

JUDICIAL COUNCIL MEETING

AGENDA

December 18, 2017

Council Room

Matheson Courthouse

450 S. State St.

Salt Lake City, Utah 84111

9:00 a.m. to 12:00 p.m.

Chief Justice Matthew B. Durrant Presiding

1. 9:00 a.m. Welcome & Approval of MinutesChief Justice Matthew B. Durrant
(Tab 1 – Action)
2. 9:05 a.m. Chair’s ReportChief Justice Matthew B. Durrant
3. 9:10 a.m. Administrator’s ReportRichard Schwermer
4. 9:20 a.m. Reports: Management CommitteeChief Justice Matthew B. Durrant
Liaison Committee..... Justice Thomas Lee
Policy and Planning.....Judge Derek Pullan
Bar Commission.....Rob Rice, esq.
(Tab 2 – Information)
5. 9:30 a.m. Fourth District/Juvenile Commissioner Nominee..... Judge James Brady
(Tab 3 – Action) Judge Suchada Bazzelle
6. 9:45 a.m. Homeless Youth Court Judge Elizabeth Knight
(Information)
7. 9:55 a.m. ADR Committee Update..... Judge Royal Hansen
(Information) Nini Rich
8. 10:00 a.m. Judicial Conduct Commission Update..... Alex Peterson
(Tab 4 – Information)
9. 10:15 a.m. Board of Juvenile Court Judges Update..... Judge Ryan Evershed
(Information) Dawn Marie Rubio
- 10:25 a.m. Break

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|-----|------------|---|---|
| 10. | 10:35 a.m. | Proposed Probation Policy Process | Dawn Marie Rubio
Brent Johnson |
| 11. | 10:50 a.m. | HR Policy. Code of Personal Conduct 500..... | Keisa Williams |
| 12. | 11:00 a.m. | Policy on Naming Courthouses | Keisa Williams |
| 13. | 11:10 a.m. | Access and Fairness Survey Results | Jessica Van Buren |
| 14. | 11:20 a.m. | Forms Committee Update and Process | Randy Dryer
Brent Johnson |
| 15. | 11:30 a.m. | Senior Judge Certification | Nancy Sylvester |
| 16. | 11:40 a.m. | Self-Represented Parties Committee Update | Judge Barry Lawrence
Nancy Sylvester |
| 17. | 11:50 a.m. | MUJI – Civil Committee Update..... | Judge Andrew Stone
Nancy Sylvester |
| 18. | 12:00 p.m. | Executive session | |
| 19. | 12:30 p.m. | Adjourn | |

Consent Calendar

The consent calendar items in this section are approved without discussion if no objection has been raised with the Administrative Office of the Courts or with a Judicial Council member by the scheduled Judicial Council meeting or with the Chair of the Judicial Council during the scheduled Judicial Council meeting.

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| 1. | Committee Appointments
(Tab 13) | Ray Wahl
Nini Rich |
| 2. | Forms Committee – forms
(Tab 14) | Brent Johnson |

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|----|--|-----------------------------------|
| 3. | Rules – for public comment
(Tab 15) | Keisa Williams
Nancy Sylvester |
| 4. | Rules – for final approval
(Tab 16) | Nancy Sylvester |
| 5. | VAWA Grant
(Tab 17) | Jim Peters |
| 6. | Rule 4-202.02 Table
(Tab 18) | Keisa Williams |

Tab 1

JUDICIAL COUNCIL MEETING

Minutes

November 20, 2017

Huntsman Cancer Foundation and Corporation

500 Huntsman Way

Salt Lake City, Utah 84108

12:30 p.m. – 4:00 p.m.

Chief Justice Matthew B. Durrant, Presiding

Attendees:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Toomey, Vice Chair
Hon. Augustus Chin
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Justice Thomas Lee
Hon. David Marx
Hon. Mary Noonan
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Todd Shaughnessy
Rob Rice, esq.
Hon. John Walton

Staff:

Richard Schwermer
Ray Wahl
Jeni Wood
Heidi Anderson
Shane Bahr
Kim Free
Tom Langhorne
Alyn Lunceford
Jim Peters
Nancy Sylvester
Keisa Williams

Excused:

Guests:

Ronnie Adams
Hon. Diana Hagen
Kacie Bosone
Hon. David Mortensen
Justice Paige Petersen

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

Chief Justice Matthew Durrant welcomed everyone to the meeting. Chief Justice Durrant administered the Oath of Office to new members Judge Augustus Chin, Judge Kara Pettit, and Judge John Walton.

Motion: Judge Kate Toomey moved to approve the minutes from the October 3, 2017 Judicial Council meeting. Judge Paull Farr seconded the motion, and it passed unanimously.

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

Chief Justice Durrant said he recently attended the Conference of Chief Justices Board meeting. Chief Justice Durrant noted Judge Pullan spoke at Georgetown Law School on civil justice reform.

3. ADMINISTRATOR'S REPORT: (Richard Schwermer)

Richard Schwermer introduced the new Appellate Court Administrator, Cathy Dupont. Mr. Schwermer noted Ms. Dupont and Jacey Skinner will start Monday. Mr. Schwermer said the Council asked Jennifer Yim at the last meeting to clarify the OPC referral process. Ms. Yim reported that JPEC does not require that the judge be the signatory to the Bar complaint. Mr. Schwermer noted the Board of Examiners met and approved the jury interpreter fund overage and recommended funding to the Legislature. The National Center for State Courts tracks court data through their court statistics project. Mr. Schwermer stated Utah was one of two states in 2017 that received 100% on reporting all data elements. The Utah courts will receive the National Center for State Courts 2017 Court Statistics Project Award of Excellence, which will be presented at the Conference for State Court Administrators. Mr. Schwermer said there is a judicial vacancy in Third District Court to replace Justice Paige Petersen's position.

4. COMMITTEE REPORTS:

Management Committee Report:

There was no report on this meeting.

Liaison Committee Report:

Justice Thomas Lee said the Liaison Committee had a retreat. Jacey Skinner attended the retreat and noted she would like to help members of judiciary to feel more informed and included in the legislative process.

Policy and Planning Meeting:

Judge Derek Pullan said the work of the Policy & Planning Committee is reflected in the minutes.

Bar Commission Report:

Rob Rice reported that the Bar Commission approved a survey of small businesses and individuals to address why and when people do or do not hire lawyers. There will be 800 individuals and 200 businesses surveyed. After the results have been received the State Bar will conduct a focus group. Once the group has completed their work, the results will be shared with the Judicial Council.

5. JUDICIAL COUNCIL COMMITTEE MEMBERSHIP: (Richard Schwermer)

Mr. Schwermer reviewed the proposed Judicial Council committee membership, which was recently approved by the Management Committee.

Motion: Judge Mark DeCaria moved to approve the Judicial Council committee membership as presented. Judge Kara Pettit seconded the motion, and it passed unanimously.

6. CODE OF JUDICIAL ADMINISTRATION RULE 1-201: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. Ms. Williams stated rule 1-201 has completed the public comment phase with no comments received. Ms. Williams would like the rule approved with an effective date of May 1, 2017.

Motion: Judge Todd Shaughnessy moved to approve rule 1-201 for final approval as proposed with an effective date of May 1, 2017. Justice Thomas Lee seconded the motion, and it passed unanimously.

7. EDUCATION COMMITTEE UPDATE: (Judge Diana Hagen, Tom Langhorne and Kim Free)

Chief Justice Durrant welcomed Judge Diana Hagen, chair of the Standing Committee on Judicial Education, and Tom Langhorne. Mr. Langhorne introduced Kim Free, staff in the Education department. Mr. Langhorne reviewed a power point presentation for the Council. Mr. Langhorne said the Education Department annually has more than 100 day-long classes at courts throughout the state, as well as 24 major statewide conferences including specialty workshops.

8. PROPOSAL FOR NAMING OF PROVO COURTHOUSE: (Justice Paige Petersen, Judge David Mortensen, Alyn Lunceford, and Katie Bosone)

Chief Justice Durrant welcomed Justice Paige Petersen, Judge David Mortensen, Alyn Lunceford, and Katie Bosone. Justice Petersen introduced Ms. Bosone, who discussed with the Council a presentation addressing Reva Bosone's accomplishments. Ms. Bosone would like to have the Provo Courthouse named after Reva Bosone.

Mr. Lunceford noted there are two named courthouses in Utah. Mr. Lunceford explained the process of how a courthouse is named. Mr. Lunceford noted the buildings are typically named during the funding stage. If approved by the Council, the proposal would be sent to the Building Board, who would then report this proposal to the Legislature. Mr. Lunceford said it is also possible to name a room in the courthouse without having to seek approval from the Building Board and the Legislature, as we did in naming the mediation suite in the Ogden Juvenile Courthouse.

Mr. Schwermer said the choices before the Council are 1) reject the proposal; 2) name a room at the Provo Courthouse; 3) accept the proposal and send Ms. Bosone's name to the Building Board; or 4) seek approval from Price to name that courthouse. Judge Mortensen said there will be a ceremonial courtroom at the Provo Courthouse that could possibly be named. Mr. Lunceford noted the State Building Board is reluctant to name buildings. Judge Pullan said he received several emails from individuals who saw the Council's agenda wanting to provide potential names for the Provo Courthouse. Judge Pullan said there should be a process in place to allow consideration of all potential candidates. Currently the courts do not have a process for naming rooms or courthouses. Ms. Bosone said she is open to adding the name to the Price Courthouse but she prefers the Provo Courthouse.

After further discussion the Council decided to create a process and invite Ms. Bosone's family to participate. The Policy & Planning Committee will work on creating a process. Mr. Schwermer will contact Ms. Bosone and let her know that once the process is complete, she may apply.

Motion: Justice Lee moved to reject the current request to have the Provo Courthouse named after Reva Bosone and to have the Policy & Planning Committee work on a policy. Judge Toomey seconded the motion, and it passed unanimously.

9. STANDING COMMITTEE ON CHILDREN AND FAMILY LAW: (Ray Wahl)

Chief Justice Durrant welcomed Ray Wahl. Mr. Wahl said the committee felt strongly that they wanted to continue their work, especially now that the Council had asked the committee to implement the recommendations of the Domestic Case Process Improvement Sub-committee.

Motion: Judge Higbee moved to approve the Standing Committee for Children and Family Law continue for an additional six years. Judge Toomey seconded the motion, and it passed unanimously.

10. NOTICE OF INTENT TO DISSOLVE NEWTON/AMALGA JUSTICE COURT: (Jim Peters)

Chief Justice Durrant welcomed Jim Peters. Mr. Peters said the Newton/Amalga Justice Court is a class 4 court. The courthouse is located in Newton. Mr. Peters noted there were attempts at exploring an interlocal agreement, however, there has been no further indication that this option is still in discussion. Mr. Peters said the court handles about 100 cases per year. Mr. Peters recommends dissolution of the court effective April 1 contingent on legislative approval.

Motion: Judge Toomey moved to approve the dissolution of the Newton/Amalga Justice Court contingent on the Legislature's approval. Justice Lee seconded the motion, and it passed unanimously.

11. JUSTICE COURTS PRESIDING JUDGE RULE 9-109: (Jim Peters and Nancy Sylvester).

Chief Justice Durrant welcomed Nancy Sylvester. Mr. Peters noted this rule proposal mimics the district/juvenile court rule addressing presiding judges. This rule creates an infrastructure because the justice courts do not have Trial Court Executives or Clerks of Court. Judge Farr noted this rule will significantly help with the education of judges and allow for better judge-mentoring. Mr. Peters would like the rule to be effective May 1, 2017. Mr. Peters said the presiding judge and education judge can be held by the same person in smaller districts, however, larger districts may want to split those roles.

Motion: Judge Toomey moved to approve Rule 9-109 be sent for public comments as proposed, Judge DeCaria seconded and it passed unanimously.

12. RETENTION ELECTION CERTIFICATIONS: (Nancy Sylvester)

Ms. Sylvester addressed the certification of Judge Arthur Christean as an inactive senior judge.

Motion: Judge Toomey moved to approve Judge Arthur Christean as an inactive senior judge. Judge Shaughnessy seconded the motion, and it passed unanimously.

13. SENIOR JUDGE RECERTIFICATION AND COMMISSIONER EVALUATIONS: (Nancy Sylvester)

Ms. Sylvester briefly addressed the recertifications and evaluations.

Motion: Judge Higbee moved to approve all recertifications with the exception of Judge Read and Judge Carpenter. Justice Lee seconded the motion, and it passed unanimously. Judge Pullan abstained in relation to himself. Judge DeCaria abstained in relation to himself. Judge Pettit abstained in relation to herself. Chief Justice Durrant had excused himself from the meeting, therefore, Judge Toomey, as chair, did not vote. Judge Noonan was not present during voting.

14. EXECUTIVE SESSION

Motion: Judge Toomey moved to go into executive session to discuss the character or fitness of an individual. Justice Lee seconded the motion, and it passed unanimously.

An executive session was held.

15. ADJOURN

The meeting was adjourned.

Tab 2

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**December 12, 2017
Council room
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111
12:00 p.m. – 2:00 p.m.**

Members Present:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Toomey, Vice Chair
Hon. David Marx
Hon. Mary Noonan
Hon. Todd Shaughnessy

Staff Present:

Richard Schwermer
Ray Wahl
Jeni Wood
Shane Bahr
Cathy Dupont
Brent Johnson
Heather Mackenzie-Campbell
Jim Peters
Nini Rich
Dawn Marie Rubio
Jacey Skinner
Nicholas Stiles
Nancy Sylvester
Keisa Williams

Excused:

Guests:

Jennifer Butler
Randy Dryer

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

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

Motion: Judge Kate Toomey moved to approve the November 14, 2017 Management Committee meeting minutes. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

Chief Justice Durrant noted the meeting with Governor Herbert went well with the Governor being receptive to the pretrial release program.

2. ADMINISTRATOR'S REPORT: (Richard Schwermer)

Richard Schwermer said he attended the meeting with Governor Herbert as well. Mr. Schwermer said the legislative fiscal analyst has been directed to add \$2.1 million to the juror

witness interpreter (JWI) account, with an additional \$1 million of ongoing funds into the account. Mr. Schwermer said there is an offer has been made for the Audit Director position. The Seventh District TCE position should be filled as soon as the presiding judge approves the candidate.

3. MEASURES FOR JUSTICE DATA REQUEST: (Richard Schwermer)

Mr. Schwermer said the Measures for Justice Group (“Group”) has approximately \$25 million in grant funds. They have been working with states to provide data and Utah has provided 8 core data elements to them. Mr. Schwermer said some of the data will come from other entities, such as jails. Mr. Schwermer said the group returned to Utah this past summer to collect additional information. Mr. Schwermer said the the National Center for State Courts is trying to create a uniform database for all of states to use. Mr. Schwermer discussed the possibilities of how the Utah courts can respond to the group’s request for data beginning in 2012. Mr. Schwermer said this will be an ongoing process with the group requesting information every year or every other year. The Management Committee expressed interest in transparency but there are pros and cons to providing all requested information. Judge Toomey recommends deferment until a decision is made on national standards. Chief Justice Durrant agrees that waiting another month to see if national standards can be created would be advisable.

4. AOC FINANCE, FACILITIES AND PURCHASING FINAL AUDIT REPORT: (Heather Mackenzie-Campbell)

Chief Justice Durrant welcomed Heather Mackenzie-Campbell to the meeting. Chief Justice Durrant thanked Ms. Mackenzie-Campbell for her countless, thoughtful efforts over many years on Court audits. Ms. Mackenzie-Campbell reviewed the audit findings with the Committee. Ms. Mackenzie-Campbell noted Richard Schwermer and Ray Wahl will address employee work cell phones through a committee that is being created.

Mr. Schwermer said in the past the courts have paid for s dues to many organizations but moving forward a list of approved organizations to pay dues has been developed.. Ms. Mackenzie-Campbell said if there is something that is not on the approved list then approval is required by Mr. Schwermer.

Ms. Mackenzie-Campbell discussed travel mileage rates for personal vehicles. The policy requires that an employee will receive the lower rate if they use their personal vehicle and there is a state car available.

Other findings of the audit were reviewed including proper purchasing processes, the approve process to amend contracts, separation of duty issues, and contract billing.

Motion: Judge Toomey moved to accept the AOC Finance, Facilities, and Purchasing final audit. Judge Marx seconded the motion, and it passed unanimously.

5. THIRD DISTRICT CLERICAL REQUEST: (Shane Bahr)

Shane Bahr discussed the clerical weighted caseload formula relating to the 3rd District Court request. . Mr. Bahr explained historically there has been a 10% deviation built into the

formula. Dawn Marie Rubio said the deviation of 10% goes above and below a courts' workload and attempts to address workload fluctuations . This lead to a discussion about the commissioner position in the Third District Juvenile Court, which was delayed until December to determine the impact of HB 239.. Mr. Schwermer is requesting direction from the Management Committee on this issue. He suggests that he discuss this issue with PJ Lund and discuss the commissioner workload in 3rd District Juvenile Court. He also suggests he talked with PJ Skanchy about not only judicial needs but clerical needs. Mr. Schwermer said this Committee needs to decide if they want to move a commissioner vacancy, along with additional resources, to fund a judicial position. . Ms. Rubio will discuss with Neira Siaperas the clerk positions assigned to work with the commissioner. There was some discussion about using these formulas to move positions to accommodate workload and Mr. Wahl noted clerical positions and probation positions have been moved between the districts in the past and this discussion is a continuation of this practice. . Judge Shaughnessy said the Third District is extremely short staffed with clerks. Mr. Schwermer will speak to Judge Lund and and Judge Skanchy and return this issue to January's Management Committee meeting agenda. This item will be removed from December's Judicial Council's agenda.

6. CASES UNDER ADVISEMENT: (Shane Bahr)

Mr. Bahr said he received notice that there were cases over the 90-day limit for cases under advisement. Mr. Bahr verified the reports with Kim Allard. There is a need for judicial clerk training on reporting the cases. Mr. Bahr would like to table this discussion to a later date. Mr. Schwermer noted, per rule, if a case is 90 days past due it must be discussed with the Judicial Council. If a case is more than 60 days past due it must be addressed with the presiding judge. Chief Justice Durrant noted that when this issue was discussed with JPEC, they understand inadvertent violations.

7. COMMITTEE APPOINTMENTS: (Ray Wahl and Nini Rich)
Standing Committee on Children and Family Law

Ray Wahl briefly addressed the Standing Committee on Children and Family Law recommendation to appoint Jared Hales and Russ Minas to serve on the committee.

Motion: Judge Toomey moved to approve the appointment of Jared Hales and Russ Minas to the Standing Committee on Children and Family Law and to place it on the December Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

ADR Committee

Chief Justice Durrant welcomed Nini Rich. Ms. Rich the ADR Committee's need to replace a mediator on the Committee and the three names forwarded to the Management Committee.

Motion: Judge Toomey moved to approve the appointment of Benjamin Cook to the ADR Committee and place it on the December Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

8. FORMS COMMITTEE, PROPOSE FORMS COMMITTEE PROCESS AND FORMS FOR REVIEW: (Randy Dryer and Brent Johnson)

Chief Justice Durrant welcomed Randy Dryer and Brent Johnson. Mr. Dryer thanked the Committee for their support and guidance with the Forms Committee. Mr. Dryer noted the committee meets monthly and has formed several subcommittees. The primary focus of the committee is the Licensed Paralegal Practitioner forms. Mr. Dryer noted standardizing forms throughout the state will be a multi-year process. The new forms will have a numbering system. Mr. Dryer said the Forms Committee seeks guidance from this Committee on the following issues: 1) will licensed professional paralegal fees be recoverable; 2) role of the Forms Committee in relation to legal and policy issues; 3) identifying forms that need to be translated into other languages; 4) clarification on which forms the Judicial Council would like to approve, such as all LPP forms should be approved by the Judicial Council but all other forms the Forms Committee can approve; and 5) whether the Judicial Council would like the proposed forms to go through the public comment phase. Mr. Dryer said Brent Johnson has been invaluable in this process. Judge Toomey does not believe the forms process does not need to use the publication for comment step. Brent Johnson said he suggests moving the Forms Committee discussion and questions to the Judicial Council's agenda. Chief Justice Durrant thanked the Forms Committee for all of their efforts.

9. 2018 VAWA GRANT: (Nicholas Stiles)

Chief Justice Durrant welcomed Nicholas Stiles. Mr. Stiles said he is leaving the courts as of tomorrow for the Utah State Bar. Mr. Stiles noted the grant has historically funded the position as a part-time coordinator, then a three-quarter time coordinator, and now they have funded a full-time coordinator. Mr. Stiles reviewed the goals of the domestic violence coordinator and how the grant supports those goals.

Motion: Judge Toomey moved to approve the 2018VAWA Grant and put it on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

10. ADDING A TABLE TO CJA RULE 4-202.02: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. Ms. Williams explained that rule 4-202.02 on document classification is cumbersome and difficult to understand. Ms. Williams presented the Committee with a proposed table and noted there were not any changes to the rule.

Motion: Judge Toomey moved to add this table on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

11. HR POLICY. CODE OF PERSONAL CONDUCT 500: (Keisa Williams)

Ms. Williams addressed recent discovery of an employee carrying and ultimately leaving a firearm in a state car. Ms. Williams discussed this issue with Chris Palmer. Ms. Williams said an employee can keep a firearm in their personal vehicle on the court premises but not in a state car. Judge Toomey suggested Ms. Williams review the policy's typographical errors.

Motion: Judge Toomey moved to approve the amendment to the Code of Personal Conduct and put it on the Judicial Council agenda. Judge Shaughnessy seconded the motion, and it passed unanimously.

12. POLICY ON NAMING COURTHOUSES: (Keisa Williams)

Ms. Williams said the Policy & Planning Committee created a draft proposal for the process of naming a courthouse.

Motion: Judge Marx moved to put this item on the Judicial Council agenda. Judge Shaughnessy seconded the motion, and it passed unanimously.

13. GRAMA REQUEST APPEAL: (Nancy Sylvester)

This item was continued to the next meeting.

14. PROPOSED PROBATION POLICY PROCESS: (Dawn Marie Rubio)

Ms. Rubio addressed the proposed policy review process as requested by this Committee. Ms. Rubio is requesting this Committee conditionally approve the proposed probation policies with the understanding that future policies will all be addressed.. Ms. Rubio said this should take approximately 15 to 18 months. Judge Mary Noonan said she is concerned with conditionally approving the policies because there may be blind spots that have not been reviewed. Ms. Rubio noted creating these policies takes several steps therefore committing to a time-line would be a difficult goal to achieve. Mr. Johnson recommends conditionally approving policies for now subject to review. Judge Noonan said she understands the workload involved and getting a more firm time-line would help the Committee feel more secure with conditionally approving this process.

Motion: Judge Shaughnessy moved to task Brent Johnson with creating language for the conditional approval of probation policies and put it on the Judicial Council agenda. Judge Toomey seconded the motion, and it passed unanimously.

15. SOUTH JORDAN JUSTICE COURT HOURS: (Jim Peters and Jennifer Butler)

Chief Justice Durrant welcomed Jim Peters and Jennifer Butler. Ms. Butler works at the South Jordan Justice Court. Mr. Peters addressed the rules and statute requiring court hours and number of days a courthouse must be open. Mr. Peters noted that South Jordan Justice Court is requesting a waiver to have their court open 10 hours a day, Monday through Thursday and 4 hours Friday. Ms. Butler said South Jordan City hours are changing as of January 1, which affects the justice court, as they are located in the city building. Ms. Butler noted the city building will be locked on Friday afternoon although there is an electronic method to contact the court. Ms. Butler said the justice court will be relocating to a new building in approximately one year and therefore, this request is temporary.

Motion: Judge Marx moved to approve this exception until the new courthouse is built and put it on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

16. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Durrant)

Chief Justice Durrant addressed the proposed agenda for the December 18, 2017 Judicial Council meeting.

Motion: Judge Marx moved approve the Judicial Council agenda as amended. Judge Shaughnessy seconded the motion, and it passed unanimously.

11. EXECUTIVE SESSION

An executive session was held at this time.

Motion: Judge Shaughnessy moved to go into an executive session to discuss potential litigation. Judge Marx seconded the motion, and it passed unanimously.

12. ADJOURN

The meeting was adjourned.

Policy and Planning Committee

**Matheson Courthouse
Council Room
450 S. State St.
Salt Lake City, UT 84114**

**December 1, 2017
9:00 a.m. – 5:00 p.m.**

Draft

Members Present

Hon. Derek Pullan - Chair
Hon. Augustus Chin
Hon. John Walton
Rob Rice

Members Excused

Hon. Kara Pettit

Staff

Keisa Williams
Nancy Sylvester

Guests

Dawn Marie Rubio
Brent Johnson
Rob Parkes
Jaycee Skinner

(1) Welcome, Member Introductions, and Chair re-election.

Judge Pullan welcomed everyone and introduced the Committee's two newest members. Judge Augustus Chin is from the Holladay Justice Court and has been on the bench for six years. Judge John Walton is from the Fifth District Court and today marks his twelfth year on the bench. Judge Kara Pettit was unable to attend. Judge Pullan left the room. A motion was made by Judge Chin to reappoint Judge Pullan as Committee chair. Judge Walton seconded the motion and it passed unanimously.

(2) Approval of minutes.

Judge Pullan addressed the October 3, 2017 minutes. Judge Pullan stated that in paragraph four under "Records classification", he would like to add that the Committee discussed the significant public interest in knowing the grounds on which the Executive Branch exercises its arrest power, and for that reason, probable cause statements ought to remain public. There being no other amendments to the minutes, Rob Rice made a motion to approve the minutes as amended. Judge Walton seconded the motion and it passed unanimously.

(3) CJA 3-201. Court Commissioners.

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

CJA 3-201

Ms. Sylvester addressed CJA 3-201 and stated that the rule draft is essentially finished and just needs a motion to approve it. A motion was made by Judge Chin to approve the current version of rule CJA 3-201 which will become effective as of May 1, 2018. Rob Rice seconded the motion and it passed unanimously.

CJA 3-111

Ms. Sylvester provided an update on CJA 3-111. The Committee has approved most of the amendments, but the Council recently raised some issues when they were going through senior judges' certifications about getting meaningful feedback from presiding judges and trial court executives (TCEs). The rule has already been circulated for public comment, but it has been subject to enough changes that it will likely need to go back out for public comment before being approved.

Ms. Sylvester met with senior judges and Keisa Williams met with the presiding judges at the Annual Judicial Conference. The presiding judges' feedback was the same as the senior judges, in that there needs to be a better mechanism for gaining more significant feedback. JPEC was contacted and asked for suggestions on how to attain feedback for the part-time justice court judges since they are not getting as much response through the regular process for full-time judges. Ms. Sylvester spoke with Jennifer Yim who explained that an interviewer stands outside the courtroom after a hearing and as people leave, they are given a questionnaire to fill out.

Ms. Sylvester created four new questionnaires based upon what was drafted in paragraph 3(b), lines 111 – 135. The idea is that presiding judges and trial court executives will collect the questionnaires which will inform their creation of senior judges' performance evaluations. Even if presiding judges and TCEs don't have direct knowledge of a senior judge's performance, they can still gather information which can then be processed, distilled and sent to the Council.

Ms. Sylvester explained that the Court of Appeals survey is an entirely different process since there is no trial court executive. She suggested that it may be best to have a clerk of court (CoC) essentially become the TCE in 3(b)(2)(i). This way, the presiding judge and CoC would acquire information from the other members of the panel and law clerks. Central staff is assigned to senior judges in the appellate court. Since there is no way of concealing the identity of an individual answering the survey, Ms. Sylvester suggested that lines 122 and 133 (3)(b)(2)(i) be removed from the appellate surveys that states, "retype and edit as necessary." Judge Pullen expressed concerned that if there is

no anonymity in the survey, law clerks and court staff may not feel comfortable being honest about a senior judge's evaluation.

The new language in Lines 115 – 117 are provisions that deal with the form that Ms. Sylvester has created where she draws a distinction between the questionnaire and the survey. The questionnaire is less formal and is what the public and court staff will be filling out. The survey is filled out by the presiding judge and TCE. Judge Pullen asked if the questionnaire will be anonymous. Ms. Sylvester stated that it may ultimately be a policy question. Rob Rice said that in order to get a candid response from court staff, the questionnaires should be done anonymously. There was discussion about whether the language in the questionnaire should reflect that it's an "anonymous questionnaire" and if the signature line should be removed.

Judge Chin pointed out that if the questionnaire is anonymous, it may be difficult to follow-up on performance issues or concerns. Senior judges will continually be evaluated by attorneys who have appeared before them. The presiding judge is usually unaware of evaluation results. Another concern is that if the questionnaire is anonymous and the signature line is taken out, presiding judges and TCEs may not be able to ask the individual for additional details about a specific situation that raises a flag or concern. The questionnaires are not subject to GRAMA requests because they deal with personnel so that is not a concern. Jurors may raise significant issues about the trial itself and the court would have an obligation to do something about it. Judge Pullen noted that in order for a questionnaire to be meaningful, it has to be candid. Ms. Sylvester suggested that it may be up to internal staff to determine whether questionnaires should be anonymous.

It was also noted that because there are no TCEs in justice courts, line 114 should be changed to include the justice court administrator. It was decided by the Committee that "anonymous questionnaire" would be added to line 115 (the same applies with the appellate court). Ms. Sylvester will take out "and jurors" in section 3(B)(i) because jurors only fill out the questionnaires.

Judge Pullen asked for clarification as to why survey questions only deal with the "non-legal ability of judges." Ms. Sylvester explained that attorneys are being surveyed on the legal abilities of the judge, where court staff may not be qualified to weigh in on a judge's legal ability.

Ms. Sylvester pointed out that sections 3(B)(i) and 3(B)(ii) deal with courts of record. Since justice courts don't have TCEs, it might be helpful to add the language, "or in the justice courts, the justice court administrator" on line 114.

Recently the Judicial Council brought up a concern about section 3(C), regarding the case under advisement standard because senior judges who are up for retention are

self-certifying. The council suggested that something be put in the rule that says the AOC will pull all of that information. The Committee decided to revisit this issue at a later date.

In section (4)(F) (lines 205-207), Judge Pullen suggested that the language be changed to read, "At the request of the Council the senior judge or court commissioner challenging a non-certification decision shall meet with the Council in August." The committee agreed to that change.

A motion was made by Judge Chin to recommend to the Judicial Council that rule CJA 3-111 be published for public comment. The motion was seconded by Rob Rice and it passed unanimously.

(4) CJA 3-101. Judicial Performance Standards.

This came up in the last Council meeting. The Council felt that the rule was too harsh and didn't allow room for discretion of the Council and their ability to consider special circumstances. Ms. Sylvester proposed changes to the Rule's intent at lines 3-4. The language clarifies that the rule establishes standards of performance upon which the Council certifies judges for retention to JPEC.

Ms. Sylvester added paragraph 5, a good cause standard, which states, "For good cause, including excusable neglect, the Council may elect to certify a judge who does not meet all performance standards." Mr. Rice questioned whether the good cause and excusable neglect language is articulated elsewhere in the rules or whether it's just a general definition. Judge Walton suggested that there is an advantage to using similar language to that outlined in the statute requiring JPEC to provide reasoning for any deviation to the certification standards. Mr. Rice felt that "good cause" is an appropriate standard rather than just a detailed explanation for the deviation. Judge Walton noted that the "good cause" standard might be too strict because there may be circumstances in which a judge's issue doesn't rise to the level of good cause, but it was one minor issue over a short period of time that could be explained through the less strict JPEC deviation requirement.

Jaycee Skinner suggested a hybrid approach – where the court would keep the strict liability standard, either they met the criteria or they didn't, but make a finding of good cause to JPEC that overcomes the presumption. It would be helpful for JPEC to have the benefit of the court's reasoning. The court would be saying that the judge doesn't technically meet the certification requirements, but the court is, nonetheless, recommending that they be certified for the following reasons. JPEC makes the final decision about whether a judge has met the certification/performance standards, but it will now have the benefit of the Court's information. The committee expressed concern about whether the Council can certify a judge for retention who does not meet the minimum certification requirements. After a review of the statutory language and

JPEC's administrative rules, the committee determined that the strict liability standard for certification cannot be changed. The language was amended to state that the Council declines to certify the judge, but recommends retention.

The committee expressed potential timing concerns of publishing this rule for comment because it may cause confusion about the court's intent. A decision on this is time-sensitive because Chief Justice Durrant will be meeting with JPEC and it might be helpful for him to discuss the potential rule amendment. Ms. Skinner suggested that the timing is less a problem for the legislative session and is more of an issue if it's changed in the middle of a retention election.

Ms. Skinner suggested that Ms. Sylvester speak to JPEC and get their opinion before putting this out for public comment. It was decided that the committee would submit the rule draft for discussion by the Council and not recommend that it be sent out for public comment until the Council has had time to address it and Ms. Sylvester can get JPEC's feedback.

A motion was made by Judge Chin to send this to the Judicial Council for discussion. The motion was seconded by Rob Rice and it passed unanimously.

(5) CJA 7-303. Truancy Referrals.

Dawn Marie Rubio addressed a proposal to repeal rule CJA 7-303 of the Code of Judicial Administration. The rule outlines the court's process for truancy referrals made to the juvenile court. Last year during the legislative session, HB 239 eliminated the jurisdiction of the juvenile court over habitual truancy matters. As such, this rule is no longer needed and similar efforts are being made by the Rules of Juvenile Procedure Committee to repeal URJP Rule 31. The proposal to repeal CJA 7-303 has been supported and vetted through the Board of Juvenile Court Judges.

A motion was made by Rob Rice to repeal rule CJA 7-303 and recommend to the Judicial Council that this be published for public comment. Judge Chin seconded the motion and it passed unanimously.

(6) Policy on Naming Courthouses.

Ms. Sylvester reviewed the Judicial Council's discussion at its last meeting regarding a request to name the Provo Courthouse. There were no competing proposals and the Council was concerned about acting upon it and suggested that a policy regarding naming courthouses be created. Nancy drafted a proposed policy and Justice Lee provided feedback and edits. Justice Lee wanted to make it clear that we're creating this policy because of a recent request. The proposal creates a presumption that the Council won't name any of their new courthouses, except for those that are named geographically. The Council would consider requests to name newly constructed or significantly remodeled courthouses. In order to have a courthouse named after a

person (living or dead), the person must have strong ties to the community and have made significant contributions to the community where the courthouse is located. In order to be considered, the person must have contributed to the administration of justice, have a tie to the judiciary, have lived an exemplary life, and served as a role model in the community. The Committee may consider a request to name a courthouse, but ultimately it does not have the authority to name it. The authority resides with the Department of Administrative Services' Building Board, to which the Judicial Council may make recommendations. The Committee has the authority to name internal areas of a courthouse. Naming an internal area would require the same criteria. Judge Chin noted that in paragraph two, the phrase "will consider requests" should be changed to "may consider requests."

The Committee reviewed the Building Board's naming policy. The committee discussed the meaning of "ties to the community" and whether it has to mean ties to the local community or to the state of Utah. Ms. Sylvester recommended adding the desire of the individual's family as a requirement. The committee discussed whether there should be a policy at all. The policy could also be used if there were a legislative proposal to name a building. The Council may need to be equipped with a tool to respond to requests. The committee made amendments based on their discussion and agreed to recommend that a policy be in place.

A motion was made by Judge Chin to advance the proposed policy to the Judicial Council for discussion. Judge Walton seconded the motion and it passed unanimously.

(7) CJA 3-104. Presiding Judges.

Brent Johnson reviewed proposed rule changes to CJA 3-104. There was an omission in the packet. Brent handed out paragraph (3)(O) that should have been added at the end of the rule. The Rules of Criminal Procedure Committee is reorganizing URCrP Rule 7 and dividing it into several distinct rules, each addressing different subjects. One of the proposed changes to Rule 7 incorporated a requirement for the development of a rotation of magistrates. The Supreme Court suggested that the provision be moved out of Rule 7 and into the presiding judge rule because it involved internal operating procedures, not rules of criminal procedure. Developing the rotation isn't mandatory; this would just provide the ability for jurisdictions to do it if they wanted to.

The amendments in section (3)(L)(ii), at lines 163-166, refer to a different issue. This relates to judges reporting cases under advisement. Currently, the rule refers to a form that doesn't exist. The practice throughout the district is different, some only require reporting if judges have cases under advisement. Some require reporting every month. Mr. Johnson recommended that the rule be tabled pending further review and edits on his part so that he can explore whether the AOC can/should just internally run reports every month so that judges don't have to report anything at all. That data would just be tracked by the AOC. There is a concern about self-reporting in part because some

judges have not reported when a case is under advisement, although it hasn't been a significant issue. Judge Pullan stated that he liked the self-reporting requirement because it kept the issue fresh in his mind. He suggested that the AOC run automatic reports, but keep the self-reporting requirement. Judge Walton stated that requiring self-reporting also helps judges to discover problems with the data. For example, the docket says the case is under advisement, but the judge has resolved the issue with attorneys including a stipulation that the case not be decided at that time. In those instances, there should be a record made to that effect, but it might have been overlooked.

Mr. Johnson stated that it might be important to approve the portion of the amendment getting rid of a form that doesn't exist now and table the remaining amendments for a later time. Mr. Rice suggested that all of the amendments to (3)(L)(ii) be held until the entire section can be revisited.

A motion was made by Mr. Rice to recommend to the Council that the amendments under section (3)(O) – but not section (3)(L)(ii) - be published for public comment. The motion was seconded by Judge Walton and passed unanimously.

(8) CJA 6-601. Mental Health Commissioners.

Brent Johnson reviewed the proposed amendments to CJA 6-601. During the last legislative session, the legislature created a new cause of action to allow individuals to seek treatment for someone who is suffering from an opioid addiction. The new statute is under Title 62A, Chapter 15, Substance Abuse and Mental Health Act. Court commissioners are currently authorized to conduct proceedings under part 6, which includes the provisions on civil commitments of mentally ill individuals. Because court commissioners are already conducting those proceedings, the Second District Court is proposing that court commissioners also be allowed to preside over the essential treatment proceedings.

Judge Pullan stated that there is a policy question about whether commissioners should preside over those proceedings. Judge Pullan reviewed the statute and expressed a concern that commissioners do a lot of their work by taking proffers from attorneys. The statute makes several references to the fact that the parties may testify and be cross-examined and the court must make certain findings. The statute contemplates something more than what a commissioner can do and there are very few commissioners state-wide to address these cases.

Mr. Johnson stated that his concern is that the intent behind the statute is for these proceedings to happen as quickly as possible because there are people with opioid addictions who need treatment right away. Mr. Johnson is uncomfortable having commissioners handle these proceedings because it would be good to have a judge's eyes on it right away. In addition, Mr. Johnson expressed concerned that we are

already stretching the authority of commissioners to do what they are doing now. Adding this ability may be going too far. Judge Pullan stated that he thinks these time-sensitive cases should go directly to a district court judge. Judge Walton stated that because these are new, they could be high-profile and involve the media. Commissioners don't run for retention elections. For a variety of reasons, these should remain with district court judges. Judge Chin supported that position.

A motion was made by Judge Walton to decline to adopt the proposed rule amendments. The motion was seconded by Judge Chin and it passed unanimously.

(9) CJA 4-202.07. Appeals.

Brent Johnson reviewed the proposed amendments to CJA 4-202.07. There are 3 proposals:

1. Clarifies that a person may appeal a response stating that the court does not have the record. Rule 4-202.05 distinguishes between denials of requests and responses that the record does not exist, but the appeals rule does not. In theory, we could reject an appeal on a response that the record doesn't exist, although we have never done so.
2. Increases the time-frames for responses. Appeals on denials of records requests are fairly frequent. When an appeal is sent to the state court administrator, he refers those to the legal department for research and response. We have found that the response time of 5 days is sometimes too short because of the time necessary to prioritize the appeal, research the appeal, make efforts to resolve or negotiate a resolution of the appeal, and prepare a decision. Extending the response time to 10 days would be very helpful and would not have a significant impact on the person appealing the decision.
3. Extends the time for mailing a Management Committee decision. Additional time is sometimes necessary because the committee's decision must be reduced to writing and disseminated for approval before it is mailed.

The records requests are technically requests under the Court's rules, not GRAMA. We get these requests from prisoners, litigants, etc. District and Justice Courts get them all the time. The appeals from those come to the legal department. Judge Pullan asked how a 10 day response time compares to response times in the Executive Branch because we wouldn't want to be significantly slower than we should be. Mr. Johnson stated that the court would not be out of synch with the Executive Branch and 5 days has proven to be unworkable.

Judge Pullan stated that all the other response times in the rule should be changed to make them consistent with the dates in rules of procedure by removing the reference to "business" days, etc. The changes recommending 10 business days will be changed to

14 days. In line 14, 30 days was changed to 28 to align it with other rules. The reference to 15 days in line 23 will be changed to 21 days.

A motion was made by Mr. Rice to recommend to the Council that the amendments, with the proposed changes, be published for public comment. The motion was seconded by Judge Walton and it passed unanimously.

(10) HR Policy: Definitions and 220 – Employment Assessments.

Brent Johnson reviewed the proposed amendments to the Human Resources Policy and Procedure Manual. This proposal came from one TCE and was then approved for submission to this committee by all of the TCEs. The proposal is to require pre-employment drug tests for a certain category of employees – “highly sensitive positions.” That special category is created by these amendments in the definition section. The TCEs are particularly concerned with deputy probation officers because they transport juveniles on a daily basis for work crews. The executive branch has a category of highly sensitive positions and they mostly include law enforcement and positions which frequently handle money. The proposal is to include probation officers, deputy probation officer, others who work with juveniles, such as volunteer coordinators and program managers, and the most controversial category, any other position that frequently requires operating a motor vehicle. The ADR director, Nini Rich, is concerned that the last category is unnecessary and may reduce the applicant pool for mediators.

Judge Pullan asked exactly what positions would be affected by the last category. Mr. Johnson stated that it would apply to mediators, TCEs, and Clerks of Court who travel between courts on a frequent basis and not those traveling to Salt Lake for a monthly meeting. In order to apply, the job description for the position must require frequent travel. Mr. Rice asked whether there was a specific incident that instigated this proposal. Mr. Johnson stated that there was no incident, there is just a general concern and a desire to be proactive and prevent an incident in the future. Judge Pullan noted that pre-employment testing is easily evaded because it is scheduled.

The HR Director, Rob Parkes, joined the meeting for this discussion. Mr. Johnson noted that a distinction could be made between those positions which involve driving juveniles, rather than just driving alone. The policy allows drug testing when there is reasonable suspicion of impairment. Randomized testing would be unconstitutional for most positions. Probation officers don’t drive juveniles very often. Deputy probation officers drive juveniles daily. Judge Pullan noted that deputy probation officers do not rise to the level of law enforcement officers. Mr. Rice asked Mr. Parkes whether this would address a risk that is of great concern from a human resources perspective. Mr. Parkes stated that this is not something HR has had specific issues or concerns with, it would be strictly preventative. Mr. Rice stated that if the question is how to mitigate risk, it seems that the last category may be going too far. This seems like a safety issue,

not a highly sensitive position issue. The village project coordinator deals primarily with volunteers and is typically a deputy probation officer. Mr. Rice stated that we may be trying to fix a problem that doesn't exist.

Mr. Parkes stated that there are less than 50 deputy probation officers statewide. He didn't feel this would have an impact on recruiting. Judge Chin questioned whether creating a solution for a problem that doesn't exist is appropriate. Judge Walton noted that this would be exceeding the standards set by the state for driving state vehicles. Judge Pullan noted that the only real risk is that these probation officers are driving other people's kids around. Ultimately, the committee felt that having the ability to test based on reasonable suspicion is enough.

A motion was made by Rob Rice to decline to adopt the amendment. Judge Walton seconded and the motion passed unanimously.

(11) HR Policy: Code of Personal Conduct 500 – Court Security.

Brent Johnson reviewed the proposed amendment creating a new section addressing court security in the Human Resources Policy and Procedure Manual. This request comes from the TCEs and was promulgated based on an incident where a probation officer left a handgun in a state vehicle. Carrying a weapon in a state vehicle is a violation of state regulations, even if the person has a concealed weapon permit, however, it does not currently violate any court policy. The TCEs want to make it clear to employees when and where they can possess weapons. Employees are already prohibited from possessing weapons in courthouses. This proposal would extend that prohibition to state vehicles, probation officers that are not covered under court security plans, and any other offices where employees might work. The proposal would also prevent weapons at conferences, meetings, or other gatherings conducted off court premises.

Judge Pullan asked if the gatherings provision would apply to summer barbeques and other social gatherings of employees. Mr. Johnson stated that it would. Judge Chin asked if any employees are engaged in weapons training that might coincide with conferences or gatherings off-site. Mr. Johnson stated that probation officers are trained on safety and how to disarm an individual, but they are not trained on handguns, however, they do have OC spray. Judge Chin asked whether any court employees are required to carry weapons within the scope of their employment. Mr. Johnson and Mr. Parkes confirmed that there are no positions requiring the possession of weapons.

Mr. Rice asked whether the off-site provision would violate statutory provisions and whether Mr. Johnson had reviewed the statute. Mr. Johnson stated that he did review the statute and the court has the ability to regulate weapons for its court employees. It is important to note that employees may possess weapons in their vehicles in parking lots. Judge Pullan questioned what security interest the Court has in restricting

weapons at outside events. Ms. Sylvester expressed concerned about employees having weapons around judges. Judge Pullan expressed concern that the “gatherings” provision might violate the 2nd amendment.

The committee decided to remove the provision restricting weapons at “other work-related gatherings.” Section 16.4 will continue to apply to court functions off-premises, such as conferences and meetings.

A motion was made by Mr. Rice to recommend to the Council that the amendments, with the proposed changes, be approved. The motion was seconded by Judge Chin and it passed unanimously.

(12) CJA 4-202.02. Records Classification.

Brent Johnson reviewed the proposed amendments to CJA 4-202.02 pertaining to vital records (line 119) and affidavits of indigency (lines 120). Ms. Williams reviewed the proposed amendments to probable cause statements (line 72).

Vital Records

Mr. Johnson stated that this proposal relates to petitions and orders to amend a Utah vital record. The Office of Vital Records will typically allow an individual to seek an amendment to a vital record simply by providing an affidavit and support for the requested amendment. However, there are also many circumstances in which the office will deny a request and tell a litigant that they must first obtain a court order. There is very little statutory support for referring them to the court, but these are occurring regularly and judges are reviewing them and issuing orders.

The old forms committee considered creating specific forms for these petitions because the self-help center receives these requests on a weekly basis. The question arose whether these should be public or private records. The committee felt that they should be classified as private because they deal with the same types of information that have been deemed private in other case types, such as adoptions, divorces, paternity actions, etc.

Judge Pullan noted that the statute does not require a court order. This is ultimately the responsibility of the Office of Vital Records. Judge Pullan is concerned that by creating a form, we are creating a cause of action. Mr. Johnson doesn't think this would create or legitimize the creation of a cause of action. Judge Pullan questioned why the Office of Vital Records is punting this responsibility to the courts. Mr. Johnson stated that he thinks they are just seeking the protection afforded by a court order. Judge Pullan asked if these were the gender change requests. Mr. Johnson said no, these aren't the gender change requests, but they could potentially cover those. Mostly, these are for clerical errors.

Mr. Johnson noted that the forms have been tabled until the statute has been amended creating a cause of action for the court. Mr. Rice asked whether, even though we aren't creating a form, this amendment would imply that there is a legitimate cause of action. Judge Pullan feels that it would and expressed a strong opposition to creating a cause of action. Judge Chin and Mr. Rice agreed. Judge Pullan noted that this would encourage the Office of Vital Records to continue to not do its job. The committee discussed what information is included in the petition that would support making the document private, including dates of birth and social security numbers. Mr. Johnson noted that there is a provision in the rules currently whereby a party can petition the court to classify a record as private.

A motion was made by Judge Chin to decline to adopt the amendment. Mr. Rice seconded and the motion passed unanimously.

Affidavit of Indigency

Mr. Johnson stated that this proposal makes affidavits of indigency private records. The rule classifies affidavits of impecuniosity in civil cases as private records but it does not address affidavits of indigency in the criminal context. If a person's financial information is private in civil cases, it should also be private in criminal cases. One argument might be that a defendant in a criminal case has a lesser expectation of privacy than a litigant in a civil case, however, that diminished expectation wouldn't extend to financial information that has nothing to do with the crime itself. Judge Chin agreed.

Judge Pullan noted that there could be a public interest in knowing how frequently public defenders are appointed and on what grounds because it involves the expenditure of state funds. Judge Walton asked how parties would challenge those appointments. Ms. Williams noted that parties to a case and attorneys of record can access private records. Judge Pullan was more concerned with the general public's interest, including the media, not individual parties. Judge Chin noted that the public is not without remedy in obtaining those records. Mr. Johnson agreed, stating that our rules allow the court to release private records for research purposes.

Mr. Rice asked what the federal court does with affidavits of indigency. He noted that there was a recent article in the news where the federal court was questioned about how public defenders are appointed. Judge Chin stated that his recollection of the procedure in federal courts is to appoint almost automatically under most circumstances. There were rarely affidavits of indigency submitted. It was based on limited testimony stating simply that the person was indigent and was requesting an attorney.

The forms addressing affidavits of indigency are very different across jurisdictions. Some include sensitive income information, social security numbers, tax returns, pay

stubs, and spousal income details. Ms. Williams stated that because there is a mechanism for obtaining the information, the public interest concern would be covered.

A motion was made by Judge Chin to recommend to the Council that the amendments be published for public comment. The motion was seconded by Judge Walton. Judge Pullen voted against the motion. The motion passed.

Probable Cause Statements

Ms. Williams reviewed the proposed amendment to CJA 4-202.02 regarding probable cause (PC) statements. Ms. Williams has been travelling around the state conducting presentations on the new automated probable cause system. A concern arose regarding the potential for private information to be accidentally included in an officer's statement (i.e., victim names and addresses, SSN, names of confidential informants, etc.). BCI, sheriffs, and county attorneys all stated that they are training officers consistently that these documents are public and not to include such information. However, sheriffs and county attorneys noted that it still happens and they don't want anyone to get hurt if these are made public.

Pursuant to URCrP Rule 40, search warrants are sealed for 20 days before they become public. This is also reflected in section (2)(FF) of this rule. If a prosecutor or law enforcement officer wishes to keep the warrants sealed, they must file a motion with the court. The records can then be sealed in part or in their entirety upon certain findings by the court.

The probable cause working group does not feel that the warrant process is appropriate given the public nature of PC statements. The group considered several options and is proposing that PC statements be treated as public, unless a judge sees private information in the affidavit at the time of the PC review. The judge could then approve the PC statement (if PC existed), but flag the document as sealed. The document would remain sealed for 72 hours. It would not be made public in Xchange, nor would it attach to a case filed by the prosecutor. Prosecutors and law enforcement could motion the court to redact the document before it is made public. This would require a court order. The new PC system is in place currently in several jurisdictions so there is some urgency in addressing this issue.

Mr. Johnson stated that PC statements are public documents and the court has always treated them accordingly. The difference now is that they are more easily accessible in electronic form immediately upon a judge's PC decision. Before, the public would have to make a records request and law enforcement agencies had the opportunity to redact any sensitive information. Mr. Johnson does not support this change to the court's policy. Our rules put the onus on parties to redact, or not include, private information in a public document. This is ultimately the responsibility of the officers. Ms. Williams noted that PC statements in the new system go from the officers to the jail before it gets

to the court. Jails are being trained to look for sensitive information and reject it. That would require correction by the officers and resubmission to the jail for another review.

Judge Chin expressed concern that in domestic violence cases, the release of the names of minor children, victims, and addresses would be very dangerous. Judge Pullan noted that judges should not be responsible for catching officers' mistakes. The judiciary should not be the back-stop for law enforcements' training failures. Judge Walton stated that if the court starts solving the problem for them, they will not self-regulate. Judge Pullan agrees. Mr. Johnson noted that our rules still allow prosecutors and law enforcement to make a motion to seal a document. However, if a party wanted to make a motion to seal the record, there is no case opened to file it in and the document would likely have already been publicly available in Xchange for some period of time. Judge Pullan questioned whether there are any circumstances under which a judge might want to classify a PC statement as sealed. He described a homicide case where there were multiple defendants and one indicated the involvement of another. Judge Pullan noted, however, that there is a way for officers to exclude such information and still meet the PC requirements.

A motion was made by Mr. Rice to decline to adopt the amendment. Judge Walton seconded and the motion passed unanimously.

(13) Reorganization of CJA 4-202.02. Records Classification.

Ms. Williams presented a working document requested by the committee to reorganize CJA Rule 4-202.02 in a more user-friendly way. The proposal creates a table that would be included as a link in the rule. The rule itself would not be altered.

Judge Pullan asked that the first word in the right-hand column be capitalized. The committee discussed the various aspects of the table, including the addition of section references. Ms. Sylvester suggested that Ms. Williams have another person review the table for accuracy. Ms. Sylvester will conduct the review. Because this table would be demonstrative and would not change the language in the rule, it does not need to go out for public comment.

A motion was made by Judge Walton to advance the proposed policy to the Judicial Council for discussion and approval. Mr. Rice seconded the motion and it passed unanimously.

The next meeting is scheduled for January 5, 2018 in the council room at 12:00. There being no other business the meeting was adjourned at 1:53 p.m.

Tab 3

**This section contains
information
that will be sent
separately.**

Tab 4



Alex G. Peterson
Executive Director

State of Utah

JUDICIAL CONDUCT COMMISSION

1385 S. State St., Suite #143
Salt Lake City, Utah 84115
Telephone: (801) 468-0021

TO Judicial Council

FROM Alex G. Peterson

DATE December 1, 2017

RE Biannual JCC Executive Director's Report

MESSAGE

Thanks for the opportunity to update the Judicial Council. Here's a list of the topics I will cover. Please advise if any additional material is desired.

1. JCC Membership Update
2. JCC Caseload Update
3. JCC FY17 Annual Report (attached)
4. JCC move
5. Misc. Activities of JCC



UTAH JUDICIAL CONDUCT COMMISSION ANNUAL REPORT FY 2017

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www.jcc.utah.gov

Creation and Authority of the Judicial Conduct Commission

Although it existed previously as a legislatively created body, Utah's Judicial Conduct Commission (JCC) was constitutionally established in 1984. Constitution of Utah, Article VIII, Section 13. The constitution authorizes the Legislature to statutorily establish the composition and procedures of the JCC. Those provisions are found in Utah Code Ann., Title 78A, Chapter 11.

The JCC is empowered to investigate and conduct confidential hearings regarding complaints against state, county and municipal judges throughout the state. The JCC may recommend the reprimand, censure, suspension, removal, or involuntary retirement of a judge for any of the following reasons:

- action which constitutes willful misconduct in office;
- final conviction of a crime punishable as a felony under state or federal law;
- willful and persistent failure to perform judicial duties;
- disability that seriously interferes with the performance of judicial duties; or
- conduct prejudicial to the administration of justice which brings a judicial office into disrepute.

Prior to the implementation of any such JCC recommendation, the Utah Supreme Court reviews the JCC's proceedings as to both law and fact. The Supreme Court then issues an order implementing, rejecting, or modifying the JCC's recommendation.

Number of Complaints Received in FY 2017

Of the 72 complaints received in FY 2017, 45 have been resolved and 27 are pending.

Complaints Received in FY 2017			
Judge Type	Number of Judges	Number of Complaints Received	Number of Judges Named in Complaints
Supreme Court	5	0	0
Court of Appeals	7	3	3
District	72	48	49
Juvenile	31	5	5
Justice Court	98	16	16
Pro Tempore	67		
Active Senior	38	0	0
Total	318	72	73

Confidentiality of JCC Records and Proceedings

Except in certain limited circumstances specified by statute, all complaints, papers and testimony received or maintained by the JCC, and the record of any confidential hearings conducted by the JCC, are confidential, and cannot be disclosed.

Sanctions and Other Resolutions

Sanctions Implemented by the Utah Supreme Court

Reprimand. On November 4, 2016, the Utah Supreme Court reprimanded Third District Justice Court Judge Michael R. Kwan. Over the last ten years Judge Kwan was elected to various officer positions of the OCA-Asian Pacific American Advocates, a national nonprofit organization. During his most recent term as president, the organization issued articles and press releases that included comments from or attributed to Judge Kwan, issued articles or press releases criticizing candidates for political office, and Judge Kwan appeared at an organizational fundraising event. The judge's actions violated Code of Judicial Conduct Rules 1.2, 2.10, 3.1, 3.2, 3.7 and Canon 4.

Dismissals with Warnings Issued by the Judicial Conduct Commission

Dismissal with a Warning. On August 16, 2016, the JCC dismissed a self-reported complaint by a part-time justice court judge who had represented a juvenile in a criminal court case in violation of Utah Code Ann. § 78A-7-206(2). The JCC found that the judge's actions violated Rule 1.1, which requires judges to comply with the law. However, the JCC also found that the misconduct was troubling but relatively minor misbehavior for which no public sanction was warranted.

Dismissal with a Warning. On March 21, 2017, the JCC dismissed a complaint filed against a district court judge who made two offensive statements about an excused juror during sidebar discussions with the prosecutor and defense counsel. The JCC found that the judge's actions violated Rules 2.3(B) and 2.8 (B) of the Code of Judicial Conduct regarding Bias and Decorum. The JCC also found the comments violated Utah Standards of Judicial Professionalism and Civility Rule 11-302(2) which provides that judges will not use language that is vulgar or profane. However, the JCC also found that the misconduct was troubling but relatively minor misbehavior for which no public sanction was warranted.

Dismissal with a Warning. On March 21, 2017, the JCC dismissed a complaint filed against a justice court judge who had revoked the appointment of counsel for an indigent criminal defendant when the defendant failed to appear. The JCC found the judge's actions violated Rule 1.1, which requires judges to comply with the law affording the right to counsel if indigent until the court determines that the defendant's financial circumstance have changed. The appointment of counsel is based on indigence and cannot be conditioned on a defendant's failure to appear without just cause or used as a sanction. However, the JCC also found that the misconduct was troubling but relatively minor misbehavior for which no public sanction was warranted.

Dismissal with a Warning. On May 16, 2017, the JCC dismissed a complaint filed against a juvenile court judge who had failed to ensure notice and an adequate record of permitted ex-parte communications. The JCC found that the judge's actions violated Rule 2.9(A)(1)(b), which is an exception to the prohibition on ex-parte communications requiring notice and an adequate record is maintained. However, the JCC also found that the misconduct was troubling but relatively minor misbehavior for which no public sanction was warranted.

Meetings

The JCC meets as needed on the third Tuesday of each month at the offices of the JCC. The JCC met nine (9) times during FY 2017.

Administrative Rules

The JCC's administrative rules are available online at www.rules.utah.gov.

FY17 JCC Commissioners

Neal Cox
Tami King
Mark Raymond
Terry Welch
James Jardine
Rep. Brian King, Chair
Rep. Craig Hall
Sen. Karen Mayne
Sen. Lyle Hillyard
Hon. Stephen Roth
Hon. Todd Shaughnessy

Website

The JCC's website, www.jcc.utah.gov, contains in-depth information, links to related sites, annual reports, copies of public discipline documents, and downloadable complaint forms.

JCC Statutes

The statutes governing the JCC are located in Utah Code Ann., Title 78A, Chapter 11.

Budget

Most of the JCC's budget is appropriated annually by the Legislature. For FY 2017, the legislative appropriation was \$256,700. The JCC had non-lapsing savings from FY 2016 in the amount of \$23,876 resulting in total available funds in the amount of \$280,576. JCC expenses for FY 2017 were \$224,999, leaving a balance of \$55,576.

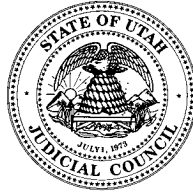
JCC Staff

Alex G. Peterson, Executive Director
Aimee Thoman, Investigative Counsel
Sara Sherman, Office Technician

UTAH JUDICIAL CONDUCT COMMISSION – COMPLAINT RESOLUTION PROCESS

INITIAL SCREENING	PRELIMINARY INVESTIGATION	FULL INVESTIGATION	FORMAL PROCEEDINGS	SUPREME COURT
<p>Executive Director reviews each "complaint" to determine whether it is a complaint within the JCC's jurisdiction.</p> <p>Staff returns non-JCC complaints (i.e., complaints against bar members or court employees) to complainant with appropriate instructions.</p> <p>For JCC complaints, staff prepares electronic and hard-copy files, sends acknowledgment letter to complainant, and returns hard-copy file to Executive Director.</p> <p>Executive Director assigns investigator.</p> <p><i>Note: Anonymous complaints are submitted directly to JCC members, who review and discuss the complaint and vote to either take no action or to have staff conduct a preliminary investigation.</i></p>	<p>Investigator conducts preliminary investigation, writes preliminary investigation report, and recommends whether to dismiss or to proceed to full investigation as to some or all allegations.</p> <p>Executive Director reviews preliminary investigation report and recommendation, and may revise either.</p> <p>Staff distributes preliminary investigation report and recommendation, along with pertinent materials, to JCC members.</p> <p>JCC meets, reviews and discusses preliminary investigation report and recommendation, and votes to dismiss, to have staff conduct additional preliminary investigation, or to proceed to full investigation as to some or all allegations.</p>	<p>Staff provides judge with copy of complaint and other pertinent materials and asks judge to respond in writing to identified allegations.</p> <p>Investigator conducts additional investigation, if necessary, as to issues raised in judge's response. Investigator may write supplemental investigation report and may make recommendation whether to dismiss or to proceed to formal proceedings.</p> <p>Staff distributes judge's response and any supplemental investigation report and recommendation, along with pertinent materials, to JCC members.</p> <p>JCC meets, reviews and discusses judge's response and any supplemental investigation report and recommendation, and votes to dismiss, to have staff conduct additional investigation, or to proceed to formal proceedings as to some or all allegations.</p>	<p>Staff prepares formal complaint and serves same upon judge via certified mail.</p> <p>Judge may file written response.</p> <p>Matter may be resolved by dismissal, stipulated resolution or confidential hearing.</p> <p>A stipulated resolution may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement</p> <p>After a confidential hearing, the JCC may dismiss the matter or may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement</p>	<p>Staff files JCC's findings of fact, recommendation and other statutorily required materials with Supreme Court.</p> <p>JCC's recommendation becomes public upon filing. All other materials become public only upon Supreme Court order.</p> <p>Supreme Court reviews JCC's proceedings as to both law and fact, and implements, modifies or rejects JCC's recommendation.</p> <p><i>Note: JCC dismissals are not reviewed by the Supreme Court.</i></p>

Tab 5



Administrative Office of the Courts

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

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

TO: Members of the Judicial Council Management Committee

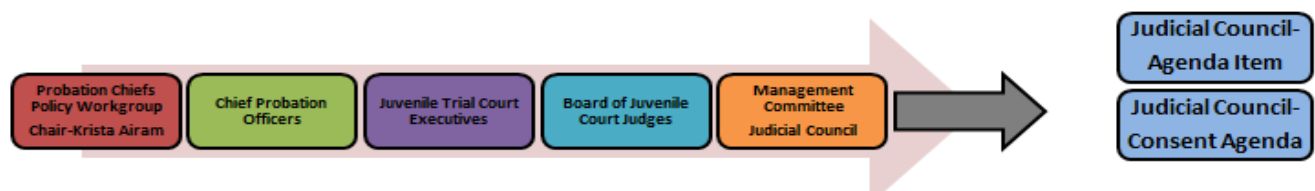
FROM: Dawn Marie Rubio, J.D.
Utah Juvenile Court Administrator
Commissioner, Interstate Compact for Juveniles

DATE: December 10, 2017

RE: Proposed Probation Policies Approval Plan

On November 14, 2017, the members of the Management Committee decided that the Management Committee and the Judicial Council should review and approve all current and future probation policies as the final arbiter, effective immediately. Depending upon the nature of the probation policy, the matter would be placed either on the Judicial Council's full agenda or on its consent agenda. The new probation policy approval process is illustrated by the following flowchart.

Management Committee Decision -- November 14, 2017



Intense efforts to review and revise dated probation policies have been in place for over two years, even before the passage of HB239, *Juvenile Justice Reform*. All probation policies need to be reviewed, updated, renumbered and reformatted. Many of the policies have not been reviewed or updated since their initial passage in 2001. Moreover, the Probation Chiefs Policy Workgroup required more structure and leadership. As such, I placed AOC Juvenile Court staff on the Workgroup to chair and to facilitate this overhaul. Krista Airam, Assistant Juvenile Court Administrator, leads this effort.

Additionally, the passage of HB239 requires substantial changes to probation policies. The most recent example of a HB239 probation policy change [through the former process] is Section 2.4, *Nonjudicial Adjustment*. Currently, the Probation Policy Workgroup is meeting twice monthly to

**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.**

review and revise probation policies in light of the next HB239 date milestone of July 1, 2018. The policies will then be vetted through the Chief Probation Officers, the Juvenile Trial Court Executives, the Board of Juvenile Court Judges and, now, through the Management Committee and Judicial Council. The attached spreadsheet lays out each of the policies and its respective status of: (1) *pending review*; (2) *pending revision*; (3) *pending recommendation to delete*; (4) *recommend to delete*; (5) *recently updated*; and (6) *no further action*. The spreadsheet also indicates which policies will be impacted by HB239.

Because of the nature of the review process and the degree of the revision to the probation policies is great, I am asking that the Management Committee and the Judicial Council conditionally approve all probation policies at this time. The policies are also attached hereto. This will allow the Juvenile Court to continue to operate its Probation Department pending the Judicial Council approval process. And, it will eliminate the need for a two-step review of each policy, particularly during a time when so many policies are in some state of transition. As a reminder, each of these policies has been through a rigorous vetting in the past by the Chief Probation Officers, the Juvenile Trial Court Executives, the AOC, and the Board of Juvenile Court Judges. I have spoken with Mr. Brent Johnson about my proposal and he is not opposed to same.

I anticipate that it will take 15-18 months for the Management Committee and the Judicial Council to review and approve all existing policies. Of course, many policies will be vetted by July 2018, attendant to HB239 deadlines. I ask for your indulgence and patience as we work through the revision process. I will submit Policies 2.4, 2.14, 4.11, 4.15, and 4.18 to the Management Committee for review in January 2018. Finally, similar efforts are in place related to HB239 and revisions to the Code of Judicial Administration [for submission to Policy and Planning] and the Rules of Juvenile Procedure.

I will be available to respond to questions during your meeting on December 12, 2017.

Thank you.

cc:

Honorable Ryan Evershed, Chair-Board of Juvenile Court Judges
Richard Schwermer, State Court Administrator
Brent Johnson, Chief Legal Counsel
Krista Airam, Assistant Juvenile Court Administrator

PROBATION POLICY STATUS--December 10, 2017						
	Date Approved	Date Revised	Brief Summary	HB239 Adjustment	Policy Committee Recommendation	Management & Council Agendas
ADMINISTRATION						
Section 1.1 Juvenile Probation	March 1, 2001	None	Description of intake and field probation.	No	Recommend to delete	
Section 1.2 Historical Perspective	July 13, 2000	None	The story of the juvenile court in Utah.	No	Recommend to delete	
Section 1.3 Administration	March 1, 2001	None	Provides an overview of Administration and the use of the policies.	No	Recommend to delete	
Section 1.4 Code of Ethics	September 1, 2002	None	This policy is to set forth a framework of standards for personal conduct while employed by the Utah State Juvenile Court.	No	Pending review	
Section 1.5 Dress Code	March 1, 2001	None	This policy provides direction regarding the dress code as it relates to probation operations.	No	Pending review	
Section 1.6 Courtroom Etiquette	March 1, 2001	None	This policy establishes guidelines for appropriate court etiquette for nonjudicial personnel.	No	Pending review	
Section 1.7 Release of Information	March 1, 2001	April 2003	This policy establishes uniform guidelines for release of information to the minor, the victim, or any other party that has a direct interest in Juvenile Court proceedings.	No	Pending review	
Section 1.8 Policy Review	May 1, 2002	March 19, 2009	This policy provides guidelines for creation and revision of probation department policies.	No	Pending review	
INTAKE						
Section 2.1 Preliminary Inquiry	September 26, 2007	November 19, 2010	This policy provides direction to probation staff regarding preliminary inquiries.	Yes	Pending revision**	
Section 2.3 Case Transfers-Intake	May 1, 2002	November 6, 2009	This policy is intended to provide direction when transferring intake cases between districts.	Yes	Pending revision	
Section 2.4 Nonjudicial Adjustment	September 13, 2006	BJCJ Approved-- June 9, 2017	This policy provides direction to probation staff regarding nonjudicial adjustments with minors.	Yes	Recently updated BJCJ Approved--6/9/2017	Jan-18
Section 2.6 Petition	May 3, 2006	November 19, 2010	This policy provides direction on when a case can be petitioned.	Yes	Pending recommendation to delete**	
Section 2.7 Risk Assessment Tools	September 1, 2002	February 15, 2017	This policy provides direction on when an assessment should be administered.	Yes	Pending revision**	
Section 2.8 Dispositional Report	September 26, 2007	August 10, 2012	This policy provides direction on when a report is needed.	Yes	Pending revision**	
Section 2.9 Detention Placement and Hearings	August 1, 2001	None	This policy provides direction on when a youth can be booked into detention.	Yes	Pending revision**	

Section 2.10 Fine/Bail-Forfeiture Schedule	March 1, 2001	November 9, 2012	This policy refers probation officers to the fine and bail schedule when making recommendations to the court.	Yes	Pending recommendation to delete	
Section 2.11 Juvenile Sentencing Guidelines	July 1, 2003	None	This policy outlines that probation officer should consider the juvenile sentencing guidelines and any aggravating or mitigating factors when preparing a dispositional report in a delinquency action.	Yes	Pending review	
Section 2.12 Serious Youth Offender	March 1, 2001	November 13, 2015	This policy provides direction to probation staff regarding when a youth meets Serious Youth Offender criteria.	No	Pending review	
Section 2.13 Certification Investigation Report	March 1, 2001	November 13, 2015	This policy provides direction to probation staff on when to complete a certification report.	No	Pending review	
Section 2.14 Direct File for Criminal Proceedings		August 1, 2017	This policy identifies the offenses that qualify for direct filing in District Court.	Yes	Recently updated BCJC Approved--7/14/17	Jan-18
Section 2.15 Delinquency Drug Court	August 1, 2001	None	This policy establishes guidelines for the operation of delinquency drug courts.	Yes	Pending review	
Section 2.17 Expungement	September 1, 2002	None	This policy provides information about expungements.	No	Pending review	
Section 2.18 Notification Letters: Violent Crimes(Detention, Adjudication, and Victim) and Placement on Probation	November 13, 2009	March 12, 2014	This policy provides guidelines for providing notification to schools and law enforcement regarding minor who commit crimes of violence or weapons offenses.	Yes	Pending revision	
VICTIMS ISSUES						
Section 3.1 Victim Rights	March 1, 2001	December 9, 2011	This policy outlines provisions within the Victims Bill of Rights.	Yes	Pending review	
Section 3.2 Restitution	March 1, 2001	November 19, 2010	This policy provides direction regarding when victims should be contacted regarding restitution information.	Yes	Pending review	
Section 3.3 Restitution Fund Guidelines	August 1, 2002	None	Establishes the use of restitution funds.	Yes	Pending review	
Section 3.4 Victim Offender Mediation Program	March 1, 2001	None	Provides information when victim offender mediation should be used.	Yes	Pending review	
CASE MANAGEMENT						
Section 4.1 Probation Order	August 1, 2001	None	This policy provides guidance to the probation officer when a youth is placed on probation.	Yes	Pending revision**	
Section 4.2 Supervision Classification	March 1, 2001	None	This policy provides direction on supervising youth on probation.	Yes	Pending review	

Section 4.3 Probation Supervision and Correctional Plan	August 10, 2012	June 14, 2013	This policy provides direction on when a probation supervision and correctional plan should be completed.	Yes	Pending review	
Section 4.5 Electronic Monitoring	August 1, 2001	None	This policy authorizes the use of electronic monitoring.	No	Pending review	
Section 4.6 Serious Habitual Offender Comprehensive Action Program (SHOCAP)	August 1, 2001	None	This policy establishes the operation of SHOCAP.	No	Pending review	
Section 4.7 Interstate Compact on Juveniles	August 1, 2001	November 13, 2015	This policy provides guidelines for handling youth who qualify for Interstate Compact.	Yes	Pending revision**	
Section 4.8 Fingerprints & Photographs	June 13, 2008	February 10, 2012	This policy outlines when fingerprints and photographs will be taken.	No	Pending review	
Section 4.9 Drug Testing	September 26, 2007	None	This policy provides direction on when youth can be drug tested.	No	Pending revision**	
Section 4.10 DNA Sample Collection	May 3, 2007	January 14, 2011	This policy establishes guidelines for the collection of DNA samples for minors under the jurisdiction of the court.	No	Pending review	
Section 4.11 Foreign National Minors	November 1, 2001	BJCJ Approved-- March 9, 2017	This policy provides guidelines in the handling of delinquency matters of foreign national minors who may have legal or undocumented immigration status.	No	Recently updated--BJCJ Approved--3/9/17	Jan-18
Section 4.12 Case Transfer-Supervision	December 11, 2009	None	This policy provides direction the transfer of cases.	Yes	Pending review	
Section 4.13 Courtesy Probation Supervision	April 1, 2002	None	This policy provides guidelines for case management when a judge maintains jurisdiction over a probation case but the minor moves outside the geographic area or district.	Yes	Pending review	
Section 4.14 Electronic Case Record Audit	September 1, 2002	Council Approved-- November 20, 2017	This policy provides guidelines for probation supervisions to audit electronic case records.	No	Recently updated Council Approved--11/20/2017	NFA
Section 4.15 Probation Responses to Compliant and Non Compliant Behaviors	April 7, 2006	July 8, 2016	This policy provides direction on how probation responds to both compliant and non-compliant behavior.	No	Recently updated--BJCJ Approved--7/8/16	Jan-18
Section 4.16 Confiscated Property	April 30, 2017	None	This policy provides direction to probation staff regarding confiscated property.	No	Pending review	
Section 4.17 Fines and/or Restitution Obligations	July 7, 2008	Council Approved-- November 20, 2017	This policy provides direction to probation staff regarding the collection of fines and restitution.	No	Recently updated Council Approved--11/20/2017	NFA

Section 4.18 Probation Officer Audio/Video Recordings	October 5, 2016	None	This policy provides direction to probation officers regarding audio/video recordings with youth and how the recordings should be secured.	No	New policy BJCJ Approved--10/5/16	Jan-18
PROBATION OFFICER SAFETY						
Section 5.1 Probation Searches	August 1, 2001	None	This policy provides direction to probation officers conducting searches of youth who enter probation officers or for youth on probation.	No	Pending review	
Section 5.2 Taking & Transporting a Minor in Custody	August 1, 2001	None	This policy provides direction to probation staff when taking and transporting a minor in custody.	No	Pending review	
Section 5.3 Continuum of Force	November 1, 2001	None	This policy establishes guidelines for response to clients or other individuals that are creating a situation that may cause physical injury to a probation officer.	No	Pending review	
Section 5.4 Handcuffing	May 1, 2002	None	This policy provides uniform guidelines for the appropriate use of handcuffs.	No	Pending review	
Section 5.5 Oleoresin Capsicum Spray (OC Spray)	September 13, 2006	None	This policy provides guidelines regarding the use of OC Spray.	No	Pending review	
Section 5.6 Critical Incident Reporting	November 1, 2001	None	This policy provides guidelines for documenting critical incidents.	No	Pending review	
Section 5.7 Transporting Minors Who Are Not in Custody	November 1, 2010	December 9, 2011	This policy provides guidelines for probation staff when transporting minor who are not in custody.	No	Pending review	
Section 5.8 Community Ride-A-Long	June 13, 2008	None	This policy provides guidelines for probation staff for partnering with law enforcement for a ride a long.	No	Pending review	

NFA-No Further Action

** These policies currently have DRAFT revisions that are being finalized.

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Section 1.1 Juvenile Probation

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The Utah State Juvenile Court has two distinct divisions within the Probation Department; the intake division and the field supervision division. Each division has distinct duties and responsibilities, but share a common Mission.

The Mission of the Utah State Juvenile Court Probation Department is to facilitate comprehensive services for adjudicated youth within the "Balanced Approach" framework of the restorative justice model. This model has three major components: Community Protection, Accountability, and Competency Development.

Community Protection – The concept of community protection is founded in the belief that the public/community has a right to live in a safe and secure setting.

The probation department is responsible for taking reasonable measures to protect the community from the offender who is under the jurisdiction of the court.

Accountability – The concept of accountability is founded in the belief that when an offense occurs an obligation incurs. This obligation is owed to the victim(s) and the community. The offender(s) is obliged to restore the loss to the victim or the community created by his/her actions. Further, the victim(s) should be empowered as an active participant(s) in the juvenile justice system process.

Competency Development – The concept of competency development is founded in the belief that a juvenile offender who comes within the jurisdiction of the Juvenile Court should leave the system more capable of being a productive and responsible citizen.

History: Effective March 1, 2001

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Section 1.2 Historical Perspective

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The Noble Quest:

The Story of the Juvenile Court in Utah

by Arthur G. Christean, Senior Judge

Utah occupies a unique place in the history of the juvenile court movement in the United States. It is at present the only state in the nation with a separate, freestanding statewide juvenile court whose judges specialize in juvenile court work and do not rotate to other benches. The history of how this came about makes for an interesting story. Very few attempts have been made to tell it in a complete way. Most have been part of a larger work and have been very summary in nature. The most extensive prior effort was that by the late Judge E. F. Ziegler. His historical review ended with the landmark Juvenile Court Act of 1965 and focused primarily on the development of the office of juvenile court judges, the duties of juvenile court probation officers and clerks, and legal procedures which served to guide the work of the court. Of course, much has happened since 1965.

Under the above title, a new history of the juvenile court has recently been completed, of which this is but a brief summary. This new work reviews the entire span of juvenile court development in Utah from the first legislative enactment relating specifically to juveniles in 1852 up to the present that is as of July 1999. It describes the extent to which have come to set juvenile courts in Utah apart from all other trial courts in the state. Over a period of nearly a century, and more if we look back into the 19th century as well, these ten features, which are found in greater or lesser degree in most juvenile court systems in the United States, have come to characterize Utah's approach to juvenile justice. They are:

1. Special laws and protections for children.
2. All criminal delinquency proceedings designated civil and not criminal in nature by statute.
3. A separate specialized court with permanently assigned judges who do not rotate to hear other types of cases.
4. Juvenile court judges selected by a separate and distinctive process with different standards for appointment and retention in judicial office.
5. Whether at the state or county level, a separate system of budgeting and administration.
6. Clerks and probation officers hired through a separate merit system of public employment as opposed to a political spoil system.
7. Separate places of confinement required for juveniles.
8. Consolidation of all laws governing juvenile proceedings, including delinquency and child protection, in the child welfare code, rather than the judicial code.
9. The confidentiality of all juvenile proceedings and records preserved by law.
10. The court to be guided by a special philosophy often contained in legislative "purpose" clauses.

These key features reflect the beliefs and policies which have shaped the Utah juvenile court movement since its inception. Indeed, in contrast to other historical summaries, this one seeks to capture the essential ideas, themes and policies reflected in these features and how they came into prominence or tended to retreat during each of these seven periods. Finally, it describes how, despite the fact that Utah embraced many of the national trends of the juvenile court movement during the past century; it adopted some distinctly different approaches which continue to influence the court to this day.

The seven periods mentioned above makes up separate chapters of some five to ten pages each in this new juvenile court history, and can only be briefly mentioned here. The first, covering the years from 1852 to 1905, and styled the ancestral period, describes Utah's approach to juvenile crime during the years thereafter. The next covers the years from 1905 to 1929 and is styled the missionary period because of the intense efforts that were made during these years both in Utah and nationally, to enact and implement legislation creating the juvenile court, an entirely new kind of tribunal, and to convert skeptics as to its legitimacy. The next period is from 1929 to 1941 and is styled the model code period because these were years of refinement and consolidation, marked by efforts to produce "models" of the best way to organize juvenile courts, drawing from the experience of leading states. The next period from 1941 to 1965 is styled the orthodoxy period because of the complete dominance of the child welfare approach to juvenile justice in Utah despite its constitutional infirmities. During these years the Utah juvenile court operated as part of the Welfare Department within an agency known as the "Bureau of Services for Children" which sought to consolidate the delivery of social services for children under one administrative head. The period from 1965

to 1980 is styled the reformation because, as a result of a 1963 Utah Supreme Court decision, and the 1965 act which followed, the juvenile court gained its independence from the Welfare Department and inclusion within the judiciary under the nominal supervision of the Utah Supreme Court, in a sort of "separate but equal" arrangement with the district court, while seeking to maintain allegiance to the same rehabilitation philosophy as before. The next period, from 1980 to 1992, is styled a time of renewal and rapprochement as a result of the trends and changes during these years moving the juvenile court away from its traditional posture of separateness from adult courts toward greater accommodation with them, culminating in the state's adoption of a new judicial article in 1985. The final period briefly discusses some of the major trends from 1992 to date and how they may relate to the future of the Utah juvenile court.

As of this writing, the Office of Court Administrator is in the process of printing and distributing this historical review. It consists of some 47 pages of text and ten pages of endnotes.

History: July 13, 2000

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Section 1.3 Administration

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Policy:

This policy is to define the purpose and utilization of Juvenile Court policies and procedures.

Scope:

The policies contained in this manual are for all staff who are employed by and individuals who volunteer for the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-203](#)

Procedure:

1. Administrative Office of the Juvenile Court publishes policies and procedures to provide guidelines for its personnel in performance of their duties.
2. These policies have been developed over the course of the operation of the Juvenile Court and may be referred to alternatively by such terms as policies, procedures, protocols, standards, and guidelines.
3. The policies have been developed and implemented to provide a ready source of information and a point of reference when there is a question about what the Juvenile Court desires from its employees under varying circumstances. Employee performance plans shall reflect an expected outcome that employees follow policies and procedures.
4. These guidelines provide general direction but unless specifically indicated, these policies and procedures are not intended to reflect a rigid standard of practice as it is recognized that the guidelines may not be appropriate for every Court or District situation. When judgment and individual situations suggest divergence from the policy, employees should consult their supervisor prior to any action.
5. The policies and procedures have been reviewed by the Chief Probation Officers, Trial Court Executives, and Administration. They have been approved by the Board of Juvenile Court Judges to ensure that, for the usual and customary practice, they are within acceptable parameters for work within a Juvenile Court.

Utilization:

1. Juvenile Court employees should have familiarity with the policies and procedures that apply to the circumstance/situation in which they customarily work. Every Juvenile Court employee should be familiar with where the policies are maintained.
2. Employees should not use these guidelines as a substitution for the judgment of a judicial officer as it is recognized that a guideline may not be uniformly appropriate or in the best interest of every situation. Therefore, the policies and procedures should be considered guidelines, which should be followed unless conditions/situations dictate otherwise or a judicial officer chooses an alternative course of action.
3. The Juvenile Court has formed a Probation Officer Manual Committee composed of line staff and management. The manual will be available on the Courts' Network in a "Folio" file so queries and searches can be done. It will also be placed on the "Intranet" where other Courts' Manuals are placed. Appointments for this committee are made by the Trial Court Executives of the Juvenile Court. All policies will have a date of implementation and/or a revision dates at the end of the written document. Every employee shall know how to access the manual.
4. Individual districts may develop their own procedural manual to reflect the operation of policies in their local District. District policies may be more restrictive, but cannot be less restrictive than the policies contained in this manual.
5. New employees will be made aware of the location of this manual, at the time of their hire. They are responsible for reviewing the manual and for asking questions about its contents. A form will be provided to the employee in which the employee will acknowledge reviewing the manual.

6. The manual will be organized in such a way to start with a referral to the Juvenile Court and end with a minor leaving the jurisdiction of the Juvenile Court. Specific policies that address issues during the course of contact will be placed in the appropriate section. Policies will be numbered so as to facilitate a clear discussion when referencing a policy.

History: Effective March 1, 2001

Addendum 1.3.1 Utah State Court - District Map

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Section 1.4 Code of Ethics

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Policy:

This policy is to set forth a framework of standards for personal conduct while employed by the Utah State Juvenile Court.

Scope:

This policy applies to all staff of the Utah State Juvenile Court.

Authority:

- [UCA 67-16-1 thru 14](#)
- Utah State Courts Personnel Policies & Procedures: Section 5 - [Code of Personal Conduct 500](#)

Procedure:

1. The staff will uphold the dignity of the Court and their position with the Court by:
 - 1.1 Not willfully violating any federal, state or local statute, policy, or directive;
 - 1.2 Carrying out their assigned duties and responsibilities with fidelity;
 - 1.3 Avoiding the appearance of impropriety in the performance of their duties, and
 - 1.4 Encouraging policy, procedures and personnel practices, which will enable others to conduct themselves in accordance with the values, goals, and objectives of the Court and their profession.
2. The staff shall:
 - 2.1 Maintain a courteous, productive, and appropriate working relationship with the general public, related agencies, and co-workers;
 - 2.2 Cooperate with co-workers and related agencies;
 - 2.3 Strive to improve professional competence through knowledge, skills, and abilities obtained in the performance of their duties.
3. The staff will uphold the integrity of their office by adhering to the statutes, rules, policies and procedures governing:
 - 3.1 The confidentiality of the matters before the juvenile court,
 - 3.2 The disclosure and/or use of information obtained by reason of his/her official position,
 - 3.3 The use or attempted use of his/her official position to further the employee's personal gain, and
 - 3.4 The receipt or acceptance of gifts, either directly or indirectly;
 - 3.4.1 That would improperly influence or appear to influence the faithful and impartial discharge of his/her duties or
 - 3.4.2 That would be a reward or appear to be a reward for an official action.
4. The staff will strive to be competent and unbiased in the performance of their duties, recognizing the inalienable rights of all persons, appreciating the inherent worth of the individual, and respecting sensitive information.
5. The staff shall:
 - 5.1 Take reasonable efforts to assist the security of the court, court building, and computer information by:
 - 5.1.1 Maintaining reasonable control of court identification, keys, and electronic key cards;
 - 5.1.2 Reporting any loss of court identification, keys, or electronic key cards immediately to his/her supervisor and immediately filing a written incident report;
 - 5.1.3 Not duplicating keys without appropriate permission
 - 5.1.4 Not sharing his/her computer access and password with other persons; and
 - 5.1.5 Reporting any possible breach of security to appropriate supervisory personnel.
 - 5.2 Not use state equipment inappropriately.
6. The staff recognize that their conduct should enhance trust and confidence by:
 - 6.1 Adhering to the principles of the "Balance Restorative Justice" approach,
 - 6.2 Monitoring compliance of the Court's orders.

- 6.3 Adhering to statutes, rules, policies and procedures governing court employees.
- 6.4 Refraining from statements and actions as an individual that may reflect adversely on the court.

7. The staff will strive to achieve these objectives and ideals of their chosen profession.

History: Effective September 1, 2002

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Section 1.5 Dress Code

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Policy:

The Juvenile Court staff shall maintain a professional image in their appearance in the courtroom, in the office, or in the community.

Scope:

This policy applies to all staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-206](#) Utah Rules of Judicial Administration
- Operation of the Courts - [Rule 3-301](#)
- Utah State Courts Personnel Policies & Procedures - [Section 120](#)

Procedure:

1. The Juvenile Court acknowledges that there are different levels of professional attire which correlate with the environment in which the function occurs.
 - 1.1 There are five distinct levels of environment. The dress policy identifies these levels and the corresponding appropriate dress for employees of the court.
 - 1.2 If the dress standard of any of the levels is in conflict, then the employee shall defer to the higher standard.
2. Employees who dress inappropriately may be sent home on their own time to change into appropriate attire.
 - 2.1 Employees who repeatedly dress inappropriately will be disciplined in accordance with Utah State Courts Personnel Policies and Procedures.
3. Management is expected to enforce the dress code policy.
 - 3.1 Compliance with all policies, including dress attire, will be part of each employee's performance plan.
4. For the COURTROOM , the following are minimum apparel standards. All must be modest in fit and appearance:
 - 4.1 Dress shoes.
 - 4.2 Dress slacks (cotton acceptable). Dresses, skirts or skorts are also acceptable for female staff. All must be modest in fit and appearance.
 - 4.3 Dress shirts, with or without "court logo." Blouses, shells or sweaters are also acceptable for female staff. Ties and socks must be worn by male staff.
 - 4.4 Suit or Sport Coats are not mandatory but are preferred. Sweaters and vests are also acceptable.
5. For the COURTHOUSE/OFFICE , the following are minimum apparel standards. All must be modest in fit and appearance:
 - 5.1 Dress shoes.
 - 5.2 Socks for male staff.
 - 5.3 Dress slacks (cotton acceptable). Dresses, skirts or skorts are also acceptable for female staff.
 - 5.4 Dress shirts or Polo shirts, with or without "court logo." Blouses, shells or sweaters are also acceptable for female staff. Ties are optional. All must be modest in fit and appearance.
6. For the COMMUNITY/AGENCY VISITS , the following are minimum apparel standards. All must be modest in fit and appearance:
 - 6.1 Dress shoes.
 - 6.2 Socks for male staff.
 - 6.3 Dress slacks (cotton acceptable). Dresses, skirts or skorts are also acceptable for female staff.
 - 6.4 Dress shirts or Polo shirts, with or without "court logo." Blouses, shells or sweaters are also acceptable for female staff. Ties are optional. All must be modest in fit and appearance.

7. For FIELD VISITS/TRAINING , the following are minimum apparel standards. All must be modest in fit and appearance:
- 7.1 Dress shoes, athletic footwear, hiking or work boot. For safety reasons, sandals will not be allowed when staff is conducting field visits. However, they are acceptable when staff attends training that does not require special footwear.
 - 7.2 Dress slacks or jeans (cotton acceptable).
 - 7.3 Dress shirts or Polo shirts, with or without "court logo." Blouses, shells and sweaters are acceptable for female staff. For safety reasons, it is suggested that staff not wear ties on field visits.
 - 7.4 Probation staff will not change into tracking attire until they have made all preparations necessary and are ready to leave the building to do field supervision. Probation staff will not remain in the court building wearing tracking attire.
8. For WORK CREWS , the following are minimum apparel standards. All must be modest in fit and appearance:
- 8.1 Shoes or Boots
 - 8.2 Jeans / Levis
 - 8.3 T-shirt without obscene logos or wording
 - 8.4 Appropriate long or short sleeved casual shirt
 - 8.5 Shorts during hot weather, no shorter than 4" above the knee.
 - 8.6 Hats can be worn, no obscene logos or wording
9. "Dress down" days may be designated by the Trial Court Executive of each district as deemed appropriate and should be within the parameters of "FIELD VISITS/TRAINING ."

History: Effective March 1, 2001

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Section 1.6 Courtroom Etiquette

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Policy:

This policy is to establish guidelines for appropriate court etiquette for non-judicial personnel.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

Procedure:

1. When appearing in court, the staff should adhere to the following practices of professional courtroom demeanor.
 - 1.1. Be on time for all scheduled court hearings
 - 1.2. Stand when addressing the Judge/Commissioner.
 - 1.3. Address the judge as "Your Honor."
 - 1.4. Ask permission to approach the bench.
 - 1.5. Stand in order to be recognized to address the bench and wait for permission to speak.
2. Distractions in the courtroom should be kept to a minimum.
 - 2.1. Staff should not participate in casual conversation while court is in session.
 - 2.2. Entering and exiting the courtroom while court is in session should be held to a minimum.
 - 2.2.1. Staff who are directly involved with the proceeding should ask permission from the judge to be excused prior to leaving the courtroom.
3. Staff should speak clearly and concisely to articulate their thoughts.
 - 3.1. No food, drink, candy or gum is allowed in the courtroom.
4. Only discuss a case with the judge in open court with the defendant present. Never privately discuss a case with the judge. You may talk to a supervisor, county attorney, or other appropriate individuals.
 - 4.1. The judge may be contacted when the probation officer believes that a minor has violated the court's order and a request is being made by the court to issue an order of detention for the minor.
5. Employees should dress in accordance with the dress code for the courtroom. ([Section 1.5](#))

History: Effective March 1, 2001

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Section 1.7 Release of Information

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Policy:

This policy is to establish uniform guidelines for release of information to the minor, the victim, or any other party that has a direct interest in the Juvenile Court Proceedings.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-209](#) Utah Rules of Judicial Administration
 - Operation of the Courts - [Rule 4-202.02 \(9, 10\)](#) & [4-202.03 \(9, 10\)](#)
 - Juvenile Court Operations - [Rule 7-202](#)
- Utah Rules of Juvenile Procedure - [Rule 45](#)

Procedure:

1. Applicable juvenile court records, as defined by Rule, shall be open to inspection by:
 - 1.1 The parents or guardian of the minor,
 - 1.2 Other parties in the case (SEE MATRIX, addendum 1.7.1),
 - 1.3 The attorneys, and
 - 1.4 Agencies to which custody of a minor has been transferred.
2. With the consent of the judge, juvenile court records may be inspected by
 - 2.1 The minor;
 - 2.2 By any other persons having a legitimate interest in the proceedings, and
 - 2.3 By persons conducting pertinent research studies.
3. If a petition is filed charging a minor 14 years of age or older with an offense that would be a felony if committed by an adult, the court shall make available to any person upon request:
 - 3.1 The petition;
 - 3.2 Any adjudication or disposition orders, and
 - 3.3 The delinquency history summary of the minor charged unless the records are closed by the court upon findings on the record for good cause.
4. Probation officers' records and reports of social and clinical studies are not open to inspection, except by consent of the court.
5. Any juvenile delinquency adjudication or disposition orders and delinquency history summary of any person charged as an adult with a felony offense shall be made available to any person upon request.
 - 5.1 This provision does not apply to records that have been destroyed or expunged in accordance with court rules.
 - 5.2 The court may charge a reasonable fee to cover the costs associated with retrieving a requested record that has been archived.
6. A record of information released shall be kept in the legal file. (Yellow card or certificate of release) [addendum 1.7.2].
7. At any stage in the Juvenile Court, upon motion of any party or on its own motion, the judge may limit or impose conditions on disclosure as to all or some part of a case record for good cause shown and when such limitation is in the best interest and welfare of the minor to whom the record relates. Unless uncontested or submitted by stipulation, request to modify or vacate any order so limiting disclosure shall be by motion with notice and hearing.
8. Disclosure permitted by Rule 4-202.03 shall not be construed as authorizing secondary disclosure or use of Juvenile Court records or as restricting the authority of a judge to:
 - 8.1 Expressly restrict secondary use or access or,
 - 8.2 As a waiver of any applicable statute, rule of evidence or other legal restriction regarding secondary disclosure or,
 - 8.3 Use of such records.

9. Methods and procedures for inspection and copying of records, including electronic tapes, and costs or fees to be charged for the same, shall be as provided in the accounting manual. Requests should be made to the Clerk of the Court.
-

Addendum 1.7.1 Release of Information Guide History:

Approved by Legal Counsel April 2003
Removed (Pending Revision)

Note:

Legal Counsel Review 11/08/00

Addendum 1.7.2 Dispersement Record

- [Complete Dispersement and File Control Form](#)

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Section 1.8 Policy Review

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Policy:

This policy provides guidelines for creation and revision of probation department policies.

Scope:

This policy applies to all juvenile court personnel of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-203](#) Administrative Office of the Courts

Procedure:

1. A committee designated by the chief probation officers will review and respond to request for changes or new policies.
 - 1.1 The committee will meet every other month or as needed.
 - 1.2 Recommended policy changes or new policy requests should be directed to the probation manual committee. A request should be submitted in writing using the approved form. (Policy Change Request Form 1.8.1).
2. The committee will prepare a draft of recommended changes for the chief probation officer group to review and approve. Any changes to policy that make significant modifications will go through the same review process as the original policy.
 - 2.1 The committee may make minor changes to policy that include spelling, grammar, and minor modifications without the need for further approval.
 - 2.2 The committee will determine if the policy needs to go through the review process, or if the changes can simply be published.
3. The chief probation officers will approve any changes to policies. The final draft will be submitted to the trial court executives by the probation manual committee chair or designee.
4. Policies approved by trial court executives will be submitted to the Board of Juvenile Court Judges for approval.
5. The date of the approval to the policy will be noted on the last page. The chair of the probation manual committee is responsible to submit the approved policy to the IT department for placement onto the Intranet.
 - 5.1 Updated policies will be sent electronically to all trial court executives, chief probation officers, and the Administrative Office.
 - 5.2 It will be the responsibility of chief probation officers to review any policy changes with their staff.

History: Effective May 1, 2002

- Revised December 31, 2008 by JCPO policy committee
- Approved by Chiefs February 12, 2009
- Approved by Trial Court Executives March 19, 2009

Addendum: Policy Change Request Form 1.8.1

- [Policy Change Request Form](#)

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Policy Change Request Form

Date: _____

Name of Requestor: _____

Name of Policy to modify or add: _____

Section Number of Policy to modify or add: _____

Policy: ☐ Okay as currently written ☐ Modify/Add as follows:

Scope: ☐ Okay as currently written ☐ Modify/Add as follows:

Authority:

☐ The references are current ☐ Modify/Add as follows:

Procedure: Please indicate below what modifications or additions you are requesting. You may attach a copy of the procedure with the changes noted. Please provide justification for your request.

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Section 2.1 Preliminary Inquiry

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Policy:

The Preliminary Inquiry shall be completed on all delinquent matters, with the exception of those excluded by Rule, to determine whether the interests of the public or of the minor require further action to be taken by the Court. The Probation Officer may hold an initial interview with the minor and the parent(s), the guardian(s), or the custodian(s).

