

JUDICIAL COUNCIL MEETING

AGENDA

Monday, June 26, 2017
Duchesne County Courthouse
Duchesne, Utah

Chief Justice Matthew B. Durrant, Presiding

1. 9:30 a.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:35 a.m. Chair's Report. Chief Justice Matthew B. Durrant
3. 9:40 a.m. Administrator's Report. Richard Schwermer
4. 9:50 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant
Liaison Committee. Justice Thomas Lee
Policy and Planning Judge Derek Pullan
Bar Commission. John Lund, esq.
(Tab 2 - Information)
5. 10:00 a.m. Legislative Update and Interim Highlights. Richard Schwermer
(Information)
6. 10:10 a.m. Domestic Case Processing Subcommittee
Report and Recommendations. Judge Doug Thomas
(Tab 3 – Action) Ray Wahl
- 10:55 a.m. Break
7. 11:05 a.m. Judicial Conduct Commission Update. Alex Peterson
(Tab 4 – Information)
8. 11:25 a.m. Pre-Trial Release Update. Keisa Williams
(Information)
9. 11:45 a.m. Indigent Defense Commission Report. Joanna Landau
(Information)
10. 12:05 p.m. PCRA Recommendation Follow-up. Brent Johnson
(Information)
11. 12:10 p.m. Rule for Comment. Nancy Sylvester
(Tab 5 – Action)

- 12. 12:20 p.m. Senior Judge Certifications. Nancy Sylvester
(Tab 6 - Action)
- 13. 12:25 p.m. Executive Session
- 14. 12:45 p.m. Eighth District Update/Lunch. Judge Samuel Chiara
(Information) Judge Ryan Evershed
Russ Pearson
- 15. 1:05 p.m. Adjourn

Consent Calendar

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

- 1. Committee Appointments Alyn Lunceford
(Tab 7) Nancy Sylvester
Ray Wahl
- 2. Rule for Public Comment Keisa Williams
(Tab 8)

Administrative Office of the Courts

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

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

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

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

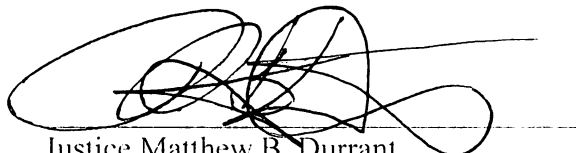
1. On 6-26-17 (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:

- ☒ the character, competence, or physical or mental health of an individual;
- ☐ litigation;
- ☐ the deployment of security personnel, devices, or systems;
- ☐ allegations of criminal misconduct;
- ☐ consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record;
- ☐ the purchase, or exchange or lease of real property because public discussion would prevent the Council from completing the transaction on the best possible terms; or
- ☐ the sale of real property because public discussion would prevent the Council from completing the transaction on the best possible terms.

2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

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

6-26-17
Date


Justice Matthew B. Durrant
Chair, Utah Judicial Council

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

Tab 1

JUDICIAL COUNCIL MEETING

Minutes

Monday, May 22, 2017

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Justice Deno Himonas for Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. Mary Noonan
Hon. Reed Parkin
Hon. Derek Pullan
Hon. Todd Shaughnessy
Hon. Kate Toomey
John Lund, esq.

STAFF PRESENT:

Richard Schwermer
Jody Gonzales
James Ishida
Debra Moore
Jim Peters
Dawn Marie Rubio
Alyn Lunceford
Rob Parkes
Stacey Snyder
Nancy Sylvester
John Bell

GUESTS:

Judge Samuel McVey

EXCUSED:

Justice Thomas Lee

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. He mentioned that Justice Deno Himonas would be sitting in for Justice Thomas Lee.

Motion: Judge Toomey moved to approve the minutes from the April 24 Judicial Council meeting. Judge Higbee seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported on the Appellate Court Conference held May 17-19.

3. ADMINISTRATOR'S REPORT: (Richard Schwermer)

Mr. Schwermer reported on the following items:

2017 CCJ/COSCA Western Region Civil Justice Reform Summit. Utah, along with CCJ/COSCA, will host the Western Region Civil Justice Reform Summit May 22-24. A presentation of the Licensed Paralegal Practitioner program and the Online Dispute Resolution program will be provided at the Summit.

HB 239 Implementation Committee. The Management Committee approved the appointment of Judge Mary Noonan, Fourth District Court Juvenile Judge to serve on the HB 239 Implementation Committee. The HB 239 Implementation Committee is scheduled to hold their first meeting later this morning. Ms. Dawn Marie Rubio, Juvenile Court Administrator; and Ms. Krista Airam, Assistant Juvenile Court Administrator are also members of the committee and will be attending today's meeting.

CIP Program. Mr. Schwermer reminded members of the Council that federal funding for the Court Improvement Program (CIP) was not approved before the Congressional recess. At that time, Mr. Becker mentioned that Utah's CIP Program was funded through September 2017. Funding of the last two of the three grants was recently restored.

Judicial Performance Evaluation Commission (JPEC). A handout was distributed regarding proposed changes to the attorney survey. Feedback is being sought by Ms. Yim, executive Director of JPEC, on the proposed changes to the attorney survey. The commission requested an opportunity to conduct a pre-test with the proposed changes to the attorney surveys. With the pre-test, two from the 2016 retention election will be subject to the pre-test with regard to the proposed new questions and format to the attorney survey.

A handout was distributed regarding proposed changes to the adjective question which is part of the attorney survey. In 2015, changes were made to the adjective question. Mr. Schwermer reviewed draft changes to include the following: 1) format changes, 2) tense changes, 3) reference to the 3.6 standard, 4) procedural fairness, and 5) questions directing attention to recent interactions between the attorney and the judge.

Discussion took place.

Feedback was provided to Mr. Schwermer. Mr. Schwermer mentioned that additional feedback on the proposed changes to the adjective question of the attorney survey can be forwarded to him, by email, before the end of May.

Judicial Council and Judicial Council Committees. The Liaison Committee would like to hold a retreat this summer to come to a consensus, as a committee, of a common understanding in more detail of when and why the committee takes positions on bills and how they should respond to the legislative matters faced by the committee each legislative session.

The Policy and Planning Committee is working to standardize the process by which rules are sent to them for consideration and hope to develop a way to prioritize the rules once they have been received.

Mr. Schwermer will work with the Management Committee to schedule a Council retreat.

Executive Session. A brief executive session will be held later in the meeting.

District Court Administrator. Mr. Schwermer, recognized and thanked Ms. Debra Moore, District Court Administrator, for all she has done on behalf of the Utah court system. She will be retiring on May 25.

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 Pullan reported that the Policy and Planning Committee continue to work on assignments forwarded to them to determine if the items are pertinent to their scope of work. Several rules are on the agenda for final action.

Bar Commission Report:

Mr. Lund reported on the following items:

- the Bar Commission approved the Utah State Bar's budget for the coming fiscal year
- Mr. Baldwin, executive director of the Utah State Bar, entered into another two-year contract to serve in this capacity
- Mr. Robert Rice, Utah State Bar president, submitted an OpEd entitled: *Don't Undermine the Independence of Utah's Judges* as a result of Robert Gehrke's recent call for recall elections for judges
- the Judicial Performance Evaluation Commission (JPEC) recently contacted Bar leadership regarding the pre-test request of attorney surveys
- Judge Fred Voros and Judge Stephen Roth have been selected as judges of the year
- Mr. Paul Simmons has been selected as lawyer of the year
- the Government Relations Committee has been selected as committee of the year
- Unbundled Services has been selected as the section of the year
- the Bar Commission has authorized entry of a contract with the Canyons Resort in Park City for as the venue for the 2019 Utah State Bar's Summer Convention

5. FACILITIES STANDING COMMITTEE UPDATE: (Judge Samuel McVey and Alyn Lunceford)

Chief Justice Durrant welcomed Judge McVey and Mr. Lunceford to the meeting.

Judge McVey and Mr. Lunceford highlighted the following in their update to the Council on the work of the Facilities Standing Committee:

- The remodel of the old Ogden Juvenile Courthouse to properly house the juvenile probation supervision staff and relocate GAL from Layton to Ogden has been completed
- Construction of the Fourth District, Provo, District and Juvenile Courthouse underway
- Construction of the Seventh District, Price – District and Juvenile Courthouse underway
- Matheson Courthouse – capital improvement and maintenance – reroofing project underway
- American Fork Courthouse – capital improvements and maintenance – improvements to the clerks front counters relative to improved security and the ability to more efficiently serve the public are forthcoming
- Heber Courthouse – development of a new courtroom plan
- Approval to advance a request to construct a new courthouse in Manti during the August Budget and Planning Session will be sought
- Standing Committee Report – 2017 Courts Facility Planning – summary provided

Judge McVey made a suggestion for larger court facilities to include a dedicated area for drug testing and the reasoning behind his suggestion.

Mr. Lunceford provided a response to a question relative to funding provided for court facilities through counties vs. funding requested by the legislature.

Chief Justice Durrant thanked Judge McVey and Mr. Lunceford for their update.

6. JUDICIAL ASSISTANT EQUIVALENCY UPDATE: (Cheryl Breneman)

Chief Justice Durrant welcomed Ms. Breneman to the meeting.

Mr. Schwermer provided background information on the Judicial Assistant qualifications as discussed extensively by the Board of District Court Judges. The proposed recommendation, prepared by the Board of District Court Judges, was discussed by the Management Committee at their February meeting. At that meeting, the Management Committee made a request to the human resource staff to determine alternative equivalencies to the college degree qualification for the judicial assistant position and present that information at the April Management Committee meeting.

The current Judicial Assistant qualifications are as follows:

- BA degree and two years experience in a professional environment.

The alternative equivalency for external candidates, as determined by human resources, is as follows:

- BA degree plus two years experience, or a paralegal certificate and four years of related experience

The proposed recommendation by the Board of District Court Judges for external candidates is as follows:

- The recommendation would allow the candidates to have five years of experience working in a legal field with a law firm, legal agency or court OR a BA degree

Ms. Breneman noted that with the alternative equivalency for external candidates, as determined by human resources; the equivalency would not lower the classification of the position resulting from a recent market comparability that was conducted by human resources.

Mr. Schwermer mentioned that human resources conducts a market comparability study annually, by rotating the employee positions every three years. The current market comparability study included the Judicial Assistant position. The results from the market comparability study for the Judicial Assistant position showed that the pay for the entry rate of the position is 6% below market. The Board of District Court Judges recommendation which would allow for elimination of the bachelor's degree requirement, in some instances, would reflect that the pay for the entry rate of the Judicial Assistant position is above the market comparability.

Discussion took place.

Chief Justice Durrant thanked Ms. Breneman for her update.

7. GAL OVERSIGHT COMMITTEE UPDATE: (Stacey Snyder)

Chief Justice Durrant welcomed Ms. Snyder to the meeting.

Ms. Snyder highlighted the following in her update: 1) committee membership; 2) meetings held in the last year; 3) the issue of salary parity still exists, with no additional funding being requested during the 2017 Legislative Session; 4) recommendation to add a GAL component to new judge training is being prepared by the committee; 5) request for continued

support relative to salary parity of GAL attorneys; and 6) recommendation to develop an educational video or pamphlet to provide for parents on the role of the Guardian ad Litem.

Mr. Schwermer acknowledged the work Ms. Snyder continues to do relative to the Guardian ad Litem program in the Utah State court system.

Chief Justice Durrant thanked Ms. Snyder for her update.

8. PRESENTATION OF THE FY 2018 SPENDING RECOMMENDATIONS: (Richard Schwermer)

Mr. Schwermer reviewed the process for addressing the FY 2018 spending recommendations. The process begins with priorities being considered by district leadership, boards of judges, and the members of an Executive Budget Committee.

The Executive Budget Committee met in April to review requests and recommend what should be considered and advanced to the Council at their August Budget and Planning Session, and to propose a balanced budget.

The proposed FY 2018 spending recommendations were also discussed with the Management Committee at their May meeting.

Mr. Schwermer highlighted the following related to the proposed FY 2018 spending plan:

- Available ongoing funding sources
- Ongoing spending plan – budget obligations
 - Career track obligations
 - Fifth District Judge
 - Juvenile Justice Reform
 - SB 3: Contracts & Leases rent increase
- Ongoing budget items deferred from the August Planning Session
 - Market comparability adjustment
 - Fourth District law clerk (1)
- Available one-time funding sources
- One-time spending plan – budget obligations
 - Fourth District law clerk/bailiff benefit package
 - Utah Code
 - Juvenile Justice Reform
- One-time budget items deferred from the August Planning Session
 - Volunteer Court Visitor Program (2 FTE)
 - Computer replacement schedule
- One-time budget requests

Motion: Judge Parkin moved to approve the proposed FY 2018 one-time and ongoing spending plans, to include the reserve ongoing fund balance. Judge Higbee seconded the motion, and it passed unanimously.

9. RULES FOR FINAL ACTION: (Nancy Sylvester)

Chief Justice Durrant welcomed Ms. Sylvester to the meeting.

After being sent out for public comment, Rule CJA 03-117 – Committee on Court Forms and Rule CJA 01-205 – Standing and ad hoc committees are being recommended for final action by the Policy and Planning Committee with a November 1 effective date.

Rule CJA 01-205 – Standing and ad hoc committees. The rule was amended to create a new Judicial Council Standing Committee on Forms, provides committee composition.

Rule CJA 03-117 – Committee on Court Forms. This is a new rule that establishes the charge for the new Judicial Council Standing Committee on Forms. After public comment, paragraph (3)(a) was amended to include: The committee shall adopt procedures for creating new forms or making substantive amendments to existing forms, procedures for eliminating obsolete and outdated forms, procedures for recommending which forms should be translated into other languages, and procedures for expediting technical or non-substantive amendments to forms.

Discussion took place.

Motion: Judge Parkin moved to: 1) amend Rule CJA 03-117 – Committee on Court Forms to allow for a member skilled in linguistics or communication and one educator from a paralegal program or law school, and 2) approve Rule CJA 03-117 – Committee on Court Forms and Rule CJA 01-205 – Standing and ad hoc committees as recommended for final action by the Policy and Planning Committee with a November 1 effective date. Judge Toomey seconded the motion, and it passed unanimously.

Rule CJA 04-103 – Civil calendar management. The rule was amended. Pursuant to *Canon v. Holmes*, 2016 UT 42 and Civil Rule 41, requires that all orders of dismissal entered under the rule must contain the language “without prejudice.”

Rule CJA 09-301 – Record of arraignment and conviction. The rule was repealed. The Court of Appeals has determined that failure to follow this rule does not affect the validity of a plea or conviction with respect to enhancements. *State v. Gonzales*, 2005 UT app 538, 127 P.3d1252. The rule is also redundant to other rules and statutes.

Rule CJA 4-202.09 – Miscellaneous. This rule was amended to provide that records in property and use tax cases involving commercial information as that term is defined in Utah Code § 59-1-404 are protected. If a request is made to access a record or records ordered by the court as sealed, private, protected, or safeguarded. Thirty days after the court issues a non-appealable, final order, all records will be public, except as otherwise classified.

Discussion took place.

Motion: Judge Higbee moved to approve the following three rules for final action as recommended by the Policy and Planning Committee: 1) Rule CJA 04-103 – Civil calendar management, 2) Rule CJA 09-301 – Record of arraignment and conviction, and 3) Rule CJA 4-202.09 – Miscellaneous. Judge DeCaria seconded the motion, and it passed unanimously.

Rule 4-202.02 – Records classification. The Policy and Planning Committee recommended that no further action be taken on the proposal to amend Code of Judicial Administration Rule 4-202.02 to make criminal case records private when there has been a dismissal of all charges.

Discussion took place.

Motion: Judge DeCaria moved to take no further action, as recommended by the Policy and Planning Committee, on the proposal to amend Rule 4-202.02 – Records classification. Judge Toomey seconded the motion, and it passed unanimously.

10. SENIOR JUDGE CERTIFICATIONS: (Nancy Sylvester)

The following judges have applied for senior judge certifications: 1) Judge James Beasley, active senior justice court judge; 2) Judge Fred Voros, active senior judge; and 3) Judge Jack Stevens, inactive senior justice court judge.

The judges requesting senior judge certification meet all of the performance standards.

Motion: Judge Toomey moved to forward the recommendations for senior judge certification to the Supreme Court, on behalf of the Council, for the following judges: 1) Judge James Beasley, active senior justice court judge; 2) Judge Fred Voros, active senior judge; and 3) Judge Jack Stevens, inactive senior justice court judge. Judge Higbee seconded the motion, and it passed unanimously.

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

11. EXECUTIVE SESSION:

An executive session was held at this time.

12. ADJOURN

The meeting was adjourned.

Tab 2

Management Committee Minutes

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Tuesday, June 13, 2017
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant
Hon. Kate Toomey, vice chair
Hon. Thomas Higbee
Hon. David Marx
Hon. Todd Shaughnessy

STAFF PRESENT:

Rick Schwermer
Ray Wahl
Jody Gonzales
James Ishida
James Peters
Dawn Marie Rubio
Geoff Fattah
Nancy Sylvester
Brent Johnson

EXCUSED:

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 Toomey moved to approve the May 9, 2017 Management Committee meeting minutes. Judge Marx seconded the motion, and it passed unanimously.

2. ADMINISTRATOR'S REPORT: (Richard Schwermer)

Mr. Schwermer provided the following update:

Huntsman Seminar Group. Today, the Huntsman Seminar group hosted a group of high school teachers from around the state at the Matheson Courthouse. Justice John Pearce and Mr. Schwermer participated in this event.

June Council Meeting – Duchesne. Mr. Schwermer recommended that the start time be moved from 9:00 a.m. to 9:30 a.m. to allow for those who would like to drive to the meeting in the morning to have adequate time to get there.

Judicial Retirements. Judge Bruce Lubeck has announced his upcoming retirement, effective December 29, 2017. Judge Ann Boyden has announced her upcoming retirement, effective January 1, 2018.

Online Dispute Resolution (ODR) Program. Funding for this program has been provided through an SJI Grant which expires on July 1. They applied for a grant extension, and were awarded a three-month extension to expand the funds.

ICE Detentions. Mr. Schwermer provided an update on ICE detention issues being experienced nationwide as survey results from CCJ/COSCA have been shared with him. ICE detainees executed at the Matheson Courthouse and how they were handled was noted. Mr. Palmer, Court Security Director, has met with ICE officials. A further meeting with the local ICE officials will be scheduled.

3. **COMMITTEE APPOINTMENTS: (Geoff Fattah, Alyn Lunceford, Nancy Sylvester and Ray Wahl)**

Chief Justice Durrant welcomed Mr. Fattah to the meeting.

Mr. Fattah reported that two vacancies exist on the Standing Committee on Judicial Outreach for the following representatives: 1) justice court judge representative, and 2) district court judge representative.

The Standing Committee on Judicial Outreach recommended the appointment of South Salt Lake Justice Court Judge Anna Anderson to fill the justice court judge vacancy on the committee.

Judge Elizabeth-Hruby Mills second term as a district court judge representative will expire at the end of June. She has requested to serve another term on the committee.

Mr Schwermer mentioned that there is a process in place for filling vacancies on standing committees as outlined in Rule 1-205 – Standing and ad hoc committees. He reported that the process may not have been followed for this and other appointments. The process for filling such vacancies will be reviewed at the next AOC Management Staff meeting.

Discussion took place.

The Management Staff requested that Mr. Fattah work with the Standing Committee on Judicial Outreach to address filling the committee vacancies, with the process in place, as outlined in Rule 1-205 – Standing and ad hoc committees and bring back the proposed committee appointments once they are ready.

The Courts Facilities Planning Committee has two vacancies for the following representatives: 1) appellate court judicial representative due to the upcoming retirement of Judge Stephen Roth, and 2) district court judicial representative due to the upcoming retirement of Judge Samuel McVey.

With proper approval from their respective boards, the Courts Facilities Planning Committee recommended the following for appointment to the committee: 1) Judge David Mortensen, appellate court judicial representative; and 2) Judge James Brady, district court judicial representative.

Motion: Judge Toomey moved to approve the following appointments to the Courts Facilities Planning Committee: 1) Judge David Mortensen, appellate court judicial representative; and 2) Judge James Brady, district court judicial representative and place it on the June Judicial Council consent calendar. Judge Higbee seconded the motion, and it passed unanimously.

The Standing Committee on Children and Family Law has a vacancy for a district court judge representative with Judge John Walton's term expiring.

The Standing Committee on Children and Family Law recommended the appointment of Judge Elizabeth Hruby-Mills to fill the vacancy.

Motion: Judge Shaughnessy moved to approve the appointment of Judge Elizabeth Hruby-Mills to fill the vacancy on the Standing Committee on Children and Family Law for a district court judge representative and place it on the June Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

The Committee on Resources for Self-Represented Parties has a vacancy for a community representative with Ms. Leticia Bentley's first term expiring.

The Committee on Resources for Self-Represented Parties recommended the appointment of Ms. Kristin Johnson to fill the community representative vacancy on the committee.

Motion: Judge Marx moved to approve the appointment of Ms. Kristin Johnson to fill the community representative vacancy on the Committee on Resources for Self-Represented Parties and place it on the June Judicial Council consent calendar. Judge Higbee seconded the motion, and it passed unanimously.

4. PCRA RECOMMENDATION FOLLOW-UP: (Brent Johnson)

Chief Justice Durrant welcomed Mr. Johnson to the meeting.

Mr. Johnson reminded members of the Management Committee of the proposed recommendations as prepared by the Post-Conviction Subcommittee which included:

- Develop a post-conviction manual and checklist for use by pro se litigants and pro bono counsel
- Develop a more robust post-conviction pro bono program in the Utah State Bar
- Amend the Post-Conviction Remedies Act to expand the factors for trial courts' consideration in determining whether to appoint counsel and to provide funding for expenses
- Create a Post-Conviction Center modeled after the Rocky Mountain Innocence Center

Mr. Johnson was asked by the Management Committee to review the recommendations and determine the appropriate level of court interaction. Mr. Johnson responded to the development and use of the pro bono program at the Utah State Bar level. He provided background information on his review into the use of pro bono services by the Utah State court system when the Third District participated in a pilot program several years ago.

Suggested options for use of a pro bono program as it relates to the PCRA recommendations are as follows: 1) the Utah State Bar will maintain a list of pro bono attorneys and assign the attorneys to the appropriate cases as requested, or 2) the Utah State Bar will maintain a list of pro bono attorneys and provide the list for use by the courts, and the court system will contact the attorneys as needed, on a rotating basis.

Discussion took place.

The Management Committee requested that Mr. Johnson and Mr. Schwermer work together to create a description of what is acceptable for use with the pro bono program and work with Mr. John Baldwin, executive director of the Utah State Bar, on the recommendations from the courts.

5. JUSTICE COURT TECHNOLOGY, SECURITY, & TRAINING GRANT APPROVAL: (Jim Peters)

Mr. Peters 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) decision not to fund the Legal Institute with one-time grant funds, 2) decision not to fund mentor training with one-time

grant funds, 3) internet-enabled cameras (including subscription costs), 4) development of smartphone app for judges and clerks, 5) out-of-state training fund, 6) justice court information technology support, and 7) CORIS infrastructure for justice courts.

Concern was expressed regarding the decision not to fund the legal institute request with one-time funding for the coming fiscal year.

Mr. Peters requested the per trip cap be increased from \$2,500 to \$3,000 for the out-of-state allowance. The Management Committee agreed.

Discussion took place.

Motion: Judge Shaughnessy moved to approve inclusion of funding the Legal Institute request of \$9,500, as well as, approve the grant funding requests and adjustments as approved and submitted by the Board of Justice Court Judges. Judge Higbee seconded the motion, and it passed unanimously.

6. INTERLOCAL AGREEMENT BETWEEN PARAGONAH AND PAROWAN: (Jim Peters)

Mr. Peters provided background information regarding the request for an interlocal agreement between Paragonah and Parowan.

Mr. Schwermer mentioned that the application requesting the interlocal agreement and the proposed timeline to enter into the interlocal agreement are missing.

The Management Committee deferred this matter for further discussion to a future meeting to allow for the appropriate documentation to be submitted for consideration.

7. INTERLOCAL AGREEMENT BETWEEN WEBER COUNTY AND WASHINGTON TERRACE: (Jim Peters)

This matter was deferred to a future meeting to allow for the appropriate documentation to be submitted for consideration.

8. INTERLOCAL AGREEMENT BETWEEN WEBER COUNTY AND UINTAH CITY: (Jim Peters)

This matter was deferred to a future meeting to allow for the appropriate documentation to be submitted for consideration.

9. NEW RULE CREATING PRESIDING JUDGES IN JUSTICE COURTS: (Jim Peters)

Mr. Peters reported on a draft rule to create presiding judges in justice courts. He mentioned that the rule was based on the current presiding judge rule used for district and juvenile court judges.

The rule would allow for a presiding judge in each judicial district. A benefit of creating the role of presiding judges in justice courts would help address the matter of coordination of the required training in justice courts.

Discussion took place.

Motion: Judge Higbee moved to send the draft rule that would create presiding judges in justice courts to the Policy and Planning Committee for further review and implementation as they

determine in the course of their review. Judge Toomey seconded the motion, and it passed unanimously.

10. THIRD DISTRICT COURT SENIOR JUDGE REQUEST: (Ray Wahl)

Mr. Wahl reminded the Management Committee of the change to Rule CJA 03-0104 – Presiding judges was amended to affirm the authority of presiding judges to appoint senior judges to fill judicial vacancies for up to 14 judicial days without prior approval. The rule provides that if more than 14 judicial days of coverage is needed, the presiding judge will present the State Court Administrator a plan for meeting the needs of the court and the budget needed to implement the plan.

The Third District routinely has multiple trials set on the same date and time. Therefore, Judge Skanchy, Third District Court presiding judge, has requested additional senior judge coverage along with their plan for coverage.

Mr. Schwermer has approved the request for additional senior judge coverage in the Third District, for one year, with reporting requirements.

Mr. Wahl mentioned that potential budget implications, with an increase of up to \$36,000 to the senior judge budget. An additional request for a one-time spending increase to the senior judge budget may be made in the coming months with the possible need for senior judge coverage in the Court of Appeals with the upcoming retirements.

11. ICE DETENTION IN COURTHOUSES: (Richard Schwermer)

Mr. Schwermer provided information on this matter as part of his administrator's report.

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

Chief Justice Durrant reviewed the proposed Judicial Council agenda for the June 26 Council meeting.

Motion: Judge Toomey moved to approve the agenda for the June 26 Judicial Council as amended. Judge Marx seconded the motion, and it passed unanimously.

13. ADJOURN

The meeting was adjourned.

Policy and Planning Committee Minutes

Policy and Planning Committee

Executive Dining Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111

June 2, 2017

Draft

Members Present

Hon. Derek Pullan - Chair
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Reed S. Parkin

Members Excused

John Lund
Hon. Mary Noonan

Staff

Keisa L. Williams
Nancy J. Sylvester

Guests

(1) Approval of minutes.

Judge Derek Pullan welcomed the members to the meeting. Judge Pullan addressed the May 5, 2017 minutes. There being no changes to the minutes, Judge Marvin Bagley moved to approve the May 5, 2017 minutes. Judge Reed Parkin seconded the motion and it passed unanimously.

(2) CJA Rule 2-212. Communication with the Office of Legislative Research and General Counsel.

Nancy Sylvester addressed the committee and reviewed her memo on the amendments to CJA Rule 2-212. Ms. Sylvester noted that on May 16, 2017 she and Rick Schwermer discussed with the Supreme Court the rule drafts and comments received. The Supreme Court will determine whether or not to create their own rule to address the submission of court rules to the legislature. The statute (Utah Code § 36-20-3) addresses submission of both Judicial Council and Supreme Court rules, but Rule 2-212 only addresses Council rules. Ms. Sylvester reviewed both the June 1, 2017 and the October 4, 2016 drafts of CJA Rule 2-212, along with the comments received on this rule. Ms. Sylvester explained that, if approved, the draft will go to the Judicial Council for approval for public comment. After brief discussion the committee did not make changes to the June 1 version, which reflected the commenters' proposed edits.

Judge Ann Boyden moved to approve the June 1, 2017 version of CJA Rule 2-212 to go to the Judicial Council for final approval. Judge Parkin seconded the motion and it passed unanimously.

(3) CJA 1-201. Judicial Council Membership - Election.

Ms. Williams stated Rick Schwermer addressed this rule change at the May 9, 2017, Management Committee meeting. The Management Committee recommended the proposed amendments, which would change the start of a new term of office for Judicial Council members from the October Council meeting to the Council meeting immediately following the Annual Judicial Conference. The committee asked if this applied to justice courts. Ms. Williams noted that it does. While justice court appointees are elected at a different conference, the term start date will be the same for all members. After discussion and clarification as to when elections occur, the committee did not make any changes to the proposed rule amendment.

Judge Bagley moved to approve CJA Rule 1-201, with no changes, to go to the Judicial Council for approval to send out for public comment. Judge Parkin seconded the motion and it passed unanimously.

(4) CJA 3-201. Court commissioners.

CJA 3-111. Performance evaluations of senior judges and court commissioners.

Ms. Sylvester next discussed CJA Rules 3-201 and 3-111. Ms. Sylvester noted that the committee began their review of these rules in October of 2016. The committee had previously approved edits made to CJA Rule 3-201 from the beginning of the rule through paragraph (3)(G) and to CJA Rule 3-111 from the beginning of the rule through paragraph (3)(F). The committee determined that those changes did not need to be readdressed and began their discussion with paragraph (3)(H) in 3-201 and (3)(G) in 3-111. The committee discussed each proposed change in detail. In 3-201, the discussion focused primarily on each instance where the term "district or court level" was used and whether or not it was more appropriate to say "district and court level." In 3-111, the discussion focused primarily on when commissioner certifications should be presented to the Judicial Council. The committee ultimately changed the rule from the council's August meeting, to its July meeting, because the council's August meeting is already extremely long due to budget presentations.

Ms. Sylvester will circulate clean, edited copies of the proposed rules. Judge Boyden moved to approve both CJA Rule 3-201 and 3-111 with the edits the committee made. Judge Bagley seconded the motion and it passed unanimously.

(5) Other Business.

Judge Pullan created bylaws for the committee in order to ensure that rules presented to the committee are properly vetted before they make it onto the committee's queue. Judge Pullan reviewed the draft bylaws. After discussion, the committee asked Ms. Williams to get feedback from Brent Johnson on which AOC employees would be required to get supervisory approval before submitting a draft rule. Ms. Williams will make amendments to the bylaws based on Mr. Johnson's feedback and bring it back to the committee for final approval at the next meeting.

In addition to the bylaws, Judge Pullan asked Ms. Williams to create a Request Form that would need to be submitted along with proposed rule drafts. Ms. Williams reviewed the draft request form she created with the committee. After a brief discussion, the committee made several edits to the form. Ms. Williams will make the changes and bring it back to the committee for final approval at the next meeting.

After the last committee meeting, Judge Noonan had suggested that the committee either extend the length of its monthly meetings or add meetings to the schedule in order to increase the committee's productivity and make the travel time for members more worthwhile. After reviewing several options presented by Ms. Williams, the committee decided to extend the length of two meetings each year. The May and November committee meetings will each be changed from 12:00 - 2:00 to 9:00 - 5:00. Ms. Williams will make the changes to these meeting times.

The committee asked Ms. Williams to change the calendar invites for the committee meetings during the annual legislative session now, rather than wait until the last minute, so that the members could reserve the appropriate time on their calendar. The times will change from the normal time of 12:00 - 2:00 to 9:30 - 11:30. This would affect the following dates: February 2, 2018 and March 2, 2018. The legislative session begins January 12 and ends March 9, therefore the January Policy & Planning meeting scheduled for January 5, 2018 will not be affected.

The committee decided to cancel the July 7, 2017 meeting due to the holiday. Ms. Williams will send out notice. The next meeting is scheduled for August 4, 2017 in the council room at 12:00. There being no other business and the meeting was adjourned at 2:19 pm.

Tab 3



Domestic Case Process Improvement Subcommittee

*Report and Recommendations to the
Standing Committee on Children and Family Law*

Judge Douglas Thomas, Chair

6/26/2017

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Introduction

“One overarching change that we have made in our court system over the past twenty years is that rather than simply being guided by tradition (that is, by the notion that we ought to simply keep doing what we have always done), we have tried to see our court system responsibility as judges in a different way. Instead of being guided by tradition, anecdote, or “gut instinct”, we are guided by research, data, and evidence about what works. This new evidence-based way of approaching our jobs as judges and of discharging our obligations as a court system permeates every aspect of what we do. We have earnestly sought to make all of our services and administrative and judicial practices, including sentencing, evidence based and results oriented.”

*State of the Judiciary,
Chief Justice Matthew Durrant,
January 23, 2017*



The Domestic Case Process Improvement Subcommittee (the “Subcommittee”) has sought to complete its charge from the Judicial Council using the evidence-based approach Chief Justice Durrant articulated in his most recent State of the Judiciary address. Domestic cases are perhaps the most contentious of all cases that come to a court system and those involved have strong feelings about what is working and what is not working. They also have strong feelings about solutions to problems that may exist in processing these types of cases. Rather than engage in a debate of competing opinions and views, the Subcommittee has chosen to rely on research and data when making recommendations not only to the Standing Committee on Children and Family Law (SCCFL) but eventually to the Judicial Council.

Consequently, the Subcommittee considered previous studies regarding domestic issues, data from the Courts’ information system, surveys administered to judges, commissioners, and attorneys, surveys administered to self- represented parties, national best practice models, and brainstorming by a group of experienced and committed family law practitioners. The Subcommittee evaluated the data and research rather than working off of individual agendas. The recommendations will create a more efficient system of processing domestic cases and allow parties’ issues to be heard and equitably resolved.

