	Krista Airam or Dawn Marie Rubio	AOC
August	Attend the national ICJ training and meeting	Dawn Marie Rubio and/or Jessica Eldredge	Boston, MA.
Oct-Dec	Coordinate and provide in person training on ICJ Rule changes	Jessica Eldredge	Across the state of Utah

Section 9: PROJECT GOALS AND OBJECTIVES

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

Goal: Ensure compliance with Interstate Compact Rules	
Project Objective	**Activities**
1. Pay required ICJ dues	1) Process invoice and pay dues to the national office
2. Represent Utah at the national ICJ meeting and training	1) Attend training and meetings in August 2016 2) Vote on proposed ICJ Rules changes 3) Inform court employees and community partners of changes and ICJ processes
	1)

Section 10: BUDGET MATRIX AND NARRATIVE

Category	In-Kind Match	Cash Match	Grant Funds	Total
Personnel	$0	$0	$0	$0
Consultant/Contract	$0	$0	$0	$0
Equipment / Supplies/ Operating	$0	$1,210	$10,790	$12,000
Travel & Training	$0	$	$100	$100
Total	$0	$1,210	$10,890	$12,100

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

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

PERSONNEL SALARIES AND FRINGE BENEFITS

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

Name	Title	# Hours	Hourly Rate	Total Salary
Salary Subtotal				$0

EMPLOYER'S SHARE OF FRINGE BENEFITS

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

Fringe Benefits	% or Monthly Rate	Eligible Wage Amount or Number of Months	Total Employer's Share of Fringe Benefits
FICA			
Pension/Medicare			
Health Insurance			
Worker's Comp			
Unemployment Comp			
Other (explain)			
Other (explain)			
Fringe Subtotal			$0

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

BUDGET NARRATIVE/PERSONNEL

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

PERSONNEL	NARRATIVE

CONSULTANTS/CONTRACTS

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

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

Consultant Expenses

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

Consultant Fee Justification

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

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

EQUIPMENT / SUPPLIES / OPERATING

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

Item	Cost	Time Period	Total
Rent-Facilities			
Telephone			
Non-consultant Contract Help			
a. Bookkeeping/Audit			
b. Maintenance			
c. Other (Specify) ICJ Dues	$12,000		$12,000
Auto Lease/Short-Term Rental			
Equipment Lease/Short-Term Rental			
Photocopying			
Printing			
Grant Management Costs (In-Kind)			
Other (Specify)			
Other (Specify)			
Other (Specify)			

Procurement Method to be Used (cell will expand)

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

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

Grant Funds Requested	Match Provided (if applicable)	"Other" Total
$10,790	$1,210	$12,000

TRAVEL & TRAINING

Grant related *travel charges must not exceed the rates allowed by the State of Utah.* Organizations whose written travel policies are less restrictive than the State of Utah, or that do not have their own written travel policy, must adhere to the State of Utah travel policy. "Per Diem" includes food and lodging. Meals provided gratis must be deducted from the per diem rate allowed. The "Other" category includes parking, telephone, or other allowable incidental travel costs. (This applies to grant funded employees only, not consultants.) The mileage rate may not exceed $.50/mile.

Vehicle	# Miles	Mileage Rate	Total
Air, Bus, etc.	**Destination**	**Fare**	**Total**
Per Diem	**# Days**	**Per Diem Rate**	**Total**
Out of State per diem	#3 Days	$65 x 3	$195*
Conference Registration	**# People**	**Rate**	**Total**
Other			**Total**

Travel and Training Justification and Narrative

*Grant funds are requested to pay $100.00 towards the cost of attendance to the Annual Business Meeting. It is anticipated that court funds will be utilized to fund the majority of the trip with only $100 in grants funds utilized to offset the anticipated out of state per diem costs of $195.00.

Grant Funds Requested	Match Provided (if applicable)	Travel & Training Total
$100	$0	$100

SECTION 12: LETTERS OF PARTICIPATION

Applicants must submit a Letter of Participation from each local agency or organization that is involved with the project, contributing resources, or making referrals (e.g., courts, treatment programs, shelters). Applicants should refer to the appropriate category in the Guidelines to ensure that appropriate letters are included. Failure to submit the appropriate

Letters of Participation may remove the application from further funding consideration. List below the agencies providing letters of participation and the number of referrals:

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

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

LETTER OF PARTICIPATION FORMAT

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

To: Utah Board of Juvenile Justice

From: (Participating Agency)

Re: (Project Name)

Date: (Must be current dated letter)

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

1.

2.

3.

4.

5.

6.

7.

Authorized Signature

Typed Name

Title

Juvenile Accountability Block Grant Application
Supplemental - Indirect Cost

State of Utah
Commission on Criminal and Juvenile Justice
Utah State Capitol Complex
Senate Building Suite 330
PO Box 142330
Salt Lake City, Utah 84114-2330
Ph: (801) 538-1031
Fax: (801) 538-1024

For CCJJ use ONLY:

1. Implementing Agency Name & Address
(Include full 9 digit zip code)

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

2. Title which *describes* the program to be funded: Interstate Compact for Juveniles

3. Budget Summary	Total Project Costs	Federal Grant Funds	Cash Match
Personnel	$0	$0	$0
Consultant/Contract	$0	$0	$0
Equipment / Supplies & Operating (ESO)	$12,000	$10,790	$1,210
Travel/Training	$100	$100	$0
Indirect Cost* (See Grant Conditions)	$0	$0	$0
Column Totals	**$12,100**	**$10,890**	**$1,210**

4. * INDIRECT COSTS – If funded with federal monies, you are allowed to submit for indirect costs. Please CHECK ONE:
___ YES MTDC Rate (___%) OR ___ YES, Request 10% minimum OR _X_ NO, We waive indirect costs

5. Print Name & Title of Official Authorized to Sign	Daniel Becker, Utah State Courts Administrator	
6. Signature of Official Authorized to Sign		Date:
7. Print Name of Program Director	Krista Airam, Assistant Juvenile Court Administrator	
8. Signature of Program Director		Date:
For CCJJ Use Only		
Ronald B. Gordon, Jr. **Executive Director of CCJJ**		Date:
Cuong Nguyen **Program Manager**		Date:

Note: Authorized official signature is required if adjustment to original budget proposal and include indirect cost.