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-602\(2\)\(b, c, & d\)](#)
- Utah Rules of Judicial Administration
 - Juvenile Court Operations - [Rule 7-301](#)
- Utah Rule of Juvenile Procedure - [Rule 15](#), [Rule 45](#)

Procedure:

1. After the court has received the referral, a preliminary determination should be made by the probation department to determine whether the facts reported are legally sufficient to give the court jurisdiction. In order to make this determination, the probation department may seek the assistance of the county/district attorney.
2. If it is determined that the facts are not insufficient to justify proceeding forward with the matter, the probation department may refer the matter back to the complainant requesting further information or stating the reasons for refusing to proceed with the matter.
3. The probation officer shall schedule the preliminary inquiry with the minor and the parent(s) or the guardian(s) within fourteen (14) calendar days of the incident being assigned in CARE. receipt of the intake referral. Appointments may be made by phone or mail and special needs should be determined.
 - 3.1 If it is established that the minor is in the custody of the Division of Child and Family Services, the court will:
 - 3.1.1.1 Date and time of the preliminary inquiry or diversion/non-judicial group program.
 - 3.1.1.2 Date and time of all hearings on the matter(s).
 - 3.1.2 May notify the assigned Guardian ad Litem in writing regarding the delinquency allegation as well as the date and time of the preliminary inquiry or diversion/non-judicial group program.
 - 3.1.3 The probation officer may access the SAFE management information system through CARE to determine the assigned DCFS case worker and assigned GAL.
4. The probation officer shall utilize the district process in obtaining victim information in regard to restitution.
5. The probation officer shall research court obligations prior to the preliminary inquiry interview.
6. During the interview, the probation officer will verify the information contained in the case history and will attempt to gather statistical data and identifying information needed to complete the case profile in CARE. The minor's age shall be verified to insure jurisdiction. The probation officer shall advise the parties of the following:
 - 6.1 The Preliminary Inquiry interview shall only be held if there is a parent(s) or guardian(s) present with the minor.
 - 6.2 The probation officer has no judicial authority and the Preliminary Inquiry interview is not a court hearing.
 - 6.3 The purpose of the Preliminary Inquiry is to determine whether further action is necessary and whether the matter may be closed without the filing of a petition.
 - 6.4 The interview is voluntary and may be terminated at anytime at the request of the minor, the parent(s), guardian(s), or the custodian(s).

- 6.5 The minor may obtain an attorney for the Preliminary Inquiry process.
 - 6.6 The minor must be informed of the alleged offense and that the age of the minor gives the court jurisdiction.
 - 6.7 Information discussed during the Preliminary Inquiry cannot be used during adjudication, but may be used for dispositional purposes.
7. If the minor or parent(s) become abusive or threatening during the Preliminary Inquiry interview, the interview shall be terminated.
8. The probation officer shall give a brief description of the charges. The probation officer shall ascertain the minor's desire to admit the allegation(s) or deny the allegation(s).
- 8.1 If the minor admits the allegation(s), a determination shall be made whether to handle the matter by filing of a petition or by a non-judicial handling.
 - 8.2 If the minor denies the allegation(s), the interview may be terminated. The probation officer or the county/district attorney may then file a petition.
 - 8.3 If the minor denies the allegation(s), the interview may not continue unless the minor and parent/guardian or custodian give their written consent to gather social information using the Utah State Juvenile Court Notice & Acknowledgment to Legal Rights of Minors and Parents (Addendum 2.1.1).
9. A dispositional report will be made regarding all admitted matters.
- 9.1 If the matter is petitioned before the Court, a written dispositional report shall be filed with the Court [[UCA 78A-6-605](#) (See [Policy 2.8, Dispositional Report](#))]
 - 9.2 If the matter is closed through a non-judicial adjustment, the written report may be completed on the back of the case history. (See [Policy 2.4 Non-Judicial Adjustment](#))

History: Effective September 26, 2007 - Revised November 19, 2010

Addendum 2.1.1 Notice and Acknowledgment to Legal Rights of Minors and Parents

- [Utah State Juvenile Court Notice & Acknowledgment to Legal Rights of Minors and Parents](#)

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Section 2.3 Case Transfers - Intake

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Policy:

This policy is intended to provide direction when transferring intake cases between districts.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-103](#)
- [UCA 78A-6-110](#)

Procedure:

1. Proceedings in minor's cases shall begin in the district of the minor's residence or where the alleged violation occurred.
2. Prior to the petition being filed:
 - 2.1 A delinquency referral will be received by the jurisdiction where the minor lives if the minor is not placed in detention. (A delinquency referral will be date stamped upon receipt and then sent to the jurisdiction where the minor lives to begin the time line if the minor is not placed in detention.)
 - 2.2 When the minor is detained outside the jurisdiction of his/her residence, the probation officer may coordinate with the prosecuting attorney to file a petition. Within five working days, the petition must be filed or the referral must be transferred to the jurisdiction of residence.
 - 2.3 The referral will be sent by the receiving district to the district where the minor lives. (Within five working days, the petition must be filed or the referral must be sent by the receiving district to the jurisdiction of residence where the minor lives to have the petition filed.)
 - 2.4 Denied offenses that occur in another jurisdiction, other than where the minor resides, will be transferred to the jurisdiction where the offense occurred within five working days. Prior to transfer of the case, the minor must sign a Denial of Offense and Waiver to Hearing Form per district policy.
3. After the petition is filed:
 - 3.1 When the case is transferred for adjudication only, a packet containing the minute sheet, case history sheet and police report or other documents shall be sent by the clerical staff to the district where the offense occurred.
 - 3.2 When a case is transferred for adjudication and disposition, the clerical staff of the district transferring the case shall send all documents, legal and (dispositional reports packet) social files, to the receiving district.
4. The probation officer shall prepare the (dispositional reports packet) social file and ensure that the packet file:
 - 4.1 Contains a copy of all dispositional reports,
 - 4.2 Contains a copy of evaluations and/or assessments, if any,
 - 4.3 Is in neat order.
5. Upon completing the (dispositional reports packet) social file for transfer, the probation officer will prepare an information on the case transfer sheet. The transfer sheet and the (dispositional reports packet) social file will be reviewed by the supervisor and must be given to the clerk for transfer.

History: Effective May 1, 2002.

Revised: November 6, 2009

Section 2.3.1 Case Transfer Form

- [Complete the Case Transfer Form online](#)

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STATE OF UTAH, in the interest of _____ DOB: _____ A person under eighteen years of age	<u>INFORMATION ON CASE</u> <u>TRANSFER</u> Case No. _____
--	---

- DATED: _____
- _____
Clerk or Intake/Probation Officer

(Please note: This form is for transfer information only and as such may be filled out by hand and destroyed upon the receipt of the transferred file.)

Section 2.4 Nonjudicial Adjustment

Policy:

All eligible youth will be provided the opportunity to participate in the nonjudicial adjustment process regardless of national origin, race, ethnicity, socioeconomic, or custody status. This policy provides direction to probation staff regarding nonjudicial adjustments with minors referred to the Utah State Juvenile Court.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- UCA 76-5
- UCA 76-5-401.3
- UCA 76-9-7
- UCA 78A-6-105
- UCA 78A-6-602(2)(b)(c)(d)(e)(f)
- Utah Code of Judicial Administration Rule 7-301
- Utah Rules of Juvenile Procedure Rule 15
- Accounting Manual Policy 02-13
- Probation Policy 4.15 Probation Responses to Compliant and Noncompliant Behavior
- Statewide Sliding Fee Scale

Procedure:

1. The probation officer shall conduct a preliminary inquiry and a Pre Screen Risk Assessment (PSRA) on all youth that are offered a nonjudicial adjustment. If the PSRA indicates the youth is moderate or high risk, a Protective Risk Assessment (PRA) and case plan should be conducted if a nonjudicial adjustment is completed.
2. The probation officer shall not offer a nonjudicial adjustment to a minor charged with any of the following offenses listed under [UCA 76-5-401.3](#):
 - a. a Third Degree Felony if an adolescent who is 17 years of age engages in unlawful adolescent sexual activity with an adolescent who is 12 or 13 years of age;
 - b. a Third Degree Felony if an adolescent who is 16 years of age engages in unlawful adolescent sexual activity with an adolescent who is 12 years of age;

- c. any Class A Misdemeanor if an adolescent who is 16 years of age engages in unlawful adolescent sexual activity with an adolescent who is 13 years of age;
 - d. a Class A Misdemeanor if an adolescent who is 14 or 15 years of age engages in unlawful adolescent sexual activity with an adolescent who is 12 years of age;
 - e. a Class B Misdemeanor if an adolescent who is 17 years of age engages in unlawful adolescent sexual activity with an adolescent who is 14 years of age;
 - f. a Class B Misdemeanor if an adolescent who is 15 years of age engages in unlawful adolescent sexual activity with an adolescent who is 13 years of age;
 - g. a Class C Misdemeanor if an adolescent who is 12 or 13 years of age engages in unlawful adolescent sexual activity with an adolescent who is 12 or 13 years of age; and
 - h. a Class C Misdemeanor if an adolescent who is 14 years of age engages in unlawful adolescent sexual activity with an adolescent who is 13 years of age.
- 3. The probation officer shall offer a nonjudicial adjustment to a minor when he/she:
 - a. is referred with a misdemeanor (excluding misdemeanors outlined in paragraph 2), infraction or status offense;
 - b. has fewer than three prior adjudicated episodes (excluding contempts); and
 - c. has no more than three prior unsuccessful nonjudicial attempts.
- 4. The probation officer shall request the prosecutor to review the referral if the minor or the minor's parent/guardian/custodian declines the offer of a nonjudicial adjustment.
- 5. The probation officer may request that the prosecutor review the referral when:
 - a. the PSRA indicates the minor is high risk; or
 - b. the PSRA indicates the minor is moderate risk and the referral is for a Class A misdemeanor violation under [Title 76, Chapter 5 \(Offenses Against Persons\)](#), or [Title 76, Chapter 9 \(Offenses Against Public Order and Decency\)](#), [Part 7, Miscellaneous Provisions](#).
- 6. The prosecutor or the Court may direct the probation officer to offer a nonjudicial adjustment to any minor not covered by paragraphs 3 and 4 above.
- 7. A minor is not required to admit to an offense for a nonjudicial adjustment to be completed.
- 8. An intake decision shall be entered within 30 days of the intake date.
- 9. A minor may not be denied a nonjudicial adjustment due to an inability to pay.

10. The payment of a financial penalty or restitution shall be based upon the ability of the minor's family to pay as determined by the statewide sliding scale.
11. The nonjudicial closure may include:
 - a. payment of a financial penalty not to exceed \$250
 - b. payment of victim restitution for material loss (uninsured: property loss; out of pocket monetary loss; lost wages; or medical expenses); restitution shall be considered separately from a financial penalty and is not limited to \$250;
 - c. satisfactory completion of community service;
 - d. referral to an appropriate provider for screening, assessment, counseling, and/or treatment;
 - e. attendance at substance use disorder programs or counseling programs;
 - f. compliance with specified restrictions on activities and associations; and
 - g. other reasonable actions that are in the interest of the minor and the community.
12. The adjustment shall reflect a completion date for the agreed terms and conditions and shall not exceed 90 days from the date the adjustment was signed. Permission for an additional 90 days may be obtained from the court. (Report & Recommendation Regarding Nonjudicial)
13. The probation officer shall eFile a modification form when changes to the existing nonjudicial adjustment become necessary.
14. If a minor fails to comply with the conditions agreed upon as part of the nonjudicial adjustment, the probation officer shall employ and document interventions or sanctions to address the non-compliant behavior consistent with the Probation Responses to Compliant and Non-Compliant Behavior Matrices.
15. If a minor fails to substantially comply with the conditions agreed upon as part of the nonjudicial adjustment, the probation officer shall submit the case to the prosecutor for review and direction. Failure to pay a fine or fee may not serve as the basis to refer the case to the prosecutor for further action.

History: Revised and Approved June 9, 2017
Effective August 1, 2017

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Section 2.6 Petition

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Policy:

Based on the preliminary inquiry, the court may authorize the filing of or request that the prosecuting attorney file a petition.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-108](#)
- [UCA 78A-6-602](#)
- Utah Rules of Juvenile Procedure - [Rule 17](#)

Procedure:

1. A probation officer or prosecutor may file a petition if:
 - 1.1 The minor denies the charge;
 - 1.2 A no action closure or non-judicial closure is inappropriate; or
 - 1.3 The minor fails to complete a non-judicial agreement; or
 - 1.4 The minor's or the public's interest requires that a petition be filed.
2. The petition shall allege the offense as it is designated by statute or ordinance and shall include:
 - 2.1 Concise terms of the definition of the offense together with a designation of the section or provision of law allegedly violated;
 - 2.2 The name, age, and residence of the minor;
 - 2.3 The names and residences of the minor's parent(s), guardian, or the nearest known relative, if no parent or guardian is known; and,
 - 2.4 The name and residence of the person having physical custody of the minor.
 - 2.5 The petition shall indicate any unknown information required for the petition.
3. The closure of an offense by filing of a petition will be made within 30 days of the intake date, unless:
 - 3.1 The minor and parent fails to appear for a preliminary inquiry appointment and a subsequent appointment is scheduled within a reasonable amount of time; or
 - 3.2 For other extenuating circumstances beyond the control of the probation department.

History: Effective May 3, 2006 - Revised November 19, 2010

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Section 2.7 Risk Assessment Tools

Policy:

The probation department shall conduct risk assessments as outlined below to identify risk and protective factors and focus on early intervention with youth. Probation officers administering risk assessment tools shall be required to attend risk assessment training.

Note: If the minor denies the offense the probation officer should refer to Policy 2.1 Preliminary Inquiry regarding denials.

Scope:

This policy applies to all probation officers of the Utah State Juvenile Court.

Authority:

Utah Rules of Judicial Administration

- Juvenile Court Operations Rule [7-304](#)
- Courts Agency Record Exchange (C.A.R.E)
- Pre-Screen Risk Assessment (PSRA)
- Protective Risk Assessment (PRA)
- Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II)

Procedure:

Risk Assessments:

1. A Pre Screen Risk Assessment (PSRA) shall be completed on **all** cases in which a petition is filed unless:
 - 1.1. It is a non-judicial case petitioned for non-compliance; or
 - 1.2. It is a traffic, wildlife, or boating violation; or
 - 1.3. It is an infraction or other minor offense.
2. When the PSRA score is moderate or high, a Protective Risk Assessment (PRA) should be completed according to the district's Quality Assurance Plan (QAP).
3. When a PSRA or Protective Risk Assessment (PRA) cannot be completed before adjudication, it should be completed prior to disposition.
4. When a minor is placed on probation and the risk score for the PSRA is moderate or high, a PRA shall be completed within 45 days of disposition.
 - 4.1. The results of the PRA shall be used to make appropriate recommendations for court reports and case planning;
 - 4.2. A reassessment of the PRA shall be completed when significant events occur or at least every 180 days. A reassessment will also be completed at the time of termination from probation.
5. Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II):
 - 5.1. When processing sex offenses, the probation officers shall use the JSORRAT-II risk level to determine the need for further assessment.
 - 5.2. The JSORRAT-II shall be used as a risk assessment when the following conditions exist:
 - 5.2.1.1. The referred minor is a male.
 - 5.2.1.2. The date of adjudication is on or after the minor's 12th birth date, and prior to the minor's 18th birth date.

- 5.2.1.3. The case is adjudicated delinquent for a sexual offense; the JSORRAT-II may be used pre-adjudication to determine a preliminary risk score only. In such cases, the presenting offense should be counted.
- 5.3. Probation officers shall adhere to the JSORRAT-II instructions to assure proper completion of the assessment tool.
- 5.4. Probation officers shall use the following table to determine a recommendation for further assessment:

JSORRAT-II Risk Level	Score	Sexual Recidivism Rate	Recommended Action
Low	0-3	8.3 %	Little to no further sex specific assessment.
Moderate	4-7	18.2%	Sexual Behavioral Risk Assessment (SBRA) and any other assessment deemed appropriate by clinical assessor.
High	8+	24.6%	Psycho-Sexual or less as deemed appropriate by clinical assessor.

- 5.5. The JSORRAT-II tool shall not be utilized in plea negotiations and/or the adjudication process. It is not appropriate for the JSORRAT-II to be utilized as the sole source for hold and release recommendations from detention.
- 5.6. The probation officer shall continue to comply with the PSRA and PRA policy and procedures.
6. Probation officers should refer to their district's QAP for further detail on conducting assessments.

History:

Effective August 10, 2012- Revised February 15, 2017

Addendum 2.7.1 Pre-Screen Risk Assessment Tool

- Complete the Pre-Screen Assessment Tool online

Addendum 2.7.2 Protective Risk Assessment Tool

- Complete the Full Risk Assessment Tool online

Addendum 2.7.3 Juvenile Court Assessment Process Flowchart

Addendum 2.7.4 Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II)

- Complete the JSORRAT-II Tool online

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Section 2.8 Dispositional Report

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Policy:

The probation department (or any agency designated by the court) shall prepare a dispositional report in writing in all petitioned cases required by statute.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-605](#)
- Utah Rules of Judicial Administration
 - Juvenile Court Operations - [Rule 7-302](#)
- Utah Rules of Juvenile Procedure - [Rule 45](#)
- Working with Dually Involved Youth

Procedure:

1. The probation department (or other agency designated by the court) shall prepare a dispositional report in writing in all cases in which a petition has been filed, except:
 - 1.1 Traffic violations.
 - 1.2 Fish and game violations.
 - 1.3 Boating violations.
 - 1.4 Parks and recreation violations, and
 - 1.5 Other minor cases where the Board of Juvenile Court Judges, by rule, has waived preparation of the report.
2. The probation officer will conduct a preliminary inquiry interview with the minor and the parent(s)/guardian(s), if possible, to gather social information for the dispositional report.
 - 2.1 If it is established that the minor is in the custody of the Division of Child and Family Services, the assigned probation officer will communicate with the DCFS case worker regarding all recommendations. Refer to the [Dually Involved Youth Toolkit](#)
 - 2.2 If the minor denies the allegation(s), the interview may continue but no social information shall be gathered on the minor during the preliminary inquiry unless the minor and the parent/guardian, or custodian, give their written consent using the Utah State Juvenile Court Notice & Acknowledgment to Legal Rights of Minor and Parents (Addendum 2.1.1).
3. The content of the dispositional report shall include the following, but is not limited to:
 - 3.1 Referral history and action taken by the probation department.
 - 3.2 Facts as outlined in the police report.
 - 3.3 Presenting offense episode and pattern of behavior (the story).
 - 3.4 Victim impact statements and restitution worksheets based on the victim's claimed loss.
 - 3.5 Minor's attitude toward rehabilitation.
 - 3.6 Parent(s) or guardian(s) attitude and what action they took to correct the behavior.
 - 3.7 Academic, behavior, or attendance problems at school.
 - 3.8 Collateral contacts with agencies.
 - 3.9 A list of strengths and weaknesses as perceived by the minor and parent(s) or guardian(s), and a list of risk and protective factors as assessed by the PRA/PSRA.
 - 3.10 Any physical problems, emotional problems, or diagnosis the minor may have.
 - 3.11 Employment history.
 - 3.12 Substance history.
 - 3.13 Any previous "stayed" or "suspended" orders (detention, custody, fines, etc.).
 - 3.14 Minor's placement history (detention, out of home placement, mental health, etc.).
 - 3.15 History of previous services the minor and/or his parent(s) or guardian(s) have received (mental health counseling, drug and alcohol counseling, etc.).
 - 3.16 Where the minor falls on the sentencing guidelines and a statement of why or why not the guidelines should be followed. Aggravating and mitigating factors should be

- identified when applicable..
- 3.17 Recommendations based upon the information gathered and justification of the recommendations specific to the balanced and restorative justice principles and evidence based practices.
4. The dispositional report and social studies shall be provided by the author to the minor's counsel, the prosecuting attorney, the guardian ad litem, and counsel for the parent, guardian or custodian of the minor at least two days prior to the dispositional hearing. When the minor or the minor's parent, guardian or custodian are not represented by counsel, the court may limit inspection of reports by the minor or the minor's parent, guardian or custodian if the court determines it is in the best interest of the minor.
 5. The dispositional report shall be uploaded in CARE at least two days prior to the hearing.
 6. The probation officer shall verify all information in the dispositional report.

History: Effective September 26, 2007 - Revised August 10, 2012

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Section 2.9 Detention Placement and Hearings

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Policy:

Probation staff will follow the statutory guidelines for admission, continuation, and release of a minor from a detention facility, as well as the time limits for detention and home detention hearings and the filing of appropriate petitions and motions.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile court.

Authority:

- [UCA 78A-6-113](#)
- [UCA 78A-6-604](#)
- Utah Rules of Juvenile Procedure - [Rule 6](#), [Rule 7](#), [Rule 9](#), [Rule 11](#), [Rule 26](#)

Procedure:

1. Admission to detention without a court order is governed by Utah Administrative Code of Division of Youth Corrections R547-13-14, which includes the following in addition to the [Holdable Offense List](#).
 - 1.1 A minor may be detained in a secure facility if the alleged offense is on the holdable list or
 - 1.1.1 Three or more non-status criminal offenses are currently alleged in a single criminal episode, or
 - 1.1.2 The minor's record discloses two or more prior adjudicated offenses on the holdable offense list in which the offenses were found to be true in the past twelve months, or
 - 1.1.3 The youth, while under the continuing jurisdiction of the court, has run from court-ordered placement, including his own home, or
 - 1.1.4 The youth has failed to appear at a court hearing within the past twelve months after receiving legal notice and officials have reason to believe that the youth is likely to abscond unless held.
 - 1.2 A youth shall not be detained for any of the following:
 - 1.2.1 Ungovernable or runaway behavior; neglect, abuse, abandonment, dependency, or other status requiring protection for any other reason.
 - 1.2.2 Status offenses such as curfew, possession/consumption of alcohol, tobacco, minor in a tavern, truancy; attempted suicide.
 - 1.2.3 No minor under the age of ten years may be detained in a secure detention facility.
 - 1.3 Home detention cases:
 - 1.3.1 If a home detention violation is alleged, the home detention counselor may place the minor back in detention.
 - 1.3.2 If the minor is considered a run away, law enforcement may take the minor to detention. The home detention counselor may return the minor back on home detention, if appropriate, or may authorize the minor be held in detention for further hearing.
 - 1.3.3 If the minor is arrested while on home detention status for an alleged criminal violation the minor shall be returned to detention.
 - 1.4 A youth shall be admitted to a detention facility when a juvenile court judge or commissioner has issued a warrant for custody for conditions such as:
 - 1.4.1 An alleged probation violation, contempt of court, or a stayed order for detention when it has been ordered by a judge.
 - 1.4.2 When it is not possible to get a written order, verbal authorization from a judge is sufficient to hold a youth in a detention facility.

2. A minor may not be placed or kept in a detention/shelter facility pending court proceedings unless the minor is:
 - 2.1 A danger to the community, or
 - 2.2 A danger to self, or
 - 2.3 A flight risk, or
 - 2.4 It is unsafe to return the minor to the custody of his parent or guardian.
3. When a minor is detained in a detention facility, the parents, guardian or custodian shall be informed of the minor's status by the detention facility or the probation officer prior to the detention hearing.
 - 3.1 A judge or commissioner may order the release of the minor at any time.
4. After admission to a detention facility and pursuant to statute, a probation officer may review the minor's detention status and determine if it is safe to release the minor to the parents, guardian or custodian prior to the detention hearing.
 - 4.1 By practice some districts do not release the minor prior to the initial detention hearing. Probation officers should refer to supervisory personnel in regard to the local practice.
5. A minor may not be held in a detention facility longer than 48 hours prior to a detention hearing, excluding weekends and holidays, unless extended by court order.
 - 5.1 A detention hearing may not be waived.
 - 5.2 At the time of the detention hearing, the judge/commissioner shall receive information regarding the minor's detainment, as provided by the detention facility.
 - 5.2.1 The judge/commissioner may receive information, including hearsay and opinion that is relevant to the decision whether to detain or release the minor. Privileged communications may be introduced only in accordance with the Utah Rules of Evidence.
 - 5.3 A detention hearing may be held without the presence of the minor's parents, guardian or custodian if they fail to appear after receiving notice. The judge/commissioner may delay the hearing for up to 48 hours to permit the parent, guardian or custodian to be present or may proceed subject to the rights of the parent, guardian or custodian to be present.
 - 5.4 If the court determines there is no reasonable basis for continuation of the minor in detention, it shall order the minor be released immediately without restrictions.
 - 5.5 If the court finds at the detention hearing that it is unsafe to release the minor, the court may order the minor be held in the facility or be placed in another appropriate facility, subject to further court order.
 - 5.6 After a detention hearing has been held, only the court may release a minor from detention.
 - 5.7 If a minor remains in a detention facility, a review shall be held every seven days.
 - 5.8 The court may appoint counsel for the minor with or without the minor's consent.
6. If the court releases the minor on a home detention order, the probation officer shall notify the Youth Corrections home detention staff of the order and direct the minor and parents or guardian to meet with the home detention staff.
 - 6.1 After a minor has been ordered to home detention, only the court may release a minor from home detention.
 - 6.2 While a minor remains on home detention, a review shall be held every seven days.
 - 6.3 The court may release a minor from a detention facility with other court ordered restrictions which may include, but are not limited to electronic monitoring, restricted travel, associations or residence.
7. After a dispositional order for placement, a minor may not be held longer than 72 hours, excluding weekends and holidays.
 - 7.1 A detention order may be extended by the court once for seven days if:
 - 7.1.1 Good cause is set forth in a filing of a written motion by the agency responsible for placement or a probation officer; and
 - 7.1.2 A written finding is entered by the court which supports the best interest of the minor and the community for extending the period of detention.
 - 7.2 The agency or probation officer requesting an extension shall promptly notify the detention facility that a written motion has been filed and if the motion was granted.
8. A minor committed to detention shall receive credit for good behavior at the rate of one day for every three days served under guidelines established by the Division of Youth Corrections.
9. The court shall order the release of the minor to the parent, guardian or custodian unless there is reason to believe:
 - 9.1 The minor will abscond or be taken from the jurisdiction of the court unless detained; or
 - 9.2 The offense alleged to have been committed is of such a nature that it would be a felony if committed by an adult; or
 - 9.3 The minor's parent, guardian or custodian refuses to accept custody of the minor; or
 - 9.4 The minor's parent, guardian or custodian cannot be located; or
 - 9.5 The minor's parent, guardian or custodian will not produce the minor before the court at an appointed time; or
 - 9.6 The minor will undertake witness intimidation; or

- 9.7 The minor's past record indicates the minor may be a threat to the public safety; or
 - 9.8 The minor has problems of conduct or behavior so serious or the family relationships are so strained that the minor is likely to be involved in further delinquency; or
 - 9.9 The minor has failed to appear for a court hearing within the past 12 months.
10. If the minor's parent, guardian or custodian fails to retrieve the minor from a detention facility within 24 hours after notification of release, the parent, guardian or custodian is responsible for the cost of care for the time the minor remains in the facility.
11. Time limits.
- 11.1 Unless the time period for filing a petition or holding of an arraignment is extended by court order, a minor shall be released from a detention facility if:
 - 11.1.1 A petition has not been filed within five working days of the date the minor was admitted to detention; or
 - 11.1.2 An arraignment hearing is not held within 10 days of the date the petition was filed.
 - 11.2 Unless the time period for filing a petition is extended by court order, an order placing a minor on home detention or released from a detention facility with conditions shall be terminated if:
 - 11.2.1 A petition is not filed within 30 days of the placement of the minor on home detention, or the date of release from detention with conditions.
 - 11.3 Requests for an extension of the time period for filing a petition shall be made in writing on forms supplied by the clerk and shall be retained in the legal file. The name and title of the person making the request, and the reasons for the requested extension shall be included. The requests need to be approved by a judge for continuing detention.

History: Effective August 1, 2001

Addendum 2.9.1 Holdable Offense List - R547-13-14

Rule text: A youth charged with any of the following offenses, in accordance with Section R547-13-3, is eligible for placement in a secure detention facility.

- (1) Absent Without Official Leave, Federal
- (2) Aggravated Arson
- (3) Aggravated Assault
- (4) Aggravated Burglary (Armed with Weapon)
- (5) Aggravated Burglary (Weapon/Injury)
- (6) Aggravated Kidnapping
- (7) Aggravated Murder
- (8) Aggravated Robbery, First Degree Felony
- (9) Aggravated Sexual Abuse, Victim Under 14
- (10) Aggravated Sexual Assault
- (11) Aiding in an Escape, Use of Deadly Weapon
- (12) Arson, \$1,000 to \$5,000
- (13) Arson, Value Exceeds \$5,000
- (14) Assault by a Prisoner
- (15) Assault on a Police Officer
- (16) Attempted Capital Felony
- (17) Attempted First Degree Felony against Person
- (18) Attempted Second Degree Felony against Person
- (19) Attempted Third Degree Felony against Person
- (20) Automobile Homicide in Criminally Negligent Manner
- (21) Automobile Homicide in Negligent Manner
- (22) Bombing, Person Injured
- (23) Burglary, Dwelling, Second Degree Felony
- (24) Burglary, Non-Dwelling, Third Degree Felony
- (25) Burglary, Research Facility, Second Degree Felony
- (26) Car Theft, Second Degree Felony
- (27) Carrying a Concealed Weapon
- (28) Carrying a Loaded Weapon in a Vehicle or on a Street
- (29) Catastrophe, Knowingly Causing, Injury to Person
- (30) Conspiracy to Commit Capital Felony
- (31) Conspiracy to Commit First Degree Felony
- (32) Conspiracy to Commit Second Degree Felony
- (33) Conspiracy to Commit Third Degree Felony
- (34) Criminal Solicitation of Capital Felony
- (35) Criminal Solicitation of First Degree Felony against Person
- (36) Criminal Solicitation of Second Degree Felony against Person
- (37) Criminal Solicitation of Third Degree Felony against Person
- (38) Destruction of Property (\$1,000 or More) / Criminal Mischief

- (39) Destruction of Property (Life Endangering) / Criminal Mischief
- (40) Distribute a Controlled/Counterfeit Substance (Class A)
- (41) Distribute a Controlled/Counterfeit Substance (First Degree Felony)
- (42) Distribute a Controlled/Counterfeit Substance (Second Degree Felony)
- (43) Distribute a Controlled/Counterfeit Substance (Third Degree Felony)
- (44) Distribute Marijuana (No Prior Convictions)
- (45) Distribute Marijuana (2nd Conviction or 1st Conviction/Drug Free Zone)
- (46) Distribute Marijuana, Drug Free Zone
- (47) Distribution of Controlled/Counterfeit Substance (First Degree Against Public)
- (48) Distribution of Controlled/Counterfeit Substance (Second Degree Against Public)
- (49) Distribution of Controlled/Counterfeit Substance (Third Degree Against Public)
- (50) Domestic Violence
- (51) Effect Distribution of Marijuana in Drug Free Zone
- (52) Effect Distribution of Marijuana (2nd Conviction or 1st Conviction/Drug Free Zone)
- (53) Effect Distribution of Marijuana (No Prior Convictions)
- (54) Escape from Custody, Use of Force or Deadly Weapon
- (55) Exhibiting a Dangerous Weapon
- (56) Extortion, \$101-\$250, Persons
- (57) Extortion, \$251-\$1,000, Person
- (58) Extortion, over \$1,000, Person
- (59) Fleeing, Bodily Injury
- (60) Fleeing, Felony, Excess Speed
- (61) Fleeing, Felony, Property Damage
- (62) Forcible Sexual Abuse, Victim 14 Years or Over
- (63) Forcible Sexual Abuse, Indecent Liberties, Victim 14 Years or Over
- (64) Forcible Sodomy, Victim 14 or Over
- (65) Illegal Alien Status
- (66) Incest
- (67) Interstate Flight, Federal
- (68) Kidnapping
- (69) Kidnapping, Under Age 14
- (70) Manslaughter
- (71) Mayhem
- (72) Motor Bike Theft, Second Degree Felony
- (73) Murder
- (74) Object Rape, Victim 14 or Over
- (75) Object Rape, Victim Under 14
- (76) Obstructing Justice
- (77) Offer Sex Acts for Hire, Prostitution
- (78) Offer Sex Acts for Hire, Second Offense
- (79) Pickup Order
- (80) Possess Dangerous Material in a Drug Free Zone
- (81) Possession Controlled/Counterfeit Substance With Intent to Distribute
- (82) Possession Controlled/Counterfeit Substance With Intent to Distribute (Second Conviction or First Conviction/Drug Free Zone)
- (83) Possession Controlled/Counterfeit Substance With Intent to Distribute (No Prior Convictions)
- (84) Possession Dangerous Weapon to Assault
- (85) Possession of a Dangerous Weapon
- (86) Possession of Marijuana With Intent to Distribute in Drug Free Zone
- (87) Possession of Marijuana With Intent to Distribute (Second Conviction or First Conviction/Drug Free Zone)
- (88) Possession of Marijuana With Intent to Distribute (No Prior Convictions)
- (89) Possession of or Using a Dangerous Weapon in a Fight or Quarrel
- (90) Possession of Stolen Vehicle
- (91) Prohibition of Possession of Certain Weapons by Minors
- (92) Providing a Handgun to a Minor
- (93) Rape of Child Under 14
- (94) Rape, Victim 14 or Over
- (95) Receiving Stolen Property (Firearm)
- (96) Reckless Burning, Life Endangering
- (97) Riot Resulting in Injury or Loss
- (98) Robbery, Federal
- (99) Robbery, Second Degree Felony
- (100) Sabotage
- (101) Sales of Firearms to Juveniles
- (102) Sexual Abuse, Indecent Liberties, Victim Under 14 Years
- (103) Sexual Abuse, Victim Under 14 Years
- (104) Shooting from a Vehicle or Near a Highway (Drive-by Shooting)
- (105) Sodomy Upon Child, Victim Under 14

- (106) Tampering With Witness
- (107) Theft of a Firearm, Second Degree
- (108) Theft Over \$1,000, Second Degree Felony
- (109) Threat to Life/Property, Prevent Occupancy, Third Degree Felony
- (110) Unlawful Detention

Annotations References:

[UCA 62A-7-104\(3\)\(a\)](#), [UCA 62A-7-205](#).

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Section 2.10 Fine/Bail-Forfeiture Schedule

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Policy:

The probation department shall refer to the Juvenile Court Fine & Bail Schedule when making recommendation to the Court.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 76-3-301.5\(4\)](#)
- [UCA 78A-6-117\(2\)\(i\)](#)
- [UCA 78A-2-601](#)
- [Juvenile Court Fine and Bail Schedule](#)
- Juvenile Sentencing Guidelines Manual
- Utah State Juvenile Court Restorative Justice Manual

Procedure:

1. The probation officer shall use the Juvenile Court Fine Schedule when making recommendations to the Court.
2. The standard fine should be recommended. Fines may be increased or reduced depending upon aggravating or mitigating factors as defined by the Juvenile Sentencing Guidelines.
3. All fines recommended shall fall within the minimum and maximum fine schedule.
4. When recommending community service hours in lieu of fines, the number of hours recommended should be converted from the Juvenile Court Fine Schedule at the current conversion rate.

History: Effective March 1, 2001 - Revised 11-09-2012

Addendum 2.10.1 Utah Fine Bail Schedule

- [Utah Uniform Fine and Bail Schedule](#)

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Section 2.11 Juvenile Sentencing Guidelines

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Policy:

The probation department shall consider the juvenile sentencing guidelines and any aggravating or mitigating factors when preparing a dispositional report in a delinquency action.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 63-M-7-404](#)
- [UCA 76-1-401](#)
- [UCA 78A-6-602\(2\)](#)
- [Juvenile Sentencing Guidelines Manual](#) (1997, Utah Sentencing Commission)

Procedure:

1. 1. The Probation Department shall consider the sentencing guidelines when making dispositional recommendations to the Juvenile Court.
 - 1.1 The guideline sentence shall be included in the dispositional report along with the probation officer's own recommendation which may deviate from the guidelines.
 - 1.2 The probation department recommendations to the court shall conform with the guidelines unless aggravating or mitigating factors are documented in the recommendations.
 - 1.3 The sentencing guidelines' recommendation should be available to the prosecutor and the parent(s) or guardian(s) of the minor.
2. 2. The probation department shall use the three fundamental parts of the sentencing guidelines in making a recommendation to the sentencing judge. They include:
 - 2.1 The criminal episode history assessment.
 - 2.1.1 When evaluating the criminal episode history, the most severe presenting episode is not counted in the history unless the minor is charged with a felony and has previously been in the Division of Youth Correction's community placement. In this situation, the minor is automatically qualifies for secured facility.
 - 2.1.2 If multiple episodes are being adjudicated at the same hearing, they should be adjudicated in order from least severe to most severe. All except the last episode should be added to the offender's offense history. The last episode should be treated as the presenting episode offense.
 - 2.2 The matrix with its continuum of dispositions.
 - 2.3 A list of aggravating and mitigating factors.
 - 2.3.1 Probation violation, contempt, and non-judicial actions are to be considered as aggravating factors within the guidelines but are not to be considered as part of the criminal history assessment.
3. 3. Prosecutors may use the guidelines to determine the implications of charging and plea negotiation.

History: Effective Amended July 1, 2003

Addendum 2.11.1 Juvenile Sentencing Guidelines

- [Juvenile Sentencing Guidelines](#)

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Sec. on 2.12 Serious Youth Offender

Policy:

The probation officer will inform the prosecuting attorney's office, if the minor is within the criteria set forth in the Serious Youth Offender Act.

Scope:

This policy applies to all probation officers of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-702](#)
- [UCA 78A-6-704](#)
- Utah Rules of Juvenile Procedure - [Rule 21](#), [Rule 22](#), [Rule 23A](#), and [Rule 24](#)

Procedure:

1. The probation department shall ensure the presence and support of a probation officer at all hearings involving minors 16 years or older, who were principal actors in the offense and who have a criminal information filed by the district attorney, county attorney or a attorney general charging them with any of the following felony offenses:
 - 1.1. Aggravated arson;
 - 1.2. Aggravated assault resulting in serious bodily injury to another;
 - 1.3. Aggravated kidnapping;
 - 1.4. Aggravated burglary;
 - 1.5. Aggravated robbery;
 - 1.6. Aggravated sexual assault;
 - 1.7. Discharge of a firearm from a vehicle;
 - 1.8. Attempted aggravated murder;
 - 1.9. Attempted murder; or
 - 1.10. Any other offense involving the use of a dangerous weapon which would be a felony if committed by an adult, and the minor has a previous adjudication or conviction of an offense involving the use of a dangerous weapon which would have been a felony if committed by an adult.
2. The probation officer may attend said hearing until the minor is bound over to the district court, an indictment is returned by the grand jury, or there is an acquittal or dismissal of the charges.
3. After a referral is received, the probation officer shall review the charges and the delinquency history of the referred youth to determine the possible status as a serious youth offender.
 - 3.1. If the minor is within the criteria set for a serious youth offender, the probation officer will inform the district/county attorney.
4. If the minor is held in detention, the probation officer shall attend the initial detention hearing.
 - 4.1. The probation officer will provide a recommendation to the court on the issue of release or continued detention of the minor.
 - 4.2. The probation officer will report the status of the minor if the district/county attorney is not present.
5. The probation officer shall attend the preliminary examination hearing in the juvenile court to learn whether the minor will continue under the jurisdiction of the juvenile court or be bound over to the district court.

- 5.1. If the minor is bound over to the district court, jurisdiction of the juvenile court will terminate.
6. Any felony or misdemeanor committed after the offense over which the district court takes jurisdiction shall be tried against the minor as an adult in the district court having jurisdiction, except as provided below.
7. The juvenile court will regain jurisdiction and any authority previously exercised over the minor if there is an acquittal, a finding of not guilty, or a dismissal of the qualifying charge(s) in the district court.

History: Effective March 1, 2001

Revised and approved November 13, 2015

Section 2.13 Certification Investigation Report

Policy:

Upon order of the court, the probation officer shall complete an investigation report of the minor's social history and background for court use in determining whether to certify the minor under [UCA 78A-6-703](#)

Scope:

This policy applies to all probation officers of the Utah State Juvenile Court.

Authority:

[UCA 76-3-203.1](#)

[UCA 76-8-418](#)

[UCA 76-9-802](#)

[UCA 76-10-505.5](#)

[UCA 78A-6-103](#)

[UCA 78A-6-703](#)

[UCA 78A-6-703\(21\)](#)

[UCA 78A-6-705](#)

Utah Rules of Juvenile Procedure – [Rule 21](#), [Rule 22](#), and [Rule 23](#)

Procedure:

1. The investigation by the probation department may include, but shall not be limited to:
 - 1.1. The minor's delinquent history;
 - 1.2. The minor's response to rehabilitative and correctional efforts;
 - 1.3. The minor's educational history and status;
 - 1.4. The minor's social history;
 - 1.5. A psychological evaluation and assessment; and
 - 1.6. Any other matter ordered by the court.
2. The probation department in the preparation of the report will consider the following factors:
 - 2.1. The seriousness of the offense and whether the protection of the community requires isolation of the minor beyond that afforded by the juvenile facilities;
 - 2.2. Whether the alleged offense was committed by the minor under circumstances which would subject the minor to enhanced penalties under Section 76-3-203.1 UCA, if he/she were an adult and the offense was committed:
 - 2.2.1. In concert with two or more persons; or
 - 2.2.2. For the benefit of, at the direction of, or in association with any criminal street gang as defined in Section 76-9-802 UCA; or
 - 2.2.3. To gain recognition, acceptance, membership, or increased status with a criminal street gang as defined in Section 76-9-802 UCA.
 - 2.3. Whether the alleged offense was committed in an aggressive, violent, premeditated, or a willful manner;
 - 2.4. Whether the alleged offense was against persons or property, with greater weight being given to offenses against persons, except as provided in Section 76-8-418 UCA;
 - 2.5. The maturity of the minor as determined by considerations of his home, environment, emotional attitude, and pattern of living;

- 2.6. The record and previous history of the minor;
 - 2.7. The likelihood of rehabilitation of the minor by use of facilities available to the juvenile court;
 - 2.8. The desirability of the trial and disposition of the entire offense in one court when the minor's associates in the alleged offense are adults who will be charged with a crime in the district court;
 - 2.9. Whether the minor used a firearm in the commission of an offense; and
 - 2.10. Whether the minor possessed a dangerous weapon on or about school premises as provided in Section 76-10-505.5 UCA.
- 3. If requested by the minor, the minor's parent(s), guardian(s), or other interested party, the court shall require the person or agency preparing the report to appear and be subject to both direct and cross examination.
 - 4. The investigation report shall be prepared and provided to the parties or counsel and to the minor's parent(s), guardian(s) or custodian(s) as early as feasible, but at least forty-eight (48) hours prior to the hearing.
 - 5. Written reports and other materials relating to the minor's mental, physical, educational and social history and other relevant information are governed by the Rules of Evidence.
 - 6. If certification is ordered, jurisdiction of the Juvenile Court and the Division of Juvenile Justice Services shall terminate upon the filing of the criminal information in the District Court and any felony or misdemeanor committed after the offense over which the District Court takes jurisdiction shall be tried against the minor as an adult in the District Court having jurisdiction, except as provided below.
 - 7. The juvenile court will regain jurisdiction and any authority previously exercised over the minor if there is an acquittal, a finding of not guilty, or a dismissal of the qualifying charge(s) in the District Court.

History:

Effective March 1, 2001

Revised and approved November 13, 2015

Section 2.14 Direct File for Criminal Proceedings

Policy:

This policy identifies the offenses that qualify for direct filing in District Court.

Scope:

This policy provides information to all probation officers of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-701](#)

Procedure:

1. The district court shall have exclusive original jurisdiction over all minors 16 years of age or older charged with murder or aggravated murder including any offenses arising from the same criminal episode. The district court shall have jurisdiction over any subsequent felony, misdemeanor, or infraction, committed by the minor.
2. The juvenile court will regain jurisdiction and any authority previously exercised over the minor if there is an acquittal, a finding of not guilty, or a dismissal of the qualifying charge(s) in the district court.

History: Revised and Approved July 14, 2017
Effective August 1, 2017

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Section 2.15 Delinquency Drug Court

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Policy:

This policy is to establish guidelines for the operation of delinquency drug courts which may be used as an alternative for non-violent drug offenders.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

[UCA 78A-6-103](#)[UCA 78A-6-603](#)

Title 58, Chapter 37, Utah Controlled Substances Act

[Utah State Juvenile Court Drug Testing Policies and Procedures](#)

Procedure:

1. The delinquency drug court should provide a method of early intervention and intensive accountability of the minor.
2. Guidelines for qualification into the program should include, but not be limited to the following:
 - 2.1 The current referral is drug or alcohol related.
 - 2.2 The minor and parents voluntarily agree to participate in the program.
 - 2.3 The minor admits to the offense(s).
 - 2.3.1 The minor enters a plea in abeyance agreement with the prosecuting attorney's office.
 - 2.4 Completion of a drug/alcohol assessment which indicates a need for treatment.
3. Successful participation in drug court should include the following participatory elements:
 - 3.1 Regular in court reviews to report:
 - 3.1.1 Results of drug testing.
 - 3.1.2 Treatment Progress.
 - 3.2 Work toward completing a specified number of court ordered community service hours.
 - 3.3 Attendance at all required treatment appointments
 - 3.4 Random drug testing
 - 3.5 Attendance in an educational or vocational program, or be gainfully employed.
4. A hierarchy of sanctions should be established by each drug court and used as guidelines in cases of non compliance.
 - 4.1 Costs for confirmation drug tests may be charged to the participant. Should the test be confirmed negative, the cost of the test will be paid by the Juvenile Court.
5. A list of incentives should be established to provide motivation for continued compliance with the delinquency drug court program.
6. Upon acceptance into the program, delinquency drug courts may order a nominal fee to help defray the cost of random drug testing.
7. Upon successful completion of the delinquency drug court, the originating charge(s) is(are) dismissed.

History: Effective August 1, 2001

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Section 2.17 Expungement

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Policy:

This policy is to inform staff of the uniform expungement procedure.

Scope:

The policy applies to all staff of the Utah State Juvenile Court.

Authority:

[UCA 78A-6-1105](#) Rules of Judicial Administration Juvenile Court Operations - [Rule 7-308](#) Utah Rules of Juvenile Procedure - [Rule 56](#)

Procedure:

Eligibility of the Petitioner

1. Individuals seeking expungement of juvenile court records are not eligible to obtain an expungement unless:
 - 1.1 One year has elapsed from the time that the juvenile court terminated jurisdiction over the individual seeking expungement or one year has elapsed from the time that the individual was unconditionally released from a Youth Corrections secure facility.
 - 1.2 The individual is 18 years of age or older. And,
 - 1.3 The individual has paid the required filing fee. And,
 - 1.4 All fines, fees, and restitution have been paid.
 - 1.5 The court may approve exceptions to 1.2, 1.3, and 1.4.
2. The petitioner shall complete the petition and obtain a Right of Access Certificate from the Bureau of Criminal Identification (BCI).

Responsibility of the clerk

3. Once the petitioner meets the above criteria, the clerk shall:
 - 3.1 Assist the petitioner in the preparation and filing of the expungement forms.
 - 3.2 Calendar the matter for hearing.
 - 3.3 Notify the prosecuting attorney of the scheduled hearing.
 - 3.4 Notify the victim(s). And,
 - 3.5 Notify the juvenile probation department of the pending petition.

Hearing

4. 4. If the Court finds that the petitioner has been satisfactorily rehabilitated, the Court shall order the sealing of any records in the custody of an agency or an official which pertain to the subject of the expungement.

Order for Expungement

5. Upon payment of the appropriate fees, certified copies of the executed order of expungement shall be provided to the petitioner.
 - 5.1 The petitioner shall be responsible for service of the certified copies of the order to all affected agencies identified in the order.
 - 5.2 Upon receipt of the order, all agencies shall remove from their files and computers any information pertaining to the petitioner that was generated while the petitioner was under the age of eighteen years and seal said records.
 - 5.3 The clerk shall gather in one file all of the juvenile court's legal, social, and administrative files. The file shall be sealed by a wax sealant or securely fastened so that any attempt to open the file will be evident. The petitioner's full name, address and date of expungement shall be recorded on the file.
 - 5.4 Traffic offenses which may have been referred to Juvenile Court will not be considered in the expungement proceedings. Likewise, expungement of record will not affect conviction notices that may have been previously sent to the Drivers License Division. This is done to not interfere with the Drivers License point system.

History: Effective September 1, 2002

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Section 2.18 Notification Letters: Violent Crimes (Detention, Adjudication, and Victim) and Placement on Probation

Policy:

This policy establishes uniform guidelines for providing notification to school superintendents and local law enforcement agencies regarding minors who commit crimes of violence and/or weapons offenses (See Addendum 2.18.1). It also defines the process for proper notification to those agencies for minors placed on probation. ([See Addendum 2.18.2](#)).

Scope:

This policy applies to all probation officers of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-113\(4\)\(e\)\(ii\)](#)
- [UCA 78A-6-117\(1\)\(b\)](#)
- [UCA 78A-6-117\(2\)\(a\)\(iii\)](#)

Procedure:

1. **Violent Crime Letters (Detention):** Notification will be given to the school district superintendent and local law enforcement (booking) agency if a minor is placed in a secure detention facility for a crime of violence as defined by Title 76-3-203.5 and/or a weapons offense in violation of Title 76, Chapter 10, Part 5.
 - 1.1. Notice under this section will include all decisions, disposition orders, or no contact orders resulting from the detention hearing.
 - 1.2. Notice will be given in writing within 3 days of the minor's initial detention hearing by processing the Violent Crime Detention Letter in C.A.R.E.
2. **Violent Crime Letter (Adjudication):** Notification will be given to the school district superintendent if the minor has been adjudicated for a crime of violence as defined in Title 76-3-203.5, and/or a weapons offense in violation of Title 76, Chapter 10, Part 5.
 - 2.1. Notice under this section will include the minor's name and the specific offenses for which the minor was adjudicated.
 - 2.2. Notice will be given in writing within 3 days of the minor's adjudication by processing the Violent Crime Letter in C.A.R.E.
3. **School Notification Letter (Victim):** Notification will be given to the school district superintendent if the victim resides in the same school district or attends the same school as the adjudicated minor if a minor has been adjudicated for an offense as defined by section 76-3-203.5, and/or an offense in violation of Title 76, Chapter 10, Part 5, and a victim's name has been determined, then.
 - 3.1. Notice under this section will include victim's name.
 - 3.2. Notice will be given in writing within 3 days of the adjudication by processing the School Notification Letter in C.A.R.E.
4. **Probation Letters:** Notification will be given to the school superintendent and local law enforcement of any minor placed under field probation status.
 - 4.1. Notification shall be given in writing within 7 days following a court order placing a minor on probation by processing the Probation Letter in C.A.R.E. .

History: Effective November 13, 2009- updated March 12, 2014

Acronym	Utah Code	Description
ABNDC3	76-5-110	Abuse of a Disabled Child
AGASL1	76-5-103.5(2)	Aggravated Assault by a Prisoner
AGAST0	76-5-103.5	Aggravated Assault by a Prisoner-Capital
AGBUA1	76-6-203	Aggravated Burglary
AGBUB4	76-6-203	Aggravated Burglary-Use of Weapon or Explosive
AGKD21	76-5-302	Aggravated Kidnaping
AGEXP8	76-10-1306(1)(a)	Aggravated Exploitation of Prostitution
AGSAC1	76-5-404.1(4)	Aggravated Sexual Abuse of a Child
AGSLT2	76-5-103	Aggravated Assault
AGSLT3	76-5-103(1)(a)	Aggravated Assault with a Weapon
AGST12	76-5-103.5(2)	Aggravated Assault by a Prisoner
AGSXA1	76-5-405	Aggravated Sexual Assault
ARSN15	76-6-102	Arson
ARSN26	76-6-102	Arson
ARSON4	76-6-103	Aggravated Arson
ASLSB2	76-5-109(2)(a)	Intentional Assault of a Child
ASLSC3	76-5-109(2)(b)	Reckless Assault of a Child
ASLT13	76-5-102.5	Assault by Prisoner
BURG25	76-6-202(2)	Burglary of a Dwelling
CAUC12	76-6-105	Causing a Catastrophe-Person
CAUC35	76-6-105	Causing a Catastrophe-Property
CHSRK2	76-5-208	Child Abuse Homicide
CHSCN3	76-5-208	Child Abuse Homicide
CHIP13	76-5-208	Child Abuse Homicide
CNWAMA	76-10-504(2)	Carrying a Concealed Weapon-Loaded Firearm
CNWCV8	76-10-504(4)	Carrying a Concealed Weapon-Used in Crime of Violence
CNWNAB	76-10-504(1)	Carrying a Concealed Weapon-Unloaded Firearm
CNWNFB	76-10-504(1)	Carrying a Concealed Dangerous Weapon
CNWSO8	76-10-504(3)	Carrying a Concealed Weapon-Sawed Off Rifle or Shotgun
CARJK1	76-6-302(1)(c)	Aggravated Robbery-Car Jacking
CRWPVH	76-10-505(1)	Carrying a Loaded Firearm in a Vehicle
DSPT15	76-6-106(2)(a)	Destruction of Property
DSPT16	76-6-106(2)(b)(ii)	Destruction of Property
EXPDL8	76-10-307	Unlawful Delivery of Explosive Device
EXPLP8	76-10-306(3)-(6)	Possession of Explosive Device
EXTRB6	76-6-406	Extortion
EXTR55	76-6-406	Extortion

EXTVC8	76-8-509	Extortion to Dismiss a Criminal Proceeding
KDNAP2	76-5-301	Kidnaping
KDNCD1	76-5-301.1	Child Kidnaping
MNSLT2	76-5-205	Manslaughter
MRDAG0	76-5-202(3)	Capital Murder
MRDFD1	76-5-203	Murder
MYHEM2	76-5-105	Mayhem
PSWEPG	76-10-507	Possession of a Weapon with Intent to Assault
RAPCD1	76-5-402.1	Rape of a Child
RAPE21	76-5-402	Rape-Victim over 14
RAPOB1	76-5-402.2	Object Rape-Victim over 14
RAPOC1	76-5-402.3	Object Rape-Victim under 14
RBERY1	76-6-302	Aggravated Robbery
RBRY22	76-6-301	Robbery
RTAGW9	76-8-508.3	Retaliation Against a Witness
SHTDB6	76-10- 508.1(1)(b)	Shooting -Property
SHTDP3	76-10- 508.1(1)(a)	Shooting -Person
SHTDV6	76-10-508.1 (1)(c)	Shooting -Vehicle
SHTVHH	76-10-508	Shooting from a Vehicle
SDMY11	76-5-403.1	Sodomy upon a Child
SDMY21	76-5-403	Forcible Sodomy
STLK39	76-5-106.5(2) or (3)	Stalking
SXABC2	76-5-404.1	Sexual Abuse of a Child
SXABS2	76-5-404	Forcible Sex Abuse
SXILB2	76-5-404	Forcible Sex Abuse-Indecent Liberties
SXEPC2	76-5b-201	Sexual Exploitation of a Minor
THRTP9	76-5-107.3	Terroristic Threat
TMPWT9	76-8-508(1)	Tampering with a Witness
WEAP2G	76-10-509	Possession of a Dangerous Weapon by a Minor
WEAP2H	76-10-509	Possession of a Dangerous Weapon by a Minor
WEAP3H	76-10-509.4	Possession of a Handgun by a Minor
WEAP4G	76-10-509.4	Possession of a Handgun by a Minor
WEAP59	76-10-509.4(4)	Possession of a Sawed-off Weapon by a Minor
WEAPDG	76-10-522	Altering Weapon Serial Number
WEAPEG	76-10-506(2)	Exhibiting a Dangerous Weapon
WEAPSH	76-10-505.5	Dangerous Weapon at School
WEAPUG	76-10-506(2)	Exhibiting a Dangerous Weapon
WEPADB	76-10-528	Possession of Dangerous Weapon Under the Influence
WEPHGG	76-10-509.5	Providing a Firearm to a Minor
WEPHGH	76-10-509.6	Providing a Firearm to a Minor

WEPSL9	76-10-509.9	Sale of a Firearm to a Minor
Disarming a Police Officer	76-5-102.8	
Commission of Domestic Violence in Presence of a Child	76-5-109.1	
Endangerment of Child or Elder Adult Abuse	76-5-112.5	
Tampering with a Juror	76-8-508.5	
Purchase or Possession of Weapon by Restricted Person	76-10-503	
Bus Hijacking	76-10-1504	
Abuse or Exploitation of a Vulnerable Adult	76-5-111	
Automobile Homicide	76-5-207	
Automobile Homicide w/Communication Device	76-5-207.5	
Sexual Exploitation of a Vulnerable Adult	76-5b-202	
Discharging Firearms into Buses/Terminals	76-10-1505	
Unlawful Marking of Pistol or Revolver	76-10-521	
Possession of Dangerous Weapons in Airport	76-10-529	
Trespass with a Firearm in a House of Worship or Private Residence	76-10-530	

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Section 3.1 Victim Rights

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Policy:

All victims shall be afforded the opportunities outlined in the Victims Bill of Rights and the Juvenile Court staff shall treat victims with dignity, respect, courtesy, and sensitivity.

Scope:

This policy applies to all probation department of the Utah State Juvenile Court.

Authority:

[UCA 77-37-2 \(3\)](#)[UCA 77-38-1 through 14](#)[UCA 77-38-2\(5\)](#)[UCA 78A-6-110](#)

Utah Rules of Judicial Administration

Juvenile Court Operations - [Rule 7-302\(3\)\(c\)](#)Memorandum of November 2, 2000: ["Ordering Restitution to Insurance Companies"](#)

Procedure:

1. All victims of an offense referred to the juvenile court shall be contacted within fourteen days of the referral.
 - 1.1. The victim shall receive by mail, either from the prosecutor's office or the probation office a:
 - 1.1.1 Restitution letter.
 - 1.1.2 Victim impact statement.
 - 1.1.3 Victim information pamphlet.
2. The probation officer shall summarize the information from the restitution letter, worksheet, and the victim impact statement if available, for the dispositional report to the court.
 - 2.1. Restitution requests and victim impact statements shall be submitted to the court at the time of disposition. A restitution worksheet shall be submitted as required to conform to local practice.
 - 2.2. The probation officer shall recommend a payment schedule and due date for restitution.
 - 2.3. In cases where there are multiple co-defendants, coordination of restitution shall conform to local practice.
3. A victim of a crime, the representative of the victim, or both shall have the right to be present at court hearings at the discretion of the judge. (See 77-38-2(5))
4. The probation officer shall not disclose the following victim's information without the consent of the victim or court order:
 - 4.1 Address.
 - 4.2 Telephone number.
 - 4.3 Place of employment.
 - 4.4 Other locating information.
5. If a victim requests mediation in districts where the service is available, immediate efforts should be made to advance this request. (See Policy 3.4 Victim Offender Mediation).
6. Upon adjudication, the court may order that the minor or the minor's parents (See 78A-6-1113) repair, replace, or otherwise make reasonable restitution for damage or loss caused by the minor's wrongful act, including costs of treatment as stated in Section 78A-6-321.
 - 6.1. The court may issue orders necessary for the collection of court ordered restitution.
 - 6.2. If restitution is ordered the court shall notify the victim of the order.
7. Requests for extensions of time to comply with payment requirements should be carefully considered. If an extension is granted, the probation officer should notify the victim.
 - 7.1. An Order to Show Cause should be filed when restitution is overdue and efforts to collect have been unsuccessful. Local practice shall dictate when an Order to Show Cause

will be filed on overdue accounts.

8. The juvenile court judges are not precluded by statutory language from order restitution to insurance companies.

History: Effective March 1, 2001

Board of Juvenile Court Judges approved 12/9/11

TCE's approved 10/7/11

Chiefs approved 8/11/11

Chiefs Policy Group approved 5/18/11

Addendum 3.1.1 Memo: Ordering Restitution to Insurance Companies

MEMORANDUM

To: Board of Juvenile Court Judges

From: Peggy Gentles, Staff Attorney

Subject: Ordering Restitution to Insurance Companies

Date: November 2, 2000

I was asked to research whether juvenile court judges can order restitution to insurance companies in delinquency proceedings. Ray Wahl requested that I prepare my response for the Board. As discussed below, I have concluded that juvenile court judges may order restitution to insurance companies.

The issue of ordering restitution to insurance companies has been discussed by the appellate courts at least twice in the context of district court proceedings. *State v. Stayer*, 706 P.2d 611 (Utah 1985) (per curiam); *State v. Westerman*, 945 P.2d 695 (Utah Ct. App. 1997). These cases have focused on Section 76-3-201 which includes the language "the court shall order that the defendant make restitution to victims of crime." The *Stayer* court concluded that an insurance company that has covered the direct victim's losses was a "victim." The *Westerman* court, due to an intervening amendment to the definition of victim, determined that an insurance company was not entitled to restitution. Following *Westerman*, the Legislature amended the relevant definition of "victim" in a manner that would appear to include insurance companies.'

The language in the Juvenile Court Act is significantly different from statutes at issue in *Stayer* and *Westerman*.

The court may order that the minor be required to repair, replace, or otherwise make restitution for damage or loss caused by the minor's wrongful act, including costs of treatment as stated in Section 78A-6-321, and may impose fines in limited amounts.

Section 78A-6-117. This language does not even limit restitution to "victims". Instead, it states that restitution is ordered "for damages or loss caused by the minor's wrongful act." Therefore, I conclude that juvenile court judges are not precluded by statutory language from ordering restitution to insurance companies. Any decision to do so would be reviewed on an abuse of discretion standard.

I did not research the amendment to determine if in fact it was made in reaction to *Westerman*.

cc: Brent Johnson, General Counsel

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Section 3.2 Restitution

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Policy:

The probation department shall contact victims to seek restitution information.

Scope:

This applies to all probation staff with the Utah State Juvenile Court.

Authority:

UCA 78A-6-117
RESTA Manual

Procedure:

1. Sending information to victims of juvenile offenders:
 - 1.1 Victims who have suffered personal injury or property loss will be sent a victim information packet that includes a restitution claim form and a victim impact statement within 14 days of the receipt of a referral.
2. Multiple co-defendant cases.
 - 2.1 One probation officer shall coordinate the gathering of information from the victim and make every effort to ensure that only one packet is sent to the victim.
3. Processing victim information received.
 - 3.1 Upon receipt of victim information, the probation officer shall ensure that all necessary documentation is available to provide sufficient support for the claim.
 - 3.2 The probation officer or other person designated by the district shall contact the victim if the victim has indicated they wish to be notified of court proceedings.
 - 3.3 Mediation may be considered, after preliminary inquiry, to resolve issues with the victim's claim and referred minor(s).
 - 3.4 When a case is closed non-judicially a minor must agree to pay any restitution owing on the case.
 - 3.5 A restitution worksheet will be completed, by a Probation officer, on cases where a petition is filed. The worksheet shall conform to local practice and shall include the following:
 - 3.5.1 Name of juvenile(s).
 - 3.5.2 Case number(s).
 - 3.5.3 Amount of restitution.
 - 3.5.4 Incident number.
 - 3.5.5 Name of victim(s).
 - 3.5.6 If claim is made by an insurance company. Include policy or claim number.
 - 3.5.7 Date and type of loss.
4. Restitution Recommendations.
 - 4.1 The probation officer, shall consider and include, the following:
 - 4.1.1 The age, employment status and ability of the juvenile to pay.
 - 4.1.2 Any restitution paid voluntarily by the minor.
 - 4.1.3 Minimum monthly payments on substantial victim claims.
 - 4.1.4 Court work program opportunities using established district policies.
 - 4.2 At any stage of court proceedings a restitution hearing may be requested.
5. Juveniles on the juvenile court work program shall receive credit toward their restitution obligations at the rate of \$4.00 per hour worked. Victims of these juveniles will receive payment from the appropriate funding source upon receipt of the hours worked and according to the established accounting cycle.

History: Effective March 1, 2001 - Revised November 19, 2010

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Section 3.3 Restitution Fund Guidelines

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Policy:

To establish a policy regarding how restitution funds are administered by the Juvenile Court.

Scope:

This policy applies to those in the Juvenile Court responsible for managing restitution work programs and the attendant funds.

Authority:

[UCA 62A-7-109.5](#)

[UCA 34-40-103](#)

[UCA 34-40-104](#)

[UCA 63-63a](#),

Utah Code of Judicial Administration [Rule 7-307](#)

Utah Labor Commission Rules Rule 610-2

Utah Labor Commission Variance, April 20, 1999

Procedure:

Refer to chapter 6, page 16 of the Restitution manual.

- [Restitution Fund Guidelines - Restitution Manual](#)

History: Effective August 2002

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Chapter 5

RESTITUTION FUND GUIDELINES

PURPOSE

To establish a policy regarding how restitution funds are administered by the Juvenile Court.

SCOPE

This policy applies to those in the Juvenile Court responsible for managing restitution work programs and the attendant funds.

CROSS REFERENCES

§78A-6-117(2)(i)(j)(k), Utah Code Annotated
§62A-7-109.5 Utah Code Annotated
§34-40-103, §34-40-104, Utah Code Annotated
Rule 7-307, Utah Code of Judicial Administration
Rule 610-2, Utah Labor Commission Rules
Utah Labor Commission Variance dated May 21, 2009

POLICY

1. Restitution work programs shall be established in each district to assist eligible juveniles in fulfilling their restitution obligations.
2. Approved juveniles will be eligible for work restitution funds to be limited by administrative approval per district policy.
3. A juvenile's eligibility to access the work restitution fund shall be determined at the district level.
4. In the event that a juvenile is ordered restitution and that juvenile relocates to another district, funding for restitution shall be paid through the district in which the incident was adjudicated, provided the youth qualifies to access the work program.
5. Eligible juveniles shall receive credit toward their restitution obligations at the rate of \$5.00 per hour worked. Victims of these juveniles will receive payment from the appropriate funding source upon receipt of the hours worked and according to the established accounting cycle.
6. Victims eligible to receive compensation from work restitution funds, which may include parents, shall be identified by court order or a non-judicial agreement as approved by administrator.
7. The Division of Juvenile Justice Services Victim Account shall be credited when eligible juveniles in the custody of the Division of Juvenile Justice Services with a valid order for

ORS involvement complete and submit approved community service hours. Custody includes Community Placement, Observation and Assessment, Secure Care, work camps (Genesis etc.), State Supervision programs (YSS), and any other similar placements or programs operated by the Division of Juvenile Justice Services.

8. The Juvenile Court trust account shall be credited when eligible juveniles complete and submit approved community service hours and are under some level of Court jurisdiction including Intake, Assessment and Diversion, Probation, State Supervision (PSS), DCFS custody, Detention, and any other similar jurisdiction.

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Section 3.4 Victim-Offender Mediation Program (VOM)

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Policy:

The victim offender mediation program shall be operated as an alternative means to settle disputes between victims and offenders.

Scope:

Where victim mediation is available, this policy applies to all Utah State Juvenile Court.

Authority:

Utah Rules of Judicial Administration Operations of the [Court Rule 4-510](#)

Procedures:

1. Referrals for mediation are appropriate, either post adjudicated or non-judicial, for:
 - 1.1 Restitution in dispute.
 - 1.2 Simple assaults.
 - 1.3 Property crimes.
 - 1.4 Relationship mending.
2. Those who may make referrals for mediation:
 - 2.1 Juvenile Court Judge.
 - 2.2 Intake Officer.
 - 2.3 Probation Officer.
3. A Mediation Referral Notice must be completed by the probation officer assigned to the case and submitted to the mediation coordinator along with any pertinent information available, such as, police reports, restitution information, court order, etc.
4. When scheduling a mediation, the VOM coordinator will investigate the case for co-defendants, accurate victim information, or any other information available that may be useful to conduct a productive mediation.
 - 4.1 The coordinator contact parties to assess willingness to participate.
 - 4.2 Participation in the mediation program is voluntary for victims.
 - 4.3 If the parties are agreeable, a mediation session is scheduled.
5. If any of the parties decline mediation, a letter is sent to the referring judge or probation officer informing them of the party's decision not to participate in mediation.
 - 5.1 Victims who decline to be involved in the mediation process should still be entitled to payment of restitution.
6. When a mediation has been successfully completed, a Mediation Agreement and Stipulation form is signed by all of the parties involved and returned to the VOM coordinator for processing.
 - 6.1 Copies of the signed mediation agreement are made and sent to all parties.
 - 6.2 The original signed agreement is returned to the judge's clerk to be filed.
7. If the mediation is unsuccessful, a letter is sent to the probation officer and judge informing them of the outcome.
8. If there are multiple victims in a single criminal episode, all victims request for restitution must be considered even though all victims may not be present for the mediation.
9. If the disputed amount of restitution cannot be resolved at mediation, the matter is referred back to the probation officer by the VOM Coordinator to be set for a restitution hearing.

History: Effective March 1, 2001

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Section 4.1 Probation Order

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Policy:

The Probation Department shall monitor the minor's and parent/guardian's compliance of the conditions of probation and orders of the court.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

[UCA 78A-6-117\(2\)](#)[UCA 76-6-107.1](#)[77-18-1](#)

Procedure:

1. When the court orders probation, the order shall be signed by a Judge and will require the signature of the minor, parents/guardian and probation officer.
 - 1.1 If the minor or parents refuse to sign the probation order, the matter should be returned to the court for action as outlined by local practice.
2. The Court may order probation supervision or probation state supervision.
 - 2.1 The order entitled "probation order" shall contain, but is not limited to, expectations regarding school, living arrangements, curfew, harassment of victims and witnesses, possession of contraband, drugs, weapons, restitution, fines, community service hours, counseling/therapy and general obedience to the law.
 - 2.2 The order entitled "probation state supervision" shall contain terms and conditions in addition to those entered in the "probation order" which may include but are not limited to, participation in specialized state supervision programming, electronic monitoring, intensive tracking, individualized supervision and service programs.
3. These orders shall direct the parent(s)/guardian(s) to fully participate in the probation program, report violations by the minor and make them aware that they may be subjected to legal consequences for their failure to comply with any conditions of the order.
4. The probation department shall meet with the minor and parent(s)/guardian within five (5) working days of the minor's placement on probation or state supervision probation.
 - 4.1 The probation department will verbally review each element of the probation order or the state supervision order with the minor and parent(s)/guardian.
 - 4.2 The probation department will acquire signatures from the minor, and parent(s)/guardian and provide them with a copy for review and reference.

History: Effective August 1, 2001

Addendum 4.1.1 Probation Order (English)

- Probation Order (English) - [PDF](#)
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Addendum 4.1.2 Probation Order (Spanish)

- Probation Order (Spanish) - [PDF](#) | [WordPerfect](#) | [Word](#)

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UTAH STATE JUVENILE COURT

PROBATION ORDER

STATE OF UTAH, in the interest of	
Unko-johnson, Chisai DOB 11-23-1993	Case Number: 500005
A minor under 18 years of age	

It is hereby ordered that Chisai Unko-johnson, Jr., hereafter 'probationer', is placed on probation under the supervision of the probation department of this Court with the following conditions:

1. The probationer will obey all federal, state and local laws and ordinances; and will report any arrests, citations or contact with law enforcement to the probation department within two (2) working days.
2. The probationer will obey all lawful and reasonable requests of his or her parent(s), guardian(s), or custodian(s) with whom he or she is living.
3. The probationer will obey the lawful and reasonable requests of the probation department; and shall meet with the probation department as directed.
4. The probationer will comply with curfew as set by the probation department. Any modifications of curfew will be at the discretion of the probation department.
5. The probationer will comply with house arrest as ordered by the Court or home restriction as directed by the probation department.
6. The probation department may contact the probationer at his or her place of residence, school, place of employment, or elsewhere as deemed appropriate.
7. The probationer will not make contact with the person(s) or business(es) he or she victimized without the permission of the probation department.
8. The probationer will not use or possess any intoxicating substance without a doctor's prescription and, will not use any over the counter substance without parental permission and notification to the probation department. The probationer will not knowingly be in the presence of any person(s) selling, using, or possessing such substance. The probationer will submit to random drug testing as requested by the probation department and will be responsible for the cost of any tests that are positive for unauthorized or illegal use. Any costs for confirmation will be assessed to the probationer.

9. The probationer, if defined as a 'restricted person' by UCA 76-10-503 will not possess a dangerous weapon or firearm under any circumstances. The probationer, if not defined as a 'restricted person' will not receive, possess, transport, or have under his or her control any dangerous instrument, weapon, or firearm except with the written consent of the probation department for legitimate and supervised recreational purposes.
10. The probationer will submit to a random search of his or her person or anything under the probationers ownership, possession or control upon the request of the probation department. The probation department may search areas outside of the probationer's bedroom with the consent of the individual who has control of the dwelling or living space.
11. The probationer will submit to being photographed. Pursuant to 53-10-403 U.C.A., the probationer will submit to being fingerprinted and provide a D.N.A. sample, and unless otherwise ordered by the court will be responsible to pay the associated fee for the collection of the sample.
12. The probationer will attend school regularly unless lawfully released, in which case he or she will attend vocational training or seek and maintain gainful employment. The probationer will inform the probation department immediately of any school suspensions, expulsions, or termination of employment.
13. The probationer will participate in any therapeutic treatment and/or program ordered by the Court or directed by the probation officer.
14. The probationer will not associate with any known gang member, juvenile or adult on probation, parole, or in the custody of the Division of Juvenile Justice Services or the Department of Corrections except as approved by the probation department.
15. The probationer will not wear or possess gang/drug attire or gang/drug insignias.
16. The probationer will obtain permission from the probation department before he or she marries; changes residence; enters military service; or makes a major purchase when he or she has outstanding court ordered financial obligations unless authorized by the probation department.
17. The probationer will not have any overnight visits while on probation unless approved in advance by the probation officer. Non-custodial visitation will be allowed if approved in advance by the probation officer and if the non-custodial parent has submitted to the court's jurisdiction by signing the Probation Order.

18. The probationer will obtain permission from the probation department before leaving the state of Utah or remaining away from his or her place of residence overnight or for any extended period. If the probationer leaves the state of Utah without permission or is involved in delinquent activity while away, he or she will voluntarily return upon request of the probation department or by order of the Court.

19. The probation department is authorized to share any information with and about the probationer that may be necessary for the probationer and others to comply with court orders.

20. Special Condition:

21. Special Condition:

22. Special Condition:

23. Special Condition:

It is hereby further ordered that as the parent(s), guardian(s), or custodian(s) of the probationer you will participate fully in the probation program and comply with the following conditions:

1. You will notify the probation department immediately of any violations of the probation order and/or court order.
2. You will comply with all of the probation department's probation-related directives.
3. You will attend meetings with the probation department, school officials, mental health providers or others as directed and ensure transportation is provided.
4. You will authorize any reasonable search of your home to ensure the probationer's compliance with the conditions of probation.
5. You will be financially responsible for the probationer's treatment and / or placement, if applicable.
6. You will not modify any conditions of the probation order.

Dated this _____ day of _____, 20____

Judge

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Section 4.2 Supervision Classification

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Policy:

All supervision probation officers shall complete a risk assessment and evaluation of all minors ordered on probation to the Court within thirty (30) days.

Scope:

This policy applies to all supervision probation officers of the Utah State Juvenile Court.

Authority:

Utah Rules of Judicial Administration
Juvenile Court Operations - [Rule 7-304](#)

Procedure:

1. The supervising probation officer of the juvenile court will complete a risk/needs assessment and evaluation of all minors ordered on probation to the Court. The evaluation should include:
 - 1.1 Risk Factors/Needs Assessment [Policy 2.7 Pre-screen/Full Assessment Tool](#)
 - 1.2 Delinquent History
 - 1.3 School Performance
 - 1.4 Substance Abuse History
 - 1.5 Family Characteristics
 - 1.6 History of Services provided to the Minor and Family
2. Upon the order of probation, the minor will be placed on the orientation level of probation supervision. The subsequent supervision levels include high, medium, and low. Placement after the orientation level is contingent on the minor's cooperation, results of the risk/needs assessment, delinquent history, any aggravating/mitigating factors, and where practical, a probation staffing.
3. Each level shall be designed to measure the minor's progress and compliance with the Supervision Correctional Plan.
4. By the time the minor reaches consideration for termination, the minor will have had the opportunity to demonstrate the ability to make positive choices, be law abiding, and accept responsibility for his/her action.
5. Criteria for moving a minor from a higher level to a lower level may include but are not limited to:
 - 5.1 No further referrals to the Court.
 - 5.2 No probation violations before the Court.
 - 5.3 Appropriate behavior at home and/or school.
 - 5.4 Compliance with the Court Order(s) and conditions of probation.
6. Criteria for moving a minor from a lower level of supervision to a higher level of supervision may include but are not limited to:
 - 6.1 New referrals petitioned to the Court.
 - 6.2 Probation violations before the Court.
 - 6.3 Inappropriate behavior at home and/or school.
 - 6.4 Noncompliance with the Court Order(s) and conditions of probation

Utilization:

Levels of Supervision:

1. Orientation Level: Duration = maximum of thirty (30) days
 - 1.1 Very high level of interaction between the minor, probation officer, school, parent(s), counselor(s), and other(s) directly involved with the minor.
 - 1.2 House Arrest which may include Electronic Surveillance Monitoring.
 - 1.3 Completion of a risk/needs assessment and social summary.
 - 1.4 The development of the Supervision and Correctional Plan with the minor, the parent(s) and significant others. (See Rule 7-304– Utah Rules of Judicial Operations)
 - 1.5 A photograph is obtained for the file in accordance with 78-3a-304 and demographic information is obtained.

- 1.6 Completion of an urinalysis during the first week of probation to establish a baseline.
- 1.7 Referrals made for appropriate services, per court order and/or based upon identified needs of the minor.
- 2. High Level: Duration = approximately sixty (60) days
 - 2.1 Continue high level of interaction between the minor, probation officer, school, parent(s), counselor(s), and other(s) directly involved with the minor
 - 2.2 Continued monitoring of compliance with court order(s) and conditions of probation
 - 2.3 Maintain documentation per local practice
- 3. Medium Level: Duration = approximately sixty (60) days
 - 3.1 Reduced level of interaction between the minor, probation officer, school, parent(s), counselor(s), and other(s) directly involved with the minor
 - 3.2 Continued monitoring of compliance with court order(s) and conditions of probation
 - 3.3 Maintain documentation per local practice
- 4. Low Level: Duration = approximately sixty (60) days
 - 4.1 Minimal interaction between the minor, probation officer, school, parent(s), counselor(s), and other(s) directly involved with the minor
 - 4.2 Minor has paid all or is paying on a regular basis on court obligations
 - 4.3 Successful completion of goals outlined in the Supervision and Correctional Plan.
 - 4.4 Preparation of minor and family for termination from probation.

History: Effective March 1, 2001

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Section 4.3 Probation Supervision and Correctional Plan

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Policy:

Within forty five (45) days of the order for probation, the probation officer shall develop a Probation Supervision and Correctional Plan (PRBSCP). The PRBSCP will address the issues identified in the protective risk assessment.

Scope:

This policy applies to all probation officers of the Utah State Juvenile Court.

Authority:

Utah Rules of Judicial Administration
Juvenile Court Operations - [Rule 7-304](#)

Procedure:

1. The PRBSCP shall be tailored to each minor. In developing the plan, the probation officer will work with the minor and family and include the Balanced and Restorative Justice principles. The PRBSCP should be updated every 180 days as goals of the plan are completed or as a minor's needs change.
2. The PRBSCP should include:
 - 2.1 The identified risk and protective factors.
 - 2.2 The services needed to address the risk and protective factors.
 - 2.3 A statement of the intended outcomes and/or goals and the roles of the parties involved in the case.
 - 2.4 A statement that specifies progress toward the intended outcomes and goals if the plan is being updated.
 - 2.5 The elements of the court order (fines, restitution, community service hours, counseling, etc.) and the due dates.
3. The court order shall be used as the case plan for minors identified as low risk on the risk assessment unless extenuating circumstances indicate otherwise.

4. The completed PRBSCP shall be signed by the parent(s)/guardian(s), the minor, and the probation officer. The PRBSCP shall be filed with the court within 45 days and uploaded into CARE. A copy shall be given to each signing party. If the parent or minor refuses to sign the plan, the matter should be addressed with the Court.
5. Successful completion of the goals outlined in the PRBSCP should result in the recommendation of termination of probation.

History: Effective August 10, 2012- Revised June 14, 2013

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Section 4.5 Electronic Monitoring

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Policy:

The probation department may use electronic monitoring for community protection and the minor's accountability.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

[UCA 78A-6-103](#)

[UCA 78A-6-117](#)

Utah Rules of Juvenile Procedure - [Rule 9 \(9\)\(g\)](#)

Procedure:

1. The probation department shall place a minor on electronic monitoring by order of the Court and/or by probation order.
2. When a probation officer is alerted to a violation, immediate efforts shall be made to assess the situation for further action.
 - 2.1 Parents shall be notified of the probation officer's assessment of the situation.
3. The probation officer shall include the conditions and consequences of electronic monitoring in the correctional plan, if the minor is on probation.
4. The probation officer shall submit a request for restitution upon adjudication if the minor intentionally damages any part of the electronic monitoring equipment.

History: Effective August 1, 2001

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Section 4.6 Serious Habitual Offender Comprehensive Action Program (SHOCAP)

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Policy:

The juvenile court probation department shall participate in the establishment and operation of SHOCAP, assist collaborating agencies in providing comprehensive services and tracking of minors under the continuing jurisdiction of the juvenile court and contribute information to the SHOCAP data base.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

[63M-10-101](#)

[63M-10-201](#)

[UCA 78A-6-1104 \(1\)\(b\), \(2\)\(ii\)](#)

Family Educational Rights & Privacy Act Regulations, 34 CFR, Part 99

Government Records Access & Management Act, Title 63, Chapter 2

Procedure:

1. Identification of serious habitual offenders will be defined by the Local SHOCAP Oversight Committee.
2. The probation officer or other designated agency has the option of nominating a minor, who is on probation, for SHOCAP.
 - 2.1 Based on SHOCAP criteria, the probation officer will determine whether the minor qualifies for SHOCAP. If they qualify, the probation officer will complete the SHOCAP nomination form which will then be presented to the SHOCAP Regional Nomination Committee.
 - 2.1.1 Active SHOCAP status is defined as a minor who has met the SHOCAP criteria and is selected by the committee for SHOCAP.
 - 2.1.2 Inactive SHOCAP status is defined as a minor who has met the SHOCAP criteria and has been determined not to be a good candidate for SHOCAP. Inactive status may change at any time based on the behavior of the minor.
3. The probation officer's responsibilities for minors on active SHOCAP status are as follows:
 - 3.1 Face to face notification to the minor and parents shall take place within 72 hours of being placed on an active SHOCAP status and the family will be provided with a SHOCAP information pamphlet.
 - 3.2 The probation officer shall draft a correctional plan based upon the balanced approach, and designed to assist the minor in recognizing his/her responsibilities.
 - 3.3 A meeting of all collaborating agency representatives, parent(s) and minor will be arranged by the probation officer after the SHOCAP plan has been drafted. All collaborating agency representatives will be required to sign the correctional plan.
4. The probation officer will be responsible to make sure the terms of probation for each active SHOCAP minor on probation supervision is entered into the SHOCAP data file in the computer. The probation officer is also responsible to make sure the conditions of probation are updated when necessary.
 - 4.1 The SHOCAP database is a program on the Juvenile Court Information System. This detail information about the SHOCAP minor and can be accessed by anyone with a state ID and password to the system. The database provides the following information about each SHOCAP minor:
 - 4.1.1 Additional home addresses
 - 4.1.2 Areas frequented
 - 4.1.3 Employment
 - 4.1.4 Gang affiliation
 - 4.1.5 Personal profile
 - 4.1.6 School status

- 4.1.7 Field card
 - 4.1.8 SHOCAP nomination information
 - 4.1.9 Terms of probation
 - 4.1.10 Youth Corrections terms
 - 4.1.11 In addition the SHOCAP Database produces a list of all youth in Utah who meet the preestablished SHOCAP criteria.
 - 4.2 Anyone with access to the database can enter data in all areas except school status, nomination information, youth corrections and probation fields. The local SHOCAP coordinator will remove the SHOCAP status information when a youth no longer is on active SHOCAP status.
5. The established criteria to release a minor from SHOCAP include:
- 5.1 The minor turning eighteen years of age and is not under the jurisdiction of the juvenile court or in the custody of youth corrections
 - 5.2 The minor remains referral free for one year after placement in SHOCAP
 - 5.3 The minor is certified as an adult, or
 - 5.4 The minor moves to a county without a SHOCAP program.
6. The probation officer may recommend a minor be terminated from probation who is on SHOCAP status but it should be discussed and agreed upon by the SHOCAP collateral agencies.

History: Effective August 1, 2001

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Section 4.7 Interstate Compact for Juveniles

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Policy:

The Interstate Compact for Juveniles (ICJ) provides for the transfer of supervision of minors under court jurisdiction, establishes a procedure for the return of runaways and outlines the process for submitting travel permits.

Scope:

This policy applies to all probation officers of the Utah State Juvenile Court.

Authority:

[UCA 55-12-100 through 118](#)

ICJ Rules-Interstate Commission for Juveniles (<http://www.juvenilecompact.org/>)

Juvenile Interstate Data System -JIDS (jids.juvenilecompact.org)

Procedure:

1. Sending a minor on Interstate Compact:

- 1.1 Once a minor is adjudicated and is relocating out of state, the probation officer shall complete all pertinent Interstate Compact forms which include:
 - 1.1.1 Form IA/VI Application for Services and Waiver;
 - 1.1.2 Form IV Parole and Probation Investigation Request (including cover letter, petitions, orders, legal and social history, parole/probation conditions, school records, immunizations, assessments and evaluations, and any other pertinent information);
 - 1.1.3 Form VII Travel Permit (mandatory for sex offenders).
- 1.2 The probation officer shall complete the above referenced forms in the Juvenile Interstate Data System (JIDS) and upload the related documents.
- 1.3 The probation officer shall notify the Utah ICJ Office once the documents are submitted.

2. Receiving a minor on Interstate Compact:

- 2.1 When a state makes a request for courtesy supervision, the Utah ICJ Office will process the Request for Transfer of Supervision packet and will notify the chief probation officer in the district where the minor will reside.
- 2.2 The chief probation officer/supervisor will assign a probation officer to conduct a home evaluation.
- 2.3 The assigned probation officer shall conduct and submit a home evaluation (in JIDS) within 30 days to recommend that supervision be accepted or denied. The Utah ICJ Office will notify the sending state of the recommendation of the home evaluation

- 2.4 If supervision is approved, the probation officer shall submit a quarterly progress (in JIDS) report every 90 days and route the report to the Utah ICJ Office.—
- 2.5 If a violation occurs or new charges are received, the probation officer will submit a violation report (in JIDS) within 10 business days and route the report to the Utah ICJ Office.

3. Runaways:

- 3.1 An out of state runaway may be released by juvenile authorities to parents or legal guardians within the first 24 hours (excluding weekends and holidays) of detainment. Refer to ICJ Rule 6-101.
- 3.2 When an out of state runaway is held longer than 24 hours (excluding weekends and holidays), a detention hearing shall be scheduled and the probation officer shall inform the Utah ICJ Office.
- 3.3 The Utah ICJ Office will forward a Juvenile Rights Form and a Form III (Consent for Voluntary Return of Out of State Juvenile) to the probation officer to be presented at the detention hearing.
- 3.4 If the runaway voluntarily agrees to return home and signs the Form III, the probation officer will forward the forms to the Utah ICJ Office. Travel arrangements will be coordinated through the respective ICJ Offices within 5 business days.
- 3.5 If the runaway does not voluntarily agree to return home and refuses to sign the Form III, the probation officer will contact the Utah ICJ Office to begin the requisition (return home) process. Refer to ICJ Rule 6-103.

4. Travel Permits

- 4.1 The probation officer must complete a Form VII Travel Permit when a minor under court jurisdiction is traveling out of state for a period longer than 24 hours. Travel permits are mandatory for youth who have been adjudicated on the following offenses or case circumstances:
 - 4.1.1 Sex-related offenses;
 - 4.1.2 Violent offenses that have resulted in personal injury or death;
 - 4.1.3 Offenses committed with a weapon;
 - 4.1.4 Minors who are state committed as defined by ICJ Rule 1-101;
 - 4.1.5 Minors who are testing placement and subject to the terms of the Compact;
 - 4.1.6 Minors returning to the state from which they were transferred for the purposes of visitation;
 - 4.1.7 Minors transferring to a subsequent state with the approval of the initial sending state.
 - 4.1.8 Minors for which the victim notification laws, policies and practices of the sending and/or receiving state require such notification.
- 4.2 Minors placed in a residential treatment facility may be placed on a travel permit for notification purposes only.
- 4.3 A travel permit shall not exceed 90 calendar days.
- 4.4 The probation officer shall submit the signed Form VII travel permit (in JIDS) and route the permit to the Utah ICJ Office.

History:

Effective August 1, 2001

Revised and approved November 13, 2015

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Section 4.8 Fingerprints & Photographs

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Policy:

This policy outlines when fingerprints and photographs will be taken. Photographs will be stored and displayed in C.A.R.E. to help in the identification and tracking process.

Scope:

This policy applies to all probation officers of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-1104](#)
- [UCA 78A-6-701](#)
- [UCA 78A-6-702](#)
- [UCA 78A-6-103](#)
- Utah Rules of Juvenile Procedure - [Rule 27\(a\)](#)

Procedure:

1. Probation officers shall recommend the collection of fingerprints and photographs of minors 14 years of age at the time of offense or older, who are adjudicated on an offense that would be a Class A misdemeanor or a felony if the minor were 18 years of age or older. In cases where the minor has previously been fingerprinted or photographed as a result of prior adjudication or admission to a detention facility fingerprints or photographs do not need to be re-collected.
 - 1.1 Probation officers shall direct the minor to a juvenile detention facility or local law enforcement agency for fingerprinting. Upon verification that law enforcement has obtained the fingerprints, the probation officer shall create a fingerprint critical message in C.A.R.E.
 - 1.2 Probation officers are required to ensure that a current photograph of the minor is taken and uploaded in C.A.R.E.
 - 1.3 Probation officers shall take the photograph or fingerprints of any minor if ordered by the court.
2. Photographs may be retained in social files, electronic files (C.A.R.E.), and tracking files.
3. Photographs may be distributed or disbursed to State or local law enforcement agencies, the judiciary, and the Division of Juvenile Justice Services.
4. When a minor's juvenile record is expunged, all photographs and other records shall be sealed upon order of the court. Fingerprint records may not be destroyed.

History: Effective June 13, 2008 - Updated February 10, 2012

Note:

- Board of Juvenile Court Judges: Approved 6/13/08- & 02/10/12
- Trial Court Executive: Approved 7/07/08 & 02/02/12
- Chief Probation Officers: Approved 04/04/08 & 10/13/11

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Section 4.9 Drug Testing

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Policy:

Drug testing shall be administered to detect and deter substance abuse, assess individual treatment needs, and ensure accountability for minors under the continuing jurisdiction of the juvenile court.

Scope:

This policy applies to all probation officers of the Utah State Juvenile Court.

Authority:

- Utah State Juvenile Court: Drug Testing Policies and Procedures - [PDF](#)

Procedure:

1. Minors under the continuing jurisdiction of the Juvenile Court who have a Court order or case plan authorizing drug testing shall submit to random urinalysis testing.
 - 1.1 Such minors will receive a drug test to establish a baseline to determine any measurable illicit substances in their system.
 - 1.2 A minor who tests positive for drug use is not allowed to leave the test facility unless released to a parent, guardian or other responsible adult. If a release to a responsible adult is not possible, the probation officer may seek other alternatives, such as detention and youth service programs.
2. Probation may require the minor and parent(s) / guardian(s) to sign a drug testing acknowledgment form that advises them the testing MUST be witnessed and explains what will occur if the minor tampers with a urine specimen or tests positive for illicit drugs (Addendum 4.9.1).
3. The first random drug test following the baseline test that is positive for illicit substances may result in a verbal warning or other sanctions.
 - 3.1 The minor may be required to submit to a substance abuse evaluation and follow the recommendation of the evaluator.
 - 3.2 All drug tests following the baseline found to be positive for illicit substances may initiate a motion to the Court requesting the assessment of a fee of \$25.00 per panel screen regardless of how many drugs test positive.
4. Each positive drug test requires completion of the Positive Drug Test Statement form and notification to the parent or guardian of the minor (Addendum 4.9.2, Positive Drug Test Statement).
 - 4.1 If the minor signs the form indicating they accept the results of the test, they waive their right to request a confirmation test.
 - 4.2 If the minor signs the form indicating they do not accept the results of the test, it will be considered a request for a confirmation test be performed.
 - 4.2.1 The minor will be responsible for the cost of the confirmation test if it confirms the minor is positive.
5. The probation department may submit a Motion and Order for Drug Testing Fee (Addendum 4.9.3, Motion and Order for Drug Testing Fee).
 - 5.1 The probation department may recommend the Court order the minor to pay \$25.00 per panel screen regardless of how many drugs test positive in addition to the cost of confirmation
 - 5.2 The Positive Drug Test Statement shall be attached to the Motion and Order for Drug Testing Fee.

History: Effective September 26, 2007

Addendum 4.9.1 Drug Testing Acknowledgment


- Utah State Juvenile Court: Drug Testing Acknowledgment (Approved 2007) - [PDF](#)

Addendum 4.9.2 Drug Test Statement

- Utah State Juvenile Court: Drug Test Statement (Approved 2007) - PDF
-

Addendum 4.9.3 Motion & Order for Drug Testing Fee

- Utah State Juvenile Court: Motion & Order for Drug Testing Fee (Approved 2007) - PDF
-

- Collecting Specimens OTP -  [OTP LearningLink](#)

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Addendum 4.9.1

DRUG TESTING ACKNOWLEDGMENT

1. Cooperate with the probation officer and answer all questions honestly.
2. As a condition of the Court's order, you are subject to random urine testing for alcohol and drug usage at such times as you are requested to submit to these by a probation officer.
3. You are advised that failure or refusal to submit to such testing or tampering with a urine specimen will be considered a violation of the Court order and considered the same as a "positive test". Failure to provide a urine specimen within 60 minutes of the request will be considered a violation of the Court order. **ALL** specimen collections **MUST** be witnessed.
4. Any positive result is a violation of the Court's order. It will be reported to the Court and may result in further sanctions. If you test positive, you will be requested to sign a Positive Drug Test Statement.
5. You are required to inform your probation officer prior to the test about any prescribed or over the counter medications you are taking. You may be required to provide verification from a physician. If you test positive for a medication that has not been specifically prescribed to you, the test will be considered a "a violation of probation".
6. You may challenge a positive test result at the time you are tested and request a confirmation test. If the confirmation test is positive, this test will be at your own expense.
7. The test results will be released to you, your parents or guardian, and to the Court. Release to any other parties will be available only by Court order.
8. If any test is positive the minor must be released to a parent, guardian or responsible adult.

ACKNOWLEDGMENT

I, the undersigned, have read or had read to me the above information and understand these instructions. I understand that the Juvenile Court will be informed if I fail to cooperate or provide false, incomplete or misleading information.

Date: _____

Minor: _____ **Probation Officer:** _____

Parent: _____ **Parent:** _____

Addendum 4.9.2

POSITIVE DRUG TEST STATEMENT

Minor: _____

Case Number: _____

Probation Officer: _____

Date: _____

I understand that I have tested positive for the following drugs:

☐ THC ☐ Methamphetamine ☐ Cocaine ☐ Opiates

☐ Alcohol ☐ Amphetamines ☐ Other: _____

I also understand that I have the right to have these results confirmed by laboratory testing for a fee for each test performed. Failure to request a confirmation test at this time will, in fact, establish that the results from the original test(s) are valid.

_____ I accept the results of the above test(s) and admit to using said drug(s). By doing so, I also waive my right to request a confirmation test.

_____ I do NOT accept the results of the above test(s) and request a confirmation test be performed. I will be responsible for the cost of such test if it is positive.

Minor
Date

Probation Officer
Date

Parent (if available) _____ Date _____

[] Notification of the positive test for
drugs was given to the parent/guardian
on _____
Date

Admission Statement:

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Section 4.10 DNA (Deoxyribonucleic Acid) Sample Collection

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Policy:

This policy is to establish guidelines for the collection of DNA sample from minors 14 years of age or older, who have been ordered to provide a sample.

Scope:

This policy applies to all Probation staff of the Utah State Juvenile Court.

Authority:

[UCA 53-10-403\(3\)](#)

[UCA 53-10-404](#)

[UCA 53-10-405](#)

[UCA 53-10-406.5](#)

[UCA 76-5-401](#)

[UCA 78A-6-117\(4\)](#)

[UCA 78A-6-1104](#)

Utah Rules of Juvenile Procedure - [Rule 27](#)

Procedure:

1. Upon adjudication of qualifying offenses, the probation officer shall recommend in the dispositional report to the court the collection of DNA from minors if they were 14 years of age or older at the time they committed the following offenses:
 - 1.1 any felony, or
 - 1.2 any class A misdemeanor
 - 1.3 any offense outlined above in which the court
 - 1.3.1 enters a judgement for conviction to a lower degree of offense under section [76-3-402](#) or
 - 1.3.2 allows the minor to enter a plea in abeyance as defined in Section [77-2a-1](#).
2. A right thumb print will be submitted with the DNA sample.
3. Failure to comply with the DNA collections and/or failure to submit to thumb print shall result in the filing of an affidavit and order to show cause requiring the appearance of the minor and parents before the Court.
4. The probation officer shall recommend the minor pay a fee of \$150.00 for the DNA sample test.
 - 4.1 This fee may be waived by the court upon the finding that the minor is unable to pay the fee.
 - 4.2 If the minor and family request the fee to be waived in advance, they should complete an affidavit of impecuniosity for the court to review.
 - 4.3 If it has been determined that full payment of the fee cannot be made, probation may recommend a partial wavier.
5. A minor is required to provide only one DNA sample unless the first sample is inadequate for analysis.
 - 5.1 The sample is to be obtained as soon as possible but not to exceed 120 days after the adjudication and order.
 - 5.2 Upon notification by the Department of Public Safety that a DNA sample is not adequate, the probation officer shall obtain and submit an additional sample.
6. DNA sample collection and thumb print shall be conducted by staff who have completed the required training approved by the Administrative Office of the Courts.
7. Upon order from the court, the DNA sample will be submitted to the Department of Public Safety in accordance with required training and accepted protocols.
8. The probation staff shall document in CARE that the DNA sample and thumb print were obtained and submitted to the Department of Public Safety. Documentation shall include who collected the sample and the date collected and/or submitted. This information shall be placed on the critical message screen.
9. If the order for DNA is determined to be uncollectible, the probation officer shall create the appropriate critical message in CARE and include the reason for not collecting the sample.