Formation of the Subcommittee

The Judicial Council charged its SCCFL to conduct a thorough review of existing domestic case processing statutes, rules, and practices and to determine if there are alternatives or improvements that should be implemented. At the direction of the Judicial Council, the Standing Committee established a subcommittee on Domestic Case Process Improvement to accomplish this charge. The request focused solely on district court domestic cases and specifically omitted juvenile delinquency and child welfare proceedings. The Subcommittee was instructed to:

- Examine programs in place in other jurisdictions that are aimed at simplifying process, reducing the adversarial nature of domestic proceedings, protecting children of divorcing parents, and reducing time and costs for litigants in order to determine what constitutes “best practices” in the adjudication of domestic disputes.
- Conduct an inventory of current practices and programs and assess both their effectiveness and the extent to which they are consistent with best practices in the field.
- Compile and examine data on the management of domestic cases, including case processing performance indicators, so as to identify promising practices that should be more broadly replicated.
- Conduct the study so as to take into account the individual perspectives of children, litigants, victims, self-represented litigants, attorneys, judges, commissioners, advocates and service providers.
- Examine programs and services, such as OCAP, Self-Help Center, and forms to determine if additional or improved services are needed.
- Examine the commissioner process and determine if efficiencies are possible in their interaction with district court judges.
- Formulate proposed solutions to problems identified, including attendant resource requirements, statute and rule changes.

The Management Committee of the Judicial Council was tasked with naming the membership of the Subcommittee, although the Council approved a list of those stakeholders who should be represented. The Management Committee solicited assistance from the SCCFL and the Family Law Section of the Bar. There were many qualified candidates who expressed an interest in serving on the Subcommittee. The following individuals were appointed to the Subcommittee:

- Judge Douglas Thomas, 7th District, Chair
- Judge Elizabeth Hruby-Mills, 3rd District
- Commissioner Patrick Casey, 3rd District
- Commissioner Catherine Conklin, 2nd District
- Stacey Snyder, Director, Office of Guardian ad Litem
- Rick Schwermer, State Court Administrator
- Mark Brasher, Deputy Director, Department of Human Services
- Mary Jane Ciccarello, Director, Self-Help Center
- William Downes, Mediator
- Stewart Ralphs, Executive Director, Legal Aid Society of Salt Lake
- Douglas Adair, Attorney, Adair Law Firm, P.C.
- Martin Olsen, Attorney, Olsen and Olsen, Attorneys & Counselors at Law
- Ali Thomas, LCSW, Child Custody Consultant
- Liisa Hancock, Attorney, Utah State Bar Commission representative
- Senator Todd Weiler, Legislative representative and attorney




Staff assigned by the Administrative Office of the Courts:

- Ray Wahl, Deputy State Court Administrator
- Clayson Quigley, District Court Program Administrator

The Judicial Council's initial charge anticipated a final report in July 2017. With that condensed time frame in mind, the Subcommittee first met on April 22, 2016 and adopted an aggressive monthly meeting schedule to accommodate the reporting requirement (*Attachment A*). As the Subcommittee's work progressed, necessary modifications were made to the schedule to accommodate the schedule of presenters. Typically, subcommittee meetings lasted for three hours, but a considerable amount of work occurred outside of meetings. During the brainstorming portion of subcommittee meetings, Nini Rich, Director of the Alternative Dispute Resolution Office of the Utah State Courts, and William Downes, a mediator and subcommittee member, helped facilitate discussions.

Historical Perspective

Family Law Task Force Report, 1994



In May of 1992, the Judicial Council formed a task force at the request of the Juvenile Court, which was left unaffected by the proposed consolidation of the District and Circuit Courts. The Juvenile Court requested that the future organization and jurisdiction of the courts be questioned, recommendations be developed, and any legislation and rules be drafted to implement changes. The Final Report on Justice in the 21st Century stated that "A long term goal of court organization should be the full integration of juvenile court jurisdiction with the district court...."

The Task Force Report, published in December of 1994, contained over 70 recommendations. Although the report did not recommend the unification of the district and juvenile courts or reorganizing the juvenile court as a department of the district court, it did recommend the formation of a family department within the district court. As reported by Tim Shea, the former Appellate Court Administrator, who then staffed the Family Law Task Force, the task force focused on structural rather than process changes. He also observed that substantial changes in domestic case processing have occurred since the task force delivered its report in December of 1994. The Judicial Council ultimately deferred any action on the report until after court consolidation was completed.

Standing Committee on Children and Family Law

After much debate and discussion, the Judicial Council created a SCCFL in 2000. The original charge of the committee included:

- Improve communications between the District and Juvenile Courts (Rule 100)
- Mandate mediation in divorce cases
- Appoint a private Guardian ad Litem in contested custody cases
- Improve the quality and timeliness of custody evaluations
- Permit a proffered statement of the case in lieu of or as a supplement to testimony

Members of the Committee included district and juvenile court judges, commissioners, human service representatives, family law practitioners, legislators, mediators, child custody evaluators and other interested parties. In its infancy, the Standing Committee worked on such issues as child protective orders, access to juvenile court hearings, the role of the special master, warrants for removal and Rule 4-903 (who may perform child custody evaluations). In the ensuing years, the Standing Committee worked on the following:

- Parent coordinator rule
- Right to a hearing following the denial of an ex-parte protective order
- Revisions to Utah Code §§ 78B-6-105 and 78B-6-138 (adoptions)
- Shortening the custody evaluation time
- Revisions to the protective order statute
- Changes to Rules 101 and 109
- Further changes to Rule 4-903
- Changes to Rule 108

Family Law Practitioner Meeting with Rep. Lowry Snow

Relevant to the formation of the Subcommittee was a meeting that involved Representative Lowry Snow in 2015. A paper was presented to Rep. Snow that was entitled "The Time has Come for a Family Court in Utah." That paper is included in the appendix of this report. The report stated: "We should create a family court, with an emphasis on therapeutic justice, perhaps starting in counties of the first and second class, to replace the Commissioner system." A court representative was present during the meeting and shared information with the Judicial Council about the meeting. The resulting action of the Council was to create this subcommittee. This action was supported by both the SCCFL and the Utah State Bar. In addition, the Utah State Bar offered its assistance in staffing the Subcommittee as well as surveying members of the Family Law Section of the Bar.

Areas Omitted From Study

The Subcommittee consciously elected to omit three areas from its study. First, cohabitant abuse cases were deemed beyond the scope of the charge from by the Judicial Council. Strict statutory timelines for hearings ensure that such cases are promptly heard and disposed. The subcommittee also believed that domestic violence issues associated with those cases are more appropriately studied separate from domestic relations processes.

Second, the Subcommittee avoided any attempt to create a formula for calculating alimony. The Executive Committee of the Family Law Section recently attempted to design such a formula but found it virtually impossible to obtain any consensus. The survey results indicated some support for an alimony calculator. However, the lack of agreement among members of the bar regarding an acceptable formula led the Subcommittee to conclude that its efforts would be better spent on other issues.

Third, the Subcommittee elected to avoid getting bogged down in the details of the numerous types of domestic cases that collectively comprise only 3 percent of all domestic cases (e.g., grandparent

visitation, separate maintenance, UIFSA, adjudication of marriage). Rather, the Subcommittee focused on divorce, custody and support, and paternity cases¹ which comprise 97 percent of all domestic relations cases.

Analysis of Statewide Court Data

The Subcommittee received substantial data and information regarding the state-wide characteristics of domestic cases disposed in calendar year 2015. The data focused on: (1) the length of time to complete various types of domestic cases; (2) the number of court hearings in those cases; (3) the extent to which litigants were represented; and (4) the nature of post-decree modifications.

The data reveals that it currently takes a very significant length of time to resolve domestic cases in Utah. As expected, the length of time varies depending on the complexity and number of hearings but appears excessive at virtually every level. Viewing the total of all cases, the majority are uncontested. Seventy-two percent of divorce petitions, 52 percent of custody and support cases and 42 percent of paternity actions are resolved by default or stipulation. The most salient data regarding all cases is summarized in Tables 1 and 2 below.

Table 1. Avg. Number of Days to Disposition by Case Type & Event

	Divorce	Custody & Support	Paternity
Uncontested	134	159	173
Answer Filed	335	341	452
Temporary Orders	474	468	533
Objections to Comm. Rulings	545	595	759
Bench Trial	650	657	728
Custody Evaluation	797	749	851

Table 1 shows that it takes an average of four and a half months to resolve an uncontested divorce case. If the parties need to obtain temporary orders but then reach a resolution in their divorce, they can expect a delay of nearly 16 months. If they need a bench trial to resolve their divorce issues, the average time rises to a year and ten months. For those unfortunate enough to have contested custody issues requiring a custody evaluation, their average wait time will be nearly 27 months in a divorce case. This latter statistic was especially troubling to the Subcommittee because children are kept in an ongoing boiling cauldron of emotion as the parties jockey for position in their custody case, evidenced by the average 13 court hearings associated with such cases (*Table 2*). Custody and support and paternity cases generally required even more time than divorces to complete.

¹ Recent legislation changed the terminology of these cases from “paternity” to “parentage”. The facts and figures gathered for review by the Subcommittee used data entered prior to the effective legislative change. In the interest of accuracy, this report will refer to these cases as they are represented in the data and use the term “paternity” throughout the report.

Table 2 provides additional information regarding the number of hearings associated with lengthy cases. As the number of hearings rise in a case, the Subcommittee presumes that attorney fees and discovery costs also increase. Although the Subcommittee received no specific data regarding such fees or costs, it did hear anecdotal information that cases involving custody evaluations that go to trial typically result in attorney fees of \$25,000 to \$30,000 per party (not including the costs of the evaluation). This range appears to be valid in light of the number of average hearings associated with such cases.

Table 2. Avg. Number of Hearings by Case Type & Event

	Divorce	Custody & Support	Paternity
Temporary Orders	5	4	4
Objections to Comm. Rulings	8	14	6
Custody Evaluation	13	18	10


Representation by counsel varied across divorce, custody and support, and paternity cases. In excess of 50 percent of all divorce cases are initially filed by self-represented litigants. However, this percentage drops as the cases proceed to disposition. As of disposition, 44 percent of divorces, 36 percent of custody and support cases, and 21 percent of paternity cases involve at least one self-represented party. Initially, the Subcommittee was concerned that the difference between the number of self-represented litigants at filing and disposition could be caused by self-represented litigants' inability to prosecute their cases. However, the data revealed that the rates of dismissal for cases filed by attorneys and cases filed by self-represented litigants were approximately the same. The Subcommittee concludes that the increase in attorney involvement likely occurs as the opposing party is served and chooses to be represented by counsel. This in turn leads the filing party to obtain counsel. In any event, this data reveals that a very significant number of litigants are currently representing themselves in Utah's domestic relations cases.

The Subcommittee also looked at data regarding petitions to modify. Such cases generally took significantly less time to resolve. This result was expected considering the narrow issues and high legal threshold typically associated with these petitions. The average times from filing to disposition for such petitions were 135 days for divorces, 158 days for custody and support cases and 170 days for paternity cases.

Survey of Attorneys, Judges, and Commissioners

Methodology and Participation

The Subcommittee began its research by surveying attorneys, commissioners, and judges. The Family Law Section of the Utah State Bar distributed the survey to all of its members. The Administrative Office of the Courts administered the survey to all district judges and commissioners. The survey results are attached to this Report.




The survey had good participation from the target audience. There were 240 total participants. Approximately 77 percent were attorneys, 19 percent were district court judges, and 4 percent were district court commissioners. Participants in each category represented all of Utah's eight judicial districts except commissioners, who were represented in each of those districts where commissioners hear cases.

The survey was divided into three sections. The first section asked questions regarding if and how various resources were used, including informal trials, mediation, custody evaluations, etc. The second section concerned satisfaction and perceptions concerning the current family law system in Utah. The third section focused on identifying the strengths and weaknesses of specific rules, statutes and practices. All respondents were asked additional demographic factors to assist in analysis of the data.

Resources and Tools

In this section of the survey attorneys were asked if they have ever used or participated in a variety of resources identified by the Subcommittee. Respondents who had utilized these resources were then asked to rate their "helpfulness" on a scale from one to five. Attorneys showed a greater satisfaction with resources that promoted early intervention and case resolution, particularly mediation. The attorneys indicated that they preferred such tools because they facilitated an early case resolution while reducing overall costs and allowing their clients a voice in the process.



Conversely, attorneys disfavored other resources such as custody evaluations and noted that these tools become costly and tend to delay the process further.

Feedback Regarding Current System and Procedures

Respondents were asked to rate a number of statements from one to five, one being "Disagree" and five being "Agree." Respondents who practiced in a district where commissioners hear domestic cases were asked a series of questions specifically regarding commissioners. The participants rated statements regarding the timeliness of the domestic case process, satisfaction with the process, and the knowledge and expertise of the judicial officers.

The responses indicated strong overall satisfaction with the current commissioner system. Table 3 below illustrates that 75 percent of attorneys believe that the commissioner system works well while only 17 percent disagreed and the remaining 8 percent neutral. Judges and commissioners were more uniform in their approval of the commissioner system

Table 3. "I believe that the commissioner system works well" - Responses

Respondent Type	Agree	Somewhat Agree	Neither Agree nor Disagree	Somewhat Disagree	Disagree
Attorney	28%	47%	8%	12%	5%
Judge	71%	26%	0%	3%	0%
Commissioner	44%	56%	0%	0%	0%
Total	36%	44%	7%	10%	4%

The responses in Table 3 were consistent with answers to other survey questions. For example, 28 attorneys listed the commissioner system as the top item when referring to what currently works well. Conversely, 17 respondents listed the commissioner system as not working well. Commissioners also received the highest score regarding knowledge and expertise in family matters. In general, the participants showed confidence in all judicial officers and expressed a strong preference for mediation. However, respondents agreed that the system is too adversarial, takes too long, and costs too much.


There were no major differences in attorneys' confidence in the relative knowledge and expertise of commissioners and judges. However, respondents felt that they are able to have a hearing before a commissioner in a more reasonable amount of time than before a judge. Respondents did not feel that the judges' lack of involvement at the beginning of the case had any effect on their ability to make an appropriate ruling in later proceedings.

Rules, Statutes and Practices

Participants were asked if there were a rule, statute, or practice they could change what would it be and why. The responses varied greatly. Some attorneys were able to offer specific rules and statutes they would like to see changed whereas others referred to general ideas or philosophies regarding the rules and statutes. Where specific rules and statutes were identified, the responses were associated with them for the purpose of analysis.

Regarding statutory changes, attorneys expressed the need for better direction with alimony (Utah Code § 30-3-5), relocation (Utah Code § 30-3-37), and parent time (Utah Code § 30-3-35 and § 30-3-35.5). With regard to alimony, the attorneys specifically asked for a calculator or formula to help them advise their clients. As for the relocation and parent time statutes, many expressed frustration with the ambiguity and complexity of these statutes. Additionally, respondents expressed frustration with the 90-day waiting period (Utah Code § 30-3-18) and the unnecessary delay it causes in many cases.


Regarding court rules, participants expressed a number of concerns with delay caused by the processes outlined in Utah Rules of Civil Procedure 101 and 108 as well as the delay and costs incurred due to custody evaluations (Utah Code of Judicial Administration 4-903). The offered suggestions focused mostly on re-examining the deadlines and scheduling periods outlined in Rule 101. Many participants felt that the Rule's mandatory scheduling time frames create unnecessary delays and lack the flexibility needed to allow the process to move more quickly.



Survey participants who expressed a desire for change indicated that better case management is needed. Participants indicated a variety of philosophies and methods of case management. However, the participants consistently mentioned measures such as early intervention and better scheduling practices to make better use of time and have meaningful interactions with the courts.

Less than 9 percent of all attorney surveys made any reference to a family court. While some of those advocating for this change were adamant in expressing their views, the Subcommittee elected not to pursue that recommendation. The Subcommittee made this decision in light of the relatively small number of those advocating for a family court when compared with those who appear to be pleased with the commissioner system. Further, the Subcommittee invited the Executive Committee of the Family Law Section of the Utah State Bar to survey other states and present us with data of a more effective system in handling family law cases. No data was ever presented to the Subcommittee by the state bar showing states with a more effective system, including any states that may have a dedicated family court.

Survey of Self-Represented Litigants



The Subcommittee obtained information about the experiences of self-represented parties in domestic cases to examine how such parties are affected by current court processes and to explore how those processes may be improved. Between May and June 2016, surveys gathering information from self-represented parties as well as from a wide variety of legal and community services providers who help self-represented parties were developed, distributed, and analyzed.

Step One: Development and Testing of Surveys

The surveys concerning the experiences of self-represented parties in domestic cases were developed by Mary Jane Ciccarello (Self-Help Center Director and member of the Subcommittee); Jessica Van Buren (State Law Library Director), and Susan Vogel (Self-Help Center Senior Staff Attorney bilingual in English and Spanish). Susan handled the distribution and collection of the surveys as well as the face-to-face surveys.

Self-represented party surveys:

The self-represented party surveys were translated into Spanish choosing terminology commonly used by people of Mexican descent who make up 75-80 percent of the Spanish-speaking population in Utah. The surveys were tested for a week by taking in-person surveys in English and Spanish in the State Law Library to see if the questions elicited a complete range of experiences. The surveys were then modified to correct any deficiencies.

Additionally face-to-face surveys, in English and Spanish, were conducted which allowed for open-ended answers and a greater depth of response.

Provider surveys:

The Self-Help Center further developed surveys for providers of services based on its experience working with self-represented parties and its experience training and overseeing non-lawyers in assisting self-represented parties through the Self-Help Center and the Law Library.

Step Two: Outreach for Surveys

The survey sought responses from a wide range of self-represented parties and providers, both in terms of geography and the setting in which they were receiving or providing help. To that end, the help of the courts and organizations in the community were enlisted.

Community centers: Surveys (paper or online links, as participants requested) were sent to a number of community-based organizations. These included: the Moab Valley Multicultural Center, Centro de la Familia de Utah, Catholic Community Services, and the Consulate of Mexico in Salt Lake City.

Legal clinics: Legal clinics, including the Legal Aid Society of Salt Lake, Utah Legal Services, Timpanogos Legal Clinic, St. Vincent de Paul Center Legal Clinic, and The Utah Pride Center's Rainbow Clinic, were contacted to help provide feedback in collecting both self-represented party and provider surveys. The clinics were visited in person to explain the surveys and provided with both paper surveys and online links. In addition, a representative spent three evenings attending the Family Law Clinic in Salt Lake City and the Timpanogos Legal Clinic in Provo to capture face-to-face surveys with self-represented parties and providers.

Court: Self-represented surveys were emailed to court clerks throughout Utah requesting their participation. Staff of the State Law Library and Self-Help Center also distributed surveys on paper and via emailed links. Court personnel also were asked to complete the provider survey.

Step Three: Collection of Surveys

Self-represented party and provider surveys:

Direct on-site contact proved to be the most effective way to obtain completed surveys – handing them to people, asking them to fill them out, and collecting them. The majority of people approached in this manner were happy to participate. The only refusals occurred when people were approached at the end of their legal consultation and needed to leave. The Subcommittee received the following completed surveys:

- Self-represented parties in English = **171**
- Self-represented parties in Spanish = **16**
- Providers = **37**

Face-to-face surveys

At several different locations and times, participants were given the option of completing either a written or a face-to-face survey. Most chose the written survey. The participants who chose the face-

to-face option tended to fall in one of three groups: (1) those who could not read well enough to complete a paper survey; (2) those who were very frustrated with the system; or (3) those with very complicated cases. These participants often had much to share, so these surveys frequently took substantial time. Nine face-to-face surveys were completed.

Step Four: Compilation and Analysis of Surveys

The main themes contained in the survey responses were: (1) frustration regarding the complexity of legal processes including confusing paperwork; (2) frustration over how long things take; and (3) sincere gratitude for the help that self-represented parties get from the resources they are provided.

Self-represented parties did not distinguish between appearing before a commissioner or judge and tended to view all hearings as simply being in court before a judge who made a decision.

The survey responses indicated that self-represented parties view required paperwork as very complicated and the legal terminology in documents as very confusing. This applied to both native English speakers and those for whom English is a second or subsequent language. Spanish speakers believed that they faced greater barriers with the language and some said they felt unwelcome when dealing with court personnel.

The parties getting help from volunteer lawyers and law students at the legal clinics were enthusiastic about having those resources. Those getting help at the Law Library and the Legal Aid Clinics in the courthouses in Salt Lake City and West Jordan were also extremely grateful and enthusiastic about the help they receive from staff. Self-represented litigants also were appreciative of the help they received from court staff. They did complain, however, that they often received conflicting information from different people at the courthouse.

Appendix: Survey Responses (attached to this report)

- Three charts showing the services used by self-represented parties
- Self-represented party survey responses in English
- Self-represented party survey responses in Spanish
- Provider survey responses
- Face-to-face survey responses in English and Spanish

Additional Research

In addition to the surveys, the Subcommittee reviewed the results of a State Justice Institute study published in 2016 (“Serving Self-Represented Litigants Remotely: A Resource Guide”) in which Utah was one of eight participating states.

SJI Study Results:

As part of the SJI study, the Self-Help Center reviewed 50 divorce cases initiated between July 1 and December 30, 2014 using the court online assistance program (OCAP) to generate court forms, in which both parties were self-represented. As of June 2015, 38 of these cases (76 percent)

had final divorce decrees. Six cases (12 percent) were still pending. One of the cases was dismissed at the request of the parties. Five cases (10 percent) were dismissed by the court for procedural reasons. Of the cases resolved by June 2015, 89 percent of them had been completed successfully. On average, these cases were decided within 3 months.

The Self-Help Center next reviewed 50 divorce cases filed in Utah in which a self-represented party contacted the Self-Help Center between January 1 and October 31, 2015. The data were collected in November 2015. Utah has a 90 day waiting period between filing of a divorce petition and entry of a final decree, unless waived for extraordinary circumstances. Twenty-nine of these cases (58 percent) had a final divorce decree at the time of data collection. Twelve of the cases (24 percent) remained open at that point. Three (6 percent) were dismissed at the request of the parties and six (12 percent) were dismissed by the court for procedural reasons. On average, these cases were decided within 5.5 months.

Of the 100 self-represented divorce cases studied, the vast majority of litigants used OCAP, managed everything on their own, and never appeared before a judicial officer.


Technical Assistance from the National Center of State Courts

The Subcommittee reached out to national organizations to consider national trends in best practices for domestic relations cases. On September 23, 2016, Dr. Tom Clarke and Alicia Davis from the National Center for State Courts presented detailed information that can be found in the Appendices attached to this report. The presenters had worked in several states to develop best practices, including Colorado and Alaska. They also provided information from Ohio, Nebraska, Connecticut, and Arizona together with experience from their own practices. The following is a summary of their conclusions:

- 1) Best practices in these states all included early intervention and case triage.
- 2) While states use different titles, many that have implemented best practices use “family court facilitators” to improve services for those who are involved in a domestic matter.
- 3) Several states have developed triage methods to determine the complexity of the domestic matter and to consider issues such as conflict/cooperation between parties, domestic violence issues, mental health and substance abuse issues, and the complexity of the case.
- 4) Several states, including Minnesota, Alaska and Nebraska, have evaluated their processes and found that their methodologies have resulted in reduced expenses to parties, shorter time to disposition, and fewer post judgment activities.

On December 22, 2016, the Subcommittee held a video conference with Stacey Marz, Director of Self-Help Resources for the Alaska State Courts. Ms. Marz described a program where cases were triaged² in situations where at least one party was self-represented. Alaska utilizes court staff attorneys

² Triage refers to a more aggressive form of case management which identifies possible obstacles and needs for a case as early as possible based on a number of predetermined factors. Cases are set on a track best suited to overcome challenges and prevent unnecessary intervention that might otherwise slow the progress of that case.




who work in the Family Law Self-Help Center to triage cases, which was settlement oriented. Alaska also spent a considerable amount of time improving the forms used by litigants. Ms. Marz reported large savings in judicial time and lower rates of post-decree modifications.

Commissioner Conklin, a subcommittee member, provided information regarding the Arizona courts' approach to domestic matters. She obtained this information from a domestic judge in Arizona. Arizona places cases into three tracks, according to the complexity of the case. Complexity relates to money and custody issues. Arizona uses domestic case managers to conduct "resolution management conferences." The focus of the conferences is on the early resolution of the case, and judges are involved in scheduling issues of cases. The settlement process includes lawyers, mediators, and judges.

Brainstorming Process

After thoroughly reviewing the survey data from all surveys, the data regarding domestic cases, and national trends of best practices in domestic cases, the Subcommittee began methodically embarking on a brainstorming process to suggest solutions to issues that were highlighted by its investigation. The Subcommittee sought assistance from two skilled facilitators, William Downes, a Subcommittee member, and Nini Rich, the Director of the Utah State Courts Alternative Dispute Resolution Office. This process led to fruitful discussions on how to improve domestic case processing. These discussions encompassed six meetings.



The discussions were broken up into two major areas, one for the self-represented litigants and the other for situations where attorneys were representing at least one of the parties. Attempts were made to convert discussions into flow charts, which were then reviewed by the Subcommittee. These discussions resulted in a number of recommendations to the Standing Committee and the Judicial Council. To suggest that there was unanimity on all recommendations in the report would be an overstatement. However, all recommendations had a high degree of agreement within the Subcommittee.

Conclusions and Recommendations

One of the driving forces behind the formation of the Subcommittee was the sentiment that the current structure is inadequate to meet the needs of domestic cases. The evidence suggests, however, that this is not the case. The vast majority of survey responses supported the current structure utilizing both commissioners and judges. There are areas where the domestic case process could be improved, and these are identified in the following recommendations. These improvements can be made using the existing court structure.

Conclusion 1: **Active case management will improve the court's ability to resolve and dispose of domestic cases.**

Recommendation: **Domestic Case Managers should triage, track, and administer divorce and paternity cases.**

As required by case numbers, case managers should be reassigned or acquired for training in specific management of domestic cases. The Domestic Case Manager (DCM) will have various responsibilities in the course of guiding, tracking, and assisting in the resolution of domestic cases. The specific responsibilities of a DCM will vary between districts based on the volume of domestic cases and the needs of each particular district. However, the following should be included as core duties for every DCM.

A. Initial Screening

When an answer is filed, the case will be screened by the DCM within two business days for scheduling either a status conference or a case management conference. The status conference is an informal, off-the-record meeting with the DCM. A case management conference is a formal hearing before the judge or commissioner.

In the initial screening, the DCM is to review the pleadings and other court records and, if possible, identify issues including, but not limited to the need for an interpreter, allegations of domestic violence, and other cases involving the parties in juvenile court or other jurisdictions.

If any of the following apply, the DCM will schedule a case management conference before a judicial officer rather than a status conference:

- i. Both parties are represented by counsel;
- ii. There are domestic violence issues such that the parties should not be in close proximity unless in court;
- iii. Jurisdiction issues need to be resolved by a judicial officer before the case can proceed; or
- iv. One or both parties have filed a motion for temporary orders.

Whichever type of conference is deemed appropriate, it should be set no more than 30 days after the answer is filed. Notice of the conference will be generated by the DCM and will contain a warning that if either party fails to appear his or her pleadings may be stricken and default entered. This initial triage will take the place of the court-generated notice of discovery deadlines, as those deadlines will now be fixed at an initial conference.

B. Status Conferences

Status conferences should be set at intervals of 20-30 minutes. The DCM should meet with the parties (even if one is represented by counsel) and assist them in identifying the disputed issues. If

the parties can reach an agreement, the DCM should ensure that the agreement is entered on the record.

If the parties do not reach an agreement, the DCM should provide information on required disclosures and discuss mediation options. At the end of the status conference, the DCM should schedule the case for a pre-trial conference. The pre-trial conference should be set no later than 60 days after the status conference. The DCM should provide the parties with an order containing the date of the pre-trial conference, requiring mediation, and detailing the documents that need to be filed.

C. Case Tracking

The DCM should be responsible for tracking the progress of domestic cases.

D. Other Possible Duties

In the Second District, which commenced the DCM pilot program several years ago, one of the DCM's roles is to act as a facilitator in settlement conferences that take place at the courthouse. The DCM in the Second District has been highly successful in resolving cases, and she is utilized in this manner both by self-represented litigants and attorneys whose clients may be financially restricted in their mediation options.

While the DCM settlement conference has been of great utility for the Second District, it may not be feasible or desirable for other districts. The Third District, for example, has the benefit of Utah Dispute Resolution (UDR) for low or no-cost mediations. While following the general structure in this recommendation, each district should determine the best way to utilize the services of a DCM.

Conclusion 2:	Parties who are self-represented require additional resources and guidance to navigate the system.
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The Subcommittee carefully considered the need to assist self-represented litigants and tried to balance this need with the court's ability to offer resources and any perception of unfairness. The Subcommittee concluded that cases involving self-represented litigants require slightly different management that would maximize their access to available resources and assist them in reaching swift and equitable resolutions. The recommendations herein are designed to provide assistance at the junctures of the case where self-represented litigants are most likely to become bogged down, as well as provide oversight by the courts.

Recommendation:	Cases filed by self-represented litigants should be identified at the time of filing for specialized case management.
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A. Provision of Additional Information

Cases filed by self-represented litigants should be flagged by the court's computer system for follow-up in 60 days. At that point, one of two actions should be taken depending on what has occurred in the interim:

- i. If there is no return of service, a system-generated letter will be sent to the petitioner containing information regarding the requirement of service and identifying resources for assistance.
- ii. If there is a return of service, but no answer has been filed, a system-generated letter will be sent to the petitioner containing information regarding the default process and identifying resources for assistance.

All courthouses should provide Self-Help Center business cards (available in English and Spanish) to direct self-represented litigants to further help and referrals. In addition, all court staff should direct patrons to the court website at www.utcourts.gov. (Please note that the information contained in the flyers and pamphlets expires quickly. The State Law Library strives to ensure that all legal clinic and other information are up to date).

B. Court-prepared Notices of Hearings

Once initial service has been accomplished, notices of any hearings should be generated by the court in cases with self-represented litigants, as they are often unaware of this requirement.

C. Self-represented Pretrial Conferences

In districts with adequate volume and resources, pre-trial conferences for self-represented litigants should take place on a self-represented calendar with a commissioner. Self-represented calendars are currently utilized with great success in the Third and Fourth Districts. For these calendars, a commissioner sets aside a half-day block of time. Four or five cases with self-represented litigants on at least one side will be scheduled per calendar. Volunteer attorneys are on hand to assist the parties in negotiating a solution. If the parties are successful, they go into court and put the agreement on the record. With the parties' agreement, the commissioner may assist in resolving some issues. Representatives from the Self-Help Center are also present to help prepare the final orders. If the parties are unsuccessful in reaching an agreement, the commissioner certifies the case for trial.

Success of a self-represented calendar is dependent on the availability of volunteer attorneys, Self-Help Center staff, and even interpreters. Rural districts may not be able to offer these resources. It is possible that Licensed Paralegal Practitioners may be able to assist with order preparation if there is a settlement. However, if the case is certified for trial, the court will prepare a pre-trial order and either schedule the trial or forward the pre-trial order to the appropriate judge for scheduling.

D. Informal Trials

Self-represented litigants should be encouraged to utilize the informal trial process, and Rule 4-904 should be amended to permit an informal trial on all issues. An informal trial permits the parties to tell the court their side directly, without the formal use of direct or cross-examination. The rules of evidence are waived, so each side can submit whatever evidence they desire. The current rule contemplates informal trials on custody issues, but informal trials may be appropriate on other issues as well. By comparison, Oregon's informal trial rule applies to all issues in domestic cases.

E. Final Orders

When a final agreement or ruling is made, the minute entry will reflect the specific provisions. The minute entry will be printed and given to the parties at the conclusion of the hearing so that it can be used as an outline to aid in preparation of the final order.

Self-represented parties are often unaware of when a final decree has been entered by the court and do not understand their obligation to provide notice of entry of judgment to the opposing party. OCAP should include a Notice of Judgment form that should be filed with the final documents. Once the decree is entered, the court should send out the Notice to both parties. A sample notice form is attached to this report.

The evidence considered by the Subcommittee strongly suggests that it is more efficient for the court to retain control of the process of domestic cases. The schedule can be set with counsels' input, but a tighter rein needs to be kept to ensure that cases are promptly resolved. The following recommendations are designed to reach that goal.

Conclusion 3: **The court should take a more active role in administering cases where both parties are represented by counsel.**

Recommendation: **Counsel should participate with the court in a case management conference at the outset of the case.**

Cases that do not qualify for status conference with the DCM should be scheduled immediately for a case management conference with the judge or commissioner. If a motion for temporary orders has been filed, the case management conference should be scheduled at the same time as the motion hearing.

The purpose of the case management conference is to identify the disputed issues in the case and determine what discovery is necessary for the case to be ready for trial. Domestic cases vary in complexity. Under Rule 26, all domestic cases are treated as Tier 2, but there are cases that can (and should) be moved directly to trial, while there are others that may require more time.

At the case management conference, the court should discuss the issues with counsel and the parties and allow them to put any agreements on the record. For resolution of disputed issues, the case should be assigned to one of three tracks.