DNA/Fingerprint orders can become uncollectible for several reasons including:

- 9.1 Jurisdiction over the minor no longer exists because of age.
- 9.2 Jurisdiction over the minor no longer exists because of the certification or direct file process
- 9.3 Jurisdiction over the minor was legally terminated by the Court
- 9.4 The minor is deceased
- 9.5 Verification that the minor has moved from the state or is otherwise unavailable.
- 9.6 The minor can not be located and all reasonable efforts to locate the minor have been pursued.

History:

- Effective May 3, 2007 (Amended)
- Chief Policy Committee revised 12/01/10
- Chiefs approved on 12/09/10
- TCE revised and approved on 1/6/11
- Juvenile Board revised and approved on 1/14/11

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Section 4.11 Foreign National Minors

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Policy:

This policy is to provide guidelines in the handling of delinquency matters of foreign national minors who may have legal or undocumented immigration status.

Scope:

This policy applies to all probation officers of the Utah State Juvenile Court.

Authority:

[UCA 78A-6-103](#)

Utah Rules of Juvenile Procedure - [Rule 26](#)

Utah Administrative Rule 547-13-9

United States Code - The Immigration & Nationality Action, Section 287 (8 USC 1357)

[Addressing Immigration Issues Juvenile Court](#)

Procedure:

1. The role of the probation officer is not to determine or inquire about immigration or foreign national status. However, if the probation officer becomes aware of a minor's immigration or foreign national status, the probation officer may communicate with U.S. Immigration Customs Enforcement (ICE) about that minor if directed by the court or at the request of ICE.
2. Upon the request of a foreign national minor or if an ICE detention hold has been filed, the probation officer shall notify the appropriate consulate of the minor's arrest or detention. In cases where the foreign national minor is from a mandatory notification country, the consulate must be notified of the arrest or detention even if the foreign national does not request or desire notification. (Refer to the following website for a list of consulate and countries of mandatory notification <https://travel.state.gov/content/travel/en/consularnotification.html>)
3. The probation officer shall inform the court when ICE has submitted a written detainer to hold a foreign national minor.
4. If it appears imminent that the foreign national minor is being deported, the probation officer shall make recommendations to the court regarding detention status.
5. If the minor is dependent and not deported the probation officer shall make a referral to the Division of Child and Family Services.

History: Revised and approved March 9, 2017

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Section 4.12 Case Transfers - Supervision

Policy:

This policy is intended to provide direction when transferring formal probation/state supervision cases between districts and to prevent the mishandling of files.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

[UCA 78A-6-103](#)

Rules of Judicial Administration

Juvenile Court Operations - [Rule 7-304](#) & [Rule 7-305](#)

Procedure:

1. When a minor is on formal probation/state supervision moves outside the geographical area of the district, the probation officer shall notify the receiving district office Chief Probation Officer and Clerk of Court prior to sending the file. The receiving office will acknowledge and reply in writing that the transfer request has been received and assigned.
2. The sending probation officer shall make contact with the receiving probation department and request information on office location, probation officer assignment and reporting instructions in order to provide the minor with reporting instructions.
3. The sending probation officer will complete the Instruction to Report Form [ADDENDUM 4.12.1](#) and give that information to the minor prior to moving to the receiving district. A copy of this form will be placed in the social file.
4. The sending probation officer will update the profile screen in C.A.R.E. with the minor's new address.
5. The sending supervisor shall review the social file for quality assurance prior to transfer of the case. The reviewed file shall be sent within 14 working days or less to avoid interruption of probation services.

History: Effective Date?

Board of Juvenile Court Judges Approved 12/11/2009

Trial Court Executives Approved 11/6/2009

Chief Probation Officer Approved 10/8/2009

JCPO Manual Committee Approved 10/21/2009

Addendum 4.12.1 Instructions to Report Form

- Instructions to Report Form -  [PDF](#)

Page Last Modified: 11/25/2013

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Section 4.13 Courtesy Probation Supervision

Policy:

This policy provides guidelines for case management when a judge in a district maintains jurisdiction over a probation case but the minor moves outside of the geographic area or district.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

UCA 78A-6-103

Rules of Judicial Administration Juvenile Court Operations - Rule 7-304 & Rule 7-305

Procedure:

1. The supervisor and/or the clerical department from the sending office will review the electronic record and ensure it is updated as a part of the courtesy supervision process.
2. The Chief Probation Officers of the sending and receiving districts will arrange for the courtesy supervision of the case within 30 days, document the arrangements in case notes in CARE, and determine which district will be responsible for the following:
 - 2.1 Probation orientation;
 - 2.2 Completion of any assessments and re-assessments;
 - 2.3 Completion of case plans, case notes, and other updates;
 - 2.4 Completion of court reports; and
 - 2.5 All other court and supervision requirements.
3. The sending probation officer will maintain monthly contact with the receiving probation officer.
 - 3.1 The receiving probation officer will initiate contact with the sending probation officer for all matters which may impact the status or placement of the minor's case.
 - 3.2 The sending probation officer is responsible to file any warrants for detention and/or affidavits for orders to show cause with the judge of jurisdiction.

3.3 Both probation officers should staff the case when a change in status or placement is anticipated.

4. Reviews and all other hearings will be set before the judge of jurisdiction.

History: Effective November 9, 2013

Section 4.14 Electronic Case Record Audit

Policy: This policy provides guidelines for probation department supervisors to audit electronic case records to ensure policy compliance and proper case management.

Scope: This policy applies to all probation supervisors of the Utah State Juvenile Court.

Authority: Utah Code of Judicial Administration 4-202.

Procedure:

1. Each supervisor will use the approved audit form to conduct audits of electronic case records.
(See addendum 4.14.1)
2. Each month, the supervisor will randomly audit at least one case from each probation officer's caseload under their supervision.
 - 2.1 The supervisor shall choose the case to be audited.
 - 2.2 The results of the audit shall be shared with the probation officer.
 - 2.3 The probation officer will correct any deficiencies in the electronic record within 30 days.
3. At least quarterly, the Chief Probation Officer will review a sampling of case audits conducted by the supervisor(s).

History: Effective September 1, 2002- Revised November 20, 2017

Section 4.15 Probation Responses to Compliant and Non-Compliant Behavior

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Policy:

The probation department's focus is to ensure compliance with the terms and conditions of the probation order and other court orders, while balancing individual accountability, competency development, and community safety. The probation department is similarly committed to providing incentives to encourage and reinforce positive behaviors. Probation officers shall utilize Evidence Based Practices (EBP) to reinforce positive behaviors and discourage negative behaviors.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

- Utah Rules of Judicial Administration
Probation Supervision-[Rule 7-304](#)
- Utah Rules of Juvenile Procedure
Violation of Probation and Contempt by a Minor - [Rule 51](#)
- UCA 78A-6-1101
- Addendum 4.15.1- Probation Response Matrices to Compliant and Non-Compliant Behavior

Procedure:

1. Each probation officer has the responsibility to use EBP strategies to assist in minor's compliance with the terms and conditions of probation and other court orders. Probation officers shall respond to a youth's compliant and/or non-compliant behavior in a prompt, consistent, and proportional manner (see addendum [4.15.1](#) & [4.15.2](#)).
2. The probation officer shall employ appropriate incentives for compliant behavior in accordance with the recommendations in the Incentives Response Matrix, (see addendum [4.15.1](#)) The probation officer shall document the incentives that were employed to reward compliant behavior in case notes and court reports.
3. The probation officer shall employ appropriate interventions/sanctions

for non-compliant behavior in accordance with the recommendations in the Non-Compliant Behavior Response Matrix. (see Addendum 4.15.2) The probation officer shall document the interventions/sanctions that were employed to hold the youth accountable for non-compliant behavior in case notes and court reports.

4. The probation officer should review the case with the probation supervisor or designee to determine whether there are additional sanctions that should be applied when attempts to correct the non-compliant behavior are unsuccessful.
5. The probation officer shall review the case with the probation supervisor or designee prior to filing an order to show cause or contempt petition. The probation officer shall document the interventions/sanctions that were employed to address the non-compliant behavior in case notes and court reports.

History: Effective date April 7, 2006 - Revised July 8, 2016

Advisory Committee Note: Paragraphs (2) and (3) of this policy require the mandatory use of the Probation Response Matrices when addressing compliant and non-compliant behavior. Probation officers have discretion in determining which incentives or interventions/sanctions outlined in the matrices to employ.

Incentives Matrix

STEP 1: Identify the youth's level of compliance and/or accomplishment. The *beginning level* focuses on incentives when the youth is meeting expectations with their compliance toward their court orders/obligations. The *intermediate level* focuses on the youth's behavior change among the "Big Four" (Antisocial Behavior, Antisocial Personality, Antisocial Attitude, and Antisocial Peers) and the "Other Four" (School/work, Leisure/Recreation, Substance Abuse, and Family). The *advanced level* focuses on acknowledging behavior when the youth identifies competence in skills and abilities to refrain from getting into trouble and reducing their risk factors.

Beginning: Accountability and Compliance	Intermediate Evidence Based/Case Planning Big Four and Other Four	Advanced Demonstrates Competence and Reduction of Risk
<ul style="list-style-type: none"> • Attending scheduled appointments • Avoiding persons possessing, using, and/or selling drugs/alcohol • Completed community service hours • Complying with curfew, home restrictions, or house arrest • Enrolled in school and/or program • Following home rules • Following rules/direction of your court worker • Made payments toward restitution and/or fines • Negative UA results • Refrained from possessing a dangerous weapon • Refrained from staying out overnight • Submitted photo, fingerprint, and DNA • Successful search of self or possessions • Wearing neutral clothing (non-gang/drug/alcohol) • Other 	<ul style="list-style-type: none"> • Achieving a higher level in a program • Active participation in therapy/counseling • Associating with positive peers • Avoiding negative peers • Completion of a Carey Guide/BIT • Creating case plan goals • Engaging with family • Good grades and or attendance • Improved physical health/hygiene • No contact with victim • Participation in pro-social activities • Positive reports from collateral agencies • Taking prescription medications • Thinking about consequences before acting • Time free of non-compliant behavior • Using coping skills • Using positive communication skills • Other 	<ul style="list-style-type: none"> • Accomplishing a case plan goal • Continuation in a pro-social activity • Displaying appreciation for others • Express genuine remorse • Finding employment/remaining employed • Graduating from High School/obtaining GED • Identifies and works with support system • Initiating meetings with others (school/probation/programs) • Leadership role for pro-social activities/events • Membership in a positive organization • No referrals for delinquent/non-compliant behavior • Positively contributing to family/home • Successfully completing a program • Using skills to deal with difficult situations • Using consequential thinking skills • Other

Incentives Matrix

(continued)

STEP 2: Reward the youth with a proportionate incentive for their identified level of compliance/accomplishment outlined below or as identified by the youth. Incentives should be awarded promptly; within hours or days. The list below provides examples of suggested responses; it is not all-inclusive. Award the youth with the incentive that will have the most impact on pro-social behavior.

Level 1 Response	Level 2 Response	Level 3 Response
<ul style="list-style-type: none"> • Allow special supervised outing • Allow extra time on the computer • Credit toward community service hours* • Earned free time with pro-social peers • Permission to attend/participate in a community event • Permission for travel/extended travel • Recognition by worker/parent/school • Receive personal hygiene supplies • Reward coupon or punch on a punch card • Send a positive letter to youth's home • Transportation access/credit/passes • Verbal praise to youth and/or parent • Other incentive individualized to youth 	<ul style="list-style-type: none"> • Allow an overnight with approved friend • Apply community service hours toward restitution* • Certificate of achievement • Extend curfew • Field trips with staff (college tour, hiking, etc.) • Hold an appointment by phone • Reduction in supervision • Recognition given in Court • Reduce time on home restriction/house arrest • Reduction in community service hours* • Reduce frequency of drug testing • Storyboard/wall of fame/fish bowl raffle • Other incentive individualized to youth 	<ul style="list-style-type: none"> • Allow youth to have input on probation appointments • Court level of completion • Early Discharge* • Graduation ceremony • Invitation to serve on agency leadership council • Invitation to monthly recognition ceremony • Job shadowing/apprenticeship opportunity • Letter of support/job recommendation • Modification of probation terms* • Restoration of non-suspended driving privileges • Waiving/reducing fines* • Other incentive individualized to youth

*Will require court action

STEP 3: Document the accomplishment and the incentive awarded to the youth in case notes and in court reports.

Non-Compliant Behavior Matrix

Step 1: Determine the seriousness of the current non-compliant behavior: Minor; Medium; Serious.

Minor: (Lapse in judgment)	Medium: (Multiple minor violations with no response to consequences)	Serious: (Ongoing, willful disregard of expectations)
<ul style="list-style-type: none"> • Association with anti-social peers • Curfew violation (worker notified by parents) • Failed to attend school/work • Failed to complete community service/restitution • Failed to comply with worker directives • Failed to contact worker • Failed to enroll in treatment/program • Failed to notify worker about police contact • Missed appointment with treatment/program • Use of illegal substances (parent/guardian report) 	<ul style="list-style-type: none"> • Association with anti-social peers • Curfew/home restriction/truancy violation • Fail to contact worker • Fail to notify worker about police contact • Failure to attend school/work • Failure to complete community service/restitution • Failure to comply with worker directives • Failure to return home overnight • Missed appointments with required program/treatment/skill provider • Non-compliant with court ordered program (suspension). • Positive UA/failure to submit • Physical violence/aggressive behavior (no injury) 	<ul style="list-style-type: none"> • Association with anti-social peers • Contact with victim • Curfew/home restriction/habitual truancy • Fail to contact worker • Fail to notify worker about police contact • Failure to complete community service/restitution • Failure to return home overnight/AWOL • Multiple missed appointments with required program/treatment/skill provider • Non-compliant with court ordered program • Positive UA/failure to submit/adulteration to sample • Physical violence/aggressive behavior (injury) • Physical violence/aggressive behavior (no injury) • Unsuccessful discharge from program/intervention for lack of attendance/participation/behavior

Step 2: Using the youth's risk level (Determined from PSRA) and the seriousness of the non-compliant behavior determined in step 1, use the table below to determine the presumptive response (Level 1, 2, or 3). In determining whether or not to decrease/increase the presumptive response, the following factors should be considered: Impact on victim; impact on the community; and if the violation is consistent with the youth's pattern of behavior.

	Low	Moderate	High
Minor	1	1	2
Medium	1	2	3
Serious	2	3	3

Non-Compliant Behavior Matrix

(continued)

STEP 3: Use the information from Step 1 and 2 to determine the appropriate level of response. Use the least restrictive response for the desired behavioral change utilizing the principles of risk, need, and responsivity. Responses to violations by low risk youth are preferably handled through school and /or parent consequences, and should involve minimal contact with the juvenile system. If there is an increase in drug testing, case contact, community service hours, or other restrictions, the increase should be the least restrictive, in amount or duration, to achieve the desired outcome. The determined response should be applied within hours or days (promptly) and not weeks or months.

Level 1 Response	Level 2 Response	Level 3 Response
<ul style="list-style-type: none"> Carey Guides/BITS/NCTI/ Decisional Balance Sheet Curfew or home restriction(s) Increase community services Increase contact/Motivational Interview Increased frequency of drug testing (as needed) Letter/essay/homework assignment Letter of apology Problem-solving session with worker Restriction of activities/privileges Review case plan School monitoring sheets School/parent/guardian consequences Verbal or written warning 	<ul style="list-style-type: none"> Any Level 1 responses that are appropriate Community service/fines/fees* Develop education plan with school Home restriction/day reporting In-court review hearing Increase frequency of treatment Increase of special programming – example ART/NCTI Mental health/substance abuse assessment No Contact Directive* Psychological* Staff with others Work crew for completion of hours/structure 	<ul style="list-style-type: none"> Any Level 1 or Level 2 responses that are appropriate Intensive outpatient or inpatient treatment* Multi agency staffing/community based placement* Order to Show Cause/Contempt Re-assess risk and create new case plan Specialty Court*

* Indicates response that requires court Action

Note: Per Juvenile Court Policy 4.15 Probation Response to Compliant and Non-Compliant Behavior: The probation officer shall review the case with the probation supervisor to determine whether there are additional sanctions that should be applied when attempts to correct the non-compliant behavior are unsuccessful.

STEP 4: Document the non-compliant behavior and identified response in case notes in CARE and in court reports. If needed, complete a re-assessment and incorporate needed changes in the case plan.

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Policy 4.16 Confiscated Property

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Policy:

Any illegal or restricted property confiscated during a search shall be handled in accordance with the commonly accepted law enforcement practice that maintains a proper chain of evidence. Any property confiscated shall result in a technical violation or in the filing of an order to show cause/contempt.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

United States Constitution 4th Amendment

[UCA 76-10-1201](#)

Utah State Juvenile Probation Order

[Policy 5.1 Probation Searches](#)

Procedure:

1. Probation officers shall attend the Probation Officer Safety course prior to conducting any searches.
2. Probation officers engaged in searches shall only confiscate property that:
 - 2.1 is illegal for the minor to have in their possession or
 - 2.2 is restricted by the probation order or other court order.
3. Confiscated illegal property includes, but is not limited to drugs, tobacco, alcohol, firearms, or other items prohibited by state statute.
 - 3.1 Probation officers shall immediately notify local law enforcement to take possession of such property.
 - 3.2 If law enforcement cannot or does not respond in a reasonable amount of time, property shall be secured per district guidelines.
4. Confiscated property shall be handled and packaged in a safe manner to ensure it is preserved in its original condition and the chain of custody is maintained.
 - 4.1 The probation officer shall use caution when handling property. Confiscated property shall be placed in a container or plastic bag as designated by district guidelines.
 - 4.2 Confiscated property shall be clearly identified on the completed Confiscated Property Form.
 - 4.2.1 The original is attached to the container.
 - 4.2.2 A copy is given to the minor/parent.
 - 4.2.3 A copy is placed in the social file.
 - 4.3 Confiscated property shall remain in the probation officer's immediate possession until it can be turned over to a parent, law enforcement or locked in a designated evidence room.
 - 4.3.1 After business hours, any confiscated item shall be placed temporarily in a designated restricted location to preserve the chain of evidence as designated by district guidelines.
 - 4.4 Any property confiscated shall be released to a parent or law enforcement and shall be documented by completing the Confiscated Property Form.
 - 4.4.1 If the parent refuses to take possession of the property, the probation officer shall dispose of the property.
 - 4.4.2 Property shall be disposed of by the probation officer in the presence of at least one witness after adjudication, or when deemed appropriate if an Order to Show Cause is not filed, and documented in the social file.
5. Restricted property specified in the Probation Order, or other court order, is property that promotes illegal, gang, or drug activity or is deemed harmful to a minor as defined in 76-10-1201. These may include but are not limited to belt buckles, belts, bandanas, shirts, jewelry, or sexually explicit material.
 - 5.1 If property is confiscated by probation, it shall be secured per district guidelines.

- 5.2 If the probation officer cannot articulate the reason the property is restricted, the property shall not be confiscated.
 - 5.3 This opportunity should be used by the probation department to facilitate discussion with the parent or guardian as to why the property is restricted.
6. Property of concern to probation includes property which may encourage illegal behavior or violations of probation.
- 6.1 Property will not be confiscated but used as an opportunity to facilitate discussion between probation and the parent and minor.
7. Probation officers shall not under any circumstances use or possess any confiscated material for personal use.

History: Effective 04/30/07

Addendum 4.16.1 Confiscated Property Form

- Complete the Confiscated Property Form online - [PDF](#)

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Utah State Juvenile Court Confiscated Property Form

Date:

PO Name:	Minor Name:
PO Phone:	Case #:
Witness Name:	Minor Phone:
Witness Phone:	Minor Address:
Property Confiscated by:	City/State/Zip:
Address of Occurrence:	Confiscation: Date Time am/pm
City/State/Zip:	

Item Number	Quantity	Property Description (include make, model, color, serial number)

Chain of Custody / Signatures, Identification

Item Number (s)	Released/Disposed By	Received/Witnessed By	Date & Time

HISTORY: EFFECTIVE 05/03/06

<i>Note:</i>	<i>Board of Juvenile Court Judges</i>	<i>Approved</i>	<i>05/03/2006</i>
	<i>Trial Court Executives</i>	<i>Approved</i>	<i>04/14/2006</i>
	<i>Chief Probation Officer</i>	<i>Approved</i>	<i>03/09/2006</i>
	<i>JCPO Manual Committee</i>	<i>Approved</i>	<i>02/23/2006</i>

Policy 4.17 Fines and/or Restitution Obligations

Policy:

The probation department shall not collect or receipt any fines or restitution ordered by the court or assessed through nonjudicial handling.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

Utah State Courts Accounting Manual Receipting Policy, Section 2, Receipting Utah Courts Juvenile E-Payment System <https://pubapps.utcourts.gov/JuvenileEpaymentWEB/>

Procedure:

1. The probation officer shall not accept any payments e.g., money orders, cashier's checks, financial transaction cards, cash or personal checks.
2. The probation officer shall refer patrons to make all payments to -the clerical department or via the courts online payment system (Utah Courts Juvenile E-Payment System).

History: Effective July 7, 2008- Revised November 20, 2017.

Section 4.18 Probation Officer Audio/Video Recordings

Policy:

Probation officers complete audio/video recordings for quality assurance, training and advancement purposes. This policy outlines the process for audio/video recording interviews with youth and how these recordings should be secured.

Scope:

This applies to all probation staff of the Utah State Juvenile Court.

Authority:

- [Probation Officer Career Track Quality Assurance Guidelines and Documentation Requirements – Utah State Juvenile Court Education Career Track](#)
- [Code of Judicial Administration 4-202.02](#)

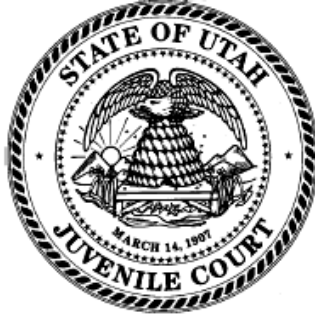
Procedure:

1. Probation officers shall obtain the necessary signatures on the Audio/Video Interview Release Form before recording an interview. (See Addendum 4.18.1)
 - 1.1 This form and any associated recordings shall be stored together in a secured location such as a locked file cabinet or a password protected computer file.
 - 1.2 Audio/Video recordings shall be retained no longer than 5 years from the recording date. The probation officer's immediate supervisor shall be responsible for the retention and destruction of the recordings.
2. The probation officer's immediate supervisor shall be responsible to maintain the security of all audio/video recordings.
3. The audio/video recording shall only be used for evaluative and training purposes outlined in the Probation Officer Career Track Guidelines and Instructions document. The recording is classified as a protected record.

4. If the minor's court record is expunged the recordings shall be destroyed at the time of expungement.

Addendum 4.18.1 Audio/Video Interview Release Form

History: Effective October 5, 2016



AUDIO/VIDEO INTERVIEW RELEASE FORM

I hereby give permission for images of my child(ren) to be captured via audio/video, during the activity listed below.

I understand and acknowledge that juvenile court employees will see these images and/or interviews, and that I am waiving any rights of compensation or ownership thereto.

Members of the public WILL NOT see these images.

Activity(ies) at which audio/video interviews were taken:

Name of Participant(s) (please print): _____

Name of Parent/Guardian (please print): _____

Phone Number of Parent/Guardian: _____

Parent/Guardian's Signature

Date

Probation Officer's Signature

Date

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Section 5.1 Probation Searches

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Policy:

The probation department may conduct administrative searches of individuals who enter probation offices for the detection of weapons. The probation department may conduct a search when there is reasonable suspicion that the probationer has violated the law or terms of probation.

Scope:

This policy applies to all juvenile court personnel of the Utah State Juvenile Court.

Authority:

United States Constitution - 4th Amendment

Utah Constitution - Article I Section 14

Opinion for Court Administration Legal Counsel, dated July 10, 2000

Procedure:

1. Search of Individuals Entering Probation Offices:
 - 1.1 Each district office shall address the "Search of Individuals Entering the Probation Offices" through the district security plan or district policy & procedures. This shall include reporting incidents as outlined in [Section 5.6](#) - Critical Incident Reporting.
2. Search of Probationers' Dwellings and Property shall require reasonable suspicion or consent of the individual who has control of the premises.
 - 2.1 Reasonable Suspicion includes but is not limited to:
 - 2.1.1 Information reported from a reliable source that the probationer may have violated the law or the conditions of his/her probation.
 - 2.1.2 Observable physical indicators that the probationer is under the influence of illegal substances.
 - 2.1.3 Observable environmental indicators that the probationer may be in possession of contraband, weapons, or illegal substances.
 - 2.2 Where reasonable suspicion does not clearly exist, consent of the individual who has control of the dwelling or living space must be obtained prior to a search. A consent for search form will be used stating the general area to be searched and that the individual has the right to refuse permission to search.
 - 2.2.1 Consent will be valid if it appears that the individual has the age, education, and intelligence to understand the issues to which he/she is giving consent.
 - 2.2.2 The probation officer should be prepared to articulate that the individual understood the concept of consent.
 - 2.2.3 Permission must be specific to each occasion when a consent search is requested by probation.
 - 2.2.4 If the request to search is refused, no search shall take place and the refusal shall not be construed as reasonable suspicion.
 - 2.3 Where reasonable suspicion does not clearly exist, consent from the individual who owns the vehicle must be obtained prior to a search. A consent for a search form will be used stating the general area to be searched and that the individual has the right to refuse permission to search.
 - 2.3.1 Consent will be valid if it appears that the individual has the age, education, and intelligence to understand the issues to which he/she is giving consent.
 - 2.3.2 The probation officer should be prepared to articulate that the individual understood the concept of consent.
 - 2.3.3 Permission must be specific to each occasion when a consent search is requested by probation.
 - 2.3.4 Ownership is a factor to consider, but the most important factor is who has control and access of the vehicle.

- 2.3.5 If the request to search is refused, no search shall take place and the refusal shall not be construed as reasonable suspicion.
- 2.4 Where reasonable suspicion does not clearly exist, consent from the individual who owns the property or who has possession of the property must be obtained prior to a search. A search form will be used stating the general area to be searched and that the individual has the right to refuse permission to search.
 - 2.4.1 Consent will be valid if it appears that the individual has the age, education, and intelligence to understand the issues to which he/she is giving consent.
 - 2.4.2 The probation officer should be prepared to articulate that the individual understood the concept of consent.
 - 2.4.3 Permission must be specific to each occasion when a consent search is requested by probation.
 - 2.4.4 Ownership is a factor to consider, but the most important factor is who has control and access of the property.
 - 2.4.5 If the request to search is refused, no search shall take place and the refusal shall not be construed as reasonable suspicion.
- 3. If weapons, illegal drugs, or other contraband is discovered during a search, law enforcement shall be notified to take possession of the items, to investigate and to refer charges to the prosecutor.

History: Effective August 1, 2001

Addendum 5.1.1 Legal Counsel Opinion – Search & Seizure

MEMORANDUM

To: Juvenile Trial Court Executives
 From: Brent Johnson, General Counsel
 Re: Search and Seizure
 Date: July 10, 2000

I have been receiving feedback that there still might be confusion about the impact of the recent Utah Court of Appeals' decision on searches by juvenile court probation officers. It has been suggested that I put together a memorandum clarifying the courts' policies on search and seizure by juvenile court probation officers.

Impact of Utah Court of Appeals Decision

The Court of Appeals' decision did not have, and should not have, any impact on our existing policies concerning juvenile court probation officer searches. Our policy, as will be explained below, has always been that juvenile probationers and their property can only be searched based upon consent or reasonable suspicion of illegal activity. The Court of Appeals' decision was based on a test case to determine whether searches could occur under circumstances other than reasonable suspicion or consent. The argument in the case was that juvenile probationers, because of their status as minors, should not have a reasonable expectation of privacy in their person or property and therefore could be searched at any time, for any reason. The argument was based on a theory that society has a compelling interest in rehabilitating juveniles and this compelling interest overcomes any expectation of privacy by the juveniles. The Court of Appeals rejected this test argument and stated that juvenile probationers essentially have the same rights as adult probationers. Because this was a test case, it did not have any impact on the way our juvenile court probation officers should have been doing business. In fact, a conscious decision had been made to await the Court of Appeals decision before making any changes to our search and seizure policy. Based on the decision, no changes are necessary.

Search and Seizure Policy

There are generally three types of searches of concern to juvenile court probation officers: 1) reasonable suspicion searches, 2) consent searches, and 3) administrative/security searches. I will discuss each of these in turn.

A. Reasonable suspicion. A search of a juvenile probationer, or a juvenile probationer's property may be conducted if a probation officer has "reasonable suspicion" of illegal activity. The Utah Court of Appeals has described reasonable suspicion as follows:

Reasonable suspicion requires no more than that the authority acting be able to point to specific and articulable facts that, taken together with rational inferences from those facts, reasonably warrant a belief that a condition of probation has been or is being violated. However, a probation search cannot be based upon a mere hunch without factual basis, nor upon casual rumor, general reputation, or mere whim. To determine whether the facts known to the officers legitimately gave rise to a reasonable suspicion, we do not address each fact in isolation, but instead view them in their totality.

State v. Hyatt, 965 P.2d 525 (Utah App. 1998).

Reasonable suspicion is based on specific facts and not on hunches and reputation. Examples of the types of facts that would support reasonable suspicion would include:

- A juvenile probationer who smells of marijuana smoke would justify a search of the person and the items that the person is carrying, such as a backpack.
- Locating drug paraphernalia in plain view in a probationer's bedroom would justify a search of other areas of the bedroom for drugs.
- Information from a reliable informant that a probationer is carrying a weapon would justify a search of the probationer for that weapon.

There are several important considerations involving reasonable suspicion searches. First, the area to be searched must have a relationship to the facts which support reasonable suspicion. For instance, information from a reliable informant which indicates that a probationer has a weapon in a car would not automatically support a search of the probationer's bedroom. Second, the past history of a probationer does not in and of itself support reasonable suspicion. For instance, a probationer's history of carrying a weapon does not support subsequent searches of the probationer without additional facts that the probationer may then be carrying a weapon. Third, nervous behavior in and of itself does not support reasonable suspicion searches. There must be other specific facts, in conjunction with the nervous behavior, that would support such a search.

B. Consent Searches. Searches may be conducted with the consent of a person who has ownership or control over the property to be searched. In order for the consent to be valid, the consent must be given at the time of the search, the consent must be knowing and informed and cannot be coerced, and the consent must be specific to the area to be searched. A probation agreement in which a probationer consents to be searched at any time is not valid for consent searches.

Consent searches are a very valuable tool for juvenile court probation officers because consent can often be obtained from a juvenile's parent. As long as the parent has ownership and/or access to the area to be searched, the parent can give consent, even if the juvenile has refused to give consent to the search. Parents typically have access to their kid's bedrooms and areas within the bedrooms such as closets, dresser drawers, and possibly backpacks and can give consent for those areas to be searched. A probation officer should make certain that the area to be searched is one for which the person can give consent before commencing the search.

C. Administrative/Security Searches. In almost all of the court sites and probation offices searches are conducted when persons enter the premises to ensure that those persons are not carrying a weapon. These searches are valid as legitimate administrative and security concerns. The most important aspect for these searches is that the persons subject to the search be provided notice that these searches may be conducted. This is most often accomplished by posting written notice at the entrance of a building or office that all persons entering the building or office are subject to a search for security purposes. Because these searches are for the purpose of determining whether a person carries a weapon, these searches can be no more intrusive than is necessary to determine whether a weapon is present. If a magnetometer is available, the magnetometer should be used and additional searches of the person may not be conducted unless the magnetometer reveals items that are suspicious.

Our juvenile court work crews are subject to administrative/security searches as a part of their work detail. Juveniles who are a part of these work crews should be given written notice that they will be subject to searches upon reporting for work and upon entering the van at the end of a work detail. Again, these types of searches must be no more intrusive than is necessary to determine the presence of weapons.

Conclusion

This memorandum is simply a brief description of the types of searches that are possible. In some instances, these issues can become fairly complicated and as questions arise the questions can be directed to my office. Training can also be arranged on the legal issues involved with searches as well as the proper methods and considerations for searches.

Addendum 5.1.2 Court of Appeals of Utah – Probation Search

- Court of Appeals of Utah – Probation Search - [PDF](#)

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Section 5.2 Taking and Transporting a Minor in Custody

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Policy:

The probation department will only take a minor into custody when an order for detention has been issued by the Court and in emergency situations in which a peace officer is not immediately available.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

[UCA 77-7](#)[UCA 78A-6-111](#)[UCA 78A-6-112](#)

Procedure:

1. The probation department shall obtain an order for detention before taking a minor into custody. If a judge is not immediately available and there is an imminent risk to the community, the probation officer shall hold the youth until a judge is located and:
 - 1.1 An order for detention is authorized by the judge, or
 - 1.2 An order for detention is signed by the judge.
2. If the court issues an order for detention with specific date and time for the commitment, the probation officer shall inform the parents of the minor and the minor of the specifics of the order. Further the minors shall be informed to report to detention as outlined in the court order.
3. After an order for detention is issued, a search for the minor shall be guided by the probation department.
 - 3.1 The probation officer shall inform the parents of the order, determine if the minor is present in the home, and advise the minor to submit to custody.
 - 3.2 The probation officer may seek the assistance of parents and family, school authorities, law enforcement, and other appropriate agencies in the search effort.
 - 3.3 Through effective case management, probation officers involved with the minor will have knowledge of associations, relationships and behavior patterns to assist with determining the whereabouts of the minor.
4. Probation staff shall not transport the minor if there is physical resistance, presence of weapons, or concerns about flight.
5. Taking the minor into custody may be accomplished by:
 - 5.1 Advising the minor to surrender at the detention center. Parents may assist the minor in the voluntary surrender by transporting the minor to detention.
 - 5.2 If there appears to be no compromise to personal safety, the safety of the minor, or the safety of others, the probation officer may transport the minor to detention. The transportation shall be accomplished by:
 - 5.2.1 Using a state vehicle to transport the minor;
 - 5.2.2 At least two probation staff, one of which must be a probation officer, shall be used to secure and transport a minor;
 - 5.2.3 A search of the minor and the vehicle shall be conducted prior to placing a minor in the vehicle;
 - 5.2.4 Secure and restrain the minor;
 - 5.2.5 Placing the minor in the rear seat, behind the passenger side;
 - 5.2.6 The backup probation staff will sit behind the driver's seat; and
 - 5.2.7 Secure the seat belt on the minor and lock the rear doors.
 - 5.3 Following transport by probation staff, the vehicle shall be checked for contraband.
 - 5.4 Probation staff will provide the necessary paperwork for the admittance to detention.
6. Law Enforcement Assistance may be obtained when:
 - 6.1 A minor presents a threat or risk to safety, has a known history of violence or is a known flight risk.
7. The Probation Department shall assist the Law Enforcement agency by providing information on the minor's whereabouts.

History: Effective August 1, 2001

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Section 5.3 Continuum of Force

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Policy:

This policy is to establish guidelines for response to a client or other individual(s) that are creating a situation that may cause physical injury to the court worker, client or others.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

[UCA 76-2-402 \(1\)](#)[UCA 78A-6-112](#)Utah Rules of Juvenile Procedure - [Rule 7](#)

Utah State Juvenile Probation Officer Training Curriculum

Procedure:

1. Probation officers will always use the lowest level of force deemed necessary to control a situation.
2. Probation officers will withdraw from situations that have the potential to escalate to a level where physical force is imminent.
3. When the use of force is necessary, the lowest level of force should be used to contain the situation and insure the safety of staff or others.
4. The use of force continuum levels from least to most severe is as follows:
 - 4.1 Presence of worker - This level should be used when the subject is cooperative with minimal to no direction. The worker's stance and body language should be used to convey the need for compliance by the aggressor.
 - 4.2 Verbal Persuasion - This level should be used when the subject's compliance is responsive to verbal direction. The worker's should use the skills of:
 - persuasion
 - questioning
 - advise with light control
 - verbal warning with heavy control and
 - instruction.
 - 4.3 Soft hand control(Handcuffing) - This level should be used when the subject is resistive to verbal persuasion and the subject's behavior appears to be escalating.
 - 4.4 O.C. Spray - This level should be used when a staff member or other individual(s) is threatened with imminent danger. If possible, the worker should give verbal warning to gain compliance prior to use of the O.C. spray. (Section 5.5 O.C. Spray).
 - 4.5 Hard (Empty) hand control - This level should be use when the subject's actions are openly aggressive and may cause physical injury. The worker's should use the skills and training of:
 - self defense,
 - arrest and control techniques.
5. An employee may use necessary force to protect themselves from serious injury or death.

History: Effective November 1, 2001

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Section 5.4 Handcuffing

Table of Contents

Policy:

This policy is to provide uniform guidelines for the appropriate use of handcuffs.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

[UCA 76-2-403](#)

[UCA 77-7-1](#)

[UCA 78A-6-112](#)

Utah State Juvenile Probation Officer Training Curriculum

Procedure:

1. Probation officers and deputy probation officers shall receive approved training prior to the issuance or use of handcuffs.
 - 1.1 The use of handcuffs are primarily for defensive detainment.
 - 1.2 Handcuffs shall be used according to the Probation Officer Defensive Tactics training.
 - 1.3 Districts may authorize the use of handcuffs and issue them to staff.
2. The use of handcuffs is authorized when taking a minor into custody (See [Section 5.3 Continuum of Force](#))
3. The use of handcuffs is appropriate to:
 - 3.1 protect the minor from potential harm,
 - 3.2 protect others from potential harm, or
 - 3.3 for self-defense.
4. When handcuffs are used as outlined in this section a critical incident report shall be prepared and submitted. ([Section 5.6 Critical Incident Reporting](#))
5. Probation officers will receive the required training and yearly certification. Any training conducted must follow the lesson plan approved by the Administrative Office of the Courts.

History: Effective May 1, 2002

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Section 5.5 Oleoresin Capsicum Spray (O.C. Spray)

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Policy:

The juvenile court probation department staff who carry oleoresin capsicum spray shall be trained in the reasonable and prudent use of the spray, appropriate steps for decontamination, and reporting of its use, and the proper disposal of expired OC spray canisters per manufacturer's instructions.

Scope:

This policy applies to all juvenile court probation staff of the Utah State Juvenile Court.

Authority:

Probation Officer Safety Training Curriculum

Procedure:

1. Under the direction of the chief probation officer, supervisory staff shall issue and authorize the use of oleoresin capsicum spray (O.C. spray).
 - 1.1 It is intended to be used only in situations in which it is necessary to defend against injury to staff or others.
 - 1.2 Staff shall carry only authorized O.C. spray as provided by the courts.
 - 1.3 O.C. spray shall only be issued to staff that have successfully completed the required training and yearly certification. Any training conducted must follow the lesson plan approved by the Administrative Office of the Courts.
2. As soon as is practical after the subject has been controlled by the use of the OC spray, staff shall call law enforcement for assistance to take control of the situation. Staff shall remain with the subject unless their safety is compromised. Staff should advise law enforcement if they leave the scene for safety reasons.
3. While waiting for law enforcement to arrive, staff shall implement the decontamination procedure as soon as is reasonably practical.
 - 3.1 Calm the subject if possible. Explain the decontamination process to them and tell them you are going to start with a search as part of the process. Have the subject either sit or stand, to promote good breathing and continue to assure him/her that the effects of the O.C. spray are temporary and will diminish in a short period of time.
 - 3.1.1 Staff shall wear gloves during the search process and dispose of them at the conclusion of the search.
 - 3.2 Flush the contaminated areas with copious amounts of cold water if it is safe. The subject is not to be forcibly decontaminated.
 - 3.3 Expose the subject to fresh air if practical and safe.
 - 3.4 Inquire if the subject has any respiratory diseases or problems (i.e. asthma, bronchitis, emphysema) and ask if they want medical response called.
 - 3.5 Ask subject if they are wearing contact lenses and advise them to remove them if they are.
4. The subject will not be left unattended provided the safety of staff is not compromised, until released to law enforcement, a parent or guardian, or medical personnel. Once law enforcement arrives, staff may leave the scene at the direction of the arriving officer.
5. Any intentional or accidental use of O.C. spray, except during training, will be documented on an O.C. Spray Use Report Form (Addendum 5.5.1) and on a Court Security Incident Report Form (Addendum 5.6.1). These forms will be completed before leaving at the end of the shift. Reporting forms shall then immediately be forwarded to the supervisor and trial court executive.
 - 5.1 The trial court executive shall forward this report to the State Court Security Officer.
 - 5.2 The use of O.C. spray contrary to policy may result in the revocation of the staff's authorization to use the spray and/ or disciplinary action.
6. Each district shall develop a policy for disposal of expired O.C. spray canisters according to the recommendations of the manufacturer.

History: Effective September 13, 2006

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Section 5.6 Critical Incident Reporting

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Policy:

The probation officer shall document and report critical incidents.

Scope:

This policy applies to all juvenile court personnel of the Utah State Juvenile Court.

Authority:

Administrative Office of the Courts

Procedure:

1. Court personnel shall report verbally and by written court security incident report to their supervisor:
 - 1.1 Any serious incident which may have potential for:
 - 1.1.1 News media coverage.
 - 1.1.2 Life or safety endangerment of individuals or the community.
 - 1.1.3 Personal injury on the job. Or
 - 1.1.4 Adverse impact on the department.
 - 1.2 The district supervisor shall report to the Chief Probation Officer and the Trial Court Executive.
 - 1.3 Communication with the news media shall be referred to the Trial Court Executive or designee.
2. In the case of damage to a motor pool vehicle, refer to the vehicle guide entitled State Motor Pool User Guide and If You are Involved in an Accident located in each vehicle.
 - 2.1 When damage is done to a vehicle a report shall be made to the State Motor Pool.
 - 2.2 Any further instructions given by State Motor Pool should be followed.
 - 2.3 The district supervisor, chief probation officer and trial court executive shall be notified of any damage to a motor pool vehicle.
3. Any threat received by probation staff shall be reported immediately to supervisor of the unit or chief probation officer.
 - 3.1 The bailiff shall be notified for court security.
 - 3.2 The probation staff shall complete a State of Utah Incident Report as outlined below.
4. The staff member(s) involved shall make a verbal report of the incident to their immediate supervisor or designee as soon as possible.
5. The State of Utah Court Security Incident Report form shall be completed by the staff member(s) and filed with the supervisor for review before the end of the work day.
 - 5.1 After review and sign-off by the supervisor, the original Court Security Incident Report Form shall be filed in the social file of the involved youth and a copy sent to the Chief Probation Officer and the Trial Court Executive.
 - 5.2 In the event that the incident does not involve a youth under the supervision of the probation department, the signed Court Security Incident Report Form shall be filed in a designated file for such reports and retained for one year.

Critical Incident Report

This form is able to be filled out online and then printed.

- Court Security Incident Report Form -  [PDF](#)

History: Effective November 1, 2001

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COURT SECURITY INCIDENT FORM

- ☐ Threat ☐ Suspicious Incident ☐ Vandalism
☐ Theft/Burglary/Robbery ☐ Assault

Date: _____ Time: _____ District/Court: _____

Police Notified: No ☐ Yes ☐ Case#: _____ Officer: _____

Cleared by: Arrest ☐ Report Filed ☐ No Action Taken ☐

Victim

Non-Employee ☐ Employee ☐ Building ☐ Vehicle ☐

Person Name _____ Title _____

Address _____

Phone _____ Injury: No ☐ Yes ☐ Type of Injury _____

Building Amount of damage \$ _____ Type of Damage _____

Address _____

Vehicle Owner _____ Plate # _____

Address _____

Suspect

Name _____ D.O.B. _____ S.S.# _____

Address _____

Phone _____ Prior Threats _____

Witness

Name _____ Phone _____ Address _____

FACTS AND DESCRIPTION OF ACTION TAKEN:

FOR ADDITIONAL DETAILS PLEASE ATTACH A SHEET WITH THE PERTINENT INFORMATION

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Section 5.7 Transporting Minors Who Are Not In Custody

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Policy:

The probation department may transport minors, as necessary, when no other means of transportation is available. However, efforts should be made to have parents transport minors to and from activities and in any other circumstances that would support court orders or probation requirements.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

Code of Personal Conduct 500. 13.1-13.2

Utah State Fleet Services Administration Code R27-3

Work Crew Deputy Probation Officers Operating Manual

Policy 5.1 Probation Searches and Addendum 5.1.1. Legal Opinion - Search & Seizure

Procedure:

1. The probation department may transport a minor who is not in custody if there are no other means of transportation and there appears to be no compromise to personal safety, the safety of the minor, or the safety of others.
 - 1.1 A release of liability form shall be signed if it is a pre-planned activity. (Addendum 5.7.1. Release of Liability).
2. A state vehicle shall be used for all transports.
3. Whenever possible, minors will be transported by at least two probation staff. If only one probation officer is available he or she shall not transport a minor of the opposite gender.
4. The probation officer shall search the minor for weapons or contraband prior to allowing the minor to enter the vehicle.
5. The probation officer shall search the vehicle before and after transporting the minor.
6. The probation officer shall secure any backpacks or purses in the trunk or cargo area.
7. The probation officer shall ensure all safety belts have been fastened and doors have been locked using a child lock if available.
8. Probation staff shall not transport the minor if there is physical resistance, presence of weapons, or concerns about flight.
9. Probation Officer assisting with or operating a work crew shall follow the policies and procedures outlined in the "Work Crew Deputy Probation Officer's Operating Procedures Manual".

History: Effective November 1, 2010

Updated May 18, 2011

Board of Juvenile Court Judges Approved 12/9/11

Trial Court Executives Approved 10/7/11

Chief Probation Officer Approved 8/11/11

JCPO Manual Committee Approved 7/27/2011

Addendum 5.7.1 Release of Liability

- Release of Liability Form - [PDF](#)
-

Addendum 5.7.2 Work Crew Deputy Probation Officer's Operating Procedures Manual

- Work Crew Deputy Probation Officer's Operating Procedures Manual - [PDF](#)

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Release and Waiver of Liability Form

Minor's Name: _____ Home Phone Number: _____

D.O.B: _____ Cell Phone Number: _____

Address: _____

Contact Information

Parent or Legal Guardian: _____ Home Phone Number: _____

Address: _____ Cell Phone Number: _____

Parent or Legal Guardian: _____ Home Phone Number: _____

Address: _____ Cell Phone Number: _____

Emergency Contact: _____ Contact Number: _____

Contact's Address: _____

Relationship: _____

Release and Waiver

I/We, the parent(s) or legal guardian(s) of _____ agree to allow the said minor
Minor's Name

to participate in _____ scheduled for _____.
Sponsored Activity Date

I/We agree to hold harmless and release, and waive any claims against the Juvenile Court and all associated agencies from any and all liability claims where the public agency has not been negligent in the performance of its duties.

Parent/Guardian Signature: _____ Date: _____

Minor's Signature: _____ Date: _____

Please list and explain any medical condition or medications the youth is taking that the court should be aware of while the youth is on this activity:

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Section 5.8 Community Ride-A-Long

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Policy:

The probation department may partner with peace officers to coordinate efforts to effect the interest of the court and the minors on probation or under the jurisdiction of the court.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

- [UCA 76-8-307](#)
- [UCA 77-7-3](#)
- [UCA 78-3a-113](#)
- Utah State Courts Personnel Policies & Procedures
 - Section 5 - [Code of Personal Conduct 500](#)
- [PO Policy Manual 5.4](#)
- [PO Policy Manual 5.5](#)
- [PO Policy Manual 5.6](#)

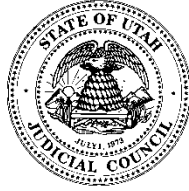
Procedure:

1. Probation staff may participate in a peace officer ride-a-long with the approval of management.
 - 1.1 The probation officer must discuss in advance with the peace officer what's to be expected of them and adhere to their local law enforcement agency's policy regarding ride-a-longs.
 - 1.2 If the probation officer is requested to carry handcuffs or OC spray, they shall comply with policy 5.4 handcuffs and policy 5.5 OC spray.
2. Probation staff must refrain from interacting with peace officers who are effecting an arrest, interrogation, or searches.
 - 2.1 The exception is if the probation staff is commanded by the peace officer to assist in the effect of an arrest or to prevent the commission of any offense by another person.
 - 2.2 Should 2.1 occur, the probation staff shall notify their immediate supervisor in a written memo by the following business day. Reassignment of the case may be considered to avoid any appearance of impropriety.
3. If a probation officer is requested to fill out a witness statement, supplemental report, or referral by a peace officer, the probation staff shall notify their immediate supervisor in a written memo by the following business day
4. In the case of a critical incident, refer to policy 5.6 Critical Incident Reporting.
5. Probation officers are prohibited from carrying firearms while functioning as an employee of the court.
6. Probation officers are encouraged to wear clothing identifying their affiliation with the court.
7. Communication with the news media shall be referred to the Trial Court Executive or designee, refer to policy 5.6 Critical Incident Reporting.

History: Effective June 13, 2008

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Administrative Office of the Courts

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

MEMORANDUM

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Keisa L. Williams 
Date: November 14, 2017
Re: Human Resources Policies & Procedure – Court Security

The Policy and Planning Committee recommends the following proposed amendment to the Human Resources Personnel Policies and Procedure Manual. The circumstances are outlined below. The Policy and Planning Committee recommends that these amendments be approved by the Judicial Council.

Human Resources Policies and Procedures. Code of Personal Conduct 500. Amend. Adds a section on Court Security addressing compliance with court security plans and the possession of weapons.

The proposed amendments at lines 617-637, add a section on Court Security. The new policy requires compliance with court security plans and directives from court security officers and the court security director. The policy also explicitly precludes the possession of weapons by court employees in work spaces, in state vehicles, while attending court-related functions off-premises, and while acting within the scope of employment.

Encl. HR Policies & Procedures, Code of Personal Conduct 500

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.

1 **CODE OF PERSONAL CONDUCT 500**

2
3 **PURPOSE**

4 Public employment in the court system is a public trust justified by the confidence that the citizenry places
5 in the integrity of officers and employees of the judicial branch. Judicial employees should participate in
6 establishing, maintaining, and enforcing, and should personally observe high standards of conduct in
7 order to preserve the integrity and independence of the judiciary. This policy should be construed and
8 applied to further that objective.

9
10 **SCOPE**

11 This policy establishes standards of conduct expected of court employees. It addresses the general
12 performance of duties, abuse of position, confidentiality, conflict of interest, outside interests and
13 secondary employment.

14
15 This policy applies to all court employees.

16
17 **CROSS REFERENCES:**

18 Utah Code Ann. §34A-5-106, Utah Anti-Discrimination Act, Employment Practices
19 42 United States Code §21-VI, Equal Employment Opportunity
20 Code of Judicial Administration §4-202.01, et seq., Dissemination,
21 §3-201, Professional Conduct of Court Commissioners,
22 §3-304(9)(B), Official Court Reporters
23 Code of Judicial Conduct
24 Grievance and Appeal, Policy 620
25 Discipline, Policy 610
26 Fairness in Recruiting and Hiring, Policy 130
27 Utah Administrative Rules 'R-37-1-8-(6)(a), Risk Management Rules, Underwriting Standards Problem
28 Drivers

29
30 **POLICY AND PROCEDURE**

31 1. General.

32
33 1.1 Employees shall comply with the provisions of UCA 67 16 et. seq., the Utah Public Officers'
34 and Employees' Ethics Act.

35
36 1.2 Employees whose conduct is governed by more than one set of ethical regulations shall
37 conform their conduct to the more stringent standard.

38
39 1.3 Employees shall maintain conduct standards both on and off duty and are obligated to report
40 to management within five days any arrest and/or charge, other than a minor traffic citation, under
41 a state or federal statute.

42
43 2. Management.

44
45 2.1 Management shall make reasonable efforts to ensure that employees subject to their direction
46 and control observe the ethical standards set out in these policies.

47
48 2.2 Management shall diligently discharge administrative responsibilities, maintain professional
49 competence in judicial administration and assist other employees in the performance of their
50 duties.

51
52 2.3 Managers shall provide information and instruction to employee regarding the security policy
53 and procedures for their work location.

54
55 2.4 Management shall take action regarding any unethical conduct of which they may become
56 aware, initiating appropriate disciplinary measures against an employee for any such conduct and
57 reporting to appropriate authorities evidence of any unethical conduct by judges or lawyers.

58
59 2.5 Managers may belong to an employee organization but shall not be eligible to be a
60 representative or officer of an employee organization that assists employees in filing grievances
61 or civil actions.

62
63 3. Performance of duties.

64
65 3.1 Employees are expected to apply themselves to their assigned duties during the full schedule
66 for which they are being compensated.

67
68 3.2 No employee shall conceal, alter, falsify, destroy, mutilate, or fail to make required entries on
69 any court records. This provision does not prohibit alteration or expungement of records or
70 documents pursuant to a court order.

71
72 3.3 No employee shall discriminate or manifest by words or actions, bias or prejudice against any
73 person in the conduct of service.

75 3.4 An employee shall not recommend attorneys, therapists, counseling agencies or other
76 professionals but shall refer such inquiries to the licensing agency or professional organization
77 that governs that profession. When an employee is required as part of the employee's job to refer
78 an individual to a therapist or counseling agency, the employee shall follow the guidelines
79 established by the district and not inconsistent with section 8 below, Conflict of Interest.

80
81 3.5 No employee shall provide legal advice, unless it is part of an official duty.

82
83 3.6 An employee shall respond to appropriate inquiries and provide information regarding court
84 procedures.

85
86 3.7 No employee shall refuse to enforce or otherwise carry out any properly issued rule or order
87 of the court, nor shall a court employee exceed that authority.

88
89 3.8 No employee shall be required to perform any duty not related to the official business of the
90 court.

91
92 4. Abuse of position.

93
94 4.1 An employee shall use the public resources, property, and funds under the employee's
95 control, and any influence, power, authority or information derived therefrom, judiciously and
96 solely in accordance with established procedures.

97
98 4.2 An employee shall not use or attempt to use a court position to secure privileges, exemptions
99 or exert undue influence.

100
101 4.3 An employee shall not discriminate by dispensing special favors to anyone, whether or not for
102 remuneration.

103
104 4.4 An employee shall not assist any person securing a contract with the court system in a
105 manner not available to any other interested person.

106
107 4.5 An employee shall not be influenced in the performance of the employee's duties by kinship,
108 rank or position.

4.6 An employee shall not request or accept a fee or compensation beyond that received by the employee in an official capacity for advice, information, or assistance that is otherwise available from the courts.

4.7 An employee shall not solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality, or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court employee in the performance of official duties. This subsection does not apply to the following:

4.7.1 An award presented in recognition of public services;

4.7.2 Any bonafide loan made in the ordinary course of business by any institution authorized by the laws of this state or any other state to make such loans;

4.7.3 Political campaign contributions if used in a political campaign of the recipient public officer or public employee;

4.7.4 An occasional non pecuniary gift of nominal value, given to all of the employees in an office.

4.8 An employee shall not receive outside compensation for performance of court duties except in cases of:

4.8.1 An award of meritorious public contribution publicly awarded;

4.8.2 The receipt of honoraria or expenses paid for papers, transcripts, talks, demonstrations, or appearances made by an employee during work hours with the approval of management; or on the employee's own time for which the employee is not compensated by the courts and which is not prohibited by these rules;

4.8.3 The receipt of usual social amenities, ceremonial gifts, or insubstantial advertising gifts.

4.9 Under the Utah Procurement Code, those who are involved in the purchasing process may not receive any gifts or similar favors from vendors. Vendors should be discouraged from sending any gifts of any type. If a vendor offers or sends a gift, the gift should be rejected or returned. However, if a vendor sends a consumable of nominal value, such as a box of chocolates for the

147 holiday season, that can be put in an area and shared with others in the office, those do not need
148 to be returned to the vendor. This policy would apply to proposed gifts from interpreters and
149 others who are contractors with the court.

151 5. Dishonest or Fraudulent Acts.

153 5.1 All persons employed by the courts are responsible for the prevention and detection of
154 dishonest and fraudulent acts. An employee shall notify management of any and all such acts.

156 5.1.1 Management shall establish preventive measures which shall include, but are not
157 limited to, ongoing internal reviews and employee training on detecting and reporting
158 dishonest and fraudulent acts.

160 5.1.2 An employee shall immediately report all suspicions of dishonest and fraudulent
161 acts to the court executive, who in turn shall immediately report the matter to the internal
162 audit department. If the employee is employed in the Administrative Office of the Courts,
163 the employee shall report all suspicions of dishonest and fraudulent acts to the deputy
164 court administrator or the state court administrator. If an employee feels uncomfortable
165 reporting to the court executive, the internal audit department may be contacted directly.
166 The internal audit department shall then immediately notify the state court administrator.

168 5.1.3 If requested, the internal audit department shall accept confidential information
169 regarding dishonest and fraudulent acts. To the extent possible, anonymity and
170 confidentiality for a reporting employee shall be maintained.

172 5.1.4 An employee having knowledge of dishonest or fraudulent acts who fails to report it
173 shall be subject to disciplinary action.

175 5.2 No employee shall engage in reprisals against an employee who reports suspicions of
176 dishonest or fraudulent activities. An employee making such reprisals shall be subject to
177 disciplinary action in accordance with policy 610, Discipline.

179 5.3 Management shall direct all inquiries from a suspect, a suspect's representative or attorney to
180 the state court administrator or internal audit department.

182 5.4 After the matter has been referred to the internal audit department, management should make
183 no attempt to conduct independent investigations, interviews or interrogations. The internal audit

department shall be responsible to investigate all possible dishonest or fraudulent acts pertaining to the Utah State Courts.

5.4.1 Prior to conducting an investigation, the internal audit department shall advise the state court administrator and the court executive. If the court executive is the person under investigation, the state court administrator shall be advised. If the state court administrator is the person under investigation, the presiding officer of the Judicial Council shall be advised.

5.4.2 Subsequent internal investigations may be performed at the direction of the state court administrator without notice to the court executive.

5.4.3 While investigating, the internal audit department shall have the authority to:

5.4.3.1 Gain full access to court premises;

5.4.3.1.1 Examine, copy and/or secure all files, desks, cabinets and other storage facilities not designated for use by a specific individual and located on court premises without the prior knowledge or consent of any individual who may use or have custody of any such items;

5.4.3.1.2 Examine, copy and/or secure all files, desks, cabinets and other storage facilities designated for use by a specific individual if there is a reasonable suspicion that the individual has either committed or assisted in the commission of a dishonest or fraudulent act.

5.4.3.2 Become the custodian of all original files and individual documents involved in the investigation;

5.4.3.3 Restrict access to any of the above referenced items as necessary; and

5.4.3.4 Interview any employee believed to be able to provide information about the matter being investigated.

5.5 If evidence of a dishonest or fraudulent act exists or if the court executive determines that leaving the suspect employee in place during an investigation may cause a disruptive work

environment or security risk, the suspect may be placed on administrative leave with or without pay.

5.6 Any person employed by the courts determined to have participated in dishonest or fraudulent acts shall be subject to disciplinary action pursuant to policy 610, Discipline.

5.7 In all cases of suspected criminal conduct relating to dishonest or fraudulent acts, the state court administrator shall notify local law enforcement. The determination to pursue prosecution and/or restitution shall be made by management in conjunction with prosecutors.

5.8 A suspect employee may be terminated prior to the conclusion of a criminal investigation if circumstances warrant.

5.9 Upon an individual's plea of guilty or no contest or a guilty verdict in a court of law of criminal charges relating to dishonest or fraudulent acts arising from employment, employment of the individual shall be terminated.

5.10 Any negotiations concerning plea bargains, diversions or restitution shall be conducted with input from the state court administrator and AOC legal counsel.

5.11 If criminal charges are dismissed or the employee is found not guilty, management shall make a determination on the status of the employee in accordance with these policies and procedures.

5.12 The final report of the internal audit department shall be provided to:

5.12.1 The state court administrator, the employee's court executive, the presiding judge, and, if disciplinary action is contemplated, the Director of Human Resources.

5.12.2 The employee and the employee's representative or legal counsel;

5.12.3 Authorized representatives of appropriate law enforcement and prosecuting agencies if the audit reveals the possible commission of a crime.

6. Confidentiality.

256 6.1 An employee shall not disclose to any unauthorized person any information acquired in the
257 course of employment other than public data as defined in the Code of Judicial Administration.
258

259 6.2 An employee shall abstain from public comment about proceedings pending or impending in
260 any court without prior approval of the court or the trial court executive.
261

262 6.3 An employee shall not initiate or repeat ex parte communications with a litigant, witness, or
263 attorney to the trier of fact, attorney, witness or litigant that might affect the outcome of the case.
264

265 7. Conflict of interest. 266

267 7.1 An employee shall exercise reasonable diligence to become aware of personal conflicts of
268 interest, disclose such conflicts to management, and take appropriate steps to eliminate conflicts
269 when they arise.
270

271 7.2 When an employee perceives any potential conflict of interest or has a question about the
272 laws, statutes, and policies the employee shall discuss them with management.
273

274 7.3 No employee shall have personal investments in any business entity which will create a
275 substantial conflict between the employee's private interest and public duties. The employee shall
276 disclose any such conflicts to management. Management and the employee shall take
277 appropriate steps to eliminate the conflict.
278

279 7.4 An employee shall not enter into any contract with the courts for services, supplies,
280 equipment, leases, or realty apart from the employment contract relating to the employee's
281 position.
282

283 7.5 When an employee is required by the responsibilities of the position to take an action or make
284 a decision which could be interpreted as a conflict of interest, the employee shall declare the
285 potential conflict to management and may be excused by management from so acting.
286

287 8. Outside Activities 288

289 8.1 Court employees shall not use state owned property in support of outside interests and
290 activities when such use would compromise the integrity of the court or interfere with the
291 employee's court duties. Specifically, an employee who is involved in an outside activity such as

a civic organization, church organization, committee unrelated to court business, public office, or service club, shall:

8.1.1 Pursue the outside activity on the employee's own time;

8.1.2 Pursue the outside activity away from court offices;

8.1.3 Discourage any phone, mail or visitor contact related to the outside interest at court offices;

8.1.4 Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours; and

8.1.5 Except as provided in section 10, not use data processing equipment or court supplies for the outside interest.

8.2 Court employees shall not conduct or participate in sales activities for personal profit in the work place during work hours.

9. Personal use of state owned computer and electronic communications systems.

9.1 Computer equipment

9.1.1 For purposes of this policy, state-owned computer and electronic communication systems includes, but is not limited to: computer related hardware, software and networking systems as well as duplicating equipment, e-mail, voice mail, telephone, facsimile, the internet, the intranet, and the worldwide web.

9.2 State owned computer communication systems are valuable resources for increasing employee productivity and enhancing the efficiency of court operations. Employee familiarity and comfort with these resources benefit the employee and the judicial system. The judiciary recognizes the value of these resources in employees' professional and personal lives. State-owned computer and electronic communication systems are available for limited personal use, subject to the following conditions:

9.2.1 When using state-owned computer and electronic communication systems, the employee shall observe high standards of conduct so the integrity of the judiciary is preserved, and public confidence in the judiciary is promoted.

9.2.2 An employee shall not have an expectation of privacy when using state-owned computer and electronic communication systems. Management maintains records of internet sites that are accessed, and can monitor e-mail messages and facsimile transmissions to determine compliance with this policy. The employee should assume that any communication created, sent, received or stored may be read or heard by someone other than the intended recipient. Management will respect any privileges related to the courts' business; e.g., attorney/client, doctor/patient, etc., related to human resources issues.

9.2.3 The employee may not send server or network-wide e-mail messages, the purpose of which is purely personal; e.g., selling items, notifications about illnesses and deaths, etc. The courts will provide an electronic bulletin board for these types of messages.

9.2.4 Personal use may only be on the employee's personal time, may not interfere with the employee's duties and may not be excessive.

9.2.5 The employee must pay for the cost of consumables and other attendant expenses (diskettes, paper, etc.).

9.2.6 The employee may not be compensated for work performed during personal time.

9.2.7 The employee may not permanently store personal data on the network.

9.2.8 The employee shall not install games. Other personal software may be installed if the employee has received permission from the employee's supervisor and under guidelines established by the data processing department.

9.2.9 Use may not be for the purpose of conducting a business or soliciting money for personal gain.

9.2.10 The employee may not download information for personal use without the employee's immediate supervisor's expressed written authorization. The employee may not transmit or install without permission copyrighted, trademarked, or patented material,

or otherwise transmit confidential information of the judiciary, unless the transmission is related to court practices.

9.2.11 The employee may not use state-owned computers and electronic communication systems for any purpose that a reasonable person would consider to be defamatory, offensive, harassing, disruptive or derogatory, including but not limited to sexual comments or images, racial or ethnic slurs, or other comments or images that would offend someone on the basis of race, gender, national origin, sexual orientation, religion, and political beliefs or disability.

9.2.12 The employee may not enable unauthorized third parties to jeopardize the security of state-owned computers and electronic communication systems. The employee shall take all practical and reasonable steps necessary to keep the employee's log-in access and passwords secure. The employee should perform a virus check on all software and disks used in the system and should immediately report any tampering, viruses, or other system breaches to the data processing department.

9.2.12.1 The employee shall not share the employee's log-in access or passwords with others, including other employees, unless authorized by a supervisor, as warranted by unusual, temporary, work-related circumstances.

9.2.12.2 The supervisor shall maintain a log, documenting, instances of shared access or shared passwords. This record shall contain the date of the authorization, the work-related reason for the authorization, the name of the employee who is normally authorized to use the log-in access or passwords, and the name of the employee who was granted temporary, emergency access.

9.2.12.3 Following authorized, shared use of a password, the supervisor shall ensure that the employee who normally used the password, replaces it with a new, secure password as soon as possible.

9.2.12.4 No employee shall represent themselves as someone else, fictional or real.

9.2.13 The employee should direct questions concerning personal use of state-owned computers and electronic communication systems to the employee's supervisor.

401 10. Personal Cell Phone Usage in the Workplace

402
403 10.1 Employees are expected to exercise the same discretion in using personal cellular phones
404 as is expected for the use of company phones. Excessive personal calls, text messaging, or other
405 personal communication during the work day, regardless of the phone used, can interfere with
406 employee productivity and be distracting to others. Employees are expected to limit personal use
407 to non-work time where possible and to ensure that friends and family members are aware of this
408 policy.
409

410 11. Secondary Employment

411
412 11.1 Employment with the court system shall be the primary employment of full time employees.
413

414 11.2 Other employment and volunteer activities must not conflict with the interests of the agency
415 or the State of Utah.
416

417 11.3 An employee may, at agency discretion, hold more than one state position as long as the
418 total hours worked do not exceed 40 hours per week.
419

420 11.4 An employee may engage in secondary employment or volunteer activity that does not
421 conflict with the interests of the court or create the appearance of a conflict of interest as defined
422 below and in Section 500.8:
423

424 11.4.1 An employee shall exercise reasonable diligence to become aware of personal
425 conflicts of interest, disclose such conflicts to management, and take appropriate steps to
426 eliminate conflicts when they occur.
427

428 11.4.2 When an employee perceives any potential conflict of interest or has a question
429 about laws, and policies, the employee shall discuss them with management.
430

431 11.4.3 No employee shall have substantial personal interest in any business entity which
432 will create a conflict between the employee's private interest and public duties. The
433 employee shall disclose any such conflicts to management. Management and the
434 employee shall determine if there are substantial conflicts or appearances of substantial
435 conflicts and take appropriate steps to eliminate the conflict.
436

11.4.4 An employee shall not enter into any contract with the courts for services, supplies, equipment, leases, or realty apart from the employment contract relating to the employee's position.

11.4.5 When an employee is required by the responsibilities of the position to take an action or make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict to management and may be excused by management from so acting.

11.5 An employee may engage in secondary employment if it conforms to the following provisions:

11.5.1 The secondary employment shall not interfere with the employee's ability to perform job duties with full capacity.

11.5.2 Secondary employment/volunteer activity shall not be performed during the same hours that the employee is scheduled to work.

11.5.3 The outside employment is not self-employment or with a contractor that provides services to clients of the court level within which the employee works.

11.5.4 The outside activity is not with a policy making nor advisory board of an organization or agency that does business within the court level.

11.6 Prior to accepting or continuing secondary employment, an employee shall report the employment to the employee's supervisor on the Secondary Employment application form.

11.6.1 If there is not a conflict of interest, the Trial Court Executive may approve the application within five working days, after consulting with the director.

11.6.2 If there is a possible conflict of interest, the application will be submitted to the director and the court level administrator who will, within five working days, seek a legal opinion from the General Counsel before approval, denial or conditional approval.

11.6.3 Copies of secondary employment application forms shall be sent to the director who will review them for consistency.

474 12. Political activity.

475
476 12.1 An employee may participate in political activity that does not jeopardize the confidence of
477 the public or of government officials in the impartiality of the judicial branch of government.

478
479 12.1.1 An employee shall not participate in political activity which conflicts with or
480 otherwise affects the mission and activities of the Judiciary.

481
482 12.1.2 Employees of the Judiciary are prohibited from running for, being appointed to, or
483 holding an elected office at any level of government.

484
485 12.1.3 An employee shall not engage in political activity during work hours, unless on
486 approved leave.

487
488 12.1.4 An employee shall not use state owned equipment, supplies or resources, and
489 other attendant expenses (diskettes, paper, computer online and access charges, etc.)
490 when engaged in political activity.

491
492 12.1.5 An employee shall not discriminate in favor of or against any person or applicant
493 for employment based on political activities.

494
495 12.1.6 An employee shall not use the employee's title or position while engaging in
496 political activity.

497
498 13. Driver Safety.

499
500 13.1 Court employees are subject to the rules and regulations established by the State Motor
501 Pool and the Division of Risk Management regarding the safe operation of state vehicles.

502
503 13.2 Any employee convicted of driving under the influence, reckless driving or an at-fault
504 accident shall complete an approved driver safety program before operating a state vehicle or
505 operating the employee's own vehicle on court business.

506
507 14. Professional Appearance

508
509 14.1 Employees shall exercise good judgment regarding dress and grooming in the workplace, to
510 promote an environment of professionalism and credibility. An employee's appearance and

cleanliness shall reflect generally accepted community standards, based on the nature of the work environment and the type of work being performed.

14.2 Certain elemental standards of appearance and cleanliness, including personal hygiene, apply in all work contexts throughout the court system. Restrictions include, but are not limited to, the following:

14.2.1 Visible body piercings, other than those on the ears.

14.2.2 Extreme, unnatural hair coloring or styles.

14.2.3 Extreme, visible body tattoos

14.2.4 Inordinately revealing clothing

14.3 Local guidelines for employee appearance may be drafted to require a higher standard than found in this policy.

14.4 Employees appearance shall be consistent with the professional standards of their position and responsibilities. The prevailing standard of dress in the courts shall include professional and appropriate apparel in the following environments.

14.4.1 Courtroom

14.4.1.1 The minimum apparel standards for male employees include dress shoes or dress boots, socks, dress slacks, shirt and tie. Suit and/or sport coats and/or vests are optional.

14.4.1.2 The minimum apparel standards for female employees include dress shoes or dress boots, dress slacks, dresses or business length skirts. Dress shirts, blouses, shells, or sweater.

14.4.2 Courthouse Offices

14.4.2.1 The minimum apparel standards for male employees include dress shoes or dress boots, socks, dress slacks (cotton and corduroy acceptable), dress shirts. Ties and suit or sport coats are optional.

14.4.2.2 The minimum apparel standards for female employees include dress shoes or dress boots, dress slacks (cotton and corduroy acceptable), dresses, business length skirts, sweaters, blouses or shells.

14.4.3 Position Based Exceptions

14.4.3.1 If an employee's primary duties do not involve public interaction and require an employee to be regularly involved in physical work such as; the maintenance and installation of computer hardware, office furniture, workplace related items; or if the employee is juvenile court deputy probation officer the employee may adhere to the following:

14.4.3.2 Dress shoes, athletic footwear or work boots. Slacks or jeans (must be professional and modest in fit and appearance without tears, holes or excessive fading). Dress shirts, blouses, shells sweaters, or polo shirts with collars. T-shirts are not acceptable.

14.4.3.3 For juvenile court probation work crew staff on an active work crew assignment acceptable attire includes athletic shoes or work boots, jean modest in fit and appearance without tears, holes or excessive fading), t-shirt without logos (other than the court logo), appropriate long or short sleeved casual shirts and shorts, of appropriate length, during hot weather. Hats without obscene logos or wording may be worn.

14.4.4 Dress Down Day

14.4.4.1 Employees assigned to appear in court, or on official court business, on a dress down day are required to follow the courtroom standard of dress.

14.4.4.2 Casual Friday will be limited to Friday unless otherwise specified by court management. Employees shall maintain a professional appearance and the minimum apparel standards shall include:

14.4.4.2.1 Dress shoes or casual shoes (flip flops or sandals such Teva or Birkenstock are not acceptable).

14.4.4.2.2 Dress slacks, business casual slacks, and jeans that are professional and modest in fit and appearance without tears, holes, or excessive fading, dresses, skirts.

14.4.4.2.3 Dress shirts, polo shirts, long or short sleeved casual shirts, blouses, or sweaters.

14.5 The following is a list of unapproved attire, not to be considered inclusive, is subject to modification by management and may be subject to the limited exceptions detailed elsewhere in this policy.

14.5.1 Overalls, T-shirts, tank tops, spaghetti string tops, jogging outfits, flip flops, caps/hats, revealing clothing, tube tops, halter tops, strapless tops, shorts, stretch pants, leggings, skorts, casual capris and pants with rivets.

14.6 Management shall enforce the policy and employees determined to be inappropriately attired may be sent home, on their own time, to change into appropriate attire. Employees with ongoing violations of the professional appearance standards will be subject to discipline in accordance with personnel policies and procedures.

15. Friends and Family at Work

15.1 Friends and family members of employees shall not remain in the workplace for extended visits. Management may grant temporary exceptions in unusual circumstances, provided their presence does not interfere with the work of employees.

15.2 Employees shall not use their court access privileges to allow family or friends to circumvent the existing security/weapon screening process.

15.3 Employees shall not allow access to secure areas of the courthouse by family members or friends with cases pending before the courts.

16. Court Security

16.1 Employees shall be familiar and comply with local court security plans.

621 16.2 Employees shall comply with all directives from court security officers, including the court
622 security director.

623

624 16.3 Employees may not possess weapons in courthouses, probation offices, other buildings
625 used for employee work spaces, and state vehicles. This does not include employee parking
626 areas.

627

628 16.4 Employees may not possess weapons while attending court functions off-premises, such as
629 at conferences or meetings.

630

631 16.5 Employees may not possess weapons while acting within the scope of employment.

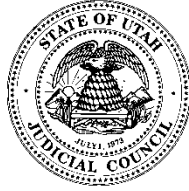
632

633 16.6 Possession includes on the person and in areas within the immediate control of the
634 employee.

635

636 16.7 An employee who has a concealed weapons permit is not excused from complying with
637 these policies.

Tab 7




Administrative Office of the Courts

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

MEMORANDUM

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Keisa L. Williams 
Date: December 4, 2017
Re: Policy on Naming Courthouses

At the Judicial Council's November 20th meeting, the Council was asked to consider whether it would support the naming of the new 4th District courthouse. Following discussion, the Council asked the Policy and Planning Committee to recommend whether the Council should create a policy on naming courthouses and if so, present the Council with a draft. The Policy and Planning Committee met on December 1st and drafted the attached policy for the Council's consideration.

Encl. Draft Policy on Naming Courthouses

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.

Judicial Council Policy on Naming Courthouses

The Judicial Council does not have ultimate authority over naming courthouses. That authority resides in the Department of Administrative Services' Building Board, to which the Judicial Council may make recommendations. In considering whether to make a recommendation, the Judicial Council shall consider the following factors:

- There is a presumption that courthouses will not be named after persons living or dead;
- For those courthouses already named other than geographically, courthouses should generally retain their geographic names only;
- The request is to name a newly constructed or significantly remodeled courthouse;
- The person has made significant statewide or local contributions and has strong ties to the community in which the courthouse is located or to the State of Utah;
- The person has contributed to the rule of law or the administration of justice;
- The person has lived an exemplary life and served as a role model in the community;
- The person's family desires to have the courthouse named after the person; and
- Numerous community stakeholders support the proposed naming.

Tab 8

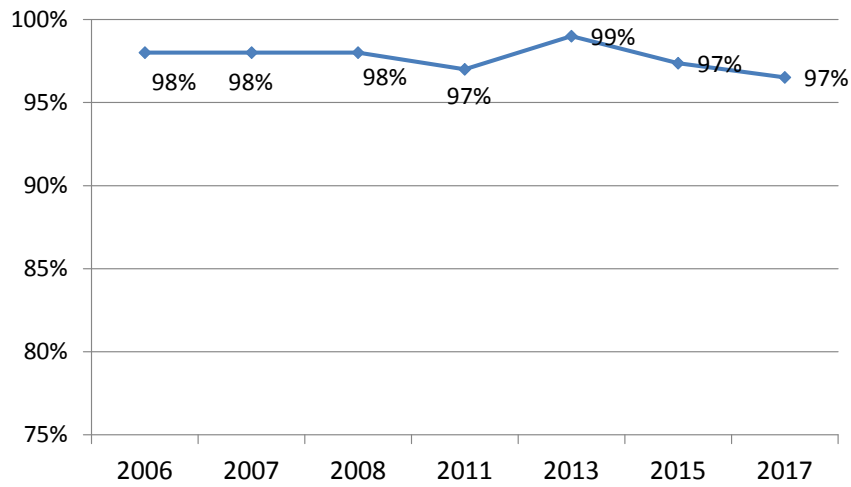
**Utah State Courts
Access and Fairness Survey Results
2017**



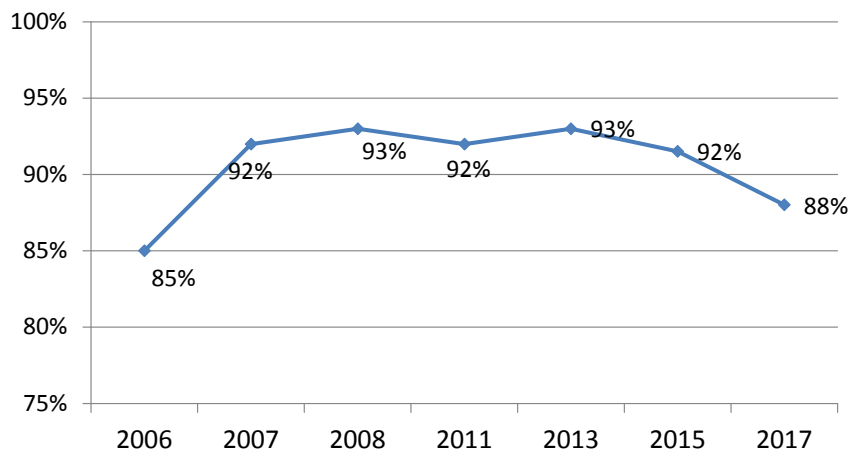
% Responding Adequate or Better

	2006	2007	2008	2011	2013	2015	2017
1. The courthouse was easy to find.	98%	98%	98%	97%	99%	97%	97%
2. Parking was easy.	85%	92%	93%	92%	93%	92%	88%
3. I easily found the courtroom or office I needed.	90%	97%	98%	97%	98%	97%	96%
4. I felt safe in the courthouse.	93%	97%	98%	97%	97%	97%	98%
5. Security officers treated me with courtesy and respect.	93%	98%	98%	98%	97%	96%	97%
6. The forms I needed were easy to understand.	91%	95%	96%	93%	94%	93%	93%
7. The court met my needs for disability assistance.	90%	96%	94%	95%	95%	94%	95%
8. The court tries to remove language barriers	90%	96%	97%	97%	96%	94%	94%
9. The court's web site was useful.	84%	90%	90%	91%	92%	91%	90%
10. The court's hours made it easy to do my business.	86%	91%	93%	87%	94%	94%	93%
11. I finished my court business in a reasonable time.	85%	89%	90%	87%	89%	90%	88%
12. Court staff paid attention to my needs.	90%	93%	96%	94%	93%	94%	94%
13. I was treated with courtesy and respect.	91%	96%	97%	96%	96%	95%	96%
14. I am satisfied with my experience at the courthouse.	87%	91%	94%	92%	93%	92%	93%
15. I understood what happened in my case.	---	93%	94%	93%	93%	93%	94%
16. I know what I should do next in my case.	---	94%	95%	92%	93%	93%	94%
17. The judge, commissioner, referee, or mediator listened to me.	---	93%	94%	90%	92%	93%	92%
18. The judge, commissioner, referee, or mediator heard me.	---	93%	94%	90%	91%	92%	92%
19. The hearing was fair.	---	89%	93%	89%	90%	91%	91%
20. Both sides at the hearing were treated the same.	---	88%	92%	88%	89%	89%	89%

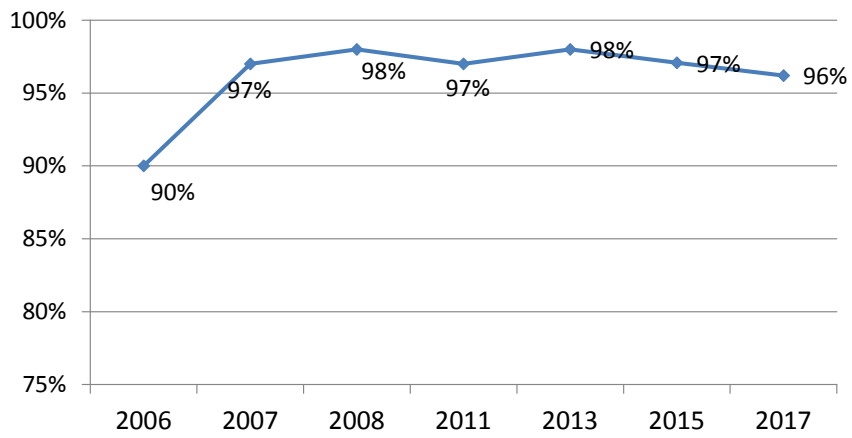
1. The courthouse was easy to find.



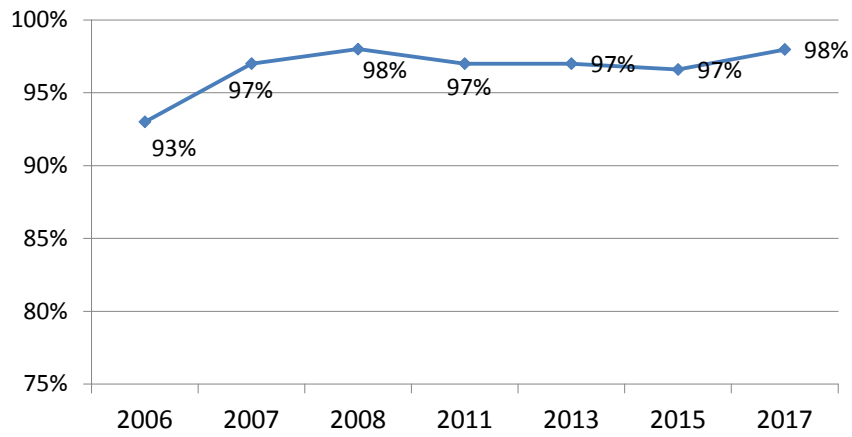
2. Parking was easy.



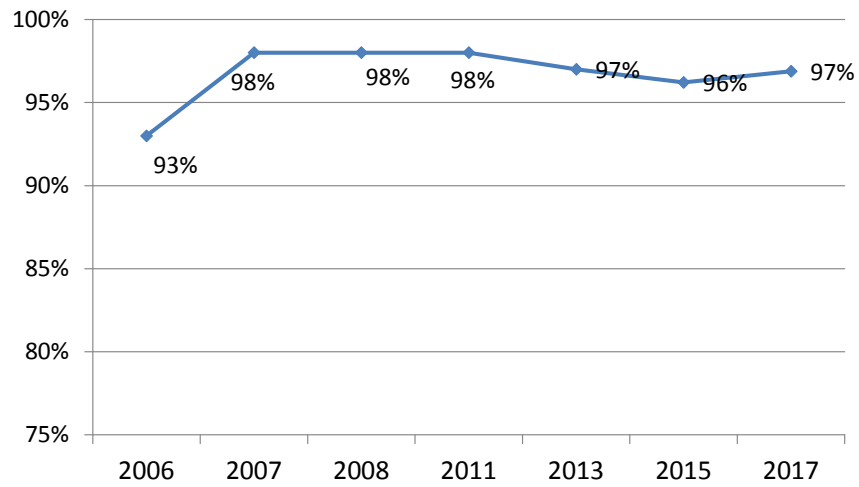
3. I easily found the courtroom or office I needed.



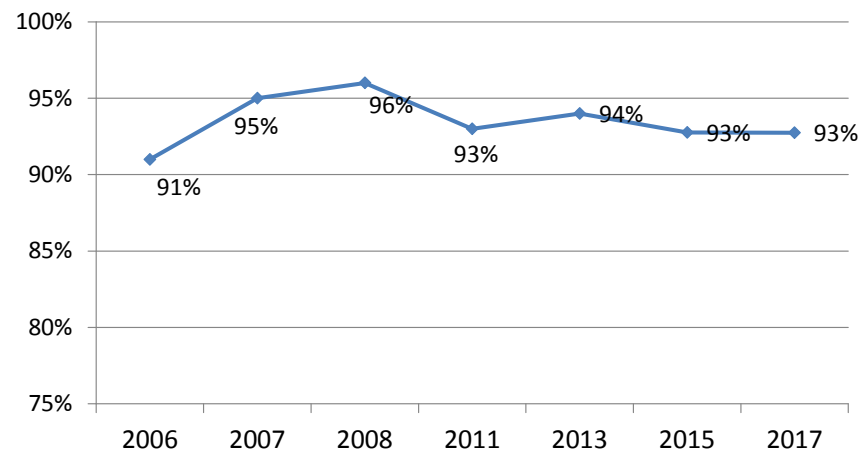
4. I felt safe in the courthouse.



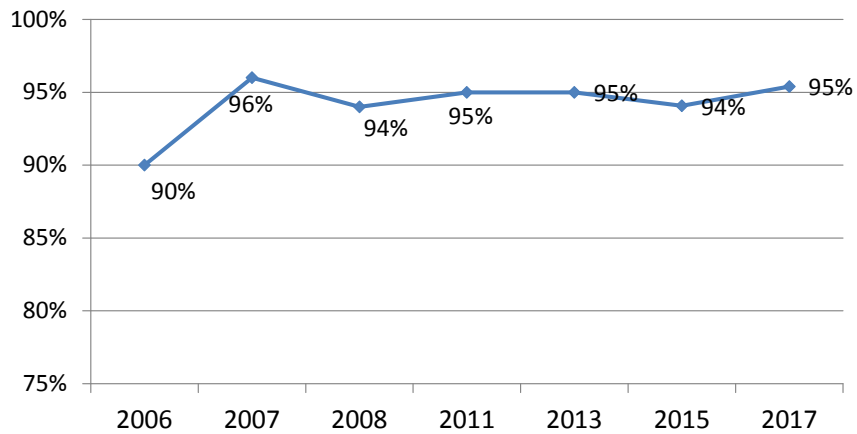
5. Security officers treated me with respect.



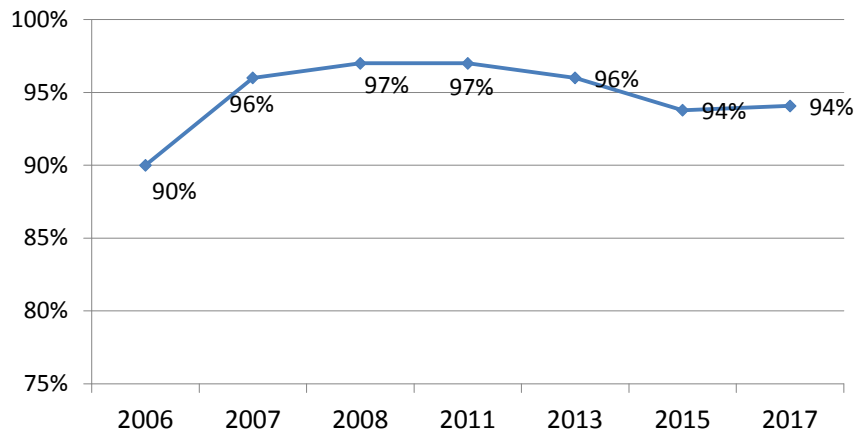
6. The forms I needed were easy to understand.



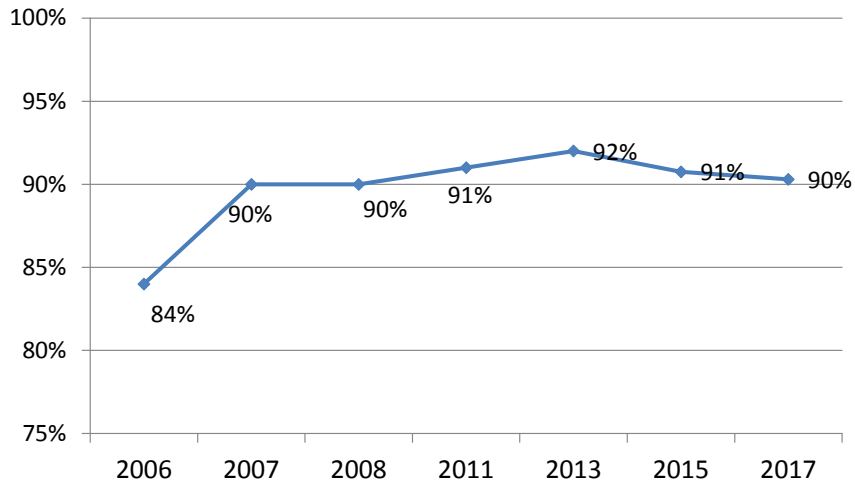
7. The court met my needs for disability assistance.



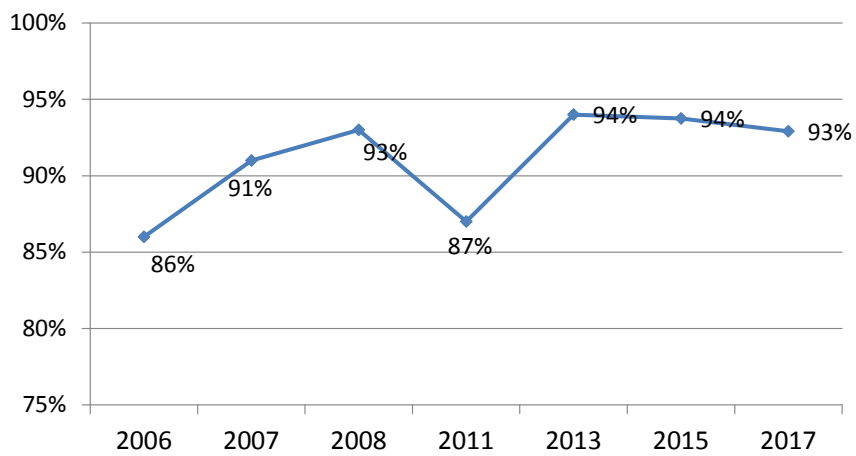
8. The court tries to remove language barriers.



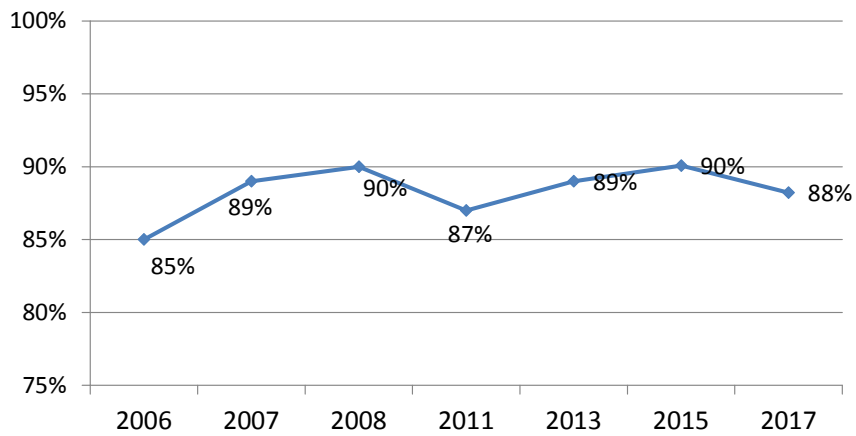
9. The courts website was useful.



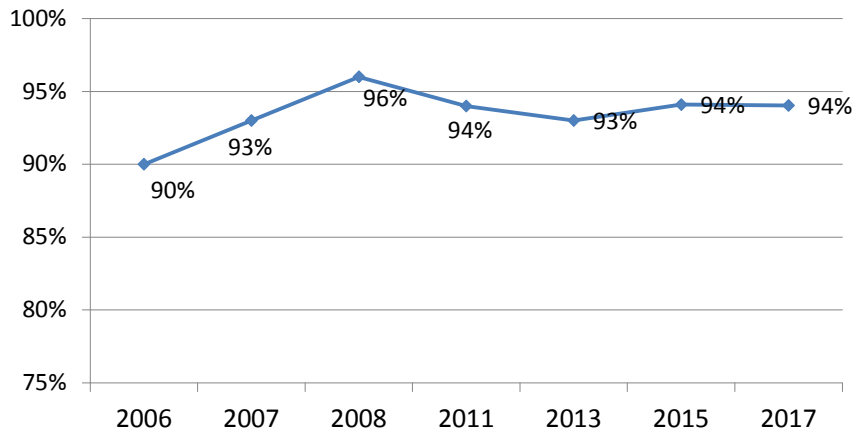
10. The court's hours made it easy to do my business.



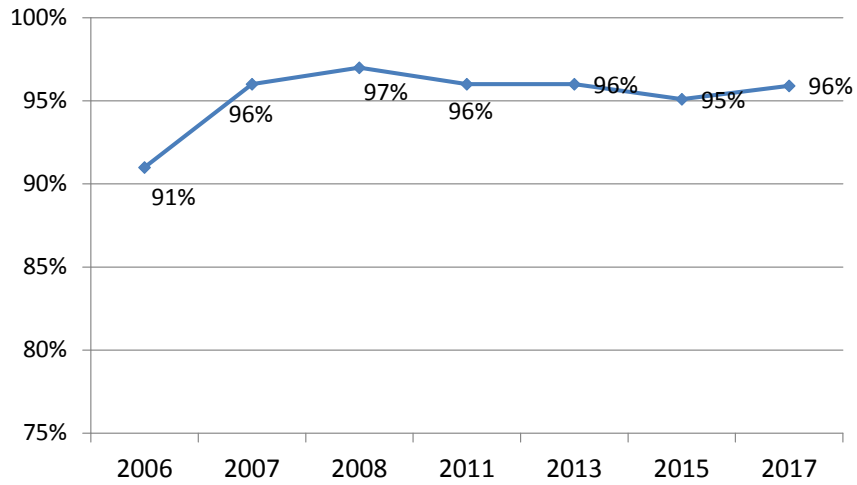
11. I finished my court business in a reasonable time.



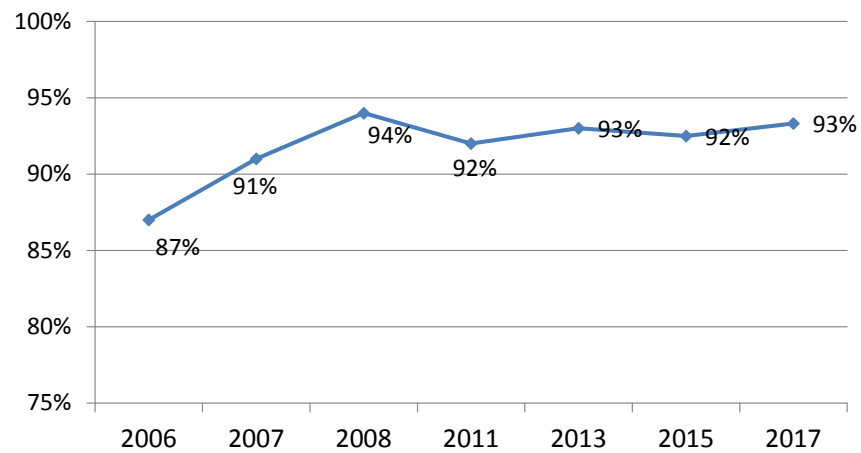
12. Court staff paid attention to my needs.



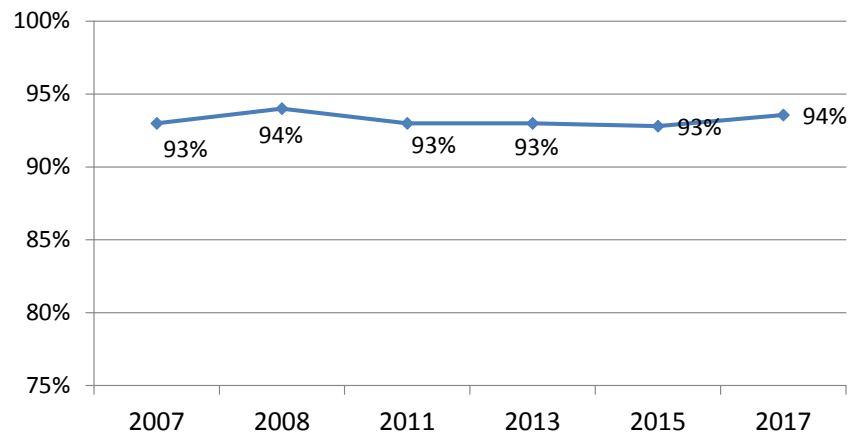
13. I was treated with courtesy and respect.



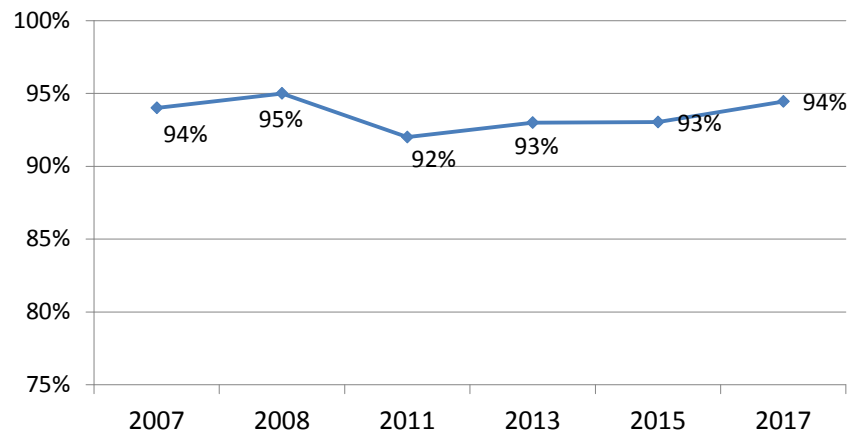
14. I am satisfied with my experience at the court.



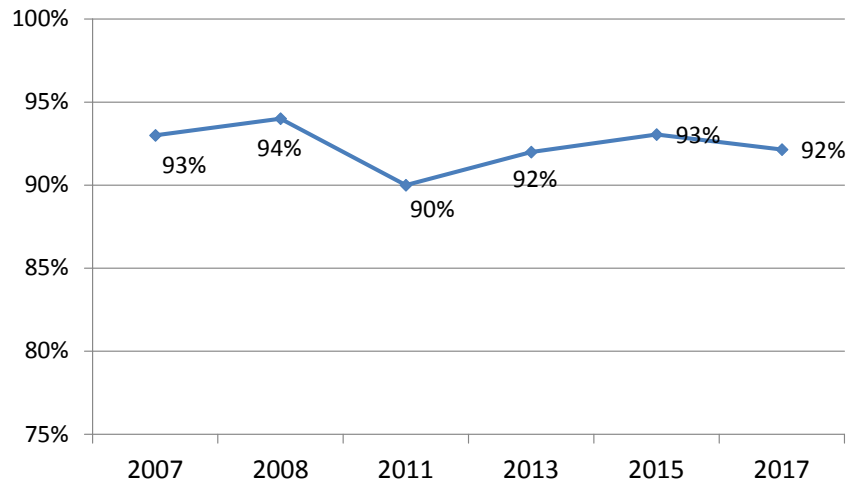
15. I understood what happened in my case.



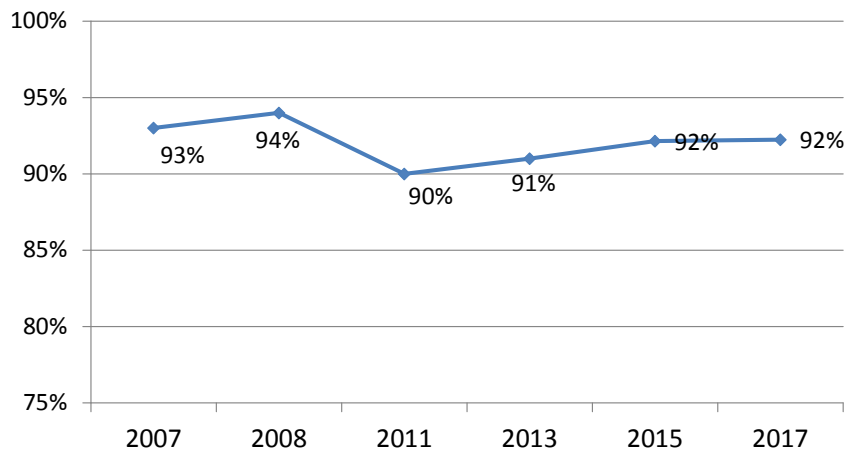
16. I know what I should do next in my case.



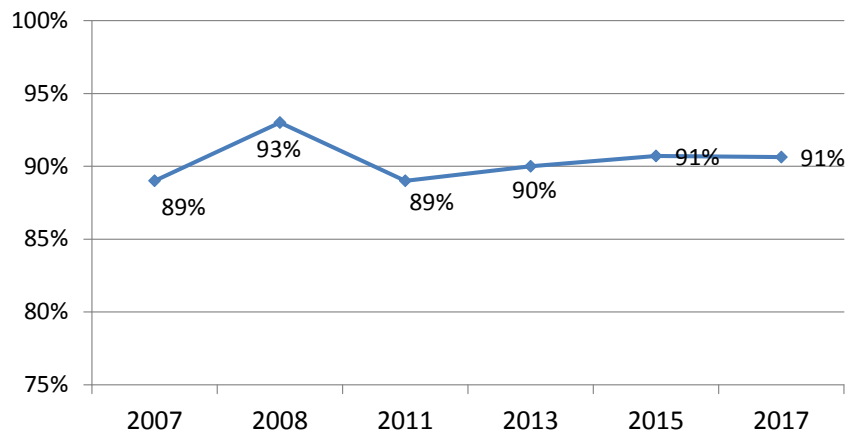
17. The judge, commissioner, referee or mediator listened to all sides.



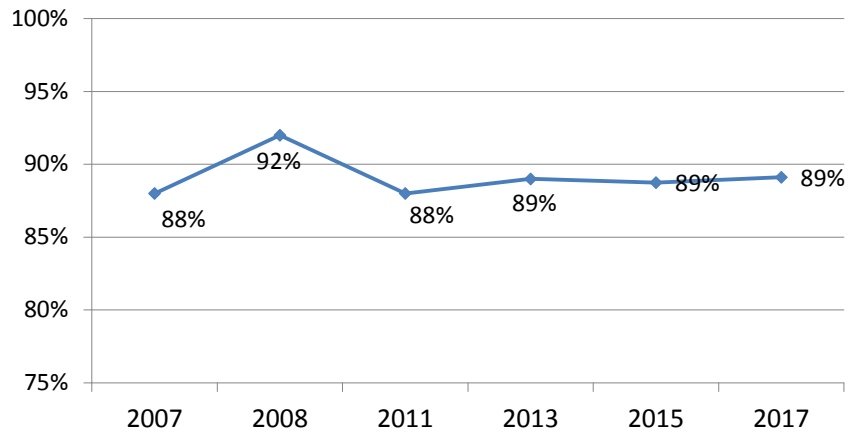
18. The judge, commissioner, referee or mediator had needed information.



19. The hearing was fair.



20. Both sides at the hearing were treated the same.



Year

2017

Row Labels	Values		
	Sum of # Adequate or Better	Sum of # of Val Resp	Sum of Calculated % of responses Adeq or Better
1. The courthouse was easy to find.	720	746	97%
2. Parking was easy.	624	709	88%
3. I easily found the courtroom or office I needed.	709	737	96%
4. I felt safe in the courthouse.	723	738	98%
5. Security officers treated me with courtesy and respect.	701	724	97%
6. The forms I needed were easy to understand.	511	551	93%
7. The court met my needs for disability assistance.	331	347	95%
8. The court tries to remove language barriers	461	490	94%
9. The court's web site was useful.	447	495	90%
10. The court's hours made it easy to do my business.	655	705	93%
11. I finished my court business in a reasonable time.	621	704	88%
12. Court staff paid attention to my needs.	663	705	94%
13. I was treated with courtesy and respect.	704	734	96%
14. I am satisfied with my experience at the courthouse.	684	733	93%
15. I understood what happened in my case.	553	591	94%
16. I know what I should do next in my case.	545	577	94%
17. The judge, commissioner, referee, or mediator listened to all sides.	528	573	92%
18. The judge, commissioner, referee, or mediator had the information s/he needed.	547	593	92%
19. The hearing was fair.	503	555	91%
20. Both sides at the hearing were treated the same.	491	551	89%

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
1st District								
Brigham City								
1. The courthouse was easy to find.	89%	9	100%	13	100%	15	100%	23
2. Parking was easy.	80%	10	100%	13	100%	13	100%	21
3. I easily found the courtroom or office I needed.	100%	10	100%	12	93%	15	100%	23
4. I felt safe in the courthouse.	100%	10	100%	13	93%	15	96%	23
5. Security officers treated me with courtesy and respect.	90%	10	92%	13	100%	15	100%	23
6. The forms I needed were easy to understand.	100%	10	100%	12	91%	11	100%	14
7. The court met my needs for disability assistance.	100%	7	100%	8	100%	8	100%	3
8. The court tries to remove language barriers	88%	8	100%	8	100%	8	100%	8
9. The court's web site was useful.	80%	5	89%	9	89%	9	88%	8
10. The court's hours made it easy to do my business.	80%	10	92%	12	100%	14	86%	7
11. I finished my court business in a reasonable time.	80%	10	83%	12	87%	15	90%	21
12. Court staff paid attention to my needs.	90%	10	100%	12	100%	14	100%	20
13. I was treated with courtesy and respect.	90%	10	100%	11	100%	15	100%	22
14. I am satisfied with my experience at the courthouse.	90%	10	100%	12	93%	15	100%	22
15. I understood what happened in my case.	100%	9	100%	10	100%	13	100%	18
16. I know what I should do next in my case.	100%	9	100%	10	92%	13	94%	17
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	8	100%	8	100%	10	95%	19
18. The judge, commissioner, referee, or mediator had the info needed.	100%	8	100%	9	89%	9	100%	19
19. The hearing was fair.	100%	8	100%	9	90%	10	100%	18
20. Both sides at the hearing were treated the same.	100%	8	100%	10	88%	8	100%	17

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
1st District								
Logan								
1. The courthouse was easy to find.	96%	27	100%	46	100%	45	100%	41
2. Parking was easy.	96%	27	95%	44	97%	39	97%	39
3. I easily found the courtroom or office I needed.	92%	26	100%	46	100%	44	100%	40
4. I felt safe in the courthouse.	96%	27	98%	47	98%	44	98%	40
5. Security officers treated me with courtesy and respect.	96%	26	100%	47	93%	42	100%	41
6. The forms I needed were easy to understand.	91%	23	94%	35	94%	33	100%	30
7. The court met my needs for disability assistance.	94%	17	100%	23	90%	20	100%	16
8. The court tries to remove language barriers	89%	18	97%	33	97%	34	96%	27
9. The court's web site was useful.	93%	14	100%	28	83%	30	100%	27
10. The court's hours made it easy to do my business.	88%	26	100%	41	88%	42	94%	17
11. I finished my court business in a reasonable time.	88%	26	91%	44	95%	39	97%	39
12. Court staff paid attention to my needs.	96%	27	98%	44	98%	41	100%	37
13. I was treated with courtesy and respect.	96%	27	98%	45	98%	43	100%	40
14. I am satisfied with my experience at the courthouse.	92%	25	100%	45	95%	43	100%	40
15. I understood what happened in my case.	90%	20	95%	41	90%	31	96%	27
16. I know what I should do next in my case.	95%	19	93%	40	96%	28	96%	28
17. The judge, commissioner, referee, or mediator listened to all sides.	90%	20	97%	39	90%	31	96%	28
18. The judge, commissioner, referee, or mediator had the info needed.	90%	21	93%	41	90%	30	100%	30
19. The hearing was fair.	95%	19	93%	40	97%	29	97%	30
20. Both sides at the hearing were treated the same.	95%	20	92%	38	85%	27	88%	26

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
1st District								
Randolph								
1. The courthouse was easy to find.	---	---	---	---	100%	16	100%	14
2. Parking was easy.	---	---	---	---	94%	16	85%	13
3. I easily found the courtroom or office I needed.	---	---	---	---	100%	15	100%	13
4. I felt safe in the courthouse.	---	---	---	---	94%	16	100%	13
5. Security officers treated me with courtesy and respect.	---	---	---	---	94%	16	100%	12
6. The forms I needed were easy to understand.	---	---	---	---	91%	11	100%	8
7. The court met my needs for disability assistance.	---	---	---	---	88%	8	100%	4
8. The court tries to remove language barriers	---	---	---	---	100%	7	100%	6
9. The court's web site was useful.	---	---	---	---	86%	7	83%	6
10. The court's hours made it easy to do my business.	---	---	---	---	85%	13	100%	4
11. I finished my court business in a reasonable time.	---	---	---	---	79%	14	100%	10
12. Court staff paid attention to my needs.	---	---	---	---	87%	15	100%	10
13. I was treated with courtesy and respect.	---	---	---	---	88%	16	100%	13
14. I am satisfied with my experience at the courthouse.	---	---	---	---	88%	16	100%	12
15. I understood what happened in my case.	---	---	---	---	86%	14	100%	10
16. I know what I should do next in my case.	---	---	---	---	86%	14	100%	7
17. The judge, commissioner, referee, or mediator listened to all sides.	---	---	---	---	77%	13	100%	7
18. The judge, commissioner, referee, or mediator had the info needed.	---	---	---	---	69%	13	100%	7
19. The hearing was fair.	---	---	---	---	71%	14	100%	8
20. Both sides at the hearing were treated the same.	---	---	---	---	69%	13	88%	8

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
2nd District								
Bountiful								
1. The courthouse was easy to find.	100%	12	100%	13	93%	15	96%	28
2. Parking was easy.	100%	11	100%	13	100%	14	100%	29
3. I easily found the courtroom or office I needed.	92%	12	100%	12	93%	15	97%	29
4. I felt safe in the courthouse.	100%	12	100%	13	93%	15	93%	29
5. Security officers treated me with courtesy and respect.	100%	12	100%	13	87%	15	100%	29
6. The forms I needed were easy to understand.	100%	10	92%	12	92%	13	100%	21
7. The court met my needs for disability assistance.	100%	5	100%	6	100%	6	100%	6
8. The court tries to remove language barriers	100%	5	83%	6	88%	8	100%	12
9. The court's web site was useful.	100%	6	86%	7	89%	9	100%	9
10. The court's hours made it easy to do my business.	82%	11	100%	11	87%	15	77%	13
11. I finished my court business in a reasonable time.	100%	10	100%	12	80%	15	81%	26
12. Court staff paid attention to my needs.	91%	11	100%	11	93%	14	96%	24
13. I was treated with courtesy and respect.	100%	12	100%	12	86%	14	96%	26
14. I am satisfied with my experience at the courthouse.	100%	12	100%	12	93%	14	93%	27
15. I understood what happened in my case.	91%	11	100%	11	100%	13	88%	26
16. I know what I should do next in my case.	100%	10	100%	8	100%	12	88%	24
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	10	100%	11	92%	12	95%	20
18. The judge, commissioner, referee, or mediator had the info needed.	100%	9	100%	11	100%	13	95%	22
19. The hearing was fair.	100%	8	100%	11	100%	10	95%	21
20. Both sides at the hearing were treated the same.	100%	7	100%	10	100%	11	94%	18

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
2nd District								
Farmington								
1. The courthouse was easy to find.	95%	43	94%	31	100%	60	98%	82
2. Parking was easy.	100%	42	100%	31	98%	56	96%	78
3. I easily found the courtroom or office I needed.	98%	43	90%	31	95%	61	93%	81
4. I felt safe in the courthouse.	100%	41	87%	31	98%	58	98%	80
5. Security officers treated me with courtesy and respect.	100%	43	97%	31	98%	59	96%	82
6. The forms I needed were easy to understand.	94%	35	88%	25	94%	53	94%	62
7. The court met my needs for disability assistance.	100%	15	100%	15	100%	29	95%	20
8. The court tries to remove language barriers	100%	21	95%	20	100%	40	98%	41
9. The court's web site was useful.	89%	28	88%	25	92%	37	82%	38
10. The court's hours made it easy to do my business.	95%	44	82%	28	98%	53	77%	44
11. I finished my court business in a reasonable time.	95%	43	90%	30	88%	58	84%	77
12. Court staff paid attention to my needs.	98%	44	93%	29	89%	57	90%	78
13. I was treated with courtesy and respect.	98%	44	93%	29	100%	59	91%	80
14. I am satisfied with my experience at the courthouse.	98%	44	87%	30	97%	61	90%	81
15. I understood what happened in my case.	94%	35	85%	26	91%	46	92%	61
16. I know what I should do next in my case.	97%	34	88%	25	91%	45	86%	59
17. The judge, commissioner, referee, or mediator listened to all sides.	97%	31	65%	20	91%	47	81%	53
18. The judge, commissioner, referee, or mediator had the info needed.	97%	32	75%	20	100%	51	81%	54
19. The hearing was fair.	93%	27	79%	19	98%	43	78%	51
20. Both sides at the hearing were treated the same.	93%	28	78%	18	93%	45	76%	49

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
2nd District								
Layton								
1. The courthouse was easy to find.	89%	9	100%	15	100%	28	95%	39
2. Parking was easy.	100%	8	93%	15	100%	25	89%	37
3. I easily found the courtroom or office I needed.	100%	9	87%	15	96%	27	95%	38
4. I felt safe in the courthouse.	100%	9	100%	15	100%	27	95%	40
5. Security officers treated me with courtesy and respect.	100%	9	100%	15	100%	26	97%	39
6. The forms I needed were easy to understand.	88%	8	93%	15	95%	20	97%	29
7. The court met my needs for disability assistance.	100%	3	71%	7	100%	11	100%	16
8. The court tries to remove language barriers	100%	7	90%	10	100%	21	100%	25
9. The court's web site was useful.	75%	4	89%	9	91%	11	100%	18
10. The court's hours made it easy to do my business.	100%	8	93%	15	92%	26	100%	19
11. I finished my court business in a reasonable time.	88%	8	93%	15	81%	26	97%	36
12. Court staff paid attention to my needs.	89%	9	93%	15	88%	25	100%	36
13. I was treated with courtesy and respect.	100%	9	93%	15	93%	27	100%	37
14. I am satisfied with my experience at the courthouse.	100%	9	93%	15	89%	27	100%	36
15. I understood what happened in my case.	100%	7	93%	14	96%	23	91%	32
16. I know what I should do next in my case.	100%	6	93%	14	100%	23	97%	31
17. The judge, commissioner, referee, or mediator listened to all sides.	89%	9	100%	14	91%	23	97%	31
18. The judge, commissioner, referee, or mediator had the info needed.	100%	8	93%	15	100%	23	94%	33
19. The hearing was fair.	100%	6	93%	15	90%	20	100%	33
20. Both sides at the hearing were treated the same.	100%	8	93%	15	95%	20	100%	31

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
2nd District								
Morgan								
1. The courthouse was easy to find.	100%	9	100%	5	100%	20	100%	12
2. Parking was easy.	89%	9	100%	5	100%	20	100%	11
3. I easily found the courtroom or office I needed.	89%	9	80%	5	95%	20	100%	12
4. I felt safe in the courthouse.	89%	9	60%	5	100%	20	100%	11
5. Security officers treated me with courtesy and respect.	89%	9	100%	5	100%	20	100%	12
6. The forms I needed were easy to understand.	86%	7	100%	3	100%	12	100%	4
7. The court met my needs for disability assistance.	86%	7	100%	2	100%	9	100%	1
8. The court tries to remove language barriers	100%	6	100%	4	100%	8	67%	3
9. The court's web site was useful.	100%	6	100%	3	100%	6	100%	3
10. The court's hours made it easy to do my business.	100%	9	100%	5	82%	17	43%	7
11. I finished my court business in a reasonable time.	75%	8	60%	5	95%	20	80%	10
12. Court staff paid attention to my needs.	100%	9	100%	5	100%	18	100%	8
13. I was treated with courtesy and respect.	100%	9	100%	5	100%	19	100%	11
14. I am satisfied with my experience at the courthouse.	100%	9	100%	5	100%	19	82%	11
15. I understood what happened in my case.	100%	8	100%	3	93%	15	88%	8
16. I know what I should do next in my case.	100%	7	100%	3	94%	17	100%	7
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	7	100%	3	100%	19	78%	9
18. The judge, commissioner, referee, or mediator had the info needed.	88%	8	100%	3	94%	16	67%	9
19. The hearing was fair.	88%	8	100%	3	100%	18	75%	8
20. Both sides at the hearing were treated the same.	88%	8	100%	3	100%	16	75%	8

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
2nd District								
Ogden								
1. The courthouse was easy to find.	97%	33	100%	34	100%	78	100%	100
2. Parking was easy.	84%	31	93%	29	83%	71	84%	92
3. I easily found the courtroom or office I needed.	97%	32	94%	32	100%	76	99%	90
4. I felt safe in the courthouse.	94%	33	97%	33	96%	76	100%	98
5. Security officers treated me with courtesy and respect.	84%	19	94%	34	96%	76	100%	97
6. The forms I needed were easy to understand.	84%	25	83%	30	95%	56	98%	63
7. The court met my needs for disability assistance.	89%	9	96%	23	94%	35	100%	26
8. The court tries to remove language barriers	84%	19	100%	24	94%	52	97%	60
9. The court's web site was useful.	83%	18	88%	24	84%	37	94%	52
10. The court's hours made it easy to do my business.	90%	30	94%	33	90%	71	86%	43
11. I finished my court business in a reasonable time.	83%	30	88%	34	92%	71	84%	88
12. Court staff paid attention to my needs.	90%	30	91%	32	96%	68	97%	86
13. I was treated with courtesy and respect.	90%	30	97%	34	95%	75	97%	94
14. I am satisfied with my experience at the courthouse.	83%	30	94%	34	93%	75	94%	98
15. I understood what happened in my case.	96%	23	88%	24	92%	62	91%	55
16. I know what I should do next in my case.	96%	24	88%	24	88%	64	89%	53
17. The judge, commissioner, referee, or mediator listened to all sides.	86%	21	89%	18	90%	61	91%	57
18. The judge, commissioner, referee, or mediator had the info needed.	81%	21	89%	19	90%	60	88%	56
19. The hearing was fair.	82%	22	89%	18	93%	55	86%	51
20. Both sides at the hearing were treated the same.	83%	23	90%	20	89%	54	83%	53

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
2nd District								
Ogden Juvenile								
1. The courthouse was easy to find.	100%	15	100%	15	100%	39	---	---
2. Parking was easy.	100%	14	100%	15	59%	39	---	---
3. I easily found the courtroom or office I needed.	100%	15	86%	14	100%	39	---	---
4. I felt safe in the courthouse.	100%	15	93%	15	100%	38	---	---
5. Security officers treated me with courtesy and respect.	100%	15	87%	15	100%	39	---	---
6. The forms I needed were easy to understand.	100%	9	100%	9	100%	31	---	---
7. The court met my needs for disability assistance.	100%	6	100%	8	95%	19	---	---
8. The court tries to remove language barriers	100%	8	100%	8	97%	31	---	---
9. The court's web site was useful.	100%	8	100%	6	96%	23	---	---
10. The court's hours made it easy to do my business.	100%	14	100%	11	97%	38	---	---
11. I finished my court business in a reasonable time.	100%	15	83%	12	97%	38	---	---
12. Court staff paid attention to my needs.	100%	15	92%	13	100%	39	---	---
13. I was treated with courtesy and respect.	100%	15	100%	13	100%	39	---	---
14. I am satisfied with my experience at the courthouse.	100%	15	77%	13	100%	38	---	---
15. I understood what happened in my case.	100%	14	100%	13	94%	35	---	---
16. I know what I should do next in my case.	100%	13	92%	13	100%	34	---	---
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	15	100%	13	97%	32	---	---
18. The judge, commissioner, referee, or mediator had the info needed.	100%	14	100%	13	97%	31	---	---
19. The hearing was fair.	100%	14	100%	12	100%	29	---	---
20. Both sides at the hearing were treated the same.	100%	10	100%	12	100%	27	---	---

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
3rd District								
Salt Lake City								
1. The courthouse was easy to find.	98%	84	97%	151	97%	212	99%	210
2. Parking was easy.	96%	78	82%	119	90%	174	81%	180
3. I easily found the courtroom or office I needed.	99%	82	98%	151	95%	209	94%	206
4. I felt safe in the courthouse.	99%	82	98%	148	97%	208	98%	205
5. Security officers treated me with courtesy and respect.	99%	82	97%	151	96%	209	96%	209
6. The forms I needed were easy to understand.	95%	58	89%	113	92%	154	91%	130
7. The court met my needs for disability assistance.	94%	35	94%	50	92%	86	94%	68
8. The court tries to remove language barriers	96%	48	94%	102	93%	135	95%	130
9. The court's web site was useful.	93%	55	92%	108	92%	132	90%	135
10. The court's hours made it easy to do my business.	92%	75	94%	141	91%	182	87%	119
11. I finished my court business in a reasonable time.	89%	76	90%	149	86%	201	84%	193
12. Court staff paid attention to my needs.	97%	77	94%	148	88%	190	92%	191
13. I was treated with courtesy and respect.	98%	82	93%	152	93%	205	96%	202
14. I am satisfied with my experience at the courthouse.	94%	83	92%	147	88%	205	93%	201
15. I understood what happened in my case.	92%	60	95%	128	88%	162	91%	145
16. I know what I should do next in my case.	91%	57	96%	123	87%	151	89%	139
17. The judge, commissioner, referee, or mediator listened to all sides.	95%	56	94%	114	89%	148	87%	138
18. The judge, commissioner, referee, or mediator had the info needed.	91%	58	95%	115	87%	157	92%	142
19. The hearing was fair.	92%	51	91%	111	84%	141	88%	139
20. Both sides at the hearing were treated the same.	92%	48	90%	107	85%	145	89%	127

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
3rd District								
Silver Summit								
1. The courthouse was easy to find.	100%	12	92%	12	96%	28	83%	30
2. Parking was easy.	92%	12	91%	11	96%	25	100%	30
3. I easily found the courtroom or office I needed.	92%	12	100%	11	100%	28	100%	30
4. I felt safe in the courthouse.	92%	12	92%	12	96%	27	100%	31
5. Security officers treated me with courtesy and respect.	100%	12	92%	12	89%	28	100%	30
6. The forms I needed were easy to understand.	90%	10	91%	11	88%	17	100%	19
7. The court met my needs for disability assistance.	100%	6	100%	6	100%	9	100%	9
8. The court tries to remove language barriers	90%	10	100%	8	94%	17	100%	12
9. The court's web site was useful.	83%	6	88%	8	95%	20	89%	9
10. The court's hours made it easy to do my business.	91%	11	91%	11	100%	26	94%	17
11. I finished my court business in a reasonable time.	91%	11	91%	11	84%	25	79%	29
12. Court staff paid attention to my needs.	83%	12	82%	11	92%	26	100%	26
13. I was treated with courtesy and respect.	75%	12	100%	12	96%	28	96%	28
14. I am satisfied with my experience at the courthouse.	83%	12	75%	12	93%	27	96%	27
15. I understood what happened in my case.	91%	11	91%	11	90%	20	100%	24
16. I know what I should do next in my case.	83%	12	82%	11	90%	20	100%	22
17. The judge, commissioner, referee, or mediator listened to all sides.	71%	7	89%	9	95%	21	96%	25
18. The judge, commissioner, referee, or mediator had the info needed.	78%	9	90%	10	91%	23	92%	25
19. The hearing was fair.	67%	9	91%	11	90%	21	92%	24
20. Both sides at the hearing were treated the same.	63%	8	100%	9	95%	20	96%	23

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
3rd District								
Tooele								
1. The courthouse was easy to find.	99%	165	100%	29	97%	58	97%	65
2. Parking was easy.	74%	151	100%	29	96%	57	100%	63
3. I easily found the courtroom or office I needed.	97%	164	100%	29	95%	57	100%	64
4. I felt safe in the courthouse.	100%	163	100%	29	98%	57	98%	65
5. Security officers treated me with courtesy and respect.	98%	162	97%	29	100%	57	97%	65
6. The forms I needed were easy to understand.	89%	121	96%	24	95%	43	96%	47
7. The court met my needs for disability assistance.	94%	72	100%	14	96%	24	93%	29
8. The court tries to remove language barriers	93%	121	100%	16	93%	29	98%	47
9. The court's web site was useful.	87%	127	100%	16	91%	22	93%	40
10. The court's hours made it easy to do my business.	94%	158	100%	28	96%	52	94%	32
11. I finished my court business in a reasonable time.	81%	162	100%	28	94%	53	90%	60
12. Court staff paid attention to my needs.	93%	160	96%	28	94%	50	93%	61
13. I was treated with courtesy and respect.	98%	165	97%	29	96%	57	94%	65
14. I am satisfied with my experience at the courthouse.	95%	164	97%	29	93%	57	94%	63
15. I understood what happened in my case.	93%	142	96%	24	95%	42	94%	47
16. I know what I should do next in my case.	94%	138	96%	24	93%	42	94%	47
17. The judge, commissioner, referee, or mediator listened to all sides.	93%	138	100%	20	92%	38	85%	41
18. The judge, commissioner, referee, or mediator had the info needed.	95%	146	100%	21	92%	39	82%	44
19. The hearing was fair.	90%	136	100%	20	92%	37	84%	38
20. Both sides at the hearing were treated the same.	88%	139	100%	19	88%	34	86%	37

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
3rd District								
West Jordan								
1. The courthouse was easy to find.	88%	17	100%	70	100%	106	100%	95
2. Parking was easy.	100%	16	96%	67	100%	100	97%	93
3. I easily found the courtroom or office I needed.	100%	16	100%	70	99%	104	100%	94
4. I felt safe in the courthouse.	94%	17	96%	71	99%	107	99%	96
5. Security officers treated me with courtesy and respect.	88%	17	99%	70	95%	107	99%	94
6. The forms I needed were easy to understand.	85%	13	100%	51	94%	82	91%	64
7. The court met my needs for disability assistance.	88%	8	100%	25	95%	44	100%	37
8. The court tries to remove language barriers	83%	12	97%	38	94%	52	100%	49
9. The court's web site was useful.	78%	9	93%	40	92%	51	92%	52
10. The court's hours made it easy to do my business.	69%	16	94%	64	96%	96	93%	42
11. I finished my court business in a reasonable time.	63%	16	96%	68	97%	99	94%	89
12. Court staff paid attention to my needs.	73%	15	97%	65	96%	95	94%	88
13. I was treated with courtesy and respect.	88%	17	96%	69	96%	101	97%	95
14. I am satisfied with my experience at the courthouse.	76%	17	93%	69	93%	102	96%	90
15. I understood what happened in my case.	79%	14	92%	52	95%	87	97%	77
16. I know what I should do next in my case.	80%	15	96%	50	93%	83	97%	75
17. The judge, commissioner, referee, or mediator listened to all sides.	77%	13	91%	57	95%	79	96%	71
18. The judge, commissioner, referee, or mediator had the info needed.	71%	14	91%	57	94%	77	92%	74
19. The hearing was fair.	58%	12	88%	51	94%	69	95%	66
20. Both sides at the hearing were treated the same.	67%	12	83%	53	88%	68	94%	64

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
4th District								
American Fork								
1. The courthouse was easy to find.	100%	5	95%	22	99%	68	93%	45
2. Parking was easy.	60%	5	73%	22	80%	65	83%	42
3. I easily found the courtroom or office I needed.	100%	5	100%	23	99%	67	100%	46
4. I felt safe in the courthouse.	100%	5	100%	23	100%	67	98%	46
5. Security officers treated me with courtesy and respect.	100%	5	100%	21	98%	64	100%	44
6. The forms I needed were easy to understand.	100%	4	83%	12	98%	54	89%	27
7. The court met my needs for disability assistance.	100%	2	100%	8	100%	33	100%	15
8. The court tries to remove language barriers	100%	4	100%	12	97%	39	100%	26
9. The court's web site was useful.	100%	3	100%	15	97%	36	94%	16
10. The court's hours made it easy to do my business.	80%	5	100%	20	97%	62	90%	20
11. I finished my court business in a reasonable time.	80%	5	75%	20	91%	67	88%	43
12. Court staff paid attention to my needs.	100%	5	90%	21	98%	61	95%	40
13. I was treated with courtesy and respect.	100%	5	90%	21	100%	66	100%	43
14. I am satisfied with my experience at the courthouse.	100%	5	75%	20	97%	67	93%	44
15. I understood what happened in my case.	100%	5	85%	13	98%	51	94%	34
16. I know what I should do next in my case.	100%	5	93%	14	94%	47	97%	31
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	5	87%	15	96%	55	94%	31
18. The judge, commissioner, referee, or mediator had the info needed.	100%	5	89%	18	95%	55	100%	31
19. The hearing was fair.	100%	5	87%	15	91%	57	96%	28
20. Both sides at the hearing were treated the same.	100%	5	79%	14	91%	56	92%	25

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
4th District								
Fillmore								
1. The courthouse was easy to find.	100%	6	100%	5	100%	12	---	---
2. Parking was easy.	100%	6	100%	5	100%	12	---	---
3. I easily found the courtroom or office I needed.	100%	6	100%	5	100%	12	---	---
4. I felt safe in the courthouse.	100%	6	100%	5	100%	12	---	---
5. Security officers treated me with courtesy and respect.	100%	6	100%	5	100%	11	---	---
6. The forms I needed were easy to understand.	100%	5	100%	5	100%	10	---	---
7. The court met my needs for disability assistance.	100%	4	100%	5	100%	8	---	---
8. The court tries to remove language barriers	100%	3	100%	4	80%	10	---	---
9. The court's web site was useful.	67%	3	100%	2	100%	6	---	---
10. The court's hours made it easy to do my business.	83%	6	100%	3	100%	10	---	---
11. I finished my court business in a reasonable time.	67%	6	100%	5	100%	10	---	---
12. Court staff paid attention to my needs.	83%	6	100%	5	100%	11	---	---
13. I was treated with courtesy and respect.	100%	6	100%	5	100%	11	---	---
14. I am satisfied with my experience at the courthouse.	100%	6	80%	5	100%	11	---	---
15. I understood what happened in my case.	80%	5	100%	5	100%	9	---	---
16. I know what I should do next in my case.	100%	5	80%	5	88%	8	---	---
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	5	80%	5	89%	9	---	---
18. The judge, commissioner, referee, or mediator had the info needed.	100%	5	80%	5	88%	8	---	---
19. The hearing was fair.	100%	5	80%	5	89%	9	---	---
20. Both sides at the hearing were treated the same.	100%	5	80%	5	88%	8	---	---

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
4th District								
Heber City								
1. The courthouse was easy to find.	100%	4	94%	18	100%	14	97%	33
2. Parking was easy.	100%	4	67%	18	100%	15	85%	33
3. I easily found the courtroom or office I needed.	75%	4	94%	18	100%	15	97%	33
4. I felt safe in the courthouse.	100%	4	89%	18	100%	15	94%	32
5. Security officers treated me with courtesy and respect.	100%	4	67%	18	100%	15	100%	33
6. The forms I needed were easy to understand.	100%	4	81%	16	100%	12	96%	24
7. The court met my needs for disability assistance.	100%	4	60%	10	100%	8	93%	15
8. The court tries to remove language barriers	75%	4	81%	16	100%	11	100%	22
9. The court's web site was useful.	100%	4	80%	5	100%	10	94%	16
10. The court's hours made it easy to do my business.	100%	4	80%	15	92%	13	67%	12
11. I finished my court business in a reasonable time.	100%	4	72%	18	87%	15	90%	31
12. Court staff paid attention to my needs.	75%	4	61%	18	100%	14	100%	32
13. I was treated with courtesy and respect.	75%	4	72%	18	100%	15	100%	32
14. I am satisfied with my experience at the courthouse.	75%	4	72%	18	100%	14	94%	32
15. I understood what happened in my case.	75%	4	80%	15	100%	13	96%	25
16. I know what I should do next in my case.	75%	4	86%	14	92%	12	96%	24
17. The judge, commissioner, referee, or mediator listened to all sides.	75%	4	87%	15	100%	15	88%	26
18. The judge, commissioner, referee, or mediator had the info needed.	75%	4	67%	15	100%	14	93%	28
19. The hearing was fair.	75%	4	71%	14	100%	13	88%	24
20. Both sides at the hearing were treated the same.	50%	4	69%	13	100%	14	83%	24

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
4th District								
Nephi								
1. The courthouse was easy to find.	100%	11	100%	10	100%	16	100%	16
2. Parking was easy.	100%	11	100%	10	94%	16	88%	16
3. I easily found the courtroom or office I needed.	100%	11	100%	9	94%	16	100%	14
4. I felt safe in the courthouse.	100%	11	90%	10	100%	16	94%	18
5. Security officers treated me with courtesy and respect.	100%	10	100%	10	100%	16	83%	18
6. The forms I needed were easy to understand.	100%	6	100%	8	100%	11	71%	7
7. The court met my needs for disability assistance.	80%	5	86%	7	100%	6	100%	3
8. The court tries to remove language barriers	100%	6	100%	7	100%	11	100%	7
9. The court's web site was useful.	80%	5	100%	5	100%	9	100%	4
10. The court's hours made it easy to do my business.	100%	9	100%	9	100%	15	75%	4
11. I finished my court business in a reasonable time.	89%	9	100%	10	100%	16	92%	12
12. Court staff paid attention to my needs.	100%	10	80%	10	100%	15	79%	14
13. I was treated with courtesy and respect.	90%	10	90%	10	100%	16	88%	16
14. I am satisfied with my experience at the courthouse.	100%	11	80%	10	100%	16	75%	16
15. I understood what happened in my case.	75%	8	67%	9	100%	11	78%	9
16. I know what I should do next in my case.	83%	6	67%	9	100%	11	88%	8
17. The judge, commissioner, referee, or mediator listened to all sides.	67%	6	78%	9	100%	12	64%	11
18. The judge, commissioner, referee, or mediator had the info needed.	75%	8	78%	9	100%	13	70%	10
19. The hearing was fair.	100%	6	78%	9	100%	13	69%	13
20. Both sides at the hearing were treated the same.	71%	7	78%	9	100%	13	67%	12

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
4th District								
Orem Juvenile								
1. The courthouse was easy to find.	84%	19	83%	6	100%	9	---	---
2. Parking was easy.	89%	19	100%	6	89%	9	---	---
3. I easily found the courtroom or office I needed.	95%	19	80%	5	100%	9	---	---
4. I felt safe in the courthouse.	100%	19	100%	6	100%	9	---	---
5. Security officers treated me with courtesy and respect.	100%	19	100%	6	100%	8	---	---
6. The forms I needed were easy to understand.	92%	12	83%	6	83%	6	---	---
7. The court met my needs for disability assistance.	100%	8	100%	2	100%	3	---	---
8. The court tries to remove language barriers	100%	15	100%	4	100%	7	---	---
9. The court's web site was useful.	92%	12	67%	3	100%	4	---	---
10. The court's hours made it easy to do my business.	100%	16	50%	6	100%	9	---	---
11. I finished my court business in a reasonable time.	89%	19	83%	6	89%	9	---	---
12. Court staff paid attention to my needs.	100%	18	100%	3	89%	9	---	---
13. I was treated with courtesy and respect.	100%	18	100%	6	100%	9	---	---
14. I am satisfied with my experience at the courthouse.	89%	19	100%	6	100%	9	---	---
15. I understood what happened in my case.	94%	16	100%	6	100%	9	---	---
16. I know what I should do next in my case.	88%	16	100%	6	100%	7	---	---
17. The judge, commissioner, referee, or mediator listened to all sides.	89%	19	100%	6	100%	9	---	---
18. The judge, commissioner, referee, or mediator had the info needed.	95%	19	100%	6	100%	9	---	---
19. The hearing was fair.	89%	18	100%	6	100%	9	---	---
20. Both sides at the hearing were treated the same.	94%	17	100%	6	100%	9	---	---

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
4th District								
Provo								
1. The courthouse was easy to find.	94%	52	98%	62	98%	136	97%	126
2. Parking was easy.	75%	48	95%	59	92%	134	93%	120
3. I easily found the courtroom or office I needed.	90%	50	93%	61	99%	132	96%	117
4. I felt safe in the courthouse.	98%	52	95%	62	99%	136	99%	123
5. Security officers treated me with courtesy and respect.	94%	52	98%	60	99%	133	97%	124
6. The forms I needed were easy to understand.	93%	29	92%	39	90%	86	86%	77
7. The court met my needs for disability assistance.	88%	16	96%	24	98%	48	97%	31
8. The court tries to remove language barriers	97%	30	93%	30	99%	82	96%	72
9. The court's web site was useful.	85%	39	81%	37	90%	62	87%	85
10. The court's hours made it easy to do my business.	84%	49	90%	49	94%	125	92%	73
11. I finished my court business in a reasonable time.	89%	46	94%	52	84%	126	82%	117
12. Court staff paid attention to my needs.	92%	49	98%	50	93%	121	93%	120
13. I was treated with courtesy and respect.	92%	51	98%	58	96%	136	94%	121
14. I am satisfied with my experience at the courthouse.	94%	49	97%	58	91%	136	89%	122
15. I understood what happened in my case.	95%	39	93%	41	92%	100	94%	82
16. I know what I should do next in my case.	97%	39	87%	38	95%	91	89%	80
17. The judge, commissioner, referee, or mediator listened to all sides.	95%	37	95%	38	94%	98	85%	82
18. The judge, commissioner, referee, or mediator had the info needed.	89%	37	92%	39	90%	103	83%	80
19. The hearing was fair.	89%	35	95%	37	89%	94	83%	80
20. Both sides at the hearing were treated the same.	94%	32	89%	36	87%	91	86%	72

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
4th District								
Provo Juvenile								
1. The courthouse was easy to find.	100%	8	89%	19	100%	30	---	---
2. Parking was easy.	88%	8	100%	19	100%	31	---	---
3. I easily found the courtroom or office I needed.	100%	8	100%	19	100%	31	---	---
4. I felt safe in the courthouse.	100%	8	100%	19	100%	31	---	---
5. Security officers treated me with courtesy and respect.	100%	8	100%	19	100%	30	---	---
6. The forms I needed were easy to understand.	100%	8	100%	13	100%	18	---	---
7. The court met my needs for disability assistance.	100%	8	100%	6	100%	14	---	---
8. The court tries to remove language barriers	100%	8	100%	14	95%	19	---	---
9. The court's web site was useful.	100%	8	82%	11	100%	10	---	---
10. The court's hours made it easy to do my business.	100%	7	100%	17	100%	26	---	---
11. I finished my court business in a reasonable time.	100%	7	94%	17	96%	26	---	---
12. Court staff paid attention to my needs.	100%	7	100%	17	96%	23	---	---
13. I was treated with courtesy and respect.	100%	8	100%	19	100%	26	---	---
14. I am satisfied with my experience at the courthouse.	100%	7	100%	17	100%	27	---	---
15. I understood what happened in my case.	100%	7	100%	16	100%	26	---	---
16. I know what I should do next in my case.	100%	7	100%	16	100%	25	---	---
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	7	93%	15	100%	26	---	---
18. The judge, commissioner, referee, or mediator had the info needed.	100%	8	93%	15	100%	26	---	---
19. The hearing was fair.	100%	8	94%	16	100%	25	---	---
20. Both sides at the hearing were treated the same.	100%	8	87%	15	100%	23	---	---

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
4th District								
Spanish Fork								
1. The courthouse was easy to find.	100%	7	100%	11	97%	35	100%	21
2. Parking was easy.	100%	7	100%	10	100%	33	100%	20
3. I easily found the courtroom or office I needed.	100%	7	100%	11	100%	35	100%	20
4. I felt safe in the courthouse.	100%	7	100%	11	100%	35	100%	20
5. Security officers treated me with courtesy and respect.	100%	7	100%	11	97%	35	100%	20
6. The forms I needed were easy to understand.	100%	6	100%	10	96%	25	100%	19
7. The court met my needs for disability assistance.	100%	6	100%	8	100%	12	100%	4
8. The court tries to remove language barriers	100%	5	100%	10	96%	24	100%	10
9. The court's web site was useful.	100%	5	100%	9	100%	17	93%	14
10. The court's hours made it easy to do my business.	100%	6	100%	11	94%	33	70%	10
11. I finished my court business in a reasonable time.	83%	6	80%	10	94%	35	95%	21
12. Court staff paid attention to my needs.	83%	6	100%	10	100%	34	100%	20
13. I was treated with courtesy and respect.	100%	7	100%	11	97%	35	100%	21
14. I am satisfied with my experience at the courthouse.	100%	7	100%	10	100%	34	100%	20
15. I understood what happened in my case.	100%	7	100%	10	97%	29	89%	19
16. I know what I should do next in my case.	100%	6	100%	10	100%	26	84%	19
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	6	100%	10	100%	32	88%	16
18. The judge, commissioner, referee, or mediator had the info needed.	100%	6	90%	10	100%	32	94%	17
19. The hearing was fair.	100%	6	100%	10	94%	32	94%	16
20. Both sides at the hearing were treated the same.	100%	6	100%	10	97%	31	93%	15

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
5th District								
Beaver								
1. The courthouse was easy to find.	100%	15	83%	6	100%	7	100%	17
2. Parking was easy.	100%	15	100%	6	100%	7	100%	17
3. I easily found the courtroom or office I needed.	100%	15	100%	6	100%	7	100%	16
4. I felt safe in the courthouse.	100%	15	100%	6	86%	7	88%	17
5. Security officers treated me with courtesy and respect.	100%	15	100%	6	100%	7	100%	17
6. The forms I needed were easy to understand.	100%	10	100%	4	100%	4	80%	10
7. The court met my needs for disability assistance.	100%	6	67%	3	75%	4	100%	8
8. The court tries to remove language barriers	100%	10	100%	5	100%	7	100%	10
9. The court's web site was useful.	100%	11	100%	4	83%	6	88%	8
10. The court's hours made it easy to do my business.	100%	15	83%	6	100%	7	73%	11
11. I finished my court business in a reasonable time.	87%	15	83%	6	71%	7	80%	15
12. Court staff paid attention to my needs.	100%	14	83%	6	71%	7	92%	13
13. I was treated with courtesy and respect.	93%	15	83%	6	86%	7	93%	15
14. I am satisfied with my experience at the courthouse.	87%	15	100%	6	71%	7	87%	15
15. I understood what happened in my case.	100%	12	100%	5	71%	7	75%	12
16. I know what I should do next in my case.	100%	12	100%	4	100%	6	67%	12
17. The judge, commissioner, referee, or mediator listened to all sides.	92%	12	100%	5	67%	6	85%	13
18. The judge, commissioner, referee, or mediator had the info needed.	92%	12	100%	5	100%	6	85%	13
19. The hearing was fair.	92%	13	100%	5	100%	5	77%	13
20. Both sides at the hearing were treated the same.	92%	13	100%	5	83%	6	77%	13

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
5th District								
Cedar City								
1. The courthouse was easy to find.	100%	27	93%	27	100%	35	100%	41
2. Parking was easy.	100%	26	89%	27	100%	35	100%	40
3. I easily found the courtroom or office I needed.	100%	27	96%	26	100%	32	100%	41
4. I felt safe in the courthouse.	96%	27	100%	25	97%	34	100%	41
5. Security officers treated me with courtesy and respect.	96%	25	96%	26	97%	34	100%	41
6. The forms I needed were easy to understand.	100%	19	90%	21	89%	18	100%	30
7. The court met my needs for disability assistance.	93%	14	88%	8	73%	11	100%	12
8. The court tries to remove language barriers	100%	18	87%	15	89%	19	100%	26
9. The court's web site was useful.	83%	18	92%	13	76%	21	96%	24
10. The court's hours made it easy to do my business.	96%	27	96%	24	84%	32	82%	22
11. I finished my court business in a reasonable time.	96%	24	80%	25	66%	29	76%	38
12. Court staff paid attention to my needs.	100%	24	85%	27	82%	28	95%	37
13. I was treated with courtesy and respect.	96%	24	93%	27	86%	35	98%	41
14. I am satisfied with my experience at the courthouse.	93%	27	85%	27	85%	34	95%	40
15. I understood what happened in my case.	100%	14	88%	17	88%	26	96%	28
16. I know what I should do next in my case.	100%	15	83%	18	85%	26	100%	27
17. The judge, commissioner, referee, or mediator listened to all sides.	85%	20	90%	21	79%	24	90%	31
18. The judge, commissioner, referee, or mediator had the info needed.	89%	18	95%	22	67%	24	97%	32
19. The hearing was fair.	88%	17	81%	21	71%	21	91%	33
20. Both sides at the hearing were treated the same.	84%	19	74%	19	76%	21	81%	32

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
5th District								
St. George								
1. The courthouse was easy to find.	97%	38	100%	31	100%	58	100%	98
2. Parking was easy.	97%	34	97%	29	100%	56	96%	89
3. I easily found the courtroom or office I needed.	95%	38	100%	31	96%	57	98%	95
4. I felt safe in the courthouse.	97%	36	100%	32	100%	59	99%	97
5. Security officers treated me with courtesy and respect.	95%	38	97%	32	92%	59	99%	98
6. The forms I needed were easy to understand.	97%	30	100%	20	91%	43	98%	57
7. The court met my needs for disability assistance.	96%	23	89%	9	96%	27	97%	32
8. The court tries to remove language barriers	100%	28	94%	16	97%	38	98%	61
9. The court's web site was useful.	94%	31	100%	17	95%	40	100%	48
10. The court's hours made it easy to do my business.	100%	36	97%	29	95%	56	94%	35
11. I finished my court business in a reasonable time.	92%	36	90%	29	93%	55	95%	78
12. Court staff paid attention to my needs.	91%	35	100%	31	98%	57	98%	88
13. I was treated with courtesy and respect.	94%	36	97%	32	96%	57	100%	95
14. I am satisfied with my experience at the courthouse.	87%	38	97%	32	95%	57	95%	98
15. I understood what happened in my case.	97%	32	95%	22	93%	42	98%	55
16. I know what I should do next in my case.	100%	32	100%	21	95%	39	96%	54
17. The judge, commissioner, referee, or mediator listened to all sides.	88%	25	91%	23	93%	44	96%	54
18. The judge, commissioner, referee, or mediator had the info needed.	93%	28	96%	25	93%	45	94%	54
19. The hearing was fair.	89%	27	92%	24	86%	43	98%	46
20. Both sides at the hearing were treated the same.	85%	27	90%	20	86%	44	96%	49

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	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
6th District Junction								
1. The courthouse was easy to find.	100%	2			100%	5	100%	2
2. Parking was easy.	100%	2			100%	5	100%	2
3. I easily found the courtroom or office I needed.	100%	2			100%	5	100%	2
4. I felt safe in the courthouse.	100%	2			60%	5	100%	2
5. Security officers treated me with courtesy and respect.	100%	2			50%	4	100%	2
6. The forms I needed were easy to understand.	100%	2			100%	2	100%	2
7. The court met my needs for disability assistance.	100%	2			100%	1	100%	1
8. The court tries to remove language barriers	100%	2			100%	1	100%	2
9. The court's web site was useful.	100%	2			100%	1	100%	1
10. The court's hours made it easy to do my business.	100%	2			100%	5	100%	1
11. I finished my court business in a reasonable time.	100%	2			75%	4	50%	2
12. Court staff paid attention to my needs.	100%	2			100%	4	100%	2
13. I was treated with courtesy and respect.	100%	2			100%	5	50%	2
14. I am satisfied with my experience at the courthouse.	100%	2			100%	4	50%	2
15. I understood what happened in my case.	100%	2			100%	4	100%	2
16. I know what I should do next in my case.	100%	2			100%	3	100%	2
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	2			100%	4	50%	2
18. The judge, commissioner, referee, or mediator had the info needed.	100%	2			100%	4	50%	2
19. The hearing was fair.	100%	2			100%	4	50%	2
20. Both sides at the hearing were treated the same.	100%	2			100%	5	50%	2

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	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
6th District								
Kanab								
1. The courthouse was easy to find.	100%	9	100%	9	100%	11	96%	23
2. Parking was easy.	67%	9	89%	9	100%	11	96%	23
3. I easily found the courtroom or office I needed.	100%	8	100%	9	100%	11	91%	23
4. I felt safe in the courthouse.	100%	9	100%	10	100%	11	91%	23
5. Security officers treated me with courtesy and respect.	100%	9	100%	10	100%	11	100%	23
6. The forms I needed were easy to understand.	100%	7	100%	7	100%	10	100%	16
7. The court met my needs for disability assistance.	100%	8	100%	4	100%	8	100%	12
8. The court tries to remove language barriers	100%	9	100%	7	100%	4	100%	19
9. The court's web site was useful.	100%	7	100%	5	100%	5	91%	11
10. The court's hours made it easy to do my business.	100%	9	100%	6	100%	11	100%	10
11. I finished my court business in a reasonable time.	100%	8	88%	8	100%	11	90%	20
12. Court staff paid attention to my needs.	100%	8	100%	8	100%	11	94%	18
13. I was treated with courtesy and respect.	100%	9	88%	8	100%	11	100%	22
14. I am satisfied with my experience at the courthouse.	100%	9	88%	8	89%	9	95%	21
15. I understood what happened in my case.	100%	6	89%	9	100%	9	94%	18
16. I know what I should do next in my case.	100%	6	86%	7	100%	9	94%	16
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	7	100%	5	100%	9	100%	18
18. The judge, commissioner, referee, or mediator had the info needed.	100%	7	100%	7	78%	9	100%	18
19. The hearing was fair.	100%	7	100%	7	89%	9	94%	16
20. Both sides at the hearing were treated the same.	100%	7	100%	8	100%	8	100%	16

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
6th District								
Loa								
1. The courthouse was easy to find.	100%	3	100%	4	100%	8	100%	4
2. Parking was easy.	100%	3	100%	3	88%	8	100%	4
3. I easily found the courtroom or office I needed.	100%	3	100%	4	88%	8	100%	4
4. I felt safe in the courthouse.	100%	3	100%	4	88%	8	100%	4
5. Security officers treated me with courtesy and respect.	100%	3	100%	4	88%	8	100%	4
6. The forms I needed were easy to understand.	100%	3	67%	3	86%	7	100%	2
7. The court met my needs for disability assistance.	100%	3	75%	4	100%	5	0%	0
8. The court tries to remove language barriers	100%	2	100%	4	100%	5	100%	2
9. The court's web site was useful.	100%	3	100%	3	100%	5	100%	1
10. The court's hours made it easy to do my business.	100%	3	100%	4	71%	7	0%	1
11. I finished my court business in a reasonable time.	100%	3	100%	4	86%	7	67%	3
12. Court staff paid attention to my needs.	100%	3	100%	4	86%	7	100%	3
13. I was treated with courtesy and respect.	100%	3	100%	4	88%	8	100%	3
14. I am satisfied with my experience at the courthouse.	100%	3	100%	4	88%	8	100%	3
15. I understood what happened in my case.	100%	3	100%	3	100%	7	100%	1
16. I know what I should do next in my case.	100%	2	100%	3	100%	7	100%	1
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	3	100%	3	86%	7	100%	1
18. The judge, commissioner, referee, or mediator had the info needed.	100%	3	100%	3	100%	7	100%	1
19. The hearing was fair.	100%	3	100%	3	86%	7	100%	1
20. Both sides at the hearing were treated the same.	100%	2	100%	3	83%	6	100%	1

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
6th District								
Manti								
1. The courthouse was easy to find.	100%	7	100%	8	100%	20	100%	51
2. Parking was easy.	100%	7	88%	8	95%	21	94%	51
3. I easily found the courtroom or office I needed.	100%	7	88%	8	90%	20	98%	51
4. I felt safe in the courthouse.	86%	7	100%	8	95%	20	90%	51
5. Security officers treated me with courtesy and respect.	100%	7	100%	8	95%	21	100%	50
6. The forms I needed were easy to understand.	100%	7	100%	6	100%	12	89%	36
7. The court met my needs for disability assistance.	80%	5	100%	2	100%	7	84%	19
8. The court tries to remove language barriers	100%	4	60%	5	100%	12	100%	24
9. The court's web site was useful.	100%	4	100%	2	88%	8	91%	23
10. The court's hours made it easy to do my business.	100%	6	100%	6	93%	14	97%	31
11. I finished my court business in a reasonable time.	83%	6	100%	6	83%	18	90%	39
12. Court staff paid attention to my needs.	100%	6	100%	5	88%	16	93%	44
13. I was treated with courtesy and respect.	100%	7	100%	7	95%	19	94%	48
14. I am satisfied with my experience at the courthouse.	100%	6	100%	7	95%	19	87%	47
15. I understood what happened in my case.	75%	4	100%	4	93%	14	82%	28
16. I know what I should do next in my case.	75%	4	100%	4	93%	14	84%	25
17. The judge, commissioner, referee, or mediator listened to all sides.	75%	4	100%	4	69%	16	94%	33
18. The judge, commissioner, referee, or mediator had the info needed.	80%	5	100%	6	69%	16	91%	34
19. The hearing was fair.	100%	4	100%	3	75%	16	90%	30
20. Both sides at the hearing were treated the same.	80%	5	100%	3	73%	15	88%	32

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	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
6th District								
Panguitch								
1. The courthouse was easy to find.	100%	3	100%	3	100%	6	73%	11
2. Parking was easy.	100%	3	100%	3	100%	6	100%	11
3. I easily found the courtroom or office I needed.	100%	3	100%	3	100%	5	92%	12
4. I felt safe in the courthouse.	100%	3	100%	3	100%	6	92%	13
5. Security officers treated me with courtesy and respect.	100%	3	100%	3	100%	6	100%	13
6. The forms I needed were easy to understand.	100%	2		0	100%	5	100%	7
7. The court met my needs for disability assistance.	100%	2		0	100%	1	100%	2
8. The court tries to remove language barriers	100%	2	100%	1	100%	2	100%	5
9. The court's web site was useful.	100%	1	50%	2	100%	4	83%	6
10. The court's hours made it easy to do my business.	100%	3	100%	3	100%	6	90%	10
11. I finished my court business in a reasonable time.	100%	3	100%	3	100%	6	94%	17
12. Court staff paid attention to my needs.	100%	3	100%	2	83%	6	94%	18
13. I was treated with courtesy and respect.	100%	3	100%	3	80%	5	94%	17
14. I am satisfied with my experience at the courthouse.	67%	3	100%	3	83%	6	94%	17
15. I understood what happened in my case.	100%	3	100%	2	80%	5	100%	18
16. I know what I should do next in my case.	100%	3	100%	2	100%	5	94%	18
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	3	100%	2	80%	5	100%	17
18. The judge, commissioner, referee, or mediator had the info needed.	67%	3	100%	2	100%	5	100%	17
19. The hearing was fair.	100%	1	100%	2	83%	6	100%	17
20. Both sides at the hearing were treated the same.	100%	1	100%	2	83%	6	100%	16

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
6th District								
Richfield								
1. The courthouse was easy to find.	100%	4	91%	11	100%	7	92%	24
2. Parking was easy.	100%	4	100%	11	86%	7	96%	23
3. I easily found the courtroom or office I needed.	100%	4	100%	11	100%	7	96%	24
4. I felt safe in the courthouse.	100%	4	100%	11	100%	7	96%	24
5. Security officers treated me with courtesy and respect.	100%	4	100%	11	100%	7	96%	24
6. The forms I needed were easy to understand.	100%	4	86%	7	100%	4	90%	20
7. The court met my needs for disability assistance.	100%	4	100%	4	100%	2	89%	9
8. The court tries to remove language barriers	100%	4	100%	7	100%	5	100%	14
9. The court's web site was useful.	100%	4	67%	6	100%	5	100%	14
10. The court's hours made it easy to do my business.	100%	4	91%	11	100%	6	92%	12
11. I finished my court business in a reasonable time.	100%	4	90%	10	100%	7	92%	24
12. Court staff paid attention to my needs.	100%	4	100%	9	100%	6	96%	24
13. I was treated with courtesy and respect.	100%	4	100%	11	100%	7	100%	24
14. I am satisfied with my experience at the courthouse.	100%	4	91%	11	100%	6	92%	24
15. I understood what happened in my case.	100%	3	86%	7	100%	5	93%	14
16. I know what I should do next in my case.	100%	3	100%	7	100%	5	93%	15
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	4	100%	9	100%	5	94%	16
18. The judge, commissioner, referee, or mediator had the info needed.	100%	4	75%	8	100%	5	87%	15
19. The hearing was fair.	75%	4	67%	9	100%	5	88%	16
20. Both sides at the hearing were treated the same.	75%	4	67%	9	100%	5	87%	15

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
7th District								
Castle Dale								
1. The courthouse was easy to find.	100%	9	75%	4	100%	22	100%	17
2. Parking was easy.	100%	9	100%	4	100%	23	100%	17
3. I easily found the courtroom or office I needed.	89%	9	100%	3	100%	24	100%	17
4. I felt safe in the courthouse.	100%	9	100%	4	96%	24	100%	17
5. Security officers treated me with courtesy and respect.	100%	9	100%	4	94%	17	100%	16
6. The forms I needed were easy to understand.	83%	6	100%	2	94%	16	100%	11
7. The court met my needs for disability assistance.	100%	5	100%	2	67%	9	80%	5
8. The court tries to remove language barriers	100%	5	100%	3	94%	17	100%	5
9. The court's web site was useful.	100%	6	100%	2	77%	13	100%	3
10. The court's hours made it easy to do my business.	100%	9	100%	2	91%	23	100%	9
11. I finished my court business in a reasonable time.	100%	9	100%	2	90%	20	93%	14
12. Court staff paid attention to my needs.	100%	8	100%	2	91%	22	94%	16
13. I was treated with courtesy and respect.	100%	9	100%	3	95%	22	100%	16
14. I am satisfied with my experience at the courthouse.	100%	9	100%	3	90%	21	100%	15
15. I understood what happened in my case.	88%	8	100%	2	68%	19	100%	13
16. I know what I should do next in my case.	78%	9	100%	1	70%	20	100%	13
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	8	100%	1	65%	20	100%	13
18. The judge, commissioner, referee, or mediator had the info needed.	89%	9	100%	1	68%	19	100%	12
19. The hearing was fair.	89%	9	100%	1	71%	21	100%	13
20. Both sides at the hearing were treated the same.	89%	9	100%	1	67%	18	100%	11

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
7th District								
Moab								
1. The courthouse was easy to find.	89%	9	100%	12	100%	30	97%	30
2. Parking was easy.	89%	9	100%	11	93%	30	80%	30
3. I easily found the courtroom or office I needed.	89%	9	100%	12	100%	30	93%	30
4. I felt safe in the courthouse.	88%	8	92%	12	87%	30	90%	30
5. Security officers treated me with courtesy and respect.	78%	9	100%	11	100%	28	93%	30
6. The forms I needed were easy to understand.	88%	8	100%	9	96%	25	88%	25
7. The court met my needs for disability assistance.	100%	6	100%	5	95%	20	80%	10
8. The court tries to remove language barriers	71%	7	100%	8	100%	19	95%	21
9. The court's web site was useful.	100%	6	100%	5	88%	17	89%	19
10. The court's hours made it easy to do my business.	88%	8	91%	11	97%	29	79%	19
11. I finished my court business in a reasonable time.	100%	8	92%	12	87%	31	90%	29
12. Court staff paid attention to my needs.	88%	8	100%	12	86%	29	89%	27
13. I was treated with courtesy and respect.	89%	9	100%	12	97%	31	90%	29
14. I am satisfied with my experience at the courthouse.	89%	9	100%	12	87%	30	89%	28
15. I understood what happened in my case.	88%	8	100%	9	89%	28	90%	21
16. I know what I should do next in my case.	75%	8	100%	9	89%	28	94%	18
17. The judge, commissioner, referee, or mediator listened to all sides.	88%	8	100%	6	85%	27	91%	22
18. The judge, commissioner, referee, or mediator had the info needed.	88%	8	100%	9	86%	28	91%	23
19. The hearing was fair.	88%	8	100%	9	85%	27	95%	22
20. Both sides at the hearing were treated the same.	88%	8	100%	5	85%	26	86%	22

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
7th District								
Monticello								
1. The courthouse was easy to find.	75%	8	100%	15	100%	28	100%	29
2. Parking was easy.	75%	8	77%	13	85%	27	89%	28
3. I easily found the courtroom or office I needed.	100%	8	100%	15	100%	27	97%	29
4. I felt safe in the courthouse.	100%	8	87%	15	100%	27	93%	29
5. Security officers treated me with courtesy and respect.	75%	8	85%	13	100%	27	96%	28
6. The forms I needed were easy to understand.	83%	6	100%	9	100%	20	82%	17
7. The court met my needs for disability assistance.	100%	3	100%	7	100%	16	100%	10
8. The court tries to remove language barriers	60%	5	100%	10	93%	14	89%	18
9. The court's web site was useful.	88%	8	67%	9	94%	17	78%	18
10. The court's hours made it easy to do my business.	75%	8	85%	13	100%	24	88%	17
11. I finished my court business in a reasonable time.	86%	7	85%	13	96%	26	89%	27
12. Court staff paid attention to my needs.	71%	7	77%	13	87%	23	89%	27
13. I was treated with courtesy and respect.	75%	8	77%	13	92%	24	83%	29
14. I am satisfied with my experience at the courthouse.	71%	7	85%	13	92%	24	86%	28
15. I understood what happened in my case.	100%	5	92%	13	100%	19	95%	21
16. I know what I should do next in my case.	100%	4	92%	13	100%	17	85%	20
17. The judge, commissioner, referee, or mediator listened to all sides.	67%	6	92%	12	100%	22	82%	22
18. The judge, commissioner, referee, or mediator had the info needed.	83%	6	92%	12	95%	22	82%	22
19. The hearing was fair.	80%	5	89%	9	92%	24	87%	23
20. Both sides at the hearing were treated the same.	50%	6	91%	11	95%	21	74%	23

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
7th District								
Price								
1. The courthouse was easy to find.	96%	25	100%	13	100%	20	100%	35
2. Parking was easy.	68%	25	100%	13	100%	20	97%	35
3. I easily found the courtroom or office I needed.	96%	23	92%	13	100%	20	100%	35
4. I felt safe in the courthouse.	100%	24	100%	13	95%	21	97%	35
5. Security officers treated me with courtesy and respect.	100%	24	92%	13	95%	20	94%	34
6. The forms I needed were easy to understand.	100%	14	91%	11	94%	18	91%	23
7. The court met my needs for disability assistance.	100%	7	100%	5	100%	11	73%	11
8. The court tries to remove language barriers	92%	12	100%	5	100%	12	92%	24
9. The court's web site was useful.	100%	10	100%	5	82%	11	89%	18
10. The court's hours made it easy to do my business.	100%	23	92%	13	84%	19	83%	18
11. I finished my court business in a reasonable time.	100%	24	92%	13	90%	20	87%	31
12. Court staff paid attention to my needs.	100%	23	92%	13	95%	20	90%	30
13. I was treated with courtesy and respect.	100%	24	100%	10	95%	21	94%	33
14. I am satisfied with my experience at the courthouse.	100%	24	92%	13	95%	20	94%	34
15. I understood what happened in my case.	100%	19	100%	10	94%	17	91%	23
16. I know what I should do next in my case.	100%	19	100%	9	94%	18	91%	22
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	19	100%	11	87%	15	92%	25
18. The judge, commissioner, referee, or mediator had the info needed.	100%	20	91%	11	81%	16	96%	24
19. The hearing was fair.	100%	19	100%	11	93%	14	92%	26
20. Both sides at the hearing were treated the same.	94%	18	100%	9	92%	13	88%	26

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
8th District								
Duchesne								
1. The courthouse was easy to find.	91%	22	86%	22	96%	26	73%	22
2. Parking was easy.	100%	22	64%	22	100%	26	100%	21
3. I easily found the courtroom or office I needed.	100%	23	95%	21	100%	26	95%	22
4. I felt safe in the courthouse.	100%	23	95%	21	92%	26	95%	22
5. Security officers treated me with courtesy and respect.	96%	23	95%	20	96%	26	100%	21
6. The forms I needed were easy to understand.	94%	16	86%	14	96%	24	86%	14
7. The court met my needs for disability assistance.	100%	11	86%	7	92%	13	100%	9
8. The court tries to remove language barriers	100%	12	86%	7	94%	17	92%	12
9. The court's web site was useful.	92%	12	86%	7	94%	17	91%	11
10. The court's hours made it easy to do my business.	95%	21	90%	20	92%	24	91%	11
11. I finished my court business in a reasonable time.	95%	21	91%	22	92%	25	79%	19
12. Court staff paid attention to my needs.	95%	19	100%	22	96%	25	95%	21
13. I was treated with courtesy and respect.	100%	22	95%	22	96%	26	95%	22
14. I am satisfied with my experience at the courthouse.	95%	22	100%	21	100%	26	77%	22
15. I understood what happened in my case.	93%	14	94%	17	94%	18	80%	15
16. I know what I should do next in my case.	93%	14	94%	17	100%	17	79%	14
17. The judge, commissioner, referee, or mediator listened to all sides.	81%	16	94%	16	93%	14	87%	15
18. The judge, commissioner, referee, or mediator had the info needed.	93%	15	88%	16	100%	15	83%	12
19. The hearing was fair.	88%	16	87%	15	94%	16	77%	13
20. Both sides at the hearing were treated the same.	87%	15	85%	13	94%	16	85%	13

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
8th District								
Manila								
1. The courthouse was easy to find.	100%	1	100%	4	100%	7	100%	10
2. Parking was easy.	100%	1	100%	4	100%	7	90%	10
3. I easily found the courtroom or office I needed.	100%	1	100%	4	100%	7	100%	10
4. I felt safe in the courthouse.	100%	1	100%	4	100%	7	100%	10
5. Security officers treated me with courtesy and respect.	100%	1	100%	4	100%	7	100%	9
6. The forms I needed were easy to understand.	100%	1	100%	3	100%	3	100%	5
7. The court met my needs for disability assistance.	100%	1	100%	3	100%	2	100%	3
8. The court tries to remove language barriers	100%	1	100%	3	100%	4	100%	3
9. The court's web site was useful.	100%	1	100%	3	100%	2	100%	3
10. The court's hours made it easy to do my business.	100%	1	100%	3	100%	6	100%	3
11. I finished my court business in a reasonable time.	100%	1	100%	4	100%	7	71%	7
12. Court staff paid attention to my needs.	100%	1	100%	4	100%	7	100%	8
13. I was treated with courtesy and respect.	100%	1	100%	4	100%	7	100%	7
14. I am satisfied with my experience at the courthouse.	100%	1	100%	4	100%	7	100%	5
15. I understood what happened in my case.	100%	1	100%	3	100%	4	80%	5
16. I know what I should do next in my case.	100%	1	100%	3	100%	4	75%	4
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	1	67%	3	100%	5	100%	3
18. The judge, commissioner, referee, or mediator had the info needed.	100%	1	100%	3	100%	5	50%	4
19. The hearing was fair.	100%	1	67%	3	100%	5	67%	3
20. Both sides at the hearing were treated the same.	100%	1	67%	3	100%	5	100%	1

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
8th District								
Roosevelt								
1. The courthouse was easy to find.	82%	11	100%	23	100%	13	100%	22
2. Parking was easy.	89%	9	100%	22	100%	11	91%	23
3. I easily found the courtroom or office I needed.	73%	11	100%	23	100%	13	100%	23
4. I felt safe in the courthouse.	73%	11	100%	23	100%	12	96%	23
5. Security officers treated me with courtesy and respect.	100%	11	91%	23	100%	13	87%	23
6. The forms I needed were easy to understand.	70%	10	100%	14	89%	9	80%	15
7. The court met my needs for disability assistance.	100%	1	75%	8	100%	5	90%	10
8. The court tries to remove language barriers	63%	8	43%	14	100%	11	83%	18
9. The court's web site was useful.	100%	3	82%	11	86%	7	94%	16
10. The court's hours made it easy to do my business.	82%	11	95%	21	83%	12	70%	10
11. I finished my court business in a reasonable time.	90%	10	87%	23	45%	11	81%	21
12. Court staff paid attention to my needs.	90%	10	100%	22	85%	13	86%	22
13. I was treated with courtesy and respect.	100%	11	100%	23	92%	12	91%	22
14. I am satisfied with my experience at the courthouse.	100%	10	96%	23	85%	13	86%	22
15. I understood what happened in my case.	86%	7	80%	15	91%	11	93%	15
16. I know what I should do next in my case.	100%	7	86%	14	100%	10	100%	13
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	7	100%	15	100%	10	94%	16
18. The judge, commissioner, referee, or mediator had the info needed.	100%	7	87%	15	91%	11	87%	15
19. The hearing was fair.	100%	7	100%	14	100%	9	79%	14
20. Both sides at the hearing were treated the same.	100%	7	92%	12	100%	10	86%	14

Access and Fairness Survey: FY2006 - FY2017

	2017		2015		2013		2011	
	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp	% Stating Adequate or Better	# Resp
8th District								
Vernal								
1. The courthouse was easy to find.	100%	6	100%	18	91%	23	93%	44
2. Parking was easy.	100%	6	100%	18	100%	23	91%	44
3. I easily found the courtroom or office I needed.	100%	6	100%	18	100%	24	100%	43
4. I felt safe in the courthouse.	100%	6	94%	18	100%	23	95%	44
5. Security officers treated me with courtesy and respect.	100%	6	94%	18	100%	24	98%	42
6. The forms I needed were easy to understand.	100%	3	93%	15	100%	18	96%	26
7. The court met my needs for disability assistance.	100%	3	89%	9	100%	15	88%	16
8. The court tries to remove language barriers	100%	3	93%	15	100%	17	100%	24
9. The court's web site was useful.	100%	3	92%	12	94%	18	86%	22
10. The court's hours made it easy to do my business.	100%	5	94%	18	100%	21	88%	25
11. I finished my court business in a reasonable time.	100%	6	94%	18	91%	22	75%	40
12. Court staff paid attention to my needs.	100%	6	94%	18	100%	19	95%	39
13. I was treated with courtesy and respect.	100%	6	94%	18	100%	21	95%	42
14. I am satisfied with my experience at the courthouse.	83%	6	94%	18	86%	22	85%	40
15. I understood what happened in my case.	100%	5	93%	15	93%	14	97%	32
16. I know what I should do next in my case.	100%	4	93%	14	88%	16	89%	35
17. The judge, commissioner, referee, or mediator listened to all sides.	100%	4	93%	15	100%	17	93%	28
18. The judge, commissioner, referee, or mediator had the info needed.	100%	5	100%	15	88%	17	85%	27
19. The hearing was fair.	100%	5	85%	13	81%	16	81%	27
20. Both sides at the hearing were treated the same.	100%	4	87%	15	84%	19	85%	27

Access and Fairness Survey: FY2006 - FY2017

Location	Sum of % of Respondents Stating Adequate or Better	Sum of # of Valid Responses
1		
Brigham City		
1. The courthouse was easy to find.	89%	9
2. Parking was easy.	80%	10
3. I easily found the courtroom or office I needed.	100%	10
4. I felt safe in the courthouse.	100%	10
5. Security officers treated me with courtesy and respect.	90%	10
6. The forms I needed were easy to understand.	100%	10
7. The court met my needs for disability assistance.	100%	7
8. The court tries to remove language barriers	88%	8
9. The court's web site was useful.	80%	5
10. The court's hours made it easy to do my business.	80%	10
11. I finished my court business in a reasonable time.	80%	10
12. Court staff paid attention to my needs.	90%	10
13. I was treated with courtesy and respect.	90%	10
14. I am satisfied with my experience at the courthouse.	90%	10
15. I understood what happened in my case.	100%	9
16. I know what I should do next in my case.	100%	9
17. The judge, commissioner, referee, or mediator listened to a	100%	8
18. The judge, commissioner, referee, or mediator had the info	100%	8
19. The hearing was fair.	100%	8
20. Both sides at the hearing were treated the same.	100%	8
Logan		
1. The courthouse was easy to find.	96%	27
2. Parking was easy.	96%	27
3. I easily found the courtroom or office I needed.	92%	26
4. I felt safe in the courthouse.	96%	27
5. Security officers treated me with courtesy and respect.	96%	26
6. The forms I needed were easy to understand.	91%	23
7. The court met my needs for disability assistance.	94%	17
8. The court tries to remove language barriers	89%	18
9. The court's web site was useful.	93%	14
10. The court's hours made it easy to do my business.	88%	26
11. I finished my court business in a reasonable time.	88%	26
12. Court staff paid attention to my needs.	96%	27
13. I was treated with courtesy and respect.	96%	27
14. I am satisfied with my experience at the courthouse.	92%	25
15. I understood what happened in my case.	90%	20
16. I know what I should do next in my case.	95%	19
17. The judge, commissioner, referee, or mediator listened to a	90%	20
18. The judge, commissioner, referee, or mediator had the info	90%	21
19. The hearing was fair.	95%	19
20. Both sides at the hearing were treated the same.	95%	20

Access and Fairness Survey: FY2006 - FY2017

Randolph

1. The courthouse was easy to find.	0%	0
2. Parking was easy.	0%	0
3. I easily found the courtroom or office I needed.	0%	0
4. I felt safe in the courthouse.	0%	0
5. Security officers treated me with courtesy and respect.	0%	0
6. The forms I needed were easy to understand.	0%	0
7. The court met my needs for disability assistance.	0%	0
8. The court tries to remove language barriers	0%	0
9. The court's web site was useful.	0%	0
10. The court's hours made it easy to do my business.	0%	0
11. I finished my court business in a reasonable time.	0%	0
12. Court staff paid attention to my needs.	0%	0
13. I was treated with courtesy and respect.	0%	0
14. I am satisfied with my experience at the courthouse.	0%	0
15. I understood what happened in my case.	0%	0
16. I know what I should do next in my case.	0%	0
17. The judge, commissioner, referee, or mediator listened to a	0%	0
18. The judge, commissioner, referee, or mediator had the info	0%	0
19. The hearing was fair.	0%	0
20. Both sides at the hearing were treated the same.	0%	0

2

Bountiful

1. The courthouse was easy to find.	100%	12
2. Parking was easy.	100%	11
3. I easily found the courtroom or office I needed.	92%	12
4. I felt safe in the courthouse.	100%	12
5. Security officers treated me with courtesy and respect.	100%	12
6. The forms I needed were easy to understand.	100%	10
7. The court met my needs for disability assistance.	100%	5
8. The court tries to remove language barriers	100%	5
9. The court's web site was useful.	100%	6
10. The court's hours made it easy to do my business.	82%	11
11. I finished my court business in a reasonable time.	100%	10
12. Court staff paid attention to my needs.	91%	11
13. I was treated with courtesy and respect.	100%	12
14. I am satisfied with my experience at the courthouse.	100%	12
15. I understood what happened in my case.	91%	11
16. I know what I should do next in my case.	100%	10
17. The judge, commissioner, referee, or mediator listened to a	100%	10
18. The judge, commissioner, referee, or mediator had the info	100%	9
19. The hearing was fair.	100%	8
20. Both sides at the hearing were treated the same.	100%	7

Access and Fairness Survey: FY2006 - FY2017

Farmington

1. The courthouse was easy to find.	95%	43
2. Parking was easy.	100%	42
3. I easily found the courtroom or office I needed.	98%	43
4. I felt safe in the courthouse.	100%	41
5. Security officers treated me with courtesy and respect.	100%	43
6. The forms I needed were easy to understand.	94%	35
7. The court met my needs for disability assistance.	100%	15
8. The court tries to remove language barriers	100%	21
9. The court's web site was useful.	89%	28
10. The court's hours made it easy to do my business.	95%	44
11. I finished my court business in a reasonable time.	95%	43
12. Court staff paid attention to my needs.	98%	44
13. I was treated with courtesy and respect.	98%	44
14. I am satisfied with my experience at the courthouse.	98%	44
15. I understood what happened in my case.	94%	35
16. I know what I should do next in my case.	97%	34
17. The judge, commissioner, referee, or mediator listened to a	97%	31
18. The judge, commissioner, referee, or mediator had the info	97%	32
19. The hearing was fair.	93%	27
20. Both sides at the hearing were treated the same.	93%	28

Layton

1. The courthouse was easy to find.	89%	9
2. Parking was easy.	100%	8
3. I easily found the courtroom or office I needed.	100%	9
4. I felt safe in the courthouse.	100%	9
5. Security officers treated me with courtesy and respect.	100%	9
6. The forms I needed were easy to understand.	88%	8
7. The court met my needs for disability assistance.	100%	3
8. The court tries to remove language barriers	100%	7
9. The court's web site was useful.	75%	4
10. The court's hours made it easy to do my business.	100%	8
11. I finished my court business in a reasonable time.	88%	8
12. Court staff paid attention to my needs.	89%	9
13. I was treated with courtesy and respect.	100%	9
14. I am satisfied with my experience at the courthouse.	100%	9
15. I understood what happened in my case.	100%	7
16. I know what I should do next in my case.	100%	6
17. The judge, commissioner, referee, or mediator listened to a	89%	9
18. The judge, commissioner, referee, or mediator had the info	100%	8
19. The hearing was fair.	100%	6
20. Both sides at the hearing were treated the same.	100%	8

Access and Fairness Survey: FY2006 - FY2017

Morgan

1. The courthouse was easy to find.	100%	9
2. Parking was easy.	89%	9
3. I easily found the courtroom or office I needed.	89%	9
4. I felt safe in the courthouse.	89%	9
5. Security officers treated me with courtesy and respect.	89%	9
6. The forms I needed were easy to understand.	86%	7
7. The court met my needs for disability assistance.	86%	7
8. The court tries to remove language barriers	100%	6
9. The court's web site was useful.	100%	6
10. The court's hours made it easy to do my business.	100%	9
11. I finished my court business in a reasonable time.	75%	8
12. Court staff paid attention to my needs.	100%	9
13. I was treated with courtesy and respect.	100%	9
14. I am satisfied with my experience at the courthouse.	100%	9
15. I understood what happened in my case.	100%	8
16. I know what I should do next in my case.	100%	7
17. The judge, commissioner, referee, or mediator listened to a	100%	7
18. The judge, commissioner, referee, or mediator had the info	88%	8
19. The hearing was fair.	88%	8
20. Both sides at the hearing were treated the same.	88%	8

Ogden District

1. The courthouse was easy to find.	97%	33
2. Parking was easy.	84%	31
3. I easily found the courtroom or office I needed.	97%	32
4. I felt safe in the courthouse.	94%	33
5. Security officers treated me with courtesy and respect.	84%	19
6. The forms I needed were easy to understand.	84%	25
7. The court met my needs for disability assistance.	89%	9
8. The court tries to remove language barriers	84%	19
9. The court's web site was useful.	83%	18
10. The court's hours made it easy to do my business.	90%	30
11. I finished my court business in a reasonable time.	83%	30
12. Court staff paid attention to my needs.	90%	30
13. I was treated with courtesy and respect.	90%	30
14. I am satisfied with my experience at the courthouse.	83%	30
15. I understood what happened in my case.	96%	23
16. I know what I should do next in my case.	96%	24
17. The judge, commissioner, referee, or mediator listened to a	86%	21
18. The judge, commissioner, referee, or mediator had the info	81%	21
19. The hearing was fair.	82%	22
20. Both sides at the hearing were treated the same.	83%	23

Access and Fairness Survey: FY2006 - FY2017

Ogden Juvenile

1. The courthouse was easy to find.	100%	15
2. Parking was easy.	100%	14
3. I easily found the courtroom or office I needed.	100%	15
4. I felt safe in the courthouse.	100%	15
5. Security officers treated me with courtesy and respect.	100%	15
6. The forms I needed were easy to understand.	100%	9
7. The court met my needs for disability assistance.	100%	6
8. The court tries to remove language barriers	100%	8
9. The court's web site was useful.	100%	8
10. The court's hours made it easy to do my business.	100%	14
11. I finished my court business in a reasonable time.	100%	15
12. Court staff paid attention to my needs.	100%	15
13. I was treated with courtesy and respect.	100%	15
14. I am satisfied with my experience at the courthouse.	100%	15
15. I understood what happened in my case.	100%	14
16. I know what I should do next in my case.	100%	13
17. The judge, commissioner, referee, or mediator listened to a	100%	15
18. The judge, commissioner, referee, or mediator had the info	100%	14
19. The hearing was fair.	100%	14
20. Both sides at the hearing were treated the same.	100%	10

3

West Jordan

1. The courthouse was easy to find.	98%	84
2. Parking was easy.	96%	78
3. I easily found the courtroom or office I needed.	99%	82
4. I felt safe in the courthouse.	99%	82
5. Security officers treated me with courtesy and respect.	99%	82
6. The forms I needed were easy to understand.	95%	58
7. The court met my needs for disability assistance.	94%	35
8. The court tries to remove language barriers	96%	48
9. The court's web site was useful.	93%	55
10. The court's hours made it easy to do my business.	92%	75
11. I finished my court business in a reasonable time.	89%	76
12. Court staff paid attention to my needs.	97%	77
13. I was treated with courtesy and respect.	98%	82
14. I am satisfied with my experience at the courthouse.	94%	83
15. I understood what happened in my case.	92%	60
16. I know what I should do next in my case.	91%	57
17. The judge, commissioner, referee, or mediator listened to a	95%	56
18. The judge, commissioner, referee, or mediator had the info	91%	58
19. The hearing was fair.	92%	51
20. Both sides at the hearing were treated the same.	92%	48

Access and Fairness Survey: FY2006 - FY2017

Park City/Silver Summit

1. The courthouse was easy to find.	100%	12
2. Parking was easy.	92%	12
3. I easily found the courtroom or office I needed.	92%	12
4. I felt safe in the courthouse.	92%	12
5. Security officers treated me with courtesy and respect.	100%	12
6. The forms I needed were easy to understand.	90%	10
7. The court met my needs for disability assistance.	100%	6
8. The court tries to remove language barriers	90%	10
9. The court's web site was useful.	83%	6
10. The court's hours made it easy to do my business.	91%	11
11. I finished my court business in a reasonable time.	91%	11
12. Court staff paid attention to my needs.	83%	12
13. I was treated with courtesy and respect.	75%	12
14. I am satisfied with my experience at the courthouse.	83%	12
15. I understood what happened in my case.	91%	11
16. I know what I should do next in my case.	83%	12
17. The judge, commissioner, referee, or mediator listened to a	71%	7
18. The judge, commissioner, referee, or mediator had the info	78%	9
19. The hearing was fair.	67%	9
20. Both sides at the hearing were treated the same.	63%	8

Salt Lake City

1. The courthouse was easy to find.	99%	165
2. Parking was easy.	74%	151
3. I easily found the courtroom or office I needed.	97%	164
4. I felt safe in the courthouse.	100%	163
5. Security officers treated me with courtesy and respect.	98%	162
6. The forms I needed were easy to understand.	89%	121
7. The court met my needs for disability assistance.	94%	72
8. The court tries to remove language barriers	93%	121
9. The court's web site was useful.	87%	127
10. The court's hours made it easy to do my business.	94%	158
11. I finished my court business in a reasonable time.	81%	162
12. Court staff paid attention to my needs.	93%	160
13. I was treated with courtesy and respect.	98%	165
14. I am satisfied with my experience at the courthouse.	95%	164
15. I understood what happened in my case.	93%	142
16. I know what I should do next in my case.	94%	138
17. The judge, commissioner, referee, or mediator listened to a	93%	138
18. The judge, commissioner, referee, or mediator had the info	95%	146
19. The hearing was fair.	90%	136
20. Both sides at the hearing were treated the same.	88%	139

Access and Fairness Survey: FY2006 - FY2017

Tooele

1. The courthouse was easy to find.	88%	17
2. Parking was easy.	100%	16
3. I easily found the courtroom or office I needed.	100%	16
4. I felt safe in the courthouse.	94%	17
5. Security officers treated me with courtesy and respect.	88%	17
6. The forms I needed were easy to understand.	85%	13
7. The court met my needs for disability assistance.	88%	8
8. The court tries to remove language barriers	83%	12
9. The court's web site was useful.	78%	9
10. The court's hours made it easy to do my business.	69%	16
11. I finished my court business in a reasonable time.	63%	16
12. Court staff paid attention to my needs.	73%	15
13. I was treated with courtesy and respect.	88%	17
14. I am satisfied with my experience at the courthouse.	76%	17
15. I understood what happened in my case.	79%	14
16. I know what I should do next in my case.	80%	15
17. The judge, commissioner, referee, or mediator listened to a	77%	13
18. The judge, commissioner, referee, or mediator had the info	71%	14
19. The hearing was fair.	58%	12
20. Both sides at the hearing were treated the same.	67%	12

4

American Fork

1. The courthouse was easy to find.	100%	5
2. Parking was easy.	60%	5
3. I easily found the courtroom or office I needed.	100%	5
4. I felt safe in the courthouse.	100%	5
5. Security officers treated me with courtesy and respect.	100%	5
6. The forms I needed were easy to understand.	100%	4
7. The court met my needs for disability assistance.	100%	2
8. The court tries to remove language barriers	100%	4
9. The court's web site was useful.	100%	3
10. The court's hours made it easy to do my business.	80%	5
11. I finished my court business in a reasonable time.	80%	5
12. Court staff paid attention to my needs.	100%	5
13. I was treated with courtesy and respect.	100%	5
14. I am satisfied with my experience at the courthouse.	100%	5
15. I understood what happened in my case.	100%	5
16. I know what I should do next in my case.	100%	5
17. The judge, commissioner, referee, or mediator listened to a	100%	5
18. The judge, commissioner, referee, or mediator had the info	100%	5
19. The hearing was fair.	100%	5
20. Both sides at the hearing were treated the same.	100%	5

Access and Fairness Survey: FY2006 - FY2017

Fillmore

1. The courthouse was easy to find.	100%	6
2. Parking was easy.	100%	6
3. I easily found the courtroom or office I needed.	100%	6
4. I felt safe in the courthouse.	100%	6
5. Security officers treated me with courtesy and respect.	100%	6
6. The forms I needed were easy to understand.	100%	5
7. The court met my needs for disability assistance.	100%	4
8. The court tries to remove language barriers	100%	3
9. The court's web site was useful.	67%	3
10. The court's hours made it easy to do my business.	83%	6
11. I finished my court business in a reasonable time.	67%	6
12. Court staff paid attention to my needs.	83%	6
13. I was treated with courtesy and respect.	100%	6
14. I am satisfied with my experience at the courthouse.	100%	6
15. I understood what happened in my case.	80%	5
16. I know what I should do next in my case.	100%	5
17. The judge, commissioner, referee, or mediator listened to a	100%	5
18. The judge, commissioner, referee, or mediator had the info	100%	5
19. The hearing was fair.	100%	5
20. Both sides at the hearing were treated the same.	100%	5

Heber

1. The courthouse was easy to find.	100%	4
2. Parking was easy.	100%	4
3. I easily found the courtroom or office I needed.	75%	4
4. I felt safe in the courthouse.	100%	4
5. Security officers treated me with courtesy and respect.	100%	4
6. The forms I needed were easy to understand.	100%	4
7. The court met my needs for disability assistance.	100%	4
8. The court tries to remove language barriers	75%	4
9. The court's web site was useful.	100%	4
10. The court's hours made it easy to do my business.	100%	4
11. I finished my court business in a reasonable time.	100%	4
12. Court staff paid attention to my needs.	75%	4
13. I was treated with courtesy and respect.	75%	4
14. I am satisfied with my experience at the courthouse.	75%	4
15. I understood what happened in my case.	75%	4
16. I know what I should do next in my case.	75%	4
17. The judge, commissioner, referee, or mediator listened to a	75%	4
18. The judge, commissioner, referee, or mediator had the info	75%	4
19. The hearing was fair.	75%	4
20. Both sides at the hearing were treated the same.	50%	4

Access and Fairness Survey: FY2006 - FY2017

Nephi

1. The courthouse was easy to find.	100%	11
2. Parking was easy.	100%	11
3. I easily found the courtroom or office I needed.	100%	11
4. I felt safe in the courthouse.	100%	11
5. Security officers treated me with courtesy and respect.	100%	10
6. The forms I needed were easy to understand.	100%	6
7. The court met my needs for disability assistance.	80%	5
8. The court tries to remove language barriers	100%	6
9. The court's web site was useful.	80%	5
10. The court's hours made it easy to do my business.	100%	9
11. I finished my court business in a reasonable time.	89%	9
12. Court staff paid attention to my needs.	100%	10
13. I was treated with courtesy and respect.	90%	10
14. I am satisfied with my experience at the courthouse.	100%	11
15. I understood what happened in my case.	75%	8
16. I know what I should do next in my case.	83%	6
17. The judge, commissioner, referee, or mediator listened to a	67%	6
18. The judge, commissioner, referee, or mediator had the info	75%	8
19. The hearing was fair.	100%	6
20. Both sides at the hearing were treated the same.	71%	7

Orem Juvenile

1. The courthouse was easy to find.	84%	19
2. Parking was easy.	89%	19
3. I easily found the courtroom or office I needed.	95%	19
4. I felt safe in the courthouse.	100%	19
5. Security officers treated me with courtesy and respect.	100%	19
6. The forms I needed were easy to understand.	92%	12
7. The court met my needs for disability assistance.	100%	8
8. The court tries to remove language barriers	100%	15
9. The court's web site was useful.	92%	12
10. The court's hours made it easy to do my business.	100%	16
11. I finished my court business in a reasonable time.	89%	19
12. Court staff paid attention to my needs.	100%	18
13. I was treated with courtesy and respect.	100%	18
14. I am satisfied with my experience at the courthouse.	89%	19
15. I understood what happened in my case.	94%	16
16. I know what I should do next in my case.	88%	16
17. The judge, commissioner, referee, or mediator listened to a	89%	19
18. The judge, commissioner, referee, or mediator had the info	95%	19
19. The hearing was fair.	89%	18
20. Both sides at the hearing were treated the same.	94%	17

Access and Fairness Survey: FY2006 - FY2017

Provo District

1. The courthouse was easy to find.	94%	52
2. Parking was easy.	75%	48
3. I easily found the courtroom or office I needed.	90%	50
4. I felt safe in the courthouse.	98%	52
5. Security officers treated me with courtesy and respect.	94%	52
6. The forms I needed were easy to understand.	93%	29
7. The court met my needs for disability assistance.	88%	16
8. The court tries to remove language barriers	97%	30
9. The court's web site was useful.	85%	39
10. The court's hours made it easy to do my business.	84%	49
11. I finished my court business in a reasonable time.	89%	46
12. Court staff paid attention to my needs.	92%	49
13. I was treated with courtesy and respect.	92%	51
14. I am satisfied with my experience at the courthouse.	94%	49
15. I understood what happened in my case.	95%	39
16. I know what I should do next in my case.	97%	39
17. The judge, commissioner, referee, or mediator listened to a	95%	37
18. The judge, commissioner, referee, or mediator had the info	89%	37
19. The hearing was fair.	89%	35
20. Both sides at the hearing were treated the same.	94%	32

Provo Juvenile

1. The courthouse was easy to find.	100%	8
2. Parking was easy.	88%	8
3. I easily found the courtroom or office I needed.	100%	8
4. I felt safe in the courthouse.	100%	8
5. Security officers treated me with courtesy and respect.	100%	8
6. The forms I needed were easy to understand.	100%	8
7. The court met my needs for disability assistance.	100%	8
8. The court tries to remove language barriers	100%	8
9. The court's web site was useful.	100%	8
10. The court's hours made it easy to do my business.	100%	7
11. I finished my court business in a reasonable time.	100%	7
12. Court staff paid attention to my needs.	100%	7
13. I was treated with courtesy and respect.	100%	8
14. I am satisfied with my experience at the courthouse.	100%	7
15. I understood what happened in my case.	100%	7
16. I know what I should do next in my case.	100%	7
17. The judge, commissioner, referee, or mediator listened to a	100%	7
18. The judge, commissioner, referee, or mediator had the info	100%	8
19. The hearing was fair.	100%	8
20. Both sides at the hearing were treated the same.	100%	8

Access and Fairness Survey: FY2006 - FY2017

Spanish Fork

1. The courthouse was easy to find.	100%	7
2. Parking was easy.	100%	7
3. I easily found the courtroom or office I needed.	100%	7
4. I felt safe in the courthouse.	100%	7
5. Security officers treated me with courtesy and respect.	100%	7
6. The forms I needed were easy to understand.	100%	6
7. The court met my needs for disability assistance.	100%	6
8. The court tries to remove language barriers	100%	5
9. The court's web site was useful.	100%	5
10. The court's hours made it easy to do my business.	100%	6
11. I finished my court business in a reasonable time.	83%	6
12. Court staff paid attention to my needs.	83%	6
13. I was treated with courtesy and respect.	100%	7
14. I am satisfied with my experience at the courthouse.	100%	7
15. I understood what happened in my case.	100%	7
16. I know what I should do next in my case.	100%	6
17. The judge, commissioner, referee, or mediator listened to a	100%	6
18. The judge, commissioner, referee, or mediator had the info	100%	6
19. The hearing was fair.	100%	6
20. Both sides at the hearing were treated the same.	100%	6

5

Beaver

1. The courthouse was easy to find.	100%	15
2. Parking was easy.	100%	15
3. I easily found the courtroom or office I needed.	100%	15
4. I felt safe in the courthouse.	100%	15
5. Security officers treated me with courtesy and respect.	100%	15
6. The forms I needed were easy to understand.	100%	10
7. The court met my needs for disability assistance.	100%	6
8. The court tries to remove language barriers	100%	10
9. The court's web site was useful.	100%	11
10. The court's hours made it easy to do my business.	100%	15
11. I finished my court business in a reasonable time.	87%	15
12. Court staff paid attention to my needs.	100%	14
13. I was treated with courtesy and respect.	93%	15
14. I am satisfied with my experience at the courthouse.	87%	15
15. I understood what happened in my case.	100%	12
16. I know what I should do next in my case.	100%	12
17. The judge, commissioner, referee, or mediator listened to a	92%	12
18. The judge, commissioner, referee, or mediator had the info	92%	12
19. The hearing was fair.	92%	13
20. Both sides at the hearing were treated the same.	92%	13

Access and Fairness Survey: FY2006 - FY2017

Cedar City

1. The courthouse was easy to find.	100%	27
2. Parking was easy.	100%	26
3. I easily found the courtroom or office I needed.	100%	27
4. I felt safe in the courthouse.	96%	27
5. Security officers treated me with courtesy and respect.	96%	25
6. The forms I needed were easy to understand.	100%	19
7. The court met my needs for disability assistance.	93%	14
8. The court tries to remove language barriers	100%	18
9. The court's web site was useful.	83%	18
10. The court's hours made it easy to do my business.	96%	27
11. I finished my court business in a reasonable time.	96%	24
12. Court staff paid attention to my needs.	100%	24
13. I was treated with courtesy and respect.	96%	24
14. I am satisfied with my experience at the courthouse.	93%	27
15. I understood what happened in my case.	100%	14
16. I know what I should do next in my case.	100%	15
17. The judge, commissioner, referee, or mediator listened to a	85%	20
18. The judge, commissioner, referee, or mediator had the info	89%	18
19. The hearing was fair.	88%	17
20. Both sides at the hearing were treated the same.	84%	19