- Track 1:** This delineation is appropriate for cases involving custody disputes. At the case management conference, the court and counsel will address whether a custody evaluation is necessary, and, if so, the form of the evaluation, with the court making rulings as necessary. The court will prepare and issue the resulting order appointing an evaluator and schedule the case for either pre-trial or a custody evaluation settlement conference.
- Track 2:** Assignment to this track occurs when the case involves complex issues that require extraordinary discovery, such as valuation of a business. With input from counsel, the court should set a discovery schedule and schedule the case for pre-trial.
- Track 3:** This category entails the majority of cases, cases with straightforward issues that do not require experts or complex discovery. These cases will be certified directly for trial. If the parties have not yet mediated, mediation will be required before the trial takes place, but any such failure should not delay the scheduling of the trial.

In addition to motions brought pursuant to Rule 101, oral motions may be presented under Rule 7 if the court and the parties agree that the issue does not require briefing and can be addressed within the allotted hearing time.

Recommendation: **From the filing of the answer until disposition, there always should be a hearing scheduled to prevent stagnation.**

The parties should always have their next hearing set on the court's calendar. It is unfortunate, but sometimes cases do not get attention from counsel (or the parties) unless there is a hearing scheduled.

Recommendation: **Orders should be produced at the end of every hearing so the parties have immediate written record.**

Absent exigent circumstances, an order memorializing the result will be prepared and disseminated at the end of every hearing. The order will contain the scheduling dates, mediation deadline, discovery deadlines, and the rulings on any motions. Form orders should be prepared by the court to expedite this process. At the court's discretion, counsel may be asked to prepare a more detailed order at a later date.

Conclusion 4:

Different tools should be utilized to more efficiently evaluate and resolve custody disputes.

Recommendation:

Custody evaluations should be ordered only when the parties request it or when the court makes specific findings that extraordinary circumstances exist that warrant an evaluation. In either case, the court must find by clear and convincing evidence that there is a present ability to pay for the evaluation.

Cases involving custody evaluations generally take more time than any other type of domestic case, with an average time to disposition of 797 days. Thus far, the court's management of these cases has been a one-size-fits-all model with only one variable: whether or not the parties have a custody evaluation. There is only one standard format for custody evaluations, which is guided by C.J.A. Rule 4-903, the evaluators' training, and ethical requirements. Consequently, cases in which custody is disputed take the longest and cost the most. It should never be presumed that a custody evaluation is the best way to manage a custody dispute.

Custody cases should be triaged based on the nature of the custody dispute. With counsel's input, at the case management conference the court should determine whether a custody evaluation is needed and, if so, what form the evaluation should take.

Case Type A – Mediation-Based Custody Consultation:

Most custody disputes will fall into this category. These are the cases where both parties are relatively good parents who simply cannot agree on a custody schedule. If all parties agree to seek input from an experienced evaluator, and the court finds that they can afford it, the case would be referred for a mediation-based custody consultation. This procedure entails consultation with a custody evaluator acting as a consultant who meets with the parents and the children and then attends mediation with the parties to give them suggestions on an appropriate resolution. The cost of this procedure is generally \$1,500, or \$750 per party, and typically takes 30-60 days. At the case management conference, the court would set the case for a pre-trial conference in 90 days. If the case does not settle, it can be certified for trial.

For some attorneys, the downside of a mediation-based custody consultation is that the professional's role is that of a consultant rather than a traditional evaluator. Therefore, the consultant cannot give a recommendation to the court or act as a witness at trial. However, these are the cases where an evaluation would offer little to the court that could not be provided with testimony at trial. These are also the cases that are the most likely to settle once the parties receive some input from a neutral third party. Even if there is no settlement, the parties' interests would better be served by getting the case to trial quickly and less expensively.

If all parties do not agree to engage in a mediation-based custody consultation, the parties may choose to participate in a full custody evaluation if they can afford it; otherwise the case will be certified directly for trial.

Case Type B – Full Custody Evaluation:

This category is for high-conflict cases, including those with claims of estrangement or alienation. These are the cases that would benefit most from a full, traditional Rule 4-903 custody evaluation for two reasons. First, the evaluator needs the ability to conduct a complete investigation (possibly including psychological evaluations) to give the parties meaningful feedback. Second, this type of case is difficult for the court at trial because the testimony often is inconsistent or in conflict, requiring the judge to make credibility assessments and resolve factual disputes without the benefit of professional input.

In this situation, the parties would be ordered to participate in a Rule 4-903 custody evaluation at the case management conference. The evaluation only would be required if at least one of the parties requests it and it is demonstrated by clear and convincing evidence that the parties presently can afford the cost. The difficulties associated with ordering an evaluation when no party requests it (and perhaps are jointly opposed to it) are self-evident. The parties are denied the ability to have their case decided based on the evidence they choose to present. If the parties refuse to comply with the order, the only practical remedy available to the court is to indefinitely delay resolution or dismiss the case. By definition, the court is placed in an adversarial position against the parties. If such an order is jointly appealed by all parties, it is unclear who would defend the court's order in appellate proceedings.

The Subcommittee, therefore, recommends that the court only be allowed to order a custody evaluation when not requested if the court makes specific findings of extraordinary circumstances that warrant such an order and further finds by clear and convincing evidence that the parties have a present ability to pay for it. This position constitutes a compromise among committee members and attempts to recognize the possibility that very rare circumstances may exist that would justify ordering an evaluation against the wishes of all of the parties.

The judge or commissioner would schedule the case for a settlement conference pursuant to Rule 4-903 at 120 days after the case management conference. The parties would be encouraged to bring a mediator to the Rule 4-903 conference. If the date chosen is not feasible on the evaluator's schedule, the evaluator can let the court know when he/she accepts the appointment. If the parties and the evaluator agree that a Rule 4-903 conference would not be a good use of the parties' resources, the date set for the Rule 4-903 conference can instead be used as a pre-trial conference.

The appointment order would include the parties' personal information so that the evaluator can begin in a timely manner. Counsel should have spoken to the selected evaluator in advance to ensure that the evaluator is available and to verify the fee. The order should require that the evaluator's fee be paid within two weeks of appointment. If the fee is not timely paid, the case immediately would be certified for trial. If the evaluation is not completed by the time set for the settlement conference, the case would be certified for trial. If the parties do not settle at the settlement conference, the case would be certified for trial.

Case Type C – Limited Scope Investigation:

This type of case entails a safety issue for the children, usually as a result of demonstrated mental illness, substance use, abuse, or neglect. There is little benefit to a full Rule 4-903 custody evaluation in these cases due to the immediacy of the need for possible treatment interventions. Instead, a private Guardian ad Litem may be appointed to represent the children and argue the evidence on their behalf at trial. The court may also consider appointing a limited scope evaluator pursuant to Rule 4-902. For example, a limited scope evaluator could evaluate a party's demonstrated mental illness and recommend any measures that need to be taken to protect the children while allowing them to have a meaningful relationship with that parent. Often, children who find themselves in these situations will experience extended isolation from the offending parent. This may not be helpful to the reunification process and may cause further delay in expediting the recommended measures for treatment. Currently, Rule 4-902 does not permit a limited scope evaluator to make an actual recommendation. The rule contemplates the evaluator will merely present factual findings. An amendment to the rule should be considered.

If a limited scope evaluator is appointed at the case management conference, the case should be set for pre-trial conference at the 90-day mark. If not, the case should be certified for trial directly.

Case Type D – Relocation:

These are the relocation cases. Management of this type of case is often driven by the time-frame of the relocation. Often, these cases must be tried on an expedited basis that does not allow for any type of custody evaluation. If there is time for an evaluation and the parties request one, the court could consider two options:

- (1) If the relocating party intends to move regardless of whether the children move also, the parties should be encouraged to participate in a Rule 4-903 custody evaluation that would address the standard criteria as well as the relocation risk factors. The conditions and procedures utilized for Case Type B would be followed.

- (2) If the relocating party will not move without the children, a limited scope investigation examining only the relocation risk factors could be ordered pursuant to Rule 4-902. The case would be set for pre-trial 90 days after the case management conference.

In either eventuality, the court may also consider appointing a private Guardian ad Litem to represent the interests of the children.

Domestic Violence Issues

Management of custody cases in which there has been domestic violence depends on the type of domestic violence. If the domestic violence occurred on a one-time basis, caused by the parties' frustration at the end of the relationship, the course of the case should not be affected. If the domestic violence is recurring or severe, the court should classify the case as Type C and consider appointing a private Guardian ad Litem and/or a limited scope evaluator.

Conclusion 5: **Uniformity between the districts will enable parties and attorneys to more successfully navigate the court system.**

Recommendation: **Every district should use the same checklists for finalizing cases.**

The various courts use different checklists for the documents that are required to finalize a parentage or divorce case. These discrepancies often create barriers for parties attempting to get a final order and for those who are providing assistance. Standardized checklists should be utilized in every court throughout the state. Some sample checklists are attached to this Report.

Recommendation: **All districts should impose the same or similar consequences for parties who fail or refuse to take the divorce education classes.**

Although the court may waive the requirement of the divorce education classes, there is no guidance as to when classes should be waived and what consequence (if any) should result from failure to take the class. As a means of removing this barrier, courts may consider using this language:

The party who has not taken the classes may not seek affirmative relief from the court in this case until the required courses have been completed. This order survives the entry of the final decree.

OCAP should include this language as an option on the form Order on a Request to Waive Divorce Education Classes. A sample order is attached to this report.

Recommendation: All districts should consider the utility of judicial settlement conferences.

One tool that was consistently referenced in survey responses was the judicial settlement conference, in which a type of mediation takes place before trial with a judge not assigned to the case. This type of settlement conference is generally more directive than facilitative and enables the parties to get some idea of how their case would be viewed at trial. This kind of “reality check” is highly valuable in reaching settlements. Because of the difference in availability of judges and need for such conferences between districts, each district should consider independently whether this tool is feasible.

Conclusion 6: Modification and/or elimination of some statutes would improve domestic case processes.

Despite annual modification of Utah’s statutes, there are some that have remained on the books for decades without practical purpose or benefit. There is also one statute that, while well-meaning, has become an enormous stumbling block in the process. This committee recognizes that it is the Legislature’s sole prerogative to determine public policy. However, in the interest of improving the process of domestic cases, the following recommendation is respectfully submitted.

Recommendation: Utah Code § 30-3-12 – § 30-3-15.1, § 30-3-15.4, and § 30-3-18 should be repealed.

This group of statutes was enacted in 1969. The idea, apparently, was that each district court would establish a separate family department. One of the functions of the family court department is to provide counseling for the family at the expense of the county in which the court is located. This never occurred. No district or county has established a family court department, and there are no court-appointed counselors to assist families. Unfortunately, court patrons continue to request the services described in these statutes.

The most frequently recurring provision is the petition for conciliation, authorized in Utah Code § 30-3-16.2. Either spouse may file a petition with the court requesting the court’s assistance in determining whether the marriage can be reconciled. The court is then to refer the parties to the domestic relations counselors. (Utah Code § 30-3-16.4) If a petition for conciliation is filed, the case cannot be tried nor may a default be entered for 60 days. (Utah Code § 30-3-16.7) This has become the underlying purpose for filing a petition for conciliation – it has become a stalling tactic used by attorneys who hope to avoid the entry of orders that would negatively affect their clients, such as alimony and child support.

Also troubling is Utah Code § 30-3-17. This statute gives the court authority to counsel either spouse. The Code of Judicial Ethics absolutely prohibits such counseling. The court may also *require* the parties to file a petition for conciliation under this statute.

The final statute that should be considered for amendment or repeal is Utah Code § 30-3-18, the mandatory waiting period. This statute was most recently amended in 2012 and prohibits any hearing for entry of a decree until 90 days after the case was filed. The court may allow an exception if there are extraordinary circumstances.

The Subcommittee appreciates there is an important interest in maintaining healthy families. However, once a petition for divorce has been filed the family in question no longer falls into this category. Further, forcing a couple to remain married once they have decided to divorce often causes more harm because it prolongs the dissolution process and delays the entry of necessary final orders.

Additional difficulty is caused because of the different standards applied in deciding when extraordinary circumstances exist. Some judges feel that this is a high standard that can rarely, if ever, be met. Others are more lenient and may conclude that almost any articulable reason would qualify. While there will never be absolute uniformity as long as judges are humans rather than robots, in this area the discrepancies make it extremely problematic for those who are endeavoring to assist parties in navigating the system.

Final Summary

The process of getting a final order in a domestic case takes too long, costs too much money, and is too complicated. However, information obtained from the surveys of attorneys and judges, the review of best practices in other jurisdictions, and the other data examined by the Subcommittee did not support a need to change the existing court structure. Rather, that information strongly suggests a need to improve the courts' processes by adopting a more pro-active, differentiated approach to the management of domestic cases.

The necessary improvements are within reach and include:

1. Providing understandable and timely information to self-represented litigants about forms, processes, and time frames. This will require more resources and guidance for self-represented parties to navigate the system.
2. Utilizing domestic case managers to improve case management both for those parties who are self-represented and those who are represented by counsel. This includes early intervention in cases, triage of cases based on their complexity, and using status and case management conferences to move cases along more quickly.
3. Employing a broader variety of tools to efficiently evaluate and resolve custody disputes.
4. Encouraging more uniformity in domestic case processing.
5. Modifying or eliminating some of the statutes and rules that unnecessarily delay resolution of cases.

After the Judicial Council reviews the report, the Subcommittee recommends the report be reviewed with the Board of District Court Judges and the Family Law Section of the Bar. Effective implementation of the recommended changes is critical. The Subcommittee recommends that the

Council assign the implementation of these changes to the Standing Committee on Children and Family Law. Finally, the Subcommittee strongly recommends an evaluation process to determine the effectiveness of the proposed solutions.

While these changes may represent a “cultural shift” in how domestic cases are processed, the evidence examined by the Subcommittee strongly supports the improvements recommended in this Report.

Appendix

Domestic Case Process Improvement Subcommittee Timeline

Domestic Case Process Improvement Subcommittee

Topic	Presenter	Time Frame
Subcommittee orientation	Judge Thomas/Ray	<u>APRIL 22 - MTG</u>
Develop survey instrument	Clayson	March/April
Innovative practices other states research	Cleve	April
Family Court Report/Review of survey	Tim Shea/Clayson	April
-Creation of Subcommittees	Judge Thomas/Ray	<u>MAY 26 - MTG</u>
Examine data – domestic case mgmt	Kim Allard	May 26
History/Accomplishments of SCCFL	Katie Gregory	<u>JUNE 24- MTG</u>
Quarterly report to SCCFL	Judge Thomas	June 17
Case Processing rules/statutes	Cleve	<u>JULY 21- MTG</u>
SCCFL Issues	Subcommittee Chairs	<u>AUGUST 26- MTG</u>
Innovative approaches-Dom Cases	Alicia Davis-NCSC	<u>SEPTEMBER 23- MTG</u>
Quarterly report to SCCFL	Judge Thomas	September 16
Commissioner Report panel	2 nd , 3 rd and 4 th districts	<u>OCTOBER 28- MTG</u>
Review Proposal to Rep. Snow	Family Law Section – Bar	<u>NOVEMBER 18- MTG</u>
What is working and not working	Judge Thomas	<u>DECEMBER 22- MTG</u>
Draft Recommendations to SCCFL	Judge Thomas	December 16
Draft Report written	Ray/Clayson/Cleve	<u>JANUARY 27-MTG</u>
Review Draft of Report	Cleve / Clayson	<u>FEBRUARY 24-MTG</u>
Second Review of Draft of Report	All	<u>MARCH 24-MTG</u>
Recommendations reviewed	Stakeholders*	March/April
Discussion of input - report	All	<u>APRIL 28-MTG</u>

Review rec. with BDCJ

Judge Thomas

May

Finalize Report

Judge Thomas

MAY 19-MTG

Report to Mgmt Comm

Judge Thomas

June

DCPIC meeting

All

JUNE 23-MTG

Present to Council

Judge Thomas/Ray

July

Last meeting DCPIC

All

JULY 28-MTG

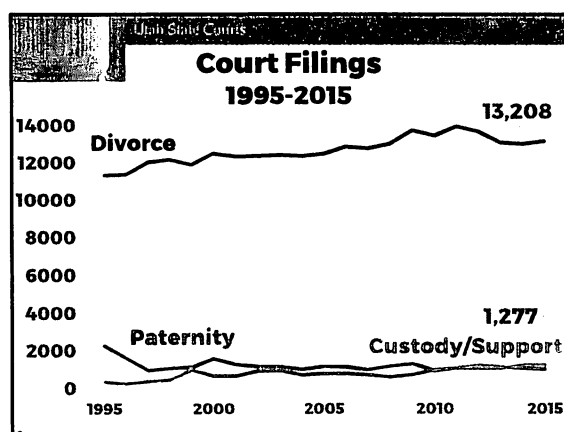
*** = Family Law Section of Bar, Dispute Resolution Section of Bar, AG's office – support unit**

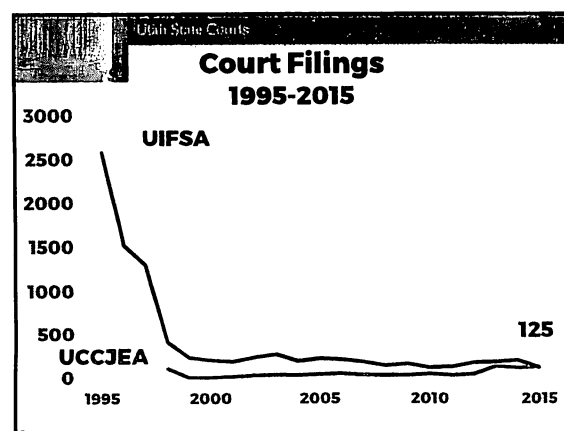
Analysis of Statewide Domestic Case Data

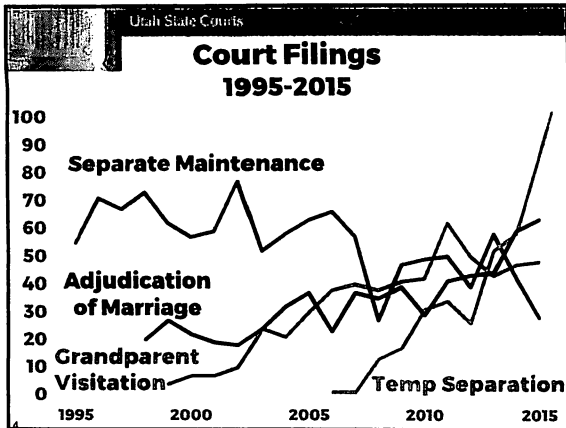
Utah State Courts

Domestic Relations Cases

May 2016







Utah State Courts

1993-2015

Case Filing Comparison

Utah State Courts Filings	1993 - 1994	2015	% Change	% Change
Custody and Support	293	1,240	947	323%
Paternity	3,115	1045	-2,070	-66%
Separate Maintenance	90	29	-61	-68%
Divorce/Annulment	11,704	13,337	1,633	14%
Cohabitant Abuse	3,590	4,875	1,285	36%
UCC/JEA Child Cust Jur	154	154		
Subtotal	18,752	20,680	1,928	10%
Temporary Separation		109	109	
Grandparent Visitation		40	40	
Adjudication of Marriage		61	61	
UIFSA (Uniform Interstate Family Support Act (1992))		112	112	
(Uniform Reciprocal Enforcement of Support Act	1,687	0	-1,687	
Grand Total	20,439	21,002	563	3%

¹ Utah Family Court Task Force Final Report to the Utah Judicial Council, Table 1. Estimated Family Court Caseload Fiscal Year 1993 - 1994, Family Department Caseload, page 3.

CALENDAR 2015

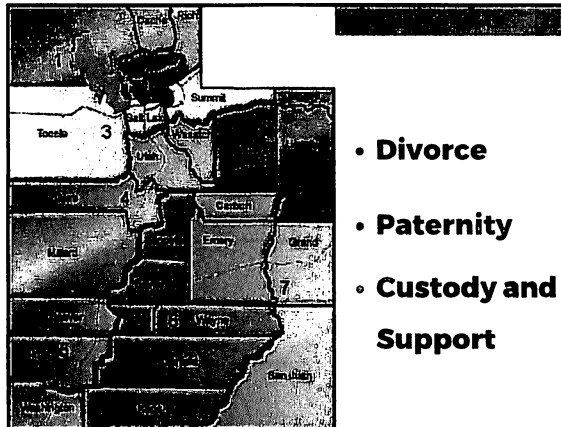
January 2015 February 2015 March 2015 April 2015

CASES DISPOSED

May 2015

What Do They Look Like?

June 2015



DIVORCE	
Total Cases Disposed	12,867
Cases in a Decree Was Entered	10,860
Cases Dismissed	2,007
84% Completion	

DIVORCE	
Total Cases Disposed	12,867
Cases With Children at Issue	6,025
Cases No Children at Issue	6,842

DIVORCE	
Total Cases Disposed	12,867
Both Parties Represented By Counsel	7,167 56%
Both Parties Representing Themselves	5,211 40%
Petitioner Only	254
Respondent Only	235

Manner of Disposition	
Cases in Which a Decree Was Entered	10,860
Default	5,758
Stipulation Filed with No Answer	2,552
Answer Filed	2,550
Uncontested = 77%	
Contested = 23%	

Trials	
Cases in which a Decree was Entered	10,860
Cases in which a Bench Trial was Identified as Being Held	184
Cases in which a Motion for an Informal Trial was Filed	10
Less than 2%	

Bifurcated Divorces# Bifurcated Divorce Decrees **158**% of All Divorce Decrees **1%**Average # of Hearings Held/Case **4**Average Time to Disposition **412 days**

Temporary Orders# Temporary Orders Issued **481**% of All Divorce Decrees **4%**Average # of Hearings Held/Case **5**Average Time to Disposition **474 days**

Motions for Temporary Orders

Motion...	Original case	Post Judgment
for Temporary Orders or Relief	1479	761
Counter for Temporary Orders/Temporary Relief	296	86
for Temporary Restraining Order	147	251

Doesn't Include Amended Motions or
Motions to Amend Temporary Orders

Custody Evaluation Hearings# Custody Evaluation Hearings **78**% of All Divorce Decrees **1%**Average # of Hearings Held/Case **13**Average Time to Disposition **797 days**

Objections to Commissioner's Recommendations# Objections to Commissioner's Recommendations **108**% of All Divorce Decrees **1%**Average # of Hearings Held/Case **8**Average Time to Disposition **545 days**

Order to Show Cause Hearings HeldOSC Hearings Held **623**% of All Divorce Decrees **6%**Average # of Hearings Held/Case **5**Average Time to Disposition **507 days**

Petitions to Modify a Divorce Decree**# Petitions to Modify Filed 1995****Average Time to Disposition 145 days**

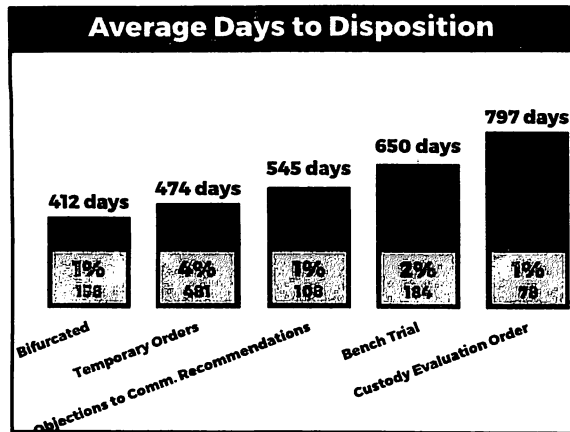
19

Time Between Original Disposition and Petition to Modify**1 year or less 12%****1-2 years 10%****2-5 years 34%****5-8 years 14%****8-12 years 20%****More than 12 years 10%**

20

Average Days to Disposition**Divorce Judgments
CY15****335 days****134 days****77%
8,310****Uncontested****239%
2,550****Contested**

21





PATERNITY	
Total Cases Disposed	980
Cases in Which a Paternity Order Was Entered	626
Cases Dismissed	354
64% Completion	


PATERNITY	
Total Cases Disposed	980
Both Parties Represented By Counsel	771 ^{79%}
Both Parties Representing Themselves	158
Petitioner Only	24
Respondent Only	27


PATERNITY	
Cases in which a Paternity Order was Entered	626
Default	192
Stipulation Filed with No Answer	140
Answer Filed	311
Uncontested = 50%	
Contested = 50%	

PATERNITY	
Cases in which a Paternity Order was Entered	626
Cases in which a Bench Trial was Identified as Being Held	24
Cases in which a Motion for an Informal Trial was Filed	2
Less than 4%	

Temporary Orders	
# Temporary Orders Issued	86
% of All Paternity Cases	14%
Average # of Hearings Held/Case	4
 Average Time to Disposition	533 days

Custody Evaluation Hearings	
# Custody Evaluation Hearings Calendared	14
% of Paternity Orders	2%
Average # of Hearings Held/Case	10
 Average Time to Disposition	851 days

Objections to Commissioner's Recommendations	
# Objections to Commissioner's Recommendations	14
% of All Paternity Orders	2%
Average # of Hearings Held/Case	6
 Average Time to Disposition	759 days

Order to Show Cause Hearings Held	
# Order to Show Cause Hearings	85
% of All Paternity Orders	14%
Average # of Hearings Held/Case	5
 Average Time to Disposition	754 days

Petitions to Modify a Paternity Order

Petitions to Modify Filed **234**



Average Time to Disposition **170 days**

Time Between Original Disposition and Petition to Modify

1 year or less **11%**

1-2 years **11%**

2-5 years **31%**

5-8 years **13%**

8-12 years **19%**

More than 12 years **15%**

Average Days to Disposition

Paternity Judgments
CY15

452 days

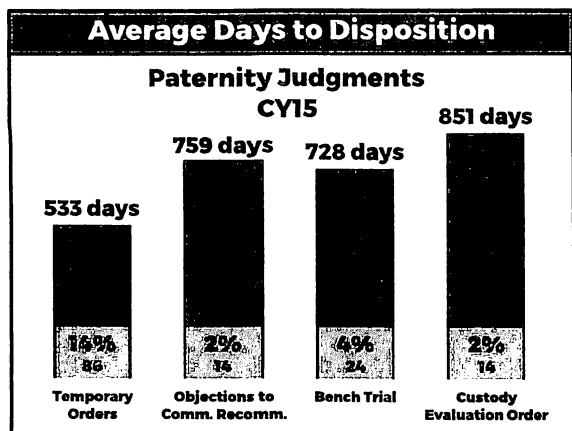
173 days



Uncontested



Contested





CUSTODY AND SUPPORT	
Total Cases Disposed	1102
Cases in Which A Final Custody or Support Order Was Entered	584
Cases Dismissed	518
53% Completion	


CUSTODY AND SUPPORT	
Cases in which a Custody or Support Order was Entered	584
Default	296
Stipulation Filed with No Answer	74
Answer Filed	250

CUSTODY AND SUPPORT	
Total Cases Disposed	1102
Both Parties Represented By Counsel	702
Both Parties Representing Themselves	319
Petitioner Only	44
Respondent Only	37

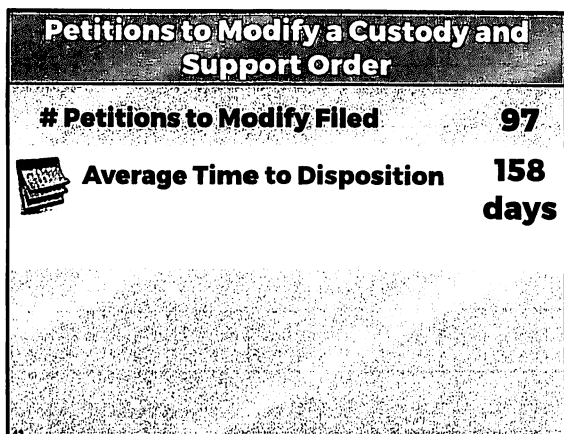
CUSTODY AND SUPPORT	
Cases in which a Paternity Order was Entered	584
Cases in which a Bench Trial was Identified as Being Held	15
Cases in which a Motion for an Informal Trial was Filed	1

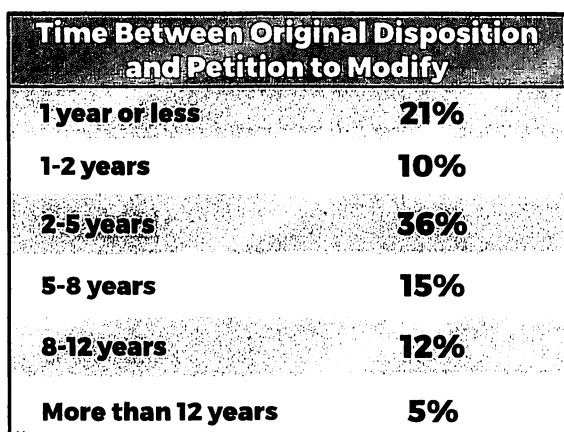
Temporary Orders	
# Temporary Orders Issued	57
% of All Custody and Support Cases	10%
Average # of Hearings Held/Case	4
 Average Time to Disposition	468 days

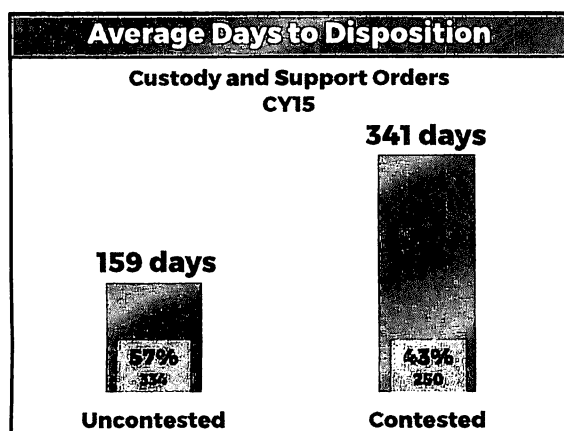
Custody Evaluation Hearings	
# Custody Evaluation Hearings Calendared	6
% of Custody and Support Orders	1%
Average # of Hearings Held/Case	18
 Average Time to Disposition	749 days

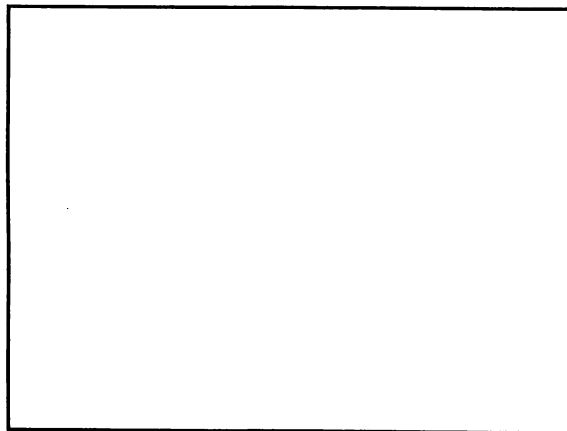
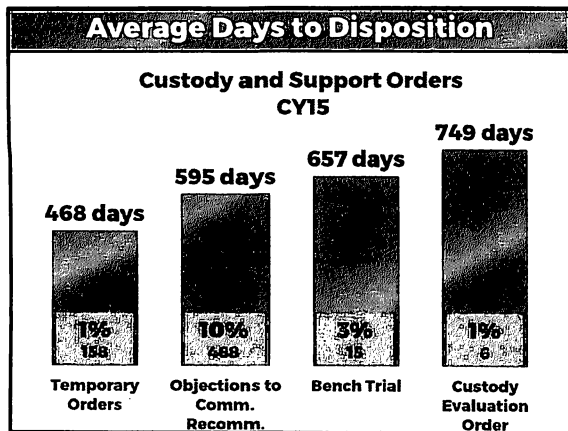
Objections to Commissioner's Recommendations	
# Objections to Commissioner's Recommendations	7
% of All Custody and Support Orders	1%
Average # of Hearings Held/Case	14
 Average Time to Disposition	595 days

Order to Show Cause Hearings Held	
# Order to Show Cause Hearings	116
% of All Custody and Support Orders	20%
Average # of Hearings Held/Case	5

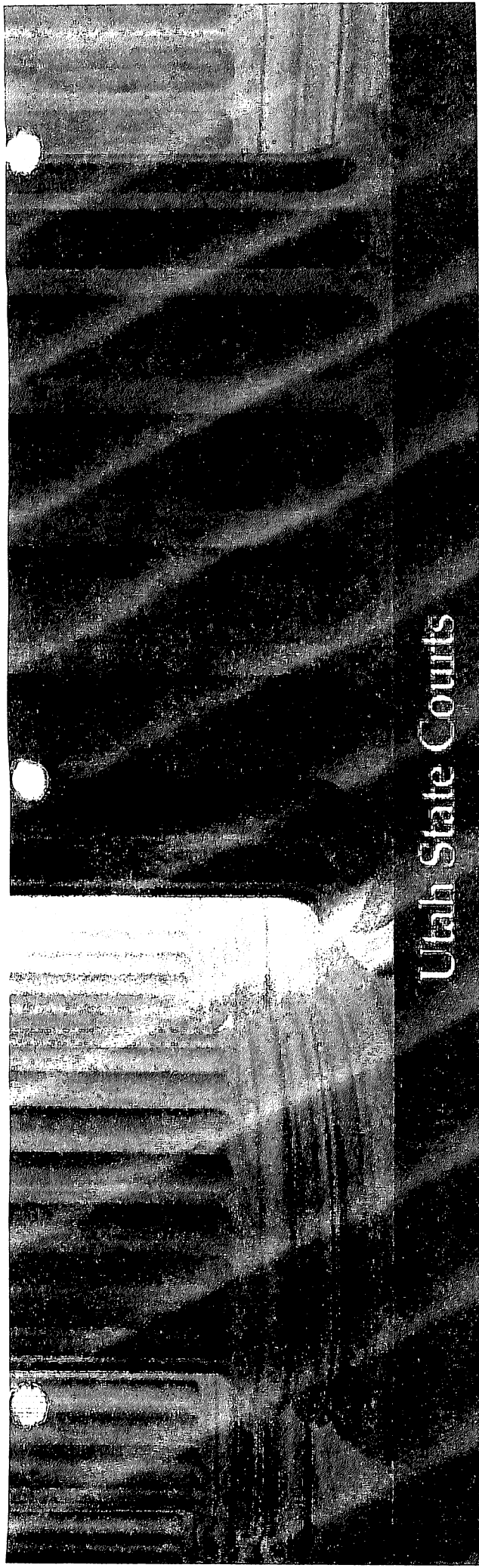








Survey of Attorneys, Judges, and Commissioners

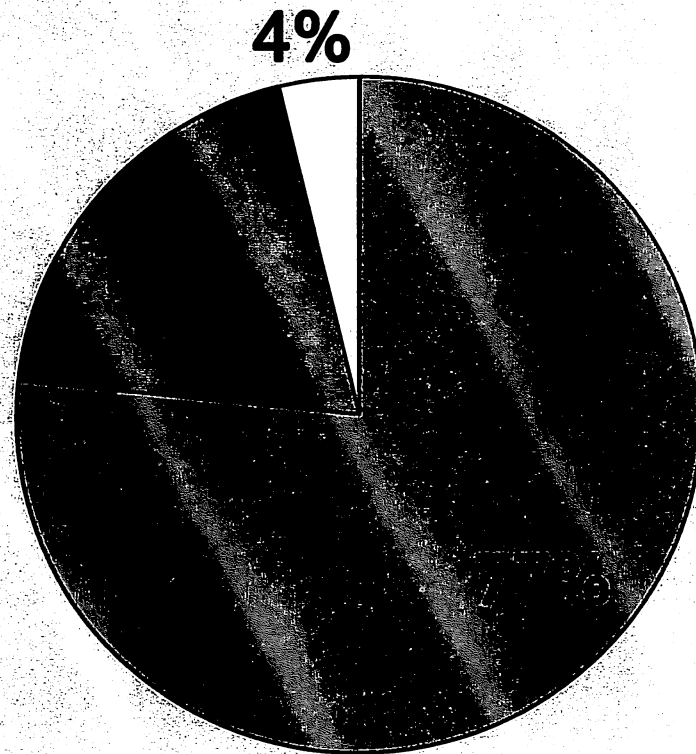


DCPI Subcommittee Survey

July 21, 2016

Attorney Questions

Select the statement that best describes your role in a domestic case.