St. George

1. The courthouse was easy to find.	97%	38
2. Parking was easy.	97%	34
3. I easily found the courtroom or office I needed.	95%	38
4. I felt safe in the courthouse.	97%	36
5. Security officers treated me with courtesy and respect.	95%	38
6. The forms I needed were easy to understand.	97%	30
7. The court met my needs for disability assistance.	96%	23
8. The court tries to remove language barriers	100%	28
9. The court's web site was useful.	94%	31
10. The court's hours made it easy to do my business.	100%	36
11. I finished my court business in a reasonable time.	92%	36
12. Court staff paid attention to my needs.	91%	35
13. I was treated with courtesy and respect.	94%	36
14. I am satisfied with my experience at the courthouse.	87%	38
15. I understood what happened in my case.	97%	32
16. I know what I should do next in my case.	100%	32
17. The judge, commissioner, referee, or mediator listened to a	88%	25
18. The judge, commissioner, referee, or mediator had the info	93%	28
19. The hearing was fair.	89%	27
20. Both sides at the hearing were treated the same.	85%	27

Access and Fairness Survey: FY2006 - FY2017

6

Junction

1. The courthouse was easy to find.	100%	2
2. Parking was easy.	100%	2
3. I easily found the courtroom or office I needed.	100%	2
4. I felt safe in the courthouse.	100%	2
5. Security officers treated me with courtesy and respect.	100%	2
6. The forms I needed were easy to understand.	100%	2
7. The court met my needs for disability assistance.	100%	2
8. The court tries to remove language barriers	100%	2
9. The court's web site was useful.	100%	2
10. The court's hours made it easy to do my business.	100%	2
11. I finished my court business in a reasonable time.	100%	2
12. Court staff paid attention to my needs.	100%	2
13. I was treated with courtesy and respect.	100%	2
14. I am satisfied with my experience at the courthouse.	100%	2
15. I understood what happened in my case.	100%	2
16. I know what I should do next in my case.	100%	2
17. The judge, commissioner, referee, or mediator listened to a	100%	2
18. The judge, commissioner, referee, or mediator had the info	100%	2
19. The hearing was fair.	100%	2
20. Both sides at the hearing were treated the same.	100%	2

Kanab

1. The courthouse was easy to find.	100%	9
2. Parking was easy.	67%	9
3. I easily found the courtroom or office I needed.	100%	8
4. I felt safe in the courthouse.	100%	9
5. Security officers treated me with courtesy and respect.	100%	9
6. The forms I needed were easy to understand.	100%	7
7. The court met my needs for disability assistance.	100%	8
8. The court tries to remove language barriers	100%	9
9. The court's web site was useful.	100%	7
10. The court's hours made it easy to do my business.	100%	9
11. I finished my court business in a reasonable time.	100%	8
12. Court staff paid attention to my needs.	100%	8
13. I was treated with courtesy and respect.	100%	9
14. I am satisfied with my experience at the courthouse.	100%	9
15. I understood what happened in my case.	100%	6
16. I know what I should do next in my case.	100%	6
17. The judge, commissioner, referee, or mediator listened to a	100%	7
18. The judge, commissioner, referee, or mediator had the info	100%	7
19. The hearing was fair.	100%	7
20. Both sides at the hearing were treated the same.	100%	7

Access and Fairness Survey: FY2006 - FY2017

Loa

1. The courthouse was easy to find.	100%	3
2. Parking was easy.	100%	3
3. I easily found the courtroom or office I needed.	100%	3
4. I felt safe in the courthouse.	100%	3
5. Security officers treated me with courtesy and respect.	100%	3
6. The forms I needed were easy to understand.	100%	3
7. The court met my needs for disability assistance.	100%	3
8. The court tries to remove language barriers	100%	2
9. The court's web site was useful.	100%	3
10. The court's hours made it easy to do my business.	100%	3
11. I finished my court business in a reasonable time.	100%	3
12. Court staff paid attention to my needs.	100%	3
13. I was treated with courtesy and respect.	100%	3
14. I am satisfied with my experience at the courthouse.	100%	3
15. I understood what happened in my case.	100%	3
16. I know what I should do next in my case.	100%	2
17. The judge, commissioner, referee, or mediator listened to a	100%	3
18. The judge, commissioner, referee, or mediator had the info	100%	3
19. The hearing was fair.	100%	3
20. Both sides at the hearing were treated the same.	100%	2

Manti

1. The courthouse was easy to find.	100%	7
2. Parking was easy.	100%	7
3. I easily found the courtroom or office I needed.	100%	7
4. I felt safe in the courthouse.	86%	7
5. Security officers treated me with courtesy and respect.	100%	7
6. The forms I needed were easy to understand.	100%	7
7. The court met my needs for disability assistance.	80%	5
8. The court tries to remove language barriers	100%	4
9. The court's web site was useful.	100%	4
10. The court's hours made it easy to do my business.	100%	6
11. I finished my court business in a reasonable time.	83%	6
12. Court staff paid attention to my needs.	100%	6
13. I was treated with courtesy and respect.	100%	7
14. I am satisfied with my experience at the courthouse.	100%	6
15. I understood what happened in my case.	75%	4
16. I know what I should do next in my case.	75%	4
17. The judge, commissioner, referee, or mediator listened to a	75%	4
18. The judge, commissioner, referee, or mediator had the info	80%	5
19. The hearing was fair.	100%	4
20. Both sides at the hearing were treated the same.	80%	5

Access and Fairness Survey: FY2006 - FY2017

Panguitch

1. The courthouse was easy to find.	100%	3
2. Parking was easy.	100%	3
3. I easily found the courtroom or office I needed.	100%	3
4. I felt safe in the courthouse.	100%	3
5. Security officers treated me with courtesy and respect.	100%	3
6. The forms I needed were easy to understand.	100%	2
7. The court met my needs for disability assistance.	100%	2
8. The court tries to remove language barriers	100%	2
9. The court's web site was useful.	100%	1
10. The court's hours made it easy to do my business.	100%	3
11. I finished my court business in a reasonable time.	100%	3
12. Court staff paid attention to my needs.	100%	3
13. I was treated with courtesy and respect.	100%	3
14. I am satisfied with my experience at the courthouse.	67%	3
15. I understood what happened in my case.	100%	3
16. I know what I should do next in my case.	100%	3
17. The judge, commissioner, referee, or mediator listened to a	100%	3
18. The judge, commissioner, referee, or mediator had the info	67%	3
19. The hearing was fair.	100%	1
20. Both sides at the hearing were treated the same.	100%	1

Richfield

1. The courthouse was easy to find.	100%	4
2. Parking was easy.	100%	4
3. I easily found the courtroom or office I needed.	100%	4
4. I felt safe in the courthouse.	100%	4
5. Security officers treated me with courtesy and respect.	100%	4
6. The forms I needed were easy to understand.	100%	4
7. The court met my needs for disability assistance.	100%	4
8. The court tries to remove language barriers	100%	4
9. The court's web site was useful.	100%	4
10. The court's hours made it easy to do my business.	100%	4
11. I finished my court business in a reasonable time.	100%	4
12. Court staff paid attention to my needs.	100%	4
13. I was treated with courtesy and respect.	100%	4
14. I am satisfied with my experience at the courthouse.	100%	4
15. I understood what happened in my case.	100%	3
16. I know what I should do next in my case.	100%	3
17. The judge, commissioner, referee, or mediator listened to a	100%	4
18. The judge, commissioner, referee, or mediator had the info	100%	4
19. The hearing was fair.	75%	4
20. Both sides at the hearing were treated the same.	75%	4

Access and Fairness Survey: FY2006 - FY2017

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Castle Dale

1. The courthouse was easy to find.	100%	9
2. Parking was easy.	100%	9
3. I easily found the courtroom or office I needed.	89%	9
4. I felt safe in the courthouse.	100%	9
5. Security officers treated me with courtesy and respect.	100%	9
6. The forms I needed were easy to understand.	83%	6
7. The court met my needs for disability assistance.	100%	5
8. The court tries to remove language barriers	100%	5
9. The court's web site was useful.	100%	6
10. The court's hours made it easy to do my business.	100%	9
11. I finished my court business in a reasonable time.	100%	9
12. Court staff paid attention to my needs.	100%	8
13. I was treated with courtesy and respect.	100%	9
14. I am satisfied with my experience at the courthouse.	100%	9
15. I understood what happened in my case.	88%	8
16. I know what I should do next in my case.	78%	9
17. The judge, commissioner, referee, or mediator listened to a	100%	8
18. The judge, commissioner, referee, or mediator had the info	89%	9
19. The hearing was fair.	89%	9
20. Both sides at the hearing were treated the same.	89%	9

Moab

1. The courthouse was easy to find.	89%	9
2. Parking was easy.	89%	9
3. I easily found the courtroom or office I needed.	89%	9
4. I felt safe in the courthouse.	88%	8
5. Security officers treated me with courtesy and respect.	78%	9
6. The forms I needed were easy to understand.	88%	8
7. The court met my needs for disability assistance.	100%	6
8. The court tries to remove language barriers	71%	7
9. The court's web site was useful.	100%	6
10. The court's hours made it easy to do my business.	88%	8
11. I finished my court business in a reasonable time.	100%	8
12. Court staff paid attention to my needs.	88%	8
13. I was treated with courtesy and respect.	89%	9
14. I am satisfied with my experience at the courthouse.	89%	9
15. I understood what happened in my case.	88%	8
16. I know what I should do next in my case.	75%	8
17. The judge, commissioner, referee, or mediator listened to a	88%	8
18. The judge, commissioner, referee, or mediator had the info	88%	8
19. The hearing was fair.	88%	8
20. Both sides at the hearing were treated the same.	88%	8

Access and Fairness Survey: FY2006 - FY2017

Monticello

1. The courthouse was easy to find.	75%	8
2. Parking was easy.	75%	8
3. I easily found the courtroom or office I needed.	100%	8
4. I felt safe in the courthouse.	100%	8
5. Security officers treated me with courtesy and respect.	75%	8
6. The forms I needed were easy to understand.	83%	6
7. The court met my needs for disability assistance.	100%	3
8. The court tries to remove language barriers	60%	5
9. The court's web site was useful.	88%	8
10. The court's hours made it easy to do my business.	75%	8
11. I finished my court business in a reasonable time.	86%	7
12. Court staff paid attention to my needs.	71%	7
13. I was treated with courtesy and respect.	75%	8
14. I am satisfied with my experience at the courthouse.	71%	7
15. I understood what happened in my case.	100%	5
16. I know what I should do next in my case.	100%	4
17. The judge, commissioner, referee, or mediator listened to a	67%	6
18. The judge, commissioner, referee, or mediator had the info	83%	6
19. The hearing was fair.	80%	5
20. Both sides at the hearing were treated the same.	50%	6

Price

1. The courthouse was easy to find.	96%	25
2. Parking was easy.	68%	25
3. I easily found the courtroom or office I needed.	96%	23
4. I felt safe in the courthouse.	100%	24
5. Security officers treated me with courtesy and respect.	100%	24
6. The forms I needed were easy to understand.	100%	14
7. The court met my needs for disability assistance.	100%	7
8. The court tries to remove language barriers	92%	12
9. The court's web site was useful.	100%	10
10. The court's hours made it easy to do my business.	100%	23
11. I finished my court business in a reasonable time.	100%	24
12. Court staff paid attention to my needs.	100%	23
13. I was treated with courtesy and respect.	100%	24
14. I am satisfied with my experience at the courthouse.	100%	24
15. I understood what happened in my case.	100%	19
16. I know what I should do next in my case.	100%	19
17. The judge, commissioner, referee, or mediator listened to a	100%	19
18. The judge, commissioner, referee, or mediator had the info	100%	20
19. The hearing was fair.	100%	19
20. Both sides at the hearing were treated the same.	94%	18

Access and Fairness Survey: FY2006 - FY2017

8

Duchesne

1. The courthouse was easy to find.	91%	22
2. Parking was easy.	100%	22
3. I easily found the courtroom or office I needed.	100%	23
4. I felt safe in the courthouse.	100%	23
5. Security officers treated me with courtesy and respect.	96%	23
6. The forms I needed were easy to understand.	94%	16
7. The court met my needs for disability assistance.	100%	11
8. The court tries to remove language barriers	100%	12
9. The court's web site was useful.	92%	12
10. The court's hours made it easy to do my business.	95%	21
11. I finished my court business in a reasonable time.	95%	21
12. Court staff paid attention to my needs.	95%	19
13. I was treated with courtesy and respect.	100%	22
14. I am satisfied with my experience at the courthouse.	95%	22
15. I understood what happened in my case.	93%	14
16. I know what I should do next in my case.	93%	14
17. The judge, commissioner, referee, or mediator listened to a	81%	16
18. The judge, commissioner, referee, or mediator had the info	93%	15
19. The hearing was fair.	88%	16
20. Both sides at the hearing were treated the same.	87%	15

Manila

1. The courthouse was easy to find.	100%	1
2. Parking was easy.	100%	1
3. I easily found the courtroom or office I needed.	100%	1
4. I felt safe in the courthouse.	100%	1
5. Security officers treated me with courtesy and respect.	100%	1
6. The forms I needed were easy to understand.	100%	1
7. The court met my needs for disability assistance.	100%	1
8. The court tries to remove language barriers	100%	1
9. The court's web site was useful.	100%	1
10. The court's hours made it easy to do my business.	100%	1
11. I finished my court business in a reasonable time.	100%	1
12. Court staff paid attention to my needs.	100%	1
13. I was treated with courtesy and respect.	100%	1
14. I am satisfied with my experience at the courthouse.	100%	1
15. I understood what happened in my case.	100%	1
16. I know what I should do next in my case.	100%	1
17. The judge, commissioner, referee, or mediator listened to a	100%	1
18. The judge, commissioner, referee, or mediator had the info	100%	1
19. The hearing was fair.	100%	1
20. Both sides at the hearing were treated the same.	100%	1

Access and Fairness Survey: FY2006 - FY2017

Roosevelt

1. The courthouse was easy to find.	82%	11
2. Parking was easy.	89%	9
3. I easily found the courtroom or office I needed.	73%	11
4. I felt safe in the courthouse.	73%	11
5. Security officers treated me with courtesy and respect.	100%	11
6. The forms I needed were easy to understand.	70%	10
7. The court met my needs for disability assistance.	100%	1
8. The court tries to remove language barriers	63%	8
9. The court's web site was useful.	100%	3
10. The court's hours made it easy to do my business.	82%	11
11. I finished my court business in a reasonable time.	90%	10
12. Court staff paid attention to my needs.	90%	10
13. I was treated with courtesy and respect.	100%	11
14. I am satisfied with my experience at the courthouse.	100%	10
15. I understood what happened in my case.	86%	7
16. I know what I should do next in my case.	100%	7
17. The judge, commissioner, referee, or mediator listened to a	100%	7
18. The judge, commissioner, referee, or mediator had the info	100%	7
19. The hearing was fair.	100%	7
20. Both sides at the hearing were treated the same.	100%	7

Vernal

1. The courthouse was easy to find.	100%	6
2. Parking was easy.	100%	6
3. I easily found the courtroom or office I needed.	100%	6
4. I felt safe in the courthouse.	100%	6
5. Security officers treated me with courtesy and respect.	100%	6
6. The forms I needed were easy to understand.	100%	3
7. The court met my needs for disability assistance.	100%	3
8. The court tries to remove language barriers	100%	3
9. The court's web site was useful.	100%	3
10. The court's hours made it easy to do my business.	100%	5
11. I finished my court business in a reasonable time.	100%	6
12. Court staff paid attention to my needs.	100%	6
13. I was treated with courtesy and respect.	100%	6
14. I am satisfied with my experience at the courthouse.	83%	6
15. I understood what happened in my case.	100%	5
16. I know what I should do next in my case.	100%	4
17. The judge, commissioner, referee, or mediator listened to a	100%	4
18. The judge, commissioner, referee, or mediator had the info	100%	5
19. The hearing was fair.	100%	5
20. Both sides at the hearing were treated the same.	100%	4

Access and Fairness Survey: FY2006 - FY2017 - Background Information

21. The outcome in my case was favorable to me.

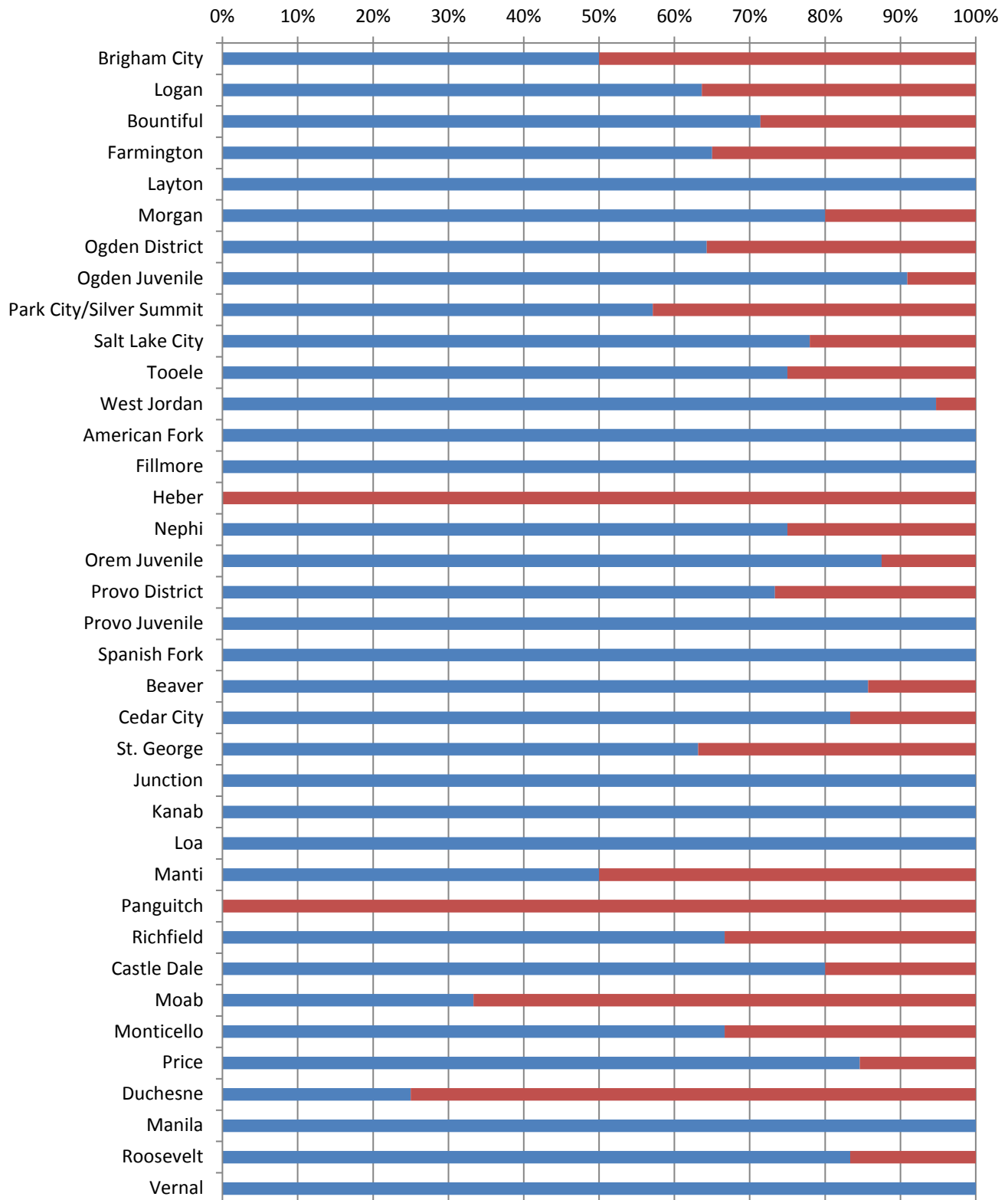
	2017		2015		2013		2011		2008		2007		2006	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
1st District														
Brigham City	50%	50%	82%	18%	73%	27%	94%	6%	78%	22%	96%	4%	---	---
Logan	64%	36%	87%	13%	76%	24%	88%	12%	67%	33%	76%	24%	---	---
Randolph*	---	---	---	---	86%	14%	78%	22%	50%	50%	50%	50%	---	---
* There were no survey responses in Randolph for FY17														
2nd District														
Bountiful	71%	29%	58%	42%	80%	20%	79%	21%	90%	10%	71%	29%	---	---
Farmington	65%	35%	62%	38%	80%	20%	75%	25%	76%	24%	79%	21%	---	---
Layton	100%	0%	43%	57%	88%	12%	90%	10%	66%	34%	75%	25%	---	---
Morgan	80%	20%	67%	33%	85%	15%	71%	29%	46%	54%	80%	20%	---	---
Ogden District	64%	36%	75%	25%	80%	20%	70%	30%	79%	21%	83%	17%	---	---
Ogden Juvenile	91%	9%	100%	0%	83%	17%	---	---	79%	21%	79%	21%	---	---
3rd District														
Salt Lake City	78%	22%	100%	0%	77%	23%	83%	17%	78%	22%	77%	23%	---	---
Park City/Silver Lake	57%	43%	79%	21%	75%	25%	79%	21%	83%	17%	72%	28%	---	---
Tooele	75%	25%	85%	15%	79%	21%	83%	17%	85%	15%	90%	10%	---	---
West Jordan	95%	5%	74%	26%	76%	24%	82%	18%	78%	22%	82%	18%	---	---
4th District														
American Fork	100%	0%	53%	47%	85%	15%	72%	28%	59%	41%	69%	31%	---	---
Fillmore	100%	0%	40%	60%	100%	0%	60%	40%	67%	33%	78%	22%	---	---
Heber	0%	100%	22%	78%	100%	0%	61%	39%	88%	12%	63%	37%	---	---
Nephi	75%	25%	50%	50%	100%	0%	63%	38%	71%	29%	50%	50%	---	---
Orem District	---	---	---	---	---	---	---	---	69%	31%	78%	22%	---	---
Orem Juvenile	88%	13%	100%	0%	88%	13%	---	---	---	---	---	---	---	---
Provo District	73%	27%	87%	13%	76%	24%	76%	24%	80%	20%	71%	29%	---	---
Provo Juvenile	100%	0%	93%	7%	85%	15%	---	---	82%	18%	83%	17%	---	---
Spanish Fork	100%	0%	83%	17%	79%	21%	94%	6%	69%	31%	69%	31%	---	---
5th District														
Beaver	86%	14%	100%	0%	29%	71%	67%	33%	94%	6%	57%	43%	---	---
Cedar City	83%	17%	55%	45%	73%	27%	75%	25%	82%	18%	79%	21%	---	---
St. George	63%	37%	95%	5%	76%	24%	86%	14%	76%	24%	85%	15%	---	---
6th District														
Junction	100%	0%	---	---	100%	0%	0%	100%	86%	14%	---	---	---	---
Kanab	100%	0%	71%	29%	67%	33%	100%	0%	90%	10%	78%	22%	---	---
Loa	100%	0%	75%	25%	80%	20%	100%	0%	80%	20%	80%	20%	---	---
Manti	50%	50%	67%	33%	38%	62%	63%	37%	72%	28%	69%	31%	---	---
Panguitch	0%	100%	50%	50%	100%	0%	86%	14%	60%	40%	67%	33%	---	---
Richfield	67%	33%	43%	57%	67%	33%	54%	46%	78%	22%	74%	26%	---	---
7th District														
Castle Dale	80%	20%	100%	0%	67%	33%	100%	0%	76%	24%	69%	31%	---	---
Moab	33%	67%	100%	0%	65%	35%	74%	26%	64%	36%	75%	25%	---	---
Monticello	67%	33%	89%	11%	86%	14%	80%	20%	61%	39%	75%	25%	---	---
Price	85%	15%	75%	25%	82%	18%	84%	16%	87%	13%	86%	14%	---	---
8th District														
Duchesne	25%	75%	81%	19%	86%	14%	56%	44%	82%	18%	83%	17%	---	---
Manila	100%	0%	67%	33%	100%	0%	0%	100%	50%	50%	80%	20%	---	---
Roosevelt	83%	17%	44%	56%	91%	9%	75%	25%	76%	24%	75%	25%	---	---
Vernal	100%	0%	76%	24%	71%	29%	89%	11%	71%	29%	67%	33%	---	---

21. The outcome in my case was favorable to me.

District	Location	% Yes	% No	# of Responses
1	Brigham City	50%	50%	9
1	Logan	64%	36%	27
2	Bountiful	71%	29%	12
2	Farmington	65%	35%	43
2	Layton	100%	0%	9
2	Morgan	80%	20%	9
2	Ogden District	64%	36%	30
2	Ogden Juvenile	91%	9%	15
3	Summit	57%	43%	11
3	Salt Lake City	78%	22%	162
3	Tooele	75%	25%	17
3	West Jordan	95%	5%	82
4	American Fork	100%	0%	5
4	Fillmore	100%	0%	6
4	Heber	0%	100%	2
4	Nephi	75%	25%	11
4	Orem Juvenile	88%	13%	19
4	Provo District	73%	27%	50
4	Provo Juvenile	100%	0%	5
4	Spanish Fork	100%	0%	5
5	Beaver	86%	14%	15
5	Cedar City	83%	17%	26
5	St. George	63%	37%	38
6	Junction	100%	0%	2
6	Kanab	100%	0%	9
6	Loa	100%	0%	3
6	Manti	50%	50%	7
6	Panguitch	0%	100%	3
6	Richfield	67%	33%	4
7	Castle Dale	80%	20%	9
7	Moab	33%	67%	9
7	Monticello	67%	33%	8
7	Price	85%	15%	25
8	Duchesne	25%	75%	23
8	Manila	100%	0%	1
8	Roosevelt	83%	17%	10
8	Vernal	100%	0%	5
Grand Total		75%	25%	726

21. The outcome in my case was favorable to me.

■ Outcome Favorable ■ Outcome Not Favorable



Access and Fairness Survey: FY2006 - FY2017 - Background Information

24. What court did you come to today?

Year	Sup Ct	COA	Dist Ct	Juv Ct	Just Ct	Don't Know
2017	0%	0%	70%	17%	7%	6%
2015	0%	0%	67%	19%	7%	7%
2013	1%	1%	65%	18%	9%	7%
2011	0%	0%	65%	20%	8%	7%
2008	0%	1%	61%	24%	6%	8%
2007	0%	0%	60%	24%	7%	8%
2006	0%	0%	66%	26%	6%	2%

Access and Fairness Survey: FY2017 - Background Information

24. What court did you come to today?

Dist	Location	Dist Ct	Juv Ct	Just Ct	COA	Sup Ct	Don't Know	Responses
1	Brigham City	80%	10%	0%	0%	0%	10%	10
1	Logan	81%	15%	0%	0%	0%	4%	26
2	Bountiful	92%	0%	8%	0%	0%	0%	12
2	Farmington	57%	11%	25%	0%	0%	7%	44
2	Layton	89%	0%	11%	0%	0%	0%	9
2	Morgan	89%	0%	11%	0%	0%	0%	9
2	Ogden Dist.	84%	0%	0%	0%	0%	16%	31
2	Ogden Juv.	0%	92%	8%	0%	0%	0%	13
3	Salt Lake City	71%	17%	4%	1%	0%	7%	164
3	Silver Summit	33%	42%	17%	0%	8%	0%	12
3	Tooele	41%	18%	24%	0%	0%	18%	17
3	West Jordan	75%	20%	4%	0%	0%	1%	81
4	American Fork	100%	0%	0%	0%	0%	0%	5
4	Fillmore	67%	17%	17%	0%	0%	0%	6
4	Heber	0%	0%	75%	0%	25%	0%	4
4	Nephi	100%	0%	0%	0%	0%	0%	10
4	Orem Juvenile	11%	89%	0%	0%	0%	0%	19
4	Provo Dist.	88%	0%	6%	2%	0%	4%	52
4	Provo Juv.	0%	100%	0%	0%	0%	0%	8
4	Spanish Fork	71%	14%	14%	0%	0%	0%	7
5	Beaver	93%	0%	0%	0%	0%	7%	15
5	Cedar City	81%	0%	7%	0%	0%	11%	27
5	St. George	57%	30%	8%	0%	0%	5%	37
6	Junction	100%	0%	0%	0%	0%	0%	2
6	Kanab	88%	0%	13%	0%	0%	0%	8
6	Loa	100%	0%	0%	0%	0%	0%	3
6	Manila	100%	0%	0%	0%	0%	0%	1
6	Manti	57%	14%	29%	0%	0%	0%	7
6	Panguitch	67%	0%	33%	0%	0%	0%	3
6	Richfield	100%	0%	0%	0%	0%	0%	4
7	Castle Dale	89%	0%	0%	0%	0%	11%	9
7	Moab	67%	11%	11%	0%	0%	11%	9
7	Monticello	38%	13%	13%	0%	0%	38%	8
7	Price	56%	36%	0%	0%	0%	8%	25
8	Duchesne	87%	0%	13%	0%	0%	0%	23
8	Roosevelt	100%	0%	0%	0%	0%	0%	11
8	Vernal	83%	17%	0%	0%	0%	0%	6
	State Average	70%	17%	7%	0%	0%	6%	737

Access and Fairness Survey: FY2006 - FY2017 - Background Information

25. I am a...

Year	Plaintiff/ Petitioner	Defendant/R espondant	Lawyer for party	Family member/ friend	Juror/ potential juror	LEO or PO	Victim	Victim Advocate	Witness	DCFS Worker	Other
2017	14%	29%	17%	17%	1%	3%	0%	0%	3%	1%	13%
2015	17%	30%	18%	19%	1%	1%	0%	0%	1%	3%	10%
2013	16%	24%	15%	24%	2%	3%	0%	1%	6%	2%	8%
2011	14%	22%	17%	20%	2%	3%	0%	1%	4%	3%	14%
2008	15%	23%	14%	20%	1%	3%	0%	0%	4%	3%	17%
2007	16%	22%	15%	19%	0%	2%	0%	0%	3%	3%	18%
2006	16%	28%	17%	0%	0%	3%	0%	0%	5%	0%	30%

Access and Fairness Survey: FY2017 - Background Information

25. I am a...													
Dist	Location	Def/ Resp	Family member/ friend	Plaintiff/ Pet	Lawyer for party	Witness	Juror/ potential juror	DCFS Worker	LEO or PO	Victim	Victim Adv	Other	# Surveys
1	Brigham City	30%	20%	20%	0%	20%	0%	10%	0%	0%	0%	0%	10
1	Logan	19%	23%	15%	23%	0%	0%	0%	0%	0%	0%	19%	26
2	Bountiful	58%	8%	8%	8%	0%	0%	0%	0%	0%	0%	17%	12
2	Farmington	43%	12%	19%	12%	5%	2%	0%	0%	0%	0%	7%	42
2	Layton	33%	11%	0%	44%	0%	0%	0%	0%	0%	0%	11%	9
2	Morgan	11%	0%	33%	44%	0%	0%	0%	11%	0%	0%	0%	9
2	Ogden Dist.	42%	10%	16%	23%	3%	0%	0%	0%	0%	0%	6%	31
2	Ogden Juv.	14%	50%	14%	7%	0%	0%	7%	0%	0%	0%	7%	14
3	Salt Lake City	50%	17%	25%	0%	0%	0%	0%	0%	0%	0%	8%	12
3	Silver Summit	23%	14%	16%	28%	3%	1%	2%	1%	0%	0%	11%	166
3	Tooele	53%	29%	12%	0%	0%	0%	0%	0%	0%	0%	6%	17
3	West Jordan	23%	16%	17%	23%	1%	1%	0%	7%	0%	0%	12%	83
4	American Fork	40%	0%	0%	60%	0%	0%	0%	0%	0%	0%	0%	5
4	Fillmore	50%	0%	17%	0%	17%	0%	0%	0%	0%	0%	17%	6
4	Heber	75%	0%	0%	0%	25%	0%	0%	0%	0%	0%	0%	4
4	Nephi	40%	40%	10%	0%	0%	0%	0%	0%	0%	0%	10%	10
4	Orem Juv.	11%	21%	0%	16%	0%	0%	21%	16%	0%	0%	16%	19
4	Provo Dist.	18%	4%	18%	24%	2%	0%	0%	6%	0%	0%	28%	50
4	Provo Juv.	86%	14%	0%	0%	0%	0%	0%	0%	0%	0%	0%	7
4	Spanish Fork	57%	14%	0%	14%	0%	0%	0%	0%	0%	0%	14%	7
5	Beaver	27%	40%	0%	13%	7%	0%	0%	7%	0%	0%	7%	15
5	Cedar City	26%	11%	19%	11%	0%	0%	0%	7%	0%	0%	26%	27
5	St. George	34%	16%	18%	5%	3%	3%	0%	3%	0%	0%	18%	38
6	Junction	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	2
6	Kanab	25%	13%	0%	13%	0%	0%	0%	25%	0%	0%	25%	8
6	Loa	67%	33%	0%	0%	0%	0%	0%	0%	0%	0%	0%	3
6	Manti	29%	14%	14%	0%	0%	0%	0%	14%	0%	0%	29%	7
6	Panguitch	0%	67%	33%	0%	0%	0%	0%	0%	0%	0%	0%	3
6	Richfield	75%	25%	0%	0%	0%	0%	0%	0%	0%	0%	0%	4
7	Castle Dale	11%	33%	33%	0%	22%	0%	0%	0%	0%	0%	0%	9
7	Moab	44%	33%	11%	11%	0%	0%	0%	0%	0%	0%	0%	9
7	Monticello	0%	50%	13%	13%	0%	0%	0%	0%	0%	0%	13%	8
7	Price	44%	20%	4%	4%	0%	0%	0%	0%	0%	0%	28%	25
8	Duchesne	17%	39%	4%	22%	0%	0%	0%	9%	0%	0%	9%	23
8	Manila	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1
8	Roosevelt	18%	27%	27%	0%	9%	0%	0%	0%	0%	0%	18%	11
8	Vernal	83%	0%	0%	17%	0%	0%	0%	0%	0%	0%	0%	6
	Grand Total	30%	17%	14%	17%	3%	1%	1%	3%	0%	0%	13%	738

Access and Fairness Survey: FY2017 - Background Information
--

25. I am a...

OTHER Responses

advocate

applying for divorce

Attendance mentor for the school district

Attended a business suit as required by BYU Course

Background Investigator

brother.

Came to establish fatherhood

Case Manager for Electronic Monitoring of Defendants

Clerical w/ Adult Probation and Parole.

CMHC, Counselor

court document researcher

Court Interpreter

defendant

Deputy

drug class

drug court

Drug Court

drug court

Drug Court

drug court participant

drug court participant

drug court participant

Durham Jones and Pinegar runner

employww

executor

Families First Specialist

father paying off childs fine

file for divorce

former prosecutor Court case dragged on and on.

Foster Parent

guardian private probation

guardianship petition

husband grabbing his keys

Husband of a respondent

i am innocent, we all know it, yet the city prosecutor wants to "make sure" i am handicapped it is my 6th visit and nothing has been resolved see you next month!!

I just came to listen in

I was here on a supplemental proceeding.

Intern with GAL

intern with Layton City

interperter

interpreter

Interviewee

JJS Case Manager/Parole Officer

25. I am a...

OTHER Responses

JJS Case Worker

Job Applicant

Just a curious kid.

just here

Just Visiting

Just was getting a document from the clerk's office

just with my daughter.

Law firm librarian obtaining copies from a case

left blank

legal assistant

Legal Assistant dropping off paperwork

Media member

Mother

mother

Mother

n/a

NAVY RECRUITER

needed to pickup documents

News reporter

nightmare

none with just a few questions

Paralegal

Parent

parent of defendant

Partner agency

Petitioner needing a stipulation document

Program Director

Prosecutor

Prospective juror letter

provder

questions about po

relative of the defendant

reporter

school truancy worker

student

student

student

student

student observing

substitute counsel

therapist

Title officer

traffic case not requiring an attorney

Treatment Provider

victim

25. I am a...

OTHER Responses

Victim Advocate

victim counselor

Victim of a criminal action

victim service coordinator

Viewed the case for a business law class.

visitor

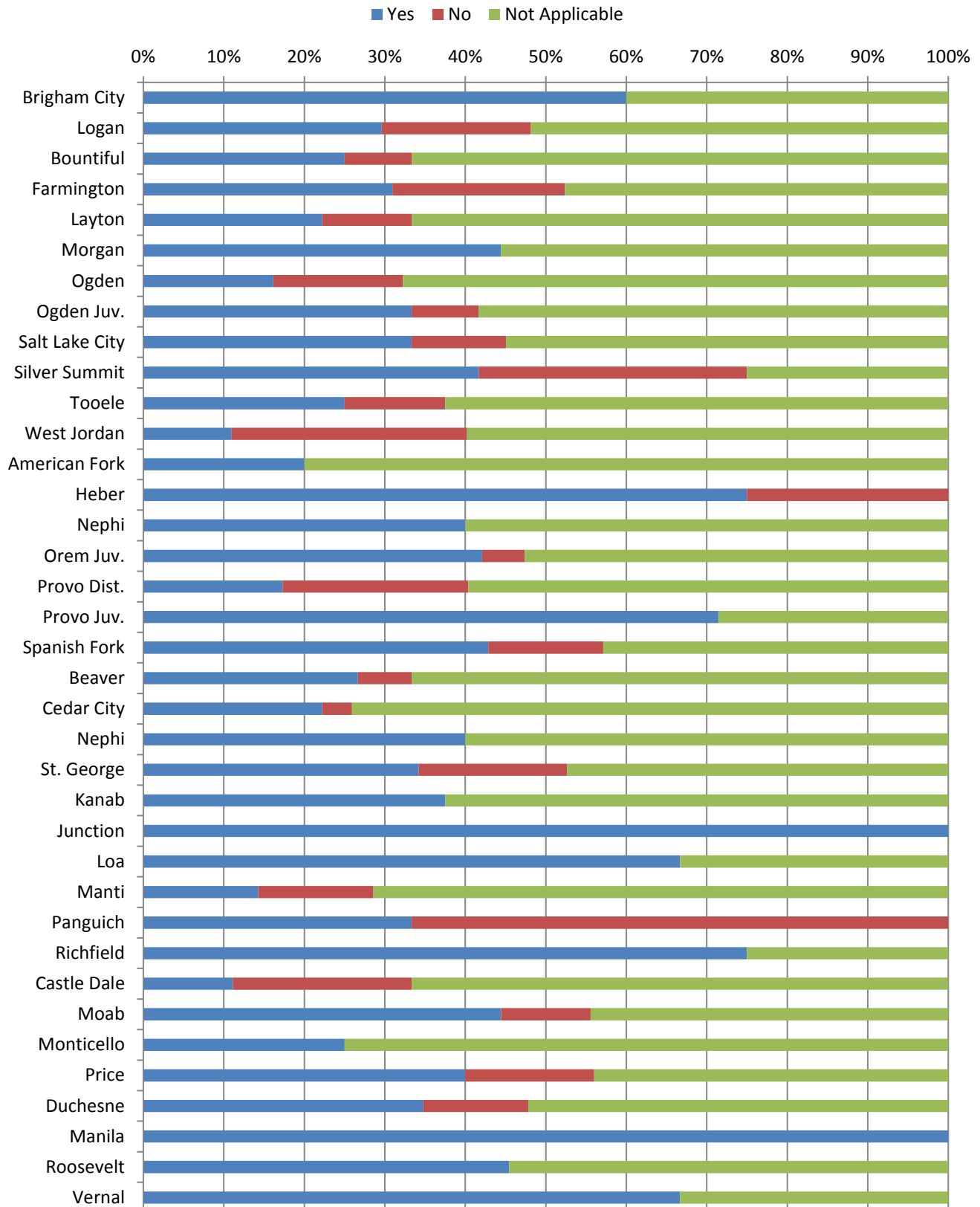
Visitor

wife

Access and Fairness Survey: FY2006 - FY2017 - Background Information**26. Are you represented by a lawyer?**

Year	Represented by A Lawyer	NOT Represented By a Lawyer	Not Applicable
2017	31%	15%	55%
2015	28%	31%	42%
2013	25%	31%	44%
2011	21%	30%	49%
2008	21%	34%	45%
2007	22%	31%	47%

26. Are you represented by a lawyer?



26. Are you represented by a lawyer?

Year	Dist	Location	Yes	No	Not Applicable	Unanswered	Total
2017	1	Brigham City	6	0	4	0	10
2017	1	Logan	8	5	14	0	27
2017	2	Bountiful	3	1	8	0	12
2017	2	Farmington	13	9	20	2	42
2017	2	Layton	2	1	6	0	9
2017	2	Morgan	4	0	5	0	9
2017	2	Ogden District	5	5	21	2	31
2017	2	Ogden Juvenile	4	1	7	3	12
2017	3	Salt Lake City	54	19	89	5	162
2017	3	Park City/Silver Summit	5	4	3	0	12
2017	3	Tooele	4	2	10	1	16
2017	3	West Jordan	9	24	49	2	82
2017	4	American Fork	1	0	4	0	5
2017	4	Heber	3	1	0	0	4
2017	4	Nephi	4	0	6	1	10
2017	4	Orem Juvenile	8	1	10	0	19
2017	4	Provo District	9	12	31	1	52
2017	4	Provo Juvenile	5	0	2	1	7
2017	4	Spanish Fork	3	1	3	0	7
2017	5	Beaver	4	1	10	0	15
2017	5	Cedar City	6	1	20	0	27
2017	5	Nephi	4	0	6	1	10
2017	5	St. George	13	7	18	0	38
2017	6	Kanab	3	0	5	1	8
2017	6	Junction	2	0	0	0	2
2017	6	Loa	2	0	1	0	3
2017	6	Manti	1	1	5	0	7
2017	6	Panguitch	1	2	0	0	3
2017	6	Richfield	3	0	1	0	4
2017	7	Castle Dale	1	2	6	0	9
2017	7	Moab	4	1	4	0	9
2017	7	Monticello	2	0	6	0	8
2017	7	Price	10	4	11	0	25
2017	8	Duchesne	8	3	12	0	23
2017	8	Manila	1	0	0	0	1
2017	8	Roosevelt	5	0	6	0	11
2017	8	Vernal	4	0	2	0	6
Total			224	108	405		737

26. Are you represented by a lawyer?

Year	Dist	Location	Yes	No	Not Applicable	Not Answered	Total
2017	1	Brigham City	60%	0%	40%	0%	10
2017	1	Logan	30%	19%	52%	0%	27
2017	2	Bountiful	25%	8%	67%	0%	12
2017	2	Farmington	31%	21%	48%	5%	42
2017	2	Layton	22%	11%	67%	0%	9
2017	2	Morgan	44%	0%	56%	0%	9
2017	2	Ogden	16%	16%	68%	6%	31
2017	2	Ogden Juv.	33%	8%	58%	25%	12
2017	3	Salt Lake City	33%	12%	55%	3%	162
2017	3	Silver Summit	42%	33%	25%	0%	12
2017	3	Tooele	25%	13%	63%	6%	16
2017	3	West Jordan	11%	29%	60%	2%	82
2017	4	American Fork	20%	0%	80%	0%	5
2017	4	Heber	75%	25%	0%	0%	4
2017	4	Nephi	40%	0%	60%	10%	10
2017	4	Orem Juv.	42%	5%	53%	0%	19
2017	4	Provo Dist.	17%	23%	60%	2%	52
2017	4	Provo Juv.	71%	0%	29%	14%	7
2017	4	Spanish Fork	43%	14%	43%	0%	7
2017	5	Beaver	27%	7%	67%	0%	15
2017	5	Cedar City	22%	4%	74%	0%	27
2017	5	Nephi	40%	0%	60%	10%	10
2017	5	St. George	34%	18%	47%	0%	38
2017	6	Kanab	38%	0%	63%	13%	8
2017	6	Junction	100%	0%	0%	0%	2
2017	6	Loa	67%	0%	33%	0%	3
2017	6	Manti	14%	14%	71%	0%	7
2017	6	Panguich	33%	67%	0%	0%	3
2017	6	Richfield	75%	0%	25%	0%	4
2017	7	Castle Dale	11%	22%	67%	0%	9
2017	7	Moab	44%	11%	44%	0%	9
2017	7	Monticello	25%	0%	75%	0%	8
2017	7	Price	40%	16%	44%	0%	25
2017	8	Duchesne	35%	13%	52%	0%	23
2017	8	Manila	100%	0%	0%	0%	1
2017	8	Roosevelt	45%	0%	55%	0%	11
2017	8	Vernal	67%	0%	33%	0%	6
Total			30%	15%	55%		737

Access and Fairness Survey: FY2017 - Background Information

25. Are you represented by a lawyer

OTHER Responses

No, because ...

It was a small traffic matter.

Although I have an attorney, Paul Remy has been a continuous no-show to my hearings. Refer to Civil #: 160701050. Also, I drove from California to attend the Independent Medical Evaluation ordered by Judge David Hamilton & the Medical Doctor did not have me scheduled for the appointment. If I did not show I would have been in contempt of court and fined \$650.00. But, Judge Hamilton is not going to do anything to the attorney for not scheduling the appointment as ordered. No accountability of the judicial system...it's a joke!

asked for a PD

because I couldn't find one however, there is one I have consulted but I need to request documents.

because i wasnt on a case

Cant afford one

Cost of representation

could not pay one

Court hasn't been set yet

did not qualify and cannot afford one. i beleive it would have made no difference.

didnt feel the need but was advised by judge to reconsider.

district attorney

dont have one yet

dont need one

dont need one

Don't want one

driving infraction

Employee

facts are facts and lawyers are to busy to really listen

more about the \$\$\$ than the case

Felt an attorney wasn't necessary.

Filing uncontested adoption.

handled outside of court

hell no, i would die then rather sale my soul to thos demon sucking pieces of life distroying truth hiding going to burn in hell.. repent of your sins while you still can

i am a family member

I am a lawyer

I am a lawyer representing a party.

I am a lawyer.

I am a lawyer.

I am a lawyer.

i am a witness

I am an attorney c oncerned about a family relative who has been charged with theft and the case is moving ta snails pace.

i am one

I am only here because my sister made me come.

Access and Fairness Survey: FY2017 - Background Information

25. Are you represented by a lawyer

OTHER Responses

No, because ...

I am representing myself. An attorney would cost too much money.

I am the lawyer

I am the lawyer.

i am the mother

I can not afford one and

I can not afford one, but nice to see my tax dollars paying for someone in this country with out documents. Nice they have more rights and privileges than American tax payers. What a jacked up system!

I cannot afford one and it is inefficient to achieve justice

I cannot afford one.I do not believe I needed one.

i cannot affort it

i cant afford a good one

I cant afford one and i could represent myself

i completed drug court

I did not want to be

I didnt have the money to buy one

I DIDNT NEED ONE

I don't have one.

I have never been to court

I haven't been tried yet

I haven't gotten one yet, I need to go and get one.

I hired a lawyer, and he took my money represented me for a year and did nothing he promised and felt I could do a better job than him and I have been doing a far better job than he did.

I just came in to pay a ticket.

I provided necessary proof to the judge myself.

I simply cannot afford it.

I thought I could do this on my own. Also, FINANCES are a huge barrier. I live below the poverty line, and I don't have the money to hire representation.

I used the court program to file.

I WASNT TOLD I NEEDED ONE

I work here not see a lawyer

im 16

i'm a family member of defendant but he is

im a paralegal

I'm getting one

im in drug court

I'm not a party to a case.

Im the attorney.

Indigence

It was just a proof of facts asked for by the State of Utah.

It was just to settle a debt.

Access and Fairness Survey: FY2017 - Background Information

25. Are you represented by a lawyer

OTHER Responses

No, because ...

Jennifer Clark

John Johnson

Just needed dispositions.

justice is something that the poor can not pay for.

Lack of funds, but was provided representation upon arrival.

money

money, out time

My soon to be ex-husband and I filed the paperwork on our own. We have no kids and no real assets to split and didn't want to pay for lawyers.

na

no attorney was assigned

NO BECAUSE WE HAD ALL THE PROOF

No Money

no money to pay, too expensive

no money.

not here for that

Not necessary !

not needed

probate

probation visit

public defender

public defender

public defender, Troy Sunquist.

removing tenets

Representative with program client is currently placed.

The court wont grant me award from my husband for equal representation

The online application allowed me to file myself without issue.

This is a landlord tenant situation there is no need for a lawyer

To expensive for a simple divorce

traffic ticket

Victim

was not appointed one yet

wasn't appointed

wasn't necessary.

we agreed

We didn't need one

with my daughter.

z

Access and Fairness Survey: FY2006 - FY2017 - Background Information

27. What did you do at the courthouse today?

Year	Attend a hearing or trial	File papers	Get information	Search or obtain court records	Make a payment	Attend a mediation	Other
2017	58%	9%	7%	5%	2%	2%	14%
2015	60%	7%	8%	4%	8%	2%	10%
2013	65%	10%	8%	5%	3%	4%	6%
2011	54%	11%	7%	4%	4%	2%	18%
2008	53%	9%	8%	5%	7%	3%	15%
2007	54%	9%	6%	5%	7%	2%	15%
2006	58%	14%	12%	6%	8%	0%	2%

Access and Fairness Survey: FY2017 - Background Information

27. What did you do at the courthouse today?

Dist	Location	hearing or trial	File papers	Get info	obtain court records	Attend a mediation	Make a payment	Other	Not answered	Responses
1	Brigham City	60%	10%	10%	0%	20%	0%	0%	0	10
1	Logan	56%	4%	7%	7%	4%	4%	19%	0	27
2	Bountiful	50%	8%	17%	0%	0%	17%	8%	0	12
2	Farmington	44%	23%	7%	7%	0%	7%	12%	1	43
2	Layton	67%	0%	0%	0%	11%	0%	22%	0	9
2	Morgan	100%	0%	0%	0%	0%	0%	0%	0	9
2	Ogden Dist.	68%	13%	3%	0%	0%	3%	13%	2	31
2	Ogden Juv.	79%	0%	0%	0%	0%	0%	21%	1	14
3	Salt Lake City	65%	8%	9%	5%	2%	1%	10%	5	162
3	Silver Summit	8%	17%	17%	17%	0%	0%	42%	0	12
3	Tooele	44%	6%	0%	19%	0%	6%	25%	1	16
3	West Jordan	41%	18%	6%	5%	5%	3%	23%	4	80
4	American Fork	100%	0%	0%	0%	0%	0%	0%	0	5
4	Fillmore	50%	0%	17%	0%	0%	0%	33%	0	6
4	Heber	100%	0%	0%	0%	0%	0%	0%	0	4
4	Nephi	44%	0%	22%	11%	0%	0%	22%	2	9
4	Orem Juv.	89%	0%	0%	0%	0%	0%	11%	1	18
4	Provo Dist.	51%	18%	10%	10%	0%	0%	12%	2	51
4	Provo Juv.	100%	0%	0%	0%	0%	0%	0%	0	8
4	Spanish Fork	86%	0%	0%	0%	0%	14%	0%	0	7
5	Beaver	73%	7%	0%	7%	0%	0%	13%	0	15
5	Cedar City	59%	15%	7%	0%	4%	0%	15%	0	27
5	St. George	39%	11%	16%	0%	5%	3%	26%	0	38
6	Junction	100%	0%	0%	0%	0%	0%	0%	0	2
6	Kanab	50%	0%	0%	0%	0%	25%	25%	1	8
6	Loa	100%	0%	0%	0%	0%	0%	0%	0	3
6	Manti	43%	29%	0%	14%	0%	0%	14%	0	7
6	Panguitch	33%	33%	33%	0%	0%	0%	0%	0	3
6	Richfield	100%	0%	0%	0%	0%	0%	0%	0	4
7	Castle Dale	75%	0%	0%	0%	13%	0%	13%	1	8
7	Moab	78%	0%	11%	11%	0%	0%	0%	0	9
7	Monticello	50%	0%	13%	0%	13%	0%	25%	0	8
7	Price	52%	0%	4%	8%	0%	0%	36%	0	25
8	Duchesne	78%	0%	9%	4%	0%	0%	9%	0	23
8	Manila	100%	0%	0%	0%	0%	0%	0%	0	1
8	Roosevelt	73%	9%	0%	0%	9%	0%	9%	0	11
8	Vernal	83%	0%	0%	0%	0%	17%	0%	0	6
	Grand Total	59%	9%	7%	5%	2%	2%	15%	21	731

Access and Fairness Survey: FY2017 - Background Information

27. What did you do at the courthouse today?

OTHER Responses

Ant drug course

attend adoption

attended a drug and alcohol class

ATTENDED A PRE-TRIAL HEARING

Attended drug court staffing and graduation

attended mental health court

Bailiff

Bailiff

Bailiff

Bailiff

Bring proof from the medical provider that I showed for my evaluation and the court/attorneys failed to uphold their end of the court appointed order.

brought my son too a tobacco class

came for a family member

Came to schedule a pretrial

certified copies

class

continuance

court

Court Security

courts officer

courts officer

Dropped off letter

drug class

drug court

drug court

drug court

drug court

Drug Court

drug court

drug court

drug court

Drug court

drug court

Drug Court to support a family member

drug test

Employee

family member in court

Get a bail reduction

get another court date

get information so i could leave papers with court.

Go to Drug Court

I handled approximately 15 cases in court.

Access and Fairness Survey: FY2017 - Background Information

27. What did you do at the courthouse today?

OTHER Responses

I was here to have my probation terminated early!! woohoo. Thank you judge Parker.

inform. ation.

interpret for defendants

interpreted hearings

interpreter services

Interview

Interview

job

joined my daughter in court

jury duty

Just came to say hi to my old P.O. officer

Law Enforcement

listened in

marriage

meet probation officer

mental health court

mentor a friend to her hearing

met my new parole officer and did a check up

met with a probation officer

met with juvenile probation officer with my son

Multiple things. Attend a hearing, obtain records, file paperwork, and get information.

n a

n/a

na

nothing

Petition for a protective order.

petition to be relieved of jury duty

pick up court order

picked up paperwork for protective order

plead not guilty

PO ORDER

pretrial

Print a stipulation for hand delivery of divorce papers

Probation

Probation meeting

probation son

Protective order

protective order

restitution paper

review

sat and waited in vain

scheduling

Search or obtain court records, attend a hearing

Access and Fairness Survey: FY2017 - Background Information
--

27. What did you do at the courthouse today?
--

OTHER Responses

security

see if an order had been signed since the court didn't mail such to me -- or email it

Set another court date

Shift work

showed up on the wrong day

son had court

speak with probation officer

Summary judgement case

Suplamental hearing.

Support a friend

Support family

talk to probation officer

TALK TO PROBATION OFFICER

took notes on the constitutional rights at hand

Traffic

visitor

Volunteer Attorney for LLT calendar

Watched another girl.

Watched drug court

with my daughter.

worked

Worked

z

Access and Fairness Survey: FY2006 - FY2017 - Background Information

28. What type of case brought you to the courthouse today?

Year	Criminal	Juvenile	Domestic	Other Civil	Prot. Order / CSI	Sm Claims	Probate	Traffic	Other	Not answered
2017	31%	13%	16%	9%	4%	4%	4%	4%	12%	2%
2015	35%	18%	14%	9%	4%	2%	4%	7%	7%	0%
2013	38%	15%	20%	10%	4%	3%	2%	7%	0%	0%
2011	35%	16%	18%	9%	3%	2%	1%	5%	10%	0%
2008	30%	19%	16%	8%	2%	5%	3%	7%	10%	0%
2007	29%	19%	15%	7%	3%	5%	2%	9%	10%	0%
2006	27%	22%	12%	15%	4%	2%	1%	11%	6%	0%

Access and Fairness Survey: FY2017 - Background Information

28. What type of case brought you to the courthouse today?

Dist	Location	Criminal	Juvenile	Domestic	Other Civil	Traffic	PO	Sm Claims	Other	Probate	# Surveys
1	Brigham City	10%	10%	50%	20%	10%	0%	0%	0%	0%	10
1	Logan	37%	11%	22%	4%	7%	0%	0%	11%	7%	27
2	Bountiful	18%	0%	0%	0%	36%	0%	0%	18%	27%	11
2	Farmington	30%	7%	14%	5%	18%	9%	5%	9%	5%	44
2	Layton	78%	0%	0%	0%	11%	0%	0%	11%	0%	9
2	Morgan	56%	0%	0%	0%	0%	0%	0%	0%	44%	9
2	Ogden Dist.	25%	0%	28%	13%	3%	13%	6%	9%	3%	32
2	Ogden Juv.	0%	46%	31%	0%	0%	0%	0%	23%	0%	13
3	Salt Lake City	40%	16%	21%	6%	1%	5%	2%	6%	3%	163
3	Silver Summit	25%	25%	8%	25%	0%	0%	8%	8%	0%	12
3	Tooele	29%	12%	6%	0%	18%	0%	0%	35%	0%	17
3	West Jordan	23%	19%	14%	22%	0%	6%	0%	15%	1%	81
4	American Fork	60%	0%	0%	0%	0%	0%	20%	20%	0%	5
4	Fillmore	50%	17%	0%	0%	0%	17%	0%	17%	0%	6
4	Heber	25%	0%	0%	25%	0%	0%	25%	25%	0%	4
4	Nephi	40%	0%	10%	20%	10%	0%	0%	20%	0%	10
4	Orem Juv.	5%	79%	5%	0%	0%	5%	0%	5%	0%	19
4	Provo Dist.	16%	0%	32%	24%	0%	4%	4%	8%	12%	50
4	Provo Juv.	0%	88%	0%	0%	0%	13%	0%	0%	0%	8
4	Spanish Fork	14%	0%	14%	14%	14%	0%	43%	0%	0%	7
5	Beaver	40%	0%	20%	0%	7%	0%	0%	33%	0%	15
5	Cedar City	41%	0%	11%	0%	4%	4%	0%	37%	4%	27
5	St. George	26%	29%	8%	8%	8%	5%	0%	16%	0%	38
6	Junction	0%	0%	0%	50%	0%	0%	50%	0%	0%	2
6	Kanab	25%	0%	0%	0%	0%	0%	38%	38%	0%	8
6	Loa	0%	0%	67%	0%	0%	0%	33%	0%	0%	3
6	Manti	17%	17%	17%	17%	0%	0%	0%	33%	0%	6
6	Panguitch	33%	33%	0%	0%	0%	0%	0%	33%	0%	3
6	Richfield	25%	0%	0%	0%	0%	0%	75%	0%	0%	4
7	Castle Dale	56%	0%	0%	11%	0%	33%	0%	0%	0%	9
7	Moab	44%	0%	33%	0%	11%	0%	11%	0%	0%	9
7	Monticello	25%	0%	25%	13%	0%	0%	13%	25%	0%	8
7	Price	38%	17%	13%	0%	0%	0%	0%	25%	8%	24
8	Duchesne	83%	0%	9%	4%	4%	0%	0%	0%	0%	23
8	Manila	0%	0%	0%	100%	0%	0%	0%	0%	0%	1
8	Roosevelt	9%	0%	27%	9%	27%	9%	0%	9%	9%	11
8	Vernal	0%	17%	17%	0%	0%	0%	50%	17%	0%	6
	Grand Total	32%	14%	17%	9%	4%	4%	4%	13%	4%	734

Access and Fairness Survey: FY2017 - Background Information

Q28. What type of case brought you to the courthouse today?

OTHER Responses

a friend in her juvenile case
adoption
adoption
adoption
ADOPTION
Aggravated assault
All
all cases
All of them
All the cases
Another girl.
App adult probation
Bailiff
came for a family member in criminal court
cedit report
collections
court security
did not fill out
Didn't fill out
Divorce documents.
Drug
drug
drug court
Drug court
drug court
Drug Court
drug court
Drug Court
drug court
drug court
Drug Court
Drug Court
Drug court
dui
Eviction
eviction of renters
Expungement
Family ciurt
family court
Family Drug Court
felony cases
Foster child
gf
Guardianship

Access and Fairness Survey: FY2017 - Background Information

Q28. What type of case brought you to the courthouse today?

OTHER Responses

guardianship petition

I came to drop off a prospective juror letter

i dont know

job

jury duty

jury duty

just here

Just visiting thank goodness

juvenile drug

Landlord tenant matters

My child was in trouble

my sister

my son had court

N/A

N/A

N/A

n/a

n/a

na

na

name change

name change

needed to leave papers showing bed availability for in house

no specific case

NONE. RUNNING A CHECK FOR AN APPLICANT

Not a case.

other

Personal Injury

personel

Possession of a controlled substance in a drug free zone (Marijuana), and drug paraphernalia

Property rights

residential burglary

restraint and physical assault

robbery burgerly

security

sentencing

Substance charges

Suplamental hearing

tax liens

the state of ut is trying to take my religious freedoms away

tobaco

traffic charges, drug use

TRAFFIC TICKET

visitor

Access and Fairness Survey: FY2017 - Background Information
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Q28. What type of case brought you to the courthouse today?

OTHER Responses

whatever was happening

Work

z

por mi hija

informacion sobre un caso de mi hijo

Access and Fairness Survey: FY2006 - FY2017 - Background Information

29. Who did you see today?

Year	Judge	Clerk	Comm.	Referee	Mediator	PO	NA	Other
2017	61%	17%	3%	0%	1%	4%	3%	10%
2015	67%	20%	3%	0%	2%	0%	1%	7%
2013	68%	18%	4%	0%	2%	4%	0%	3%
2011	60%	25%	4%	0%	1%	4%	1%	6%
2008	59%	25%	3%	0%	1%	4%	0%	8%
2007	56%	25%	4%	1%	3%	3%	0%	8%
2006	55%	25%	6%	2%	1%	5%	0%	6%

Access and Fairness Survey: FY2017 - Background Information

29. Who did you see today?

Dist	Location	Judge	Clerk	Commiss.	Referee	Mediator	PO	NA	Other	Responses
1	Brigham City	80%	10%	0%	10%	0%	0%	0%	0%	10
1	Logan	52%	33%	0%	0%	4%	7%	0%	4%	27
2	Bountiful	92%	8%	0%	0%	0%	0%	0%	0%	12
2	Farmington	43%	43%	7%	0%	0%	5%	2%	0%	44
2	Layton	89%	0%	0%	0%	0%	0%	0%	11%	9
2	Morgan	100%	0%	0%	0%	0%	0%	0%	0%	9
2	Ogden Dist.	42%	21%	18%	0%	0%	0%	3%	15%	33
2	Ogden Juv.	93%	0%	0%	0%	0%	0%	7%	0%	15
3	Silver Summit	65%	12%	8%	1%	1%	1%	2%	10%	167
3	Salt Lake City	8%	25%	0%	0%	0%	58%	0%	8%	12
3	Tooele	53%	18%	0%	0%	0%	12%	0%	18%	17
3	West Jordan	46%	24%	0%	0%	2%	5%	5%	18%	84
4	American Fork	100%	0%	0%	0%	0%	0%	0%	0%	5
4	Fillmore	83%	17%	0%	0%	0%	0%	0%	0%	6
4	Heber	50%	0%	0%	0%	0%	0%	25%	25%	4
4	Nephi	36%	9%	0%	0%	0%	9%	18%	27%	11
4	Orem Juv.	89%	0%	0%	0%	0%	5%	0%	5%	19
4	Provo Dist.	57%	28%	2%	0%	0%	0%	4%	9%	53
4	Provo Juv.	100%	0%	0%	0%	0%	0%	0%	0%	8
4	Spanish Fork	86%	14%	0%	0%	0%	0%	0%	0%	7
5	Beaver	67%	0%	7%	0%	0%	0%	0%	27%	15
5	Cedar City	59%	26%	0%	0%	0%	0%	0%	15%	27
5	St. George	45%	21%	0%	0%	3%	8%	0%	24%	38
6	Junction	100%	0%	0%	0%	0%	0%	0%	0%	2
6	Kanab	67%	11%	0%	0%	0%	0%	11%	11%	9
6	Loa	100%	0%	0%	0%	0%	0%	0%	0%	3
6	Manti	43%	43%	0%	0%	0%	0%	14%	0%	7
6	Panguitch	100%	0%	0%	0%	0%	0%	0%	0%	3
6	Richfield	100%	0%	0%	0%	0%	0%	0%	0%	4
7	Castle Dale	78%	0%	0%	0%	11%	0%	0%	11%	9
7	Moab	56%	22%	0%	0%	0%	0%	22%	0%	9
7	Monticello	50%	0%	13%	0%	13%	0%	0%	25%	8
7	Price	72%	8%	0%	0%	0%	12%	4%	4%	25
8	Duchesne	87%	9%	0%	0%	0%	0%	4%	0%	23
8	Manila	100%	0%	0%	0%	0%	0%	0%	0%	1
8	Roosevelt	55%	18%	0%	0%	27%	0%	0%	0%	11
8	Vernal	83%	17%	0%	0%	0%	0%	0%	0%	6
	State Average	72%	11%	1%	0%	5%	3%	5%	4%	1228

Access and Fairness Survey: FY2017 - Background Information
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Who did you see today?

Other (please specify)

Administrative Office of the Courts

All of the above

attend class

Attorney

attorney

Attorney

Bailiff

Bailiff

Brother has court

came for family member

came to make a payment

city attorney

class teacher

class teacher

Deputies

Deputies

didnt

Drug Court

Employee

everyone entering the court house

everyone that came into the court house

Express Recovery Employee

Followed up with AP&P cases.

i talked only to my attorney!!

I visited a case, I didn't see anyone

i was getting paper work ready to file

I was witness

Instructors

Judge, Court Commissioner and Probation officer

just here for support

Just in support

just observed in the court room

Just watching trial

Law Library staff

lawyer

legal aid

legal aid

legal aide

legal aide

legal aide

mental health court for my grandson

money changers

Access and Fairness Survey: FY2017 - Background Information
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Who did you see today?

Other (please specify)

my husband

my sister

n/a

N/A

n/a

n/a

na

no one

no one

no one

no one i was there for support of my daughter

no one specific

No one.

none been finished with case for a couple years

None, because the date was written incorrectly

Not applicable

Observed the proceedings pertinent to my case

Panel

probation officer

Prosecutor

public defender

Royal Hansen

Sat in audience

sentencing for inmate

staff

Staff at the front counter of the District Court.

The public

uncompleted

visitor

z

Access and Fairness Survey: FY2006 - FY2017 - Background Information**30. How often are you in this courthouse?**

Year	First time	Once/year or less	Regularly	Several times/year
2017	23%	21%	33%	20%
2015	21%	22%	35%	22%
2013	22%	25%	31%	21%
2011	18%	24%	35%	23%
2008	22%	23%	22%	32%
2007	21%	21%	24%	34%
2006	23%	22%	20%	35%

Access and Fairness Survey: FY2017 - Background Information

30. How often are you in this courthouse?

Dist	Location	First time	Once/year or less	Regularly	Several times/year	Responses
1	Brigham City	50%	40%	10%	0%	10
1	Logan	15%	30%	30%	26%	27
2	Bountiful	64%	18%	18%	0%	11
2	Farmington	26%	33%	16%	26%	43
2	Layton	11%	22%	22%	44%	9
2	Morgan	13%	13%	38%	38%	8
2	Ogden Dist.	32%	19%	39%	10%	31
2	Ogden Juv.	36%	0%	21%	43%	14
3	Silver Summit	15%	16%	47%	23%	163
3	Salt Lake City	17%	25%	33%	25%	12
3	Tooele	24%	47%	18%	12%	17
3	West Jordan	17%	28%	35%	20%	81
4	American Fork	20%	20%	60%	0%	5
4	Fillmore	17%	17%	33%	33%	6
4	Heber	100%	0%	0%	0%	4
4	Nephi	11%	78%	11%	0%	9
4	Orem Juv.	5%	0%	68%	26%	19
4	Provo Dist.	29%	21%	31%	19%	52
4	Provo Juv.	88%	0%	13%	0%	8
4	Spanish Fork	71%	0%	0%	29%	7
5	Beaver	20%	33%	20%	27%	15
5	Cedar City	15%	22%	30%	33%	27
5	St. George	13%	26%	39%	21%	38
6	Junction	100%	0%	0%	0%	2
6	Kanab	38%	0%	50%	13%	8
6	Loa	67%	0%	33%	0%	3
6	Manti	29%	14%	43%	14%	7
6	Panguitch	100%	0%	0%	0%	3
6	Richfield	100%	0%	0%	0%	4
7	Castle Dale	11%	56%	0%	33%	9
7	Moab	44%	33%	11%	11%	9
7	Monticello	0%	25%	63%	13%	8
7	Price	12%	16%	60%	12%	25
8	Duchesne	13%	17%	30%	39%	23
8	Manila	100%	0%	0%	0%	1
8	Roosevelt	55%	18%	9%	18%	11
8	Vernal	83%	0%	17%	0%	6
	State Average	24%	22%	34%	21%	735

Access and Fairness Survey: FY2006 - FY2017 - Background Information

31. How do you identify yourself?

Year	White	Hispanic or Latino	American Indian or Alaskan Native	Black or African American	Asian	More than one race	Native Hawaiian or Pacific	Other
2017	72%	13%	2%	3%	2%	4%	1%	3%
2015	74%	13%	4%	2%	1%	3%	2%	1%
2013	75%	10%	5%	2%	1%	4%	2%	2%
2011	76%	7%	4%	1%	1%	4%	1%	1%
2008	79%	11%	3%	1%	1%	2%	1%	2%
2007	79%	12%	3%	1%	1%	1%	1%	2%
2006	78%	12%	3%	1%	1%	3%	1%	3%

Access and Fairness Survey: FY2017 - Background Information

31. How do you identify yourself?

Dist	Location	White	Hispanic or Latino	Am Indian or Alaskan Native	Black or African American	Asian	More than one race	Native Hawaiian or Pacific Islander	Other	No answer	Total Responses
1	Brigham City	60%	10%	20%	10%	0%	0%	0%	0%	0%	10
1	Logan	56%	0%	33%	0%	4%	4%	0%	0%	4%	27
2	Bountiful	92%	0%	8%	0%	0%	0%	0%	0%	0%	12
2	Farmington	70%	2%	9%	7%	0%	2%	2%	2%	5%	44
2	Layton	89%	0%	11%	0%	0%	0%	0%	0%	0%	9
2	Morgan	78%	11%	11%	0%	0%	0%	0%	0%	0%	9
2	Ogden Dist.	64%	0%	21%	3%	3%	3%	0%	3%	3%	33
2	Ogden Juv.	60%	7%	0%	0%	0%	13%	7%	0%	13%	15
3	Salt Lake City	63%	3%	17%	5%	2%	4%	0%	4%	2%	167
3	Silver Summit	67%	0%	17%	0%	0%	8%	0%	8%	0%	12
3	Tooele	59%	0%	12%	6%	6%	6%	0%	12%	0%	17
3	West Jordan	70%	5%	6%	4%	1%	6%	1%	1%	6%	84
4	American Fork	100%	0%	0%	0%	0%	0%	0%	0%	0%	5
4	Fillmore	100%	0%	0%	0%	0%	0%	0%	0%	0%	6
4	Heber	25%	0%	25%	0%	0%	25%	25%	0%	0%	4
4	Nephi	82%	0%	9%	0%	0%	0%	0%	0%	9%	11
4	Orem Juv.	84%	0%	0%	0%	0%	11%	5%	0%	0%	19
4	Provo Dist.	70%	2%	11%	0%	4%	8%	0%	4%	2%	53
4	Provo Juv.	50%	13%	38%	0%	0%	0%	0%	0%	0%	8
4	Spanish Fork	57%	0%	29%	14%	0%	0%	0%	0%	0%	7
5	Beaver	73%	0%	7%	7%	0%	0%	7%	7%	0%	15
5	Cedar City	78%	0%	11%	4%	0%	4%	0%	4%	0%	27
5	St. George	66%	0%	13%	0%	8%	8%	0%	3%	3%	38
6	Junction	100%	0%	0%	0%	0%	0%	0%	0%	0%	2
6	Kanab	78%	0%	11%	0%	0%	0%	0%	0%	11%	9
6	Loa	100%	0%	0%	0%	0%	0%	0%	0%	0%	3
6	Manila	100%	0%	0%	0%	0%	0%	0%	0%	0%	1
6	Manti	86%	0%	14%	0%	0%	0%	0%	0%	0%	7
6	Panguich	67%	0%	0%	0%	0%	0%	0%	33%	0%	3
6	Richfield	100%	0%	0%	0%	0%	0%	0%	0%	0%	4
7	Castle Dale	100%	0%	0%	0%	0%	0%	0%	0%	0%	9
7	Moab	78%	0%	11%	0%	0%	0%	0%	11%	0%	9
7	Monticello	38%	0%	13%	0%	13%	25%	13%	0%	0%	8
7	Price	88%	0%	0%	0%	8%	4%	0%	0%	0%	25
8	Duchesne	96%	0%	4%	0%	0%	0%	0%	0%	0%	23
8	Roosevelt	27%	0%	36%	0%	27%	0%	9%	0%	0%	11
8	Vernal	83%	0%	17%	0%	0%	0%	0%	0%	0%	6
	State Average	70%	2%	13%	3%	2%	4%	1%	3%	3%	752

Access and Fairness Survey: FY2017 - Background Information

Other (please specify)

american

Amierican

awesome

biracial

biracial

choose not to answer

Commissioners seem to favor Latino males

English

Human

human

human

Human

i am Hispanic and White

Master Jedi Race that evolved from a velociraptor

Mexican American

Middle Eastern

N/A

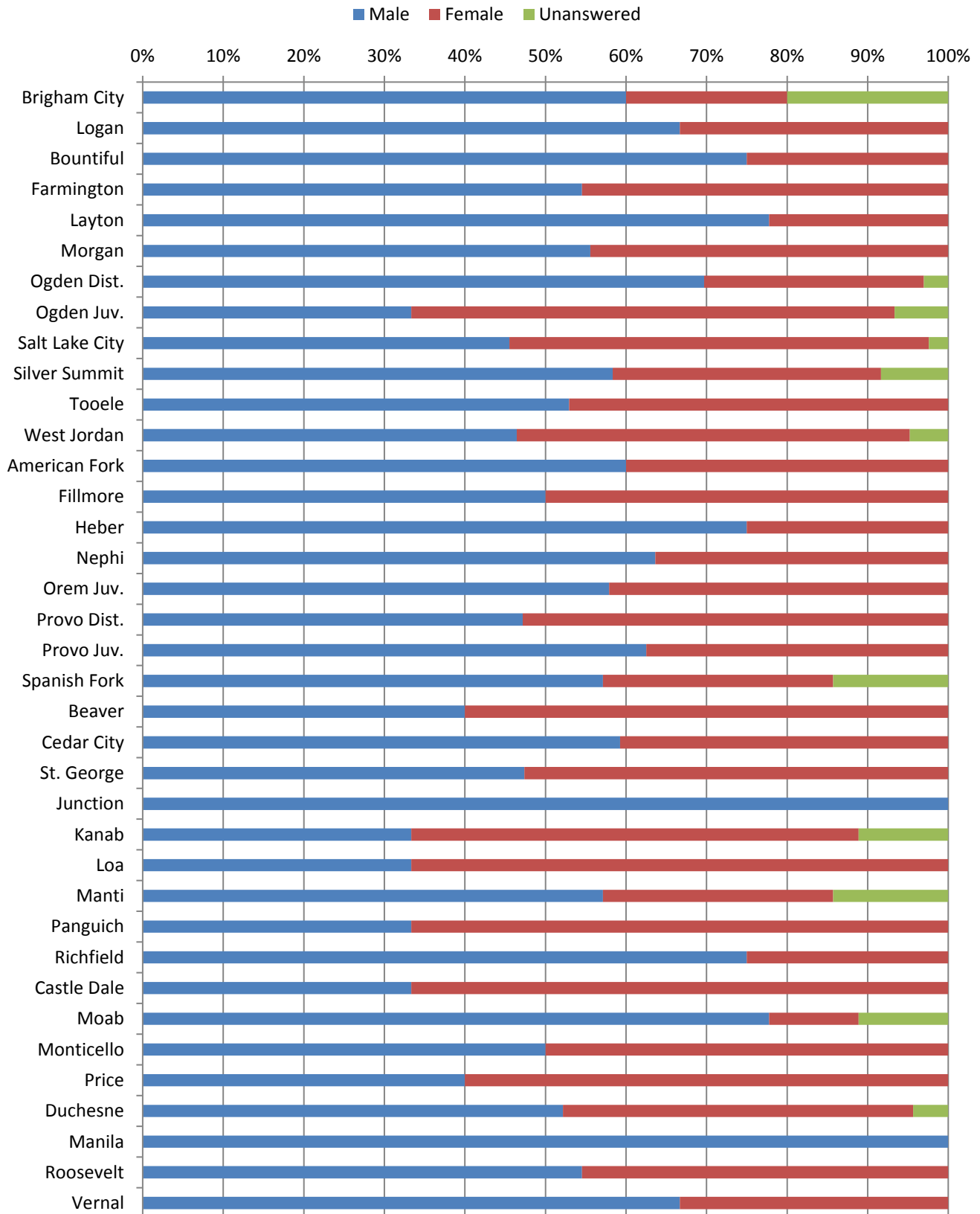
waiting on dna results

z

Access and Fairness Survey: FY2006 - FY2017 - Background Information**32. What is your gender?**

Year	Male	Female
2017	53%	47%
2015	54%	46%
2013	51%	49%
2011	51%	49%
2008	52%	48%
2007	51%	49%
2006	50%	50%

32. What is your gender?



32. What is your gender?

Year	Dist	Location	Male	Female	Unanswered	Responses
2017	1	Brigham City	6	2	2	10
2017	1	Logan	18	9		27
2017	2	Bountiful	9	3		12
2017	2	Farmington	24	20		44
2017	2	Layton	7	2		9
2017	2	Morgan	5	4		9
2017	2	Ogden Dist.	23	9	1	33
2017	2	Ogden Juv.	5	9	1	15
2017	3	Salt Lake City	76	87	4	167
2017	3	Silver Summit	7	4	1	12
2017	3	Tooele	9	8		17
2017	3	West Jordan	39	41	4	84
2017	4	American Fork	3	2		5
2017	4	Fillmore	3	3		6
2017	4	Heber	3	1		4
2017	4	Nephi	7	4		11
2017	4	Orem Juv.	11	8		19
2017	4	Provo Dist.	25	28		53
2017	4	Provo Juv.	5	3		8
2017	4	Spanish Fork	4	2	1	7
2017	5	Beaver	6	9		15
2017	5	Cedar City	16	11		27
2017	5	St. George	18	20		38
2017	6	Junction	2			2
2017	6	Kanab	3	5	1	9
2017	6	Loa	1	2		3
2017	6	Manti	4	2	1	7
2017	6	Panguich	1	2		3
2017	6	Richfield	3	1		4
2017	7	Castle Dale	3	6		9
2017	7	Moab	7	1	1	9
2017	7	Monticello	4	4		8
2017	7	Price	10	15		25
2017	8	Duchesne	12	10	1	23
2017	8	Manila	1			1
2017	8	Roosevelt	6	5		11
2017	8	Vernal	4	2		6
total			390	344	18	752

32. What is your gender?

Year	Dist	Location	Male	Female	Unanswered	Responses
2017	1	Brigham City	60%	20%	20%	10
2017	1	Logan	67%	33%	0%	27
2017	2	Bountiful	75%	25%	0%	12
2017	2	Farmington	55%	45%	0%	44
2017	2	Layton	78%	22%	0%	9
2017	2	Morgan	56%	44%	0%	9
2017	2	Ogden Dist.	70%	27%	3%	33
2017	2	Ogden Juv.	33%	60%	7%	15
2017	3	Salt Lake City	46%	52%	2%	167
2017	3	Silver Summit	58%	33%	8%	12
2017	3	Tooele	53%	47%	0%	17
2017	3	West Jordan	46%	49%	5%	84
2017	4	American Fork	60%	40%	0%	5
2017	4	Fillmore	50%	50%	0%	6
2017	4	Heber	75%	25%	0%	4
2017	4	Nephi	64%	36%	0%	11
2017	4	Orem Juv.	58%	42%	0%	19
2017	4	Provo Dist.	47%	53%	0%	53
2017	4	Provo Juv.	63%	38%	0%	8
2017	4	Spanish Fork	57%	29%	14%	7
2017	5	Beaver	40%	60%	0%	15
2017	5	Cedar City	59%	41%	0%	27
2017	5	St. George	47%	53%	0%	38
2017	6	Junction	100%	0%	0%	2
2017	6	Kanab	33%	56%	11%	9
2017	6	Loa	33%	67%	0%	3
2017	6	Manti	57%	29%	14%	7
2017	6	Panguich	33%	67%	0%	3
2017	6	Richfield	75%	25%	0%	4
2017	7	Castle Dale	33%	67%	0%	9
2017	7	Moab	78%	11%	11%	9
2017	7	Monticello	50%	50%	0%	8
2017	7	Price	40%	60%	0%	25
2017	8	Duchesne	52%	43%	4%	23
2017	8	Manila	100%	0%	0%	1
2017	8	Roosevelt	55%	45%	0%	11
2017	8	Vernal	67%	33%	0%	6
total			52%	46%	2%	752

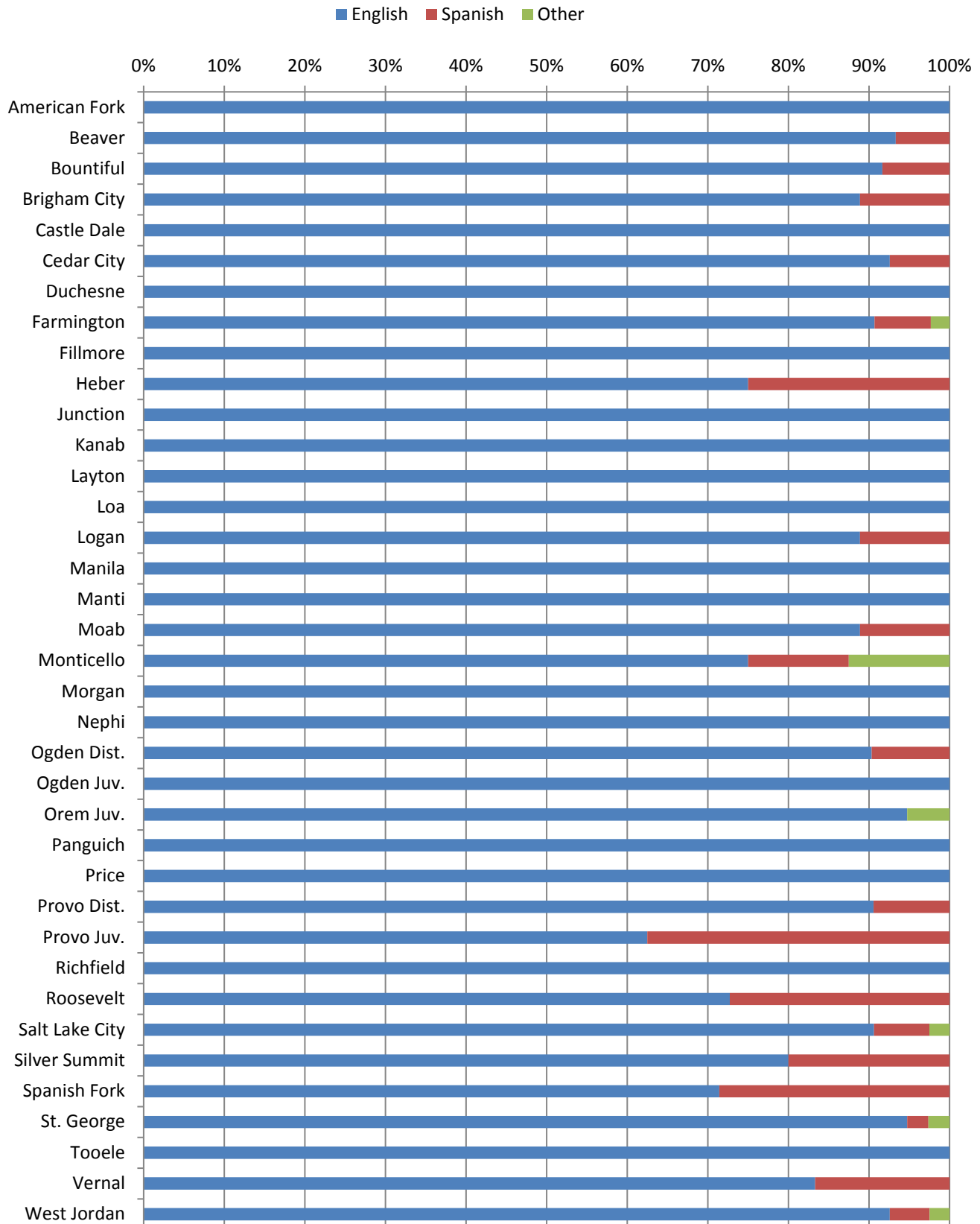
Access and Fairness Survey: FY2006 - FY2017 - Background Information

33. What is your primary language?

Year	English	Spanish	Other
2017	92%	7%	1%
2015	95%	4%	1%
2013	96%	3%	1%
2011	96%	3%	1%
2008	93%	6%	1%
2007	94%	5%	1%
2006	92%	7%	1%

Utah Courts Access and Fairness Survey: 2017 Background Information

33. What is your primary language?



Other (please specify)

chinese

chinese

English and Spanish

Farsi

Kinyarwanda

Navajo

navajo

Samoan

sOMALIA

z

Tab 9

Utah State Court Forms Committee Report to Utah Judicial Council

December 18, 2017

1. Background

In early 2017, the Utah Judicial Council created the Utah State Court Forms Committee (hereinafter "the Committee") and charged it with reviewing and approving all official court forms filed in Utah Courts. The Utah Supreme Court played a major role in the creation of the Committee and cited two primary reasons for its creation.

The first reason arises from the Court's newly approved Licensed Paralegal Practitioner (LPP) program. Under proposed rules of the program, licensed paralegals will be able to assist clients in completing and filing court forms. However, LPP's will only be able to assist with and file forms approved by the Judicial Council. Thus, a new process was needed to establish Judicial Council involvement in the forms review process.

The second reason for creating the Forms Committee was to establish a centralized body responsible for all court forms filed in state courts. Over the years many entities, both governmental and private, have generated court forms that are filed in Court. These include the Supreme Court's rules advisory committees, the Board of District Court Judges, the governing Board of the Online Court Assistance Program, Utah Legal Services, Salt Lake Legal Aid Society and various providers of paralegal education programs, among others.

Over time these multiple entities produced thousands of forms that are either found on the Utah State Court website or are otherwise being filed in state courts. Although this process was effective, various interested individuals and entities did not have direct participation in the process. Moreover the process produced forms that were not uniform in style, format or even content. Sometimes the forms were inconsistent, and/or outdated, resulting in confusion among litigants, court staff and judges. A centralized review body would provide opportunities for greater participation of

interested parties and help insure greater uniformity and consistency among official court forms.

2. Forms Committee Membership

The members of the Committee are:

Randy Dryer (Chair) - Presidential Honors Professor in the Honors College at the University of Utah and a Professor of Law (Lecturer) at the S.J. Quinney College of Law
Brent Johnson - General Counsel, Administrative Office of the Courts
Kim Allard - Director of Court Services, Administrative Office of the Courts
Cyndie Bayles - UPA President, Dental Select
Judge Gregory Bown - Riverton City Justice Court
Commissioner T. Patrick Casey - Third District Court
Christina Cope - Utah State Bar, Office of Professional Conduct
Guy Galli - Judicial Team Manager, Third District Court
Judge Elizabeth Lindsley - Third District Juvenile Court
Kara Mann - Interpreter Coordinator, Administrative Office of the Courts
Nathanael Player - Director, Self-Help Center
Stewart Ralphs - Executive Director, Legal Aid Society of Salt Lake
Judge James Taylor - Fourth District Court
Jessica Van Buren - Director, State Law Library
Mary Westby - Central Staff Attorney, Utah Court of Appeals

3. Forms Committee Operation and Procedures

The Committee held its first meeting on April 7, 2017 and has met monthly since that date. Because the LPP program will begin in 2018, the Committee recognized that its initial focus should be on forms that will be used by licensed paralegal practitioners. The Committee therefore created subcommittees in the three areas in which licensed paralegals will be able to practice: family law, debt collection, and landlord/tenant. Subcommittee chairs were selected and committee members were each assigned to one or more of the subcommittees. The subcommittee chairs were asked to solicit assistance from others not on the Committee who could facilitate the subcommittees' work, which they did. The Administrative Office of the Court's Legal Department assigned a staff attorney to each of the subcommittees. The subcommittees were charged with the task

of not only reviewing and updating existing court forms, but also determining what additional forms may need to be created in light of the LPP program.

In conducting its business, the Committee has reviewed what other states have done in this area, and has collaborated with and received input from the leadership of the Supreme Court's LPP Steering Committee, the existing Online Court Assistance Program and the Court's Self Help Center. All have been cooperative and helpful to the Committee. As but one example, an issue arose regarding whether the nature of a paralegal practitioner's representation or assistance should be noted on a form filed with the court. The specific questions involved (1) whether an LPP is required to sign a form to which they have provided assistance to a client in completing and (2) whether an LPP could sign on behalf of a party litigant and be identified as the representative of the party for the purposes of notice and service when the paralegal has been retained to "advise and represent" an otherwise pro se litigant. These questions were answered by the LPP Committee and the Forms Committee implemented the recommendation of the LPP Committee.

The Committee adopted an internal operating document to guide the processes of the Committee and its subcommittees. The approved document is attached to this report as Exhibit A. The Committee established two important processes to help refine forms before they are presented to the Committee for final review and action. The Committee created a style guide to make certain that all forms are uniform. Among other things, the Guide establishes a master numbering and cataloging system that will be applied to all current and future forms. The style guide is attached as Exhibit B. The Committee also created a Form and Format Subcommittee to review the work of the other subcommittees. The Form and Form Subcommittee meets every other week and reviews forms for format, content, and plain language before they are submitted to the Committee for final action. The Subcommittee also sets the agenda for the Committee in consultation with the Committee Chair.

The Committee has conducted its activities in an open and transparent manner. Notices of meetings, agendas, agenda materials and minutes of meetings are posted on the Committee's webpage at <https://www.utcourts.gov/utc/court-forms/>

4. Forms Submitted for Council Review and Approval

Accompanying this report as Exhibit C are those forms submitted for review and approval by the Judicial Council. There are forms in each of the three LPP practice areas. The large number of forms raises several issues of how best the Council should review these and future forms. Should the forms go from the Forms Committee to a standing committee of the Council – such as the Management Committee – before going to the Council? Should the forms go from the Forms Committee to a consent calendar of the Judicial Council? Or should the forms go from the Forms Committee to a scheduled discussion by the Judicial Council? An overarching question is whether the forms should become effective immediately upon Council approval or after a public comment period. These issues were not resolved when the Council created the Forms Committee. The Committee makes no recommendation on these issues.

5. Committee Approved Forms That Do Not Require Council Approval

The Forms Committee has approved many forms in areas not covered by the LPP program and thus do not require Council approval. For example, the Committee revised, updated and replaced various probate forms that had been routinely used since the 1970s and were out of date. The Committee also approved new forms to implement recently enacted legislation on seeking essential treatment for opioid users. These forms are now posted on the judiciary's website.

6. Unresolved, But Pending Issues

During the course of the Committee's business, several legal and/or policy issues and questions have arisen that require further direction from the Judicial Council or other appropriate body. These include the following:

1. Whether a pro se litigant may recover fees paid to a licensed paralegal practitioner under circumstances where a fee award would be otherwise allowable if the fees were incurred by a licensed attorney providing the same services. A preliminary opinion from the Legal Department in the Administrative Office of the Courts found no

clear precedent resolving the issue one way or another and the LPP Steering Committee declined to provide any guidance. The Committee sees no principled reason why paralegal fees should not be recoverable on the same basis as attorney's fees where the LPP is essentially providing "attorney-like" services pursuant to the LPP program, but recognizes the Committee has no authority to resolve this issue. This needs to be resolved by the appropriate mechanism, be it through Court rule, the legislature or case law, since it would involve the generation of forms if recovery of LPP fees is allowable.

2. What is the role of the Committee as future legal and policy issues are identified? Should the Committee bring these to the Council for a discussion on how to proceed? Does the Council wish a Committee recommendation on how to address the issue or should the Committee simply bring the issue to the attention of the Council?

3. The Committee has begun the process of identifying those court forms it would recommend being translated into other languages, but is unclear about the interplay/impact of current Utah law requiring court filings to be made in English.

7. Conclusion

After an initial period of grappling with the enormous size of the task, the Committee has settled into a process that is functioning well. The Committee recognizes that this will be an on-going and multi-year undertaking and hopes the Council understands this, as well. The updating of forms to reflect legislative changes alone is not an insignificant task. As the LPP program gets underway and as members of the Bar and the paralegal community learn of the existence and role of the Committee, it is expected that requests for approval of newly created forms will increase. The work of the Committee has necessarily involved significant time commitments from existing judicial branch staff. The Committee is assessing its current and expected future work load in light of existing technological and staff support and may have a recommendation in this area in the future.

Exhibit A

Forms Committee Procedures

Section 1. Subcommittees

Subcommittees

- The Forms Committee will create and dissolve ad hoc subcommittees as appropriate.
- The chair of the Forms Committee, in consultation with General Counsel, shall appoint all subcommittee members. Once a subcommittee is formed, the chair of a subcommittee may recommend individuals for membership.
- The form and format/general forms subcommittee is the only standing subcommittee.
- The subcommittees shall meet on a regular basis to review existing forms and propose new forms. The subcommittees shall propose edits and submit proposed forms, in compliance with the style guide, to the form and format/general forms subcommittee.
- The subcommittees shall be responsible for distributing the proposed forms to outside sources, if any, for input and feedback prior to submission of the forms to the form and format/general forms subcommittee. The subcommittees shall report to the Forms Committee any outside sources whose input was sought.

Form and Format/General Forms Subcommittee

The form and format/general forms subcommittee shall perform the following duties:

- Identify forms currently on the court's website and assign them to subcommittees and submit them to the Forms Committee as appropriate.
- Create a style guide, including a master numbering system and plain language instructions, that will apply to all forms. The guide will be distributed to the subcommittees and the subcommittees shall submit all proposed forms in the format required by the guide.
- Receive requests from third parties to create a form or to review and approve a proposed form. The subcommittee shall review the request, refer the request to an existing subcommittee, or recommend to the Forms Committee the creation of a new subcommittee to review the request. The Forms Committee will have final approval authority on all forms submitted by third-parties.
- Accept and review forms submitted by the subcommittees.
- Once the form and format/general forms subcommittee finalizes a form, the subcommittee will place the form in one of two form queues for review by the Forms Committee. One queue will consist of forms for the LPP program and the other queue will consist of all other forms.

Section 2. Form Review Process

Style Guide

Each subcommittee shall use and follow the style guide. All forms sent to the form and format/general forms subcommittee must be in the approved format.

Review of Forms

- After the form and format/general forms subcommittee has completed its review of a form, the form will be submitted to the Forms Committee for final review and approval.
- The Forms Committee shall decide on a form-by-form basis whether any other groups should have input on the forms prior to final approval.

Final Approval of Forms

- The Forms Committee shall determine which forms must or should go to the Judicial Council for approval. For those forms submitted to the Council for approval, the Forms Committee shall also include a recommendation to the Council on whether the forms should be approved effective immediately upon Council action or approved provisionally pending public notice. The approved form will include the approval date.
- Forms that do not require Judicial Council approval will show the committee's approval date. Once approved, the form and format/general forms subcommittee will edit the form to add the approval date. The form will be then posted on the courts' website and incorporated into OCAP, as appropriate.

Form Queue

There will be two form queues. The form queues will be maintained by the form and format/general forms subcommittee.

- **LPP Program Queue:** This queue will contain the forms created by the various subcommittees for the LPP program. These forms will have been completed by the subcommittees and passed the review of the form and format/general forms subcommittee prior to being put in this queue. The forms in this queue will take priority over the forms in the other queue.
- **Other Forms Queue:** This queue will be general forms and other forms that are ready for full committee approval. These forms will have been completed by the subcommittees and passed the review of the form and format/general forms subcommittee prior to being put in this queue.

Forms Translation

- The subcommittees shall make recommendations to the Forms Committee on which forms should be translated and the languages into which they should be translated.
- The Forms Committee shall make the final decision on which forms should be translated.
- The Forms Committee shall send the approved forms to the Court Interpreter Program Coordinator to be translated. Once translated the forms will be distributed as appropriate.

Exhibit B

Forms Style Guide

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The goal of this style guide is to ensure that court forms have a uniform look and feel and adhere to a common standard.

An underlying goal is to strive for fewer pages whenever possible.

Font

Forms must use Arial and must not be smaller than 12 point font. (Utah Rule of Civil Procedure 10(d)). Explanatory and/or parenthetical text should be 10 point font. For example:

I ask the court to order that my legal name be (proposed new name):

If something must be emphasized use bold rather than italics or underline. Emphasis should be used sparingly.

A title of a non-captioned document (such as an eviction notice) must be bolded. It is acceptable to use a font size larger than 12 point (such as 14 point). It is also acceptable to use all caps in this situation. For example:

THREE DAY NOTICE TO PAY OR QUIT

Margins

The top margin of any form filed with the court must be 1.5 inches. The left, right and bottom margins must be 1 inch. (Utah Rule of Civil Procedure 10(d)).

Spacing

Text should be double spaced except when it is customary to single space. For example, lists can be single spaced.

Caption Elements

Electronic forms should substantially comply with this format, but there are some variations because fill-in-the-blank forms and electronically-produced forms use different methods to collect information.

- Lines prompting for text are not needed in electronic forms. For example:

Print form

I want to change my name because:

I am starting a new chapter in my life and want to have a clean slate. I am
tired of the baggage associated with my old name.

Electronic form

I want to change my name because I am starting a new chapter in my life and want to have a clean slate. I am tired of the baggage associated with my old name.

- A list of options to choose from is not needed in an electronic form. For example:

Print form

I ask the court to order the following person to effect service

- ☐ Me
- ☐ A person over age 18 who is not a party in the case nor an attorney to a party in the case
- ☐ Sheriff, constable or private investigator

Electronic form

I ask the court to order a person over age 18 who is not a party in the case nor an attorney to a party in the case to effect service.