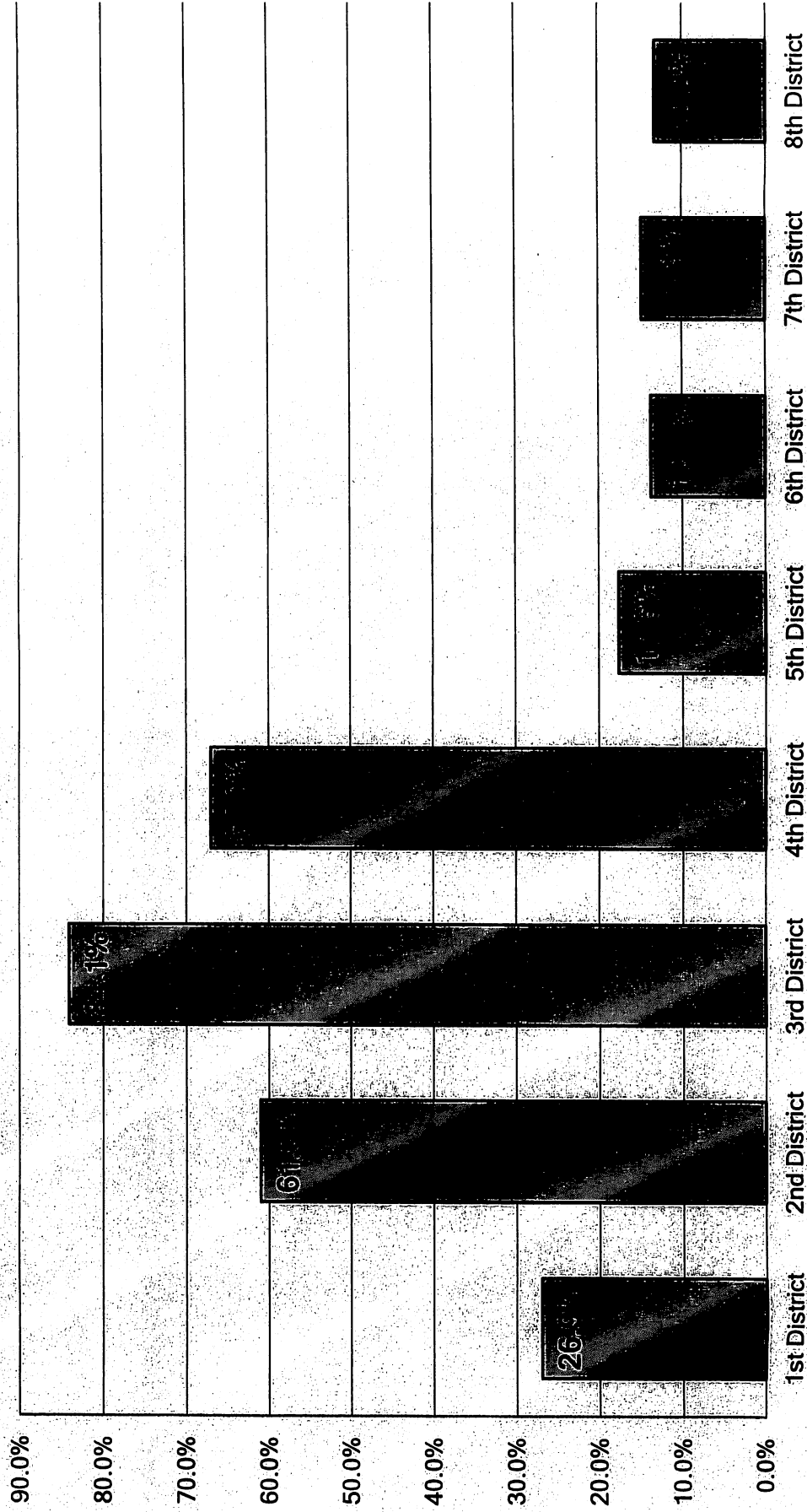
☐ I am an attorney

☒ I am a judge

☐ I am a commissioner

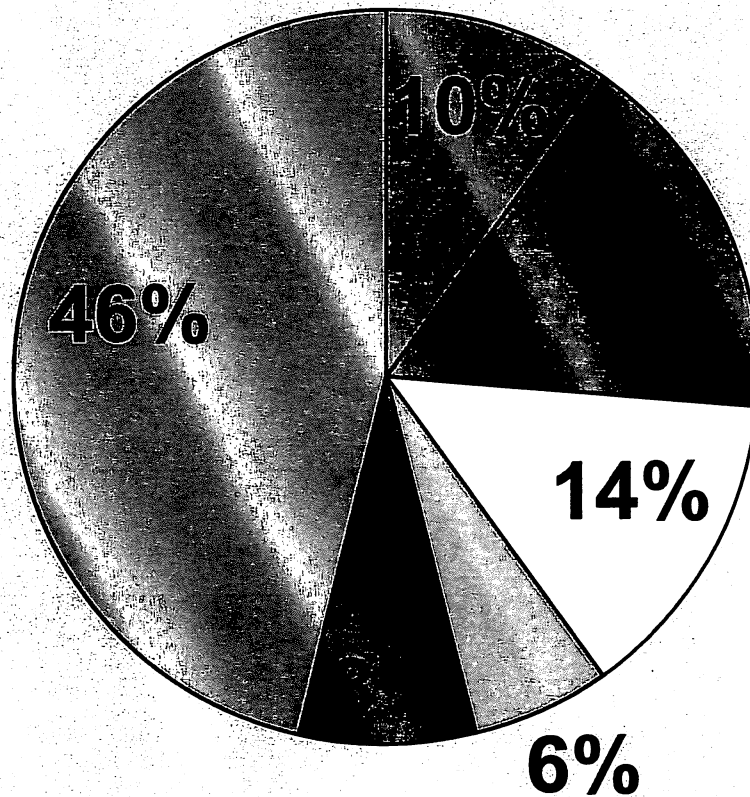
Attorney Questions

In which district(s) do you practice? (Select all that apply)



Attorney Questions

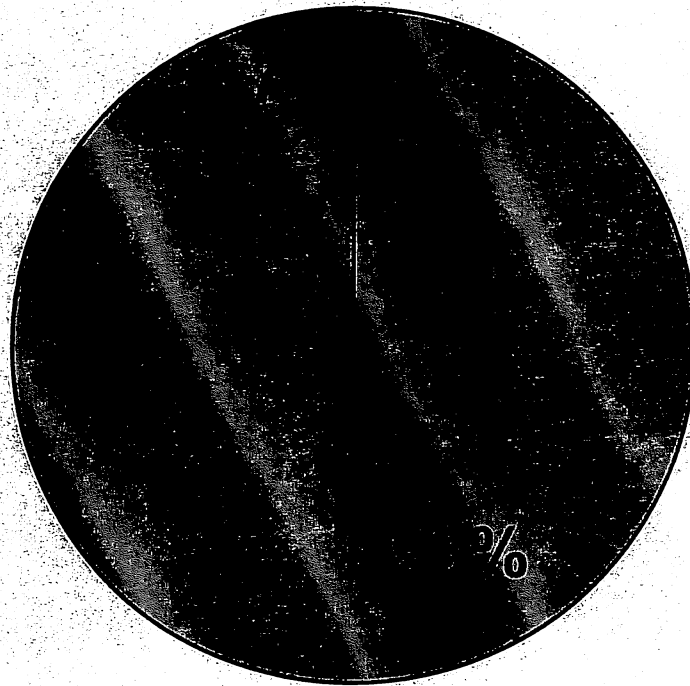
Using your best judgment, estimate how many domestic cases you are involved in each year.



- 0 -10 cases
- 11-20 cases
- 21-30 cases
- 31-40 cases
- 41-50 cases
- 51 or more cases

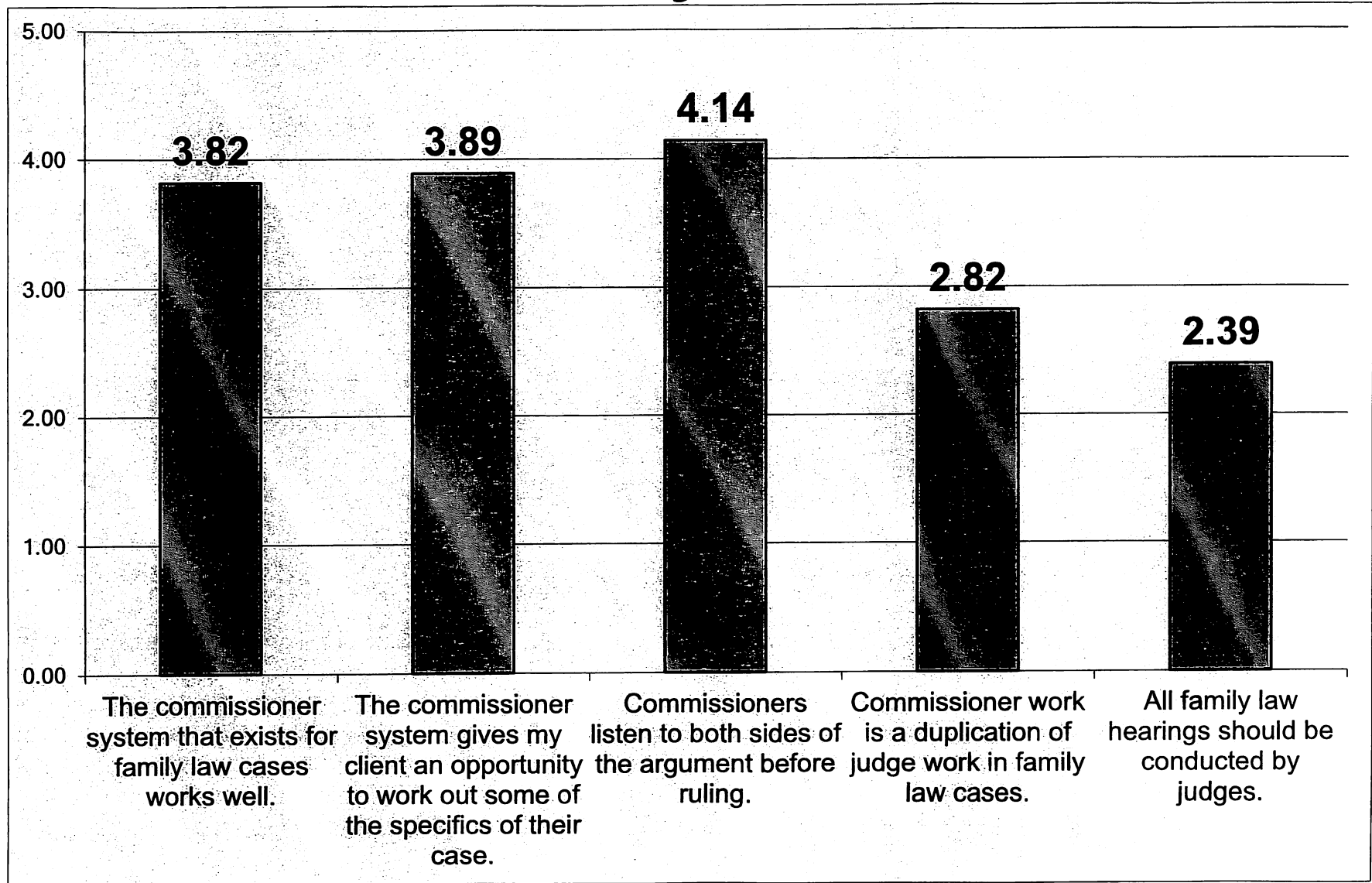
Attorney Questions

Do you practice in a district that utilizes commissioners?

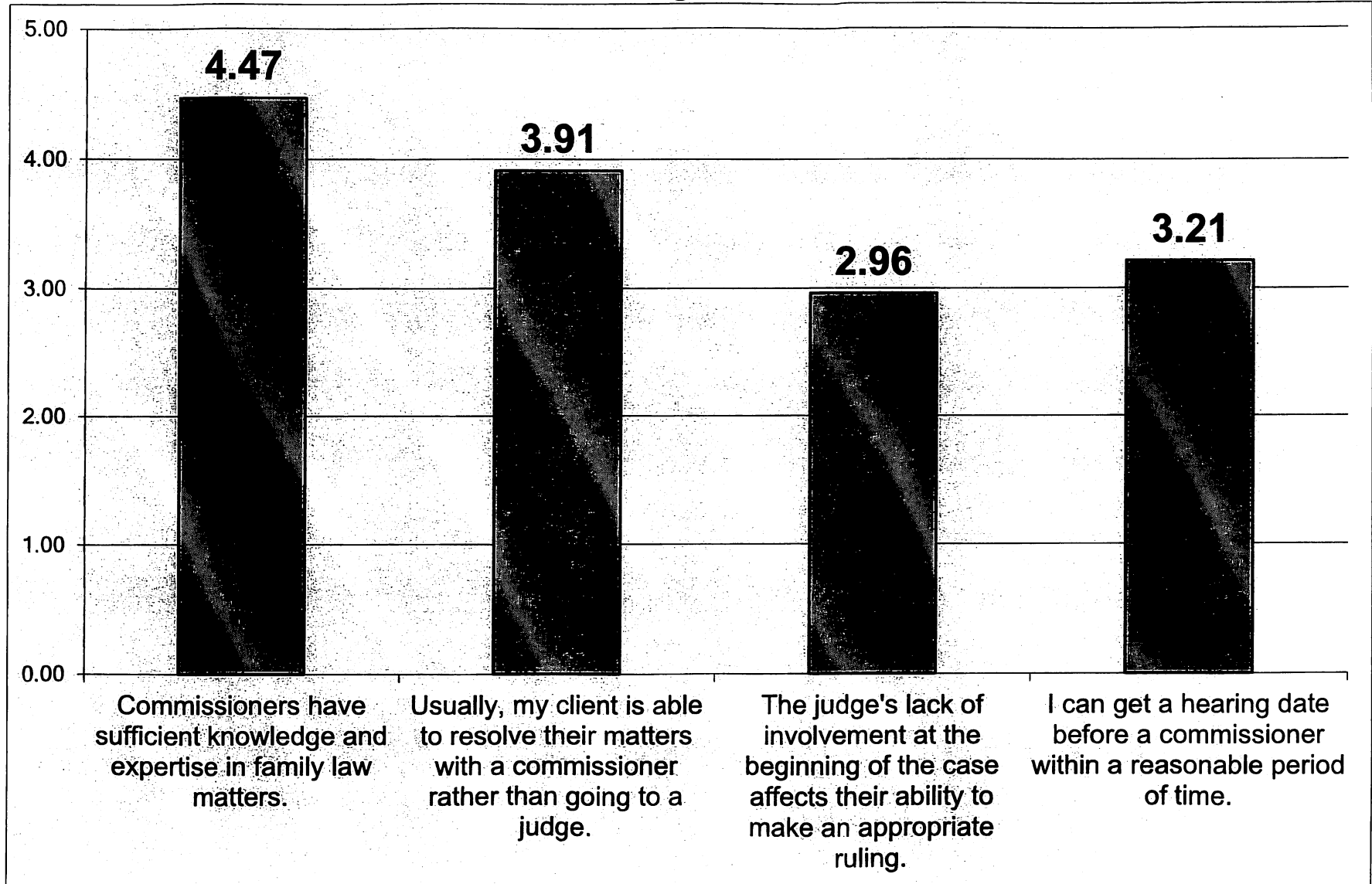


☒ Yes
☐ No

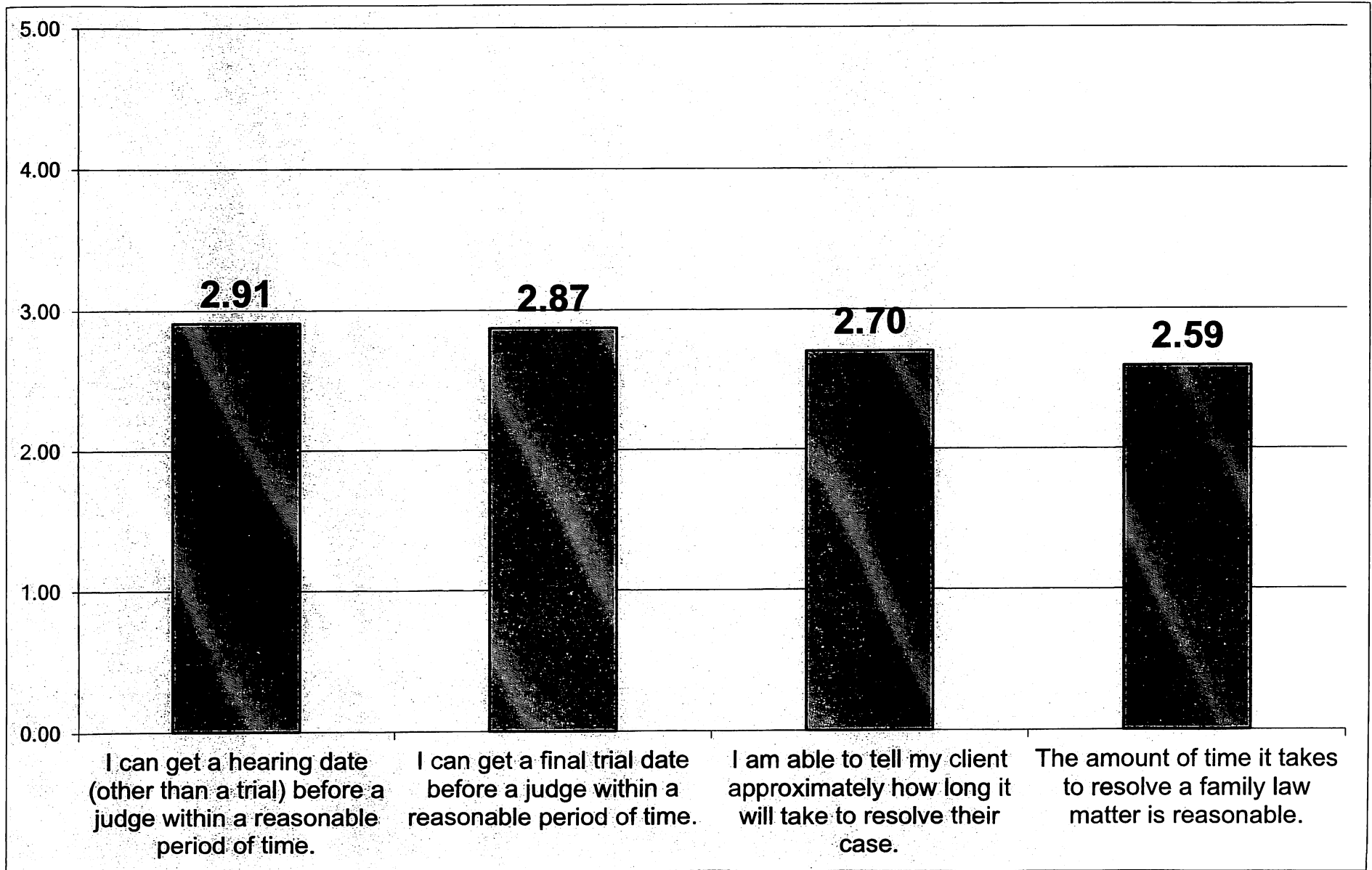
Attorney Questions



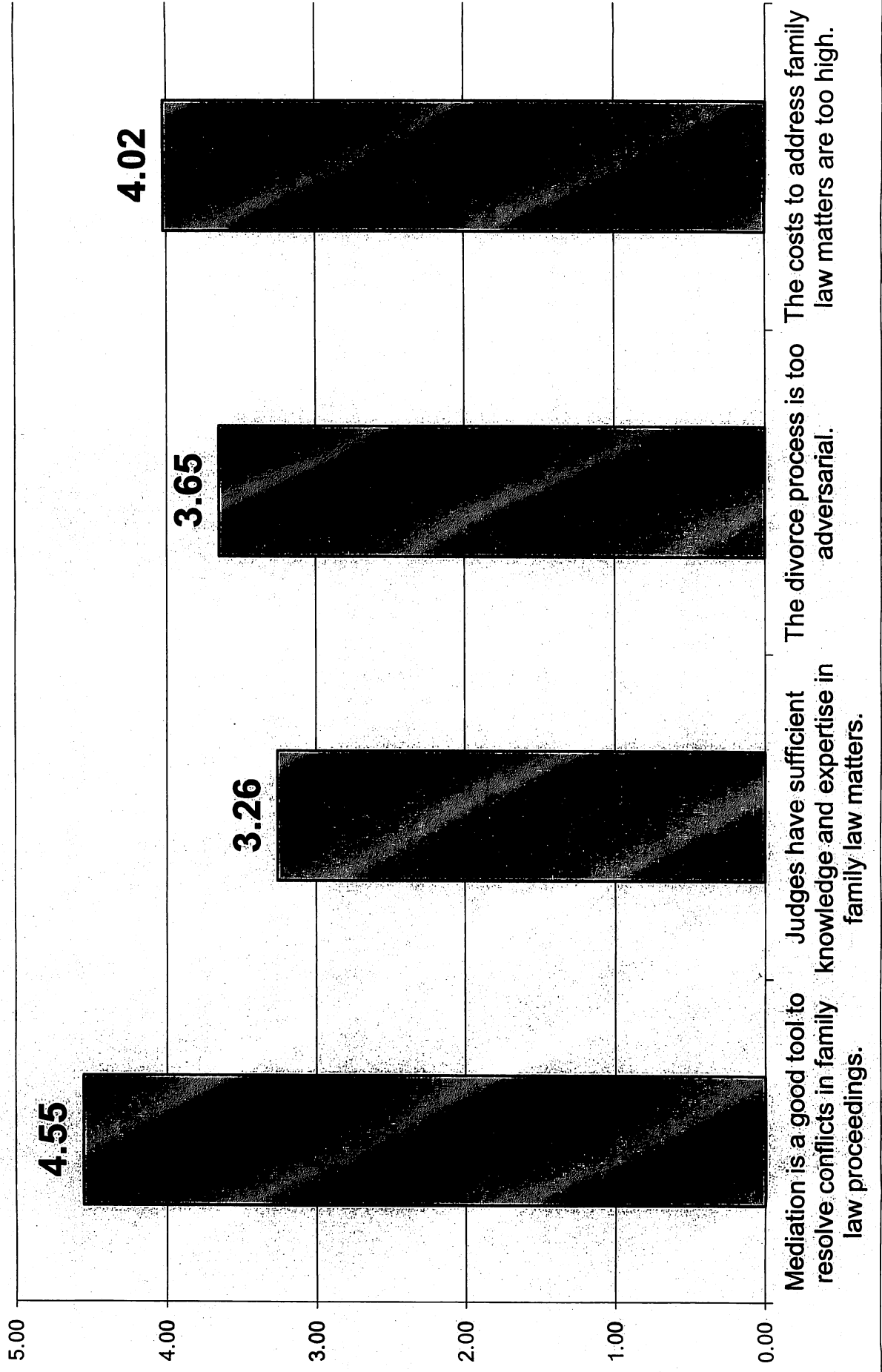
Attorney Questions



Attorney Questions

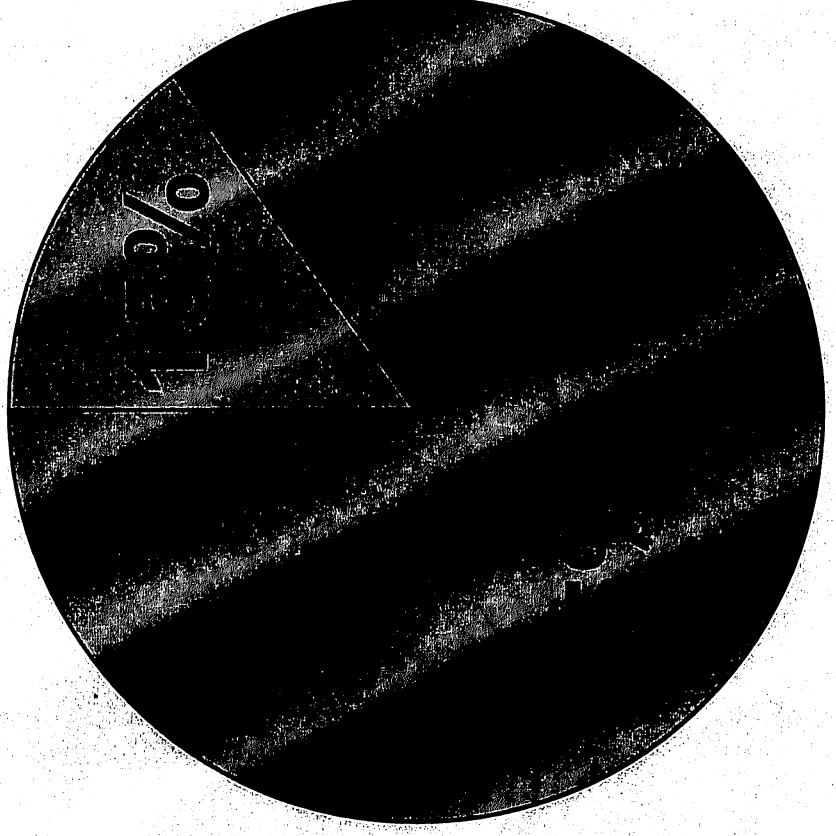


Attorney Questions



Attorney Questions

Do you, or have you ever, practiced family law in another state?

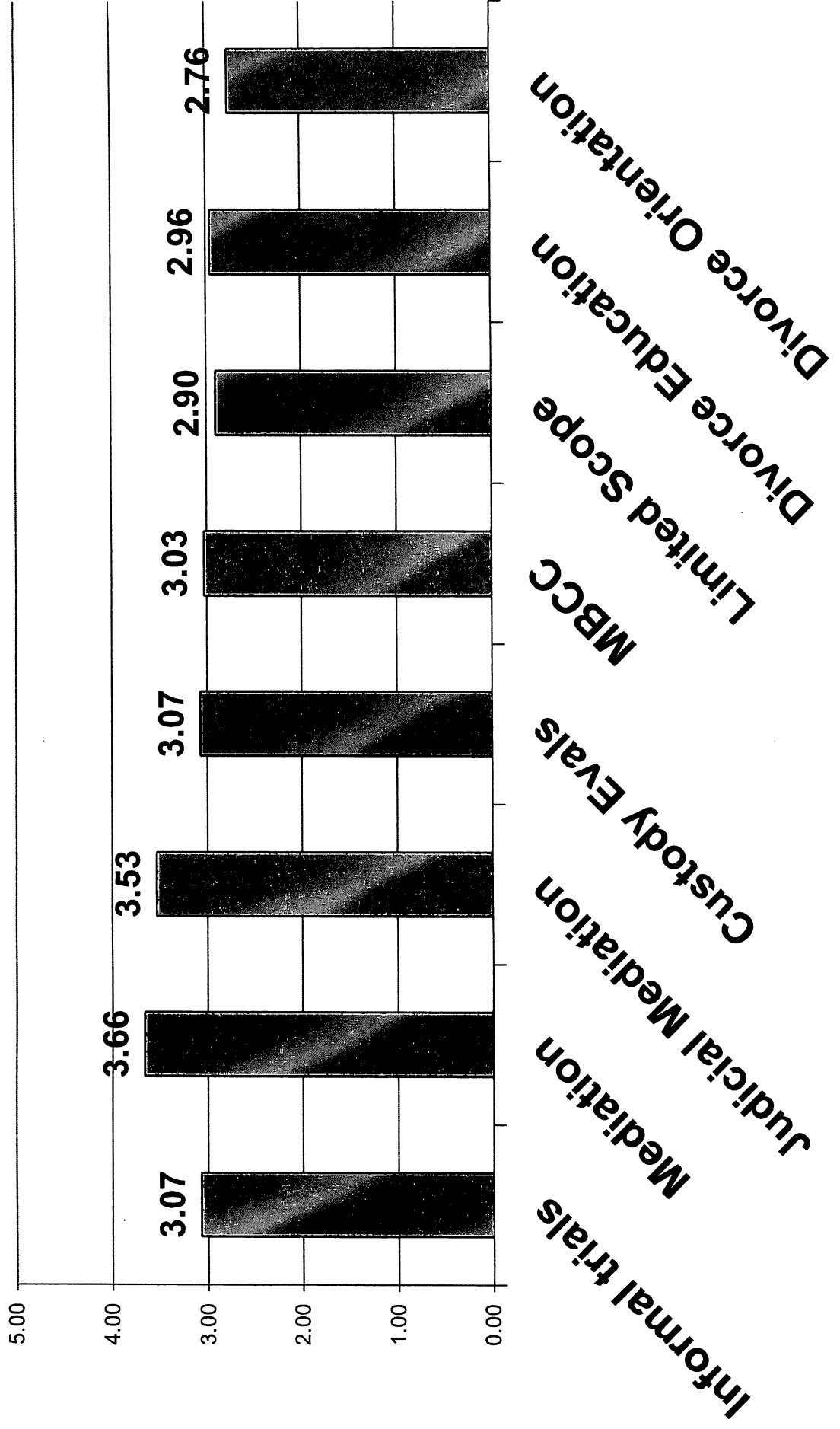


☒ Yes

☐ No

Tools/Resources

Tools



Informal Trials

Has not participated	74	50.0%	Scheduling	3	2.0%
N/A	22	14.9%	Expensive	2	1.4%
Unaware	15	10.1%	Ineffective	2	1.4%
No opportunity	14	9.5%	Not available	2	1.4%
Client is heard	10	6.8%	Pro Se	1	0.7%
Cuts down on costs	10	6.8%	Judges don't utilize	1	0.7%
Faster	8	5.4%	Lack of Confidence	1	0.7%
Parties unwilling	7	4.7%	Narrows down issues	1	0.7%
Not necessary	6	4.1%	Outcome is harsh	1	0.7%
Inefficient	5	3.4%	Uncomfortable for clients	1	0.7%
Less intimidating	4	2.7%	Waste of time	1	0.7%
Limits resources	4	2.7%			
Risk	4	2.7%			
Educates Client	3	2.0%			
Never been suggested	3	2.0%			
Opposing counsel not willing	3	2.0%			
Reality Check	3	2.0%			
Representation	3	2.0%			

Mediation

			Attorney issues	1	0.7%
			Benefits children	1	0.7%
			Buyer's remorse	1	0.7%
Fosters settlement	61	41.2%	Client is happier with outcome	1	0.7%
Client is heard	33	22.3%	Finalize stipulation at mediation	1	0.7%
Educates clients	28	18.9%	Less intimidating	1	0.7%
<i>Generally helpful</i>	<i>27</i>	<i>18.2%</i>	Need more retired judges to participate	1	0.7%
Reduces costs	19	12.8%	No consequences for violations	1	0.7%
Issues with mediators	18	12.2%	Not needed	1	0.7%
Increases costs	6	4.1%	Prepares attorneys	1	0.7%
<i>N/A or vague</i>	<i>6</i>	<i>4.1%</i>	Third party opinion	1	0.7%

Judicial Mediation

Authoritative Opinion	64	43.2%	Expensive	3	2.0%
Never participated	31	20.9%	Not neutral	2	1.4%
<i>N/A or vague</i>	<i>18</i>	<i>12.2%</i>	Opinionated	2	1.4%
Fosters settlement	10	6.8%	Conflict	1	0.7%
Unavailable	9	6.1%	Hard to setup	1	0.7%
Unaware	9	6.1%	Increases convenience	1	0.7%
Client is heard	8	5.4%	Intimidating	1	0.7%
Reality check	8	5.4%	Knowledgeable	1	0.7%
Does not like	5	3.4%	No motivation to progress	1	0.7%
Free	5	3.4%	Reduces costs	1	0.7%
No mediation techniques	5	3.4%	Waste of time	1	0.7%
Too busy	4	2.7%			

Custody Evaluations

Expensive	71	48.0%	Court approved evaluators	1	0.7%
Clarify parenting issues	23	15.5%	Eliminates need for trial	1	0.7%
Creates delay	18	12.2%	Evaluator opinion is out dated	1	0.7%
Third party opinion	15	10.1%	Evaluators don't spend enough time	1	0.7%
Fosters settlement	13	8.8%	Evaluators hold back	1	0.7%
<i>N/A or vague</i>	<i>10</i>	<i>6.8%</i>	Evaluation is ignored	1	0.7%
Evaluator input is valuable	8	5.4%	Client is heard	1	0.7%
Hit and miss	5	3.4%	Prepare for trial	1	0.7%
Court values evaluation too much	5	3.4%	Psychological exam	1	0.7%
Can speak with children	2	1.4%	Reduces cost	1	0.7%
Does not resolve problems	2	1.4%	Evaluators have self interested motives	1	0.7%
Expertise	2	1.4%	Takes burden off attorney	1	0.7%
Reality Check	2	1.4%	Voice of reason	1	0.7%
Reassures clients	2	1.4%			

MBCC

Never participated	60	40.5%	Can't be used in court	2	1.4%
<i>N/A or vague</i>	39	26.4%	Does not foster settlement	2	1.4%
			Evaluator lacks information	2	1.4%
Unaware	20	13.5%	Client can interact with evaluator	2	1.4%
Helps settle	17	11.5%	Resolve parent time issues	2	1.4%
Client more informed	9	6.1%	Insufficient	1	0.7%
Costs less than evaluation	7	4.7%	Can't use evaluator again	1	0.7%
			Lacks teeth	1	0.7%
Expertise	7	4.7%	Not neutral	1	0.7%
Expensive	6	4.1%	Requirement	1	0.7%
Faster than evaluations	4	2.7%	Risks	1	0.7%
Reality check	4	2.7%	Comes too late in the process	1	0.7%

Limited Scope Investigations

Never participated	86	58.1%
Unaware	33	22.3%
<i>N/A or vague</i>	<i>29</i>	<i>19.6%</i>
Less expensive than full evaluation	11	7.4%
Narrows and reveals information	11	7.4%
Less useful than full evaluation	8	5.4%
Reduces time	3	2.0%
Fosters settlement	2	1.4%
Too narrow	2	1.4%
Unavailable	2	1.4%
More helpful than full evaluations	1	0.7%
Not useful	1	0.7%

Divorce Education

Clients feel it helps	46	31.1%	People don't listen	3	2.0%
<i>N/A or vague</i>	37	25.0%	Not helpful for contentious individuals	3	2.0%
Helps clients set expectations	17	11.5%	Online format is not helpful	3	2.0%
Brings children into focus	14	9.5%	Fosters settlement	2	1.4%
Extra burden/unnecessary step	14	9.5%	Hard to make time	1	0.7%
Costs outweigh benefits	9	6.1%	Inconvenient	1	0.7%
Provides good information	6	4.1%	Information is too general	1	0.7%
Ineffective	6	4.1%	Reduces conflict	1	0.7%
Causes delay	5	3.4%	Should make it only 1 class	1	0.7%
Helps clients think about co-parenting	5	3.4%			

Divorce Orientation

<i>N/A Vague</i>	66	44.6%
Burdensome/ Unnecessary	23	15.5%
Clients find this helpful	20	13.5%
Helps clients set expectations	12	8.1%
Ineffective	4	2.7%
Comes to late in the process	3	2.0%
Fosters settlement	3	2.0%
Not helpful	3	2.0%
Should be 1 class	2	1.4%
Extra burden	2	1.4%
Costs outweigh the benefits	2	1.4%
Difficult to make client go	2	1.4%
Brings children into focus	2	1.4%
Provides good information	2	1.4%
Helps clients think about co-parenting	2	1.4%
Early intervention	1	0.7%
Need more in rural areas	1	0.7%
Helpful for Pro Se parties	1	0.7%

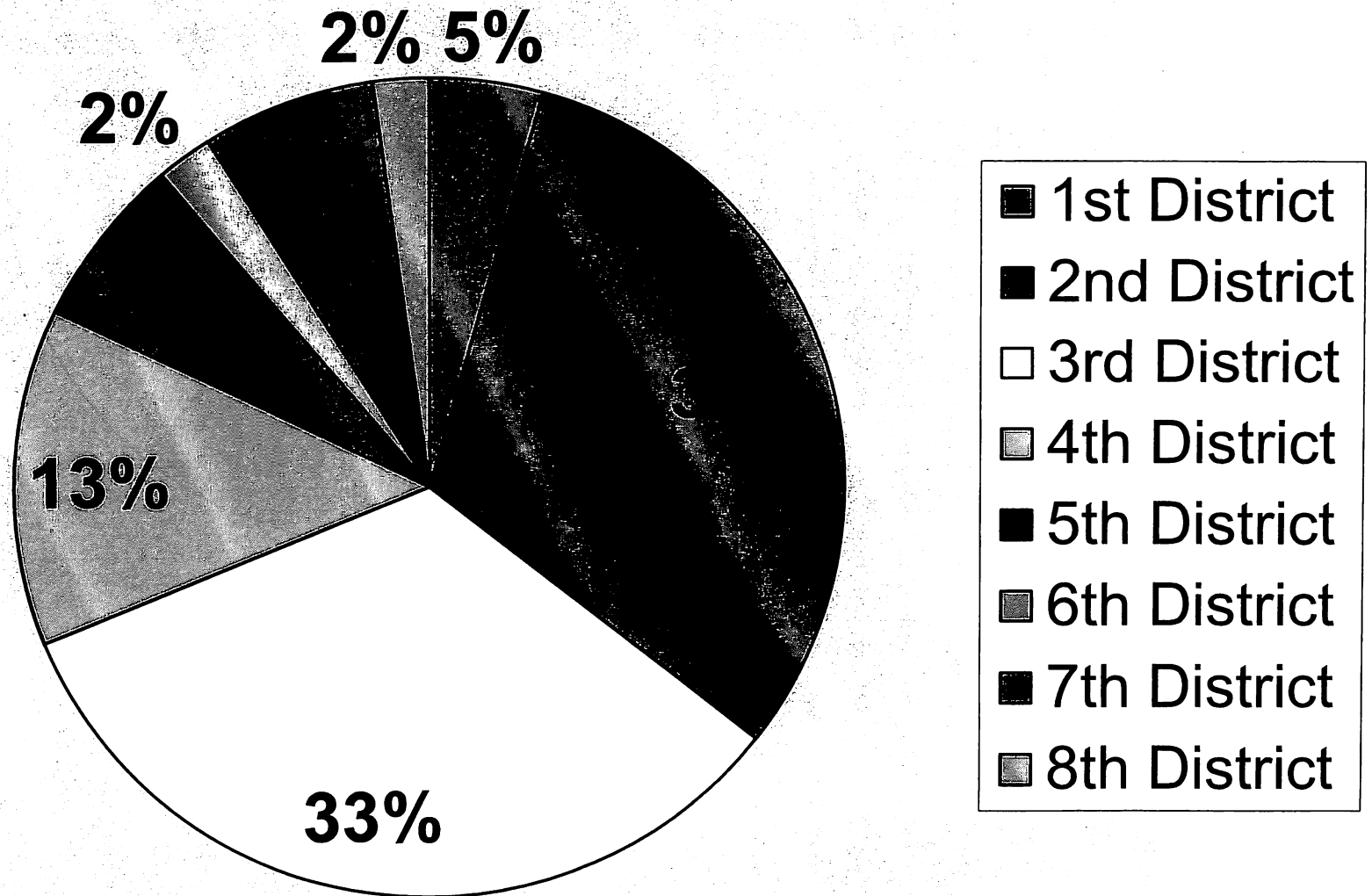
Other Tools and Resources

N/A or Vague	17	18.3%	ACAFs	1	1.1%
Wish list	13	14.0%	Access to children's records	1	1.1%
OCAP	7	7.5%	ADR	1	1.1%
Domestic conferences	6	6.5%	Attorney conference	1	1.1%
Self-help center	6	6.5%	Bifurcation	1	1.1%
Divorce education for children	5	5.4%	Business valuations	1	1.1%
Mediation-Other	5	5.4%	Counseling for preteens	1	1.1%
Mediation @ Courthouse	4	4.3%	Court mediated conference	1	1.1%
utcourts.gov	4	4.3%	Financial advisors	1	1.1%
Child support calculator	3	3.2%	Hearings	1	1.1%
GAL	3	3.2%	Legal clinics	1	1.1%
Arbitration	2	2.2%	Our Family Wizard	1	1.1%
Complaint	2	2.2%	Parent coordinators	1	1.1%
Counseling	2	2.2%	Phone conferences with commissioners	1	1.1%
Online Courses	2	2.2%	Pre-trials	1	1.1%
Pro se calendar	2	2.2%	Review hearings	1	1.1%
Special masters	2	2.2%	SoberLinx	1	1.1%
			Vocational analysis	1	1.1%

Judge Questions

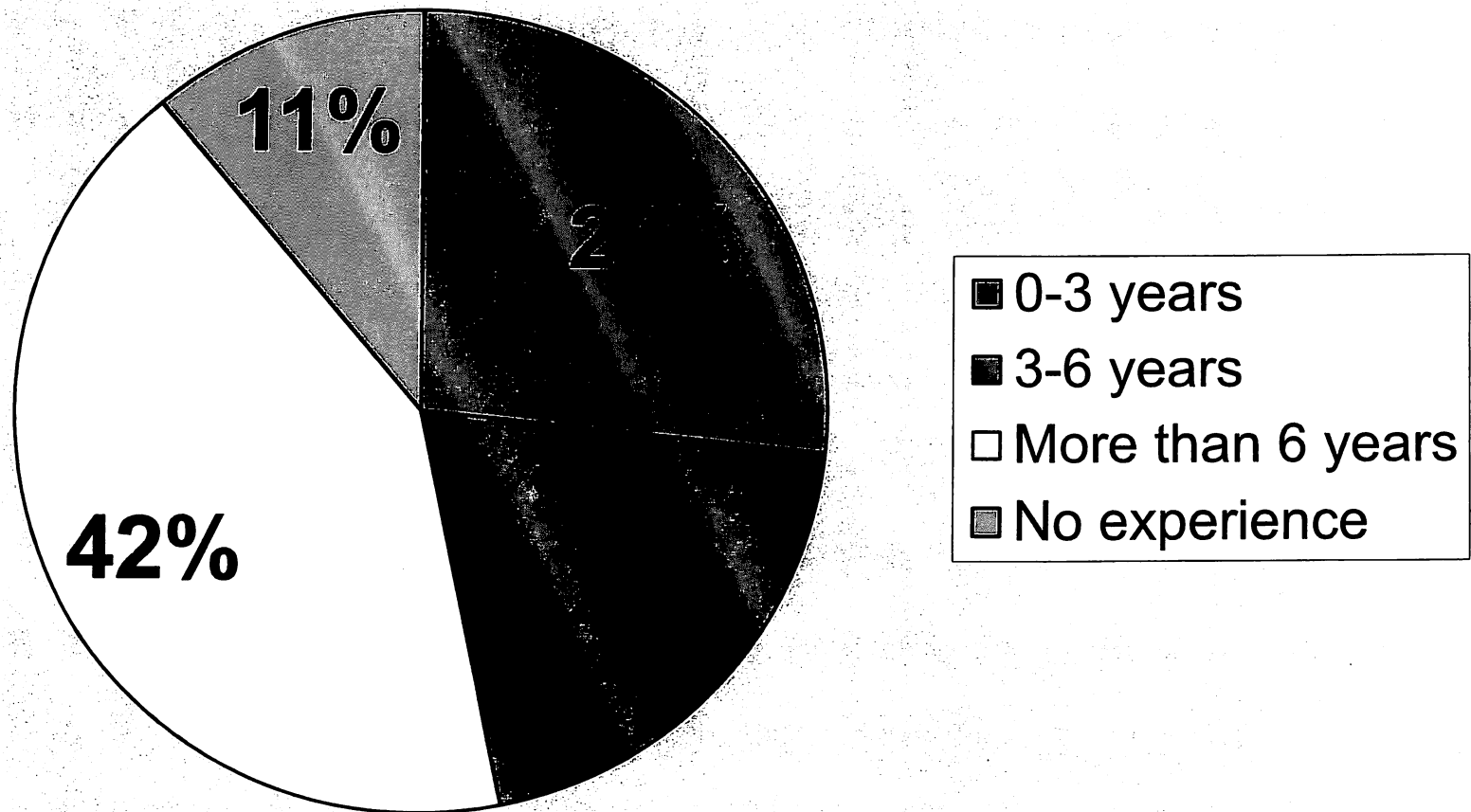
Judge Questions

In which district(s) do you sit? (Select all that apply)



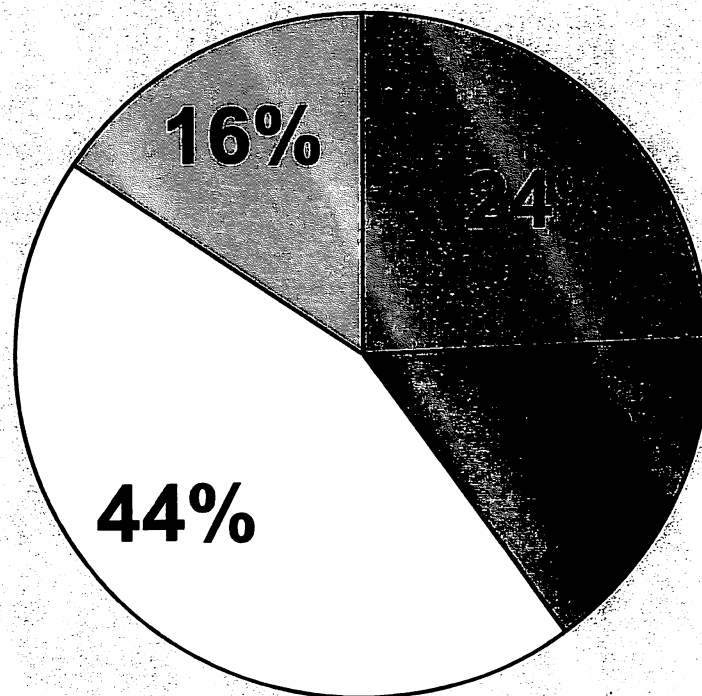
Judge Questions

How many years experience did you have with family law prior to being appointed as a judge?



Judge Questions

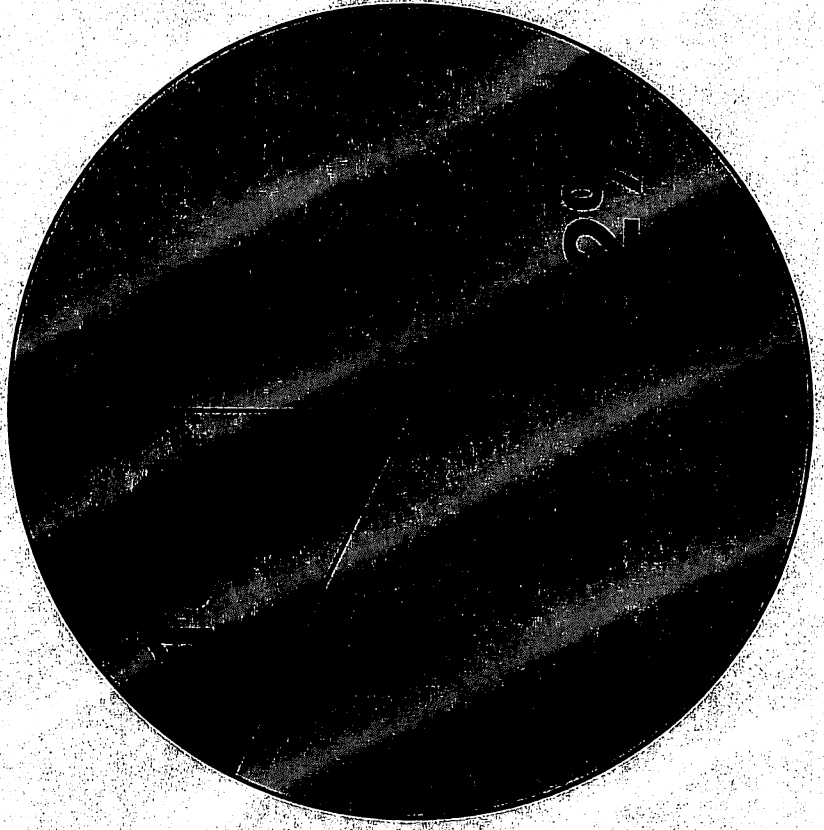
How often do you engage in judicial mediation? (Judicial mediation meaning that you mediate an issue on another judge's calendar.)



- ☒ Very often
- ☒ Somewhat often
- ☐ Rarely
- ☒ Never

Judge Questions

**Are you in a district that utilizes
commissioners?**



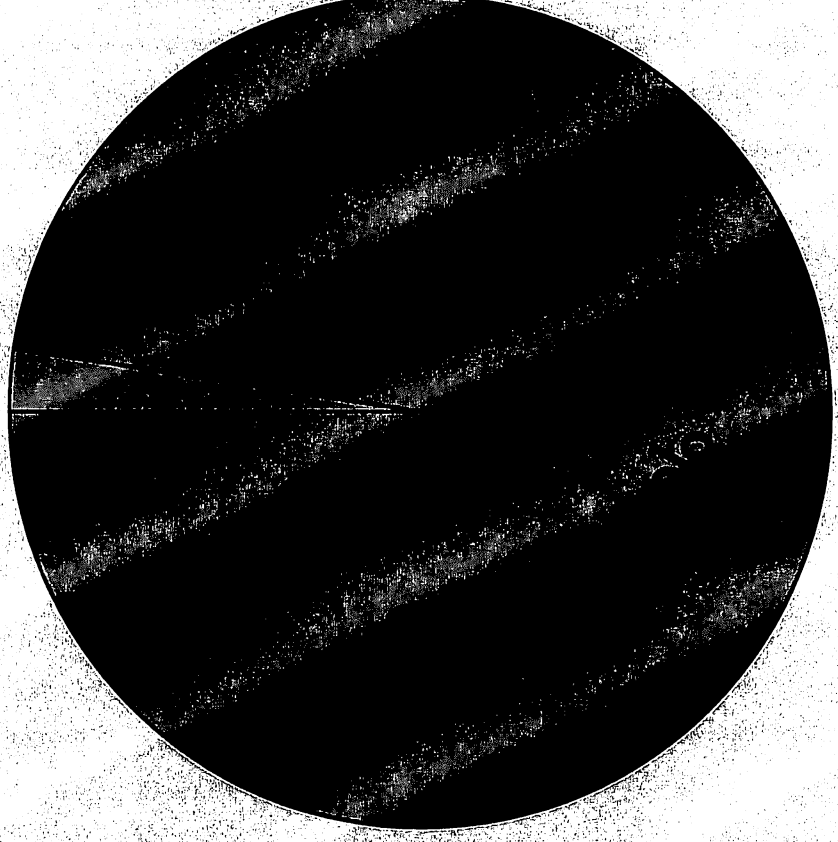
☐ Yes

☐ No

Judge Questions

**Prior to being appointed as a judge, did you
practice family law in another state?**

2%

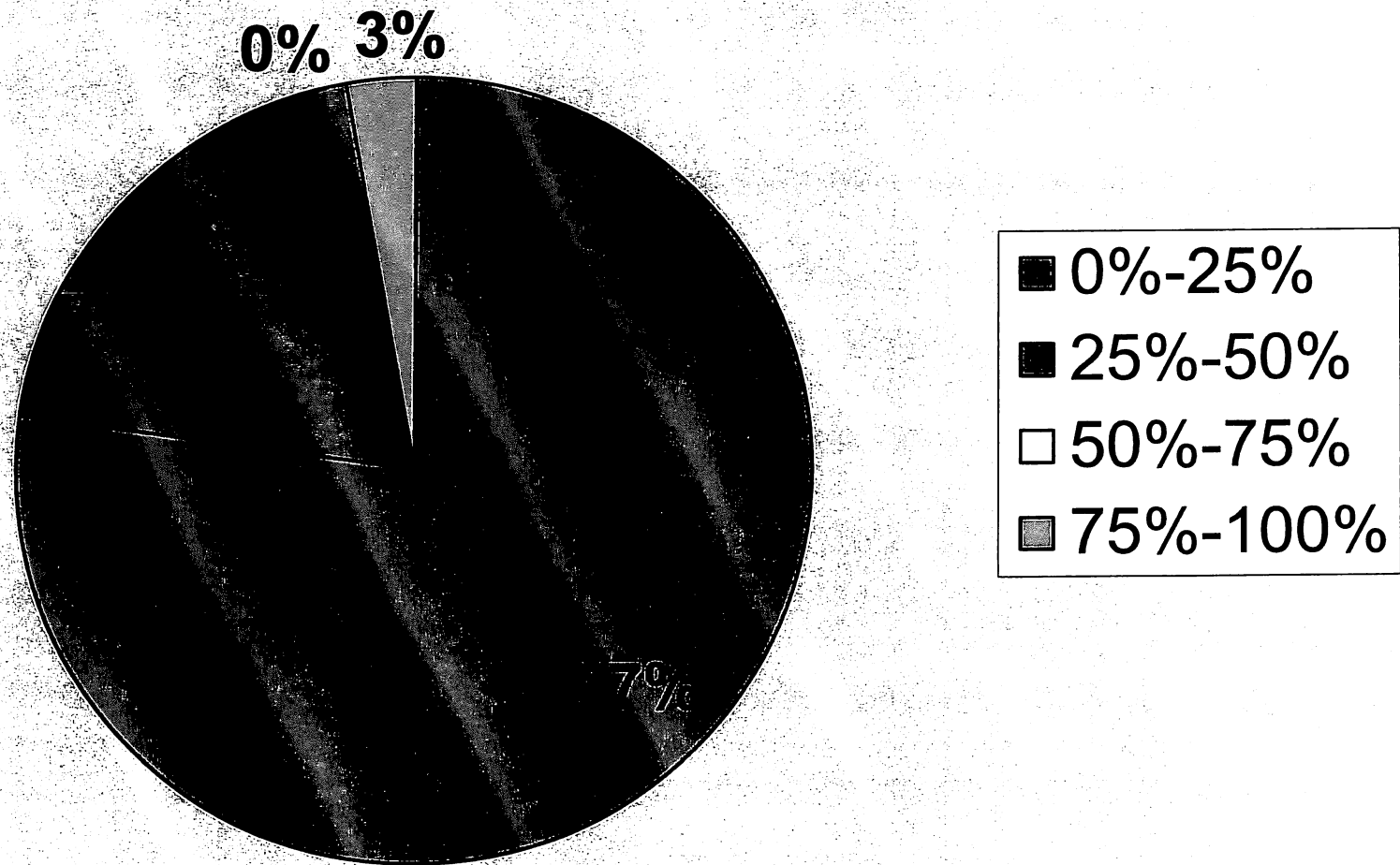


☐ Yes

☐ No

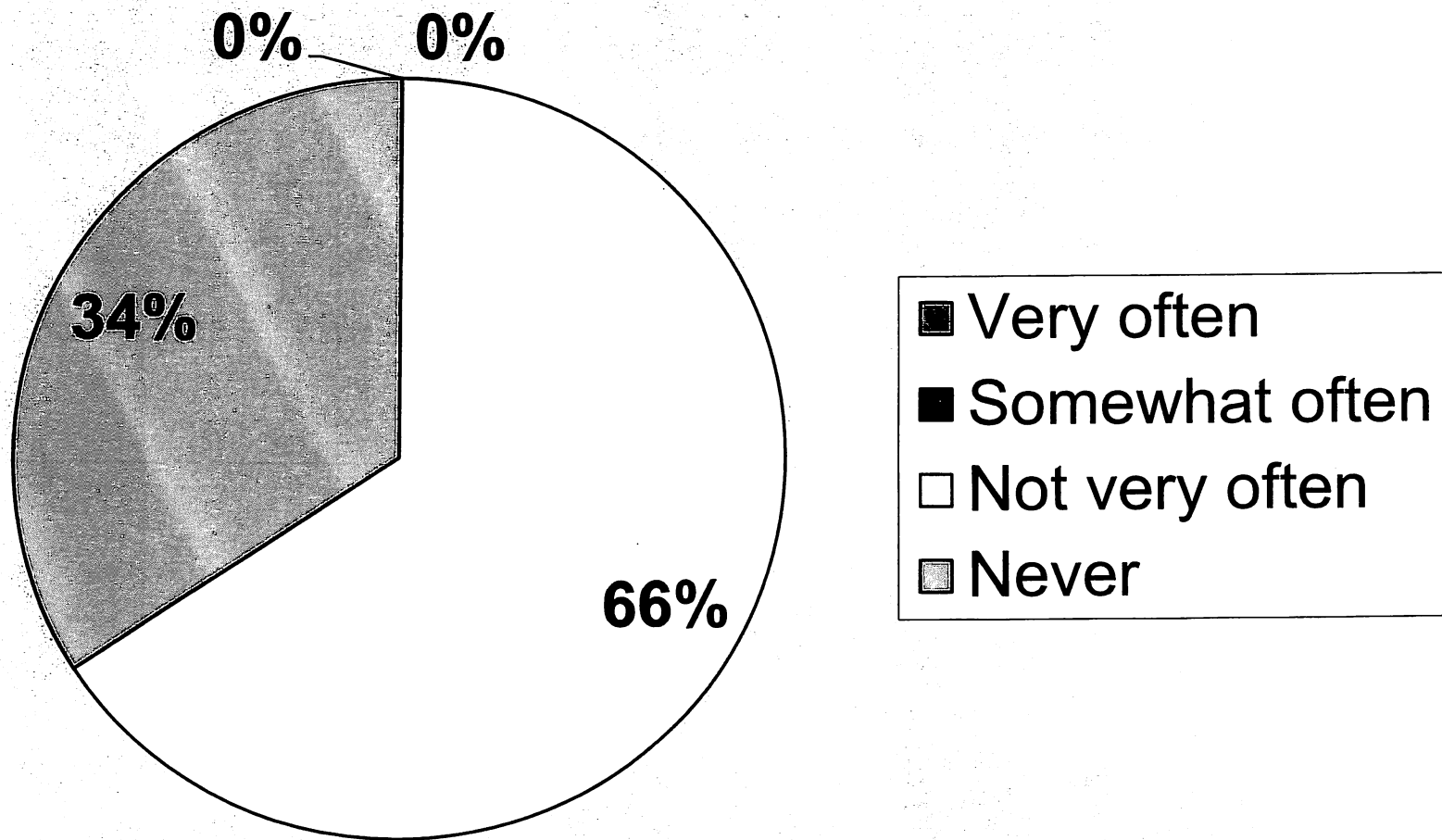
Judge Questions

Roughly what percent of your time is spent on contested domestic matters?

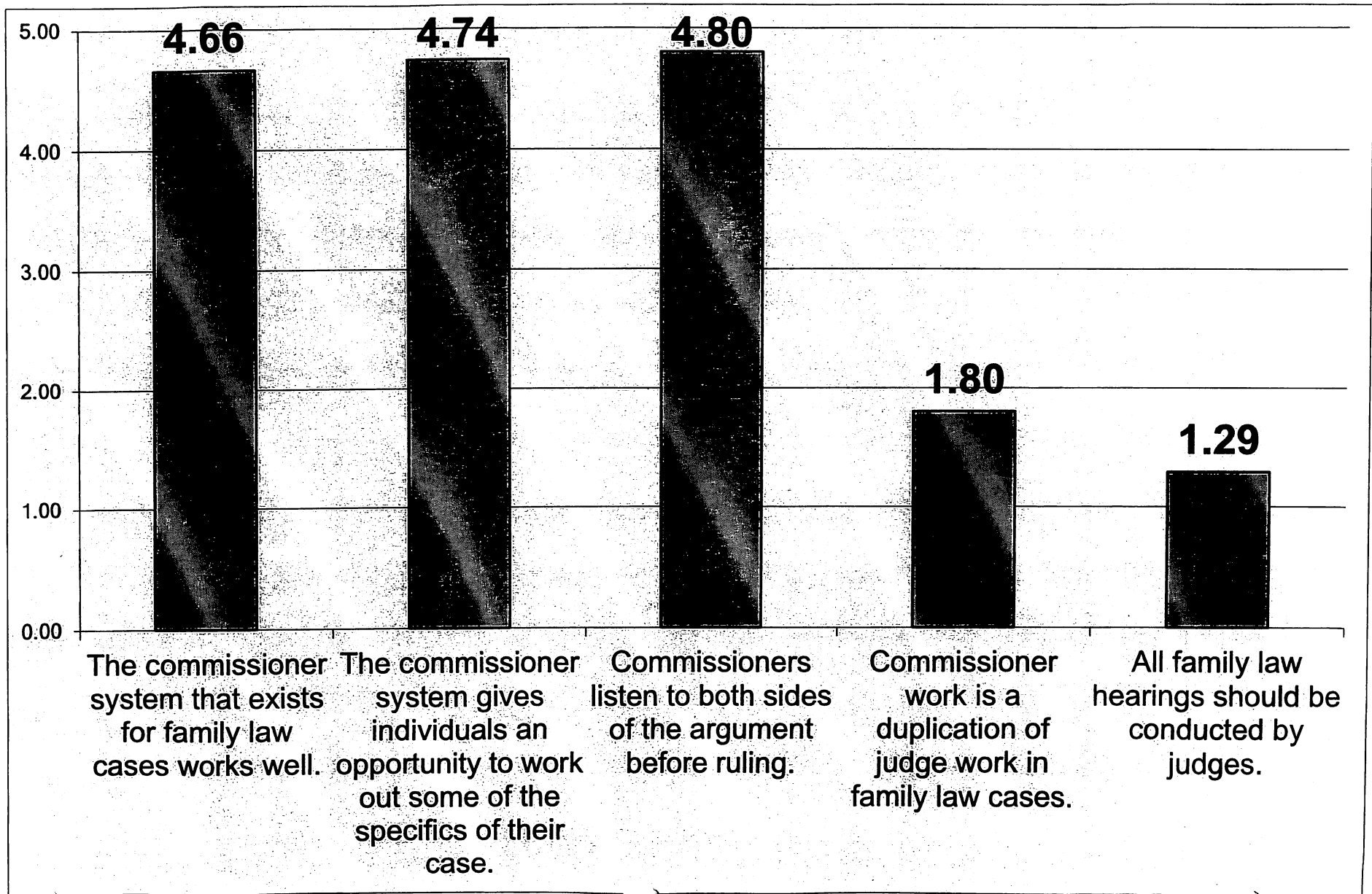


Judge Questions

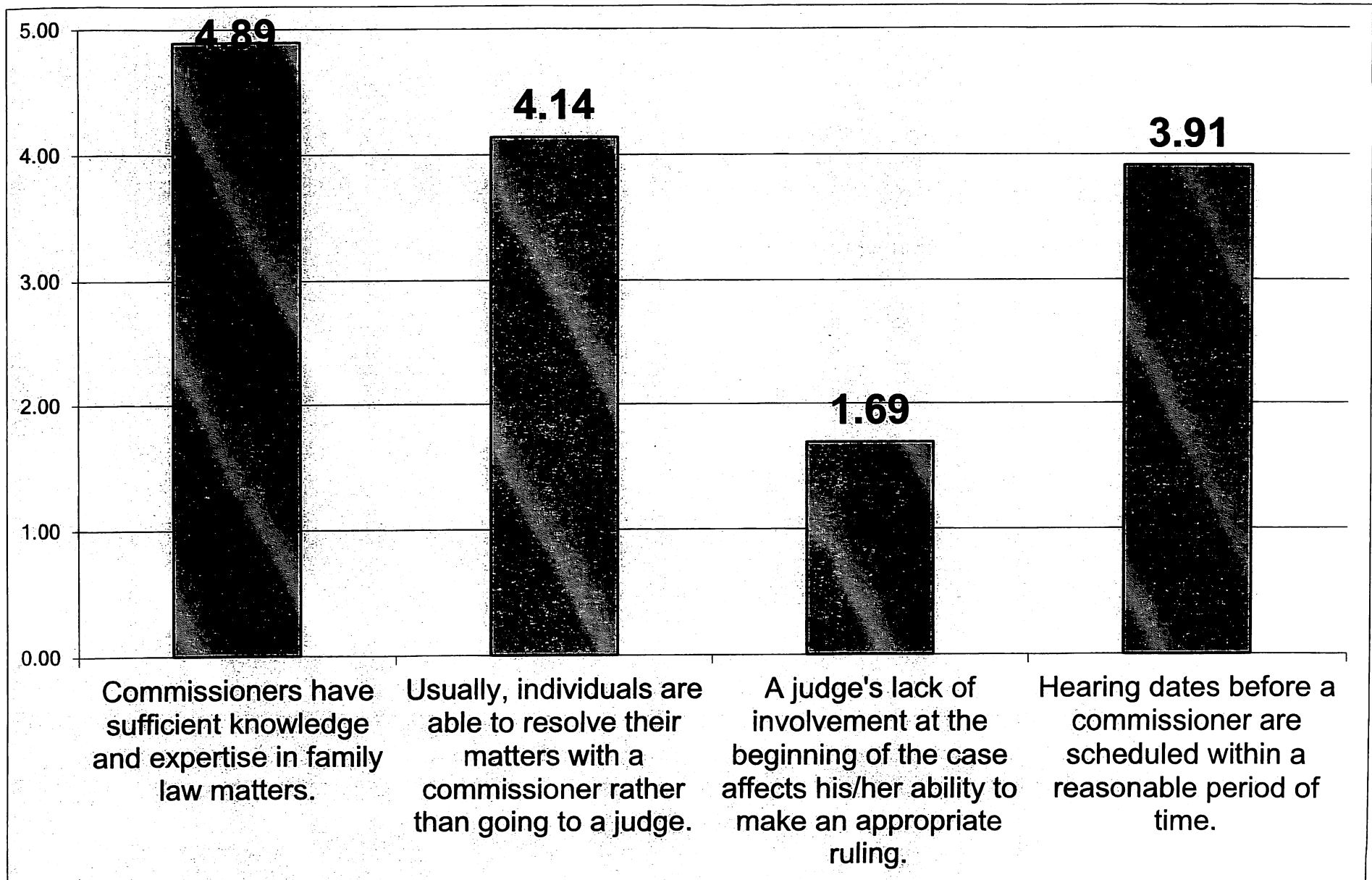
How often do you waive mediation before hearing a contested domestic matter?