- Prompts for information such as "name," "address" aren't needed in an electronic form.

Address Block

Private record – delete if it's clear this wouldn't be a private record, include if it's clear it is a private record, use brackets if it may or may not be a private record.

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Party Designation Block

Edit the text as appropriate, but the block should be in this substantial format. 8 point font.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

I am ☐ Applicant
☐ Applicant's Attorney (Utah Bar #: _____)
☐ Applicant's Licensed Paralegal Practitioner (Utah Bar #: _____)

Case Information Block

If the form can be used in more than one court level, use brackets to indicate choice. If the form can only be used in one level of court, list only that level.

Each work in the title of the form must be capitalized.

a. Standard block

In the <input type="checkbox"/> District <input type="checkbox"/> Juvenile <input type="checkbox"/> Justice Court of Utah	
_____ Judicial District _____ County	
Court Address _____	
Plaintiff/Petitioner v. Defendant/Respondent	[Form Name] (If this particular document is based on a specific code or rule, cite it here following rule for citing rules below, in 10 pt font, not bolded, on a separate line after the title) Case Number Judge Commissioner (domestic cases)

b. Alternate district court formats

In the District Court of Utah	
_____ Judicial District _____ County	
Court Address _____	
In the matter of the adoption of _____ Or In the matter of the estate of	[Form Name] (If this particular document is based on a specific code or rule, cite it here following rule for citing rules below, in 10 pt font, not bolded, on a separate line after the title) Case Number

<hr/> <hr/> Or In re: <hr/>	<hr/> Judge
--------------------------------	-------------

c. Juvenile court block

In the Juvenile Court of Utah ____ Judicial District ____ County	
In the interest of: _____ (Minor's Name) _____ (Minor's Date of Birth)	Petition to be Removed from the Custody of the Division of Child and Family Services (Utah Code 78A-6-117(2)(c)(iv)) _____ Case Number _____ Judge

Paragraph Numbering

1. rather than (1)

Subsequent paragraphs are numbered as follows

a.

i.

A.

I.

Paragraph numbering in a document should be continuous to the end, and should not start over.

Paragraph Text

Paragraph number and options should be left justified, with text indented and hanging to align with the next tab. For example:

1. Asdflas asdfikla ca afgil assero cq4904 eagd90j erouc wer cal4 coaurdc qe.
Erou Asdflas asdfikla ca afgil assero cq4904 eagd90j erouc wer cal4 coaurdc
qe. Erou

and

- [] Option
- [] Sub-option 1. Asdflas asdfikla ca afgil assero cq4904 eagd90j erouc wer
cal4 coaurdc qe. Erou
 - [] Sub-option 2. Asdflas asdfikla ca afgil assero cq4904 eagd90j erouc wer
cal4 coaurdc qe. Erou
 - [] Sub-option 3. Asdflas asdfikla ca afgil assero cq4904 eagd90j erouc wer
cal4 coaurdc qe. Erou

Embedded instructions, prompting text and explanatory text must be in 10 point font, using sentence case and in parenthesis. If the text isn't a sentence, the text does not have to have an initial capital.

For example:

- [] lived in _____ (county and state), but
owned property in this county at the time of death.

and

- [] I am an heir (Someone with the right to inherit property from the decedent if there is no
will).

Whether the instructional text appears before or after the blank will depend on context.

Tables

Lines in a table should be 35% darkness. Prompting text in tables should be 10 point font.

Voice

Use active voice rather than passive voice.

Whenever possible, use a person's name in the document rather than their party designation. This is especially encouraged in an electronic form. When it is not possible to use a person's name, instead use first person voice. There will be times when you need to use party designation, but do so sparingly.

Use gender neutral language. If you must use a pronoun, use "they" rather than "he," "she," "s/he" or other variants.

Capitalization

Only proper nouns and form titles may be capitalized. Do not capitalize words such as "judge," "court," "plaintiff," "defendant."

Citing Rules and Code

Rule and Code cites should be in 10 point font.

When citing to a court rule or code section, spell out rather than abbreviate the source.

Utah Rule of Civil Procedure 7

not

URCP 7

Utah Code 78B-12-212

not

UCA 78B-12-212

UCA §78B-12-212

When citing a larger portion of the code, do not use et seq. Instead, use name of code section / title of act:

Utah Uniform Child Custody Jurisdiction and Enforcement Act (Utah Code Title 78B, Chapter 13).

not

Utah Code 78B-13-101 et seq.

When citing or referencing a rule or code section, cite it after the sentence, in parentheses, and 10 point font.

It is against the law for a landlord to evict a tenant without a court order. (Utah Code 78B-6-814).

Where appropriate, if it's truly based on the code/rule

Subheadings could also have reference to code/rule

Citing Web Pages

If citing to a web page, include the characters of the URL only, and not the http://. Do not underline text. For example

www.utcourts.gov

not

https://www.utcourts.gov

https://www.utcourts.gov

Plain Language

From <http://www.transcend.net/>:

In the legal field, plain language can be the first step to access to justice. From effectively filling out legal forms to helping pro per clients do their best, plain language forms and pamphlets allow people access to the information they need in a way they can understand and use.

Your goal should always be to make the language in our forms as simple as possible. Strive to simplify statutory language, and avoid Latin words and legalese. These words and phrases should not appear in our forms:

Therefore	Pursuant	Mitigate (use "limit")
Whereas	In this case	On the grounds that (use "because")
Hereinafter	In accordance	

An extensive list of simple words and phrases is available on the plainlanguage.gov website: <http://www.plainlanguage.gov/howto/wordsuggestions/simplewords.cfm>

If it is necessary to use a term of art, be sure to include a plain language explanation of that term early on to define/explain it.

Headings

Use headings to separate provisions in pleadings. Headings must be the same font size as the text, but bolded. Headings must be left justified, and capitalization should be sentence case – only the first letter is capitalized.

Child custody

not

Child Custody
CHILD CUSTODY

This applies to parts of the order as well

Findings

Conclusions

Order

Signature and Notary Blocks

a. Simple signature block

Date

Signature ► _____
Printed Name _____

b. Declaration signature block

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

Date

Signature ► _____
Printed Name _____

c. Notary signature block

Date

Signature ► _____
Printed Name _____

On this date, I certify that _____ (name)
who is known to me or who presented satisfactory identification, in the form of
_____ (form of identification), has, while in my
presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Signature ► _____

Date

Printed name of Court Clerk or Notary Public

Notary Seal

d. Commissioner and Judge Signature Block

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

e. Judge Signature Block

Judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Judge	_____

f. Approved as to form signature block

This block should appear below judge's or commissioner/judge signature block.

Approved as to form.

_____	Signature ►	_____
Date	Plaintiff/Petitioner, Attorney, or Licensed Paralegal Practitioner	_____
_____	Signature ►	_____
Date	Defendant/Respondent, Attorney, or Licensed Paralegal Practitioner	_____

Referring to Other Resources

In the limited circumstances where it is appropriate to refer someone to agencies for legal help, or to information on a specific topic, direct the user to the court's website both because it's a neutral source of information and because it will be regularly updated. For example:

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

and

See the court's Eviction web page (www.utcourts.gov/howto/landlord/eviction.html) for more information.

Do not list contact information for specific agencies.

Certificate of Service

Tailor the certificate of service as needed. Can add or delete boxes as appropriate. Be sure to insert the title of the document.

Certificate of Service

I certify that I filed with the court and served a copy of this [DOCUMENT TITLE] on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

_____ Signature ► _____
 Date _____ Printed Name _____

Form title

Form titles should be as specific as possible / needed. Some people get to forms by Googling. The more specifically a form is named, the less chance there is of a person mis-using a form.

Motion to Dismiss Small Claims Case

Rather than

Motion to Dismiss

Form numbering

The form number should appear in the footer of each page of a court-approved form.

Form number elements

1001ESJ Revised July 1, 2017

- Four digit form number
- Two-letter CORIS case type code. If there is no specific case type, use GE for "general." (see <https://www.utcourts.gov/xchange/codes.asp?type=case>). Or, use case category, such as CR for dciminal, CV for civil, PR for probate, DR for domestic.
- Approving body – Judicial Council or Forms Committee
- Revised month, day and four-digit year

Footer

Each form must include a footer in 8 point font with a horizontal line (top border) above the text. The footer must include the following information:

- Form number and Revision date (day, month, year) – left aligned
- Title of form in bold. The title of the form should be identical to the title in the caption – centered
- Page number as Page x of x – right aligned

Example:

1001EVJ Revised June 21, 2017

Eviction Complaint

Page 1 of 5

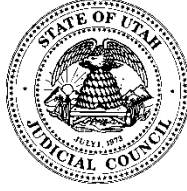
Provenance / History

Forms presented to the Forms Committee for approval should have an explanation of provenance – why they were created, who created them, who reviewed them, what they are based on, and any other relevant information.

Instructions / Explanations

Process instructions should be included on the website, not in the form. The form should reference the explanatory web page, if there is one.

Tab 10



Administrative Office of the Courts

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

MEMORANDUM

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Nancy Sylvester *Nancy D. Sylvester*
Date: November 27, 2017
Re: Certification of John L. Sandberg as an Inactive Senior Judge

Judge John L. Sandberg has applied to be appointed as an Inactive Senior Judge. I have attached Judge Sandberg's application form, which shows compliance with the minimum qualifications for office and with judicial performance standards. The Board of Justice Court Judges has reviewed the application and recommends that it be approved. Judge Sandberg meets all of the performance standards, and certification appears to be appropriate. The Council's certification decision will be forwarded to the Supreme Court for its consideration in the appointment process.

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.

Senior Judge Application Inactive Status

Tab 11

The Standing Committee on Resources for Self-represented Parties’ 2017 Annual Update to the Judicial Council

Subcommittees and Projects

Education and Outreach Subcommittees

Education Subcommittee membership: Vacant (chair), Kim Free (ex officio), Jessica Van Buren, Nathanael Player, Lisa Collins, Nancy Sylvester, Monica Fjeldsted, Kara Mann (ex officio).

- Social media presence: Have Geoff Fattah circulate monthly updates on pro se options, including the Self-Help Center and clinics.
- Media: See if the media can highlight the good things happening in the court.
- Justice courts: Annual justice court conference will now have an ongoing session on self-represented parties.
- Update the video for self-represented parties.

Outreach Subcommittee membership: Judge Barry Lawrence (chair), Judge Doug Thomas, Judge Elizabeth Knight, Judge Catherine Roberts, Shaunda McNeill, Professor Leslie Francis, and Professor Carl Hernandez.

- Law school outreach: Talk to law students once or twice a year to make them aware of pro bono opportunities (BYU and U law schools) now and upon graduation.
- Judges and court staff outreach: Talk to judges and court staff at annual conferences to make them aware of pro se resources and get feedback on current projects and future education opportunities. Panel discussion at 2017 annual judicial conference focused on rural areas and remote access to pro bono services.
- Bar Convention: Panel discussion at Bar’s 2017 Summer Convention encouraged lawyers to do more pro bono and raised the senior lawyers pro bono section idea. Will continue to seek opportunities at Bar to outreach.
- Community outreach: Outreach to community regarding court and community resources to reduce default rates in debt collection cases. Those cases have the highest default rate of any case type.

Rural Services Subcommittee

Rural Services Subcommittee membership: Susan Griffith (chair), Carol Frank, Judge Thomas, Kristin Godwin, Jessica Van Buren, Jacob Kent, and Leti Bentley (ex officio).

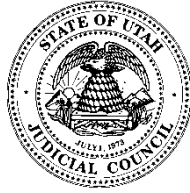
- Support current efforts: Timpanogos Legal Clinic received a VOCA grant in July and hired some new people who will each be assigned one or two districts in each state and will work with shelters to let victims know about civil services – divorce, protective orders, etc. This opens the door for doing more in rural areas because TLC can do provide all services online.
- Recruitment: Reach out to the Bar to recruit attorneys from both rural areas and the Wasatch Front to assist with the rural district needs. The goal is to redistribute Wasatch Front resources to small areas.
- Pro se calendars: Determine how the pro se calendars in Salt Lake can be leveraged to serve the rural areas since there are already volunteer attorneys available.

Court Updates/Self-Help/Non-Lawyer Assistance Subcommittee

Self-Help Center/Non-lawyer Assistance/Court Updates Subcommittee membership:
Nathanael Player, Jessica Van Buren, Nancy Sylvester, Chris Martinez, Kristin Godwin (Johnson) and Virginia Sudbury.

- Notarios: increase education in the Spanish-language communities on the dangers of hiring notaries to do legal work and the free resources in the law library and the Self-Help Center.
- Pro se calendars: look for way to improve the provision of services at these calendars.
- Forms: suggest the need for new forms to the Standing Committee on Court Forms.
- Rules committees: suggest improvements to procedural rules, such as the 10-day summons in Civil Rule 4.
- New resources: Efficiently announce new resources for self-represented litigants to all stakeholders.

Tab 12



Administrative Office of the Courts

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

MEMORANDUM

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Nancy Sylvester *Nancy D. Sylvester*
Date: December 11, 2017
Re: Annual Update on the Model Utah Civil Jury Instructions (MUJI-Civil) Committee

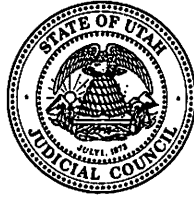
Attached for your consideration is the MUJI-Civil Committee's subject matter timeline. This represents the committee's anticipated time frames for creating and reviewing new model civil jury instructions in the identified subject areas.

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.

<u>Priority</u>	<u>Subject</u>	<u>Sub-C in place?</u>	<u>Sub-C Members</u>	<u>Projected Starting Month</u>	<u>Projected Finalizing Month</u>	<u>Comments Back?</u>
1	Civil Rights: Set 1	Yes	Ferguson, Dennis (D); Mejia, John (P); Guymon, Paxton (P); Stavors, Andrew (P); Burnett, Jodi (D); Plane, Margaret (D); Porter, Karra (P); White, Heather (D)	September-16	September 2017 (wrap up 1/2, then send for comment)	Projected: January 2018 Meeting
2	Economic Interference	Yes	Frazier, Ryan (D) (Chair); Shelton, Ricky (D); Stevenson, David (P); Simmons, Paul (P); Kuendig, Patricia (P)	October-17	December-17	
3	Injurious Falsehood	Yes	Dryer, Randy; Hoole, Greg; Hoole, Roger; Hunt, Jeff; Reymann, David (Chair); Stevens, Greg	December-17	February-18	
4	Assault/False Arrest	Yes	Rice, Mitch (chair); Carter, Alyson; Wright, Andrew (D); Cutt, David (P)	March-18	May-18	
5	Trespass and Nuisance	Yes (more members needed)	Hancock, Cameron; Figueira, Joshua (researcher); Abbott, Nelson (P); Steve Combe (D)	June-18	October-18	
6	Insurance	Yes	Johnson, Gary (chair); Pritchett, Bruce; Ryan Schriever, Dan Bertch, Andrew Wright, Rick Vazquez; Stewart Harman (D); Ryan Marsh (D)	November-18	January-19	
7	Unjust Enrichment	No (instructions from David Reymann)	David Reymann	February-19	February-19	
8	Abuse of Process	No (instructions from David Reymann)	David Reymann	March-19	March-19	
9	Directors and Officers Liability	Yes	Call, Monica; Von Maack, Christopher (chair); Larsen, Kristine; Talbot, Cory; Love, Perrin; Buck, Adam	April-19	June-19	
10	Wills/Probate	No	Barneck, Matthew (chair); Petersen, Rich; Tippet, Rust; Sabin, Cameron	September-19	November-19	
11	Civil Rights: Set 2	Yes	Ferguson, Dennis (D); Mejia, John (P); Guymon, Paxton (P); Stavors, Andrew (P); Burnett, Jodi (D); Plane, Margaret (D); Porter, Karra (P); White, Heather (D)	December-19	February-20	
12	Sales Contracts and Secured Transactions	Yes	Cox, Matt (chair); Boley, Matthew; Maudsley, Ade	March-20	May-20	

Tab 13

**Standing
Committee
On Children
And Family
Law**



Administrative Office of the Courts

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

November 22, 2017

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Management Committee and Judicial Council

FROM: Ray Wahl

RE: Vacancies on the Standing Committee on Children and Family Law

Standing Committee in Question:

Standing Committee on Children and Family Law (SCCFL)

Reason for Vacancy:

One member's second term ended (Laura Thompson) and one member has asked to be relieved of his responsibilities on the committee (Adam Caldwell).

Eligibility requirements:

Both of these positions on the standing committee are for attorneys. Given the fact that the Council has assigned the implementation of the recommendations of the Domestic Case Process Improvement Sub-committee, the suggestion is that both of these positions be family law practitioners.

Current Members of the Committee:

Judge Douglas Thomas (Co-chair) 7th District Court, Judge Sherene Dillon (Co-Chair) 2nd District Juvenile Court, Judge Elizabeth Hruby-Mills, 3rd District Court, Judge Brent Bartholomew, 4th District Juvenile Court, Commissioner Michelle Blomquist, 3rd District Court, Anna Trupp, Child Custody Evaluator, Sen. Todd Weiler, Utah State Senate, Laura Thompson, Human Services Legal Counsel, Adam Caldwell, Family Law Practitioner, Shane Bahr, District Court Administrator, Dawn Marie Rubio, Juvenile Court Administrator, Mark Brasher, Deputy Director Human Services, James Hanks, Family Law Practitioner, Nini Rick, ADR Director, Stacey Snyder, GAL Director, Ray Wahl Staff

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

Description of Recruitment Process:

Ray Wahl contacted the Bar Commissioner than represents family law attorneys and asked that she recruit members from the Family Law Section of the Bar. This request was made on several different occasions. Standing Committee members were encouraged to contact family law practitioners to encourage them to express interest in serving. Judge Thomas has spoken several times at the Family Law Section of the Bar Executive meetings encouraging attorneys to express interest in serving. Judge Thomas has also made follow up calls to those who initially expressed interest asking that they send letter of interest and their resumes to the committee. These efforts have been ongoing over the last three months.

Their respective letters of interest are as follows:

Jared Hales

Mr. Hales has practiced law since 2005 and is a current member and former chair of the Family Law Executive Committee for the Utah State Bar. You can refer to his resume and letter of interest

Russell Minas

Mr. Minas presently serves on one of the subcommittees of the Standing Committee on Child and Family Law. He is a member of the Family Law Executive Committee. He has served on several court committees including the OCAP Policy Board and the Committee on Self-Represented litigants. You can refer to his resume and letter of interest.

The Standing Committee on Children and Family Law has made every attempt to recruit other people to serve on the committee and regrets that we only have two choices to offer the Management Committee and Judicial Council.

cc: Judge Douglas Thomas
Judge Sherene Dillon



Ray Wahl <rayw@utcourts.gov>

Standing Committee on Children and Family Law

Jared Hales <jared@halesfamilylaw.com>
To: "rayw@utcourts.gov" <rayw@utcourts.gov>

Tue, Oct 17, 2017 at 10:49 AM

Mr. Wahl,

I am interested in the open position on the Standing Committee on Children and Family law. I have been practicing family law since 2005 and am a current member and former chair of the Family Law Executive Committee for the Utah Bar. I heard about the opening on the Committee from Judge Thomas who is also on the Family Law Executive Committee. Please find attached a copy of my resume and do not hesitate to contact me if you have any questions.

I look forward to hearing back from you,

Jared

Jared T. Hales

Law Office of Jared T. Hales, PLLC

261 East 300 South, Suite 200

Salt Lake City, Utah 84111

Telephone: (801) 883-9649

Facsimile: (385) 242-7917

CONFIDENTIALITY NOTICE: This electronic mail message and any attachment are confidential and may also contain privileged attorney-client information or work product. The message is intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, distribute, or copy this communication. If you have received the message in error, please immediately notify us by reply electronic mail or by telephone at 801-883-9649, and delete this original message.

Jared Hales Resume.pdf
218K

Jared T. Hales
261 E. Broadway, Ste. 200
Salt Lake City, Utah 84111
Tel. 801-883-9649 Email: Jared@halesfamilylaw.com

Education

Juris Doctorate, University of Utah, S.J. Quinney College of Law, 2005
Relevant Coursework: Trial Advocacy, Moot Court

Bachelor of Science in American Studies, Utah State University, 2002
Minor in Psychology
Relevant Experience: Teaching Aide for Psychology 1010, Social Psychology 3510
As a teaching aide I taught labs of approximately 15 students

Work Experience

I have practiced family law in Utah since 2005. I am licensed to practice in both state and federal court in Utah.

Law Office of Jared T. Hales, Salt Lake City, Utah, 2014 – Present, Owner

Parsons Behle & Latimer, Salt Lake City, Utah 2010-2014

VanCott, Bagley, Cornwall & McCarthy, Salt Lake City, Utah 2009-2010

Strong & Hanni, Salt Lake City, Utah 2008-2009

Corporon & Williams, Salt Lake City, Utah, 2005-2008

Instructor, Utah State University, 2011, Preparation for Law School, College of Humanities

List of Presentations

- Utah State Bar Summer Convention, 2011: “Discovery in Family Law Cases: Making Molehills Out of Mountains”
- Utah State Bar, Young Lawyers Division Practice in a Flash Series, 2011: “The Nuts and Bolts of Family Law”
- National Business Institute, Divorce Law From A to Z, 2011: “Valuation of Assets and Division of Property” and “Tax Consequences of Divorce”
- University of Utah, S.J. Quinney College of Law, 2013, Professor Randy Dryer’s Pretrial Practice Class, Mock Deposition
- Utah State Bar Summer Convention, 2013: Moderated Panel of mediators on effective mediation practices in family law
- Utah State Bar Family Law Section Annual Seminar, 2014: Conducted the meeting and introduced speakers and panels for meeting, attended by approximately 300 attorneys
- National Business Institute, Family Law From A to Z, 2014: “Discovery in Divorce”

- Utah State Bar Spring Convention, 2015: “Family Law 101”
- Utah State Bar Fall Forum, 2015: “Family Law Fundamentals”
- University of Utah, S.J. Quinney College of Law, 2017: Family Law Panel of Practitioners
- Utah State Bar Spring Convention, 2017: “Rule 4-904 Informal Trials in Family Law”

Publications and Reported Cases

- Utah Journal of Family Law, 2010: “Reported Case Review”
- Utah Bar Journal, 2012: “The Nuts and Bolts of Divorce”
- Sevier Power Company, LLC v. Board of Sevier County Com’rs, 2008 UT 72
- Leppert v. Leppert, 2009 UT App. 10

Boards and Committees

- Utah State Bar, Family Law Executive Committee, 2011-Present
I was the Chair of the Family Law Executive Committee in 2014. My duties included conducting monthly meetings, making and following up on assignments and overseeing one of the largest sections of the Utah State Bar.
- Utah Journal of Family Law, Board of Editors, 2010 – 2015
- ABA Family Law Section, Fall CLE Conference Host Committee Member, 2013
- Utah State University, College of Humanities, Dean’s Advancement Board
- Utah State Bar, Summer Convention Committee
- Utah State Bar, Spring Convention Committee
- Utah State Bar, Young Lawyer’s Division Board

Recognitions

- Utah Business Magazine, 2009-2017, “Legal Elite”
- Mountain States Super Lawyer, “Rising Star”
- Martindale-Hubbell, BV Distinguished Rating
- Utah State Bar Family Law Section, 2015 Family Law Lawyer of the Year Nominee

THOMAS E. LOWE
J. SCOTT COTTINGHAM
RUSSELL Y. MINAS
JEFFREY T. LOWE

LOWE HUTCHINSON COTTINGHAM & MINAS
A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW
PARKVIEW PLAZA II
2150 SOUTH 1300 EAST, SUITE 120
SALT LAKE CITY, UTAH 84106

TELEPHONE: (801) 486-1112
FACSIMILE: (801) 486-1198

STEPHEN F. HUTCHINSON
(OF COUNSEL)

JOHN S. ADAMS
(1948 - 1991)

October 30, 2017

Ray Wahl
Administrative Office of the Courts
450 South State
P. O. Box 140241
Salt Lake City, UT 84114-0241

Re: Standing Committee on Children and Family Law

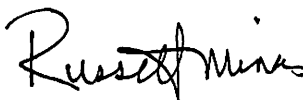
Dear Ray:

I write to express my interest in becoming a member of the Standing Committee on Children and Family Law. I presently serve on the Custody Evaluation Subcommittee and have served in various family law-related committees for many years. I've also worked in various capacities with most of the current members of the Standing Committee. I know my experience in the field and my past service with the OCAP Policy Board, Committee for the Self-Represented, and the Executive Committee of the Family Law Section would serve this Committee well.

Thank you and I look forward to hearing from you.

Sincerely,

LOWE, HUTCHINSON & COTTINGHAM



Russell Y. Minas

RUSSELL MINAS, ESQ.

LOWE HUTCHINSON COTTINGHAM & MINAS

Telephone: (801) 486-1112

2150 South 1300 East, Suite 120

Facsimile: (801) 486-1198

Salt Lake City, UT 84106

Email: rminas@lhclawyers.com

EDUCATION

1989	University of Utah S.J. Quinney College of Law Juris Doctor	Salt Lake City, UT
1984	University of Utah Bachelor of Arts – History	Salt Lake City, UT

PROFESSIONAL EXPERIENCE

2017-Present	Lowe Hutchinson Cottingham & Minas - Shareholder Domestic relations, mediation, adoption, guardianship, and criminal defense.	Salt Lake City, UT
2015-2016	Prince, Yeates & Geldzahler -Shareholder Domestic relations, mediation, adoption, guardianship, and criminal defense.	Salt Lake City, UT
2014-2015	VanCott Bagley Cornwall & McCarthy - Of Counsel Domestic relations, mediation, adoption, guardianship, juvenile and criminal defense.	Salt Lake City, UT
1995-2014	Russell Y. Minas, PC – Owner/Sole Practitioner Owner of a solo practice specializing in domestic relations, mediation, collaborative family law, adoptions, guardianships, and juvenile law.	Salt Lake City, UT
1994-1995	Mooney & Associates - Associate Small firm practice handling domestic, juvenile, adoption, contract, personal injury, estate planning, and criminal matters.	Salt Lake City, UT
1993-1994	Legal Aid Society of Salt Lake - Executive Director Overall administration and management of private non-profit agency providing domestic legal services to the indigent. Duties included personnel decisions, policy and procedures creation and, administration of leases and contracts, grant-writing, coordination of fundraising activities, annual budget, authorization of agency expenditures, creation of legal forms, leading staff and attorney meetings. Represented agency on Utah Domestic Violence Council.	Salt Lake City, UT
1990-1993	Legal Aid Society – Domestic Violence Program Director Managed and supervised the domestic violence program legal staff. Represented clients in protective order matters. Conducted training seminars for attorneys, community volunteer groups, law enforcement and the judiciary. Developed standardized court protective order forms. Represented agency on Utah Domestic Violence Council.	Salt Lake City, UT
1989-1990	Legal Aid Society of Salt Lake – Staff Attorney Managed a full domestic relations caseload in matters of divorce, paternity, decree modifications, custody, parent-time and related family law matters. Supervised paralegal assistants, law school interns and volunteers. Responsible for client intake, document preparation, mediation and litigation through all phases of proceedings.	Salt Lake City, UT

RECOGNITIONS

Fellow – American Academy of Matrimonial Lawyers
Martindale-Hubbell AV Peer Rating
Utah State Bar 2013 Family Law Attorney of the Year
Utah Business Magazine "Legal Elite" - Family Law (2015-2017)

PROFESSIONAL SERVICE

Utah State Bar Family Law Section Executive Committee (2003-Present) (Chair 2006-07)
Utah Online Court Assistance (OCAP) Policy Board (2008-Present)
Utah Child Support Guidelines Advisory Committee (Co-Chair) (2013-Present)
Utah State Bar Fall Forum Committee (2005-Present)
Standing Committee on Children and Family Law – Custody Evaluation Subcommittee (2012-Present)
Standing Committee on Resources for Self-Represented Parties (2011-2014)
Utah Courts Private Guardian Ad Litem
Utah State Bar Ethics Diversion Committee (2008-2012)
Utah Family Court Task Force (1993-94)
Utah Domestic Violence Advisory Council (1990-94)

PROFESSIONAL MEMBERSHIPS

Association of Family and Conciliation Courts
Utah Association of Collaborative Professionals (Chair 2006-07)
Utah Council on Conflict Resolution

COMMUNITY SERVICE

Board of Trustees - Center for Documentary Expression and Art (2012-Present)
Board of Trustees - SPLORE (1998-2005) (Chair 1999-2003)


ADR Committee

Administrative Office of the Courts

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

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

MEMORANDUM

To: Management Committee
From: Nini Rich, ADR Director 
Date: December 4, 2017
Re: ADR Committee Appointee Request

Name of Committee: Alternative Dispute Resolution Committee

Staff: Nini Rich

Reason for Vacancy: This vacancy is the result of the resignation of Douglas Mortensen, a professional mediator.

Eligibility Requirements: This vacancy is for a professional mediator.

Description of recruitment process: An email was sent to all members of the Utah Court Roster of ADR Providers on August 10, 2017, describing the vacancy and soliciting interest. Seven mediators expressed interest.

Nominees for consideration: The ADR Committee, Chaired by Judge Royal I. Hansen, has recommend the following applicants for membership on the Committee: Benjamin Cook, Karin Hobbs and Natalie Threlkeld.

Statement of Interest and Resumes of nominees: Attached

Current ADR Committee Members: Attached

Resumes of other applicants: Attached

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.

Nominees for the Professional Mediator slot on the ADR Committee

December 2017

Benjamin Cook

Karin Hobbs

Natalie Threlkeld

Benjamin Cook



Nini Rich <ninir@utcourts.gov>

Re: Opening - ADR Committee Member

1 message

Benjamin Cook <benjaminjcook@gmail.com>

Wed, Aug 23, 2017 at 2:47 PM

To: Nini Rich <ninir@utcourts.gov>

Hi Nini,

I'm interested in being considered for the position. Here's my brief statement of interest:

As a faculty member at BYU Law School and director of the law school's Center for Conflict Resolution, I have the opportunity to both teach ADR and to supervise and conduct mediation sessions. I believe this combination of both theoretical and practical experience would be valuable for the ADR Committee. As someone who both thinks about and practices ADR for a living, I'd love to help improve ADR policy and practice in the justice sector. Because many of the students I teach go on to become practicing attorneys and/or ADR providers in Utah, I am interested in helping shape law, policy, and procedures that make up the legal environment where they will work. When I moved to Utah several years ago, Jim Holbrook became a mentor and close friend, and I've observed the positive influence and contributions he's made to the ADR community. No one can replicate Jim's large footsteps, but I'd love to follow his example and help contribute as best as I can to an area that I believe is so important to the legal community.

Thanks!

Ben

On Thu, Aug 10, 2017 at 2:39 PM, Nini Rich <ninir@utcourts.gov> wrote:

Dear ADR Provider,

The Alternative Dispute Resolution Committee of the Utah Judicial Council is seeking an additional member from the professional mediation community.

The ADR Committee advises the Judicial Council on policies, plans and priorities relating to Alternative Dispute Resolution and works with the Court's ADR Director to inform ADR policy as it relates to the Utah State Courts. Judge Royal Hansen chairs the Committee which meets 4-6 times each year.

To apply, please send me a resume and a brief description of your interest and experience by August 28, 2017. The names of all applicants will be reviewed by the ADR Committee for recommendations and the Judicial Council for appointment.

Benjamin J. Cook

4412 WSC, Brigham Young University 84602 | cookb@law.byu.edu | 801-422-7543

Experience

J. Reuben Clark Law School, Brigham Young University, Provo, Utah
Associate Professor, 2016–present
Director, Center for Conflict Resolution, 2015–present
Adjunct Professor, 2012–2016

Collaborative Development Partners, Provo, Utah
Partner, 2011–2015

S.J. Quinney School of Law, University of Utah, Salt Lake City
Adjunct Professor, 2013

Harvard Law School, Cambridge, Massachusetts
Instructor, Harvard Negotiation Institute, 2011
Program Officer, International Legal Studies, 2007–2011

Massachusetts Committee for Public Counsel Services, Boston
Appellate Attorney, 2008–2011

Massachusetts Department of Early Education and Care, Boston
Legal Counsel, 2005–2007

Education

Georgetown Law School, Washington, DC
JD, 2002–2005
John M. Olin Law and Economics Fellowship
Equal Justice Foundation Fellowship
Best Paper, Negotiation Workshop
Barristers' Council, Alternative Dispute Resolution Team

Brigham Young University, Provo, Utah
MA, M.Ed., 1999–2001
International Development and Comparative Education
Thesis: *Strategic Network Analyses of National Education Research Systems of Lesser-Developed Countries: The Case of Uganda*

BA, *magna cum laude*, 1996–1998
English major, Japanese minor
Teaching Assistant, Bioethics
Students for Microenterprise, Co-founder
Journal of Microfinance, Managing Editor
Journal of International and Area Studies, Editor-in-Chief

Publications

James R. Holbrook and Benjamin J. Cook, *ENHANCED LAWYERING SKILLS* (West Publishing, forthcoming December 2017)

James R. Holbrook and Benjamin J. Cook, *ADVANCED NEGOTIATION AND MEDIATION: CONCEPTS, SKILLS AND EXERCISES* (West Publishing, 2013)

Benjamin J. Cook, Note, *Method in Its Madness: The Endowment Effect in an Analysis of Refugee Burden Sharing and a Proposed Refugee Market*, 19 GEO. IMMIGR. L.J. 333 (2004)

Classes Taught	Negotiation, Mediation, Arbitration, Negotiation and Conflict Resolution Clinic, Conflict Resolution
Presentations	<p><i>Developing and Implementing an Outward Mindset</i>, Brigham Young University Geology Department Faculty, September 23, 2016 Teacher Education Department Faculty, August 25, 2016 Human Resources Development Training, May 4–5, 2016</p> <p><i>How to Bridge the Ethical Gap Between Character and Intellect</i>, Utah Municipal Attorneys Association, May 10, 2017</p> <p><i>Idiots, Morons, and Losers: Seeking Civility in Uncivil Times</i>, Government, Politics and Legal Society's Utah State and Local Government Conference, March 25, 2016</p> <p><i>Escaping the Charging Gorilla: Tools for Effectively Dealing with Conflict in the Workplace</i>, Utah Chapter of the Society for Public Health Education, October 13, 2015</p> <p><i>Diversifying Your Toolbox to Account for Culture and Negotiate More Effectively</i>, Utah Council on Conflict Resolution, March 27, 2014</p> <p><i>The Art of Negotiation: Creating Giant Pies that Will Delight and Astonish You, Your Clients, and Colleagues</i>, Utah Office of the Attorney General's Annual CLE Conference, November 6, 2014</p>
Service	<p>Utah Council on Conflict Resolution: Board Member (2014–present); Annual Symposium Chair (2015)</p> <p>J. Reuben Clark Law School: Professional Skills Committee (2016–present); ADR Society Advisor (2012–present); Peace and Conflict Resolution Society Advisor (2015–present)</p>
Certifications	<p>Utah Court-Qualified Mediator Admitted to the Massachusetts State Bar Arbinger Institute Facilitator</p>
Affiliations	<p>American Bar Association, Dispute Resolution Section Association for Conflict Resolution Utah Council on Conflict Resolution</p>

Karin Hobbs



Nini Rich <ninir@utcourts.gov>

Re: Opening - ADR Committee Member

1 message

Karin Hobbs <karin@hobbsmediation.com>

Fri, Aug 11, 2017 at 3:57 PM

To: Nini Rich <ninir@utcourts.gov>

Nini:

I would like to apply. Attached is a resume.

When I was at the Utah Court of Appeals, I sat on this Committee. Mediation was in it's infancy back in 1999. I have been both a court mediator and a private mediator. I have mediated over 5,000 cases. I think I have a unique perspective - both private and public. I have been the President of the International Academy of Mediators and currently sit as an ex officio member. I think I can contribute a substantial amount to the committee.

Please call me if you any questions.

Sincerely,

Karin

On Aug 10, 2017, at 2:39 PM, Nini Rich <ninir@utcourts.gov> wrote:

Dear ADR Provider,

The Alternative Dispute Resolution Committee of the Utah Judicial Council is seeking an additional member from the professional mediation community.

The ADR Committee advises the Judicial Council on policies, plans and priorities relating to Alternative Dispute Resolution and works with the Court's ADR Director to inform ADR policy as it relates to the Utah State Courts. Judge Royal Hansen chairs the Committee which meets 4-6 times each year.

To apply, please send me a resume and a brief description of your interest and experience by August 28, 2017. The names of all applicants will be reviewed by the ADR Committee for recommendations and the Judicial Council for appointment.

This is a volunteer position.

Thank you for your consideration,

KARIN S. HOBBS

karin@hobbsmediation.com

466 East 500 South, #200

Salt Lake City, UT 84111

801) 983-1300

LEGAL EXPERIENCE

Karin S. Hobbs, L.C., (dba Hobbs Mediation)

2001- present

Conducted over 3,500 mediation conferences in a variety of cases including complex commercial, catastrophic injury, personal injury, real property, probate, zoning, construction, employment, divorce and custody. Known as a proactive mediator with the ability to assist parties in resolving complex and highly emotional legal disputes.

Chief Appellate Mediator, Utah Court of Appeals

1998 - 2001

Court-ordered approximately 400 appellate cases into mediation and mediated cases involving personal injury, construction, commercial litigation, domestic relations, probate, zoning, workers' compensation, employment, professional licensing, environmental claims, and real property.

Adjunct Professor of Law, University of Utah S. J. Quinney College of Law,

2000-02

Taught negotiation, mediation and other forms of dispute resolution to law school students as an Adjunct Professor of Law.

Staff Attorney, Utah Court of Appeals

1989 - 1998

Reviewed thousands of appeals filed in the court, including docketing statements, motions, petitions for interlocutory appeal, motions for stay, motions for summary disposition and briefs. Made recommendations on motions and drafted per curiam opinions for the court.

Law Clerk to Honorable Pamela T. Greenwood, Utah Court of Appeals

1987-1989

Served as Honorable Pamela T. Greenwood's first law clerk. Drafted bench memos, researched cases, and drafted opinions for Judge Greenwood.

Acting/Associate Bar Counsel, Utah State Bar

1986-1987

Screened and prosecuted disciplinary complaints against attorneys for alleged unethical conduct, including disbarment trials, and hearings before the screening panels, the Utah Bar Commission and the Utah Supreme Court.

EDUCATION

Juris Doctorate, University of Utah College of Law

1985

Bachelor of Arts in Communications, minor in Philosophy

University of Utah, cum laude

1977-1982

PUBLICATIONS

"Individualized Mediation Design," For the Defense, October 2007.

"10 Steps for 'Working' the Mediation Process," National Association of Legal Assistants Journal, Spring 2008.

"Mediation Confidentiality and Enforceable Settlements: Deal or No Deal?" Utah Bar Journal, May/June 2007.

"Attention Attorneys! How to Achieve the Best Results in Mediation," American Arbitration Association Handbook on Mediation, 2010.

"Utah's Appellate Mediation Office: A New Option for Case Resolution at the Utah Court of Appeals," Utah Bar Journal, December 1997.

In re Utah State Bar Petition: Pursuing a Chimeric and Ultimately Unconstitutional Goal, Journal of Contemporary Law, 1985.

AWARDS & ACTIVITIES

Founding Member, Utah Pro Bono Mediation Initiative, May 2011 – present
Vice President, International Academy of Mediators, Vice President, May 2011 – present
Board of Governors, International Academy of Mediators, July 2006 – present
Distinguished Fellow, International Academy of Mediators, May 2002- present
Board, Amigos de las Américas, 2005-2009
Peter W. Billings, Sr. Award for Excellence in ADR, Utah State Bar, October 2004
Board of Bar Commissioners, Utah State Bar, July 2001- July 2004
Chair, Alternative Dispute Resolution Section, Utah State Bar, 1999-2002
PTA President, Wasatch Elementary, 1997-98
Appellate Operations Task Force, 1994
Judge Pro Tempore, Third District Court
Courts and Judges Committee, Utah State Bar, 1992-94

PRESENTATIONS

I have presented over 80 seminars in places such as Utah, Colorado, New Mexico, Texas, California, Mexico and China over the past 13 years. Attached is a list of presentations.

PRESENTATIONS

2011

My Neighbor is Nuts: Negotiating with Difficult Personalities, Utah Chapter of Community Associations Institute, Salt Lake City, Utah, June 3, 2011.

Stories Mediators Tell (with Eric Galton and Lela Love), Dispute Resolution Section, American Bar Association, Denver, Colorado, April 14, 2011.

How Diversity and Culture Add to Successful Resolution: It's Not Just About Getting Cases Settled (with Marvin Johnson, Deborah Masucci and Joe Epstein), Dispute Resolution Section, American Bar Association, Denver, Colorado, April 14, 2011.

The Secrets of Successful Co-Mediation (with Magistrate Judge Samuel Alba and David O. Nuffer), Excellence in ADR: Mastering Process, Advocacy and Ethics, Law & Justice Center, Salt Lake City, Utah, March 24, 2011.

Case Law Update: Confidentiality, Privilege and Attorney Malpractice (with William B. Bohling), Excellence in ADR: Mastering Process, Advocacy and Ethics, Law & Justice Center, Salt Lake City, Utah, March 24, 2011.

My Neighbor Must Be a Sociopath: Mediating Multi-Party HOA Disputes with Difficult Personalities, CIA's 32nd Annual Community Association Law Seminar, January 14, 2011, Las Vegas, Nevada.

2010

The Use of Mediation in the U.S. for Personal Injury, Intellectual Property, Employment, and Complex Commercial Litigation, Sino-U.S. Legal Practice in Financial Investment Globalization Forum, Shanghai Lixiaohua Law Firm, Shanghai, China, October 28, 2010.

Resurrecting the Stalled Mediation - Don't Let the Mediator or Advocate Blow Your Settlement, American Bar Association Section of Dispute Resolution Section 12th Annual Spring Conference, San Francisco, April 9, 2010.

A Hybrid ADR Process: Judges and Mediators Collaborate, American Bar Association Section of Dispute Resolution Section 12th Annual Spring Conference, San Francisco, April 9, 2010. ☐

2009

Mediation Hits the Headlines: What You May Not Know But Should, Utah State Bar, Annual Meeting, July 15 2009.

Mediation or Arbitration: Your Options for Resolving Disputes in Difficult Economic Times, The Governor's 3rd Annual Economic Summit, March 30, 2009.

2008

User's Guide to Mediation, Utah State Bar, Fall Forum, November 12, 2008.

Mediation of Value, 2008 Utah Tort & Insurance Seminar, October 24, 2008.

Mediation Gone Wild: Confidentiality, Utah State Bar, September 12, 2008.

2007

Advanced Mediation Advocacy, International Academy of Mediators, Portland, Oregon, October 17, 2007.

Breaking Impasse, Advanced Mediation Skills and Training Program, American Bar Association Dispute Resolution Section Annual Meeting, San Antonio, Texas, October 11, 2007.

Making Co-mediation Work, International Academy of Mediators, Philadelphia, Pennsylvania, May 4, 2007.

2006

Avoiding Competitive Tactics in Negotiation, Utah State Bar, November 30, 2006.

The New Utah Uniform Mediation Act, Fall Forum, Utah State Bar, November 3, 2006.

Competitive Arousal: Dealing with Emotions in Mediation, Dispute Resolution Section, Utah State Bar, October 6, 2006.

Resolving Disputes in Community Associations, August 25, 2006, Boise, Idaho.

Utah Condominium Law: Resolving Disputes in Associations, Salt Lake City, August 16, 2006.

Legal Aspects of Condominium Development and Homeowners' Associations: Resolving Disputes in the Association, Lorman Education Services, February 12, 2006, Salt Lake City, Utah.

2005

Designing a Dispute Resolution Policy for Your Association, Community Association Institute's 54th National Conference, May 20, 2005, Tucson, Arizona.

ADR for Business Attorneys: Closing the Deal, Business Law Section's Annual Meeting, Utah State Bar, May 12, 2005.

2004

The Agreement to Mediate, International Academy of Mediators, November 12, 2004, Cancun, Mexico.

Ethical Issues in ADR, Utah State Bar, January 26, 2004.

2003

Effective Mediation, Utah State Bar, November 19, 2003.

Tips on Preparing Effective Mediation Statements, Utah State Bar, July 19, 2003.☐☐

Navigating Utah's Mediation Programs, Utah State Bar, July 17, 2003.☐

Mediation as the New Trial, Utah State Bar, March 15, 2003.☐

Intellectual Property and ADR, Utah State Bar, March 14, 2003.

ADR Academy, Utah State Bar, 2003.☐☐

2002

Preparing the Client for Mediation, Utah State Bar, June 27, 2002.

Breaking Through Impasse, Utah State Bar, June 29, 2002.☐☐

Mediation: Practice & Procedure in State & Federal Courts, Utah State Bar, March 22, 2002.☐☐

Essential Negotiating Skill for the Business Lawyer, Utah State Bar, March 14, 2002.☐☐

Advocacy in Private Caucuses and Facilitating Resolution, Utah State Bar, March 6, 2002.

Mediation as the New Trial, Utah State Bar, March 2002.

ADR and Intellectual Property, Utah State Bar, March 2002.

Tactics of Opening Statements, Utah State Bar, January 9, 2002.☐☐2001

Purchasing Negotiations, University of Utah, December 14, 2001.☐☐

Ethical Issues in Mediation, Utah State Bar, December 12, 2001.☐☐

Preparing to Mediate, Utah State Bar, November 14, 2001.☐☐

Negotiation for Lawyers, Utah State Bar, October 10, 2001.☐☐

A Harvard Approach to Mediation, Utah State Bar, July, 2001.

Practicing in a Mediation Forum: How to Adjust Advocacy to Maximize Results for Your Client,
ADR/Litigation Section, Utah State Bar, January 22, 2001.

2000

Trends in ADR, Military Law Section, Utah State Bar, April 12, 2000.

Tort and Insurance Mediation: Lessons from the Field, Utah ADR Symposium, April 8, 2000.

ADR Ethics: To Disclose or Not to Disclose, Utah ADR Symposium, April 7, 2000.

The Fundamentals of Effective Negotiation, Mid-year Meeting, Utah State Bar, March 10, 2000.

ADR for the Real Property Attorney, Real Property Section/ADR Section, Utah State Bar, February 17, 2000.

1999

"Representing a Client in Mediation", Annual Meeting, New Mexico Bar Association, October 22, 1999.

The Nuts and Bolts of ADR, Central Utah Bar Association, September 23, 1999.

Mediation Preparation and Advocacy, Annual Meeting, Utah State Bar, July 2, 1999.

Appellate Mediation, Appellate Practice Section, Utah State Bar, June 10, 1999.

"Mediation, Litigation and Arbitration: Similarities and Differences", Family Therapy/Parent Training,
University of Utah, April 15, 1999.

The Four Styles of Mediation, Utah ADR Symposium, April 10, 1999.

Ethical Dilemmas in Mediation, Utah ADR Symposium, April 10, 1999.

Lawyering in Mediation: Preparation and Advocacy, Utah ADR Symposium, April 8, 1999. ~~ADR~~ADR: Love it or Leave it, Mid-year Meeting, Utah State Bar, March 5, 1999.

1998

Settling Cases on Appeal: An Introduction to the Appellate Mediation Office, Mid-year Meeting, Utah State Bar, March 6, 1998.

Advanced Mediation Advocacy, International Academy of Mediators, Portland, Oregon, October 17, 2007.

Breaking Impasse, Advanced Mediation Skills and Training Program, American Bar Association Dispute Resolution Section Annual Meeting, San Antonio, Texas, October 11, 2007.

Natalie Threlkeld



Nini Rich <ninir@utcourts.gov>

Re: Opening - ADR Committee Member

1 message

Natalie Threlkeld <dntht@comcast.net>
To: Nini Rich <ninir@utcourts.gov>

Tue, Aug 29, 2017 at 12:26 AM

Salutations!

I have attached a statement of interest for consideration.
My laptop recently crashed so I am unable to attach a resume.
I have been in contact with data the retrieval company that I have hired in California on a daily basis but have not heard back if anything has been retrieved. If this submission is not adequate, I apologize! I am paying the company \$2,000 to see if they can get anything off of my computer so I sincerely tried! They were supposed to respond to my requests by last Friday, to no avail.

Thanks!**My Best!****Agree-able Mediations***Natalie Threlkeld***1398 N. Hill Field Rd.****Suite #2****Layton, UT 84041****801-814-7121****Agree-ableMediations@comcast.net****Evening & Weekend Appointments Available****Confidential Mediation Communication Protected by UUMA, UADRA, and applicable Court Rules****CONFIDENTIALITY NOTICE AND PROHIBITION AGAINST DISCLOSURE**

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Statement of Interest Regarding Opening On the ADR Committee

August 28, 2017

Natalie Threlkeld

1398 N. Hill Field Rd.
Suite #2
Layton, UT 84041
801-814-7121

As an active member of the professional mediation community, I wish to submit my name for consideration for an opening on the ADR Committee. I apologize for the lack of an attached resume. The hard drive on my laptop recently crashed and the computer recovery company has not responded to my requests to determine if anything is recoverable/retrievable.

I offer the following unique perspectives and benefits to the ADR Committee:

- Non-Attorney Mediator in successful, current private practice (8 years)
- Former Domestic Mediation Program Coordinator – AOC (4 Years)
Designed & Implemented the program when the legislature made mediation mandatory for contested divorces in 2005.
- Court Approved Master Mediator
Over 3,000 hours of mediation experience.
- Court Approved Primary Trainer
- Court Approved Domestic/Divorce Mediator
- Court Approved Domestic Mentor
- Court Approved Domestic Violence Expertise
- Past Board Member of Utah Council on Conflict Resolution (7 Years)
(Founding Member & Chair of the Family Section)
(Founding Member & Chair of the Workplace Section)

I have been actively involved in the mediation community for the past 15 years both within the court system and outside. I designed and implemented the mandatory divorce mediation program for the Utah State Courts in 2005 and went into private practice in 2009.

I am familiar with the statutes, rules, and processes that govern ADR providers in Utah. I have previously helped draft and provide feedback on policies that were under consideration.

As a court approved primary trainer, I often teach classes on ethics in ADR. I have contacted the ADR Director several times to request informed opinions regarding ethical issues within the ADR community.

As a mediator in private practice that is approved on the court roster, I am required to provide at least three pro bono mediations each year. In the past five years, I have donated over 30% of my mediation hours and income to low income clients.

Utah Judicial Council's ad hoc Committee on Alternative Dispute Resolution

As of November 1, 2017

Judge Royal I. Hansen, Chair, Third District Court, rhansen@utcourts.gov

Judge Ryan Harris, Utah Court of Appeals

Judge Michelle Heward, Second District Juvenile Court, mheward@utcourts.gov

Commissioner Michelle Tack, Third District Court, ctack@utcourts.gov

Judge William Bohling, ret., Attorney/Mediator, williambbohling@gmail.com

Michele Mattsson, Chief Appellate Mediator, Utah Court of Appeals, michelem@utcourts.gov

Professor James Holbrook, S.J. Quinney College of Law, james.holbrook@law.utah.edu

William Downes Jr., Utah Dispute Resolution, Chair of the Board, james.holbrook@law.utah.edu

Carolynn Clark, University of Utah, Conflict Resolution Cert. Program, info@clark-mediation.com

Brent Bateman, Director, Office of the Property Rights Ombudsman, info@clark-mediation.com

Marcella Keck, Attorney/Mediator, mkeck@accord-mediation.com

Michelle Oldroyd, Attorney/Mediator, michellemoldroyd@gmail.com

Kent B. Scott, Attorney/Mediator, kent@babcockscott.com

Nini Rich, Staff, ADR Director, Administrative Office of the Courts, ninir@utcourts.gov

**Other Applicants for the Professional Mediator slot on the ADR
Committee**

December 2017

Jason Barber

Nini Rich
ADR Program Director
Administrative Office of the Courts
P.O. Box 140241
Salt Lake City, UT 84114-0241
nininir@utcourts.gov

August 16, 2017

Nini,

I'm writing this letter to express my interest in serving on the Alternative Dispute Resolution Committee of the Utah Judicial Council. I am currently in private mediation and collaborative law practice, specializing in, entertainment, business mediation, civil disputes, employment issues, co-parenting, and, divorce related custody and parent time agreements. I am pursuing a Masters Degree in legal studies from Pepperdine Law School, am a Utah State Courts Qualified ADR provider, and a member of the Utah Council on Conflict Resolution.

Prior to my work in alternative dispute resolution, I spent twenty years at the executive level in music publishing and motion picture project development. Having semi-retired from the entertainment business, I am now focused on improving my fluency in U.S. legal methods and analysis of common and contract law, and growing my dispute resolution practice.

Although I am a relative newcomer to the ADR community in Utah, my business experience, professional practice and study of the science of negotiation is vast. My decision to more actively pursue alternative dispute resolution after a long business career was made after many years of observing what I see as a breakdown in social dialog, and an ever-increasing loss of diplomacy—not only in the business and legal community, but in our broader society and culture. I have acquired a real passion for the art of communication, and see an increasing need for community outreach, to educate and inform people about the integral role alternative dispute resolution plays in our overburdened legal system, and in our increasingly interconnected and complex society.

Volunteering on the UJC Council would provide me the chance to participate in setting the future trajectory of the alternative dispute resolution profession, and to learn, inform, and engage about how the growing ADR practice can better integrate into the court system. It would be my honor to serve.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Barber', with a stylized flourish at the end.

Jason R. Barber
Barber Alternative Dispute Resolution, L.L.C.
7984 S. 1300 E. Sandy, UT 84094
801-895-4100
jrb@barber-adr.com

JASON R. BARBER

PROFILE

I am an experienced executive with 20 years of management experience in the production, entertainment, music, film and video industry. I am a seasoned negotiator and trained legal mediator, and have handled high-stakes motion picture deals, business mergers, partnership dissolutions, civil matters, and domestic disputes. I am expert in contract negotiations, financial planning/strategy, corporate strategy and project management. I am a devoted husband, father, and grandfather, and, a passionate advocate for improving social dialog.

EXPERIENCE

SHAREHOLDER; BARBER ALTERNATIVE DISPUTE RESOLUTION, LLC. 2015-PRESENT

Private negotiator, mediator and resolution consultant with focus in the areas of entertainment, civil and domestic law, business disputes, community disputes, probate, real estate, and workplace conflict resolution.

- Court Qualified ADR Provider, Utah State Courts Mediation Roster
- Council Member, Utah Council on Conflict Resolution
- Member, Salt Lake City Chamber of Commerce
- Member, Sandy City Chamber of Commerce.

CO-FOUNDER AND CHAIRMAN, SHAREHOLDER; MEDIA ARTS PICTURES 1998-PRESENT

Media Arts Pictures is a U.S. independent film and television production company founded in 1998. The company's mission is to develop, finance and produce impacting and evocative content for theatrical, television and web distribution.

- Direct acquisition, development and production of feature film and television scripts and projects.
- Lead business strategy, project development and financing of all projects currently under option.
- Negotiate financing agreements, production deals, sales contracts and distribution arrangements.

CONTRACT SPEAKER/PRESENTER; NATIONAL ASSOCIATION OF BROADCASTERS 2013-PRESENT

Research, write and present professional keynote addresses, seminars and master-class presentations on film and television industry related topics including: script development, producing, film and television music composition, intellectual property licensing, music publishing, sound design and sound editing.

8372 Sycamore Tree Cove Sandy, Utah 84094 801-712-3404 jrb_kinetic@mac.com

EDUCATION

**UNIVERSITY OF UTAH, SALT LAKE CITY, UTAH - BACHELOR OF MUSIC
1998**

**UTAH VALLEY UNIVERSITY, OREM, UTAH - ADVANCED MEDIATION AND
NEGOTIATION CERTIFICATE
2015**

**PEPPERDINE UNIVERSITY LAW SCHOOL - MASTERS OF LEGAL STUDIES
EXPECTED GRADUATION, OCTOBER 2018**

REFERENCES

**Charlotte Miller - Chief Human Resources Officer, U.S. Ski & Snowboard
cmiller@ussa.org
435-647-2003**

**Greg Skordas - Attorney, Shareholder - Skordas, Caston & Hyde; Salt Lake City, UT
gskordas@schhlaw.com
801-531-7444**

**Leann Saldivar - CEO, Boys and Girls Clubs of Greater Salt Lake; Murray, UT
Leannsaldivar@yahoo.com
801-718-2188**

**Hon. Judge Paul G. Maughan - District Court Judge, Utah - Salt Lake, Summit and Tooele Counties
Contact upon request.**

**LeeAnn Glade - Law Instructor, Brigham Young University; Utah Valley University
laglade@xmission.com**

Alyssa Wood

ALYSSA WOOD

Address: 3757 South Fishery Lane, South Salt Lake, Utah, 84119 Email: alyssa.wood@vf-law.com Phone: 801-682-3301

August 11, 2017

Nini Rich
Director, ADR Programs
Utah State Administrative Office of the Courts
P.O Box 140241
Salt Lake City, UT 84114-0241

Ms. Rich,

Please consider my resume in your search for a Committee member of the Alternative Dispute Resolution Committee of the Utah Judicial Council. I am very interested in furthering my involvement in the ADR community and using my skills to advance ADR.

I am a recent graduate of the S.J. Quinney College of Law, and I am currently awaiting my bar exam results from the July 2017 exam. This past May, I completed the requirements for becoming a Court-Qualified Mediator, and I am working on developing my practice at Vial Fotheringham Law as a mediator and future attorney. I know that my skills and expertise will be a valuable asset to the ADR Committee. As a law student, I have honed my research, writing, and communications skills through competing in Moot Court and the S.J. Quinney Trial Advocacy competition team. I have also had the opportunity to take courses in negotiation, and conflict resolution in addition to researching and writing about ADR in a variety of contexts. As a law student, I served as a member of the Student Bar Association, where my primary role was to meet with law school faculty to discuss and vote on policy changes, tenure, and to represent the students. Through this experience, I learned how to gather and organize information, and discuss benefits and drawbacks of the policies we were considering.

Prior to law school, I took a peace and conflict studies course in Israel where I met with mediators, attorneys, and non-profit organizations who promote restorative justice. I was able to take classes in Non-Violent Communication ("NVC") as well as courses in conflict analysis and dialogue. This course has helped me substantially as a mediator in coming up with creative solutions to problems.

I appreciate you reviewing my resume, and believe it reflects skills applicable to the goals of the ADR committee. I look forward to hearing from your office.

Sincerely,

Alyssa Wood

ALYSSA WOOD

3757 South Fishery Lane, South Salt Lake, Utah, 84119 | alyssa.wood@vf-law.com | (801) 682-3301

EDUCATION

University of Utah S.J. Quinney College of Law

J.D. May 2017

- *Semi-Finalist and Best Oralist*, Traynor Moot Court 2016
- *Team Member* (one of four students selected), S.J. Quinney Trial Advocacy Team 2016–2017
- *Elected Class Representative*, Student Bar Association, 2014–2017

University of Utah, Conflict Resolution Graduate Program

Certification, May 2014

- *Recipient*, Most Efficient Problem Solver Award (first in class of 20 students)
- *Completed over 100 hours of mediation as trainee*

University of Utah

B.S. in Communication May 2014

Activities: John R. Park Debate Society
Studied abroad in Eilat, Israel

Honors: Dean's List
Won over 30 awards at national public speaking and debate competitions

WORK EXPERIENCE

Vial Fotheringham LLP, Salt Lake City, Utah

Law Clerk, January 2016–Present

- Researched mechanics liens, statutes of repose, warranty of habitability, collections liens
- Draft memos and briefs related to Home Owners Association litigation, Fair Housing Act, construction defects and collections

Rocky Mountain Innocence Center, Salt Lake City, Utah

Intern, August 2016–May 2017

- Lead investigator on two life sentence cases.
- Responsible for independently re-investigating cases and gathering evidence to prove the innocence of clients.

Open Legal Services, Salt Lake City, Utah

Legal Intern, January 2016–May 2016

- Drafted briefs and memos related to family law and criminal defense
- Researched child custody, parental rights termination, search and seizures, excessive force
- Assisted attorneys in court proceedings, mediations, and client intakes.

Suitter Axland, Salt Lake City, Utah

Legal Assistant and Law Clerk, June 2012–January 2016

- Drafted briefs, memos and correspondence related to construction defect, local government law, torts
- Researched governmental immunity, §1983 actions, Civil Rights claims, mechanics lien statutes, Fair Housing Act, products liability, torts claims.

Paul J. Robbins

Paul J. Robbins
Attorney at Law

Nini Rich

ADR Program Director

Administrative Office of the Courts

P.O. Box 140241

Salt Lake City, UT 84114-9241

Re: ADR Committee

Dear Ms. Rich,

Please submit my name for consideration as a member of the Alternative Dispute Committee. Although a recent graduate of the ADR Training for both Basic and Domestic Mediation I feel I've found a home. After 45 years of legal practice I now have realized what I've wanted to do from the day I entered law school. I've never really embraced the litigious nature of the law even though I've been quite successful at it as a prosecutor, civil defense atty., personal injury counsel, corporate counsel and estate planner. I actually moved to Utah in 1990 to retire from the law but found my education and experience to valuable and useful even with minimal litigation.

A great deal of my past experience has been dealing with people's lives and challenges. Having the benefit of ADR training has given me greater insight and opportunity that I feel I've been looking for but never quite finding, until now. In any event I'm excited and committed to pursue this field of endeavor and would like the experience and opportunity to serve in any capacity. Thank you.

Yours truly,


Paul J. Robbins

Tel: 435.229.3133

RESUME

Name: PAUL J. ROBBINS
Born: Aug. 4, 1943 American Fork, Utah
Raised: Orem, Utah
Educated: Orem High School '61
Brigham Young Univ. '68 (B.A.)
Peninsula Univ. of Law '80 (B.S.L.)
'82 (J.D.)
Member of the California & Utah Bar Assoc.
Utah Court Qualified Basic & Domestic Mediator
Family: D'Anne J. Robbins/Atty. (wife of 51 yrs.)
Children (7) Grandchildren (29)
Profession: Atty. at Law (licensed in Utah & California)
Military: U.S. Army Reserve (Honorable Discharge '68)
Honors: Phi Sigma Alpha Ntl. Academic Honor Society BYU
Talent Scholarship (Music & Voice) **BYU**
L.D.S. Mission/Denmark ('62-'65)
Work History: Entertainer(singer/songwriter (2 albums/4 singles)
Radio D/J (4 yrs.) F.C.C. Licensed
Director & Lecturer/The People Speak
(National Polling Organization)
Marketing Consultant/D.M.I.
Regional Mgr. (Northern Calif.)/D.M.I.
Founder/Inventor/President of AquaBlankets Inc.
(1st Commercial floating Pool Covers)
Santa Clara County, California D.A.s Office
Private Legal Practice:
Hunter, Peterson & Burton
(Created off-shore banking/Tonga)
Burton, Brunt, Robbins & Blau
(House Counsel-4 major high-tech firms)
Robbins & Robbins
(Lecturer/trusts & estate planning/6 yrs.)
News Anchor & Voice Talent/M.B. Broadcasting
Extracurricular Activities:
L.D.S. Church leadership & Teaching (54 yrs.)
Tennis/Skiing/Basketball/Golf
Softball (Church & City Leagues)
President/Los Altos Hills Little League (3 Yrs.)
Coach/Baseball, Basketball, Soccer (10 yrs.)
Boy Scouts of America (Counselor/25 yrs.)
M.C./Speaker/Voice-over(30 yrs.)
Bloomington Town Council
Anasazi Valley Development/Board of Directors
St. George City Waste Treatment/Board of Directors
Director of Volunteers/Huntsman Senior Games

Ana Atwood



Nini Rich <ninir@utcourts.gov>

Re: Opening - ADR Committee Member

1 message

Ana Atwood <newcastlemediation@gmail.com>
To: Nini Rich <ninir@utcourts.gov>

Fri, Aug 11, 2017 at 12:35 PM

Nini I am interested, I only have done mediations for 7 years. So I don't know if they want somebody with a lot more years in the field.

On Thu, Aug 10, 2017 at 2:39 PM, Nini Rich <ninir@utcourts.gov> wrote:

Dear ADR Provider,

The Alternative Dispute Resolution Committee of the Utah Judicial Council is seeking an additional member from the professional mediation community.

The ADR Committee advises the Judicial Council on policies, plans and priorities relating to Alternative Dispute Resolution and works with the Court's ADR Director to inform ADR policy as it relates to the Utah State Courts. Judge Royal Hansen chairs the Committee which meets 4-6 times each year.

To apply, please send me a resume and a brief description of your interest and experience by August 28, 2017. The names of all applicants will be reviewed by the ADR Committee for recommendations and the Judicial Council for appointment.

This is a volunteer position.

Thank you for your consideration,

Nini Rich

--

Nini Rich
ADR Program Director
Administrative Office of the Courts
P.O. Box 140241
Salt Lake City, UT 84114-0241
ninir@utcourts.gov

Tab 14

Exhibit C

☐ This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #:_____)

☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #:_____)

In the ☐ District ☐ Juvenile ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Motion to Correct Clerical Mistake
(Utah Rule of Civil Procedure 60(a))

Plaintiff/Petitioner

v.

Defendant/Respondent

Case Number

Judge

Commissioner (domestic cases)

1. I ask that the court correct a clerical mistake in _____ (name of order, judgment or decree) entered on _____ (date) by _____ (name of judge).

2. The part of the order that has the clerical mistake says (Copy exactly the part of the order you want to be corrected.):

3. This is a mistake because (Examples of clerical mistakes include: spelling or math mistakes, mixing up party names or designation.):

4. The corrected part of the order should say (Write what the corrected language should be):

5. I ask that this order correcting this error be entered to take effect on the date the original order was entered.
6. ☐ The other party agrees with this motion, and I have attached their stipulation.
7. ☐ I request a hearing on this motion.
☐ I do not request a hearing on this motion.

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

	Signature ►	
Date	Printed Name	

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Correct Clerical Mistake on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Order on Motion to Correct Clerical Mistake

(Utah Rule of Civil Procedure 60(a))

Case Number

Judge

Commissioner (domestic cases)

The matter before the court is a Motion to Correct Clerical Mistake. This matter is being resolved by: (Choose all that apply.)

[] The default of [] plaintiff/petitioner [] defendant/respondent.

[] The stipulation of the parties.

[] The pleadings and other papers of the parties.

[] A hearing held on _____ (date), notice of which was served on all parties.

Plaintiff/Petitioner

[] was present [] was not present.

[] was represented by _____ (name).

☐ was not represented.

Defendant/Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

The court finds that:

1. ☐ There was no clerical mistake.

☐ There was a clerical mistake in

_____ (name of order) entered

on _____ (date) by

_____ (name of judge).

2. ☐ The part of the order that has the clerical mistake is:

3. ☐ The order should be corrected.

Having considered the documents filed with the court, the evidence and the arguments,
and now being fully informed,

The court orders that:

4. The Motion to Correct Clerical error is:

☐ denied

☐ granted

5. ☐ The order will be corrected to say:

6. ☐ The moving party will prepare a corrected order and submit it to the court.
 ☐ _____ (name) will
 prepare a corrected order and submit it to the court.
7. ☐ The corrected order will be titled “Nunc Pro Tunc Corrected Order ...,” to be
 effective as of the date the original order.
8. ☐ Other:

Judge’s signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

_____	Signature ►	_____
Date	Plaintiff/Petitioner, Attorney, or Licensed Paralegal Practitioner	_____

_____	Signature ►	_____
Date	Defendant/Respondent, Attorney, or Licensed Paralegal Practitioner	_____

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Correct Clerical Mistake on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

Date

Signature ► _____
Printed Name _____

☐ This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Objection to Form of Order (Utah Rule of Civil Procedure 7)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

1. I am the ☐ plaintiff/petitioner ☐ defendant/respondent.
2. I object to the form of the order called _____ (name of order)
that was prepared by: _____ (name
of party who prepared the order) and dated _____.

3. I am filing this objection with the court within seven days of service.

I specifically object as follows:

4. Paragraph number _____. (Explain objection.)

5. Paragraph number _____. (Explain objection.)

6. Paragraph number _____. (Explain objection.)

(Attach additional sheets if needed.)

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and served a copy of this Objection to Form of Order on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

Signature ►

Date

Printed Name

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Petitioner

☐ Respondent

☐ Petitioner's Attorney

☐ Respondent's Attorney (Utah Bar #:_____)

☐ Petitioner's Licensed Paralegal Practitioner

☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #:_____)

In the District Court of Utah

Judicial District _____ County

Court Address _____

**Objection to Commissioner's
Recommendation and Memorandum
in Support**

(Utah Rule of Civil Procedure 108)

[] Hearing Requested

Petitioner

v.

Case Number

Respondent

Judge

Commissioner

1. On _____ (date), Commissioner _____
(name) held a hearing in this case.
2. I object to the commissioner's recommendation that (Be specific. Attach additional
sheets if needed.):

I object to the recommendation because (Briefly explain the specific reasons why that recommendation is incorrect. Attach additional sheets if needed.):

I ask the judge to instead make the following order (Write what you think the order should say instead):

-
-
-
-
3. ☐ I object to the commissioner's recommendation that (If there is no additional objection, leave blank.) (Be specific. Attach additional sheets if needed.):

I object to the recommendation because (Briefly explain the specific reasons why that recommendation is incorrect. Attach additional sheets if needed.):

I ask the judge to instead make the following order (Write what you think the order should say instead):

If you have more objections, attach additional sheets following the format in 2 and 3 above.

4. ☐ There has been a substantial change of circumstances since the commissioner's recommendation (Required only if you are asking the judge to consider new evidence. Provide an explanation of the substantial change.):

5. ☐ I request a hearing.
 ☐ I do not request a hearing.

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

	Signature ►	
Date	Printed Name	

Certificate of Service

I certify that I filed with the court and served a copy of this Objection to Commissioner's Recommendation and Memorandum in Support on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

 Date

 Signature ►

 Printed Name

☐ This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

	Answer
_____ Plaintiff/Petitioner	_____ Case Number
v.	_____ Judge
_____ Defendant/Respondent	_____ Commissioner (domestic cases)

1. **Agree**
I agree completely with everything stated in the following numbered paragraphs of the complaint (Write the paragraph number(s) from the complaint.):

2. **Disagree**
I disagree with all or part of the following numbered paragraphs of the complaint (Write the paragraph number(s) from the complaint.):

3. **Not enough information to agree or disagree**

I do not have enough information to agree or disagree with the following paragraphs of the complaint (Write the paragraph number(s) from the complaint.):

Explanation of responses

(Optional. Complete only if you have more to say. Attach additional sheets if needed.)

4. Referring to paragraph number _____ of the complaint or petition, I state that:

5. Referring to paragraph number _____ of the complaint or petition, I state that:

6. **Affirmative defenses**

(Optional. Complete only if you know another reason why the plaintiff/petitioner should not be granted their request.)

7. **Request**

(Optional. Explain what you want the court to do based on your defenses. Be specific. For example, "I ask the court to dismiss the Complaint.")

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Answer on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

Date

Signature ► _____

Printed Name _____

This is a tier ____ case.

☐ This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Defendant/Respondent ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Counterclaim

Case Number

Judge

Commissioner (domestic cases)

1. Claims

I believe the plaintiff/petitioner has harmed me in these ways (Explain any claim you have against the plaintiff/petitioner. Attach additional sheets if needed.):

2. **Request**

I want the court to (Explain what you want the court to do based on your claims. Be specific.
For example, "I want the court to award damages of \$_____.):

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and served a copy of this Counterclaim on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #:_____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #:_____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff</p> <p>v.</p> <p>_____ Defendant</p>	<p>Answer – Debt Collection Case</p> <p>_____ Case Number</p> <p>_____ Judge</p>
---	---

1. **Agree**
I agree completely with everything stated in the following numbered paragraphs of the complaint (Write the paragraph number(s) from the complaint.):
- _____
- _____
2. **Disagree**
I disagree with all or part of the following numbered paragraphs of the complaint (Write the paragraph number(s) from the complaint.):
- _____
- _____

3. **Not enough information to agree or disagree**

I do not have enough information to agree or disagree with the following paragraphs of the complaint (Write the paragraph number(s) from the complaint.):

Explanation of responses (Optional. Complete only if you have more to say. Add additional pages if needed.)

4. Referring to paragraph number _____ of the complaint or petition, I state that:

5. Referring to paragraph number _____ of the complaint or petition, I state that:

Affirmative defenses

(Optional. Complete these paragraphs only if you know a reason why the plaintiff should not win the case, other than what you have already stated in your answers above. Check all defenses that apply and add any additional defenses.)

6. ☐ **Account issues**

- The account is not my account, or
- I am not the person who placed the charges on the account, or
- I am not the person who incurred the debt.

7. ☐ **Ambiguous contract**

The contract is too ambiguous to be enforced.

8. ☐ **Bankruptcy**

I have a pending bankruptcy case or the debt was discharged in a previous bankruptcy case.

Date case filed: _____

Bankruptcy case number: _____

9. ☐ **Claims not allowed**
The claims are not allowed because the debt is based on:
- a contract of adhesion (i.e. a take-it-or-leave-it contract),
 - an unconscionable contract,
 - a contract that is illegal or against public policy,
 - an illusory contract (i.e. a contract for which I did not receive anything in exchange), or
 - a contract that I did not sign or otherwise agree to.
10. ☐ **Co-signer**
I was a co-signer but was not informed of my rights as a co-signer.
11. ☐ **Contract cancelled**
- I legally cancelled the contract and therefore do not owe anything, or
 - the creditor cancelled the contract and therefore is not entitled to payment.
12. ☐ **Debt ownership**
The plaintiff is not the original owner of the debt and may not be able to prove that it rightfully owns the debt.
13. ☐ **Debt paid or excused**
The debt has been paid or excused. For that reason, the claims are barred by accord and satisfaction, discharge, waiver, or release.
14. ☐ **Fraud or duress**
The creditor lied to me, threatened me, or physically forced me to enter the contract or do the deal. For that reason, the claims are barred because the debt was procured through fraud, fraud in the inducement, or duress. Explain:
-
-
-
15. ☐ **Goods and services issues**
- I never received the goods or services for which the debt was allegedly incurred, or
 - the goods and services were defective, or
 - the creditor damaged my property when delivering the goods or services.
16. ☐ **Laches, estoppel or unclean hands**
- The creditor/plaintiff waited too long to bring the claims, or

- it is unfair for the creditor/plaintiff to bring the claims, or
- the creditor/plaintiff behaved badly with regard to the alleged debt.

For that reason, the claims are not allowed by laches, estoppel, or unclean hands.

17. ☐ **Loan acceleration**
The creditor was not permitted to accelerate the loan.
18. ☐ **Mitigation of damages**
The creditor did not mitigate damages. They failed to take actions to protect themselves and/or minimize the amount of the alleged debt.
19. ☐ **No claim**
The complaint does not state a claim on which relief can be granted.
20. ☐ **Offset**
I am entitled to an offset for amounts that I have paid or that should otherwise be credited to me.
21. ☐ **Performance**
The plaintiff did not perform under the contract and is therefore barred from recovering under the contract.
22. ☐ **Res judicata**
I or someone associated with me has previously been sued for the alleged debt. For that reason, the claims are barred by res judicata.
23. ☐ **Sale of property – commercially reasonable manner**
After repossessing my property, the creditor or its representatives did not sell the property in a commercially reasonable manner (i.e. they sold it without properly advertising it or for less than it was worth).
24. ☐ **Sale of property – notice**
After repossessing my property, the creditor or its representatives did not give me proper notice of the date, time and place of sale, thereby entitling me to offsetting statutory damages.
25. ☐ **Statute of frauds**
The alleged debt is based on a credit agreement or an agreement to pay the debt of another person, but the contract is not in writing and signed as required by the statute of frauds and is therefore barred.
26. ☐ **Statute of limitations**

The claims are barred because they were brought after the six-year statute of limitations period for actions based on a contract, or because another applicable statute of limitations has expired.

27. ☐ **Other** (State any other reason why the plaintiff should not be granted their request.)

28. **Request**
(Optional. Specifically explain what you want the court to do based on your defenses.)

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

Date

Signature ►

Printed Name

Certificate of Service

I certify that I filed with the court and served a copy of this Answer – Debt Collection Case on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

Signature ►

Date

Printed Name

Landlord Tenant Forms 9/21/2017

1001EVJ	Three day notice to pay or to vacate
1005EVJ	Three day notice to comply with lease or vacate
1010EVJ	Three day notice to vacate for criminal nuisance
1015EVJ	Three day notice to vacate for nuisance
1020EVJ	Three day notice to vacate for assigning or subletting contrary to rental contract
1025EVJ	Three day notice to vacate for committing waste on premises
1030EVJ	Three day notice to vacate for engaging in unlawful business on or in the premises
1035EVJ	Three day notice to vacate for lease violation which cannot be brought into compliance
1040EVJ	Three day notice to vacate for committing criminal act on the premises
1045EVJ	Fifteen day notice to vacate
1050EVJ	Five day notice to a tenant at will
1100EVJ	Complaint
1200EVJ	Order of Restitution
1300EVJ	Affidavit of Damages
1400EVJ	Judgment for Plaintiff for Unlawful Detainer
1450EVJ	Judgment for Defendant for Unlawful Detainer
2000EVJ	Request for Hearing on Enforcement of Order of Restitution
2100EVJ	Tenant Answer and Counterclaim
1250EVJ	Motion to Set Amount of Counter Bond
1251EV	Notice of Possession Bond
1252EV	Order setting amount of possession bond
1260EV	Request for Possession Bond hearing
1270EV	Tenant Counter Bond Property
1271EV	Order Setting Amount of Counterbond
1275EV	Motion to Release Possession Bond
1276EV	Order to Release Possession Bond

THREE DAY NOTICE TO PAY OR TO VACATE

This Notice is given to:

Tenant/Occupant Name

Street Address

City, State, Zip

This Notice is given by:

Landlord/Owner Name

Street Address

City, State, Zip

You are behind in your payments required by your rental agreement with your landlord.

You are required to either pay everything you owe as indicated below, or move out within three calendar days. (Utah Code 78B-6-802(1)(c)) Move out means leave the premises, take all your belongings and leave any keys or access cards.

1. Within three calendar days, you must pay the entire amount of money that is now owing to your landlord for rent. Calendar days includes weekend days and holidays, but does not include the day of service. The total amount due is _____. Rent is due for the following time period(s): _____
2. Within three calendar days, you must pay the entire amount of money that is now owing to your landlord for amounts due under the rental contract other than rent. Calendar days includes weekend days and holidays, but does not include the day of service. The total amount due is _____. The amounts due other than rent are as follows: _____

3. If you do not pay all of the money you owe within three calendar days, you must move out of the premises you have rented. Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not comply you may be determined by a court to be in "unlawful detainer" and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date

Landlord/Owner Signature ► _____
Printed Name _____

RETURN OF SERVICE

This Notice was served upon _____ (name) on
_____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the tenant/occupant personally.
- ☐ A copy was sent through certified or registered mail to the tenant/occupant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:
- ☐ tenant/occupant's residence or ☐ tenant/occupant's place of business
- AND
- a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

THREE DAY NOTICE TO COMPLY WITH LEASE OR VACATE

This Notice is given to:

This Notice is given by:

Tenant/Occupant Name

Landlord/Owner Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have violated your lease agreement as follows:

You must do one of the following:

1. Within three calendar days, you must bring your lease violation into compliance. Calendar days includes weekend days and holidays, but does not include the day of service.
2. If you do not comply with your rental agreement within three calendar days, you must move out of the premises you have rented. (Utah Code 78B-6-802(1)(h)) Move out means leave the premises, take all your belongings and leave any keys or access cards.

If you do not comply you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date

Landlord/Owner Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the tenant/occupant personally.
- ☐ A copy was sent through certified or registered mail to the tenant/occupant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ tenant/occupant's residence or ☐ tenant/occupant's place of business

AND

a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

THREE DAY NOTICE TO VACATE FOR COMMITTING CRIMINAL ACT ON THE PREMISES

This Notice is given to:

Tenant/Occupant Name

Street Address

City, State, Zip

This Notice is given by:

Landlord/Owner Name

Street Address

City, State, Zip

You have committed one or more criminal acts on the premises. They are:

You are required to move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(g)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date

Landlord/Owner Signature ► _____

Printed Name _____

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the tenant/occupant personally.
- ☐ A copy was sent through certified or registered mail to the tenant/occupant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ tenant/occupant's residence or ☐ tenant/occupant's place of business

AND

a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

THREE DAY NOTICE TO VACATE FOR CRIMINAL NUISANCE

This Notice is given to:

This Notice is given by:

Tenant/Occupant Name

Landlord/Owner Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have committed a criminal nuisance because: _____

You are required to move out of the premises within three calendar days. (Utah Code 78B-6-1107) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date

Landlord/Owner Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on
_____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the tenant/occupant personally.
- ☐ A copy was sent through certified or registered mail to the tenant/occupant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ tenant/occupant's residence or ☐ tenant/occupant's place of business

AND

a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____

Name of person serving this notice

Sign here _____

Name of person serving this notice

THREE DAY NOTICE TO VACATE FOR NUISANCE

This Notice is given to:

This Notice is given by:

Tenant/Occupant Name

Landlord/Owner Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have committed a nuisance because _____

You are required to move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(f)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date

Landlord/Owner Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the tenant/occupant personally.
- ☐ A copy was sent through certified or registered mail to the tenant/occupant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ tenant/occupant's residence or ☐ tenant/occupant's place of business

AND

a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

THREE DAY NOTICE TO VACATE FOR ASSIGNING OR SUBLETTING CONTRARY TO RENTAL CONTRACT

This Notice is given to:

This Notice is given by:

Tenant/Occupant Name

Landlord/Owner Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have assigned or sublet your rental premises contrary to your rental contract as follows:

You must move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(d)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date

Landlord/Owner Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on
_____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the tenant/occupant personally.
- ☐ A copy was sent through certified or registered mail to the tenant/occupant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ tenant/occupant's residence or ☐ tenant/occupant's place of business

AND

a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

THREE DAY NOTICE TO VACATE FOR COMMITTING WASTE ON PREMISES

This Notice is given to:

This Notice is given by:

Tenant/Occupant Name

Landlord/Owner Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have committed waste on the rental premises as follows:
(Waste means damage beyond normal wear and tear.)

You must move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(d)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found
at: www.utcourts.gov/howto/landlord/eviction.html

The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date

Landlord/Owner Signature ► _____

Printed Name _____

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the tenant/occupant personally.
- ☐ A copy was sent through certified or registered mail to the tenant/occupant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ tenant/occupant's residence or ☐ tenant/occupant's place of business

AND

a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

**THREE DAY NOTICE TO VACATE
FOR ENGAGING IN UNLAWFUL BUSINESS ON OR IN THE PREMISES**

This Notice is given to:

This Notice is given by:

Tenant/Occupant Name

Landlord/Tenant Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have engaged in unlawful business on or in the rental premises as follows:

You must move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(e)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date

Landlord/Owner Signature ► _____
Printed Name _____

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the tenant/occupant personally.
- ☐ A copy was sent through certified or registered mail to the tenant/occupant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ tenant/occupant's residence or ☐ tenant/occupant's place of business

AND

a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

**THREE DAY NOTICE TO VACATE FOR LEASE VIOLATION
WHICH CANNOT BE BROUGHT INTO COMPLIANCE**

This Notice is given to:

This Notice is given by:

Tenant/Occupant Name

Landlord/Owner Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You have committed one or more lease violations which cannot be brought into compliance. They are:

You must move out of the premises within three calendar days. (Utah Code 78B-6-802(1)(c)) through (g), Utah Code 78B-6-802(2)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date

Landlord/Owner Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

☐ A copy was delivered to the tenant/occupant personally.

☐ A copy was sent through certified or registered mail to the tenant/occupant's address.

☐ A copy was posted in a conspicuous place on the premises, as no one was home.

☐ A copy was left with _____ a person of suitable age and discretion at:

☐ tenant/occupant's residence or ☐ tenant/occupant's place of business

AND

a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

FIFTEEN DAY NOTICE TO VACATE

This Notice is given to:

This Notice is given by:

Tenant/Occupant Name

Landlord/Owner Name

Street Address

Street Address

City, State, Zip

City, State, Zip

The last day of your rental period is _____.

You must move out of the premises on or before this date. (Utah Code 78B-6-802(1)(b)(I))
Move out means leave the premises, take all your belongings and leave any keys or access cards.

If you do not move out of the premises you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found
at: www.utcourts.gov/howto/landlord/eviction.html

The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date

Landlord/Owner Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the tenant/occupant personally.
- ☐ A copy was sent through certified or registered mail to the tenant/occupant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:

☐ tenant/occupant's residence or ☐ tenant/occupant's place of business

AND

a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

FIVE DAY NOTICE TO A TENANT AT WILL

This Notice is given to:

This Notice is given by:

Tenant/Occupant Name

Landlord/Owner Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You are a tenant at will. (This means you have no contractual right to remain in the premises.)

You are required to move out of the premises within five calendar days. (Utah Code 78B-6-802(1)(b)(ii)) Move out means leave the premises, take all your belongings and leave any keys or access cards. Calendar days includes weekend days and holidays, but does not include the day of service.

If you do not move out of the premises, you may be determined by a court to be in “unlawful detainer” and evicted. If that happens, you would be removed from the property and may be liable for amounts due under your rental contract plus attorney fees, court costs and treble damages. Treble damages means three times the amount of the damages. This could include rent, late fees, and property damage.

Information about the eviction process can be found at: www.utcourts.gov/howto/landlord/eviction.html

The court’s Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Date

Landlord/Owner Signature ►

Printed Name

RETURN OF SERVICE

This Notice was served upon _____ (name) on _____ (date) in the following manner (check the appropriate boxes):

☐ A copy was delivered to the tenant/occupant personally.

☐ A copy was sent through certified or registered mail to the tenant/occupant's address.

☐ A copy was posted in a conspicuous place on the premises, as no one was home.

☐ A copy was left with _____ a person of suitable age and discretion at:

☐ tenant/occupant's residence or ☐ tenant/occupant's place of business

AND

a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the _____ Judicial District Court of Utah
_____ County

Court Address _____

Plaintiff

v.

Defendant

**Complaint for Unlawful Detainer
(Eviction)**

Case Number

Judge

Allegations and complaints

Plaintiff _____ (name) alleges against defendant(s)
_____. (name(s)).

1. Plaintiff is:
☐ an individual over the age of 18.
☐ a partnership represented by an attorney.
☐ a public agency represented by an attorney.

- ☐ a corporation represented by an attorney
- ☐ a trust represented by an attorney.
- ☐ a business represented by an attorney.
- ☐ owner of the real property located at: _____
- _____
- ☐ other: _____

2. Defendant(s) are residents at (property address): _____

3. ☐ There is a contract for the rental of property at the above address. It is attached to the end of this document after the page labelled Exhibit 1.

4. Defendant(s) agreed: (Complete a, b, and c or d.)

- ☐ a. To rent the premises ☐ month-to-month ☐ other: _____
- b. To pay rent of \$ _____ ☐ monthly ☐ other: _____
- c. To pay rent on ☐ first of the month ☐ other: _____
- ☐ d. Other: _____

5. Defendant(s) was served with the following notice: (Check any that apply.)

- ☐ Three Day Notice to Pay or Vacate (Utah Code 78B-6-802(1)(c))
- ☐ Three Day Notice to Comply or Vacate (Utah Code 78B-6-802(1)(h))
- ☐ Three Day Notice to Vacate for
 - ☐ assigning or subletting (Utah Code 78B-6-802(1)(d))
 - ☐ committing criminal act (Utah Code 78B-6-802(1)(g))
 - ☐ for criminal nuisance (Utah Code 78B-6-1107)
 - ☐ committing waste on premise (Utah Code 78B-6-802(1)(d))
 - ☐ lease violation(s) (Utah Code 78B-6-802(1)(c))
 - ☐ nuisance (Utah Code 78B-6-802(1)(f))
 - ☐ unlawful business on the premises (Utah Code 78B-6-802(1)(e))
- ☐ Five Day Notice to Tenant at Will (Utah Code 78B-6-802(1)(b)(ii))
- ☐ Fifteen Day Notice to Vacate (Utah Code 78B-6-802(1)(b)(i))
- ☐ Other: _____

6. On _____ (date), the rental period stated in the notice described in number 5 above expired. A copy of the notice served is attached as Exhibit 2.

7. Plaintiff is asking to evict defendant(s) for the following reasons: (Choose the correct reason and write in the reason stated in the eviction notice.)

☐ a. **Three Day Notice to Pay or Vacate** (Utah Code 78B-6-802(1)(c))

Defendant(s) owes plaintiff \$_____ in unpaid rent, for the time period of _____ through _____ (date the notice expired). (Complete the itemized list in Exhibit 3.)

☐ b. **Three Day Notice to Pay or Vacate** (Utah Code 78B-6- 811(2)(d))

Defendant(s) owes plaintiff \$_____ for contract amounts due, other than rent, as follows: _____

☐ c. **Three Day Notice to Comply or Vacate** (Utah Code 78B-6-802(1)(h))

Defendant has violated the parties' rental agreement as follows:

☐ d. **Three Day Notice to Vacate for Assigning or Subletting**

(Utah Code 78B-6- 801(1)(d))

Defendant has sublet the premises in violation of the rental agreement as follows: _____

☐ e. **Three Day Notice to Vacate for Committing Criminal Act**

(Utah Code 78B-6-802(1)(g))

Defendant has committed a criminal act as follows: _____

☐ f. **Three Day Notice to Vacate for Criminal Nuisance** (Utah Code 78B-6-1107)

Defendant has committed criminal nuisance as follows: _____

[] g. **Three Day Notice to Vacate for Committing Waste on Premises**

(Utah Code 78B-6-802(1)(d))

Defendant has committed waste as follows: (Examples of waste are destruction of property, failure to maintain, trash) _____

[] h. **Three Day Notice to Vacate for Violation(s) that Cannot Be Brought into Compliance** (Utah Code 78B-6-802(1)(c))

Defendant has violated the parties' rental agreement by committing a violation that cannot be brought into compliance as follows: _____

[] i. **Three Day Notice to Vacate for Nuisance** (Utah Code 78B-6-802(1)(f))

Defendant has permitted nuisance as follows: _____

[] j. **Three Day Notice to Vacate for Engaging in Unlawful Business on or in the Premises** (Utah Code 78B-6-802(1)(e))

Defendant has engaged in unlawful business on or in the premises as follows: _____

[] k. **Five Day Notice to Tenant at Will** (Utah Code 78B-6-802(1)(b)(ii))

Plaintiff served a Five Day Notice to Tenant at Will upon defendant(s) and incorporates that notice and the statements contained in the notice as part of this complaint.

[] l. **Fifteen Day Notice to Vacate** (Utah Code 78B-6-802(1)(b)(i))

Plaintiff served a Fifteen Day Notice to Vacate upon defendant(s). It is attached.

8. Defendant(s) did not comply with the notice(s) and is in unlawful detainer.

9. Plaintiff asks for an Order of Restitution to remove defendant(s) from plaintiff's property. (Utah Code 78B-6-811(1)(b) and 78B-6-812)

10. Plaintiff asks for a judgment upon proof at trial or upon plaintiff's affidavit in the event of defendant's default of any rent due and unpaid by defendant(s) through the

date the notice expires as well as any unpaid amounts under the rental agreement.
(Utah Code 78B-6-811)

11. Plaintiff asks for treble (three times) the following damages. (Utah Code 78B-6-811):

- a. rent and other money due under the contract for the time the tenant unlawfully detained the premises;
- b. physical damages beyond normal wear and tear (waste) caused by defendants to the plaintiff's property;
- c. the abatement (termination) of any nuisance caused by defendant(s) (Utah Code 78B-6-1107 through 1114).

[] 12. Plaintiff is entitled to a judgment for reasonable attorney's fees because the parties have a written lease or rental agreement which provides for attorney's fees. (Utah Code 78B-6-811)

Requests for Relief

Plaintiff asks that this court:

- 1. Enter an Order of Restitution to remove defendants.
- 2. Grant plaintiff a judgment for unpaid rent, damages and other amounts due.
- 3. Grant other available relief.

	Signature ►	
Date	Printed Name	

EXHIBIT 1

Rental Contract

(Attach copy of written contract to next page.)

EXHIBIT 2

Eviction Notice Served on Defendant

(Attach copy of copy of eviction notice served on defendant to next page.)

EXHIBIT 3

Itemized calculation of amounts defendant(s) owe at time of filing

a. Past due rent up to date notice expired	\$
b. Non-rent contract amounts	\$
c. Late fees	\$
d. Damages to premises	\$
e. Nuisance abatement	\$
f. Other damages (Specify below)	\$
g. Total subject to trebling (tripling) (Add lines d. through f.)	\$
h. Total trebled (Multiply line g. by 3)	\$
i. Attorney fees	\$
j. Service fees (eviction notice)	\$
k. Filing fees	\$
l. Total claim amount at time of filing (Add lines h. through k.)	\$

f. Other damages are as follows: _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the _____ Judicial District Court of Utah
_____ County

Court Address _____

Plaintiff

v.

Defendant

Order of Restitution

Case Number

Judge

To the defendants(s):

Within _____ calendar days following service of this Order of Restitution you are
ordered to move out of the premises located at _____
_____(address).

Move out means leave the premises, take all your belongings and leave any keys or access cards. You and any person claiming a right to occupy through you must move out and allow the plaintiff to regain possession of the premises.

If you do not follow this order, you may be forcibly removed from the property by the sheriff or a constable, using the least destructive means possible to remove you, your personal property and any persons who claim to have received a right to occupancy from you.

You have the right to a hearing to dispute the way this order may be enforced. A Request for Hearing Regarding Enforcement of an Order of Restitution must be served on you along with this order.

Your request for a hearing will not stop enforcement of this order unless the court has ordered a stay of this order and an appropriate bond has been posted in an amount approved by the court. (Utah Code 78B-6-812(2)(b) and 78B-6-808(4)(b))

To the sheriff or constable:

If the defendant(s) are served with this order and fail to vacate the property as ordered, you are ordered to enter the premises by force using the least destructive means possible to remove the defendant(s), any personal property of the defendants and any persons claiming a right to occupancy from the defendant(s).

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah	
_____ Judicial District _____ County	
Court Address _____	
_____ Plaintiff	Affidavit of Damages
v.	_____ Case Number
_____ Defendant	_____ Judge

Plaintiff says:

1. Agreement to Pay Rent (Check one. Fill in blank if appropriate.)

- ☐ There is a lease or rental agreement. It is filed with the court or attached to this affidavit. As stated in paragraph ____ of the complaint, the parties' written agreement provides for defendant(s) to pay monthly rent of \$ _____. This amount includes late fees and other charges as provided in the contract, which are \$ _____.

☐ Defendant(s) did not sign a written lease or rental agreement. As stated in paragraph ____ of the complaint, the parties' oral agreement is that defendant(s) would pay monthly rent of \$_____.

☐ There was no agreement for defendant(s) to pay rent and no rent was ever paid.

2. Damages, Court Costs, Attorney Fees

a. Damages. (Check one. Fill in blank if appropriate.)

☐ Plaintiff does not claim damages against defendant(s).

☐ Plaintiff claims damages against defendant(s) as follows:

- i) Date notice ended _____
- ii) Date defendant moved out: _____
- iii) Days defendant in "unlawful detainer" _____
- iv) Per day rental value _____
- v) Total unlawful detainer damages _____
(multiply line iii by line iv)

b. Court costs such as filing fees and service fees. Plaintiff's court costs to bring this action are \$_____.

c. Attorney fees. As of the date of this affidavit, plaintiff has incurred attorney fees to bring this action of \$_____. (Enter zero if plaintiff is has no attorney)

3. Rent owed

Defendant(s) owe(s) \$_____ for all rent incurred, but not paid before unlawful detainer. (Enter zero if no rent was supposed to be paid or the rent was fully paid.)

4. Damage to plaintiff's property (Check one. Fill in blank if appropriate.)

☐ Defendant(s) did not cause damage beyond normal wear and tear while in possession of plaintiff's property

☐ Defendant(s) caused the following damage beyond normal wear and tear while in possession of plaintiff's property (Briefly describe the damage.):

Plaintiff has paid \$_____ to repair the damage caused by defendant(s). Plaintiff is attaching an itemized list of costs plaintiff has already paid to repair the property. If plaintiff has not yet repaired the property, one or more bids or estimates of the costs of repair are attached.

5. Other

In addition to the amounts above, plaintiff is entitled to \$_____ from defendant(s) for the following. (Include only other damages allowed by statute or case law such as abating nuisance (Utah Code 78B-6-811(2)(e)). Proof is required.)

6. Total Amount of Damages

The total amount of damages claimed as stated above is \$_____.

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Affidavit of Damages on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

_____ Signature ► _____
 Date Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the _____ Judicial District Court of Utah
_____ County
Court Address _____

**Judgment for Defendant for
Unlawful Detainer (Eviction, no
counter claim)**

Plaintiff

v.

Defendant

Case Number

Judge

This judgment follows (Check only one.):

- ☐ A ruling by the judge.
☐ A stipulation of the parties.
☐ Entry of a default certificate.

The court finds:

The plaintiff has failed to establish that the defendant was guilty of unlawful detainer of the property.

Attorney fees and costs

The defendant has incurred costs including: (Check those that apply.)

- ☐ a. Costs incurred to serve notices and other documents \$ _____
- ☐ b. Costs related to trial such as depositions and discovery \$ _____
- ☐ c. Attorney fees \$ _____

d. Total fees and costs (Add a-c.) \$ _____

Order and Judgment

It is the order and judgment of the court that the defendant be awarded judgment against the plaintiff as follows:

- a. the complaint of the plaintiff is dismissed..
- b. the defendant is awarded judgment against the plaintiff for costs and attorney fees in the amount of (Enter the amount in above in line "d".) \$ _____

This judgment may be supplemented by additional costs and fees incurred in proper efforts to enforce the judgment.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the _____ Judicial District Court of Utah
County _____
Court Address _____

Plaintiff

v.

Defendant

**Judgment for Plaintiff for Unlawful
Detainer (Eviction)**

Case Number

Judge

This judgment follows (Check only one.):

- ☐ A ruling by the judge.
☐ A stipulation of the parties.
☐ Entry of a default certificate.