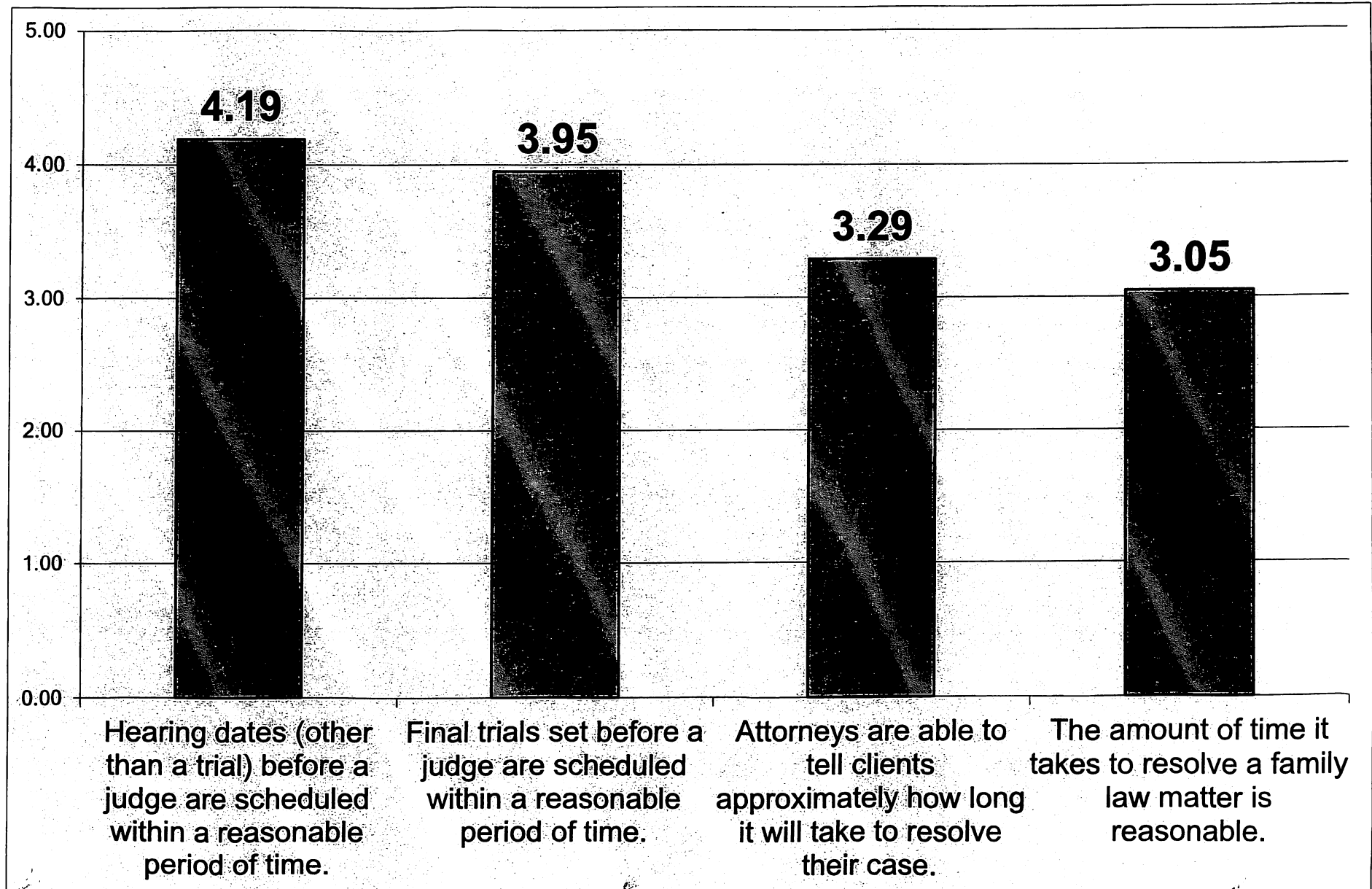
Judge Questions



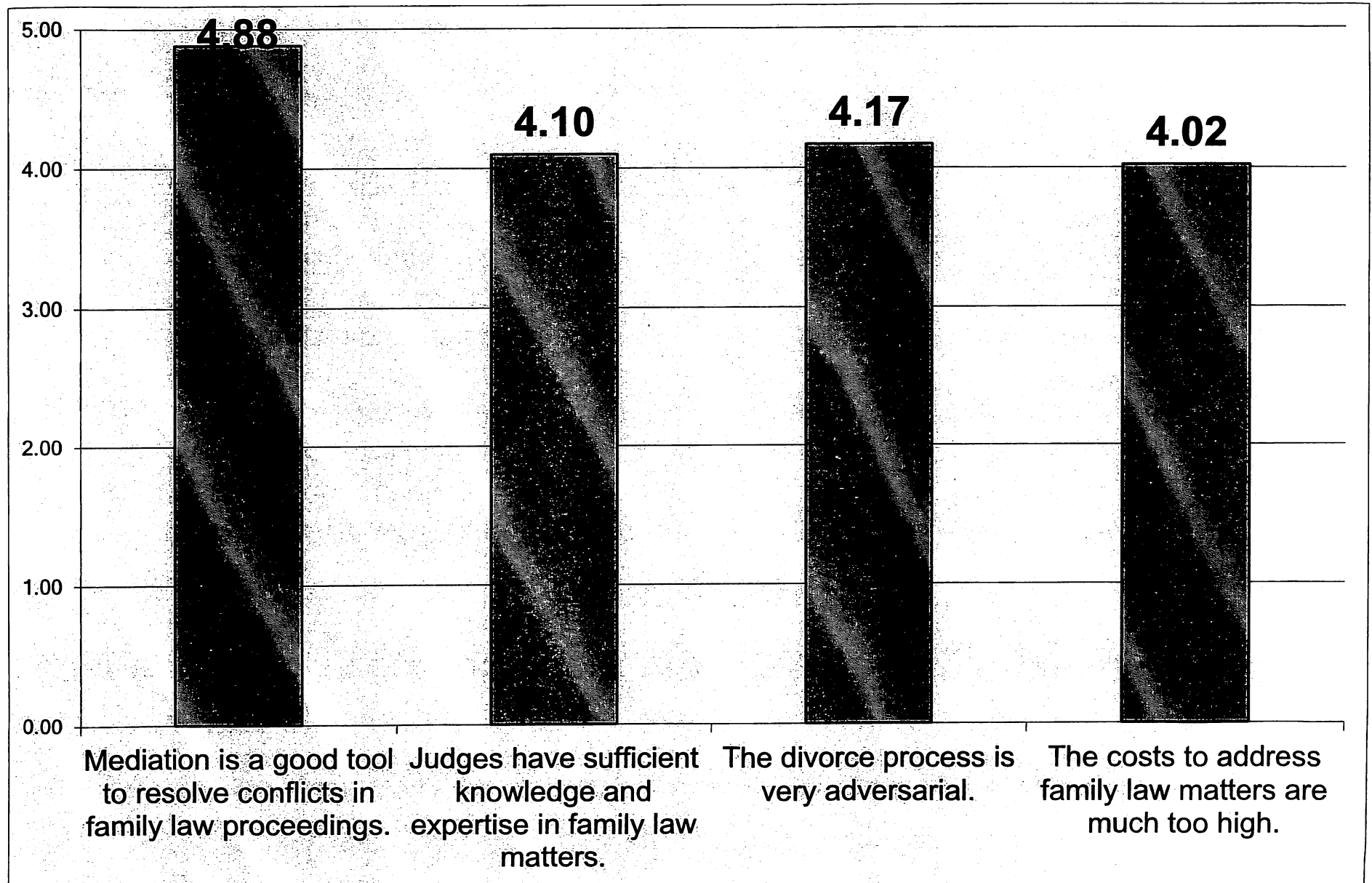
Judge Questions



Judge Questions



Judge Questions



Judge Questions

What factors do you consider in recommending judicial mediation?

There is a possibility for resolution	10	32.3%
Issues in controversy	7	22.6%
Required before all trials	6	19.4%
Already participated in mediation	5	16.1%
Availability of judges and counsel	5	16.1%
Will reduce time to disposition	5	16.1%
Financial considerations	4	12.9%
High conflict cases	3	9.7%
Parties are self represented	3	9.7%
Parties are willing	3	9.7%
Child support issues	1	3.2%
Parent time issues	1	3.2%
Matters are already set for trial	1	3.2%
Is there an issue of domestic violence	1	3.2%

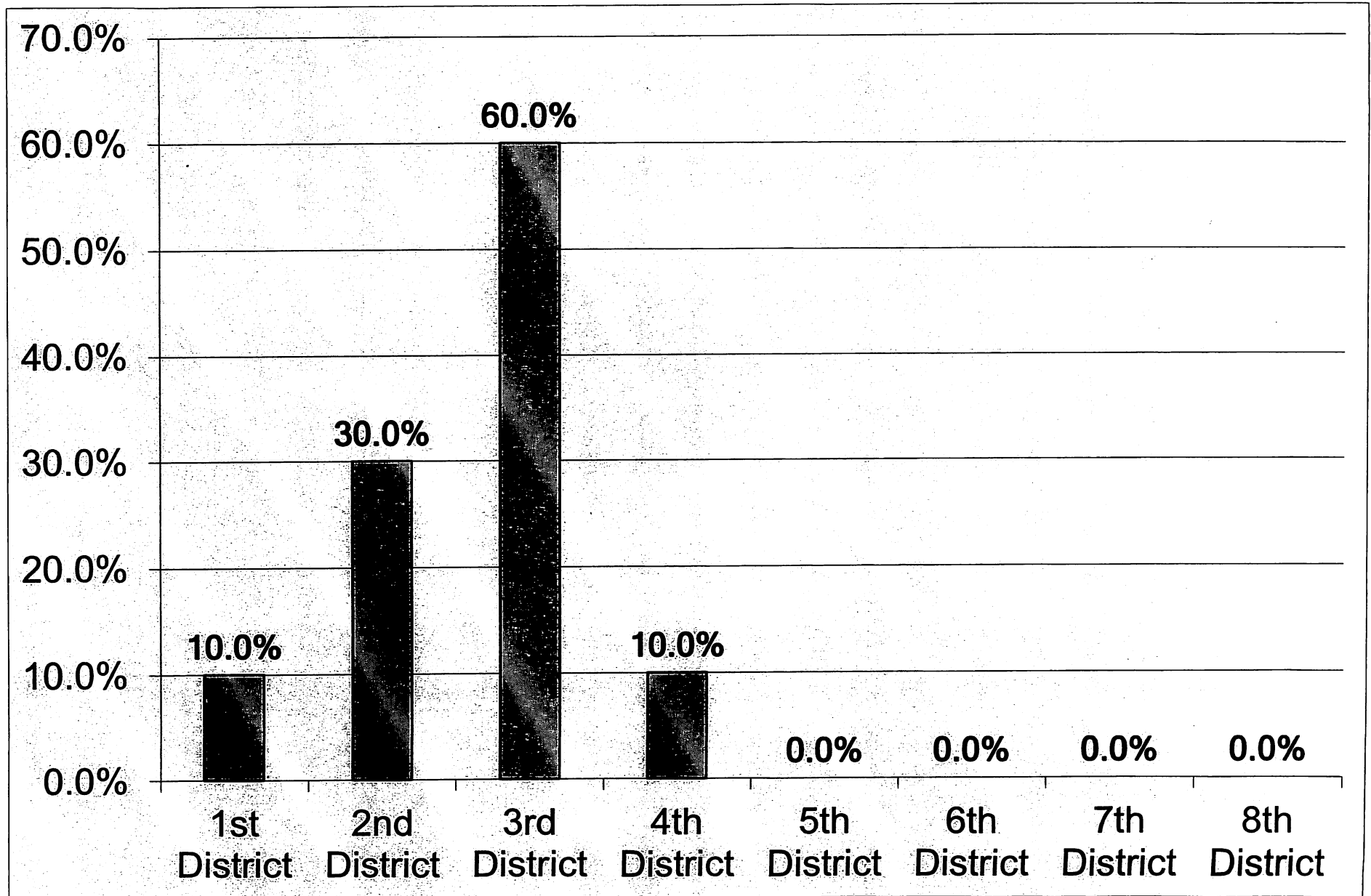
Judge Questions

What are some reasons why you might waive mediation before hearing a contested domestic matter?

No chance of success	10	43.5%
Evidence of domestic violence	4	17.4%
Consideration of resources	3	13.0%
Completed mediation w/o success	1	4.3%
Disabilities	1	4.3%
Previous evidentiary hearing	1	4.3%
Recommendation of commissioner	1	4.3%

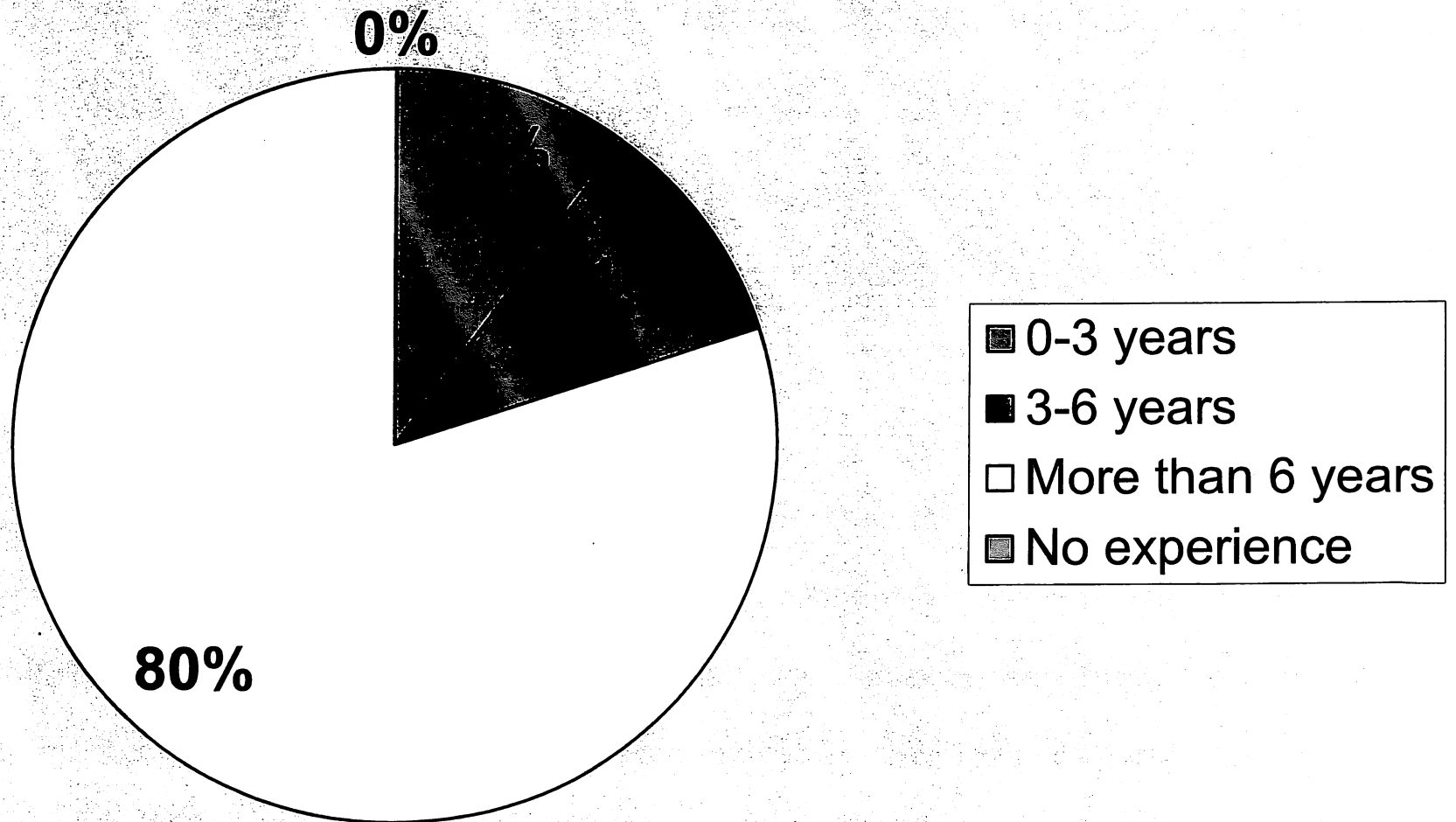
Commissioner Questions

Commissioner Questions



Commissioner Questions

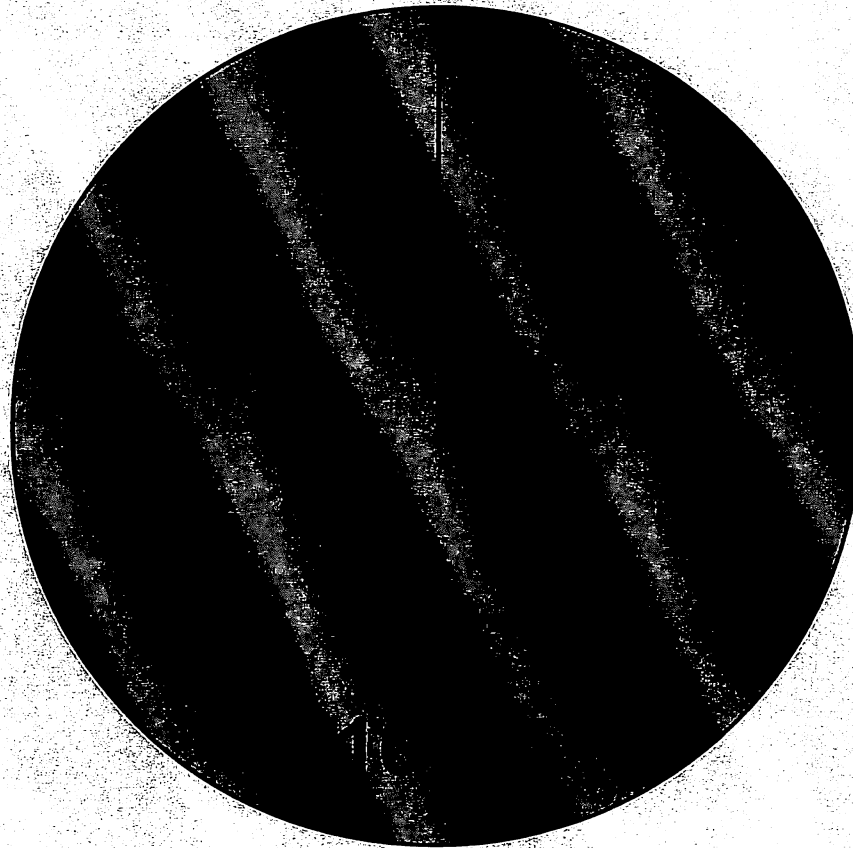
How many years experience did you have with family law prior to being selected as a commissioner?



Commissioner Questions

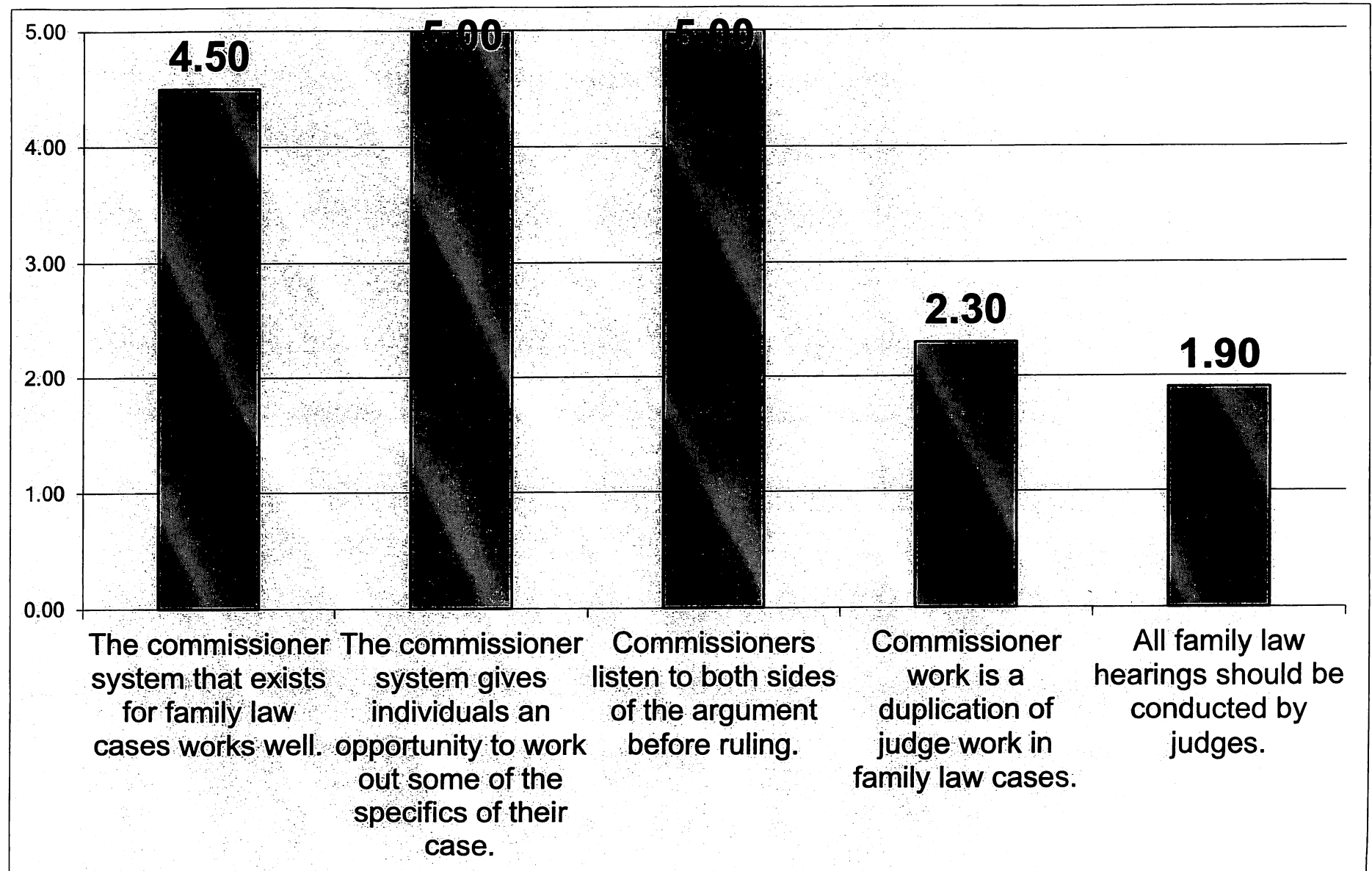
**Prior to being selected as a commissioner,
did you practice family law in another state?**