The court finds:

Possession of the property

- ☐ 1. The plaintiff is entitled to possession of the property in this case. If necessary an order of restitution will be issued by the court to direct the sheriff to remove the defendant from the property.

Unlawful detainer

- ☐ 2. The defendant was guilty of unlawful detainer of the property by remaining in possession of the property after _____ (date). Any previous right of the defendant to possession of the property after that date is declared forfeit (lost). The court finds the proper eviction notice was served, defendant failed to comply, and the defendant still occupies the premises.

3. The determination of unlawful detainer is based upon a failure of the defendant to:
(Check all that apply.):

☐ a, Pay money owed under a lease to the date of unlawful detainer totaling \$_____.

☐ b, Fulfill promises in a lease, as follows: (Describe.) _____

Total amount due under the lease: \$ _____

Damages

4. In addition to money owed but not paid under the lease, the plaintiff is awarded damages in these amounts: (Check those that apply.)

☐ a. The reasonable value of possession of the property after unlawful detainer. \$ _____

☐ b. Harm or reduction in value to the property caused by defendant. \$ _____

- [] c. Cost to correct a harmful condition caused by the defendant. \$ _____
- d. Total damages (Add 4a -4c.) \$ _____
- e. As provided by statute, damages are trebled. (Multiplied by 3)
- Total damages trebled (times 3) = \$ _____

Attorney fees and costs

5. The Plaintiff is awarded costs including: (Check those that apply.)

- [] a. Filing fees \$ _____
- [] b. Costs incurred to serve notices and other documents \$ _____
- [] c. Costs related to trial such as depositions and discovery \$ _____
- [] d. Attorney fees \$ _____

e. Total fees and costs (Add 5a-5d.) \$ _____

Order and Judgment

6. It is the order and judgment of the court that the plaintiff be awarded judgment against the defendant:

7. The defendant is ordered to immediately surrender possession of the leased premises. An Order of Restitution may issue, if necessary to enforce this order.

8. The plaintiff is awarded judgment against the defendant as follows:

- | | |
|-------------------------------|----------|
| a. Amount due under the lease | \$ _____ |
| b. Treble damages | \$ _____ |
| c. Fees and costs | \$ _____ |
| d. Total judgment | \$ _____ |

This judgment may be supplemented by additional costs and fees incurred in proper efforts to enforce the judgment.

Judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Judge	_____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the _____ Judicial District Court of Utah
_____ County

Court Address _____

**Request for Hearing Regarding
Enforcement of an Order of
Restitution**

Plaintiff

v.

Defendant

Case Number

Judge

An Order of Restitution has been issued in this case and served upon me. I object to the way the order is being enforced and request a hearing to explain my objection to the court.

The Order of Restitution is being improperly enforced because:

(Briefly explain.)

I understand:

- this request will not delay or stop enforcement of the Order of Restitution unless a delay is ordered by the court after I have posted a bond. (Utah Code 78B-6-812(2)(b) and 78B-6-808(4)(b))
- the court will schedule the hearing I have requested within 10 calendar days after this request is filed or as soon after as practical.
- notice of the hearing will be mailed to all parties.
- I must provide the court with an address where I receive mail to ensure I am aware of the date, time and location the hearing.

_____	Defendant Signature ►	_____
Date	Printed Name	_____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the _____ Judicial District Court of Utah

County

Court Address _____

Plaintiff

v.

Defendant

**Defendant's Answer to Unlawful
Detainer (Eviction)**

☐ and Counterclaim
(Check if counterclaim.)

Case Number

Judge

Defendant(s) answer(s) plaintiff's complaint as follows:

1. Defendant agrees completely with everything stated in the following numbered paragraphs of the complaint. _____
2. Defendant disagrees with all or part of the following numbered paragraphs of the complaint. _____

3. Defendant does not have enough information to respond to the following paragraphs of the complaint. _____
4. Defendant denies every allegation not specifically admitted above.

Affirmative Defenses (Choose all that apply and complete the sentences in those sections.)

☐ **5. Improper eviction notice or service of the notice**

- ☐ a. Plaintiff's eviction notice is defective. It does not comply with Utah law for the following reasons: (Utah Code 78B-6-802) (List specific defects such as Notice to Vacate rather than a Notice to Pay or Vacate in a non-payment case.)

- ☐ b. Plaintiff failed to properly serve the eviction notice. (Utah Code 78B-6-805) (Describe the specific ways in which the eviction notice was not served properly.)

☐ **6. Grounds for eviction in complaint are different than grounds in the notice**

Plaintiff notified defendant in the eviction notice that tenant was being evicted on the grounds that: (Write reason given in notice.)

However, plaintiff said in the complaint that defendant is in unlawful detainer based on other grounds, namely (Write the allegation in the complaint.)

☐ **7. Defendant complied with notice**

Defendant complied with all demands in the eviction notice within the time

period allowed to maintain the rental relationship. (Describe what defendant has done, for example paying rent due, getting rid of a cat in violation of a no-pets clause, and how this complies with the demanded action in the notice.)

The defendant has:

☐ **8. Defendant offered full payment as stated in the notice before expiration of notice but plaintiff rejected**

Defendant offered to pay the full amount of the rent due but the plaintiff refused. Defendant offered \$ _____.

☐ **9. Plaintiff did not limit damages**

Plaintiff did not use commercially reasonable efforts to re-rent the premises after defendant left.

☐ **10. No landlord-tenant relationship**

No landlord-tenant relationship exists between and plaintiff and defendant.

☐ **11. Defendant substantially complied with lease**

Defendant has substantially complied with the terms of the lease in the following ways and it would be unfair to forfeit the lease:

☐ **12. Plaintiff is not legally authorized to bring this action**

Plaintiff is not authorized to bring this action because: _____

☐ **13. Defendant is on active duty in the armed forces**

Defendant is on active duty in the armed forces of the United States and asserts the defenses in the Servicemembers Civil Relief Act.

☐ **14. Premises was turned over to plaintiff**

Tenant turned over the premises to plaintiff on _____ (date) by
(Describe way in which premises was turned over to plaintiff, for example returning all keys.)

Plaintiff accepted the surrender of the premises. Defendant is not liable for rent under the agreement between the parties after _____ (date premises was turned over to plaintiff).

☐ **15. Plaintiff failed to provide an itemized calculation in the complaint filed with the court.** (Utah Rules of Civil Procedure 26.3)

☐ **16. Plaintiff failed to provide an explanation of the factual basis for the eviction in the complaint filed with the court.** (Utah Rules of Civil Procedure 26.3)

Counterclaim

Defendant(s) counterclaim(s) and complain(s) of plaintiff as follows. (Choose all that apply and complete the sentences in those sections):

☐ **1. Bad conditions/repairs not done**

☐ a. Plaintiff has failed to maintain the premises in a fit and habitable condition and has created significant health and safety problems at the premises. Defendant complied with the Utah Fit for Premises Act (Utah Code 57-22-1) and gave written notice to plaintiff on _____ (date). That notice is attached. Plaintiff failed to remedy these problems within the time frame required by the Fit Premises Act. (Attach copy of notice given to landlord.)

☐ b. Defendant elected a rent abatement remedy.

☐ c. Defendant should be awarded an additional amount of damages for:
(Specify additional damages, such as motel costs, restaurant costs, moving expenses, utility relocation costs, medical expenses.)

☐ **2. Landlord's conversion (taking or withholding) of tenant's property**

Plaintiff has converted defendant's property to his/her own use by:
(Describe the details as to what property of defendant's was taken, when and how.)

The plaintiff had no lien or other legal authority to take the property.

Defendant is entitled to damages of \$_____, the fair market value of the property at the time of the plaintiff's conversion, based on the following list of items taken: (List items taken and fair market value.)

☐ **3. Retaliatory eviction**

Plaintiff started this case or refused to renew a lease after defendant made a reasonable and good faith complaint about a violation of the following protective housing statute(s). (Identify the statute, such as the Utah Fit Premises Act, Utah Code 57-22-1 et seq., local health department regulations, local fit premises ordinances.)

On or about _____ (date), (Describe the nature of the complaint(s) made, the date, to whom it was made, and the retaliatory action taken, by whom, when, etc.)

Defendant is not in breach of the rental agreement and is entitled to continued occupancy. Plaintiff's action should be dismissed as retaliatory. In addition, plaintiff should be ordered to repair code violations and should be barred from initiating further evictions against defendant until these repairs are made and defendant has had a reasonable opportunity to vacate. Plaintiff should also reimburse defendant for all expenses incurred as a result of Plaintiff's actions.

☐ **4. Constructive eviction**

Plaintiff has constructively evicted defendant by: (Describe the activities of plaintiff or activities done with plaintiff's consent which seriously breached defendant's right to peaceful possession and quiet enjoyment, for example, hiring workers to commence noisy remodeling at early morning hours.)

These activities rendered the premises unsuitable for the purpose rented and required defendant to vacate the premises on _____ (date).
Defendant is entitled to an offset of rent owing and additional damages for plaintiff's breach of the lease in the amount of \$_____, including: (List the specific damages, including costs of meals, lodging, higher rent at new location etc.)

[] 5. Landlord's abuse of access

[] Plaintiff has repeatedly demanded unreasonable entry or/and has entered the premises in violation of the terms of the lease or the Fit Premises Act. (Utah Code 57-22-1) By so doing, plaintiff has abused the right of access.

Request for Relief

Defendant asks the court to:

1. Dismiss the plaintiff's complaint.
2. Award defendant damages for the claims above.
3. Grant other available relief.

Date

Defendant's Signature ► _____

Printed Name _____

The plaintiff must respond to this counterclaim within 21 days to prevent a default judgment from being entered. (Utah Rules of Civil Procedure 12(a))

Certificate of Service

I certify that I filed with the court and served a copy of this Defendant's Answer to Unlawful Detainer on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

**Motion To Set Amount for
Counterbond**

Plaintiff

Case Number

v.

Defendant

Judge

The court has set a possession bond in this case on _____ (date).

I ask that the court set an amount for a Counter Possession Bond. (Utah Code 78B-6-808(2)(b)) The bond should be in the amount of the probable costs of this legal action and actual damages that may result to plaintiff if defendant has improperly withheld possession of the premises.

The following information is supplied to assist in determining that amount.

1. Monthly rent: _____
 2. Total unpaid rent: _____
 3. Date of eviction notice: _____
 4. Amount of plaintiff's bond: _____
 5. Reason for not paying rent: _____
 6. Other: _____
- _____
- _____

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____ Sign here ► _____
Date
Typed or Printed Name _____

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"/> E-filed <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"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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 _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

	Notice to Defendant of Plaintiff's Possession Bond
Plaintiff v.	Case Number _____
Defendant	Judge _____

The court has made an order which set an amount for a possession bond.

(Mark one and complete as appropriate.)

The bond has been posted by the plaintiff in the form of a ☐ bond, a copy of which is attached, or ☐ has paid cash in the amount of \$ _____.

Unless you take some action, the plaintiff can now take possession of the premises which you are now occupying.

1. As the renter, you must do one of the following things within three (3) days of service of this notice. You may:
 - a. Vacate or move out the premises, or
 - b. Remain in the premises by paying back rent and costs demanded by plaintiff, or
 - c. Request a hearing, or
 - d. File a counter bond.

These actions are explained in more detail on the next page.

2. If you have questions about this notice or the law of this case, you should consult with an attorney. Information about free or low cost legal assistance is available at: www.utcourts.gov/howto/legalassist/. The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

	Plaintiff's Signature ►	
	Printed Name	

Notice to Defendants

You must choose one of the following options:

1. **Move out of the premises.** Move out means leave the premises, take all your belongings and leave any keys or access cards. If you do not move out within three days after being served with the Notice of Owner's Possession Bond, the plaintiff has the right to have the sheriff or constable forcibly remove you and your property from the premises. If you do not intend to dispute the action, you should move out of the premises voluntarily within the three-day period. (Utah Code 78B-6-808)
2. **Pay the back rent, costs and remain in the premises.** If the eviction action is based only on the non-payment of rent or utilities, you may pay the back rent and any utility charges, along with any late fees and court costs within 3 days. This will reinstate the rental agreement and the complaint will be dismissed. This means you may stay in the premises on the same arrangement as before the eviction action was filed. If the eviction is based on some other violation, such as doing damage to the premises, paying back rent and costs will not allow you to remain in the premises. (Utah Code 78B-6-808)
3. **Request a hearing.** You may request a hearing within 3 days from the time you were served with the Notice of Owner's Possession Bond. A hearing will be scheduled by the court when there is time on the docket. At the hearing you must explain to the court why you should remain in possession of the premises. The judge will decide who should have possession. (Utah Code 78B-6-808)
4. **File a counter bond.** If you want to keep possession of the premises and do not agree with the plaintiff's complaint that you have violated the rental agreement, you may remain in the premises at least until the case is tried by filing a counter bond within 3 days of receiving the Notice. The procedure for filing this bond is to fill out a form called "Defendant's Motion to Set Amount for Counter Bond." This form must be signed by a judge who sets the amount of the bond. (Utah Code 78B-6-808)

After the judge sets the amount of the counter bond, you may file a cash bond; a corporate bond; a property bond; or certified bond. After filing the bond, you may remain in the premises until the trial is held.

The 3-day period does not include weekends, legal holidays, or the day of service. For example, if you are served with the Notice of Owner's Possession Bond on Friday, you will have until 5:00 pm the following Wednesday to file a response with the court. (Utah Rules of Civil Procedure Rule 6(a)).

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"/> E-filed <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"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Order Setting Amount of Plaintiff's Possession Bond	
Plaintiff	Case Number
v.	
Defendant	Judge

☐ The motion to set an amount for a possession bond is granted. The amount of the possession bond is set at \$ _____. (Utah Code 78B-6-808(1))

☐ The motion to set an amount for a possession bond is denied because:

Judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Judge	_____

Property Bond

We own real property in Utah. We are not parties to this action. We jointly and severally undertake this obligation in that we promise to pay up to \$_____ for costs and damages if awarded to the plaintiff when ordered by the court. We have a net worth of more than the pledged amount and we pledge the property listed here as security for our promise to pay. We swear that the equity in the property is greater than this pledge. We understand and agree that should an amount become due under this bond which we do not pay that this bond may be used to foreclose or take the property from us to satisfy the debt.

Description of pledged property:

1. Street address is: _____

2. Property tax identification number of property is: _____
3. Choose one.

☐ Legal description of property being pledged to execute this bond is:

OR ☐ Legal description is attached.

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Surety #1	_____
Date	Signature ►	
	Printed Name	_____

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Surety #2	_____
Date	Signature ►	
	Printed Name	_____

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"/> E-filed <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"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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 _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the _____ Judicial District Court of Utah
_____ County

Court Address _____

**Request for Hearing on Possession
Bond**

Plaintiff

v.

Defendant

Case Number

Judge

I am the defendant in this case. I reside in the premises described in the complaint. I demand a hearing to determine who should have possession of the property. I ask that a hearing be scheduled as soon as possible. (Utah Code 78B-6-808)

Defendant

Signature ► _____

Date _____

Printed Name _____

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"/> E-filed <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.)		

Date _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Defendant's Counterbond (Property)	
_____ Plaintiff	_____ Case Number
v.	
_____ Defendant	_____ Judge

On _____ (date) the court ordered that the defendant may post a counterbond in the amount of \$ _____ in this case.

The bond is submitted with this pleading.

The bond is signed by two property owners who own real property in the State of Utah and who are not parties to this action.

The defendant requests that the court approve the bond.

Once this bond is approved:

1. The defendant must record the bond with the county recorder of the county in which the property is located.
2. The defendant must then file proof of that recording with the court for the bond to take effect.
3. Upon exoneration of the bond, the defendant or property owner must present a release of property bond to the court for approval.

Date _____ Sign here ► _____
Defendant name

Approval

This property bond is approved by the court.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Judge _____

Property Bond

We own real property in Utah. We are not parties to this action. We jointly and severally undertake this obligation in that we promise to pay up to \$_____ for costs and damages if awarded to the plaintiff when ordered by the court. We have a net worth of more than the pledged amount and we pledge the property listed here as security for our promise to pay. We swear that the equity in the property is greater than this pledge. We understand and agree that should an amount become due under this bond which we do not pay that this bond may be used to foreclose or take the property from us to satisfy the debt.

Description of pledged property:

1. Street address is: _____

2. Property tax identification number of property is: _____

3. Choose one.

☐ Legal description of property being pledged to execute this bond is:

OR ☐ Legal description is attached.

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Surety #1	_____
Date	Signature ►	
	Printed Name	_____

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Surety #2	_____
Date	Signature ►	
	Printed Name	_____

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"/> E-filed <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"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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.)		

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Order Setting Amount of Defendant's Counterbond	
Plaintiff	Case Number
v.	
Defendant	Judge

1. The court established a possession bond on _____ (date).

2. The court has reviewed a request to set an amount for a counterbond.

☐ The request is granted. The amount of the counter possession bond is set at
\$ _____. (Utah Code 78B-6-808(4)(b))

[] The request is denied because: _____

Judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Judge	_____

Property Bond

We own real property in Utah and are not a party to this action. We jointly and severally undertake the obligation of this bond in the sum of \$ _____, and we shall pay all costs and damages which may be awarded to plaintiff, not exceeding the sum undertaken. We state that each of us has a net worth, above debts, more than the sum undertaken, and we pledge the property listed herein as security in the above action, and that the equity in the property is sufficient to cover this property bond, absent liens and encumbrances.

1. Location of real property being pledged to execute this bond is: _____

2. Property tax identification number of property is: _____

3. (Choose one.)

☐ Legal description of property being pledged to execute this bond is:

OR

☐ Property description is attached.

4. This bond is signed by all owners of record and is accompanied by the following:

- a. Copy of document vesting title in the owners;
- b. Copy of property tax statement for the current or previous year;
- c. Copy of current title report for the current or previous year;
- d. Copy of current title report or current foreclosure report;
- e. A written statement from each lien holder stating the current balance of the lien, the date the most recent payment was made, that the debt is not in default, and that the lien holder will notify the court if a default occurs or if a foreclosure process is commenced during the period this property bond is in effect.

Date

Sign here ►

Typed or Printed Name

Date

Sign here ►

Typed or Printed Name

On this date, I certify that _____ (name)
who is known to me or who presented satisfactory identification, in the form of
_____ (form of identification), has, while in my
presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date

Sign here ►

Typed or printed name (Court Clerk or Notary Public)

Notary Seal

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"/> E-filed <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"/> E-filed		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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 _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

Judicial District _____ County
Court Address _____

Motion to Release Possession Bond	
_____ Plaintiff	_____ Case Number
v.	
_____ Defendant	_____ Judge

The plaintiff filed a possession bond in the sum of \$_____ on _____ (date).
The premises have been vacated or the court has made a final ruling on the issue of possession of the premises which eliminates the requirement for a possession bond.
The plaintiff asks the court to release the possession bond.

Date
Signature ► _____
Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the _____ Judicial District Court of Utah

_____ County

Court Address _____

Order to Release Possession Bond	
_____ Plaintiff	_____ Case Number
v.	
_____ Defendant	_____ Judge

The plaintiff has moved to have the possession bond posted on _____ (date) released. The motion is granted. It is ordered that plaintiff's bond in the sum of \$ _____ be exonerated and released to plaintiff.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Judge _____

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Motion for Temporary Order – No Children</p> <p><input type="checkbox"/> Hearing Requested</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	---

I ask the court to enter temporary orders in the paragraphs I have marked below.

1. ☐ **Payment of bills and debts**

I ask the court to order payment of bills and debts (such as mortgage, rent, credit card, utilities, medical expenses, car payments, insurance, etc.) as follows (File or attach Financial Declaration. File or attach additional pages if needed.):

☐ Petitioner to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

The bills and debts should be paid as requested because:

2. ☐ **Property**

I ask the court to order the temporary use and possession of the following property (File or attach Financial Declaration. File or attach additional pages if needed.):

☐ To petitioner

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ To respondent

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ I ask the court to order that neither party sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

I ask for this property order because:

3. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

I am unable to meet my own financial needs, and I ask the court to order temporary alimony as follows (File or attach Financial Declaration.):

☐ Petitioner ☐ Respondent must pay to ☐ petitioner ☐ respondent temporary alimony in the amount of \$ _____ per month by:
(Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

☐ Petitioner ☐ respondent needs temporary alimony because :

☐ Petitioner ☐ respondent has the financial ability to pay temporary alimony because:

4. ☐ **Attorney fees**

I ask the court to order the other party to pay \$_____ to my attorney. (You can only ask for this if you are paying an attorney to represent you in this case. You must file or attach a Financial Declaration.)

I ask for attorney fees because:

5. ☐ **Other**

I ask the court for these additional orders:

I ask for these additional orders because:

6. **Documents**

I have filed or attached the following documents in support of this Motion for Temporary Order (Check all that apply. Forms can be found at www.utcourts.gov):

☐ Financial Declaration (Utah Rule of Civil Procedure 26.1)

☐ Income verification (Most recent tax return and pay stub)

☐ Other supporting documents: _____

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Motion for Temporary Order – No Children on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

 Date

 Signature ►

 Printed Name

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Motion for Temporary Order – With Children

☐ **Hearing Requested**

Case Number

Judge

Commissioner

I ask the court to enter temporary orders in the paragraphs I have marked below.

1. ☐ **Minor children**

The petitioner and the respondent are the parents of the following minor children:
(Add additional pages if needed.)

Child's initials	Child's gender	Month and year of birth
Example: J.E.K.	Male	January 2017

The minor children have lived at the addresses listed below and with the persons listed below for the past five years: (Add additional pages if needed.)

Child's initials	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child
J.E.K.; L.S.K.	123 Maple St Mayberry, UT 84444	5/15/15 to present	Jane Doe, John Jones	Mother, maternal grandfather

2. [] Child custody

All orders involving minor children will include two types of custody: physical custody and legal custody.

Physical custody deals with where the children live and how many overnights the children spend with each parent.

Sole physical custody means that the children live primarily with one parent and have parent time (visitation) with the other parent (see parent-time options in Section 3).

Joint physical custody means that the children typically spend at least 30% of overnights with both parents each year and that both parents contribute to the expenses of the child in addition to paying child support.

Split physical custody means that where there is more than one child, each parent is awarded sole physical custody of at least one of the children.

Legal custody deals with access to information and decision making.

Sole legal custody means that one parent has the right to make important decisions about the child.

Joint legal custody means that both parents: (1) have the right to information about the child (events, appointments, access to school and medical records, etc.); and (2) that both parents discuss and make major decisions together – (education, religion, medical,

extra-curricular activities, etc.) but designate a parent to make the final decision if they cannot come to an agreement.

I ask the court to order temporary custody below (Choose one. If you ask for any joint legal custody or joint physical custody arrangement, you must file or attach a Parenting Plan based on Utah Code 30-3-10.7 to 30-3-10.10.):

☐ Custody arrangement: (Add additional pages if needed.)

Child's initials	Month and year of birth	Order physical custody to	Order legal custody to
Example: J.E.K.	January 2013	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other custody arrangement (Describe in detail.):

I ask the court to order the custody arrangement I have marked above because:

3. ☐ **Parent-time**

I ask the court to order temporary parent-time below (Choose one.):

- ☐ Statutory parent-time schedule: (Choose all that apply. You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)
 - ☐ Children under 5 (Utah Code 30-3-35.5)
 - ☐ Children 5-18 (Utah Code 30-3-35)
 - ☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)
- ☐ Parent-time described in the filed or attached Parenting Plan.
- ☐ Other parent-time schedule: (Describe in detail.)

I ask the court to order the parent-time schedule I chose above because:

4. ☐ **Parent-time transfers**

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time described below (Choose one.):

☐ Order transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Order transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

☐ Order curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

I ask the court to order the transfer arrangement I chose above because:

5. ☐ **Communication between parties**

I ask the court to order communication between the parties as described below
(Choose as many options as you want.):

☐ In person

☐ Phone

Petitioner's # _____ Respondent's # _____

☐ Text

Petitioner's # _____ Respondent's # _____

☐ Email

Petitioner's email address _____

Respondent's email address _____

☐ Through a third party

Name _____ Phone # _____

☐ Other method of communication: (Describe in detail.)

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.

☐ The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the minor children if anyone harms or threatens harm to the other parent or minor children.

6. ☐ **Child support**

I ask the court to order child support based on the parties' incomes or estimate of income based on ability or work history.

a. Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

☐ The court should consider petitioner's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Petitioner does receive or has received public assistance.

- b. Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

☐ The court should consider respondent's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Respondent does receive or has received public assistance.

- c. Order ☐ petitioner ☐ respondent to pay \$_____ per month for child support. The following child support worksheet is filed or attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

(Choose one.)

☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).

☐ This amount is **not** based on the Uniform Child Support Guidelines and I am asking for a different amount because (Choose one.):

☐ the guidelines are unjust.

☐ the guidelines are inappropriate.

☐ the guidelines amount is not in the best interest of the child/ren.
(Utah Code 78B-12-202 and 210.)

Explain your choice:

_____.

d. Effective date (Choose one.):

☐ The child support is effective upon entry of this order.

OR

☐ The child support is effective as of this date: _____.

e. Child support will be paid as follows (Choose one.):

☐ Mandatory income withholding by the Office of Recovery Services.
Unless the Office of Recovery Services gives notice that payments will be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

I ask for direct payment because (Utah Code 62A-11-404):

_____.

f. I ask that child support payments be made (Choose one.):

☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

☐ Other payment arrangement:

_____.

- g. Child support not paid on or before the due date is delinquent on the day after the due date.
- h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

7. ☐ **Child care expenses**

I ask the court to order that both parties share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other request for child care payment:

8. ☐ **Health insurance, medical and dental expenses**

Our minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance
- ☐ Medicaid
- ☐ CHIP
- ☐ Other: _____
- ☐ Not covered by insurance

- ☐ I ask the court to order that ☐ petitioner ☐ respondent maintain health insurance for our minor children. Both parties must share equally:
- a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
 - b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification will reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

I ask for this order because (Choose all that apply.):

- ☐ the insurance is available to ☐ petitioner ☐ respondent;
- ☐ the cost of the insurance is reasonable
- ☐ the custodial parent prefers this arrangement.
- ☐ Other reasons:

☐ I ask for these additional orders regarding health insurance and medical and dental expenses:

9. ☐ Tax exemptions for dependent children

I ask the court to order tax exemptions for the minor children for tax year _____, as follows:

Child's initials	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other: _____

10. ☐ Payment of bills and debts

I ask the court to order payment of bills and debts (such as mortgage, rent, credit card, utilities, medical expenses, car payments, insurance, etc.) as follows (File or attach Financial Declaration. Add additional pages if needed.):

☐ Petitioner to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

The bills and debts should be paid as requested because:

11. ☐ **Property**

I ask the court to order the temporary use and possession of the following property (File or attach Financial Declaration. File or attach additional pages if needed.):

☐ To petitioner

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ To respondent

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ I ask the court to order that neither party sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

I ask for this property order because:

12. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

I am unable to meet my own financial needs, and I ask the court to order temporary alimony as follows (File or attach Financial Declaration.):

☐ petitioner ☐ respondent shall pay to ☐ petitioner ☐ respondent temporary alimony in the amount of \$ _____ per month by:
(Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

☐ Petitioner ☐ Respondent needs temporary alimony because :

☐ Petitioner ☐ Respondent has the financial ability to pay temporary alimony because:

13. ☐ **Attorney fees**

I ask the court to order the other party to pay \$ _____ to my attorney. (You can only ask for this if you are paying an attorney to represent you in this case. You must file or attach a Financial Declaration.)

I ask for attorney fees because:

14. ☐ **Other**

I ask the court for these additional orders:

I ask for these additional orders because:

15. **Documents**

I have filed or attached the following documents in support of this Motion for Temporary Order (Check all that apply. Forms can be found at www.utcourts.gov):

☐ Parenting Plan (Utah Code 30-3-10.7 to 30-3-10.10)

☐ Parent time Schedule (Utah Code 30-3-35; 30-3-35.5; 30-3-35.1)

☐ Child Support Obligation Worksheet (Utah Code 78B-12)

☐ Financial Declaration (Utah Rule of Civil Procedure 26.1)

☐ Income verification (Most recent tax return and pay stub)

☐ Other supporting documents: _____

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and served a copy of this Motion for Temporary Order – With Children on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

	Order on Motion for Temporary Order – No Children
Petitioner	Case Number _____
v.	Judge _____
Respondent	Commissioner (domestic cases) _____

The matter before the court is a Motion for Temporary Order. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ respondent.
☐ The stipulation of the parties.
☐ The pleadings and other papers of the parties.
☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Respondent

☐ was ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

The court orders:

1. ☐ Payment of bills and debts

☐ Petitioner must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

2. ☐ Property

Temporary use and possession of property is as follows:

☐ To petitioner

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ To respondent

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ Neither party may sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

3. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

☐ Petitioner ☐ Respondent must pay to ☐ petitioner ☐ respondent temporary alimony in the amount of \$ _____ per month by:

(Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

4. ☐ **Attorney fees**

☐ Petitioner ☐ Respondent must pay \$ _____ to

☐ Petitioner's attorney

☐ Respondent's attorney

5. ☐ **Other orders**

Commissioner’s or judge’s signature may instead appear at the top of the first page of this document.

<hr/>	Signature ►	<hr/>
Date	Commissioner	<hr/>
<hr/>	Signature ►	<hr/>
Date	Judge	<hr/>

Approved as to form.

<hr/>	Signature ►	<hr/>
Date	Petitioner, Attorney or Licensed Paralegal Practitioner	<hr/>
<hr/>	Signature ►	<hr/>
Date	Defendant, Attorney or Licensed Paralegal Practitioner	<hr/>

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion for Temporary Order – Without Children on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <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"/> E-filed <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"/> E-filed <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.)		

Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

Email

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

	Order on Motion for Temporary Order – With Children
Petitioner	Case Number _____
v.	Judge _____
Respondent	Commissioner (domestic cases) _____

The matter before the court is a Motion for Temporary Order. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ respondent.
☐ The stipulation of the parties.
☐ The pleadings and other papers of the parties.
☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was ☐ was not present
☐ was represented by _____
☐ was not represented.

Respondent

☐ was ☐ was not present
☐ was represented by _____
☐ was not represented.

The court orders:

1. ☐ **Child custody**

☐ Custody arrangement:

Child's initials	Month and year of birth	Physical custody to	Legal custody to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other custody arrangement (Describe in detail.):

2. ☐ **Parent-time** (Choose one.):

☐ Statutory parent-time schedule:

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

3. ☐ **Parent-time transfers** (Choose one.):

☐ Transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

☐ Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

4. ☐ **Communication between parties** (Choose all that apply.):

☐ In person

☐ Phone

Petitioner's # _____ Respondent's # _____

☐ Text

Petitioner's # _____ Respondent's # _____

☐ Email

Petitioner's email address _____

Respondent's email address _____

☐ Through a third party

Name _____ Phone # _____

☐ Other method of communication: (Describe in detail.)

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.

☐ The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the

minor children if anyone harms or threatens harm to the other parent or minor children.

5. ☐ **Child support**

- a. Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

☐ Petitioner's income is imputed based on

☐ minimum wage.

☐ historical earnings.

☐ Petitioner does receive or has received public assistance.

- b. Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

☐ Respondent's income is imputed based on

☐ minimum wage.

☐ historical earnings.

☐ Respondent does receive or has received public assistance.

- c. ☐ Petitioner ☐ Respondent must pay \$_____ per month for child support. The following child support worksheet is attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

(Choose one.)

☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).

☐ This amount deviates from the Uniform Child Support Guidelines. The court finds that a deviated child support amount is in the best interests of the minor children based on:

☐ the standard of living and situation of the parties.

☐ the relative wealth and income of the parties.

☐ the ability of the obligor to earn.

☐ the ability of the obligee to earn.

- ☐ the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income.
- ☐ the needs of the obligee, the obligor, and the child.
- ☐ the ages of the parties.
- ☐ the responsibilities of the obligor and the obligee for the support of others.
- ☐ other. (Describe.):

The reason for the deviated child support amount is:

_____.

d. Effective date (Choose one.):

- ☐ The child support will be effective upon entry of this order.

OR

- ☐ The child support will be effective as of this date: _____.

e. Child support must be paid as follows (Choose one.):

- ☐ Mandatory income withholding by the Office of Recovery Services. Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

- ☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

f. Child support payments must be made (Choose one.):

- ☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

☐ Other payment arrangement:

- g. Child support not paid on or before the due date is delinquent on the day after the due date.
- h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

6. ☐ **Child care expenses**

Both parties must share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other order for child care payment:

7. ☐ **Health insurance, medical and dental expenses**

The minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance
- ☐ Medicaid

☐ CHIP

☐ Other: _____

☐ Not covered by insurance

☐ ☐ Petitioner ☐ Respondent must maintain health insurance for the minor children if it is available to that parent at a reasonable cost. Both parties must share equally:

- a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
- b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification must reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

8. ☐ **Tax exemptions for dependent children**

Tax exemptions for the minor children for tax year _____ is ordered as follows:

Child's initials	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

		<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent

☐ Other: _____

9. ☐ Payment of bills and debts

☐ Petitioner must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

10. ☐ Property

Temporary use and possession of property will be as follows:

☐ To petitioner

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ To respondent

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ Neither party may sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

11. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

☐ Petitioner ☐ Respondent must pay to ☐ petitioner ☐ respondent temporary alimony in the amount of \$ _____ per month by:

(Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

12. ☐ **Attorney fees**

☐ Petitioner ☐ Respondent must pay \$ _____ to

☐ Petitioner's attorney

☐ Respondent's attorney

13. ☐ **Other orders**

Commissioner’s or judge’s signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

_____	Signature ►	_____
Date	Petitioner, Attorney or Licensed Paralegal Practitioner	_____
_____	Signature ►	_____
Date	Defendant, Attorney or Licensed Paralegal Practitioner	_____

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion for Temporary Order – With Children on the following people.

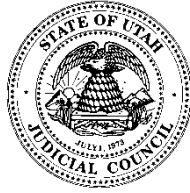
Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person 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"/> E-filed <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"/> E-filed <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.)		

 Date

 Signature ►

 Printed Name

Tab 15



Administrative Office of the Courts

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

MEMORANDUM

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Nancy Sylvester
Date: December 5, 2017
Re: CJA Rule 3-101. Judicial performance standards.

The Policy and Planning Committee brings the attached amendments to Code of Judicial Administration Rule 3-101 for your discussion and consideration. The Policy and Planning Committee does not recommend circulating the rule for comment yet because it believes JPEC should weigh in on the amendments first.

These amendments round some of the edges of Rule 3-101 and provide clarification on its function. Since its adoption, Rule 3-101 has created a strict liability standard for certification of judges standing for retention. Either a judge has met the standards or he or she hasn't. The harshness of this rule came to the Council's attention last month when it was certifying judges for 2018 retention elections. Two judges were not certified for failing to meet the under advisement standards. The Council became very concerned that there was no out from these standards, even for good cause, and requested that the rule be softened to allow some leeway for certification—or something like it—when the judge substantially performs his or her duties.

The Policy and Planning Committee determined that providing certification to a judge who falls below performance standards was not good policy. But new paragraph (1)(D) would provide that the Council could still recommend retention if it determines that there is good cause for the judge's failure to meet one or more of the minimum performance standards. The Council would then provide the justification for its recommendation.

In drafting the language of paragraph (1), the Policy and Planning borrowed from JPEC's performance evaluations statute, [Utah Code section 78A-12-203](#), at paragraphs 4 and 5. JPEC's [Rule 597-3-4](#) guides the Judicial Council's authority to create its own standards.

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.

Rule 3-101. Judicial performance standards.**Intent**

To establish ~~standards of performance~~ standards upon which the Judicial Council certifies judges for application by retention to the Judicial Performance Evaluation Commission.

Applicability

This rule applies to all justices and judges of the courts of record and not of record.

Statement of the Rule**(1) Certification to the Judicial Performance Evaluation Commission.**

(1)(A) The Judicial Council shall determine whether a judge scheduled to stand for retention meets the minimum performance standards in paragraph (2) for purposes of certification to the Judicial Performance Evaluation Commission.

(1)(B) If a judge meets the minimum performance standards, the Judicial Council will certify the judge to the Judicial Performance Evaluation Commission. If a judge fails to meet the minimum performance standards, the Judicial Council will decline to certify the judge.

(1)(C) The Judicial Council will allow a judge who has not met one or more of the minimum performance standards to appear and speak to the Council in a meeting closed pursuant to Utah Code of Judicial Administration Rule 2-103. The judge may also provide a written statement to the Council.

(1)(D) If the Judicial Council determines that there is good cause for the judge's failure to meet one or more of the minimum performance standards, the Judicial Council may still recommend retention to the Judicial Performance Evaluation Commission. The Judicial Council will provide to the Commission the good cause reasons for its recommendation.

(2) Standards of Performance.

(2)(A) Case under advisement standard. A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge for final determination.

(2)(A)(i) Supreme Court justice. A justice of the Supreme Court demonstrates satisfactory performance by circulating not more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year.

(2)(B)(i) Court of Appeals judge. A judge of the Court of Appeals demonstrates satisfactory performance by:

(2)(B)(i)(a) circulating not more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year; and

(2)(B)(i)(b) achieving a final average time to circulation of a principal opinion of not more than 120 days after submission.

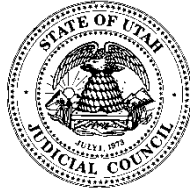
(2)(C)(i) Trial court judge. A trial court judge demonstrates satisfactory performance by holding:

(2)(C)(i)(a) not more than an average of three cases per calendar year under advisement more than two months after submission with no more than half of the maximum exceptional cases in any one calendar year; and

42 | (2)(C)(iii)(b) no case under advisement more than six months after submission.

43 | (32)(B) Education standard. Satisfactory performance is established if the judge annually obtains
44 | 30 hours of judicial education subject to the availability of in-state education programs.

45 | (42)(C) Physical and mental competence. Satisfactory performance is established if the response
46 | of the judge demonstrates physical and mental competence to serve in office and if the Council finds
47 | the responsive information to be complete and correct. The Council may request a statement by an
48 | examining physician.



Administrative Office of the Courts

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

MEMORANDUM

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Nancy Sylvester
Date: December 11, 2017
Re: For Comment: CJA Rule 3-111. Performance evaluation of senior judges and court commissioners.

The Policy and Planning Committee recommends that amendments to Code of Judicial Administration Rule 3-111 be circulated for comment. This rule circulated for comment once before, but in the course of reviewing the rule after, the committee determined that it should be held back from final action. The reason for this is that during the Council's discussions this fall regarding certification of senior judges for retention, it was discovered that presiding judges and trial court executives have had no meaningful information upon which to evaluate the senior judges accepting assignments in their districts. As such, Policy and Planning amended paragraph (3)(B) to provide a process by which jurors and staff could provide input, specifically through the use of questionnaires on non-legal ability. These questionnaires would inform the presiding judges' and TCEs' responses to the surveys they are provided. In essence, the PJ and TCE survey responses that are provided to the Council prior to a senior judge's certification would be a distillation of the questionnaires. And because the questionnaires would provide ongoing feedback, any issues that arise during the course of a senior judge's term of office could be addressed early on, rather than at the end. Attorney feedback would then provide the Council with information on the judge's legal ability.

The questionnaire process will replace the senior judge performance evaluation process in paragraph (1). The Policy and Planning Committee does not believe the performance evaluation process has been a meaningful method of evaluating senior judges. Since paragraph (1)'s enactment several years ago, no district has evaluated a senior judge. There are at least a couple reasons for this. Senior judges can travel throughout the state, so they do not have a single district to call home that will take "ownership" of them. And because of that, no district is tracking when the senior judge is in their second or greater term, or when they are eighteen months into that term. So

**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.**

the Policy and Planning Committee recommends eliminating that process in favor of the ongoing questionnaires during senior judges' assignments.

This idea came from the senior judges and PJ's and is supported by the TCE's. It is a modified version of the process JPEC already uses to evaluate justice court judges in the smallest courts. I have attached the questionnaire JPEC uses and several mocked up questionnaires for court staff and juries. Also attached are clean and redlined versions of Rule 3-111.

Rule 3-111. Performance evaluation of active senior judges and court commissioners.

Intent:

To establish a performance evaluation, including the criteria upon which active senior judges and court commissioners will be evaluated, the standards against which performance will be measured and the methods for fairly, accurately and reliably measuring performance.

To generate and to provide to active senior judges and court commissioners information about their performance.

To establish the procedures by which the Judicial Council will evaluate and certify senior judges and court commissioners for reappointment.

Applicability:

This rule shall apply to presiding judges, the Board of Justice Court Judges and the Judicial Council, and to the active senior judges and court commissioners of the Court of Appeals, courts of record and courts not of record.

Statement of the Rule:

(1) Performance evaluations.

(1)(A) Court commissioners.

(1)(A)(i) On forms provided by the administrative office, the presiding judge of ~~the a district or court level~~ a court commissioner ~~primarily~~ serves shall complete an ~~annual~~ evaluation of the court commissioner's performance by June 1 of each year. If a commissioner serves multiple districts or court levels, the presiding judge of each district or court level shall complete an evaluation.

(1)(A)(ii) The presiding judge shall survey judges and court personnel seeking feedback for the evaluation. During the evaluation period, the presiding judge shall review at least five of the commissioner's active cases. The review shall include courtroom observation.

(1)(A)(iii) The presiding judge shall provide a copy of each commissioner evaluation to the Judicial Council. Copies of plans under paragraph (3)(G) and all evaluations shall also be maintained in the commissioner's personnel file in the administrative office.

(1)(B) Active senior judges. ~~On forms provided by the administrative office, the presiding judge of the Court of Appeals shall complete an evaluation of the appellate senior judge's performance every eighteen months starting after the senior judge's initial term. An active senior judge's performance shall be evaluated by attorneys as provided in paragraph (3)(A) and by presiding judges and court staff as provided in paragraph (3)(B).~~

~~(1)(C) On forms provided by the administrative office, the presiding judge of the district an active senior judge primarily serves shall complete an evaluation of the senior judge's performance every eighteen months starting after the senior judge's initial term.~~

~~(1)(D) On forms provided by the administrative office, the chair of the Board of Justice Court Judges shall complete an evaluation of the active senior justice court judge's performance every eighteen months starting after the senior judge's initial term.~~

~~(1)(E) The presiding judge shall provide a copy of each commissioner evaluation to the Judicial Council. (1)(F) If a senior judge receives an overall "Needs Improvement" rating on the performance evaluation, the evaluator shall provide a copy of the evaluation to the Judicial Council.~~

(2) **Evaluation and certification criteria.** Active senior judges and court commissioners shall be evaluated and certified upon the following criteria:

(2)(A) demonstration of understanding of the substantive law and any relevant rules of procedure and evidence;

(2)(B) attentiveness to factual and legal issues before the court;

(2)(C) adherence to precedent and ability to clearly explain departures from precedent;

(2)(D) grasp of the practical impact on the parties of the commissioner's or senior judge's rulings, including the effect of delay and increased litigation expense;

(2)(E) ability to write clear judicial opinions;

(2)(F) ability to clearly explain the legal basis for judicial opinions;

(2)(G) demonstration of courtesy toward attorneys, court staff, and others in the commissioner's or senior judge's court;

(2)(H) maintenance of decorum in the courtroom;

(2)(I) demonstration of judicial demeanor and personal attributes that promote public trust and confidence in the judicial system;

(2)(J) preparation for hearings or oral argument;

(2)(K) avoidance of impropriety or the appearance of impropriety;

(2)(L) display of fairness and impartiality toward all parties;

(2)(M) ability to clearly communicate, including the ability to explain the basis for written rulings, court procedures, and decisions;

(2)(N) management of workload;

(2)(O) willingness to share proportionally the workload within the court or district, or regularly accepting assignments; ~~and~~

(2)(P) issuance of opinions and orders without unnecessary delay; ~~and~~

~~(2)(Q) Senior judges shall also be evaluated on their ability and willingness to use the court's case management systems in all cases.~~

(34) Standards of performance.

(34)(A) Survey of attorneys.

(34)(A)(i) The Council shall measure satisfactory performance by a sample survey of the attorneys appearing before the active senior judge or court commissioner during the period for which the active senior judge or court commissioner is being evaluated. The Council shall measure satisfactory performance based on the results of the final survey conducted during a court commissioner's term of office, subject to the discretion of a court commissioner serving an abbreviated initial term not to participate in a second survey under Section (32)(A)(vi) of this rule.

(34)(A)(ii) **Survey scoring.** The survey shall be scored as follows.

(34)(A)(ii)(a) Each question of the attorney survey will have six possible responses: Excellent, More Than Adequate, Adequate, Less Than Adequate, Inadequate, or No Personal Knowledge. A favorable response is Excellent, More Than Adequate, or Adequate.

(34)(A)(ii)(b) Each question shall be scored by dividing the total number of favorable responses by the total number of all responses, excluding the "No Personal Knowledge" responses. A satisfactory score for a question is achieved when the ratio of favorable responses is 70% or greater.

(34)(A)(ii)(c) A court commissioner's performance is satisfactory if:

(34)(A)(ii)(c)(1) at least 75% of the questions have a satisfactory score; and

(34)(A)(ii)(c)(2) the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

(34)(A)(ii)(d) The Judicial Council shall determine whether the senior judge's survey scores are satisfactory.

(34)(A)(iii) **Survey respondents.** The Administrative Office of the Courts shall identify as potential respondents all lawyers who have appeared before the court commissioner during the period for which the commissioner is being evaluated.

(34)(A)(iv) **Exclusion from survey respondents.**

(34)(A)(iv)(a) A lawyer who has been appointed as a judge or court commissioner shall not be a respondent in the survey. A lawyer who is suspended or disbarred or who has resigned under discipline shall not be a respondent in the survey.

(34)(A)(iv)(b) With the approval of the Management Committee, a court commissioner may exclude an attorney from the list of respondents if the court commissioner believes the attorney will not respond objectively to the survey.

(34)(A)(v) **Number of survey respondents.** The Surveyor shall identify 180 respondents or all attorneys appearing before the court commissioner, whichever is less. All attorneys who have appeared before the active senior judge shall be sent a survey questionnaire as soon as possible after the hearing.

(34)(A)(vi) **Administration of the survey.** Court commissioners shall be the subject of a survey approximately six months prior to the expiration of their term of office. Court commissioners shall be the subject of a survey during the second year of each term of office. Newly appointed court commissioners shall be the subject of a survey during the second year of their term of office and, at their option, approximately six months prior to the expiration of their term of office.

(34)(A)(vii) **Survey report.** The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the number and percentage of respondents for each of the possible responses on each survey question and all comments, retyped and edited as necessary to redact the respondent's identity.

(34)(B) **Non-attorney Surveys.**

(3)(B)(i) Surveys of presiding judges and court staff regarding non-appellate senior judges.

The Council shall measure performance of active senior judges by a survey of all presiding judges and trial court executives, or in the justice courts, the Justice Court Administrator, of districts in which the senior judge has been assigned. The presiding judge and trial court executive will gather information for the survey from anonymous questionnaires completed by court staff on the calendars to which the senior judge is assigned and by jurors on jury trials to which the senior judge is assigned.

The Administrative Office of the Courts shall distribute survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the ~~number and percentage of respondents for each of the possible responses on each survey question and all comments, retyped and edited as necessary to redact the respondent's identity.~~ The Judicial Council shall determine whether the qualitative assessment of the senior judge's judge indicates satisfactory performancesurvey scores are satisfactory.

(3)(B)(ii) **Surveys of Court of Appeals presiding judge and clerk of court.** The Council shall measure performance of appellate senior judges by a survey of the presiding judge and clerk of court of the Court of Appeals. The presiding judge and clerk of court will gather information for the survey from anonymous questionnaires completed by the other judges on each panel to which the appellate senior judge is assigned and by the appellate law clerks with whom the appellate senior judge works. The Administrative Office of the Courts shall distribute the survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

(34)(C) **Case under advisement standard.** A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the senior judge or court commissioner for final determination. The Council shall measure satisfactory performance by the self-declaration of the senior judge or court commissioner or by reviewing the records of the court.

(34)(C)(i) A senior judge or court commissioner in a trial court demonstrates satisfactory performance by holding:

(34)(C)(i)(a) no more than three cases per calendar year under advisement more than 60 days after submission; and

(34)(C)(i)(b) no case under advisement more than 180 days after submission.

(34)(C)(ii) A senior judge in the court of appeals demonstrates satisfactory performance by:

(34)(C)(ii)(a) circulating no more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year; and

(34)(C)(ii)(b) achieving a final average time to circulation of a principal opinion of no more than 120 days after submission.

(34)(D) **Compliance with education standards.** Satisfactory performance is established if the senior judge or court commissioner annually complies with the judicial education standards of this Code, subject to the availability of in-state education programs. The Council shall measure satisfactory performance by the self-declaration of the senior judge or court commissioner or by reviewing the records of the state court administrator.

(34)(E) **Substantial compliance with Code of Judicial Conduct.** Satisfactory performance is established if the response of the senior judge or court commissioner demonstrates substantial compliance with the Code of Judicial Conduct, if the Council finds the responsive information to be

complete and correct and if the Council's review of formal and informal sanctions lead the Council to conclude the court commissioner is in substantial compliance with the Code of Judicial Conduct. Under Rule 11-201 and Rule 11-203, any sanction of a senior judge disqualifies the senior judge from reappointment.

(34)(F) **Physical and mental competence.** Satisfactory performance is established if the response of the senior judge or court commissioner demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct. The Council may request a statement by an examining physician.

(3)(G) Performance and corrective action plans for court commissioners.

(3)(G)(i) The presiding judge of the district a court commissioner serves shall prepare a performance plan for a new court commissioner within 30 days of the court commissioner's appointment. If a court commissioner serves multiple districts or court levels, the presiding judge of each district and court level shall prepare a performance plan. The performance plan shall communicate the expectations set forth in paragraph (2) of this rule.

(3)(G)(ii) If a presiding judge issues an overall "Needs Improvement" rating on a court commissioner's annual performance evaluation as provided in paragraph (1), that presiding judge shall prepare a corrective action plan setting forth specific ways in which the court commissioner can improve in deficient areas.

(45) Judicial Council certification process

(4)(A) **July Council meeting.** At its meeting in ~~August~~ July, the Council shall begin the process of determining whether the senior judges and court commissioners whose terms of office expire that year meet the standards of performance provided for in this rule. The Administrative Office of the Courts shall assemble all evaluation information, including:

(45)(A)(i) survey scores;

(45)(A)(ii) judicial education records;

(45)(A)(iii) self-declaration forms;

(45)(A)(iv) records of formal and informal sanctions;

(45)(A)(v) performance evaluations, if the commissioner or senior judge received an overall rating of Needs Improvement; and

(45)(A)(vi) any information requested by the Council.

(45)(B) **Records delivery.** Prior to the meeting the Administrative Office of the Courts shall deliver the records to the Council and to the senior judges and court commissioners being evaluated.

(45)(C) **July Council meeting closed session.** In a session closed in compliance with Rule 2-103, the Council shall consider the evaluation information and make a preliminary finding of whether a senior judge or court commissioner has met the performance standards.

(45)(D) **Certification presumptions.** If the Council finds the senior judge or court commissioner has met the performance standards, it is presumed the Council will certify the senior judge or court commissioner for reappointment. If the Council finds the senior judge or court commissioner did not meet the performance standards, it is presumed the Council will not certify the senior judge or court commissioner for reappointment. The Council may certify the senior judge or court commissioner or withhold decision until after meeting with the senior judge or court commissioner.

(45)(E) **Overcoming presumptions.** A presumption against certification may be overcome by a showing of good cause to the contrary. A presumption in favor of certification may be overcome by:

(45)(E)(i) reliable information showing non-compliance with a performance standard; or

(45)(E)(ii) formal or informal sanctions of sufficient gravity or number or both to demonstrate lack of substantial compliance with the Code of Judicial Conduct.

(45)(F) **August Council meeting.** At the request of the Council the senior judge or court commissioner challenging a non-certification decision shall meet with the Council in ~~September~~August. At the request of the Council the presiding judge shall report to the Council any meetings held with the senior judge or court commissioner, the steps toward self-improvement identified as a result of those meetings, and the efforts to complete those steps. Not later than 5 days after the ~~August~~July meeting, the Administrative Office of the Courts shall deliver to the senior judge or court commissioner being evaluated notice of the Council's action and any records not already delivered to the senior judge or court commissioner. The notice shall contain an adequate description of the reasons the Council has withheld its decision and the date by which the senior judge or court commissioner is to deliver written materials. The Administrative Office of the Courts shall deliver copies of all materials to the Council and to the senior judge or court commissioner prior to the ~~September~~August meeting.

(45)(G) **August Council meeting closed session.** At its ~~September~~August meeting in a session closed in accordance with Rule 2-103, the Council shall provide to the senior judge or court commissioner adequate time to present evidence and arguments in favor of certification. Any member of the Council may present evidence and arguments of which the senior judge or court commissioner has had notice opposed to certification. The burden is on the person arguing against the presumed certification. The Council may determine the order of presentation.

(45)(H) **Final certification decision.** At its ~~September~~August meeting in open session, the Council shall approve its final findings and certification regarding all senior judges and court commissioners whose terms of office expire that year.

227 | ~~(45)~~(l) **Communication of certification decision.** The Judicial Council shall communicate its
228 certification decision to the senior judge or court commissioner. The Judicial Council shall communicate
229 its certification decision for senior judges to the Supreme Court and for court commissioners to the
230 presiding judge of the district the commissioner serves.

231

232

Rule 3-111. Performance evaluation of active senior judges and court commissioners.

Intent:

To establish a performance evaluation, including the criteria upon which active senior judges and court commissioners will be evaluated, the standards against which performance will be measured and the methods for fairly, accurately and reliably measuring performance.

To generate and to provide to active senior judges and court commissioners information about their performance.

To establish the procedures by which the Judicial Council will evaluate and certify senior judges and court commissioners for reappointment.

Applicability:

This rule shall apply to presiding judges, the Board of Justice Court Judges and the Judicial Council, and to the active senior judges and court commissioners of the Court of Appeals, courts of record and courts not of record.

Statement of the Rule:

(1) Performance evaluations.

(1)(A) Court commissioners.

(1)(A)(i) On forms provided by the administrative office, the presiding judge of a district or court level a court commissioner serves shall complete an evaluation of the court commissioner's performance by June 1 of each year. If a commissioner serves multiple districts or court levels, the presiding judge of each district or court level shall complete an evaluation.

(1)(A)(ii) The presiding judge shall survey judges and court personnel seeking feedback for the evaluation. During the evaluation period, the presiding judge shall review at least five of the commissioner's active cases. The review shall include courtroom observation.

(1)(A)(iii) The presiding judge shall provide a copy of each commissioner evaluation to the Judicial Council. Copies of plans under paragraph (3)(G) and all evaluations shall also be maintained in the commissioner's personnel file in the administrative office.

(1)(B) Active senior judges. An active senior judge's performance shall be evaluated by attorneys as provided in paragraph (3)(A) and by presiding judges and court staff as provided in paragraph (3)(B).

(2) Evaluation and certification criteria. Active senior judges and court commissioners shall be evaluated and certified upon the following criteria:

(2)(A) demonstration of understanding of the substantive law and any relevant rules of procedure and evidence;

- 33 (2)(B) attentiveness to factual and legal issues before the court;
- 34 (2)(C) adherence to precedent and ability to clearly explain departures from precedent;
- 35 (2)(D) grasp of the practical impact on the parties of the commissioner's or senior judge's rulings,
- 36 including the effect of delay and increased litigation expense;
- 37 (2)(E) ability to write clear judicial opinions;
- 38 (2)(F) ability to clearly explain the legal basis for judicial opinions;
- 39 (2)(G) demonstration of courtesy toward attorneys, court staff, and others in the commissioner's or
- 40 senior judge's court;
- 41 (2)(H) maintenance of decorum in the courtroom;
- 42 (2)(I) demonstration of judicial demeanor and personal attributes that promote public trust and
- 43 confidence in the judicial system;
- 44 (2)(J) preparation for hearings or oral argument;
- 45 (2)(K) avoidance of impropriety or the appearance of impropriety;
- 46 (2)(L) display of fairness and impartiality toward all parties;
- 47 (2)(M) ability to clearly communicate, including the ability to explain the basis for written rulings, court
- 48 procedures, and decisions;
- 49 (2)(N) management of workload;
- 50 (2)(O) willingness to share proportionally the workload within the court or district, or regularly
- 51 accepting assignments;
- 52 (2)(P) issuance of opinions and orders without unnecessary delay; and
- 53 (2)(Q) ability and willingness to use the court's case management systems in all cases.

54 **(3) Standards of performance.**

55 **(3)(A) Survey of attorneys.**

56 (3)(A)(i) The Council shall measure satisfactory performance by a sample survey of the attorneys

57 appearing before the active senior judge or court commissioner during the period for which the active

58 senior judge or court commissioner is being evaluated. The Council shall measure satisfactory

59 performance based on the results of the final survey conducted during a court commissioner's term of

60 office, subject to the discretion of a court commissioner serving an abbreviated initial term not to

61 participate in a second survey under Section (3)(A)(vi) of this rule.

62 (3)(A)(ii) **Survey scoring.** The survey shall be scored as follows.

(3)(A)(ii)(a) Each question of the attorney survey will have six possible responses: Excellent, More Than Adequate, Adequate, Less Than Adequate, Inadequate, or No Personal Knowledge. A favorable response is Excellent, More Than Adequate, or Adequate.

(3)(A)(ii)(b) Each question shall be scored by dividing the total number of favorable responses by the total number of all responses, excluding the "No Personal Knowledge" responses. A satisfactory score for a question is achieved when the ratio of favorable responses is 70% or greater.

(3)(A)(ii)(c) A court commissioner's performance is satisfactory if:

(3)(A)(ii)(c)(1) at least 75% of the questions have a satisfactory score; and

(3)(A)(ii)(c)(2) the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

(3)(A)(ii)(d) The Judicial Council shall determine whether the senior judge's survey scores are satisfactory.

(3)(A)(iii) **Survey respondents.** The Administrative Office of the Courts shall identify as potential respondents all lawyers who have appeared before the court commissioner during the period for which the commissioner is being evaluated.

(3)(A)(iv) **Exclusion from survey respondents.**

(3)(A)(iv)(a) A lawyer who has been appointed as a judge or court commissioner shall not be a respondent in the survey. A lawyer who is suspended or disbarred or who has resigned under discipline shall not be a respondent in the survey.

(3)(A)(iv)(b) With the approval of the Management Committee, a court commissioner may exclude an attorney from the list of respondents if the court commissioner believes the attorney will not respond objectively to the survey.

(3)(A)(v) **Number of survey respondents.** The Surveyor shall identify 180 respondents or all attorneys appearing before the court commissioner, whichever is less. All attorneys who have appeared before the active senior judge shall be sent a survey questionnaire as soon as possible after the hearing.

(3)(A)(vi) **Administration of the survey.** Court commissioners shall be the subject of a survey approximately six months prior to the expiration of their term of office. Court commissioners shall be the subject of a survey during the second year of each term of office. Newly appointed court commissioners shall be the subject of a survey during the second year of their term of office and, at their option, approximately six months prior to the expiration of their term of office.

(3)(A)(vii) **Survey report.** The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the number and percentage of respondents for each of the possible responses on each survey question and all comments, retyped and edited as necessary to redact the respondent's identity.

(3)(B) **Non-attorney surveys.**

(3)(B)(i) **Surveys of presiding judges and court staff regarding non-appellate senior judges.**

The Council shall measure performance of active senior judges by a survey of all presiding judges and trial court executives, or in the justice courts, the Justice Court Administrator, of districts in which the senior judge has been assigned. The presiding judge and trial court executive will gather information for the survey from anonymous questionnaires completed by court staff on the calendars to which the senior judge is assigned and by jurors on jury trials to which the senior judge is assigned. The Administrative Office of the Courts shall distribute survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

(3)(B)(ii) **Surveys of Court of Appeals presiding judge and clerk of court.** The Council shall measure performance of appellate senior judges by a survey of the presiding judge and clerk of court of the Court of Appeals. The presiding judge and clerk of court will gather information for the survey from anonymous questionnaires completed by the other judges on each panel to which the appellate senior judge is assigned and by the appellate law clerks with whom the appellate senior judge works. The Administrative Office of the Courts shall distribute the survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

(3)(C) **Case under advisement standard.** A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the senior judge or court commissioner for final determination. The Council shall measure satisfactory performance by the self-declaration of the senior judge or court commissioner or by reviewing the records of the court.

(3)(C)(i) A senior judge or court commissioner in a trial court demonstrates satisfactory performance by holding:

(3)(C)(i)(a) no more than three cases per calendar year under advisement more than 60 days after submission; and

(3)(C)(i)(b) no case under advisement more than 180 days after submission.

(3)(C)(ii) A senior judge in the court of appeals demonstrates satisfactory performance by:

(3)(C)(ii)(a) circulating no more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year; and

(3)(C)(ii)(b) achieving a final average time to circulation of a principal opinion of no more than 120 days after submission.

(3)(D) **Compliance with education standards.** Satisfactory performance is established if the senior judge or court commissioner annually complies with the judicial education standards of this Code, subject to the availability of in-state education programs. The Council shall measure satisfactory performance by the self-declaration of the senior judge or court commissioner or by reviewing the records of the state court administrator.

(3)(E) **Substantial compliance with Code of Judicial Conduct.** Satisfactory performance is established if the response of the senior judge or court commissioner demonstrates substantial compliance with the Code of Judicial Conduct, if the Council finds the responsive information to be complete and correct and if the Council's review of formal and informal sanctions lead the Council to conclude the court commissioner is in substantial compliance with the Code of Judicial Conduct. Under Rule 11-201 and Rule 11-203, any sanction of a senior judge disqualifies the senior judge from reappointment.

(3)(F) **Physical and mental competence.** Satisfactory performance is established if the response of the senior judge or court commissioner demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct. The Council may request a statement by an examining physician.

(3)(G) **Performance and corrective action plans for court commissioners.**

(3)(G)(i) The presiding judge of the district a court commissioner serves shall prepare a performance plan for a new court commissioner within 30 days of the court commissioner's appointment. If a court commissioner serves multiple districts or court levels, the presiding judge of each district and court level shall prepare a performance plan. The performance plan shall communicate the expectations set forth in paragraph (2) of this rule.

(3)(G)(ii) If a presiding judge issues an overall "Needs Improvement" rating on a court commissioner's annual performance evaluation as provided in paragraph (1), that presiding judge

shall prepare a corrective action plan setting forth specific ways in which the court commissioner can improve in deficient areas.

(4) Judicial Council certification process

(4)(A) **July Council meeting.** At its meeting in July, the Council shall begin the process of determining whether the senior judges and court commissioners whose terms of office expire that year meet the standards of performance provided for in this rule. The Administrative Office of the Courts shall assemble all evaluation information, including:

(4)(A)(i) survey scores;

(4)(A)(ii) judicial education records;

(4)(A)(iii) self-declaration forms;

(4)(A)(iv) records of formal and informal sanctions;

(4)(A)(v) performance evaluations, if the commissioner or senior judge received an overall rating of Needs Improvement; and

(4)(A)(vi) any information requested by the Council.

(4)(B) **Records delivery.** Prior to the meeting the Administrative Office of the Courts shall deliver the records to the Council and to the senior judges and court commissioners being evaluated.

(4)(C) **July Council meeting closed session.** In a session closed in compliance with Rule 2-103, the Council shall consider the evaluation information and make a preliminary finding of whether a senior judge or court commissioner has met the performance standards.

(4)(D) **Certification presumptions.** If the Council finds the senior judge or court commissioner has met the performance standards, it is presumed the Council will certify the senior judge or court commissioner for reappointment. If the Council finds the senior judge or court commissioner did not meet the performance standards, it is presumed the Council will not certify the senior judge or court commissioner for reappointment. The Council may certify the senior judge or court commissioner or withhold decision until after meeting with the senior judge or court commissioner.

(4)(E) **Overcoming presumptions.** A presumption against certification may be overcome by a showing of good cause to the contrary. A presumption in favor of certification may be overcome by:

(4)(E)(i) reliable information showing non-compliance with a performance standard; or

(4)(E)(ii) formal or informal sanctions of sufficient gravity or number or both to demonstrate lack of substantial compliance with the Code of Judicial Conduct.

(4)(F) **August Council meeting.** At the request of the Council the senior judge or court commissioner challenging a non-certification decision shall meet with the Council in August. At the request of the

Council the presiding judge shall report to the Council any meetings held with the senior judge or court commissioner, the steps toward self-improvement identified as a result of those meetings, and the efforts to complete those steps. Not later than 5 days after the July meeting, the Administrative Office of the Courts shall deliver to the senior judge or court commissioner being evaluated notice of the Council's action and any records not already delivered to the senior judge or court commissioner. The notice shall contain an adequate description of the reasons the Council has withheld its decision and the date by which the senior judge or court commissioner is to deliver written materials. The Administrative Office of the Courts shall deliver copies of all materials to the Council and to the senior judge or court commissioner prior to the August meeting.

(4)(G) **August Council meeting closed session.** At its August meeting in a session closed in accordance with Rule 2-103, the Council shall provide to the senior judge or court commissioner adequate time to present evidence and arguments in favor of certification. Any member of the Council may present evidence and arguments of which the senior judge or court commissioner has had notice opposed to certification. The burden is on the person arguing against the presumed certification. The Council may determine the order of presentation.

(4)(H) **Final certification decision.** At its August meeting in open session, the Council shall approve its final findings and certification regarding all senior judges and court commissioners whose terms of office expire that year.

(4)(I) **Communication of certification decision.** The Judicial Council shall communicate its certification decision to the senior judge or court commissioner. The Judicial Council shall communicate its certification decision for senior judges to the Supreme Court and for court commissioners to the presiding judge of the district the commissioner serves.

Court Staff Questionnaire on Senior Judge Performance

Please tell me about your experience today. How well did the judge:

- a) Demonstrate courtesy toward attorneys, court staff, and others in the court?

- b) Maintain decorum in the courtroom?

- c) Demonstrate judicial demeanor and personal attributes that promote public trust and confidence in the judicial system?

- d) Prepare for the hearing or oral argument?

- e) Display fairness and impartiality toward all parties?

- f) Clearly communicate court procedures and decisions?

- g) Manage his or her workload?

- h) Use the court's case management system in all cases?

Judge: _____ Courthouse: _____ Date: _____

Name of person completing survey (optional): _____

Thank you for taking the time to fill out this questionnaire. We appreciate your service.

Court Staff: Please return this survey to the presiding judge in your district upon completion.

Juror Questionnaire on Senior Judge Performance

Please tell me about your experience today. How well did the judge:

- a) Demonstrate courtesy toward attorneys, court staff, and others in the court?

- b) Maintain decorum in the courtroom?

- c) Demonstrate judicial demeanor and personal attributes that promote public trust and confidence in the judicial system?

- d) Display fairness and impartiality toward all parties?

- e) Clearly communicate court procedures and decisions?

Judge: _____ Courthouse: _____ Date: _____

Name of person completing survey (optional): _____

Thank you for taking the time to fill out this questionnaire. We appreciate your service.

Appellate Panel Questionnaire on Senior Judge Performance

Please tell me about your experience today. How well did the judge:

- a) Demonstrate courtesy toward attorneys, court staff, and others in the court?

- b) Maintain decorum in the courtroom?

- c) Demonstrate judicial demeanor and personal attributes that promote public trust and confidence in the judicial system?

- d) Prepare for the hearing or oral argument?

- e) Display fairness and impartiality toward all parties?

- f) Clearly communicate court procedures and decisions, if applicable?

- g) Manage his or her workload?

- h) Use the court's case management system?

Judge: _____ Courthouse: _____ Date: _____

Name of person completing survey (optional): _____

Thank you for taking the time to fill out this questionnaire. We appreciate your service.

Court Staff: Please return this survey to the Court of Appeals presiding judge upon completion.

Appellate Law Clerk Questionnaire on Senior Judge Performance

Please tell me about your experience today. How well did the judge:

- a) Demonstrate courtesy toward attorneys, court staff, and others in the court?

- b) Maintain decorum in the courtroom?

- c) Demonstrate judicial demeanor and personal attributes that promote public trust and confidence in the judicial system?

- d) Prepare for the hearing or oral argument?

- e) Display fairness and impartiality toward all parties?

- f) Clearly communicate court procedures and decisions, if applicable?

- g) Manage his or her workload?

- h) Use the court's case management system?

Judge: _____ Courthouse: _____ Date: _____

Name of person completing survey (optional): _____

Thank you for taking the time to fill out this questionnaire. We appreciate your service.

Court Staff: Please return this survey to the Court of Appeals presiding judge upon completion.

MID-LEVEL JUSTICE COURT INTERCEPT INTERVIEW

1. Why were you in court today?

<input type="checkbox"/> I had a case	<input type="checkbox"/> Other Attorney	<input type="checkbox"/> Service Provider
<input type="checkbox"/> Family or friend had a case	<input type="checkbox"/> Bailiff	<input type="checkbox"/> Witness
<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Translator	<input type="checkbox"/> Other:
<input type="checkbox"/> Defense Attorney	<input type="checkbox"/> Court Clerk	<input type="text"/>

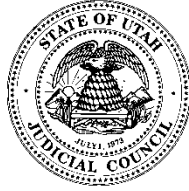
2. Tell me about your experience today. How well did the judge do today at treating everyone fairly?

Why do you say that? What did the judge do or say that made you feel that way? Can you give me some examples?

3. What else can you tell me about the judge's performance today?

4. For attorneys only: What can you tell me about the judge's legal ability and knowledge?

Judge: _____ Courthouse: _____ Date: _____




Administrative Office of the Courts

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

MEMORANDUM

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Keisa L. Williams 
Date: December 4, 2017
Re: Rules for Public Comment

The Policy and Planning Committee recommends the following proposed amendments to the Utah Code of Judicial Administration. The circumstances are outlined below. The Policy and Planning Committee recommends that these rules be approved by the Judicial Council for public comment.

Rule CJA 4-202.02. Records Classification. Amend. Classifies affidavits of indigency as private records.

The proposed amendment, at line 119, adds affidavits of indigency to the classification of private records. Affidavits of impecuniosity are private records in the civil context. The extent of a person's financial information requested by the court in criminal cases varies amongst jurisdictions. Regardless, much of the information provided to the court is private.

Rule CJA 7-303. Truancy Referrals. Repeal. Repeals the rule in its entirety.

House Bill 239 eliminates Juvenile Court jurisdiction over habitual truancy matters. Repealing this rule will bring the court's rules in line with the statute.

Rule CJA 3-104. Presiding Judges. Amend. Requires that presiding judges develop a rotation of magistrates to ensure regular availability, taking into account caseload, location, and willingness to serve.

The proposed amendment at lines 175-178, requires presiding judges to develop a rotation of magistrates in the district to ensure adequate coverage. The presiding judges should consult with the justice court administrator to establish the rotations and should consider each magistrate's caseload, location and willingness to serve.

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.

Rule CJA 4-202.07. Appeals. Amend. Clarifies that a person may appeal a response that a record does not exist or is not maintained by the court and amends the timing for filing and responding to an appeal.

The proposed amendments at lines 9-10, clarify that a person may appeal a response to a records request that a record does not exist or is not maintained by the court. This right has always been honored, it just wasn't clearly established in the rule. The proposed amendments at lines 14, 23, 25-26, and 28, amend the timelines for filing and responding to an appeal. When an appeal is sent to the state court administrator, the state court administrator refers those to the legal department for research and response. The response time of five days is sometimes too short because of the time necessary to prioritize the appeal, research the appeal, make efforts to resolve or negotiate a resolution of the appeal, and prepare a decision. Extending the time will not have a significant impact on those individuals appealing the decision. In addition, the changes are meant to make the response dates consistent with similar changes to the rules of procedure.

Encl. CJA 4-202.02
CJA 7-303
CJA 3-104
CJA 4-202.07

1 **~~Rule 7-303. Truancy referrals.~~**

2 ~~Intent:~~

3 ~~To establish a uniform policy for handling truancy referrals.~~

4 ~~-~~

5 **~~Applicability:~~**

6 ~~This rule shall apply to all truancy referrals made to the Juvenile Courts.~~

7 ~~-~~

8 **~~Statement of the Rule:~~**

9 ~~(1) All truancy cases must be referred from the local school board or the school district and not from an~~
10 ~~individual school within the district.~~

11 ~~(2) All truancy referrals must be accompanied by a statement, if required, alleging habitual truancy in~~
12 ~~defiance of efforts of school authorities and parents and setting forth the results of the review conducted~~
13 ~~at the school district level.~~

14 ~~(3) If the above conditions are met, the probation department shall conduct a preliminary inquiry to~~
15 ~~determine whether a non-judicial adjustment can be made. The filing of a petition and the use of detention~~
16 ~~as a sanction for failure to attend school, even in contempt situations, should be avoided.~~

Rule 3-104. Presiding judges.

Intent:

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

Applicability:

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

Statement of the Rule:

(1) Election and term of office.

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

(1)(B) Associate presiding judge.

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

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

(1)(C) A presiding judge or associate presiding judge may be removed as the presiding judge or associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or associate presiding judge shall then be selected as provided in this rule.

(2) Court organization.

(2)(A) Court en banc.

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

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

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

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

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

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

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

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

47 (2)(B) Absence of presiding judge. When the presiding judge and the associate presiding judge, if any,
48 are absent from the court, an acting presiding judge shall be appointed. The method of designating an
49 acting presiding judge shall be at the discretion of the presiding judge. All parties that must necessarily be
50 informed shall be notified of the judge acting as presiding judge.

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

52 (3)(A)(i) Generally. The presiding judge is charged with the responsibility for the effective operation of the
53 court. He or she is responsible for the implementation and enforcement of statutes, rules, policies and
54 directives of the Council as they pertain to the administration of the courts, orders of the court en banc
55 and supplementary rules. The presiding judge has the authority to delegate the performance of non-
56 judicial duties to the court executive. When the presiding judge acts within the scope of these
57 responsibilities, the presiding judge is acting within the judge's judicial office.

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

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

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

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

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

69 (3)(C) Authority to appoint senior judges.

70 (3)(C)(i) The presiding judge is authorized to use senior judge coverage for up to 14 judicial days if a
71 judicial position is vacant or if a judge is absent due to illness, accident, or disability. Before assigning a
72 senior judge, the presiding judge will consider the priorities for requesting judicial assistance established
73 in Rule 3-108. The presiding judge may not assign a senior judge beyond the limits established in Rule
74 11-201(6).

75 (3)(C)(ii) The presiding judge will notify the State Court Administrator when a senior judge assignment has
76 been made.

77 (3)(C)(iii) If more than 14 judicial days of coverage will be required, the presiding judge will promptly
78 present to the State Court Administrator a plan for meeting the needs of the court for the anticipated
79 duration of the vacancy or absence and a budget to implement that plan. The plan should describe the
80 calendars to be covered by judges of the district, judges of other districts, and senior judges. The budget
81 should estimate the funds needed for travel by judges and for time and travel by senior judges.

82 (3)(C)(iv) If any part of the proposed plan is contested by the State Court Administrator, the plan will be
83 reviewed by the Management Committee of the Judicial Council for final determination.

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

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

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

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

96 (3)(F) Docket management and case and judge assignments.

97 (3)(F)(i) The presiding judge shall monitor the status of the dockets in the court and implement improved
98 methods and systems of managing dockets.

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

101 (3)(F)(iii) Individual judges of the court shall convey needs for assistance to the presiding judge. The
102 presiding judge shall, through the State Court Administrator, request assistance of visiting judges or other
103 appropriate resources when needed to handle the workload of the court.

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

106 (3)(G) Court executives.

107 (3)(G)(i) The presiding judge shall review the proposed appointment of the court executive made by the
108 State Court Administrator and must concur in the appointment before it will be effective. The presiding
109 judge shall obtain the approval of a majority of the judges in that jurisdiction prior to concurring in the
110 appointment of a court executive.

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

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

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

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

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

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

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

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

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

(3)(J) Budgets. The court executive, in consultation with the presiding judge, shall oversee the development of the budget for the court. In contract sites, the court executive shall supervise the preparation and management of the county budget for the court on an annual basis and in accordance with the Utah Code.

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

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

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

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

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

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

(3)(K)(vi) Refer the problem to the Judicial Council or to the Chief Justice.

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

(3)(L) Cases under advisement.

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

(3)(L)(ii) Once a month each judge shall submit a statement on a form to be provided by the State Court Administrator notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.

(3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under advisement for more than two months to the appropriate state level administrator and indicate the reasons why the case or issue continues to be held under advisement.

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

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

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

(3)(O) Magistrate availability. The presiding judge in a district court may consult with the justice court administrator to develop a rotation of magistrates that ensures regular availability of magistrates within the district. The rotation shall take into account each magistrate's caseload, location, and willingness to serve.

Effective November 1, 2016.

Rule 4-202.02. Records classification.

Intent:

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Presumption of Public Court Records.** Court records are public unless otherwise classified by this rule.

(2) **Public Court Records.** Public court records include but are not limited to:

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

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

(2)(C) appellate filings, including briefs;

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

(2)(E) audit reports;

(2)(F) case files;

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

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

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

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

(2)(K) financial records;

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

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

(2)(L)(ii) attorney name;

(2)(L)(iii) case number;

(2)(L)(iv) case status;

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

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

(2)(L)(vii) daily calendar;

(2)(L)(viii) file date;

(2)(L)(ix) party name;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)(HH) Notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the

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

(3) **Sealed Court Records.** The following court records are sealed:

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

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

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

(3)(A)(iii) Section 76-7-304.5, Consent required for abortions performed on minors; and

(3)(A)(iv) Section 78B-8-402, actions for disease testing;

(3)(B) expunged records;

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

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

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

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

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

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

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

(4) **Private Court Records.** The following court records are private:

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

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

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

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

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

and

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

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

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

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

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

(4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;
(4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;
(4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
(4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
(4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph (B);
(4)(C) affidavit of indigency;
~~(4)(C)(D)~~ an affidavit supporting a motion to waive fees;
~~(4)(D)(E)~~ aggregate records other than public aggregate records under subsection (2);
~~(4)(E)(F)~~ alternative dispute resolution records;
~~(4)(F)(G)~~ applications for accommodation under the Americans with Disabilities Act;
~~(4)(G)(H)~~ jail booking sheets;
~~(4)(H)(I)~~ citation, but an abstract of a citation that redacts all non-public information is public;
~~(4)(I)(J)~~ judgment information statement;
~~(4)(J)(K)~~ judicial review of final agency action under Utah Code Section 62A-4a-1009;
~~(4)(K)(L)~~ the following personal identifying information about a party: driver's license number, social security number, account description and number, password, identification number, maiden name and mother's maiden name, and similar personal identifying information;
(4)(L)(M) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number; date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;
~~(4)(M)(N)~~ medical, psychiatric, or psychological records;
~~(4)(N)(O)~~ name of a minor, except that the name of a minor party is public in the following district and justice court proceedings:
(4)(N)(O)(i) name change of a minor;
(4)(N)(O)(ii) guardianship or conservatorship for a minor;
(4)(N)(O)(iii) felony, misdemeanor, or infraction;
(4)(N)(O)(iv) ~~child~~ protective orders; and
(4)(N)(O)(v) custody orders and decrees;
~~(4)(O)(P)~~ nonresident violator notice of noncompliance;
~~(4)(P)(Q)~~ personnel file of a current or former court personnel or applicant for employment;
~~(4)(Q)(R)~~ photograph, film, or video of a crime victim;
~~(4)(R)(S)~~ record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5;

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

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

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

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

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

(4)(~~V~~)(~~W~~) victim impact statements;

(4)(~~W~~)(~~X~~) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

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

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

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

(5) **Protected Court Records.** The following court records are protected:

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

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

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

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

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

(5)(F) court security plans;

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

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

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

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

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

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

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

- (5)(J)(iv) concern the security of a court facility;
- (5)(K) record identifying property under consideration for sale or acquisition by the court or its appraised or estimated value unless the information has been disclosed to someone not under a duty of confidentiality to the courts;
- (5)(L) record that would reveal the contents of settlement negotiations other than the final settlement agreement;
- (5)(M) record the disclosure of which would impair governmental procurement or give an unfair advantage to any person;
- (5)(N) record the disclosure of which would interfere with supervision of an offender's incarceration, probation, or parole;
- (5)(O) record the disclosure of which would jeopardize life, safety, or property;
- (5)(P) strategy about collective bargaining or pending litigation;
- (5)(Q) test questions and answers;
- (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
- (5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;
- (5)(T) presentence investigation report;
- (5)(U) except for those filed with the court, records maintained and prepared by juvenile probation; and
- (5)(V) other records as ordered by the court under Rule 4-202.04.
- (6) Juvenile Court Social Records.** The following are juvenile court social records:
- (6)(A) correspondence relating to juvenile social records;
- (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;
- (6)(C) medical, psychological, psychiatric evaluations;
- (6)(D) pre-disposition and social summary reports;
- (6)(E) probation agency and institutional reports or evaluations;
- (6)(F) referral reports;
- (6)(G) report of preliminary inquiries; and
- (6)(H) treatment or service plans.
- (7) Juvenile Court Legal Records.** The following are juvenile court legal records:
- (7)(A) accounting records;
- (7)(B) discovery filed with the court;
- (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees;
- (7)(D) name of a party or minor;
- (7)(E) record of a court hearing;

222 (7)(F) referral and offense histories

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

225 (8) **Safeguarded Court Records.** The following court records are safeguarded:

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

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

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

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

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

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

241 (8)(E)(ii) date of birth, driver's license number, social security number, account description
242 and number, password, identification number, maiden name, mother's maiden name, and similar
243 personal identifying information.
244

Rule 4-202.07. Appeals.

Intent:

To establish the rights and procedures in an appeal of a record request.

Applicability:

This rule applies to requests to access or to classify a court record other than a motion under Rule 4-202.04.

Statement of the Rule:

(1) A person requesting access to a court record may appeal a denial of the request, a response that the record does not exist or is not maintained by the court, a claim of extraordinary circumstances or the time claimed necessary to address the extraordinary circumstances. A person requesting that a court record be classified as private or protected may appeal a denial of the request. A person whose interests are protected by closure may appeal a decision to permit access to a court record. An appeal shall be made in writing within ~~30~~28 days after the decision giving rise to the appeal. A person described in this subsection may petition for judicial review as provided by statute.

(2) If the original request was to the custodian of the record, the appeal is to the state court administrator. If the original request was to the state court administrator, the appeal is to the Management Committee of the Judicial Council. The appeal of a decision by the state court administrator is to the Management Committee.

(3) The notice of appeal shall contain the appellant's name, mailing address, daytime telephone number, the relief sought, and a statement of facts, authority and argument in support of the appeal.

(4) An appeal to the state court administrator is deemed denied unless a decision on the appeal is mailed within ~~5~~ 14 days after receiving the appeal or within ~~15 business~~ 21 days after mailing notice under Rule 4-202.05(2)(B). An appeal to the Management Committee is deemed denied unless a decision on the appeal is mailed within ~~5~~ 14 days after the first meeting of the Committee held more ~~that than~~ 15-
business21 days after receiving the appeal.

(5) The state court administrator shall mail notice of the Management Committee meeting to all participants at least ~~40 business~~ 14 days before the meeting. At least ~~7 business~~ days before the meeting, all participants shall mail to the state court administrator and to the other participants a written statement of facts, authority and argument in support of or opposition to the appeal. The Management Committee may permit any person whose interests are substantially affected by a decision to participate. The deliberations of the Management Committee are closed, but the balance of the hearing on the appeal is an open and public meeting of which notice will be given in accordance with Rule 2-103.

(6) The Management Committee shall allow the participants a reasonable opportunity to present facts, authority and argument in support of or opposition to the appeal. The order of presentation shall be decided by the Management Committee. The Management Committee may review the record in a closed meeting. Discovery is prohibited, but the Management Committee may compel the production of evidence.

38 (7) The state court administrator shall mail the decision on an appeal to all participants. The decision shall:

39 (7)(A) describe the record or portions of the record to which access is denied in a manner that does not
40 disclose information other than public information;

41 (7)(B) refer to the authority under which the request is being denied;

42 (7)(C) make findings and conclusions about specific records;

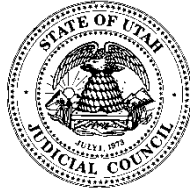
43 (7)(D) identify and balance the interests favoring opening and closing the record; and, if the record is
44 closed, determine there are no reasonable alternatives to closure sufficient to protect the interests
45 favoring closure;

46 (7)(E) state that the requester may appeal or seek judicial review; and

47 (7)(F) state the time limits for filing an appeal or petition for judicial review, and the name and address of
48 the person to whom the appeal or petition must be directed.

49 (8) The time periods in this rule may be extended by mutual agreement. A document required to be sent
50 by mail may be sent by email, fax or hand-delivery. The duties of the state court administrator may be
51 delegated.

Tab 16



Administrative Office of the Courts

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

MEMORANDUM

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Nancy Sylvester
Date: December 5, 2017
Re: Rule for Final Action: CJA Rule 3-201. Court commissioners.

The Policy and Planning Committee recommends that amendments to Code of Judicial Administration Rule 3-201 be adopted effective May 1, 2018.

CJA 03-201. Court commissioners. Amend. Clarifies 1) how the districts and court levels that a commissioner will serve will be represented on the court commissioner nominating committee; 2) how a commissioner is selected if they will serve more than one judicial district or court level; 3) that the commissioner certification process addresses retention, not removal; 4) that when a commissioner serves two districts or court levels, the presiding judges will each prepare performance evaluations and performance plans; and 5) how the commissioner public comment period results are reviewed and used.

During the comment period, the rule received the following comment from Commissioner Thomas Morgan:

CJA 03-201 Subparagraph 9(b) should reflect the reality that court commissioners are prohibited from the practice of law, just like judges, and should receive the same retirement benefits as judges. Without the ability to do work for which they are trained, court commissioners are severely limited in their ability to increase their revenue and save additional amounts for retirement. Considering that recommended rulings from the commissioners are not objected to approximately 88% of the time and less than 1/2 of the objections are reversed by the judges, the commissioners do a considerable amount of work that would normally go to a judge. The commissioners should benefit from the same retirement structure/calculation as judges. Also, considering that there are only 11 commissioners statewide, the potential increase to the budget is modest at best and is an incentive to retain good commissioners.

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.

Although the policy Commissioner Morgan raised is an important one, the Policy and Planning Committee declined the invitation to further amend the rule at this time.

Rule 3-201. Court commissioners.

Intent:

To define the role of court commissioner.

To establish a term of office for court commissioners.

To establish uniform administrative policies governing the qualifications, appointment, supervision, discipline and removal of court commissioners.

To establish uniform administrative policies governing the salaries, benefits and privileges of the office of court commissioner.

Applicability:

This rule shall apply to all trial courts of record.

Statement of the Rule:

(1) **Definition.** Court commissioners are quasi-judicial officers established by the Utah Code.

(2) **Qualifications.**

(2)(A) Court commissioners must be at least 25 years of age, United States citizens, Utah residents for three years preceding appointment and residents of Utah while serving as commissioners. A court commissioner shall reside in a judicial district the commissioner serves.

(2)(B) Court commissioners must be admitted to practice law in Utah and exhibit good character. Court commissioners must possess ability and experience in the areas of law in which the court commissioner serves.

(2)(C) Court commissioners shall serve full time and shall comply with Utah Code Section 78A-2-221.

(3) **Appointment - Oath of office.**

(3)(A) Selection of court commissioners shall be based solely upon consideration of fitness for office.

(3)(B) When a vacancy occurs or is about to occur in the office of a court commissioner, the Council shall determine whether to fill the vacancy. The Council may determine that the court commissioner will serve more than one judicial district.

(3)(C) A committee for the purpose of nominating candidates for the position of court commissioner shall consist of ~~one judge~~ the presiding judge or designee from each court level and judicial district that the commissioner will serve, three lawyers, and two members of the public. Committee members shall be appointed by the presiding judge of the district court of each judicial district. The committee members shall serve three year terms, staggered so that not more than one term of a member of the bench, bar, or public expires during the same calendar year. The presiding judge shall designate a chair of the committee. All members of the committee shall reside in the judicial district. All members of the committee shall be voting members. A quorum of one-half the committee members is necessary for the committee to

act. The committee shall act by the concurrence of a majority of the members voting. When voting upon the qualifications of a candidate, the committee shall follow the ~~voting procedures of the judicial nominating commissions established in the commissioner nominating manual.~~

(3)(D) If the commissioner will serve more than one judicial district, the presiding judges of the districts involved shall select representatives from each district's nominating committee to form a joint nominating committee with a size and composition equivalent to that of a district committee- , except that a maximum of two judges from each district shall serve on the joint nominating committee.

(3)(E) No member of the committee may vote upon the qualifications of any candidate who is the spouse of that committee member or is related to that committee member within the third degree of relationship. No member of the committee may vote upon the qualifications of a candidate who is associated with that committee member in the practice of law. The committee member shall declare to the committee any other potential conflict of interest between that member and any candidate as soon as the member becomes aware of the potential conflict of interest. The committee shall determine whether the potential conflict of interest will preclude the member from voting upon the qualifications of any candidate. The committee shall record all declarations of potential conflicts of interest and the decision of the committee upon the issue.

(3)(F) The administrative office of the courts shall advertise for qualified applicants and shall remove from consideration those applicants who do not meet minimum qualifications of age, citizenship, residency, and admission to the practice of law. The administrative office of the courts shall develop uniform guidelines for the application process for court commissioners.

(3)(G) The nominating committee shall review the applications of qualified applicants and may investigate the qualifications of applicants to its satisfaction. The committee shall interview selected applicants and select the three best qualified candidates. All voting shall be by confidential ballot. The committee shall receive public comment on those candidates as provided in paragraph (4). Any candidate may be reconsidered upon motion by a committee member and upon agreement by a majority of nominating committee members.

(3)(H) When the public comment period as provided in paragraph (4) has closed, the comments shall go be given to the nominating committee. If any comments would negatively affect the committee's decision on whether to recommend a candidate, the candidate shall be given ~~notice~~all comments with the commenters' names redacted and an opportunity to respond to the comments. If the committee decides not to recommend a candidate based on the comments, the committee shall select another candidate from the interviewed applicants and again receive public comment on the candidates as provided in paragraph (4).

(3)(I) The chair of the nominating committee shall present the names, applications, and the results of

background investigations of the nominees to the judges of the courts the court commissioner will serve. The committee may indicate its order of preference.

(3)(J) The judges of ~~the each~~ courts ~~level~~ the court commissioner will serve shall together select one of the nominees by a concurrence of a majority of judges voting. If the commissioner will serve more than one judicial district, the concurrence of each court independent of the others a majority of judges in each district is necessary for selection.

(3)(K) The presiding judge of the district ~~court of the district~~ the court commissioner will primarily serve shall present the name of the selected candidate to the Council. The selection shall be final upon the concurrence of two-thirds of the members of the Council. The Council shall vote upon the selection within 45 days of the selection or the concurrence of the Council shall be deemed granted.

(3)(L) If the Council does not concur in the selection, the judges of the district may select another of the nominees or a new nominating process will be commenced.

(3)(M) The appointment shall be effective upon the court commissioner taking and subscribing to the oath of office required by the Utah Constitution and taking any other steps necessary to qualify for office. The court commissioner shall qualify for office within 45 days after the concurrence by the Council.

(4) Public comment for appointment and retention.

(4)(A) Final candidates for appointment and court commissioners who are up for retention shall be subject to public comment.

(4)(B) For final candidates, the nominating committee shall be responsible for giving notice of the public comment period.

(4)(C) For court commissioners, the district in which the commissioner serves shall be responsible for giving notice of the public comment period.

(4)(D) The nominating committee or district in which the commissioner serves shall:

(i) email notice to each active member of the Utah State Bar including the names of the nominees or court commissioner with instructions on how to submit comments;

(ii) publish-issue a press release and other public notices listing the names of the nominees or court commissioner with instructions on how to submit comments ~~in a newspaper of general circulation~~; and

(iii) allow at least 10 days for public comment.

(4)(E) Individuals who comment on the nominees or commissioners should be encouraged, but not required, to provide their names and contact information.

(4)(F) The comments are classified as protected court records and shall not be made available to the public.

(5) Term of office. The court commissioner shall be appointed until December 31 of the third year

following concurrence by the Council. At the conclusion of the first term of office and each subsequent term, the court commissioner shall be retained for a term of four years unless the judges of the courts the commissioner serves ~~remove vote not to retain~~ the commissioner in accordance with paragraph ~~(6)(C)(8)(B) or unless the Judicial Council does not certify the commissioner for retention under rule 3-111.~~ The term of office of court commissioners holding office on April 1, 2011 shall end December 31 of the year in which their term would have ended under the former rule.

(6) **Court commissioner Performance evaluation and public comments review.**

(6)(A) **Performance evaluations and performance plans.** The presiding judge of ~~the each~~ district ~~and court level the commissioner serves~~ shall prepare an evaluation of the commissioner's performance ~~and a performance plan in accordance with Rule 3-111. on an annual basis, on forms provided by the administrative office. The presiding judge shall provide copies of the evaluation to the Judicial Council. A copy of the performance plan and any subsequent evaluation shall be maintained in the official personnel file in the administrative office.~~ Court commissioners shall comply with the program for judicial performance evaluation, including ~~any recommendations made in the evaluation~~ expectations set forth in a performance plan.

~~(B) When the public comment period has closed, the comments shall go to the presiding judge in the district in which the commissioner serves. If any comments would negatively affect the presiding judge's decision on whether to discipline or remove the commissioner from office, the commissioner shall be given notice and an opportunity to respond to the comments.~~

(6)(B) **Public comment period results.** When the public comment period for a commissioner provided in paragraph (4) closes, the comments shall be given to and reviewed by the presiding judge of each district and court level the commissioner serves. If any comments would negatively affect the presiding judge's decision of whether to sanction the commissioner or remove the commissioner from office in accordance with paragraph (7), the commissioner shall be provided all comments with the commenters' names redacted and the commissioner shall be given an opportunity to respond to the comments.

(7) **Sanctions or removal during a commissioner's term.** ~~Removal and sanctions.~~

(7)(A) **Sanctions.**

(7)(A)(i) The court commissioner may be sanctioned by the Council as the result of a formal complaint filed under rule 3-201.02.

(7)(A)(ii) If the commissioner's performance is not satisfactory, the commissioner may be sanctioned in accordance with paragraph (7)(A)(iii) by the presiding judge, or presiding judges if the commissioner serves multiple districts or court levels, with the concurrence of a majority of the judges of that jurisdiction in either district or court level the commissioner serves, may discipline the

~~commissioner-~~

(7)(A)(iii) Sanctions may include but are not limited to private or public censure, restrictions in case assignments with corresponding reduction in salary, mandatory remedial education, and suspension without pay for a period not to exceed 60 days. ~~suspension for a period not to exceed 60 days, and reduction in salary~~

(7)(B) Removal.

(7)(B)(i) Removal by Judicial Council. During a commissioner's term, ~~T~~the court commissioner may be removed by the Council:

(7)(B)(i)(a) as part of a reduction in force;

(7)(B)(i)(b) for failure to meet the evaluation ~~and certification~~ requirements; or

(7)(B)(i)(c) as the result of a formal complaint filed under rule 3-201.02 upon the concurrence of two-thirds of the Council.

(7)(B)(ii) ~~or~~ Removal by District or Court Level.

(7)(B)(ii)(a) During a commissioner's term, if the commissioner's performance is not satisfactory, the commissioner may be removed by the presiding judge, or presiding judges if the commissioner serves multiple districts or court levels, only with the concurrence of a majority of the judges in each district or court level the commissioner serves. ~~remove the commissioner from office.~~

(7)(B)(ii)(b) If the commissioner serves multiple districts or court levels and one district or court level contests a commissioner removal decision made by the other district or court level, the Management Committee will review the decision, with final determination by the Judicial Council.

(7)(C) Review of District or Court Level Decisions. If the commissioner disagrees with ~~the a~~ presiding judge's district or court level's decision to sanction or remove, the commissioner may request a review of the decision by the Management Committee of the Council.

(8) Retention

(8)(A) The Council shall review materials on the commissioner's performance ~~during prior to the end~~ of the commissioner's term of office and the Council shall vote on whether the commissioner is eligible to be retained for another term in accordance with rule 3-111.

(8)(CB) At the end of a commissioner's term, ~~T~~the court commissioner may be removed without cause by the judges of ~~the each courts~~ district and court level the commissioner serves ~~at the conclusion of a term of office~~ may vote not to retain the commissioner for another term of office. ~~Removal under this paragraph~~ The decision not to retain is without cause and shall be by the concurrence of a majority of ~~all~~ the judges of in each district and court level the courts the commissioner serves. A decision not to ~~remove~~ retain a commissioner under this paragraph shall be communicated to the commissioner within a

reasonable time after the decision is made, and not less than ~~30-60~~ days prior to the end of the commissioner's term termination.

(98) Salaries and benefits.

(9)(A) The Council shall annually establish the salary of court commissioners. In determining the salary of the court commissioners, the Council shall consider the effect of any salary increase for judges authorized by the Legislature and other relevant factors. Except as provided in paragraph (6), the salary of a commissioner shall not be reduced during the commissioner's tenure.

(9)(B) Court commissioners shall receive annual leave of 20 days per calendar year and the same sick leave benefits as judges of the courts of record. Annual leave not used at the end of the calendar year shall not accrue to the following year. A commissioner hired part way through the year shall receive annual leave on a prorated basis. Court commissioners shall receive the same retirement benefits as non-judicial officers employed in the judicial branch.

(109) Support services.

(10)(A) Court commissioners shall be provided with support personnel, equipment, and supplies necessary to carry out the duties of the office as determined by the presiding judge.

(10)(B) Court commissioners are responsible for requesting necessary support services from the presiding judge.