0%

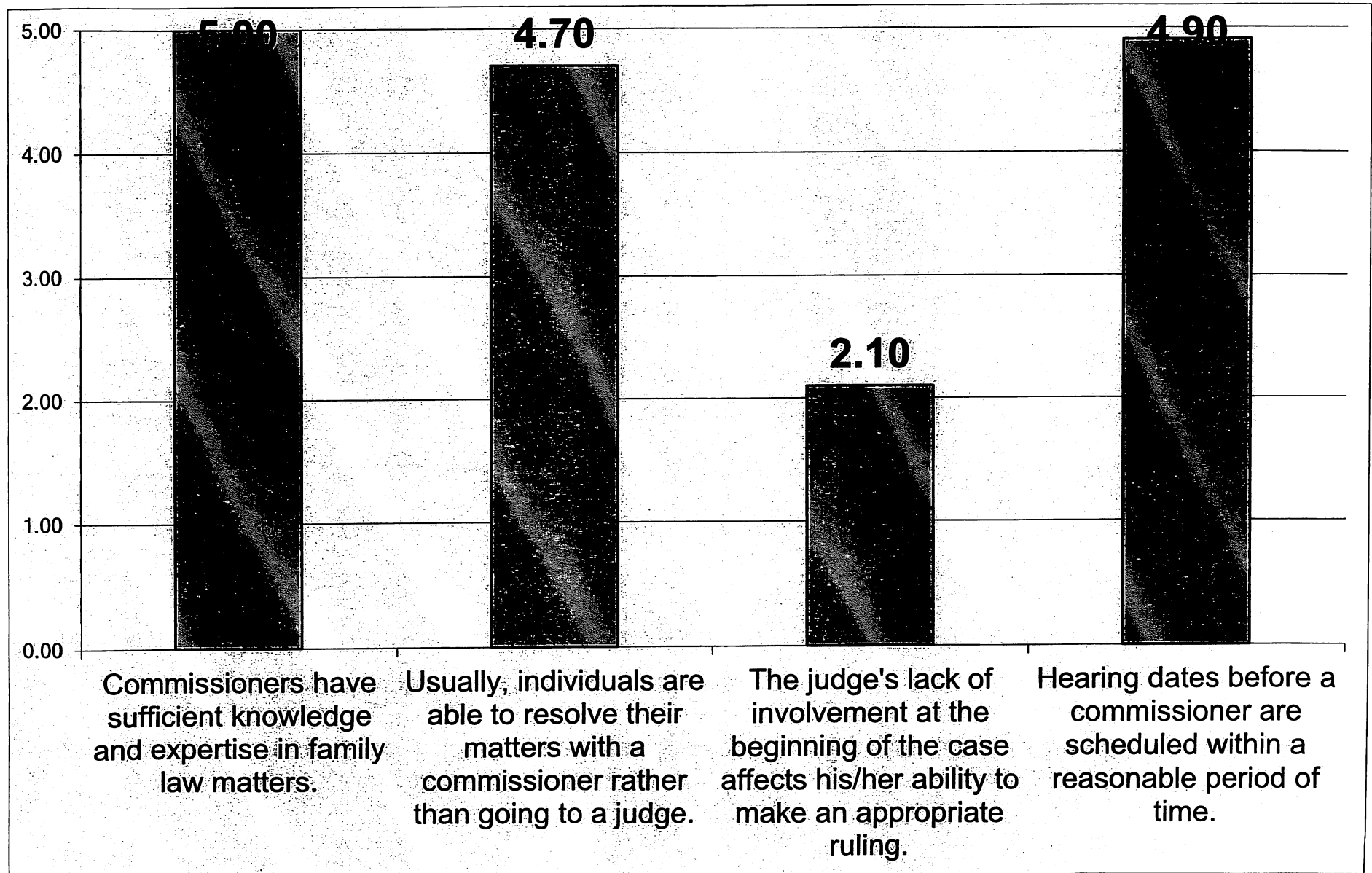


■ Yes
■ No

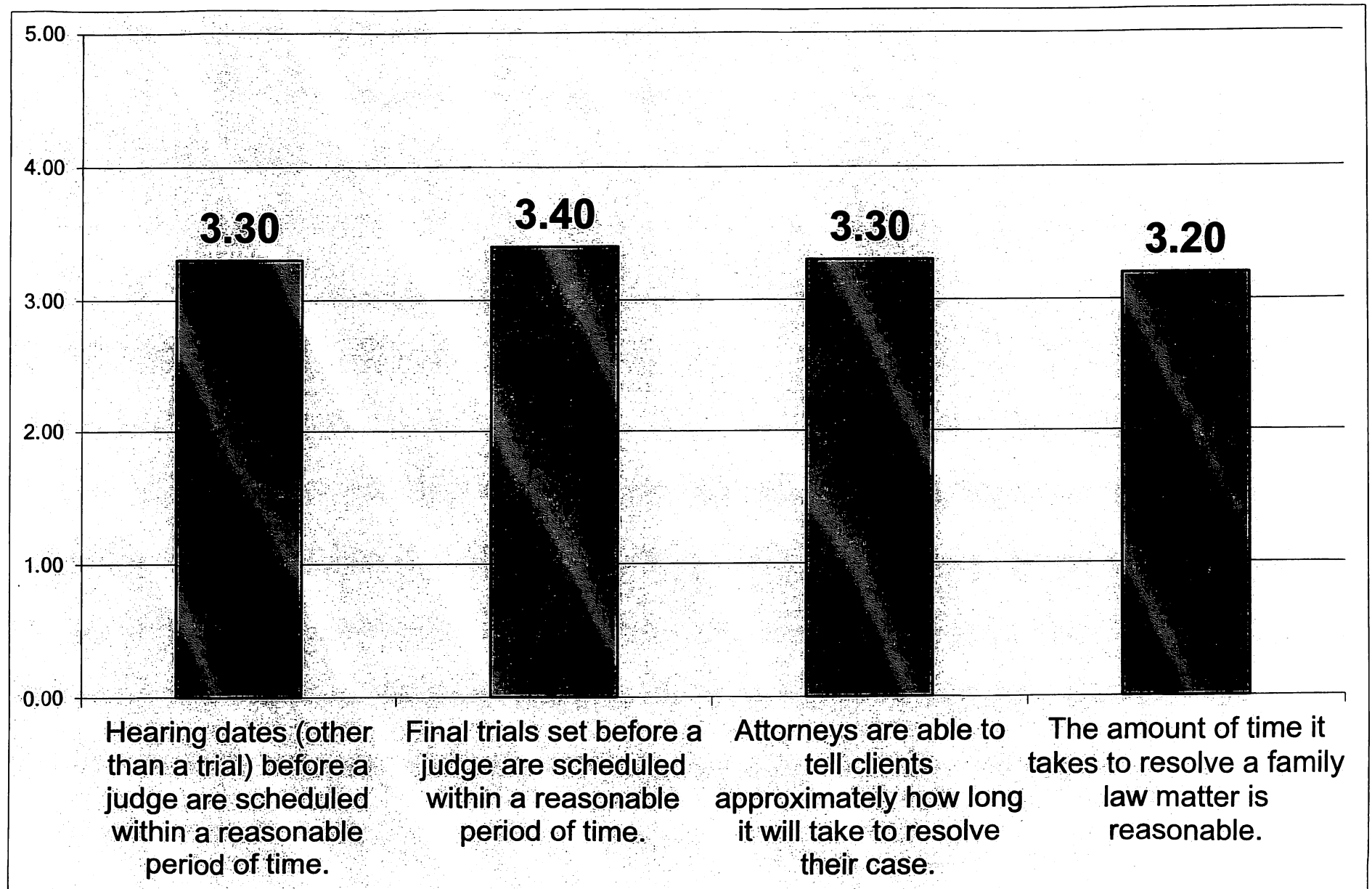
Commissioner Questions



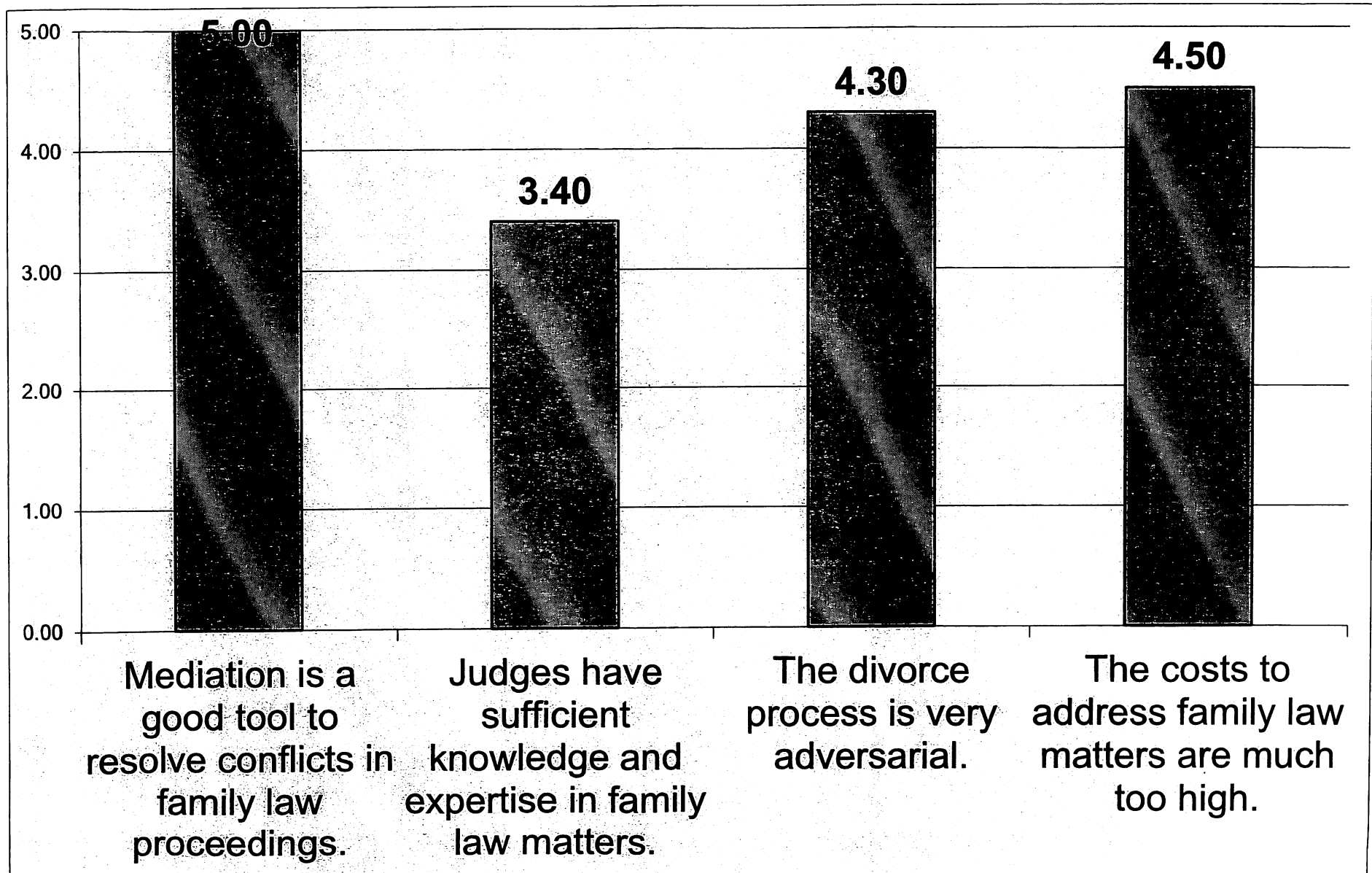
Commissioner Questions



Commissioner Questions

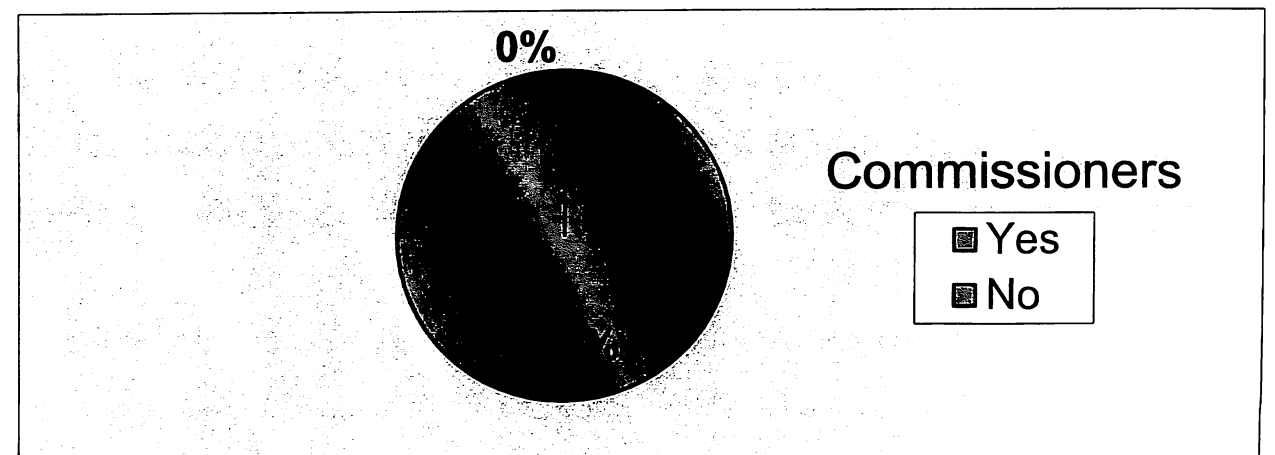
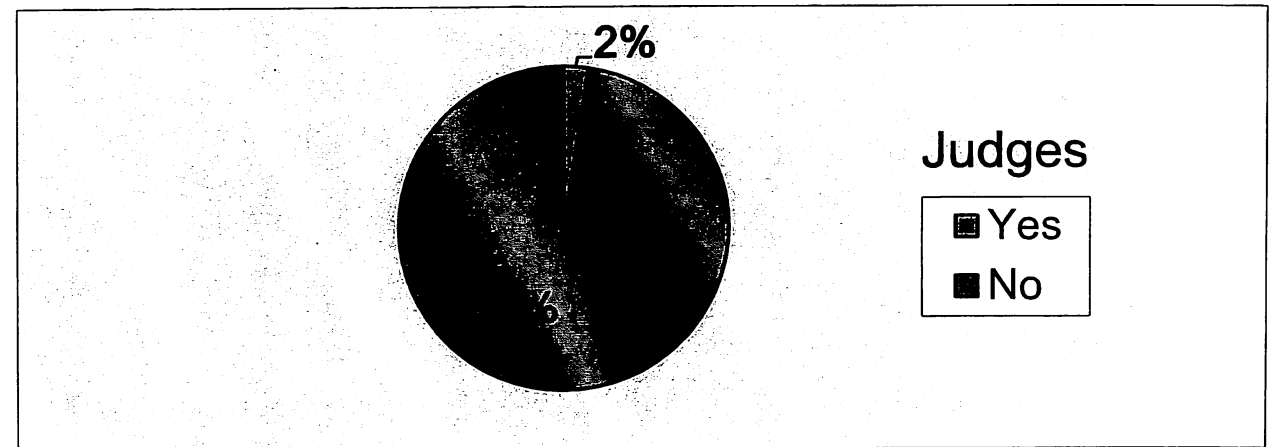
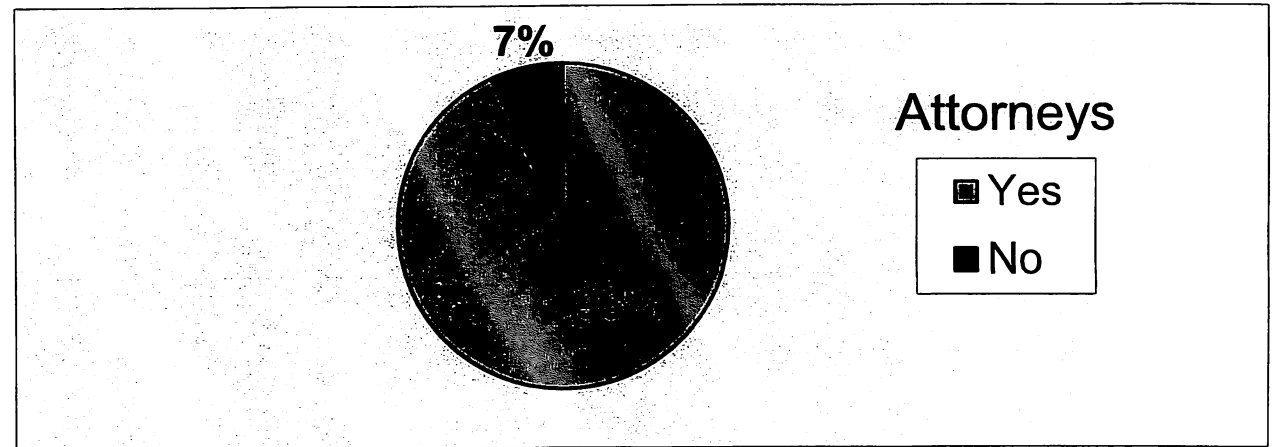


Commissioner Questions



Out of State Practice

Nevada	5
Arizona	4
California	4
Wyoming	4
Idaho	3
Maryland	2
Washington	2
Nebraska	1
New Mexico	1
Oregon	1
Texas	1
Virginia	1



Are there different rules or practices in another state that would improve the efficiency of processing domestic cases in Utah? If so, what are they and in which state(s) did you observe these rules or practices?

NA	6	25.0%
Utah > WY, IA, AZ, ID, NV	5	20.8%
Family Court (CA & NV)	4	16.7%
Shorter times to hearings	2	8.3%
Alimony calculator	1	4.2%
Attorneys required to meet before hearing on new motions	1	4.2%
Child support as a % of income	1	4.2%
Collaborative process with experts	1	4.2%
Date of separation to divide assets	1	4.2%
Diverse bench	1	4.2%
Fewer required filings (ID)	1	4.2%
Joint custody doesn't count number of overnights	1	4.2%
Forms for everything (MA)	1	4.2%
Mandatory preliminary injunctions	1	4.2%
Mandatory divorce education for kids	1	4.2%
Instant temporary orders (NV & MN)	1	4.2%
Offers of judgment	1	4.2%

Free Response Questions

If there were one statute you could change relating to domestic matters, what would it be and why?(This question refers to the following statutes: 30-3-1-40, 78B-7-101-407, 78B 12-15.)

30-3-5 Alimony	25	18.5%
78B-7 Protective Orders	17	12.6%
30-3-37 Relocation	14	10.4%
No Changes	13	9.6%
30-3-18 Waiting Period	11	8.1%
30-3-35 Parent time	11	8.1%
Family Court	10	7.4%
78B-12 Child Support	7	5.2%
30-3-10.2 Joint Custody Orders	5	3.7%
30-3-3 Attorney Fees	3	2.2%
30-3-33 Advisory Guidelines	2	1.5%
30-3-11.4 Mandatory Orientation	1	0.7%
30-3-15.3 Commissioners	1	0.7%
30-3-16.2 Petition for Conciliation	1	0.7%
30-3-38 Expedited Parent Time	1	0.7%

If there were one rule you could change relating to domestic matters, what would it be and why?(This question refers to the Code of Judicial Administration Rules 100 to 108 and CJA Rules 4-901-908.)

URCP 101 Practice before Commissioner	34	25.4%	UCJA 4-904 Informal Trials	3	2.2%
URCP 108 Objection to Commissioner Ruling	16	11.9%	URCP 106 Modification of Domestic Relations Order	3	2.2%
No Changes	16	11.9%	URCP 7 Pleadings Motions and Orders	3	2.2%
URCP 105 Waiting Period	11	8.2%	UCJA 4-902 Limited Scope Investigations	2	1.5%
UCJA 4-903 Custody Evaluations	7	5.2%	UCJA 6-401 Commissioner Authority	2	1.5%
Family Court	7	5.2%	URCP 73 Attorney Fees	2	1.5%
URCP 26.1 Disclosure of Evidence and Discovery	6	4.5%	UCJA 13 3.8 Response of Pr	1	0.7%
Proposed a new rule	5	3.7%	UCJA 4-901 Access to Juv	1	0.7%
			URCP 103 (repealed)	1	0.7%
			URCP 53 Special Masters	1	0.7%

If there were one court room practice you could change about domestic matters, what would it be and why?

Case Management	20	15.3%	Consequences	2	1.5%
None	20	15.3%	Early Intervention	2	1.5%
Family Court	16	12.2%	Exhibits	2	1.5%
Trial Structure	10	7.6%	Judge Expertise	2	1.5%
Consistency	8	6.1%	More Commissioners	2	1.5%
Professional Conduct	6	4.6%	OSCs	2	1.5%
Not Sure	5	3.8%	Protective Orders	2	1.5%
Pro-Se Litigants	5	3.8%	Witnesses	2	1.5%
Time to Hearings	5	3.8%	Children Interests	1	0.8%
Discovery Rules	4	3.1%	Commissioner Availability	1	0.8%
Evidentiary Hearings	4	3.1%	Commissioner Overreach	1	0.8%
Mediation	4	3.1%	Communication	1	0.8%
Privacy	4	3.1%	Court Jurisdiction	1	0.8%
Proffer	4	3.1%	Divorce Education	1	0.8%
Temporary Orders	4	3.1%	Hearsay Rules	1	0.8%
Attorney Fees	3	2.3%	Judicial Review	1	0.8%
Commissioner Authority	3	2.3%	Online Solutions	1	0.8%
Information from Children	3	2.3%	Page Limits	1	0.8%
Testimony	3	2.3%	Perception	1	0.8%
			Pre-Trial Conferences	1	0.8%
			Proposed Orders	1	0.8%
			Review Hearings	1	0.8%
			Rules of Evidence	1	0.8%
			Technology	1	0.8%

What works well?

Commissioner system	28	23.5%
Mandatory mediation	25	21.0%
Rule 101	15	12.6%
NA	13	10.9%
Rule 26.1	6	5.0%
4-903 Conferences	4	3.4%
Child support	3	2.5%
Informal hearings	3	2.5%
Initial disclosures	3	2.5%
Proffer testimony	3	2.5%
Affidavit of grounds or jurisdiction	2	1.7%
Financial declarations	2	1.7%
OSC process	2	1.7%
Pro se calendar	2	1.7%
Rule 108	2	1.7%
ADR	1	0.8%
Case management	1	0.8%
Eliminated OSCs on TOs	1	0.8%
Law and motion practice	1	0.8%
Mandatory divorce education	1	0.8%
OCAP	1	0.8%
Rule 104	1	0.8%
Rule 106	1	0.8%
Status conference hearings	1	0.8%
Temporary Orders	1	0.8%
Visitation schedule	1	0.8%

What doesn't work well?

Delay	22	18.6%	30-3-18	1	0.8%
Commissioner system	17	14.4%	Consistency	1	0.8%
Scheduling/Time to hearings	16	13.6%	Contention	1	0.8%
<i>N/A</i>	14	11.9%	Custody disputes	1	0.8%
Rule 101	11	9.3%	Discovery process	1	0.8%
Formal system	7	5.9%	Emotional harm	1	0.8%
Temporary Orders	5	4.2%	Issues with GAL testimony	1	0.8%
Don't follow the rules	4	3.4%	Input of the child	1	0.8%
Contempt motions	3	2.5%	Unable to provide joint representation	1	0.8%
Expensive	3	2.5%	Lack of commissioner's authority	1	0.8%
Mandatory financial disclosures	3	2.5%			
Objections to commissioner ruling/Rule 108	3	2.5%	Mandatory mediation for parent time and OSCs	1	0.8%
Pro se parties	3	2.5%	Pre-trial conference with commissioners	1	0.8%
90 day waiting period	2	1.7%	Protective orders	1	0.8%
Custody evaluations	2	1.7%	Rule 26	1	0.8%
Improper use of forms/OCAP	2	1.7%	Sanctions	1	0.8%
Judges don't like hearing domestic cases	2	1.7%	Temporary Order Hearings	1	0.8%
Mandatory mediation	2	1.7%	Variance in alimony	1	0.8%
CCG Process	2	1.7%			

Additional thoughts or comments

N/A	33	37.9%	Enforce deadlines	1	1.1%
Family court	13	14.9%	Enforce rules	1	1.1%
Working well	10	11.5%	Have GAL involved in abuse/neglect cases	1	1.1%
Reduce cost	4	4.6%	Give commissioners more authority	1	1.1%
Make less adversarial	3	3.4%	Improve scheduling	1	1.1%
No family court	3	3.4%	Legislators	1	1.1%
Pro-se litigants	3	3.4%	Mandatory informal trials	1	1.1%
Too slow	3	3.4%	More commissioners	1	1.1%
Civility	2	2.3%	No paralegal practitioner	1	1.1%
Costly fees	2	2.3%	Post-nup	1	1.1%
Waiting period	2	2.3%	Problem solving domestic court	1	1.1%
Better fund legal services	1	1.1%	Reduce filings	1	1.1%
Case management	1	1.1%	Remove custody issues	1	1.1%
Child support	1	1.1%	Sanction bad behavior	1	1.1%
Creative TROs	1	1.1%	Shorten discovery periods	1	1.1%
Don't go too fast	1	1.1%	Special certification for attorneys	1	1.1%
e-Filing for pro se litigants	1	1.1%	Stressful	1	1.1%
			Structure of attorney fees	1	1.1%

Self-Represented Party and Provider Survey Results

Q1 What resources have you used during your court case? (choose all that apply)

Answered: 172 Skipped: 0

Answer Choices	Responses	
OCAP	59.88%	103
Court Website	47.67%	82
Self-Help Center	37.21%	64
Court Forms	36.63%	63
Friend or Family	29.65%	51
Legal Clinic	26.16%	45
Court Staff	21.51%	37
State Law Library	17.44%	30
Public Library	12.79%	22
Private Attorney	11.05%	19
Other (please specify)	11.05%	19
Low cost or reduced-fee attorney	6.98%	12
None / Not Applicable	2.91%	5
Notario	1.16%	2
Court Interpreter	1.16%	2
Total Respondents: 172		

Q2 What resources were most useful to you? (choose all that apply)

Answered: 172 Skipped: 0

Answer Choices	Responses	
OCAP	48.26%	83
Court Website	34.88%	60
Self-Help Center	29.07%	50
Legal Clinic	27.33%	47
Court Staff	23.84%	41
Court Forms	23.26%	40
Friend or Family	21.51%	37
State Law Library	14.53%	25
Private Attorney	11.05%	19
Public Library	8.14%	14

Low cost or reduced-fee attorney	6.98%	12
Other (please specify)	6.40%	11
Notario	1.16%	2
None / Not Applicable	1.16%	2
Court Interpreter	0.58%	1
Total Respondents: 172		

Q3 What have been the challenges or barriers in your case? (choose all that apply)

Answered: 172 Skipped: 0

Answer Choices	Responses	
Cost	45.35%	78
Time	30.81%	53
Words and terms used in paperwork and in court	25.00%	43
Completing the court forms	24.42%	42
Finding the correct forms	22.67%	39
Other party (or their attorney)	22.67%	39
Rules / court procedures	21.51%	37
How complicated the legal system is	21.51%	37
Serving papers on the other party	18.60%	32
Other (please describe)	13.37%	23
None / Not Applicable	10.47%	18
Mediation	7.56%	13
Divorce classes	7.56%	13
Unhelpful or hostile court staff	6.98%	12
Court hearings	6.40%	11
I am unable to use or uncomfortable using a computer	4.65%	8
I am afraid of government agencies	4.07%	7
Judge	4.07%	7
Commissioner	4.07%	7
Language (English is not my native language)	2.33%	4
I am unable to read or write	1.16%	2
Total Respondents: 172		

Q4 I understand what is going on in my

case.

Answered: 172 Skipped: 0

Answer Choices	Responses	
No	13.95%	24
Yes	80.23%	138
Not applicable	5.81%	10
Total		172

Q5 My case is taking a reasonable amount of time.

Answered: 172 Skipped: 0

Answer Choices	Responses	
Yes	52.33%	90
No	23.84%	41
Not applicable (no case yet, or just getting started)	23.84%	41
Total		172

Q6 It has been difficult to handle my case.

Answered: 172 Skipped: 0

Answer Choices	Responses	
No	55.81%	96
Yes	44.19%	76
Total		172

Q7 I had to get help to complete the court forms.

Answered: 172 Skipped: 0

Answer Choices	Responses	
Yes	65.70%	113
No	34.30%	59
Total		172

**Q8 If you answered "yes" to the previous question, who helped you complete forms?
(choose all that apply)**

Answered: 130 Skipped: 42

Answer Choices	Responses
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Self-Help Center	28.46%	37
Free legal clinic	26.92%	35
Other (please describe)	26.92%	35
State Law Library	21.54%	28
Family or friend	19.23%	25
Private attorney	8.46%	11
Notario	0.00%	0
Total Respondents: 130		

Q9 I had to go to a court hearing before a commissioner.

Answered: 172 Skipped: 0

Answer Choices	Responses	
No	78.49%	135
Yes	21.51%	37
Total		172

Q10 If you answered "yes" to the previous question, the commissioner was

Answered: 63 Skipped: 109

Answer Choices	Responses	
No opinion	57.14%	36
Helpful	33.33%	21
Harmful	9.52%	6
Total		63

Q11 I had to go to a court hearing before a judge.

Answered: 172 Skipped: 0

Answer Choices	Responses	
No	80.81%	139
Yes	19.19%	33
Total		172

Q12 If you answered "yes" to the previous question, the judge was ...

Answered: 53 Skipped: 119

Answer Choices	Responses	
No opinion	50.94%	27
Helpful	39.62%	21
Harmful	9.43%	5
Total		53

Q13 I have a court order.

Answered: 172 Skipped: 0

Answer Choices	Responses	
No	71.51%	123
Yes	28.49%	49
Total		172

Q14 If you answered "yes" to the previous question, I understand what my court order says.

Answered: 68 Skipped: 104

Answer Choices	Responses	
No	30.88%	21
Yes	69.12%	47
Total		68

Q15 I want you to know this about my court experience:

Answered: 73 Skipped: 99

15. I want you to know this about my court experience:

Court can be hard & uncomfortable, but people around help.

Too much paperwork. Seems over the top. Also, I don't appreciate the 90-day waiting period.

The website to print out divorce paperwork would freeze and not allow me to print out the paper work. Other than that thank you for the help.

I was told "Protective Order" was in place, when I went to court house the court clerk did not see protective order on file! I was at court house to "drop charges" on protective order!

So far it's been alright. I had some troubles while on the websites but once I got that all figured out it's been going well.

The only issue I had was the court doesn't provide an easy way to see the status or needed materials/forms easily. It would be nice to be able to access this info electronically instead of having to call the court clerks over and over.

Thank you for your patience and help with completing my forms!

I am just waiting for the judge so I can have a court date. Have my marriage done and case closed.

I feel they (attorney's, guarian ad litem, commissioners) should do a better job getting to know children and what they need.

Staff was very friendly and helpful.

Judge and staff were very helpful.

The experience has been very good. The online court system very helpful. The clerk at the court house was very friendly and helpful.

OCAP was helpful and quick responding to my questions.

The 90 day waiting period seemed unnecessary, however, it was not unreasonable. I feel that on several occasions that the judge was being bias and not holding the other party accountable because of sex and I was reprimanded for saying so. He still did not hold accountability.

So far so good!

I just started the process.

The system works!

I visited the Pro Se Clinic and they referred me to the Legal Clinic where I got the help I needed for my case.

We haven't appeared yet regarding my case, the Help Center was amazing, once we got them on the phone, in assisting with the correct paperwork needed and how to best fill it out. They were very helpful with clarifying options on how to best proceed. Will be using this service in the future as this case proceeds. We are so thankful for the help center, thank you for providing this service.

The judge dismissed the contempt of court order, but since then, the alimony is down to \$100 per month instead of the court ordered \$700.

Thank you!

I have noticed that Salt Lake County offers more options for legal counsel at a low or no cost fee. The income I made does not qualify me for any sort of representation during court or mediation. (I make less than the minimum income required.) It would be nice to have more resources in Utah County like the Legal Aid Society, etc.

THE PRO SE CLINIC WAS VERY HELPFUL!

My wife and I are filing two separate motions. 1) To hold my wife's ex-husband accountable for missing child support payments as agreed in court last year, he owes the amount up front. 2) An order to show cause for her ex husband violating sections of his court decree. We are still in the process but the advice we received from the Family Law Clinic was very helpful.

Have not gone to court yet. Hope it won't be a bad thing.

Custodial Interference: Police don't enforce. Commissioners and judges don't care.

Ex Wife's Attorney: Makes up lies and court does nothing and does ask for FACTS!

Very helpful staff at library and courthouse.

My experience in trying to move the jurisdiction of my custody and parent time to Utah where my 2 children have lived for 2 years now has been a nightmare because no one seems to know what the correct forms or steps are to have this process finished!!! I've had nothing but the run around with the court staff not knowing what is going on with my case & not being able to help me in finding out!! They make it almost impossible to transfer jurisdiction from another state to the state where the children currently live. I have found it very helpful that every form I have ever needed is located online.

The Self Help Center and the Law Library have been incredibly helpful.

No instructions on website for the probate process.

It was helpful that the resources were able to help me understand/know the laws. So I could proceed accordingly. Knowledgeable help from resource staff.

Very helpful.

Any time I have a doubt I call the SHC.

My husband being out of the country (India), I really the SHC resources and the legal clinics were extremely helpful. Both took me step by step on what I needed to do.

Cost is very high. OCAP is very helpful. I think having a summary including all of the steps in a divorce instead of dividing by step only, will work better to know what to expect from the whole process.

During divorce. Both attorneys didn't want to end case. Cared more about dragging it out. Took all our money. In the end no one won but them.

Thank you for this clinic and helping us do what we can I really appreciate it!

Thanks!!!!

Why can the form be less complicated and shorter

I wish that the cost for attorneys wasn't so expensive. I also wish that when cases are filed with the court that they could pay more attention to the paperwork to notice any changes made or also statements made by petitioners

experience is fine, everyone is helpful with my questions

There should be a simpler way to through divorce. with out an attorney.

I haven't filed my case yet so I don't know much about court. I haven't contacted the State Law Library yet but that is my next step.

I feel the whole process is way more complicated than it needs to be.

everyone was very Helpful.

I am appreciative of the law cost and free services available.

The Law Library was excellent.

Know what court order says: Somewhat

I feel safety here. I gain a lot of knowledge. And have a better understanding of how the system work [sic].

everyone I talk to in the courthouse is friendly and kind.

Very helpful and friendly people.

The OCAP website is a disaster! A nightmare! Confusing UI, horrible UX. It looks like it was developed 10 years ago and is a gift to lawyers because it is so difficult to use. People are forced to hire an attorney. The court does not care about the average citizen.

Please have a group of attorneys who have been practicing law for at least 20 years update OCAP for divorce proceedings and please allow the OCAP system to hold old cases for at least 2 years. Please do not scrape/erase my case online. My husband pushed this case over a year and a half. This is my second time filing for divorce in 3 years. I am very frustrated because I must change my information and start all over online with OCAP in order to get documents to turn into court this Monday.

I haven't seen my daughter or had a proper visit for almost 2 years now. 3 even. Found not guilty.

Legal system: How unjust and un-ethical.
Getting help with forms: disability law center.

Help from: My old attorney and self help

Law Library very excellent customer service. Very satisfied –
Court staff: some of them are a little rude.

I kind of understand what is going on in my case.

Regarding filling out court forms, it took many weeks to find someone to help without \$\$ (State Law Library).

I have been to court 6 times to a commissioner and 5 times with judge. Each with a different outcome due to false allegations with no proof. Each time I had to follow rules that never applied to the mom. The state and family courts do not recognize dads as an important part of a child's life. GAL's charge too much for too little and are an unnecessary variable. The system needs to be easier to follow. Better help at no or very low cost. Simpler forms to file and judges need to listen to dads.

Q1 ¿Qué recursos ha utilizado durante el transcurso de su caso? (Elija los que apliquen)

Answered: 16 Skipped: 0

Answer Choices	Responses	
Sitio Web de los Tribunales de Utah	25.00%	4
OCAP	37.50%	6
Formularios de los Tribunales de Utah	12.50%	2
Centro de Ayuda de los Tribunales de Utah	25.00%	4
Biblioteca Legal del Estado	18.75%	3
Biblioteca Pública	6.25%	1
Clinica legal	25.00%	4
Abogado privado	6.25%	1
Abogado de bajo costo o costo reducido	12.50%	2
Notario	0.00%	0
Amigo o familiar	18.75%	3
Intérprete del tribunal	12.50%	2
Personal del tribunal	6.25%	1
No aplica	0.00%	0
Otros (especificar)	18.75%	3
Total Respondents: 16		

Q2 ¿Cuales recursos fueron más útiles para usted? (Elija los que apliquen)

Answered: 16 Skipped: 0

Answer Choices	Responses	
Sitio Web de los Tribunales de Utah	6.25%	1
OCAP	25.00%	4
Formularios de los Tribunales de Utah	6.25%	1
Centro de Ayuda de los Tribunales de Utah	25.00%	4
Biblioteca Legal del Estado	12.50%	2
Biblioteca Pública	6.25%	1
Clinica legal	25.00%	4
Abogado privado	6.25%	1
Abogado de bajo costo o costo reducido	6.25%	1

Notario	0.00%	0
Amigo o familiar	6.25%	1
Intérprete del tribunal	12.50%	2
Personal del tribunal	12.50%	2
No aplica	6.25%	1
Otros (especificar)	18.75%	3

Total Respondents: 16

Q3 ¿Cuáles han sido los desafíos u obstáculos en su caso? (Elija los que apliquen)

Answered: 15 Skipped: 1

Answer Choices	Responses	
Costo	40.00%	6
Encontrar los formularios correctos	6.67%	1
Completar los formularios del tribunal	13.33%	2
Tiempo incurrido	0.00%	0
Entender reglas y procedimientos judiciales	20.00%	3
Otra parte (o su abogado)	6.67%	1
Las palabras y términos utilizados en los trámites y en los tribunales	6.67%	1
Idioma (inglés no es mi lengua materna)	46.67%	7
No sé leer o escribir	0.00%	0
No tengo habilidad para el uso de una computadora o no me siento cómodo usando una computadora	6.67%	1
Temo a las agencias del gobierno	0.00%	0
Lo complicado del sistema legal	6.67%	1
Entrega de los documentos a la otra parte	6.67%	1
Mediación	0.00%	0
Clases de divorcio	0.00%	0
Audiencias del tribunal	0.00%	0
El personal del tribunal es poco servicial u hostil	0.00%	0
Juez	0.00%	0
Comisionado	0.00%	0
No aplica	0.00%	0
Otros (describa)	20.00%	3

Total Respondents: 15

Q4 Yo entiendo lo que está pasando en mi caso.

Answered: 16 Skipped: 0

Answer Choices	Responses	
No	12.50%	2
Si	68.75%	11
No aplica	18.75%	3
Total:		16

Q5 Mi caso está tomando tiempo razonable.

Answered: 16 Skipped: 0

Answer Choices	Responses	
No	6.25%	1
Si	62.50%	10
No aplica (no tengo caso aún, o estoy comenzando el proceso)	31.25%	5
Total		16

Q6 Ha sido difícil manejar mi caso.

Answered: 16 Skipped: 0

Answer Choices	Responses	
No	56.25%	9
Si	43.75%	7
Total		16

Q7 Tuve que buscar ayuda para completar los formularios del tribunal.

Answered: 16 Skipped: 0

Answer Choices	Responses	
No	50.00%	8
Si	50.00%	8
Total		16

Q8 Si su respuesta es "sí" a la pregunta anterior, donde o quién le ayudó a completar los formularios? (Elija los que apliquen)

Answered: 11 Skipped: 5

Answer Choices	Responses
Biblioteca Legal del Estado	9.09% 1
Centro de Ayuda de los Tribunales	9.09% 1
Abogado privado	18.18% 2
Notario	0.00% 0
Familia o amigo	18.18% 2
Clínica legal gratuita	9.09% 1
Otros (describa)	54.55% 6
Total Respondents: 11	

**Q9 Tuve que ir a una audiencia en el
tribunal frente a un comisionado.**

Answered: 16 Skipped: 0

Answer Choices	Responses
No	87.50% 14
Sí	12.50% 2
Total	16

**Q10 Si su respuesta es "sí" a la pregunta
anterior, el comisionado fue:**

Answered: 4 Skipped: 12

Answer Choices	Responses
Servicial	75.00% 3
Perjudicial	0.00% 0
No deseo opinar	25.00% 1
Total	4

**Q11 Tuve que ir a una audiencia ante un
juez.**

Answered: 16 Skipped: 0

Answer Choices	Responses
No	93.75% 15
Sí	6.25% 1
Total	16

**Q12 Si su respuesta es "sí" a la pregunta
anterior, el juez era:**

Answered: 2 Skipped: 14

Answer Choices	Responses	
Servicial	50.00%	1
Perjudicial	0.00%	0
No deseo opinar	50.00%	1
Total		2

Q13 Tengo una orden judicial.

Answered: 16 Skipped: 0

Answer Choices	Responses	
No	93.75%	15
Si	6.25%	1
Total		16

Q14 Si su respuesta es "sí" a la pregunta anterior, ¿Entiende lo que dice su orden judicial?

Answered: 1 Skipped: 15

Answer Choices	Responses	
No	0.00%	0
Si	100.00%	1
Total		1

Q15 Quiero compartir lo siguiente acerca de mi experiencia en el tribunal:

Answered: 10 Skipped: 6

15. I want you to know this about my court experience:

Son buenos y atentos y responden mis preguntas de manera amable.

[They are very good and attentive and respond to my question in a kind manner.]

La atención ha sido bastante buena, y oportuna. Espero culminar mi caso excelente.

[The attention has been good and timely. I hope to finish my case successfully.][Note: could mean with a good result]

Me gustaría que todo fuera un poco mas claro, los términos que usan son un poco complicados.

[I would like it if everything was clearer; the terminology used is a bit complicated.]

He sufrido un ataque y emocionalmente esta proceso es muy dificul para mi.

[I have suffered an attack and emotionally the process is very difficult for me.] [Note: could be a heart attack or stroke]

La primera vez que vine a la clinica legal recibí ayuda. Me brindaron información y numeros de teléfono - nos a los que podía contactar. De esa manera estoy aqui. Tuve buena experiencia.

[The first time I came to the legal clinic, I received help. They provided information and phone numbers, those I could contact. That is why I am here. I have had a good experience.]

OCAP es excelente recurso. :-)

[OCAP is an excellent resource]

Q1 What resources do you refer people to or use to help people with their domestic court case? (choose all that apply)

Answered: 37 Skipped: 0

Answer Choices	Responses	
Court Website	81.08%	30
OCAP	91.89%	34
Court Forms	67.57%	25
Self-Help Center	75.68%	28
State Law Library	32.43%	12
Public Library	13.51%	5
Legal Clinic	72.97%	27
Private Attorney	13.51%	5
Low cost or reduced-fee attorney	62.16%	23
Notario	0.00%	0
Friend or Family	2.70%	1
Court Interpreter	24.32%	9
Court Staff	29.73%	11
Other (please specify)	10.81%	4
Total Respondents: 37		

Q2 Which of the resources are most useful to you in helping others? (choose all that apply)

Answered: 37 Skipped: 0

Answer Choices	Responses	
Court Website	70.27%	26
OCAP	72.97%	27
Court Forms	59.46%	22
Self-Help Center	67.57%	25
State Law Library	21.62%	8
Public Library	0.00%	0
Legal Clinic	51.35%	19
Private Attorney	8.11%	3
Low cost or reduced-fee attorney	35.14%	13

Domestic Case Process Improvements Committee Survey - Community Providers

SurveyMonkey

Notario	0.00%	0
Friend or Family	2.70%	1
Court Interpreter	13.51%	5
Court Staff	13.51%	5
Other (please specify)	10.81%	4
Total Respondents: 37		

Q3 What challenges or barriers do you see for the people you help? (choose all that apply)

Answered: 37 Skipped: 0

Answer Choices	Responses	
Cost	72.97%	27
Finding the correct forms	62.16%	23
Completing the court forms	86.49%	32
Time	40.54%	15
Rules / court procedures	54.05%	20
Other party (or their attorney)	29.73%	11
Words and terms used in paperwork and in court	64.86%	24
Language (English is not their native language)	62.16%	23
They are unable to read or write	21.62%	8
The are unable to use or uncomfortable using a computer	62.16%	23
They are afraid of government agencies	27.03%	10
How complicated the legal system is	62.16%	23
Serving papers on the other party	48.65%	18
Mediation	18.92%	7
Divorce classes	10.81%	4
Court hearings	18.92%	7
Unhelpful or hostile court staff	37.84%	14
Judge	10.81%	4
Commissioner	10.81%	4
Other (please describe)	16.22%	6
Total Respondents: 37		

Q4 What would make things easier for the people you work with to get through the

court process in their domestic cases?

Answered: 37 Skipped: 0

**Q5 I want you to know this about the court
experience for the people I help:**

Answered: 29 Skipped: 8

Survey of Service Providers

4. What would make things easier for the people you work with to get through the court process in their domestic cases?

The Court website is a little confusing to use. I think the OCAP and self help section needs to have its own section on the front page. It is a little hard to figure out where to go and what to do. It isn't as user friendly as it should be. Good information on it but hard to find. The court clerks and advocates need to do some training together. Often the information that is given is confusing.

It would be easier if Paralegals could help patrons fill out their forms or instruct them how to do it.

As simple as it is for us to fill out OCAP, it confuses people. Maybe if there was a legal clinic for victims where they are taught how to use OCAP and fill out forms. It can take us an hour to fill everything out or more when if they did it at home, it may take them less time.

Being able to file the paperwork closer to home. Currently, a person in Santaquin or Goshen has to drive clear to Provo to file for a civil protective order. There is a District Court in Spanish Fork but the petitioner has to drive to Provo. Wording the questions so people know exactly what they are supposed to write. "petitioner and respondent" is confusing to them. One question asks "do you want to protect your address" which makes some people think differently than what you are intending. They want their HOUSE protected, not their address kept secret. This question is very misleading.

Attorney review of initial documents would help so people aren't having to start over with amended petitions because of things like imputing income for the other party for child support or unrealistic and a way for pro se parties to drop of documents for service to the other party. If the court grants a waiver of the service fee it would be a lot easier for people if they could just drop off a service packet of their initial documents here at the court. Maybe similar to the procedure for protective order service.

Probably have someone sit with them and walk them through it

I think many people feel overwhelmed with the idea that the system is complicated and that they do not have the benefit of having the ability to pay for assistance. So processes being as clear and easy and accessible as possible is something that would help a lot of people.

Check paperwork more thoroughly. Help people understand better what they need to do to go about paperwork process to help them feel more comfortable.

Easier access to court forms online. Thorough directions from people at the court house that work with those seeking legal help and representing themselves in court. Someone available to help with correctness of work.

Walking them through their court paperwork and explaining the missing pieces. The court clerk when receiving documents could [review] them and note what information is missing.

Legal clinics held in remote areas.

everything we are working on now!

Low cost or no cost counsel, people need legal advise.

Perhaps a class to introduce them to the processes to expect, the court lingo, and the understanding that when they represent themselves, THEY are ultimately responsible to get the correct paperwork in, fill it out completely and follow through as needed (no blaming the clerk if they didn't do it correctly). Also, the delivery certificates on the forms available to them are confusing; there's a LOT of boxes, and they often don't fill them out completely (perhaps because the number of boxes is messy and confusing).

I think more needs to be said about motion practice and waiting periods for defaults. People often seem to be able to start a case but are unable to finish it. I frequently hear that people wait for the court to act or intervene. They don't understand that is their own duty.

Once the forms are located, it seems to be easier on them. At least for uncontested matters. The forms are in alphabetical order, that's helpful. The forms are categorized, that's helpful. The visual appearance of OCAP could be organized to make it easier for the people.

The majority of people are seeking legal advice. Also when they are given court forms, they are not reading them and they frequently end up turning in full packets of forms in which most cases, several of the forms are being submitted prematurely, blank, or incomplete. People who are not represented by counsel when leaving the courtroom, do not seem to be confident in what they were ordered to do based on the swiftness of the hearing or the legal language being used by the Commissioner. Most people think the court does all the work for them and they don't understand that it is their responsibility to keep the case moving forward.

They need guidance more than once - they need it each step along the way.

there are so many resources that i can't see that any more would be helpful.

I believe that providing a tutorial for OCAP would help the people who are working on their domestic cases. The tutorial can just be a simple explanation of OCAP's format,

which will help clear any confusion (like the proper county to file in), a tutorial for service would help as well. Maybe have a youtube video where all proper forms of service are played out. It is helpful to include a temporary orders custody page on OCAP as well.

A strong court-based case management system that tracks a domestic case from initial filing to completion with the capability of reviewing filed pleadings for accuracy and completeness, communicating with parties via text or email concerning significant deadlines or hearing dates, and providing easily accessed responses to questions.

More forms in Spanish on OCAP. The checklists that are in the forms section of some web pages are wonderful. It would be nice to have a step by step outline on each website. It is very helpful to point people to that.

Increased helpfulness/friendliness of clerks. Increased communication between judicial clerks and law library staff. Often clerks do not understand the limitations of OCAP and other court forms. Also, direct messages (email, chat) about patrons coming down for help and what kind of help they need would be great. People need help, but it is difficult for them to come during work hours.

Simplifying the divorce process; simplifying language; more resources for getting free or low cost legal advice; a divorce process that allows for co-petitioners when it's uncontested (less adversarial, more collaborative); more people who are bilingual who can help with OCAP; more Lawyers of the Day. More informal trials. Maybe a document preparation night when people can get help understanding and filling out forms. Maybe a reduction of filing fees if people attend pro se workshops.

Forms in Spanish.

court forms in Spanish

More information about what to do next or where to find that information. For example, if when you filed your petition the court clerk gave you a one page handout that has basic information on service, financial declarations, mediation, the classes, and where to get more information.

Creat a form giving permission to third parties to help people when they cannot attend themselves to file their own paperwork.

More explanatory forms and court website

If the firewalls were relaxed on the Public Access computers in the Pro Se Family Law Clinics.

I think that more access to people that can review their court documents would make things easier, since we can't review documents in the family law legal clinic.

More user-friendly interface and steps in either filing for divorce or other issue.

Less forms and not so complicated. To fill out, figure and print so many documents is painful. If the Self Help Center could give the clients legal advice not just forms it would be much better. Many times this is very frustrating when they don't have a choice to go for advice.

More OCAP forms in Spanish (Parentage, especially). More support for service to a foreign country.

They need advice at the outset of the case. It would be helpful if OCAP told the users that there are clinics where they can get advice prior to filing if they are low income and maybe a list of attorneys who will do document reviews at a reasonable cost if the user is over income for the clinics. It is much easier to fix the documents before they are filed. The clients need to know that.

5. I want you to know this about the court experience for the people I help

The court experience is scary for most people. Many of the clerks give conflicting information about the protective order process. Victims that are traumatized look for information and it can add to the crisis that they are facing.

The court experience for the people I help seems too confusing and takes what seems like longer than it has to. People are always commenting that there are too many steps and too much paperwork. Also instructions on OCAP documents about needing 3 copies of all OCAP forms seems wasteful and tends to overwhelm a lot of people. Most people have lost contact with the other party and end up filing for alternative service and will have no use for so many copies. For the most part I think everyone involved in helping pro se litigants are doing an excellent job of helping them get through their cases. The pro se calendars seem to be a great source of relief for parties because they can speak with an attorney and get advice on how to proceed. The Self-Help Center is a great source of relief for pro se litigants and court personnel who probably sound like broken records having to repeat that they cannot give legal advice or fill out forms.

I think the 2 biggest obstacles are when parties have unrealistic expectations about the court's role in moving a case through the process and unrealistic provisions or provisions that seem too broadly stated in final orders. It's too bad people are in such a rush all the time that they never take the time to read their documents before they file them. "You can lead a horse to water..."

Most resources that I refer people to are available when the question arises. But I would be willing to participate in a training about helping people with simple questions to better ensure they get the help they need, if a program like that existed.

A lot of them are not confident and are unsure if they've filled out paperwork correctly.

We have had several clients come in with their divorce decrees trying to have them corrected when they're already finalized. If they can help review them beforehand and understand what they're signing it would benefit them more.

Most people do not have a lot of money for counsel. I find that people are frustrated with ORS and do not understand the processes that they (ORS) can do to collect back childsupport. For the most part people can fill the forms out with little or no direction, if they now what forms are needed.

Many times they have insufficient knowledge to follow through on something that needs to be done (for example, filing the return of service or turning in final papers when the Respondent is to be defaulted because of lack of filing an answer), and they wait for the court to do something. When months go by and nothing has happened, they call us asking why not. Often we can give them the procedure to move forward, and hopefully this will happen before the case is scheduled on a dismissal calendar.

In my experience people are mostly able to navigate OCAP and the Utah Courts website; most of the trouble I see is people not knowing how to move a case forward. They don't understand motion practice at all, or even how to finalize a case .

It is never easy to help people who cannot type or read.

The majority of people are seeking legal advice. Also when they are given court forms, they are not reading them and they frequently end up turning in full packets of forms in which most cases, several of the forms are being submitted prematurely, blank, or incomplete. People who are not represented by counsel when leaving the courtroom, do not seem to be confident in what they were ordered to do based on the swiftness of the hearing or the legal language being used by the Commissioner. Most people think the court does all the work for them and they don't understand that it is their responsibility to keep the case moving forward.

They do not understand the substantive and procedural issues.

i help with domestic cases. these are very emotional. i can only help so much as a clerk. many people are too overwhelmed with what they are personally going through that the procedural system of the court seems too much for them to handle alone, but they cannot afford an attorney. there are many cases in which people just don't follow through because they have given up; sometimes just after they have begun.

Most people do not come into the justice system wanting to litigate their domestic case but must come into the system to get a court order because without that order they cannot move on with their lives. We should review carefully the points in the court process where people get stuck or have difficulty, figure out ways to remove those procedural barriers, and help people achieve their final goals.

People complain that they have to go multiple places and they get different and conflicting information in each place. They complain that they are treated poorly if they speak Spanish. They are very appreciative when they encounter positive people who express willingness to help and provide useful information (this experience often overshadows the complexity of the system and other barriers). Many men express frustration that the system seems to favor moms over dads. Many immigrants are not aware of: right to counsel, right to interpreters, ability to use the judicial system without being documented.

They are often terrified of going pro se, but are incapable of paying for or waiting for an attorney.

Patrons in the Pro Se Clinic at West Jordan try to reset their password on their OCAP forms but because the public access computers will not reach their email they are stymied. Persons are also attempting but unable to reach the bar association web page, or legal aid web page or to search for the address of the child's school from the public access computers in the Pro Se Clinic. These problems would disappear if the firewalls were relaxed on the Public Access computers in the Pro Se Family Law Clinics. Thank you

I think that the people who attend this clinic find it hard to understand the legal terms, and it may be too hard for them to look all of them up with the limited amount of time they have.

A lot of people are intimidated by legal terminology and are scared because going through the legal system seems daunting.

They need to be treated with more respect and dignity without bias. All of the officials, not just the court, but also the law enforcement have to be better trained. A cultural competency extensive training should be a requirement for everyone.

People are often referred to the family law clinic in Matheson and West Jordan for general civil matters. While we are happy to help the best we can, these issues are often better served with referrals to Self Help, or low-cost firms like Utah Legal Services.

The Utah Courts website is awesome. There is so much information. An index would be helpful for frequent users (not necessarily the one time user). It is sometimes challenging to find information that I know is somewhere on the site although this has improved. It is wonderful that we have the A/CC on OCAP now.

Notice of Entry Proposed Form

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Notice of Entry of

☐ **Divorce Decree**

☐ **Parentage Decree**

Case Number

Judge

Commissioner

Please take notice that the court entered a final judgment in this case on
_____ [date].

You may appeal this judgment by filing a Notice of Appeal with this court within 30 days
after the date the judgment was entered.

If you want a copy of the decree, contact the court clerk.

Date

Sign here ►

Typed or Printed Name

Certificate of Service

I certify that I served a copy of this Notice of Judgment on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Child Support Division, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ►

Date _____

Typed or Printed Name _____

Notice of Hearing Proposed Form

Documents and forms filed with the court must be in English.
Los documentos y formularios deben ser presentados en inglés en el tribunal.

My Name _____ *Mi Nombre*

Address _____ *Domicilio*

City, State, Zip _____ *Ciudad, Estado, Código postal*

Phone _____ *Teléfono*

Email _____ *Correo electrónico*

In the ☐ District ☐ Juvenile ☐ Justice Court of Utah
En el Tribunal de ☐ Distrito ☐ Menores ☐ Juzgado del Estado de Utah

_____ Judicial District (Distrito Judicial) _____ County (Condado)

Court Address

Dirección del Tribunal

Notice of Hearing
Aviso de Audiencia

Plaintiff/Petitioner _____ *Demandante*

v.

Case Number _____ *Número de caso*

Judge _____ *Juez*

Defendant/Respondent _____ *Demandado[a]*

Commissioner _____ *Comisionado*

To:

Para:

Petitioner Name and Address

Nombre y dirección del Demandante

Respondent Name and Address

Nombre y dirección del Demandado

The court has scheduled a hearing on _____ (title of motion or
subject of hearing) at the following date and time.

El tribunal ha programado una audiencia sobre _____

[título de moción o tema de la audiencia] en la fecha y hora que sigue.

Date (Fecha) _____ Time (Hora) ____ : ____ [] a.m. [] p.m.

Judge (Juez) _____

Room (Sala) _____ Commissioner (Comisionado) _____

Attendance. You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

Asistencia. Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.

Evidence. Bring with you any evidence that you want the court to consider.

Pruebas. Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

Interpretation. If you do not speak or understand English, contact a judicial services representative at least 3 days before the hearing, and an interpreter will be provided.

Interpretación. Si usted no habla ni entiende el Inglés contacte al Representante de Servicios Judiciales por lo menos 3 días antes de la audiencia y le proveerán un intérprete.

Disability Accommodation. If you have a disability requiring accommodation, including an ASL interpreter, contact a judicial services representative at least 3 days before the hearing.

Atención en caso de incapacidades. Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.

Sign here ►

Firme aquí ►

Date

Fecha

Typed or Printed Name
Nombre con letra de molde

Documents and forms filed with the court must be in English.
Los documentos y formularios deben ser presentados en inglés en el tribunal.

Certificate of Service Certificado de Entrega Legal			
I certify that I served a copy of this Notice of Hearing on the following people Yo certifico que he hecho entrega legal de este Aviso de Audiencia a las personas que siguen)			
Person's Name Nombre de la Persona	Method of Service Forma de Entrega	Served at this Address Entregado en esta dirección	Served on this Date Entregado en esta Fecha
(Other Party or Attorney) (Otra Parte o Abogado)	<input type="checkbox"/> Mail (Correo) <input type="checkbox"/> Hand Delivery (Entrega personal) <input type="checkbox"/> Email (Person agreed to service by email.) (Correo electrónico [la persona acordó con la entrega por correo electrónico]) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) (Dejar en el negocio [con el encargado o en el recipiente para entregas]) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) (Dejar en casa [con una persona reservada y de edad adecuada y que vive allí])		
(Other Party or Attorney) (Otra Parte o Abogado)	<input type="checkbox"/> Mail (Correo) <input type="checkbox"/> Hand Delivery (Entrega personal) <input type="checkbox"/> Email (Person agreed to service by email.) (Correo electrónico [la persona acordó con la entrega por correo electrónico]) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) (Dejar en el negocio [con el encargado o en el recipiente para entregas]) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) (Dejar en casa [con una persona reservada y de edad adecuada y que vive allí])		

Sign here ►
(Firme aquí) ►

Date(Fecha) _____
 Typed or Printed Name
 (Nombre con letra de molde) _____

Q1 What resources do you refer people to or use to help people with their domestic court case? (choose all that apply)

Answered: 37 Skipped: 0

Answer Choices	Responses	
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OCAP	91.89%	34
Court Forms	67.57%	25
Self-Help Center	75.68%	28
State Law Library	32.43%	12
Public Library	13.51%	5
Legal Clinic	72.97%	27
Private Attorney	13.51%	5
Low cost or reduced-fee attorney	62.16%	23
Notario	0.00%	0
Friend or Family	2.70%	1
Court Interpreter	24.32%	9
Court Staff	29.73%	11
Other (please specify)	10.81%	4
Total Respondents: 37		

Q2 Which of the resources are most useful to you in helping others? (choose all that apply)

Answered: 37 Skipped: 0

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Domestic Case Process Improvements Committee Survey - Community Providers

SurveyMonkey

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Judge	10.81%	4
Commissioner	10.81%	4
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Total Respondents: 37		

Q4 What would make things easier for the people you work with to get through the

court process in their domestic cases?

Answered: 37 Skipped: 0

**Q5 I want you to know this about the court
experience for the people I help:**

Answered: 29 Skipped: 8

Survey of Service Providers

4. What would make things easier for the people you work with to get through the court process in their domestic cases?

The Court website is a little confusing to use. I think the OCAP and self help section needs to have its own section on the front page. It is a little hard to figure out where to go and what to do. It isn't as user friendly as it should be. Good information on it but hard to find. The court clerks and advocates need to do some training together. Often the information that is given is confusing.

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Probably have someone sit with them and walk them through it

I think many people feel overwhelmed with the idea that the system is complicated and that they do not have the benefit of having the ability to pay for assistance. So processes being as clear and easy and accessible as possible is something that would help a lot of people.

Check paperwork more thoroughly. Help people understand better what they need to do to go about paperwork process to help them feel more comfortable.

Easier access to court forms online. Thorough directions from people at the court house that work with those seeking legal help and representing themselves in court. Someone available to help with correctness of work.

Walking them through their court paperwork and explaining the missing pieces. The court clerk when receiving documents could [review] them and note what information is missing.

Legal clinics held in remote areas.

everything we are working on now!

Low cost or no cost counsel, people need legal advise.

Perhaps a class to introduce them to the processes to expect, the court lingo, and the understanding that when they represent themselves, THEY are ultimately responsible to get the correct paperwork in, fill it out completely and follow through as needed (no blaming the clerk if they didn't do it correctly). Also, the delivery certificates on the forms available to them are confusing; there's a LOT of boxes, and they often don't fill them out completely (perhaps because the number of boxes is messy and confusing).

I think more needs to be said about motion practice and waiting periods for defaults. People often seem to be able to start a case but are unable to finish it. I frequently hear that people wait for the court to act or intervene. They don't understand that is their own duty.

Once the forms are located, it seems to be easier on them. At least for uncontested matters. The forms are in alphabetical order, that's helpful. The forms are categorized, that's helpful. The visual appearance of OCAP could be organized to make it easier for the people.

The majority of people are seeking legal advice. Also when they are given court forms, they are not reading them and they frequently end up turning in full packets of forms in which most cases, several of the forms are being submitted prematurely, blank, or incomplete. People who are not represented by counsel when leaving the courtroom, do not seem to be confident in what they were ordered to do based on the swiftness of the hearing or the legal language being used by the Commissioner. Most people think the court does all the work for them and they don't understand that it is their responsibility to keep the case moving forward.

They need guidance more than once - they need it each step along the way.

there are so many resources that i can't see that any more would be helpful.

I believe that providing a tutorial for OCAP would help the people who are working on their domestic cases. The tutorial can just be a simple explanation of OCAP's format,

which will help clear any confusion (like the proper county to file in), a tutorial for service would help as well. Maybe have a youtube video where all proper forms of service are played out. It is helpful to include a temporary orders custody page on OCAP as well.

A strong court-based case management system that tracks a domestic case from initial filing to completion with the capability of reviewing filed pleadings for accuracy and completeness, communicating with parties via text or email concerning significant deadlines or hearing dates, and providing easily accessed responses to questions.

More forms in Spanish on OCAP. The checklists that are in the forms section of some web pages are wonderful. It would be nice to have a step by step outline on each website. It is very helpful to point people to that.

Increased helpfulness/friendliness of clerks. Increased communication between judicial clerks and law library staff. Often clerks do not understand the limitations of OCAP and other court forms. Also, direct messages (email, chat) about patrons coming down for help and what kind of help they need would be great. People need help, but it is difficult for them to come during work hours.

Simplifying the divorce process; simplifying language; more resources for getting free or low cost legal advice; a divorce process that allows for co-petitioners when it's uncontested (less adversarial, more collaborative); more people who are bilingual who can help with OCAP; more Lawyers of the Day. More informal trials. Maybe a document preparation night when people can get help understanding and filling out forms. Maybe a reduction of filing fees if people attend pro se workshops.

Forms in Spanish.

court forms in Spanish

More information about what to do next or where to find that information. For example, if when you filed your petition the court clerk gave you a one page handout that has basic information on service, financial declarations, mediation, the classes, and where to get more information.

Creat a form giving permission to third parties to help people when they cannot attend themselves to file their own paperwork.

More explanatory forms and court website

If the firewalls were relaxed on the Public Access computers in the Pro Se Family Law Clinics.

I think that more access to people that can review their court documents would make things easier, since we can't review documents in the family law legal clinic.

More user-friendly interface and steps in either filing for divorce or other issue.

Less forms and not so complicated. To fill out, figure and print so many documents is painful. If the Self Help Center could give the clients legal advice not just forms it would be much better. Many times this is very frustrating when they don't have a choice to go for advice.

More OCAP forms in Spanish (Parentage, especially). More support for service to a foreign country.

They need advice at the outset of the case. It would be helpful if OCAP told the users that there are clinics where they can get advice prior to filing if they are low income and maybe a list of attorneys who will do document reviews at a reasonable cost if the user is over income for the clinics. It is much easier to fix the documents before they are filed. The clients need to know that.

5. I want you to know this about the court experience for the people I help

The court experience is scary for most people. Many of the clerks give conflicting information about the protective order process. Victims that are traumatized look for information and it can add to the crisis that they are facing.

The court experience for the people I help seems too confusing and takes what seems like longer than it has to. People are always commenting that there are too many steps and too much paperwork. Also instructions on OCAP documents about needing 3 copies of all OCAP forms seems wasteful and tends to overwhelm a lot of people. Most people have lost contact with the other party and end up filing for alternative service and will have no use for so many copies. For the most part I think everyone involved in helping pro se litigants are doing an excellent job of helping them get through their cases. The pro se calendars seem to be a great source of relief for parties because they can speak with an attorney and get advice on how to proceed. The Self-Help Center is a great source of relief for pro se litigants and court personnel who probably sound like broken records having to repeat that they cannot give legal advice or fill out forms.

I think the 2 biggest obstacles are when parties have unrealistic expectations about the court's role in moving a case through the process and unrealistic provisions or provisions that seem too broadly stated in final orders. It's too bad people are in such a rush all the time that they never take the time to read their documents before they file them. "You can lead a horse to water..."

Most resources that I refer people to are available when the question arises. But I would be willing to participate in a training about helping people with simple questions to better ensure they get the help they need, if a program like that existed.

A lot of them are not confident and are unsure if they've filled out paperwork correctly.

We have had several clients come in with their divorce decrees trying to have them corrected when they're already finalized. If they can help review them beforehand and understand what they're signing it would benefit them more.

Most people do not have a lot of money for counsel. I find that people are frustrated with ORS and do not understand the processes that they (ORS) can do to collect back childsupport. For the most part people can fill the forms out with little or no direction, if they now what forms are needed.

Many times they have insufficient knowledge to follow through on something that needs to be done (for example, filing the return of service or turning in final papers when the Respondent is to be defaulted because of lack of filing an answer), and they wait for the court to do something. When months go by and nothing has happened, they call us asking why not. Often we can give them the procedure to move forward, and hopefully this will happen before the case is scheduled on a dismissal calendar.

In my experience people are mostly able to navigate OCAP and the Utah Courts website; most of the trouble I see is people not knowing how to move a case forward. They don't understand motion practice at all, or even how to finalize a case .

It is never easy to help people who cannot type or read.

The majority of people are seeking legal advice. Also when they are given court forms, they are not reading them and they frequently end up turning in full packets of forms in which most cases, several of the forms are being submitted prematurely, blank, or incomplete. People who are not represented by counsel when leaving the courtroom, do not seem to be confident in what they were ordered to do based on the swiftness of the hearing or the legal language being used by the Commissioner. Most people think the court does all the work for them and they don't understand that it is their responsibility to keep the case moving forward.

They do not understand the substantive and procedural issues.

i help with domestic cases. these are very emotional. i can only help so much as a clerk. many people are too overwhelmed with what they are personally going through that the procedural system of the court seems too much for them to handle alone, but they cannot afford an attorney. there are many cases in which people just don't follow through because they have given up; sometimes just after they have begun.

Most people do not come into the justice system wanting to litigate their domestic case but must come into the system to get a court order because without that order they cannot move on with their lives. We should review carefully the points in the court process where people get stuck or have difficulty, figure out ways to remove those procedural barriers, and help people achieve their final goals.

People complain that they have to go multiple places and they get different and conflicting information in each place. They complain that they are treated poorly if they speak Spanish. They are very appreciative when they encounter positive people who express willingness to help and provide useful information (this experience often overshadows the complexity of the system and other barriers). Many men express frustration that the system seems to favor moms over dads. Many immigrants are not aware of: right to counsel, right to interpreters, ability to use the judicial system without being documented.

They are often terrified of going pro se, but are incapable of paying for or waiting for an attorney.

Patrons in the Pro Se Clinic at West Jordan try to reset their password on their OCAP forms but because the public access computers will not reach their email they are stymied. Persons are also attempting but unable to reach the bar association web page, or legal aid web page or to search for the address of the child's school from the public access computers in the Pro Se Clinic. These problems would disappear if the firewalls were relaxed on the Public Access computers in the Pro Se Family Law Clinics. Thank you

I think that the people who attend this clinic find it hard to understand the legal terms, and it may be too hard for them to look all of them up with the limited amount of time they have.

A lot of people are intimidated by legal terminology and are scared because going through the legal system seems daunting.

They need to be treated with more respect and dignity without bias. All of the officials, not just the court, but also the law enforcement have to be better trained. A cultural competency extensive training should be a requirement for everyone.

People are often referred to the family law clinic in Matheson and West Jordan for general civil matters. While we are happy to help the best we can, these issues are often better served with referrals to Self Help, or low-cost firms like Utah Legal Services.

The Utah Courts website is awesome. There is so much information. An index would be helpful for frequent users (not necessarily the one time user). It is sometimes challenging to find information that I know is somewhere on the site although this has improved. It is wonderful that we have the A/CC on OCAP now.

Notice of Entry Proposed Form

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Notice of Entry of

☐ **Divorce Decree**

☐ **Parentage Decree**

Case Number

Judge

Commissioner

Please take notice that the court entered a final judgment in this case on
_____ [date].

You may appeal this judgment by filing a Notice of Appeal with this court within 30 days
after the date the judgment was entered.

If you want a copy of the decree, contact the court clerk.

Date

Sign here ►

Typed or Printed Name

Certificate of Service

I certify that I served a copy of this Notice of Judgment on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Child Support Division, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here ►

Date _____

Typed or Printed Name _____

Notice of Hearing Proposed Form

Documents and forms filed with the court must be in English.
Los documentos y formularios deben ser presentados en inglés en el tribunal.

My Name _____ *Mi Nombre*

Address _____ *Domicilio*

City, State, Zip _____ *Ciudad, Estado, Código postal*

Phone _____ *Teléfono*

Email _____ *Correo electrónico*

In the [] District [] Juvenile [] Justice Court of Utah
En el Tribunal de [] Distrito [] Menores [] Juzgado del Estado de Utah

_____ Judicial District (Distrito Judicial) _____ County (Condado)

Court Address

Dirección del Tribunal

Notice of Hearing
Aviso de Audiencia

Plaintiff/Petitioner _____ *Demandante*

v.

Case Number _____ *Número de caso*

Judge _____ *Juez*

Defendant/Respondent _____ *Demandado[a]*

Commissioner _____ *Comisionado*

To:

Para:

Petitioner Name and Address _____ *Nombre y dirección del Demandante*

Respondent Name and Address _____ *Nombre y dirección del Demandado*

The court has scheduled a hearing on _____ (title of motion or
subject of hearing) at the following date and time.

El tribunal ha programado una audiencia sobre _____

[título de moción o tema de la audiencia] en la fecha y hora que sigue.

Date (Fecha) _____ Time (Hora) ____ : ____ [] a.m. [] p.m.

Judge (Juez)

Room (Sala) _____ Commissioner (Comisionado) _____

Attendance. You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

Asistencia. Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.

Evidence. Bring with you any evidence that you want the court to consider.

Pruebas. Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

Interpretation. If you do not speak or understand English, contact a judicial services representative at least 3 days before the hearing, and an interpreter will be provided.

Interpretación. Si usted no habla ni entiende el Inglés contacte al Representante de Servicios Judiciales por lo menos 3 días antes de la audiencia y le proveerán un intérprete.

Disability Accommodation. If you have a disability requiring accommodation, including an ASL interpreter, contact a judicial services representative at least 3 days before the hearing.

Atención en caso de incapacidades. Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.

Sign here ►

Firme aquí ►

Date _____ Fecha _____ Typed or Printed Name _____
Nombre con letra de molde _____

Documents and forms filed with the court must be in English.
Los documentos y formularios deben ser presentados en inglés en el tribunal.

Certificate of Service <i>Certificado de Entrega Legal</i>			
I certify that I served a copy of this Notice of Hearing on the following people <i>Yo certifico que he hecho entrega legal de este Aviso de Audiencia a las personas que siguen)</i>			
Person's Name <i>Nombre de la Persona</i>	Method of Service <i>Forma de Entrega</i>	Served at this Address <i>Entregado en esta dirección</i>	Served on this Date <i>Entregado en esta Fecha</i>
(Other Party or Attorney) <i>(Otra Parte o Abogado)</i>	<input type="checkbox"/> Mail (<i>Correo</i>) <input type="checkbox"/> Hand Delivery (<i>Entrega personal</i>) <input type="checkbox"/> Email (Person agreed to service by email.) <i>(Correo electrónico [la persona acordó con la entrega por correo electrónico])</i> <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) (<i>Dejar en el negocio [con el encargado o en el recipiente para entregas]</i>) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) (<i>Dejar en casa [con una persona reservada y de edad adecuada y que vive allí]</i>)		
(Other Party or Attorney) <i>(Otra Parte o Abogado)</i>	<input type="checkbox"/> Mail (<i>Correo</i>) <input type="checkbox"/> Hand Delivery (<i>Entrega personal</i>) <input type="checkbox"/> Email (Person agreed to service by email.) <i>(Correo electrónico [la persona acordó con la entrega por correo electrónico])</i> <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) (<i>Dejar en el negocio [con el encargado o en el recipiente para entregas]</i>) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) (<i>Dejar en casa [con una persona reservada y de edad adecuada y que vive allí]</i>)		

Sign here ►
 (Firme aquí) ►

Date(Fecha) _____ Typed or Printed Name _____
 (Nombre con letra de molde)

Order on Motion to Waive
Education Requirements
Form Proposed

My Name

Address

City, State, Zip

Phone

Email

I am the ☐ Petitioner

☐ Respondent

☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Order on Motion to Waive Education Requirements

Petitioner

v.

Respondent

Case Number

Judge

Commissioner

The matter before the court is a Motion to Waive the Education Requirements. Having considered the documents filed with the court, and now being fully informed,

The Court Finds That:

- (1) ☐ Course attendance and completion are necessary, appropriate, feasible, or in the best interest of the parties.
- (2) ☐ Course attendance and completion are not necessary, appropriate, feasible, or in the best interest of the parties.

The Court Orders That:

(3) The Orientation Course is

☐ waived for Petitioner.

☐ waived for Respondent.

☐ not waived for Petitioner.

☐ not waived for Respondent.

(4) The Education Course is

☐ waived for Petitioner.

☐ waived for Respondent.

☐ not waived for Petitioner.

☐ not waived for Respondent.

(5) The ☐ Petitioner ☐ Respondent may not seek affirmative relief from this court in this case unless the required Orientation and Education Courses have been completed.

(6) Other: _____

This order survives the entry of the final decree in this case.

Date

Sign here _____
Judge _____

Certificate of Service

I certify that I served a copy of this document on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Sign here _____

Date _____

Typed or Printed Name _____