Tab 17



VAWA COVER SHEET

VAWA COVER SHEET

DECLARATION

2018 APPLICATION FOR: VAWA FORMULA GRANT STATE OF UTAH

Utah Office for Victims of Crime

350 East 500 South, Suite 200

Salt Lake City, Utah 84111

(801) 238-2360 FAX: (801) 533-4127

1. Subgrantee Agency Information

Agency Name:

Administrative Office of the Courts

Address:

450 S State Street

City:

Salt Lake City

Zip Code + 4:

84114-0241

Phone Number:

(801) 578-3809

DUNS #:

096311365

2. POC's Primary & Secondary Information

Primary POC's Name:

Nicholas Stiles

Primary POC's Title:

Primary POC's Email

nicholass@utcourts.gov

Primary POC's Phone:

Secondary POC's Name:

James Peters

Secondary POC's Title:

Justice Court Administrator

Secondary POC's Email:

jamesp@utcourts.gov

Secondary POC's Phone:

3. Congressional District/Counties Served





District
Statewide

County
Statewide

4. Project Information

Project Period Start Date
1/1/2018

Project Period End Date
12/31/2018

Fed Tax ID
876000545

Number of Paid Staff (FTE)
1

Short Project Title or Name
2018 VAWA RFP

Purpose of Award
Enhance/Expand Existing Program

Previous Grant #

Funding Category
Courts

Total Federal Match
\$117,477.32

5. Type of Crime Project Focuses on (List # of victims assisted in each category)

Domestic Violence
70

Percents
70%

Stalking
15

Percents
15%

Sexual Assault
5

Percents
5%

Dating Violence
10

Percents
10%

Total
100

6. Implementing Agency Type





Implementing Agency Type
Criminal Justice Government

Other Implementing Agency Type

If Native American, please specify Tribe/Nation

7. If Implementing Agency is a Criminal Justice Agency, please indicate what type.

If Implementing Agency is a Criminal Justice Agency, indicate what type?

Courts

Other Criminal Justice Agency Type

8. Scope of Project

Scope of Project

State-wide

Other Scope of Project

a. List the Source(s) of Cash Match

The Court's cash match will continue to be calculated based on the hourly rate and time court employees spend in support of the DVP.
(Hourly rate of employee x supporting hours = cash match. Repeated for each employee.)

b. List the Source(s) of In-Kind Match

Office space and utilities, facilities administrative support, office supplies.

9. Match Summary

Subgrant Match Financial Support Minimum Match:

\$29,369.33

Total In-Kind Match

\$0

Total Cash Match

\$0

Total Federal Match

\$117,477.32

Project Budget Summary





UTAH grants

Category Name	Federal	In-Kind	Cash	Total Costs
Personnel	\$ 56,160	\$ 0	\$ 0	\$ 56,160
Fringe Benefits	\$ 27,518.4	\$ 0	\$ 0	\$ 27,518.4
Travel	\$ 8,100	\$ 0	\$ 0	\$ 8,100
Equipment	\$ 2,000	\$ 0	\$ 0	\$ 2,000
Supplies	\$ 1,000	\$ 0	\$ 0	\$ 1,000
Contracted Fees	\$ 3,200	\$ 0	\$ 0	\$ 3,200
Training	\$ 9,000	\$ 0	\$ 0	\$ 9,000
Other	\$ 5,000	\$ 0	\$ 0	\$ 5,000
Indirect Costs	\$ 5,498.92	\$ 0	\$ 0	\$ 5,498.92

Official Authorized to Sign

By entering my name here, I certify that my Official Authorized to Sign has seen and approves of this grant application and a letter signed by my Authorized Official is attached.

Name

Nicholas Stiles

Signature (By entering my name here, I certify that my Official Authorized to Sign has seen and approves of this grant application and a letter signed by my Authorized Official is attached)

Nicholas Stiles

Position

Domestic Violence Program Coordinator

Date

10/3/2017





UTAH *grants*

Program Director or Manager

Name

James M. Peters

Position

Justice Court Administrator

Signature (By entering my name here, I certify that my Official Authorized to Sign has seen and approves of this grant application and a letter signed by my Authorized Official is attached)

James M. Peters

Date

10/3/2017

Attachments

Attachment Name	Type	Description	Last Modified	Owner
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FN-00504

Required VAWA Questions

Required VAWA Questions

1. Type of organization (Choose the ONE that best applies to your organization)

Court

Other Organization Type

2. Is this a faith-based organization?

No

3. Is this a culturally specific community-based organization?

No

4. Will this project specifically address tribal populations?

No

If yes, which tribes/nations:

5. Report the total number of FTE staff to be funded by this VAWA program

Name	The Percentage of FTE
Administrator	0.00%
Attorney (does not include prosecutor)	0.00%
Counselor	0.00%
Court personnel	0.00%
Information technology staff	0.00%





Investigator (prosecution based)	0.00%
Law enforcement officer	0.00%
Legal advocate (does not include attorney or paralegal)	0.00%
Paralegal	0.00%
Probation officer/offender monitor	0.00%
Program coordinator (training coordinator, volunteer coordinator, hotline coordinator, victim services coordinator)	100.00%
Prosecutor	0.00%
Sexual assault nurse examiner/sexual assault forensic examiner (SAFE/SANE)	0.00%
Support staff (administrative assistant, bookkeeper, accountant)	0.00%
Trainer	0.00%
Translator/interpreter	0.00%
Victim advocate (non-governmental, includes domestic violence, sexual assault, and dual)	0.00%
Victim assistant (governmental, includes victim-witness specialist/coordinator)	0.00%

6. VAWA PROGRAM PURPOSES

Which VAWA program purposes will this program address?

1. Training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, stalking, and dating violence, including the use of nonimmigrant status under subparagraphs (U) and (T) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a));
2. Developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence;
3. Developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and



UTAH grants

responding to violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence, as well as the appropriate treatment of victims;

4. Developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying, classifying, and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence;
5. Developing, enlarging, or strengthening victim services and legal assistance programs, including sexual assault, domestic violence, stalking, and dating violence programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault, dating violence, stalking, and domestic violence;
6. Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence;
7. Supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of state law enforcement agencies, prosecutors, courts, victim services agencies, and other state agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, stalking, and dating violence
8. Training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;
9. Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence, dating violence, stalking, or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals;
10. Providing assistance to victims of domestic violence and sexual assault in immigration matters;
11. Maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families.
12. Supporting the placement of special victim assistants (to be known as "Jessica Gonzales Victim Assistants") in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement





of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities— (A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases; (B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency; (C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and (D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.

13. Providing funding to law enforcement agencies, victim services providers, and state, tribal, territorial, and local governments (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote— (A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as “Crystal Judson Victim Advocates,” to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel; (B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies such as the model policy promulgated by the International Association of Chiefs of Police (“Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project” July 2003); and (C) the development of such protocols in collaboration with state, tribal, territorial and local victim services providers and domestic violence coalitions. Note: Any law enforcement, state, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program shall, on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of two years, provide a report of the adopted protocol to the Department, including a summary of progress in implementing such protocol. As such, states and territories are responsible for ensuring that each subgrantee receiving funds under this purpose area will receive the required annual training. States are also responsible for ensuring that subgrantees submit their two-year report to the Department. States and territories must notify and provide OVW with a list of subgrantee recipients awarded STOP funds under the Crystal Judson Domestic Violence Protocol Program.

14. Developing and promoting state, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking.

15. Developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault.

16. Developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.

17. Developing, enlarging or strengthening programs addressing sexual assault against men, women, and youth in correctional or detention settings.



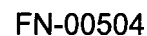
20. Developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a state to be used for this purpose.

1;2;3;5;7;9;10;11;12;19

Yes

4

Name	Other	Quantitative
Advocacy organization (NAACP,AARP)		0.00
Batterer intervention program		0.00
Corrections (probation,parole, and correctional facility staff)		0.00
Court		200.00
Domestic violence organization		0.00
Educational institutions/organizations		0.00
Faith-based organization		0.00
Governmental agency (SSA,TANF)		0.00





Health/mental health organization		0.00
Law enforcement		0.00
Legal organization (legal services, bar association, law school)		0.00
Prosecutor's office		0.00
Sex offender management/sex offender treatment provider		0.00
Sexual assault organization		0.00
Social service organization (nongovernmental)		0.00
Tribal government/Tribal government agency		0.00
Other (specify):		0.00

9. TRAINING CONTENT AREAS: Indicate all topics covered in VAWA-funded training events.

[Sexual assault, domestic violence/dating violence, and stalking](#)

Yes

[Selection](#)

Dating violence overview, dynamics, and services; Domestic violence overview, dynamics, and services; Sexual assault overview, dynamics and, services; Stalking overview, dynamics and, services; Supervised visitation exchange; Other (specify)

[Other](#)

A constant goal of the DVP is to consistently provide informative and engaging training to Utah judges by national training resources.

[Justice System](#)

Yes





UTAH *grants*

Selection

Civil court procedures;Criminal court procedures;Domestic violence statutes/codes;Firearms and domestic violence;Immigration;Judicial response;Protection orders (including full faith and credit);Sexual assault statutes/codes;Stalking statutes/codes

Other

Underserved populations

Yes

Issues specific to victims/survivors who:

Other (specify)

Other

The DVP works to better the court's response to victims of all backgrounds.

Community response

Yes

Selection

Coordinated community response;Other (specify)

Other

The DVP works closely with a number of external agencies in support of bettering the communities response to domestic violence.

10. COORDINATED COMMUNITY RESPONSE:

Name	Other	Victim/survivor referrals, consultations	Meetings
Advocacy organization (NAACP, AARP)		Daily	Monthly
Batterer intervention program		Monthly	Monthly
Corrections (probation, parole, and correctional facility staff)			
Court		Daily	Daily





Domestic violence		Daily	Daily
Educational institutions/organizations			
Faith-based organization			
Governmental agency (SSA, TANF)		Weekly	Weekly
Health/mental health organizations		Monthly	Monthly
Law enforcement		Monthly	Monthly
Legal organization (legal services, bar association, law school)		Weekly	Weekly
Prosecutor's office		Monthly	Monthly
Sex offender management/sex offender treatment provider			
Sexual assault organization			
Social service organization		Monthly	Monthly
Tribal government/Tribal government agency			
Other (specify)			

11. Protection Orders

Indicate the anticipated number of protection orders in which VAWA funded personnel will assist victims/survivors. (Please note that for Quarterly and Annual reports, you will need to track the number requested and the number granted.)

Number of protection orders

Sexual assault protection orders

0

Domestic violence/dating violence protection orders

30





Stalking protection orders

5

Total

35

12. Victim/survivor referrals to victim services

Indicate the anticipated number of victim/survivor referrals to victim services. Note: This is the type of agency to which you will be referring victims, NOT the type of agency providing the referral.

Number of victim/survivor referrals

Governmental victim services

0

Non-governmental victim services

0

13. Will VAWA funds be used to develop, substantially revise, or implement policies or protocols during the program period?

Will VAWA funds be used to develop, substantially revise, or implement policies or protocols during the program period? (If no, leave the rest of this section blank)

Yes

Types of protocols and/or policies that will be developed, substantially revised, or implemented during the current reporting period.

Victim services

Yes

1. Appropriate response to underserved populations
2. Appropriate response to victims/survivors with substance abuse issues and/or mental health diagnoses





UTAH grants

3. Appropriate response to victims/survivors who are elderly or have disabilities
4. Confidentiality
5. Mandatory training standards for staff and volunteers
6. Procedures for anonymous, confidential, or Jane Doe reporting sexual assault
7. Staff, board, and/or volunteers represent the diversity of your service area
8. Victim/survivors informed about Crime Victims Compensation and Victim Impact Statements

Selection

1;5

Other Victim Services

Law enforcement

Yes

1. Appropriate response to underserved populations
2. Appropriate response to victims/survivors who are elderly or have disabilities
3. Identifying primary aggressor/discouraging dual arrest
4. Immediate access to protection order information
5. Mandatory training on sexual assault, domestic violence, dating violence, and/or stalking
6. No charge to victims/survivors for service of protection orders, warrants, or subpoenas
7. No charge to sexual assault victims/survivors for any costs associated with forensic exam
8. No charge to victims/survivors for any costs related to the investigation of sexual assault, domestic violence/dating violence, and/or stalking offenses
9. No victims/survivors polygraphed
10. Policies to protect victims/survivors from Internet disclosure of identifying information
11. Pro-arrest/mandatory arrest
12. Procedures for anonymous, confidential, or Jane Doe reporting of sexual assault
13. Protection order enforcement (*including full faith and credit*)
14. Providing information to victims/survivors about victim services
15. Sexual assault response and protocols

Selection





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3;4;5;6;8;13;14

Other

.

Prosecution

No

1. Appropriate response to underserved populations
2. Appropriate response to victims/survivors who are elderly or have disabilities
3. Mandatory training on sexual assault, domestic violence, dating violence, and/or stalking
4. No charge to victim/survivors for any costs related to the prosecution of sexual assault, domestic violence/dating violence, and/or stalking
5. No victims/survivors polygraphed
6. Policies to protect victims/survivors from Internet disclosure of identifying information
7. Protection order enforcement (*including full faith and credit*)
8. Sexual assault response and protocols
9. Vertical prosecution
- 10 Victim-witness notification

Selection

Other

.

Courts

Yes

1. Accelerated trial schedules
2. Appropriate response to underserved populations
3. Appropriate response to victims/survivors who are elderly or have disabilities
4. Dedicated domestic violence docket
5. Full faith and credit for protection orders
6. Immediate access to obtaining protection orders





UTAH grants

7. Judicial monitoring of sexual assault, domestic violence/dating violence, and/or stalking offenders
8. Mandatory training on sexual assault, domestic violence, dating violence, and/or stalking
9. No charge to victims/survivors for any costs related to prosecution of a sexual assault, domestic violence/dating violence, and/or stalking offense or to obtaining a protection order
10. Policies to protect victims/survivors from Internet disclosure of identifying information
11. Policy against mutual restraining orders
12. Procedures for courtroom security
13. Standard protection order form

Selection

1;2;3;4;5;6;7;8;9;10;11;12;13;Other (specify)

Other

In addition to assisting with the development of external stakeholder's policies, the DVP will continually work to improve the Court's response to domestic violence, sexual violence and stalking through policies reflecting best practices.

Probation and parole

Yes

1. Appropriate response for cases involving underserved populations
2. Appropriate response for cases involving victims/survivors who are elderly or have disabilities
3. Mandatory training on sexual assault, domestic violence, dating violence, and/or stalking
4. Strategies to assist and protect victims/survivors during probation and parole
5. Victim/survivor inclusion in offender supervision planning process/sex offender management
6. Victim/survivor notification

Selection

3

Other





UTAH *grants*

Health care

Yes

1. Advocate response to emergency room
2. Appropriate response for underserved populations
3. Appropriate response to victims/survivors to avoid or eliminate re-traumatization
4. Appropriate response to victims/survivors who are elderly or have disabilities
- 5 .Forensic exams not billed to victims/survivors
6. Mandatory training on sexual assault, domestic violence, dating violence, and/or stalking
7. Routine screening and referrals for sexual assault, domestic violence, dating violence, and/or stalking

Selection

3;Other (specify)

Other

The DVP currently works with the Utah Association of Domestic Violence Treatment Providers on how to better serve those impacted by domestic violence, and those going through treatment.





EQUIPMENT SUMMARY

EQUIPMENT SUMMARY

VAWA FUNDED EQUIPMENT SUMMARY

Have you purchased VAWA-funded equipment in the last three years? If yes, complete the VAWA funded equipment summary else skip.

Yes

This section requires all subgrantees, requesting funding, to list all VAWA purchased equipment received within the last 3 years. It includes purchased equipment that has been fully or partially funded through VAWA. **DO NOT INCLUDE MATCH AMOUNTS.** (1) List all equipment paid fully or partially by VAWA. (2) Specify the program year the equipment was purchased (example: 2014); (3) Include the total amount that VAWA paid; (4) List the Total Cost of the Equipment. **ALL APPLICANTS ARE REQUIRED TO SIGN THIS SUMMARY DOCUMENT, REGARDLESS OF ANY REQUEST FOR EQUIPMENT**

VAWA FUNDED EQUIPMENT SUMMARY			
TYPE OF EQUIPMENT	Program Year Purchased	Cost Funded By VAWA	Total Cost of Equipment
Lap Top	\$ 2,015	\$ 857	\$ 857

EQUIPMENT INVENTORY REQUIREMENTS

Subgrantees are required to maintain, as part of the financial records of the grant, the following types of equipment management records for all equipment acquired in whole or part with grantor agency funds. **At a minimum, management records must meet the following requirements:**

- 1 Records must contain copies of purchase orders and invoices.





UTAH grants

2 The records must include an inventory control listing for nonexpendable equipment, which must be kept current, and the records must contain:

- a. Item description;
- b. Source of equipment;
- c. Manufacturer's serial number and, if applicable, control number;
- d. Grantor agency funded cost equity at time of acquisition;
- e. Acquisition date and cost;
- f. Location, use and condition of property; and
- g. Ultimate disposition data including sale price or the method used to determine current fair market value.

3 A physical inventory of **all equipment costing more than \$300 per item** shall be taken and the results reconciled with the equipment record to verify the existence, current utilization and continued need for the equipment. The result of the inventory must be forwarded to the state for review and concurrence, and shall become part of the official grant file.

4 A control system shall be in effect to ensure adequate safeguards to prevent loss, damage or theft to nonexpendable equipment. Any loss, damage or theft of nonexpendable equipment shall be investigated, fully documented and made part of the official grant file.

5 Adequate maintenance procedures shall be established to keep the nonexpendable equipment in good condition.

6 Proper sales procedures which would provide for competition to the maximum extent practical and result in the highest possible return shall be established for unneeded nonexpendable equipment.

7 Records for nonexpendable equipment which has been acquired in whole or in part with federal grant funds must be retained for three years after final disposition of the nonexpendable equipment.

8 A copy of your agency's equipment inventory requirements **shall be submitted to UOVC with the final Quarterly Progress Report**

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.





UTAH *grants*

By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.

Richard Schwermer

Date

10/17/2017





FN-00507

STATEMENT OF PROBLEM, NEED AND TARGET POPULATION

STATEMENT OF PROBLEM, NEED AND TARGET POPULATION

The purpose of this section is to develop a clear, concise picture of the problem.

1. Describe the geographical area to be served by the program.

The program serves the state of Utah and its 8 judicial districts. Utah covers 84,999 square miles, divided into 29 counties of various sizes. The 2016 population was estimated at 3,051,217, with a density of 33.6 per square mile. The population is 49.7% female, 91.1% White, 1.4% African American, 1.6% American Indian or Alaska Native, 2.5% Asian, 1.0% Pacific Islander, and 13.8% Hispanic or Latino. 10.2% of all individuals live below the poverty level. On average, there are 3.15 persons per household, with 8.3% of the population under the age of 5, 31.5% under the age of 18 and 10.5% over 65 years of age. (U.S. Census, available at <https://www.census.gov/quickfacts/tablePSTO45215/49>). There are several universities in the state, with the largest being Utah State University, the University of Utah, Utah Valley University and Brigham Young University. Utah's industries are varied and include tourism, agriculture, mining, biomedical and information technology. (Utah.gov)

2. Discuss the nature and scope of the problem in your program service area. If the problem is the result of many factors, these factors should be analyzed and discussed. Provide statistical information such as violent crime rates, trends and requests in services, etc.

If you are a woman in Utah you are more likely to be seriously hurt or killed by an intimate partner than a stranger. In 2015 domestic violence homicides accounted for 47% of Utah homicides. Over a ten year period the percentage of domestic violence homicides is approximately 43%, 13% above the national average. The Utah Courts are continually working to improve the access to justice for those seeking protection from an abusive partner. In the first half of 2017 there were 2,818 temporary cohabitant protective orders issued. After a hearing, 887 were converted to permanent cohabitant protective orders. There were 345 temporary civil stalking injunctions, 556 temporary child protective orders, and 49 temporary dating violence protective orders. In total, the first half of 2017 saw 3,768 temporary civil orders of protection, resulting in 1,141 permanent orders of protection. There were 5,193 domestic violence cases filed from January - June, 2017. These cases were filed in both district and justice courts, and led to the issuance of 2,288 criminal protective orders. There were 23 jail release orders, 1,841 pre-trial protective orders, 383 sentencing protective orders, 31 criminal stalking injunctions, and 10 continuous protective orders. Continuous protective



UTAH grants

orders were first issued in May, 2017, as a result of legislation passed in the 2017 legislative term. Domestic violence continues to be one of the least reported crimes in Utah. In 2017 only 2% of victims of domestic violence homicide had an active protective order. The DVPC continually strives to increase access to justice for victims of domestic violence.

3. Describe victim needs in the given service location.

The DVP works statewide to address issues with the administration of justice in domestic violence cases. Victim's needs are addressed at a systematic level with the implementation of best practices in courthouses across the state.

4. List and describe the barriers to victim service and safety within your agency and within your community.

The court system and the court process can be very confusing to members of the public. Additionally, victims of domestic violence that are seeking protection from the courts are likely in a time of crisis. Furthermore, this period is statistically the most dangerous time for a victim leaving an abuser. In 2015 the DVP created a report on the best practices in handling Utah domestic violence cases in both civil and criminal courts in an effort to remove common barriers to justice. This report led to the implementation of many best practices across the state, one example including scheduling domestic violence cases on the same day, as to make it easier for victim advocacy groups to be present for the hearings. Barriers to victim service and safety within the courts:

- Lack of understanding of the process - The judicial process can be very daunting for members of the public. Additionally, victims are not always able to take time of work, or have the means to make it to a courthouse to file for protections. Victims often have misconceptions about obtaining protective orders, and the steps that take place.
- Fear of retaliation - It is well established that the most dangerous time for a victim of domestic violence is when he or she leaves the abuser and/or seeks legal protection. This leads to a fear that this will only make the abuser more hazardous.
- Unsure of costs - Utah law does not allow for filing fees on protective order petitions. Unfortunately, there is still a misconception that filing court documents costs money.
- Misconceptions about futility - Victims are hesitant to file for a protective order because they are unsure whether the protective order can keep them safe. This misconception is common, and can be combated through documenting and notifying police of violations of protective orders.
- Immigration status - Undocumented or individuals with temporary status are hesitant to report abuse because of the fear of immigration consequences.
- Fear of facing abuser - Domestic violence often includes pervasive emotional abuse which leads to a debilitating fear of angering the abuser. Because of this, many victims of domestic violence just endure the abuse, or leave but don't seek legal protections for fear of further angering the abuser.
- Confusion about parental status - Many victims of domestic violence fear the custody implications of alleging domestic violence by a parent.
- Unsure of fault - A common dynamic of domestic violence is psychological abuse. Psychological abuse often leads to a victim being blamed for somehow causing the violence.
- Concerns related to safety - This is a common barrier within the courts. The Judiciary continually strives to improve safety and security for all parties involved in domestic violence proceedings. In 2015 the DVP created a report on the best practices in handling Utah domestic violence cases in both civil and criminal courts. This report led to the implementation of many best practices across the state, one example including scheduling domestic violence cases on the same day, as to make it easier for victim advocacy groups to be present for the hearings.

5. Indicate the group(s) of victims the program will target for its services.





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The DVP takes a systematic approach to combating domestic violence, and does not target particular groups, but works to improve the justice system's response to domestic violence on a macro-level.





Program Expenditure Comparison Summary

PROGRAM EXPENDITURE COMPARISON SUMMARY

Declaration

Was your agency funded during the 2017 VAWA Program Year? If yes, Please click Check Box

Yes

Comparison Summary

Budget Category	Last Year's Project	This Year's Request	Difference
Other	\$ 4,955	\$ 5,000	\$ 45
Equipment	\$ 1,500	\$ 2,000	\$ 500
Personnel	\$ 65,326	\$ 56,160	\$- 9,166
Supplies	\$ 2,840	\$ 1,000	\$- 1,840
Fringe Benefits	\$ 30,248	\$ 27,518.4	\$- 2,729.6
Travel	\$ 9,285	\$ 8,100	\$- 1,185
Training	\$ 0	\$ 9,000	\$ 9,000
Contracted Fees	\$ 3,000	\$ 3,200	\$ 200
	117,154	111,978.4	-5,175.6

Last year's Personnel 2017 VAWA Funded Costs.

VAWA Funded Employee	Agency Hours	VAWA funded hrs	Hourly Rate	Total Salary	Benefit%	Total VAWA Funded Benefit	TOTAL VAWA (Salary & Benefit)
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UTAH grants

Nicholas Stiles	1,820.00	1,820.00	\$ 25.5	\$ 46,410	50.00%	\$ 23,205	
							69,615

Justify:

Justify (in detail) the differences in expenses incurred during 2017 and those anticipated during 2018. Be sure to include reasons for the increases and clarify any possible supplanting issues.

The Domestic Violence Program at various times has been funded for a 1/2 time Domestic Violence Program Coordinator, a 3/4 time Domestic Violence Program Coordinator, and most recently a full time Domestic Violence Program Coordinator. The DVP will submit an application to maintain current funding for a full-time point of contact position within the courts.





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PROGRAM PLAN AND EVALUATION

PROGRAM PLAN AND EVALUATION

This section should describe in detail how the project will be implemented.

- Give a broad statement of the program's goal(s)
 - Example: to reduce trauma experienced by domestic violence victims as they participate in the criminal justice system).
- Clearly define, in measurable terms, the objectives of the program. These objectives must be related to the need defined in narrative section A.
 - Example of measurable terms: provide crisis intervention services to 250 domestic violence victims at the scene of the crime. (Be sure to include what objective is measuring, i.e. services, trainings, sessions)
 - Indicate the number that each objective will serve per quarter. Total of the 4 quarters should equal the total number you anticipate achieving for the year.
- Describe what activities/methods will be used to solve the problem(s) to meet the objectives
 - Example: if the objective is to provide individual counseling to victims of D.V. to help victims cope, avoid, survive, and/or overcome the violence, then an appropriate activity/method would be to schedule weekly counseling sessions and develop action plans to help victims outline goals and use resources, such as law enforcement, UOVC, etc.
- Indicate how the program will monitor and evaluate each objective.
- Create a time-line indicating when each critical activity/method element will be achieved during the grant period.
- This part should include specific strategies, approaches, and innovations that will be used to implement the project. The implementing strategy is required for each goal.

Please indicate at least one goal with three objectives

Goal Objective Indicator

Yes





Goals & Objectives

Type	Description								
Goal	The Domestic Violence Program will serve as the point of contact for the judiciary on matters relating to domestic violence. This goal includes the participation in any necessary coordinated community responses to domestic violence. National trends indicate that the most successful approaches to combating domestic violence utilize a coordinated community response.								
	<table><tr><th>Type</th><th>Description</th></tr><tr><td>Objective</td><td>Objective 1 - Maintain professional relationships with 3-5 external stakeholder organizations.</td></tr><tr><td>Objective</td><td>Objective 2 - Participate in community events/meetings to enhance the visibility of the Domestic Violence Program.</td></tr><tr><td>Objective</td><td>Objective 3 - Continue to focus efforts on increasing partnership opportunities. Respond to external and internal request for domestic violence related data.</td></tr></table>	Type	Description	Objective	Objective 1 - Maintain professional relationships with 3-5 external stakeholder organizations.	Objective	Objective 2 - Participate in community events/meetings to enhance the visibility of the Domestic Violence Program.	Objective	Objective 3 - Continue to focus efforts on increasing partnership opportunities. Respond to external and internal request for domestic violence related data.
Type	Description								
Objective	Objective 1 - Maintain professional relationships with 3-5 external stakeholder organizations.								
Objective	Objective 2 - Participate in community events/meetings to enhance the visibility of the Domestic Violence Program.								
Objective	Objective 3 - Continue to focus efforts on increasing partnership opportunities. Respond to external and internal request for domestic violence related data.								
Goal	The Domestic Violence Program will work with the Court's Education Department to facilitate domestic violence training. The DVP will utilize grant funding to provide nationally accredited training opportunities to Utah judges and court employees.								
	<table><tr><th>Type</th><th>Description</th></tr><tr><td>Objective</td><td>Objective 1. Train 100 court employees on the aspects of domestic violence. This objective will be accomplished through the continued administration of DV 101 and DV 102.</td></tr><tr><td>Objective</td><td>Objective 2. Create and sustain a bank of video training courses for new employees and new judges.</td></tr><tr><td>Objective</td><td>Objective 3: Train 100 judges from across the state on a field related to domestic violence.</td></tr></table>	Type	Description	Objective	Objective 1. Train 100 court employees on the aspects of domestic violence. This objective will be accomplished through the continued administration of DV 101 and DV 102.	Objective	Objective 2. Create and sustain a bank of video training courses for new employees and new judges.	Objective	Objective 3: Train 100 judges from across the state on a field related to domestic violence.
Type	Description								
Objective	Objective 1. Train 100 court employees on the aspects of domestic violence. This objective will be accomplished through the continued administration of DV 101 and DV 102.								
Objective	Objective 2. Create and sustain a bank of video training courses for new employees and new judges.								
Objective	Objective 3: Train 100 judges from across the state on a field related to domestic violence.								
Goal	In 2015 the DVP created a Best Practices in Civil Cases for both Rural and Urban Courts, and a Best Practices in Criminal Cases in Rural and Urban Courts. In 2017 the DVP disseminated a Best Practices Implementation Survey to explore the implementation of Best Practices in Civil Cases across the state. In the last quarter of 2017 the DVP will disseminate an additional survey covering justice court misdemeanor criminal cases. The DVP will utilize the results of both surveys to determine the most impactful focus area for implementing best practices.								





Type	Description
Objective	Objective 1. Determine the best focus for increasing the administration of best practices in civil cases across Utah
Objective	Objective 2: The DVPC will work to implement best practices in criminal cases across the state.

Goal	The Domestic Violence Program Coordinator will develop expertise in the field of domestic violence as to better serve the Utah Courts, and external agencies.
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Type	Description
Objective	The DVPC will continue to study national trends and recommendations in the administration of domestic violence cases.

COLLABORATION WITH ALLIED PROFESSIONALS

Describe your agency's collaborative efforts to coordinate the response of law enforcement, prosecutors, courts, victim services and other agencies to end violence against women.

Clearly state what the purpose/focus of the collaborative project will be. Please be sure to include why your agency has chosen this project and the system or target population that is the focus of the project.

Description

The Domestic Violence Program strives to improve the administration of justice in domestic violence cases across Utah. The DVP takes a multifaceted approach to improving the handling of domestic violence cases including implementing best practices, furthering judicial education, collaborating with external stakeholders, and exploring various national mechanisms at improving justice. The DVP also serves as the point of contact for the Utah Courts on matters relating to domestic





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violence. The issue of domestic violence is not solely a law enforcement or judicial issue but involves many stakeholders, some examples including advocacy groups and healthcare professionals. As such the DVP actively works with external agencies to promote a coordinated community response to domestic violence across the state.

**Attach THREE LETTERS (3) from your identified collaborative partners, indicating their willingness to collaborate, ensure victim safety, and hold the perpetrator accountable.*

Attachments				
Attachment Name	Type	Description	Last Modified	Owner
Legal Aid Society of Salt Lake Letter of Support.pdf	Letter of Collaboration I (Mandatory)	The DVP works with the Legal Aid Society of Salt Lake on a number of issues.	10/10/2017 11:21 PM	Nicholas Stiles
Letter of Support CCJJ.doc	Letter of Collaboration I (Mandatory)	Utah Office on Domestic and Sexual Violence	10/11/2017 5:49 PM	Nicholas Stiles
LOS AOC VAWA 2017 signed.docx	Letter of Collaboration I (Mandatory)	Utah Domestic Violence Coalition Letter of Support	10/13/2017 12:32 PM	Nicholas Stiles





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STATISTIC REPORTING

STATISTIC REPORTING

1. List the name(s) of the individual(s) who will be collecting statistics throughout the contract year, and explain the individual's ability to keep statistics for reporting purposes:

All data provided is collected electronically through the statewide court case management system. Statistics are compiled for all courts by analysts employed by the Administrative Office of the Courts. The AOC's analysts will be responsible for collecting grant related statistics. The Court Data Team is led by Kim Allard, who has extensive experience in data collection and statistical analysis.

2. Explain your ability to keep statistics in the area below. Include a description of what statistics are collected, how they are collected, how often data is entered into the system, and how often the data is compiled and reviewed. Required statistics include: Type of crime the project serves, services provided, statistics to answer questions listed on the required VAWA information (Page 2 of the Contract Cover Sheet) including race, sex, age, etc. This section should describe what will be measured and the types of data that will be collected. If statistics are not currently collected, indicate how your agency plans on collecting required statistics.

Data for the Utah Court System is kept on a daily basis. The Domestic Violence Program at the Administrative Office of the Courts collects data relating to domestic violence cases. This data includes the numbers of ex parte and permanent civil protective orders, the number and type of criminal case filings, and the number of criminal protective orders. The Domestic Violence Program also responds to data request inquiries from internal and external entities through coordination with the Court's Court Data Team.

3. Daily collection of data is mandatory. How often will data be compiled and analyzed?

MONTHLY





RECORD OF PROVIDING EFFECTIVE SERVICES

RECORD OF PROVIDING EFFECTIVE SERVICES

RECORD OF PROVIDING EFFECTIVE SERVICES

1. If the program has received VAWA funding from either the two previous cycles, provide information on the goals and objectives accomplished during prior VAWA contract years (example: Objective 1: Assess 300 children within 72 hours of admission to shelter in order to establish a plan to treat the impact of domestic violence. Result: intakes were completed on 300 of 350 children within 48 hours of admission between July 1, 2015 to June 30, 2016). Make sure to include information from the last completed contract year and current contract year .

This agency received VAWA funding during ONE OR BOTH of the previous funding years. If yes, information below must be completed
Yes

Previous Goals & Objectives		
Type	Year	Description
Goal	Last Year	Enhance and maintain collaboration between the courts and other agencies to improve outcomes in cases involving domestic violence by: regular contact between the program coordinator and agencies; monitoring trends to provide up-to-date information, and providing technical assistance as needed.
Type	Description	
Objective	Promote collaborations by attending twenty coalition meetings, conference or other community meetings to communicate new practices in the courts, speak to victim service providers, learn about concerns and resolve issues as they arise.	
Objective	Maintain and enhance subject matter expertise in legal and administrative issues related to domestic violence and utilize that expertise to provide technical assistance in response to ten requests by phone, email, mail, or in-person at events.	





UTAH grants

Objective	Provide information related to systems-related trends to internal stakeholders and to external stakeholders upon request by monitoring trends and statistics and presenting four quarterly and one yearly reports on updates. These reports will provide needed information to all interested court personnel on what is occurring in domestic violence cases.	
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Goal	Last Year	Stenghten the justice system response to domestic violence through training.
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Type	Description
Objective	Hold at least 2 meetings to determine what domestic violence training should be made available to judges and court personnel. This will advance the goal by (1) improving the quality of the training judges and personnel receive, (2) creating a comprehensive series of trainings to reach a high level of expertise, and (3) deepening understanding of all of the issues and factors necessary to manage domestic violence cases and (4) improving the quality of services provided to victims and other patrons who interact with the court system. Because the court is a critical piece of the system and can serve a leadership role, addressing these needs will lead to overall system improvement. The current high rate of turnover from retirements makes this objective all the more important to lay a sound foundation to support.
Objective	Make a yearly proposal to the relevant planning committees that a training for 35 judges or court personnel be delivered through a 1 hour domestic violence focused training at a court conference. Move forward with training as approved by the relevant committees.
Objective	Train 20 judges or court personnel on a domestic violence topic during a standalone training opportunity. A standalone training provides an opportunity for attendees to concentrate on this topic over a longer period of time than is available at conference that cover multiple topics. Attendees will be able to receive training on several different aspects of managing domestic violence cases to get a broader, more comprehensive view of the topic that will connect issues together and provide a deeper level of insight. By strengthening a understanding of domestic violence issues in this way, the court will improve management of these cases for the benefit of the overall system of which the court is a critical part.

Goal	Last Year	Encourage adoption of best practices throughout the state. The VAWA funded person responsible for this goal is the DV Program Coordinator. Other AOC staff, judges, and court personnel will participate in fulfillment of the grant match.
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Type	Description
Objective	Encourage referrals to appropriate resources by compiling and providing 8 updates over the course of the year to domestic violence resource lists. Domestic violence victims need readily available information about resources and providing that information at the time they seek help from the court system, access to resources is a best practice.



**Objective**

Request reports from 4 courts regarding their response to recommended practices based on civil and criminal needs assessment.

RECORD OF PROVIDING EFFECTIVE SERVICES

3. In order to document the effectiveness of your program, discuss how long your program has been in existence, how it has grown, and the types of victim services offered.

The Domestic Violence Program was created in 2012 to serve as a point of contact position for the judiciary on matters relating to domestic violence. The DVP has been a 1/2 time attorney position, a 3/4 time attorney position, and a full time attorney position. Most recently, the domestic violence program has been able to expand collaboration with external agencies, increase trainings to judges and staff, and create a monitoring mechanism for the implementation of best practices across the state.

4. Indicate your agency's significant accomplishments to date such as the number of victims assisted by your programs and the number of victims referred to the Compensation Program of the Utah Office for Victims of Crime.

I have been the DVPC for 10 months. Since I have been here the DVP has began to host the Domestic Violence Offender Management Group meetings, participated actively in the Domestic Violence Planning and Advisory Council, edited the Domestic Violence Bench Book, created four bench reference cards for judges, trained approximately 100 judges, collaborated with the Utah Domestic Violence Coalition to offer training by court employees at their upcoming annual conference, and implemented a survey tool to document the administration of best practices across the state.





FN-00608

VOCA SUBGRANTEES

VOCA SUBGRANTEES

Does your agency receive VOCA funding? If no, leave rest of the sections blank.

No

Current VOCA Funding

VOCA GRANT NUMBER	AMOUNT OF FUNDING
-------------------	-------------------

F. VOCA SUBGRANTEES

Please explain how your VOCA program goals and objectives differ from your agency's proposed 2017 VAWA goals and objectives.

VOCA Funding

NAME OF VOCA FUNDED EMPLOYEE	VOCA FUNDED POSITION	# VOCA FUNDED HOURS	VOCA HOURLY RATE OF PAY	Total	Benefit%	Total Benefit Cost	Total(Salary&Benefit)
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PROJECT ADMINISTRATION

PROJECT ADMINISTRATION

PROJECT ADMINISTRATION

This section of the application should describe how the project will be structured, organized, and managed.

1. Attach an organizational chart with names and titles outlining staff (write-in the type of grants and funded hours when applicable including 'Match' personnel), advisory, and decision-making bodies.
2. Attach a roster of your governing board if your agency is a non-profit
3. Attach a position title and job description for each VAWA funded staff position
4. Attach a position title and job description for each VAWA volunteer staff position

5. Describe (programmatically and financially) the project director and project staff's ability and qualification to manage and implement the VAWA program (example: amount of related experience the VAWA-funded personnel has accumulated, schooling and related license(s)/degree(s) received, and prior grant experience).

The Domestic Violence Program at the Administrative Office of the Courts is run by Nicholas Stiles. Nicholas Stiles is a graduate of the University of Southern Miss and Vermont Law School. Nicholas has worked representing indigent clients at Maryland Legal Aid, assisting refugees at the South Royalton Legal Clinic through the VAWA U-Visa program, and aiding those impacted by domestic violence at Vermont based non-profit firm Have Justice Will Travel, Boulder County Legal Services, and most recently the Domestic Violence Program with the Utah Courts. Nicholas has been the Domestic Violence Program Coordinator for 10 months. Nicholas is licensed to practice law in Montana.

6. Specify which staff person(s) will manage fiscal controls and how your agency will keep an accounting of funds and resources.

The finances will be managed by the Administrative Office of the Courts Finance Department. The approval for purchases will be through the Justice Court Administrator and Domestic Violence Program Manager, James Peters.

Attachments





UTAH *grants*

Attachment Name	Type	Description	Last Modified	Owner
Oginizational Chart.pdf	Organizational Chart (Mandatory)	Organization and governing body chart.	10/5/2017 12:23 PM	Nicholas Stiles
Position Title and Job Description.pdf	Position title and job description(funded staff position) (Mandatory)	Job Description - VAWA Funded Employee	10/5/2017 12:24 PM	Nicholas Stiles





ADDITIONAL RESOURCES

ADDITIONAL RESOURCES

ADDITIONAL RESOURCES

This section of the application should describe the sources and amounts of non-VAWA funding or resources that will be available from other sources. Applicants are encouraged to leverage other resources, including Federal, State, Local or Private, in support of this project.

- 1) List available resources in DESCENDING ORDER (largest contribution to smallest).
- 2) Indicate the contribution amount. If a monetary value cannot be established, put a zero in the 'amount' box and provide an explanation in the resource description section.
- 3) Specify the status of funding by checking the applicable box (Federal, State, Local or Private)
- 4) Describe how each resource will be used. Include the anticipated funding duration. If no other resources are available, check the box below and provide an explanation in the resource description section.

DO NOT LEAVE THIS SECTION BLANK

Mark 'no' ONLY if no other resources are available.

Yes

Additional Source				
SOURCE DESCRIPTION	Amount	Start Date	End Date	Source Type

Resource Description Section:

Resource Description Section: Describe how these resources will be used in the box below:





The Administrative Office of the Courts (AOC) facilitates the implementation of the Domestic Violence Program within the Utah State Courts. The AOC assists the Domestic Violence Program internally with collaborative efforts to combat domestic violence. The AOC provides numerous levels of support through non-monetary means including providing staff to work collaboratively on Domestic Violence Program projects, one example being the Education Department working with the Domestic Violence Program to better judicial training across the state.

AGENCY BUDGET

Attach your agency's current fiscal budget. Highlight where your program's financial resources are documented.

Attachment				
Attachment Name	Type	Description	Last Modified	Owner
Administrative Office of the Courts Budget.docx	Current Agency Budget	AOC Budget	10/11/2017 4:46 PM	Nicholas Stiles





VAWA Certified Assurances

Declaration

Declaration

CERTIFIED ASSURANCES

1. The subgrantee assures that grant funds awarded under the Violence Against Women Formula Grant Program, authorized by the Violent Crime Control and Law Enforcement Act of 1994, reauthorized through the Victims of Trafficking and Violence Protection Act of 2000, and again reauthorized in 2013 will not supplant State or local funds but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for victim assistance activities.
2. The subgrantee assures the matching funds required to pay the non-Federal portion of the cost of each program, for which grant funds are made available, shall be in addition to funds that would otherwise be made available for Violence Against Women projects by the recipients of grant funds.
3. The subgrantee assures that accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Utah Office for Victims of Crime (UOVC) shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under the Act. Additionally, the subgrantee assures that it shall maintain such data and information and submit such reports, in such form, at such times, and containing such information as the Utah Office for Victims of Crime may require.
4. The subgrantee assures that it will comply with the lead agency's policies regarding travel, purchasing supplies and equipment, contractual agreements, etc. The only exception to this policy is personnel expenditures. According to the Fair Labor Standards Act, personnel costs including overtime must be paid according to the individual's employing agency's personnel policies. (The lead agency is the unit of local or State government or non-profit which employs the individual signing the grant application cover sheet as the Authorized Official.)
5. The subgrantee certifies that the programs contained in its application meet all requirements, that all the information is correct, that there



has been appropriate coordination with affected agencies and that the applicant will comply with all provisions of the Act and all other applicable Federal laws, regulations, and guidelines.

6. The sub grantee assures that it will comply, and all its contractors will comply, with: Title VI of the Civil Rights Act of 1964 which prohibits recipients from discriminating on the basis of race, color, and national origin in the delivery of services. DOJ Guidance regarding Title VI of the Civil Rights Act of 1964 required recipients to take reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to funded programs. Section 504 of the Rehabilitation Act of 1973 as amended which provides on the basis of disability in the delivery of services and employment practices. Title II of the Americans with Disabilities Act of 1990 which prohibits discrimination on the basis of disability in the delivery of services and employment practices, and the DOJ implement regulations at 28 C.F. R. Part 35. Title IX of the Education Amendments of 1972 which prohibits sex discrimination in educational programs. The Age Discrimination Act of 1975 which prohibits discrimination in the delivery of services on the basis of age. Age Discrimination in Employment Act which prohibits discrimination in employment (age 40 and over). DOJ Program Statutes: which includes Omnibus Crime Control and Safe Streets Act of 1968 as amended, and the Victims of Crime Act regarding nondiscrimination requirements which prohibit discrimination on the basis of race, color, national origin, sex, religion,, and disability in the delivery of services and employment practices. DOJ Regulation 28 C.F.R. Part 38 regarding the equal treatment for faith-based organizations. Department of Justice Nondiscrimination Regulations 28 C.F.R. Part 42, Subparts C, D, E, and G; and their implementing regulations.

7. The sub grantee assures that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex or disability against a recipient of funds the recipient will forward a copy of the findings to the Utah Office for Victims of Crime.

8. The sub grantee assures that it will comply with the applicable provisions of the Violent Crime Control and Law Enforcement Act of 1994 updated through the Victims of Trafficking and Violence Protection Act of 2000/2005 and the Office of Justice Programs' Financial Guide. The Financial Guide is available at: <http://ojp.gov/financialguide/index.htm> or <http://ojp.gov/financialguide/DOJ/index.htm>

9. The sub grantee assures that it will comply with the provision of 28 CFR applicable to grants and cooperative agreements, including Part II, Applicability of Office of Management and Budget Circulars; Part 18, Administrative Review Procedures; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures; Part 46, Protect Human Subjects of federally funded research; Part 61, Procedures for Implementing the National environmental Policy Act; an Part 63 Floodplain Management and Wetland Protection Procedures.



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10. A sub grantee that is a law enforcement agency, prosecution agency, government office, a state, Indian tribal government, territorial government, or unit of local government certifies that their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under federal, tribal, state, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense. Under 42 U.S.C. 3796gg-8(b), the refusal of a victim to submit to a polygraph or other truth telling examination shall not prevent the investigation, charging, or prosecution of an alleged sex offense by a state, Indian tribal government, territorial government, or unit of local government.
11. A sub grantee that receives funds under the VAWA Court Category certifies that its administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of Title 18, United States Code, and any applicable related Federal, State, or local laws.
12. A sub grantee that is a law enforcement agency, prosecution agency, court agency, or other government office certifies that it will consult with victim service programs during the course of developing its VAWA grant application.
13. A sub grantee that is a law enforcement agency, prosecution agency, court agency or other government office certifies that it will not ask or require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, or to be reimbursed for charges incurred on account of such an exam.
14. The subgrantee must promptly refer to the DOJ OIG any credible evidence that a principal employee, agent, contractor, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by:

Mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania, Avenue, N.W.
Room 4706
Washington, DC 20530





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e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig

15. The subgrantee agrees to comply with applicable requirements regarding registration with the System for Award (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The subgrantee also agrees to comply with applicable restrictions to first-tier subgrantees that do not acquire and provide a Data Universal Numbering System (DUNS) number. (Award condition: Registration with the System for Award Management and Universal Identifier Requirement) This certified assurance does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.

Richard Schwermer

Date

10/17/2017





VAWA Grant Conditions

VAWA Grant Conditions

VAWA Grant Conditions

GRANT CONDITIONS

- 1. Compensation and Method of Payment.** The Utah Office for Victims of Crime will reimburse the sub grantee for the Federal share of approved program expenditures on a monthly or quarterly basis as financial status reports are submitted and approved up to the amount of approved Federal expenditures.
- 2. Reports.** The sub grantee shall submit, at such times and in such form as may be prescribed, such reports as the Utah Office for Victims of Crime may reasonably require, including at least four (4) quarterly financial and progress reports, and final financial and narrative reports. Quarterly financial and progress reports shall be received no later than 30 days after each quarter ends. Quarter ending dates: March 31, June 30, September 30, and December 31. **ANNUAL Reports** must be received no later than **30 days** after the ending date of the project
- 3. Report to Governing Entity.** The sub grantee shall give two reports during the program year to the local, state, or non-profit governing entity (city council, county commission, board of directors) receiving the grant funds. The reports will include crime categories under which crime victims are served, types of services provided, and program accomplishments as described under contract "Section E: Record of Providing Effective Services", in the quarterly progress reports and in the Muskie Annual Progress Report. VAWA-funded personnel shall participate in the report presentations. Completion of this requirement will be verified and reported in a quarterly progress report.
- 4. Audit Reports.** Subgrantees are to have annual examinations in the form of audits. These audits will be submitted to Utah Office for Victims of Crime with any Management Letters no less than one month after completion of the audit. Local governments have 180 days after the end of their fiscal year to complete their audits while all other subgrantees have nine months to complete their audit. The audits must conform with OMB Circular A-133 and contain grant information in the Schedule of Federal Financial Assistance. During the audit process, either the subgrantee or the auditor will send the Utah Office for Victims of Crime a verification letter to confirm grant payments. The audit





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threshold is \$750,000 of total federal assistance expenditures made in the grantee's fiscal year.

5. Matching Funds. Subgrantees must provide adequate cash or in-kind match to defray at least twenty-five percent (25%) of the total costs of establishing and operating the program. This amount must be expended during the program period. The match must be funds that were not heretofore available for program efforts, but may include forfeited assets. The 25% match requirement may be computed by dividing the amount of the Federal funds requested by three (award ÷ 3=match). Victim Service (Non-profit Organizations) are exempt from this requirement.

6. Utilization and Payment of Funds. Funds awarded are to be expended only for purposes and activities covered by subgrantee's approved project activities and budget. Project funds will be made available in accordance with provisions as prescribed by the Utah Office for Victims of Crime. The subgrantee agrees to return to the Utah Office for Victims of Crime all unexpended Federal funds provided hereunder within 60 days of termination of the subgrant. Payments will be adjusted to correct previous overpayment or underpayment and disallowances resulting from audit.

7. Obligation of Grant Funds. Subgrant funds may not be obligated prior to the effective date or subsequent to the termination date of the subgrant period. Obligations outstanding as of the termination date shall be liquidated within 90 days. Such obligations must be related to goods or services provided and utilized within the grant period.

8. Expenses Not Allowable. The following is a list of activities that are unallowable and cannot be supported by OVW STOP Formula Grant Program funding, project funds may not be expended for: (a) items not part of the approved budget or separately approved by the Utah Office for Victims of Crime; (b) the purchase of land; (c) construction projects; (d) indirect or overhead cost rates which have not been approved by the federal government. Expenditure of funds in excess of ten percent (10%) of the amount budgeted per budget category will be permitted only with prior written approval from the Utah Office for Victims of Crime (e) lobbying (except with explicit statutory authorization) (f) Fundraising (g) Purchase of real property (h) physical modifications to buildings, including minor renovations (such as painting or carpeting)

9. Termination of Aid. If through any cause the subgrantee shall fail to substantially fulfill in a timely and proper manner all its obligations, terms, covenants, conditions, or stipulations of the subgrant agreement, or substantially fails to comply with the Violent Crime Control and Law Enforcement Act of 1994 reauthorized through the Victims of Trafficking and Violent Protection Act of 2000, and again reauthorized in 2013; and any regulations promulgated under these laws, as determined by the UOVC, then the UOVC shall have the right to terminate the subgrant agreement or to suspend fund payments by giving written notice to the subgrantee of such action and specifying the effective date





thereof, at least thirty (30) days before the effective date of such action. In such event, all finished and unfinished documents, data studies, surveys, drawings, maps, models, photographs and reports prepared by or on behalf of the subgrantee under the subgrant agreement shall at the option of the UOVC, become its property, and the subgrantee shall be entitled to receive just and equitable reimbursement of any work satisfactorily completed under the subgrant agreement.

10. Inspection and Audit. The UOVC, Department of Justice, and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for purpose of audit and examinations to any books, documents, papers, and records of the sub grantee, and to relevant books and records of sub grantees and contractors as provided for in P.L. 90-351 as amended, P.L. 99-570, and the OJP Financial Guide.

11. Personal Property. The subgrantee shall retain any non-expendable personal property acquired with subgrant funds in the grant program as long as there is a need for the property to accomplish the purpose of the grant program whether or not the program continues to be supported by UOVC subgrant funds. When there is no longer a need for the property to accomplish the purpose of the program, the subgrantee shall request property disposition instructions from the UOVC.

12. Maintenance of Records. All financial and statistical records, supporting documents, and all other records pertinent to sub grants or contracts shall be retained for at least three years after completion of the project for purposes of state and federal examinations and audits.

13. Written Approval of Changes. Subgrantees must obtain prior written approval from the UOVC for major program changes. These include (a) change of substance in program activities, designs, or objectives; (b) changes in the project director or key professional personnel identified in the approved application; and (c) changes in the approved project budget.

14. Third Party Participation. No contract or agreement may be entered into by the sub- grantee for execution of project activities or provision of services which is not incorporated in the approved proposal or approved in advance by the UOVC. Any such arrangement shall provide that the subgrantee will retain ultimate control and responsibility for the subgrant project and that the subgrantee shall be bound by these subgrant conditions and any other requirements applicable to the subgrantee in the conduct of the project. The UOVC shall be provided with a copy of all such contracts and agreements entered into by subgrantees.

15. Publications. All published material and written reports submitted under grants or in conjunction with contracts under grants must be originally developed material unless otherwise specifically provided in the grant or contract document. When material, not originally developed, is included in the report, it must have the source identified. This identification may be in the body of the report or by footnote.





This provision is applicable when the material is in a verbatim or extensive paraphrase format. All written reports, studies and publications in pamphlet form must carry a caveat on the cover and title page which reads as follows:

16. Written Descriptions of Programs. The subgrantee agrees that when issuing statements, press releases, requests for proposals, bid solicitation, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to state and local governments, shall clearly state (a) the percentage of the total cost of the program or project which will be financed with Federal money, and (b) the dollar amount of Federal funds for the project or program.

17. Conflict of Interest. The subgrantee covenants that if it is a not-for-profit entity none of its officers, agents, members, or persons owning a "substantial interest" in the entity, is presently, nor during the life of this contract shall be, officers or employees of the UOVC, provided that if such persons are or become officers or employees of the UOVC they must disqualify this application and any future discussions concerning the entity making this application.

18. Program Director. There shall at all times during the life of the subgrant agreement be an individual appointed by the subgrantee as "Program Director." This individual will be responsible for program planning, operation and administration under the subgrant agreement.

19. Confidentiality of Research Information. Pursuant to Section 229 of the Justice System Improvements Act of 1979, research information identifiable to an individual, which was obtained through a program funded wholly or in part with VAWA funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. 28 CFR Part 22.

20. Release of Information. All records, papers and other documents kept by recipients of UOVC VAWA funds, their subgrantees and contractors, relating to the receipt and disposition of such funds, are required to be made available to the UOVC or the Bureau of Justice Assistance. These records and other documents submitted to the UOVC or the BJA pursuant to application for funds, are required to be made available to the UOVC or to the BJA under the terms and conditions of the Federal Freedom of Information Act, 5 U.S.C. 552.

21. Project Income. All interest or other income earned by the subgrantee with respect to grant funds or as a result of conduct of the grant project (asset forfeitures, sale of publications, registration fees, services charges on fees, etc.) must be tracked. Interest on grant fund advancements must be returned to the UOVC by check payable to the Treasurer of the State of Utah. All other program income will remain



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with the project or be used to reduce projects costs. Program income is subject to the same requirements as are the Federal grant and cash match monies.

22. Political Activity. The restrictions of the Hatch Act, P.L. 93-443, 5 U.S.C. Chapter 73, Subchapter III (as amended), concerning the political activity of government employees are applicable to state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 amendment to the Hatch Act, such State and local government employees may take an active part in political management and campaigns except they may not be candidates for office.

23. Copyrights and Rights in Data. Where activities supported by this grant produce original computer programs, writings, sound recordings, pictorial reproductions, drawing or other graphical representation and works of any similar nature (the term computer programs includes executable computer programs and supporting data in any form), the government has the right to use, duplicate and disclose, in whole, in part, or in any manner for any purpose whatsoever and have others do so. If the material is copyrightable, the grantee may copyright such, but the government reserves a royalty-free non-exclusive and irreversible license to reproduce, publish and use such materials in whole or in part and authorize others to do so.

24. Patents. If any discovery or invention arises or is developed in course of, or as result of work performed under this grant, the subgrantee shall refer the discovery or invention to VAWA. The subgrantee hereby agrees that determination of rights to inventions made under this grant shall be made by the Administrator of VAWA or his duly authorized representative, who shall have the sole and exclusive powers to determine whether or not and where patent application should be filed and to determine the disposition of all rights in such inventions, including title to and license rights under any patent application or patent which may issue thereon. The determination of the Administrator, or his duly authorized representative, shall be accepted as final. In addition, the subgrantee hereby agrees and otherwise recognizes that the Government shall acquire at least an irrevocable non-exclusive royalty free license to practice and have practiced throughout the world for governmental purposes any invention made in the course of or under this sub grant.

25. Information Systems. With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:

- a. That all computer programs (software) produced under this grant will be made available to VAWA for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.





b. To provide a complete copy of the computer programs and documentation, upon request, to VAWA. The documentation will include but not be limited to system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.

26. Sexual Assault Forensic Medical Exam. The State and sub grantees shall not require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, and reimbursement for changes incurred on account of such an exam.

27. Criminal Penalties.

a. Whoever embezzles, willfully misapplies, steals or obtains by fraud or endeavors to embezzle, willfully misapply, steal or obtain by fraud any funds, assets, or property which are the subject of grant or contractor or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration; or whether receives, conceals, or retains such funds, assets, or property to his use or gain, knowing such funds, assets, or property to have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

b. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to the Act, whether received directly or indirectly from the Administration, shall be subject to the provisions of Section 371 of Title 18, U.S.C.

28. Nonprofit Organization Requirement. Any entity that is eligible for a STOP Formula subgrant based on its status as a nonprofit organization must be an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code. See 42 U.S.C. § 13925(b)(16)(B). State and territorial agencies administering STOP Formula funds are responsible for ensuring that STOP subgrantees that are eligible as nonprofit organizations meet this requirement. In the STOP Formula program, this applies to grantees under the set aside to culturally specific community-based organizations, except for grantees that are tribal governmental organizations. In addition, victim service providers may need 501(c)(3) status, as described under "match" above, in order to qualify for match exemptions. **If you are applying for funds based on your status as a non-profit organization please provide evidence of your 501(c) (3) status with this application.**

29. Nonprofit Entity Receipt of State Money Act. Contractor/Company certifies that it has received and understands its requirements under Utah Code Annotated 51-2a-102, 204, & 63L-9-101 et seq. (the Nonprofit Entity Receipt of State Money Act). If Contractor/Company



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determines that it is a "nonprofit entity" as that term is specifically defined by Utah Code Annotated 63J-9-101, the Contractor/Company shall notify the state entity that is a party to this contract of this fact, in writing, and shall comply with all requirements of the Act, as well as Utah Code Annotated, 51-2a-102 et. seq. Contractor/Company shall provide all documentation required by these sections of the Utah Code Annotated before receiving any state monies and affirms that Contractor/Company will adhere to all requirements of these Acts. Contractor/company acknowledges that the State is bound by the provisions of the Acts referenced above and may withhold money or demand return of any money appropriated if the Contractor/Company fails to comply with any provisions of the sections referenced above, or as those sections are amended. Contractor/Company agrees to provide the state entity an itemized report at least annually detailing the expenditure of the state money.

30. Accommodations and Language Access. Applicants are encouraged to allocate grant funds to support activities that help to ensure individuals with disabilities and Deaf individuals and persons with limited English proficiency have meaningful and full access to their programs. For example, grant funds can be used to support American Sign Language (ASL) interpreter services, language interpretation and translation services, or the purchase of adaptive equipment. Applicants proposing to use grant funds to create websites, videos and other materials must ensure that they are accessible to persons with disabilities. Grant funds must be allocated for these purposes.

31. Out-of-Scope Activities. The following activities are out of program scope and will not be supported by STOP Formula Grant Program funding: Research projects (This does not include program assessments conducted only for internal improvement purposes. See section on Research and Protection of Human Subjects in the FY 2014 Solicitation Companion Guide at <http://www.ovw.usdoj.gov/docs/companion-guide-10-16-12.pdf>).

32. Conference Planning and Expenditure Limitations. Applicants should be aware of all applicable laws, regulations, policies and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (which is defined to include meetings, retreats, seminars, symposiums, training and other similar events), including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies and guidance is available at <http://www.ovw.usdoj.gov/grantees.html>. Applicants should also be aware of the following specific restrictions on conference planning and expenditure limitations:

- Cost of Logistical Conference Planning
- Cost of Programmatic Conference Planning
- Conference Space and Audio-Visual Equipment and Services





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- Prohibition on Trinkets at Conferences
- Entertainment at Conferences
- Food and Beverages at Conferences

Updated Department of Justice and OVW guidance on conference planning, itemization of costs, and conference cost reporting is accessible on the OVW website <http://www.ovw.usdoj.gov/grantees.html>. For additional information regarding food and beverage regulations, please refer to the OVW Financial Grants Management Guide at <http://www.ovw.usdoj.gov/docs/ovw-fgmg.pdf>.

33. Food and Beverage/Costs for Refreshments and Meals. Generally food and beverage costs are **not** allowable, and under no circumstances may OVW funding be used to supply food and/or beverages during refreshment breaks. OVW may approve the use of OVW funds to provide food and/or beverages for a meal at a meeting, conference, training, or other event, if one of the following applies: The location of the event is not in close proximity to food establishments. It should be a priority to try to secure a location near reasonably priced and accessible commercial food establishments. Not serving food will significantly lengthen the day or necessitate extending the meeting to achieve meeting outcomes. A special presentation at a conference requires a plenary address where there is no other time for food to be obtained. Other extenuating circumstances necessitate the provision of food.

34. Compliance with Federal Financial Guidelines. Federal grants are governed by the provisions of the OMB circulars applicable to financial assistance and the OVW Financial Grants Management Guide, which can be found at <http://www.ovw.usdoj.gov/docs/ovw-fgmg.pdf>. The Financial Grants Management Guide includes information on allowable costs, methods of payment, audit requirements, accounting systems, and financial records. This document outlines the successful administration of grant funds. Each OVW grantee agrees to follow the financial and administrative requirements in the OVW Financial Grants Management Guide at <http://www.ovw.usdoj.gov/docs/ovw-fgmg.pdf> as a condition of receiving grant funding. If UOVC determines that a current grantee has violated any of the requirements of the Guide, the grantee may be denied access to funding.

35. High Risk Grantees. Based on UOVC's assessment of each grantee with regard to current or previous funding, unresolved audit issues, delinquent programmatic and fiscal reporting, and prior performance, a grantee may be designated "high risk." Awards to high-risk grantees may carry special conditions such as increased monitoring and/or prohibitions on drawing funds until certain requirements are met. **The signature below certifies that the program proposed in this application meets all the requirements of the Violent Crime Control and Law Enforcement Act of 1994 and updated reauthorizations in 2000, 2005 and 2013 that all the information presented is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with the provisions of the Crime Control Act and all other Federal laws.**

By appropriate language incorporated in each grant, subgrant or other document under which funds are to be disbursed, the authorized





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official shall assure that the applicable certified assurances and grant conditions will be complied with by their own agency and any other agency with whom they make contracts or agreements with.

SUBGRANTEE ACCEPTANCE OF CERTIFIED ASSURANCES AND GRANT CONDITIONS (sign below)

Authorized Official Name and Title (Same as on Contract Cover Sheet)

Richard Schwermer, State Court Administrator

By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.

Richard Schwermer

Date

10/17/2017





STANDARD ASSURANCES

STANDARD ASSURANCES

STANDARD ASSURANCES

STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966





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(16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).

6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which include:

- Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d);
- Victims of Crime Act (42 U.S.C. § 10604(e));
- The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b));
- Civil Rights Act of 1964 (42 U.S.C. § 2000d);
- Rehabilitation Act of 1973 (29 U.S.C. § 7 94);
- Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34);
- Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86);
- Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07);
- Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
- Equal Treatment for Faith-Based Organizations (28 C.F.R. pt. 38)
- Nondiscrimination; Equal Employment Opportunity; Policies and Procedures (28 C.F.R. pt. 42)

In accordance with federal civil rights laws, the subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

Additionally, all grant recipients (including subgrantees or contractors) agree to report any complaints, lawsuits, or findings from a federal or state court or a federal or state Administrative Agency regarding a civil rights finding.

7. If a governmental entity:

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.





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Authorized Official Name

Richard Schwermer

Signature (By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.)

Richard Schwermer

Date

10/17/2017



STANDARD ASSURANCES

Page 3 of 3



VIOLENCE AGAINST WOMEN ACT NON-DISCRIMINATION PROVISION

VIOLENCE AGAINST WOMEN ACT NON-DISCRIMINATION PROVISION

Declaration

The Violence Against Women Reauthorization Act of 2013 added a new civil rights provision that applies to all FY 2016 and any future OVW grants. This provision prohibits OVW grantees and subgrantees from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW. More guidance on this provision will be forth coming and made available on the OVW website. Additional information the civil rights obligations of OVW funding recipients can be found in the FY 2014 Solicitation Companion Guide Under "Civil Rights Compliance."

The Frequently Asked Questions provided by U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights, dated April 9, 2014 and titled, "Nondiscrimination Grant Condition in the Violence Against Women Reauthorization Act of 2013 provide the following guidance:

"The Violence Against Women Reauthorization Act of 2013, which President Obama signed on March 7, 2013, amends the Violence Against Women Act (VAWA) of 1994 by adding a grant condition that prohibits discrimination by recipients of certain Department of Justice (DOJ or Department) funds:

No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under [VAWA], and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

The VAWA nondiscrimination grant condition provides an exception to the prohibition on sex discrimination in certain instances:





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If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual's sex. In such circumstances, grantees may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming.

The following are some frequently asked questions (FAQs) about VAWA's nondiscrimination grant condition, including the obligations of VAWA recipients and what people may do if they believe they have experienced discrimination barred by this new nondiscrimination grant condition." The above mentioned frequently asked questions (FAQs) can be found at this link.

<http://www.justice.gov/sites/default/files/ovw/legacy/2014/06/20/faqs-ngc-vawa.pdf>

UOVC plans to hold training to help subgrantees comply with this Non-Discrimination Provision. **By signing below, you certify that you will comply with this provision and have someone from your agency attend this mandatory training.**

Authorized Official Name (Same as on Contract Cover Sheet)

Richard Schwermer

Authorized Official Signature (By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.)

Richard Schwermer

Date

10/17/2017





CERTIFICATION REGARDING COMPLIANCE WITH VICTIM RIGHTS

CERTIFICATION REGARDING COMPLIANCE WITH VICTIM RIGHTS

Declaration

Sub grantee understands that the purpose of this grant is to provide financial assistance to organizations that serve victims of crime. Grantee understands that certain state laws exist setting a minimum level of rights for victims of crime and that these rights change from time to time. Sub grantee further understands that all agencies who apply for and receive these grant funds must contractually agree to extend any and all rights and services, applicable to the agency, that are required by law. Sub grantees specifically represents herein that Sub grantees understands the legal rights extended to victims of crime and will train all relevant employees and volunteers in those rights. Sub grantee specifically agrees to comply with all victim rights laws.

1. Name of Authorized Official

Richard Schwermer

2. Title of Authorized Official

State Court Administrator

3. Signature of Authorized Official (By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.)

Richard Schwermer

Date

10/17/2017

4. Name of Organization

Administrative Office of the Courts

5. Address of Organization





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450 S State Street
Salt Lake City Utah 84114-0241
USA



CERTIFICATION REGARDING COMPLIANCE WITH VICTIM RIGHTS

Page 2 of
2



EEOP Certification Form

CERTIFICATION FORM

Personal Information

Recipient Name and Address

Administrative Office of the Courts - 450 S. State
Street Salt Lake City, UT 84111

Contact Person Name and Title

Nicholas Stiles, Domestic Violence Program
Coordinator

Phone Number

(801) 578-3809

Declaration

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP), its component agencies, and the Office of Community Oriented Policing Services (COPS) to prepare, maintain on file, submit to OJP for review, and implement an Equal Employment Opportunity Plan (EEOP) in accordance with 28 C.F.R §§ 42.301-.308. The regulations exempt some recipients from all of the EEOP requirements. Other recipients, according to the regulations, must prepare, maintain on file and implement an EEOP, but they do not need to submit the EEOP to OJP for review. Recipients that claim a complete exemption from the EEOP requirement must complete **Section A** below. Recipients that claim the limited exemption from the submission requirement must complete **Section B** below. **A recipient should complete either Section A or Section B, not both.** If a recipient receives multiple OJP or COPS grants, please complete a form for each grant, ensuring that any EEOP recipient certifies as completed and on file (if applicable) has been prepared within two years of the latest grant. Please send the completed form(s) to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7 Street, N.W., Washington, D.C. 20531. For assistance in completing this form, please call (202)307-0690 or TTY (202)307-2027.

Section A- Declaration Claiming Complete Exemption from the EEOP Requirement. Please check all the boxes that apply.

Selection

I, _____ [responsible official], certify
that _____ [recipient] is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R





UTAH grants

§42.302. I further certify that _____ [recipient] will comply with applicable Federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Responsible Official

Recipient

Print or type Name and Title

Signature(By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.)

Date

Section B- Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review.

If a recipient agency has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to OJP for review as long as it certifies the following (42 C.F.R. § 42.305):

I, _____ [responsible official], certify that the
_____ [recipient], which has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEOP in accordance with 28 CFR §42.301, et seq., subpart E. I further certify that the EEOP has been formulated and signed into effect within the past two years by the proper authority and that it is available for review. The EEOP is on file in the office of:
_____ [organization],
at _____ [address], for review by the public and employees or for review or audit by officials of the relevant state planning agency or the Office for Civil Rights, Office of Justice Programs, U. S. Department of Justice, as required by relevant laws and regulations.

Responsible Official

Richard Schwermer

Recipient





UTAH *grants*

Nicholas Stiles

Organization

Domestic Violence Program Administrative Office of the Courts

Address

450 S. State Street

Print or type Name and Title

Richard Schwermer State Court Administrator

Signature (By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.)

Richard Schwermer

Date

10/17/2017





VAWA-Lobbying, Debarment, Drug-Free Workplace Certification

Declaration

Declaration

*U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER*
**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT,
SUSPENSION AND OTHER RESPONSIBILITY MATTERS
AND
DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative





agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
(DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and





B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;





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(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

Department of Justice
Office of Justice Programs
ATTN: Control Desk
810 Seventh Street, N.W.,
Washington, D.C. 20531

Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP





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Form 4061/7.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to:

Department of Justice
Office of Justice Programs
ATTN: Control Desk
810 Seventh Street, N.W.,
Washington, D.C. 20531

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. **Grantee Name and Address:**

Administrative Office of the Courts 450 S. State Street, Salt Lake City, UT 84111

2. **Application Number and/or Project Name:**

Domestic Violence Program

3. **Grantee IRS/Vendor Number**

87-6000545

4. **Type/Print Name and Title of Authorized Representative**

Richard Schwermer





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5. Signature (By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.)

Richard Schwermer

Date

10/17/2017





Audit Requirements

Audit Requirements

Audit Requirements

Is applicant agency expending more than \$500,000 in Federal funds per year ? Yes / NO (If yes then Continue filling the form)

No

Audit Requirements

(Local Agencies Only)

The applicant agency expending more than \$500,000 in Federal funds per year assures that it will submit audit reports (with Management Letters) to UOVC annually. The audit report must comply with OMB circular A-133 and be submitted to UOVC within one month of completion of the audit.

By State code, local governments must complete their audit within six months of the end of their fiscal year, other agencies must complete their audit within nine months. During the audit process sub grantees or their auditors must send UOVC a confirmation letter that verifies payments made to the grant program.

The audit will include a Schedule of Federal Financial Assistance that contains revenue and expenditure information from the grant. The following information will assist the auditors in completing the Schedule of Federal Financial assistance: **The Federal Grantor Number is for UOVC use only. Please leave blank.**

FEDERAL GRANT AGENCY: Department of Justice





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FEDERAL GRANTOR NUMBER:

FEDERAL CFDA NUMBER: 16.588

Additionally, please provide the following information:

1. Fiscal Year of Applicant Agency* (July - June, Jan - Dec, etc.)
2. Name and title of audit contact person**:
3. Address:
4. Telephone Number:

*The 'agency' referred to here is the unit of local government or the non-profit agency to apply for the grant.

**Provide the audit contact person with a copy of this form.





Debarment Certification

Debarment Certification

Debarment Certification

**OFFICE OF THE COMPTROLLER
OFFICE OF JUSTICE PROGRAMS**

This certification is required by the regulations implement Executive Order 12549, Debarment and Suspension, 29 CFR Part 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (Pages 19160-19211).

1. The prospective lower tier participant certifies by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by and Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative: (Same Authorized Official as on contract cover sheet)

Richard Schwermer

Signature (By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.):

Richard Schwermer

Name of Organization:

Administrative Office of the Courts





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[Address of Organization:](#)

450 S State Street
Salt Lake City Utah 84114-0241
USA

[Date](#)

10/17/2017





FN-00621

SEXUAL ASSAULT SET ASIDE COMPLIANCE REQUIREMENT

SEXUAL ASSAULT SET ASIDE COMPLIANCE REQUIREMENT

VAWA 2017-2019 SEXUAL ASSAULT SET ASIDE COMPLIANCE REQUIREMENT

VAWA requires that services provided to rape and sexual assault victims be **meaningful and victim centered**. Subgrantee sexual assault programs have to be dedicated to sexual assault victims and services rather than subgrantees that are focused on domestic violence. Services must encompass at a minimum stranger rape, acquaintance rape, alcohol, and/or drug facilitated rape, and rape within intimate partner relationships. Services must meet the core needs and unmet needs of rape and sexual assault victims.

Programs (non-profit victim services) providing sexual assault services (Sexual Assault set aside) are required to adhere to specific conditions. Please provide answers to the following questions and sign the Sexual Assault Set Aside Compliance Form.

Is this program utilizing Sexual Assault Set Aside Funds? If no, please leave this section blank.
No

1) Program Title: Rape and sexual services must operate under an agency program title. The title must be descriptive of the rape and sexual assault services provided. Program title must include rape and sexual assault terms (For example: Rape Crisis Center, Sexual Assault Advocacy and Services Program, Rape Recovery Program.)

Please provide the program title under which the applying agency's rape and sexual assault services are being provided:

2) **Purpose/mission statement:** The applying rape and sexual assault program must have a mission/purpose statement which includes at a





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minimum the following:

- a. Meaningful and appropriate treatment of sexual assault victims
- b. Services must be victim centered
- c. Delivery of rape and sexual assault victim services to underserved populations

Please attach the applying agency's purpose/mission statement in the attachment section at the bottom of this page.

3) Target Population: Identify the types of rape and sexual assault crime victims served by checking the appropriate boxes:

Target Population:

Other

4) Job titles and descriptions: Sexual assault service staff and volunteers must work under job titles and descriptions that reflect the sexual assault services being provided. Please check any position description used by the applying agency or list relevant titles under f. other.

Job titles and descriptions:

Other

5) Training: Program must ensure rape and sexual assault service staff and volunteers actively participant in new employee/volunteer training programs and additional (quarterly/monthly/annual) training throughout the term of employment (paid and/or volunteer)

Please attach a description of the applying agencies training curriculums including the following:

Other





6) **Best Practices:** Service delivery must be based on rape and sexual assault best practices. Check the services the applying agency is currently providing.

Best Practices

Other

If the agency intends to expand the services offered to rape and sexual assault victims, please describe the service:(Mandatory if selected Yes for utilizing Sexual Assault Set Aside Funds)

As a provider of rape and sexual assault services, I certify that services provided by our agency to rape and sexual assault victims are **meaningful and victim centered as outlined above**. Subgrantee sexual assault programs have to be dedicated to sexual assault victims and services rather than subgrantees that are focused on domestic violence. Services must encompass at a minimum stranger rape, acquaintance rape, alcohol, and/or drug facilitated rape, and rape within intimate partner relationships. Services must meet the core needs and unmet needs of rape and sexual assault victims.

Agency

Name and Title of Authorizing Official

Signature of Authorizing Official (By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.)

Date

Attach Agency's Mission Statement				
Attachment Name	Type	Description	Last Modified	Owner





VAWA Certification and Rape Crisis Mandate

Declaration

Declaration

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal" and "voluntarily excluded" as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transactions with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification





Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," without notification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the No procurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transaction authorized under paragraph 5 of these instruction, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Is your agency a non profit providing rape crisis services?

No

RAPE CRISIS COUNSELOR MANDATE FOR THE STATE OF UTAH

(Applicable to Non-Profit Organizations)

The Utah Office for Victims of Crime requires all non-profit organizations (501(c)3) receiving Violence Against Women (VAWA) funding who provide rape crisis services to certify their compliance with the Confidential Communications for Sexual Assault Act, Utah State Judicial Code 77. All Sub grantee staff and volunteers who provide direct services to victims of sexual violence must complete 40 hours of training in assisting victims of sexual assault. Training to certify as a Rape Crisis Counselor must be provided by a Utah Rape Crisis Program or a State Sexual Assault Coalition.





Confidential Communications for Sexual Assault Act
Utah State Judicial Code Section 77

77-38-201 Title: This part is known and cited as the "Confidential Communications for Sexual Assault Act" Enacted by Chapter 158, 1983 General Session, Renumbered and Amended by Chapter 3, 2008 General Session.

77-38-202 Purpose: It is the purpose of this act to enhance and promote the mental, physical, and emotional of victims of sexual assault and to protect the information given by victims to sexual assault counselors from being disclosed.

77-38-203 Definitions:

- (1) "Confidential communication" means information given to sexual assault counselor by a victim and includes reports or working papers made in the course of the counseling relationship.
- (2) "Rape Crisis Center" mean any office, institution, or center assisting victims of sexual assault and their families which offer crisis intervention, medical, and legal series, and counseling.
- (3) "Sexual assault counselor" means a person who is employed by or volunteers at a rape crisis center who has a minimum of 40 hours of training in counseling and assisting victims of sexual assault and who is under the supervision of the director or designee of a rape crisis center.
- (4) "Victim" means a person who has experienced a sexual assault of whatever nature including incest and rape and request counseling or assistance regarding the mental, physical, and emotional consequences of the sexual assault. *Enacted by Chapter 158, 1983 General Session.*

77-38-204 Disclosure of confidential communications.

The confidential communication between a victim and a sexual assault counselor is available to a third person only when:

- (1) the victim is as minor and the counselor believes it is in the best interest of the victim to disclose the confidential communication to the victim's parents;
- (2) the victim is a minor and minor's parents or guardian have consented to disclosure of the confidential communication to a third party based upon representations made by the counselor that it is in the best interest of the minor victim to make such disclosure;
- (3) the victim is not a minor, has given consent, and the counselor believes the disclosure is necessary to accomplish the desired result of counseling; or
- (4) the counselor has an obligation under Title 62A, Chapter 4a, Child and Family Services, to report information transmitted in the confidential communication

Amended by Chapter 30, 1992 General Session





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AS THE DULY AUTHORIZED REPRESENTATIVE OF THE APPLICANT, I HEREBY CERTIFY THAT THE APPLICANT IS IN COMPLIANCE WITH THE TRAINING MANDATE STATED ABOVE (SIGN BELOW)

AUTHORIZED OFFICIAL (SAME AS CONTRACT COVER SHEET)

Date

Please Check YES/NO. If your organization is not currently compliant, please submit a letter below requesting a 90 day extension in order to comply.

Acknowledgement of Notice of Statutory Requirement to Comply with the Confidentiality and Privacy Provisions of the Violence Against Women Act, as Amended

Under section 40002(b)(2) of the Violence Against Women Act, as amended (42 U.S.C. 13925(b)(2)), grantees and subgrantees with funding from the Office on Violence Against Women (OVW) are required to meet the following terms with regard to nondisclosure of confidential or private information and to document their compliance. By signature on this form, applicants for grants from OVW are acknowledging that that they have notice that, if awarded funds, they will be required to comply with this provision, and will mandate that subgrantees, if any, comply with this provision, and will create and maintain documentation of compliance, such as policies and procedures for release of victim information, and will mandate that subgrantees, if any, will do so as well.

(1) In general

In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this subchapter shall protect the confidentiality and privacy of persons receiving services.

(2) Nondisclosure

Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

1. disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or





UTAH grants

2. This paragraph applies whether the information is being requested for a Department of Justice grant program or another Federal agency, State, tribal, or territorial grant program. This paragraph also limits disclosures by subgrantees to grantees, including disclosures to Statewide or regional databases.
3. This paragraph also applies to disclosures from the victim services divisions or components of an organization, agency, or government to other non-victim service divisions within an organization, agency, or government. It also applies to disclosures from victim services divisions or components of an organization, agency, or government to the leadership of the organization, agency, or government (*e.g.*, executive director or chief executive). Such executives shall have access without releases only in extraordinary and rare circumstances. Such circumstances do not include routine monitoring and supervision.

3)Release.

(i) Personally identifying information or individual information that is collected as described in [paragraph \(b\)\(2\)](#) of this section may not be released except under the following circumstances:

(A) The victim signs a release as provided in [paragraph \(b\)\(3\)\(ii\)](#) of this section;

(B) Release is compelled by statutory mandate, which includes mandatory child abuse reporting laws; or

(C) Release is compelled by court mandate, which includes a legal mandate created by case law, such as a common-law duty to warn.

(ii) Victim releases must meet the following criteria -

(A) Releases must be written, informed, and reasonably time-limited. Grantees and subgrantees may not use a blanket release and must specify the scope and limited circumstances of any disclosure. At a minimum, grantees and subgrantees must: Discuss with the victim why the information might be shared, who would have access to the information, and what information could be shared under the release; reach agreement with the victim about what information would be shared and with whom; and record the agreement about the scope of the release. A release must specify the duration for which information may be shared. The reasonableness of this time period will depend on the specific situation.

(B) Grantees and subgrantees may not require consent to release of information as a condition of service.

(C) Releases must be signed by the victim unless the victim is a minor who lacks the capacity to consent to release or is a legally [incapacitated](#) person and has a court-appointed guardian. Except as provided in [paragraph \(b\)\(3\)\(ii\)\(D\)](#) of this section, in the case of an unemancipated minor, the release must be signed by the minor and a [parent](#) or guardian; in the case of a legally [incapacitated](#) person, it must be signed by a





legally-appointed guardian. Consent may not be given by the abuser of the minor or incapacitated person or the abuser of the other parent of the minor. If a minor is incapable of knowingly consenting, the parent or guardian may provide consent. If a parent or guardian consents for a minor, the grantee or subgrantee should attempt to notify the minor as appropriate.

(D) If the minor or person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may consent to release information without additional consent.

(iv) The information released is limited to that which is necessary for the purposes of the fatality review.

(5) Inadvertent release. Grantees and subgrantees are responsible for taking reasonable efforts to prevent inadvertent releases of personally identifying information or individual information that is collected as described in paragraph (b)(2) of this section.

(6) Confidentiality assessment and assurances. Grantees and subgrantees are required to document their compliance with the requirements of this paragraph. All applicants for Office on Violence Against Women funding are required to submit a signed acknowledgement form, indicating that they have notice that, if awarded funds, they will be required to comply with the provisions of this paragraph, will mandate that subgrantees, if any, comply with this provision, and will create and maintain documentation of compliance, such as policies and procedures for release of victim information, and will mandate that subgrantees, if any, will do so as well.

(c) Victim eligibility for services. Victim eligibility for direct services is not dependent on the victim's immigration status.

(d) Reports. An entity receiving a grant under this part shall submit to the Office on Violence Against Women reports detailing the activities undertaken with the grant funds. These reports must comply with the requirements set forth in 2 CFR 200.328 and provide any additional information that the Office on Violence Against Women requires.

(D) Information sharing

(i) Grantees and subgrantees may share—

(I) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

(II) court-generated information and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes; and

(III) law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.

(ii) In no circumstances may—

(I) an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee;

(II) any personally identifying information be shared in order to comply with Federal, tribal, or State reporting, evaluation, or data collection





requirements, whether for this program or any other Federal, tribal, or State grant program.

(F) Oversight

Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

As the duly authorized representative of the applicant, I hereby acknowledge that the applicant has received notice of that if awarded funding they will comply with the above statutory requirements. This acknowledgement shall be treated as a material representation of fact upon which the Department of Justice will rely if it determines to award the covered transaction, grant, or cooperative agreement.

Typed Name of Authorized Representative

Title

Telephone Number

Signature of Authorized Representative (By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.)

Date Signed

Agency Name

Extension Request Letter				
Attachment Name	Type	Description	Last Modified	Owner





FN-00619

DELIVERY OF LEGAL ASSISTANCE

DELIVERY OF LEGAL ASSISTANCE

DELIVERY OF LEGAL ASSISTANCE

Submit Letter

(REQUIRES ATTACHED LETTER, NOT SIGNATURE)

Directions:

Based on the requirement listed below, applicants for VAWA funds must certify in the form of a letter, on letterhead, signed and dated by the authorizing official. States will be responsible to ensure that subgrantees meet the requirement. UOVC will not award funds for legal assistance to any subgrantee that has not submitted a sufficient letter.

A sample letter is provided below. Please have your authorizing official on your grant sign a letter, as instructed above and submit the letter with your grant application.

Delivery of Legal Assistance Requirement: Any grantee or subgrantee providing legal assistance with funds awarded under this program shall certify in writing that:

(1) any person providing legal assistance with funds through this program

- (A) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or
- (B)(i) is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and
- (ii) has completed, or will complete, training in connection with domestic violence, dating violence, sexual assault or stalking and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide;





UTAH *grants*

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, state, territorial, or local domestic violence, dating violence, sexual assault or stalking victim service provider or coalition, as well as appropriate tribal, state, territorial, and local law enforcement officials;

(3) any person or organization providing legal assistance with funds through this program has informed and will continue to inform state, local, or tribal domestic violence, dating violence, sexual assault or stalking programs and coalitions, as well as appropriate state and local law enforcement officials of their work; and

(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.

Additional Information

OVW in their circular 1122-0020 states: "Legal assistance" includes assistance to adult and youth victims of sexual assault, intimate partner domestic violence, dating violence, and stalking in: a) family, Tribal, Territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and b) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

Is your agency providing legal assistance? Yes / NO (If yes then attach the required letter)

No

Sample Certification Letter Regarding Delivery of Legal Assistance

[Applicant Letterhead]

[Date]

Director
Utah Office for Victims of Crime
350 E. 500 S. #200
Salt Lake City, Utah 84111

Dear Director:





This letter serves to certify that **[Applicant]** is in compliance with the following statutory requirements:

- (1) Any person providing legal assistance through a program funded under the LAV Program
 - (A) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault or stalking in the targeted population; or
 - (B)(i) is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and
 - (ii) has completed, or will complete, training in connection with domestic violence, dating violence, stalking, or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide.
- (2) Any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a state, local, territorial, or tribal domestic violence, dating violence, sexual assault, or stalking victim service provider or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials.
- (3) Any person or organization providing legal assistance through a program funded under this Program has informed and will continue to inform state, local, or tribal domestic violence, dating violence or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work.
- (4) The grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.

Sincerely,
[Applicant Name]

Attachment Name	Type	Description	Last Modified	Owner
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FN-00618

ACTIVITIES THAT COMPROMISE VICTIM SAFETY AND RECOVERY

ACTIVITIES THAT COMPROMISE VICTIM SAFETY AND RECOVERY

ACTIVITIES THAT COMPROMISE VICTIM SAFETY AND RECOVERY

Certification

Because of the overall purpose of the program to enhance victim safety and offender accountability, grant funds may not be used to support activities that compromise victim safety and recovery. The following activities have been found to jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions:

- Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, relationship to the perpetrator, or the age and/or gender of their children;
- Procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW-funded services;
- Offering perpetrators the option of entering pre-trial diversion programs or placing batterers in anger management programs;
- Requiring mediation or counseling for couples as a systemic response to domestic violence or sexual assault, or in situations in which child sexual abuse is alleged;
- Requiring victims to report sexual assault, stalking, or domestic violence crimes to law enforcement or forcing victims to participate in criminal proceedings;
- Relying on court-mandated batterer intervention programs that do not use the coercive power of the criminal justice system to hold batterers accountable for their behavior; or
- Supporting policies or engaging in practices that impose restrictive conditions to be met by the victim in order to receive services (e.g., attending counseling, seeking an order of protection)





UTAH *grants*

Please check the appropriate boxes and provide explanations when necessary.

1. Does your agency have procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, relationship to the perpetrator, or the age and/or gender of their children?

Safe Shelter:

No

Advocacy Services:

No

Counseling:

No

Other assistance, please describe

If your agency checked yes to any of the services listed above, please explain:

2. Does your agency have procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW-funded services?

Pick

No

If your agency checked yes to any of the services listed above, please explain:

3. Does your agency offering perpetrators the option of entering pre-trial diversion programs or placing batterers in anger management programs?





UTAH *grants*

Pick

No

If your agency checked yes to any of the services listed above, please explain:

4. Does your agency require mediation or counseling for couples as a systemic response to domestic violence or sexual assault, or in situations in which child sexual abuse is alleged?

Pick

No

If your agency checked yes to any of the services listed above, please explain:

5. Does your agency require victims to report sexual assault, stalking, or domestic violence crimes to law enforcement or forcing victims to participate in criminal proceedings?

Pick

No

If your agency checked yes to any of the services listed above, please explain:

6. Does your agency rely on court-mandated batterer intervention programs that do not use the coercive power of the criminal justice system to hold batterers accountable for their behavior?

Pick

Yes

If your agency checked yes to any of the services listed above, please explain:

Batterer intervention programs are becoming increasingly common across the United States. As such, the Utah Courts order offenders seek counseling through batterer intervention programs (domestic violence offender counseling) when appropriate. This counseling however, is used in combination with the coercive power of the criminal justice system to have a more significant impact on the offender population.





UTAH *grants*

7. Does your agency support policies or engaging in practices that impose restrictive conditions to be met by the victim in order to receive services (e.g., attending counseling, seeking an order of protection)?

Pick

No

If your agency checked yes to any of the services listed above, please explain:

Name of Authorized Official:

Richard Schwermer

Title of Authorized Official:

State Court Administrator

Signature of Authorized Official (By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.)

Richard Schwermer

Date

10/5/2017

Name of Organization:

Administrative Office of the Courts

Address of Organization:

450 S State Street

Salt Lake City Utah 84114-0241

USA





UTAH *grants*

FEDERAL FINANCIAL ACCOUNTABILITY AND TRANSPARENCY ACT INFORMATION

FEDERAL FINANCIAL ACCOUNTABILITY AND TRANSPARENCY ACT INFORMATION

FEDERAL FINANCIAL ACCOUNTABILITY AND TRANSPARENCY ACT INFORMATION

FEDERAL FINANCIAL ACCOUNTABILITY AND TRANSPARENCY ACT INFORMATION

The Federal Funding Accountability and Transparency Act (FFATA) was signed on September 26, 2006. The intent is to empower every American with the ability to hold the government accountable for each spending decision. The end result is to reduce wasteful spending in the government. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov.

The FFATA Subaward Reporting System (FSRS) is the reporting tool Federal prime awardees (i.e. prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements. Prime contract awardees will report against sub-contracts awarded and prime grant awardees will report against sub-grants awarded. The sub-award information entered in FSRS will then be displayed on www.USASpending.gov associated with the prime award furthering Federal spending transparency.

(To be completed by subrecipient)

Agency Name:

Administrative Office of the Courts

City:

Salt Lake City

State:

Utah

Zip Code + 4:





UTAH *grants*

84114-0241

Congressional District (Where the Agency's Main Office is located)

2

County where the Agency's Main Office is located

Salt Lake County

DUNS #

096311365

Location of Primary Place of Performance (if different than above)

City

Salt Lake City

State

UT: Utah

Zip Code

84111

Congressional District (State-wide is not allowed)

2

County

Statewide

Does the majority of your agency's funding come from Federal grant monies

No

Signature of Agency Representative (By entering your name, you are hereby declaring that you agree to the terms and conditions of the preceding document and assure that all information provided herein is accurate.)

Nicholas G. Stiles

Date





UTAH *grants*

10/5/2017





Indirect Costs Certification

Indirect Costs Certification

Indirect Costs Certification

Every agency is entitled to request Indirect Cost.

The following fields have been auto-filled based on the indirect cost information in the overview tab in the application.

Indirect Costs will be requested

Yes

Indirect Cost rate

5%

Please check the box that applies to your agency and ensure that it corresponds to the information above.

We request our MTDC Rate as the Indirect cost rate mentioned above (*attach proof of Federally negotiated rate in the attachments section below)

true

We waive indirect costs

false

Indirect Cost Rate

The new Federal Uniform Guideline allows for indirect costs to be charged by subgrantees as part of the grant budget. According to the Guideline, one of the following options must be chosen by subgrantees:

Federally Negotiated Indirect Cost Rate: If a subgrantee has a negotiated Modified Total Direct Cost (MTDC)* rate with the Federal Government, then you may:

- a. Request indirect costs at the fully negotiated rate.
- b. Request an indirect cost rate at less than the negotiated rate.
- c. Request NO indirect cost.





****Proof of the negotiated rate must be submitted with the grant application.****

10% de Minimis Rate: If a subgrantee does not have a negotiated Modified Total Direct Cost (MTDC)* rate with the Federal Government, the Guideline allows the subgrantee to request:

- Request the full 10% rate.
- Request a rate less than 10%.
- Request No indirect cost.

Request NO Indirect Cost: If a subgrantee's operational costs are fully covered by charging these costs as administrative (direct) costs, or if the subgrantee calculates indirect costs and determines that these costs are immaterial, then the subgrantee may waive any indirect cost reimbursements.

It should be noted that choosing any one of the three options above will neither detract from nor enhance the consideration of the grant proposal.

*Modified Total Direct Costs (MTDC) are defined as all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

A governmental department or agency unit that receives more than \$35 million in direct federal funding must submit its indirect cost rate proposal to its cognizant agency for indirect costs. Other governmental departments or agencies must develop an indirect cost proposal in accordance with the requirements of this Uniform Guide and maintain the proposal and related supporting documentation for audit. These governmental departments or agencies are not required to submit their proposals unless they are specifically requested to do so by the cognizant agency for indirect costs. Where a non-federal entity only receives funds as a subrecipient, the pass-through entity will be responsible for negotiating and/or monitoring the subrecipient's indirect costs.

Attachments				
Attachment Name	Type	Description	Last Modified	Owner





UTAH *grants*





UTAH *grants*

SEAT BELT USE BY GOVERNMENT CONTRACTORS, SUBCONTRACTORS, AND GRANTEES

On the Job Policies

On the Job Policies

SEAT BELT USE BY GOVERNMENT CONTRACTORS, SUBCONTRACTORS, AND GRANTEES

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

October 1, 2009

EXECUTIVE ORDER

FEDERAL LEADERSHIP ON REDUCING TEXT MESSAGING WHILE DRIVING

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7902(c) of title 5, United States Code, and the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 et seq., and in order to demonstrate Federal leadership in improving safety on our roads and highways and to enhance the efficiency of Federal contracting, it is hereby ordered as follows:

Section 1. Policy. With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government-owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately-owned vehicles (POV) on official Government business, and



SEAT BELT USE BY GOVERNMENT CONTRACTORS, SUBCONTRACTORS, AND GRANTEES

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of 6



UTAH grants

some Federal employees use Government-supplied electronic devices to text or e-mail while driving. A Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment will help save lives, reduce injuries, and set an example for State and local governments, private employers, and individual drivers. Extending this policy to cover Federal contractors is designed to promote economy and efficiency in Federal procurement. Federal contractors and contractor employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal procurement

Sec. 2. Text Messaging While Driving by Federal Employees. Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using electronic equipment supplied by the Government while driving.

Sec. 3. Scope of Order. (a) All agencies of the executive branch are directed to take appropriate action within the scope of their existing programs to further the policies of this order and to implement section 2 of this order. This includes, but is not limited to, considering new rules and programs, and reevaluating existing programs to prohibit text messaging while driving, and conducting education, awareness, and other outreach for Federal employees about the safety risks associated with texting while driving. These initiatives should encourage voluntary compliance with the agency's text messaging policy while off duty.

(b) Within 90 days of the date of this order, each agency is directed, consistent with all applicable laws and regulations: (i) to take appropriate measures to implement this order, (ii) to adopt measures to ensure compliance with section 2 of this order, including through appropriate disciplinary actions, and (iii) to notify the Secretary of Transportation of the measures it undertakes hereunder.

(c) Agency heads may exempt from the requirements of this order, in whole or in part, certain employees, devices, or vehicles in their respective agencies that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions.

Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients. Each Federal agency, in procurement contracts, grants, and cooperative agreements, and other grants to the extent authorized by applicable statutory authority, entered into after the date of this order, shall encourage contractors, subcontractors, and recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Agencies should also encourage Federal contractors, subcontractors, and grant recipients and subrecipients as described in this section to conduct initiatives of the type described in section 3(a) of this order.

Sec. 5. Coordination. The Secretary of Transportation, in consultation with the Administrator of General Services and the Director of the Office of Personnel Management, shall provide leadership and guidance to the heads of executive branch agencies to assist them with any action pursuant to this order.

Sec. 6. Definitions.





UTAH *grants*

(a) The term "agency" as used in this order means an executive agency, as defined in 5 U.S.C. 105, except for the Government Accountability Office. (b) "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. (c) "Driving" means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

Sec. 7. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect or alter:

(i) Authority granted by law or Executive Order to an agency, or the head thereof;

(ii) Powers and duties of the heads of the various departments and agencies pursuant to the Highway Safety Act of 1966, as amended, 23 U.S.C. 402 and 403, section 19 of the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 668, sections 7901 and 7902 of title 5, United States Code, or the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 *et seq.*;

(iii) Rights, duties, or procedures under the National Labor Relations Act, 29 U.S.C. 151 *et seq.*; or

(iv) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,
October 1, 2009.

Executive Order 13513 of October 1, 2009

Federal Leadership On Reducing Text Messaging While Driving

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7902(c) of title 5, United States Code, and the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 *et seq.*, and in order to demonstrate Federal leadership in improving safety on



SEAT BELT USE BY GOVERNMENT CONTRACTORS, SUBCONTRACTORS, AND GRANTEEES



UTAH grants

our roads and highways and to enhance the efficiency of Federal contracting, it is hereby ordered as follows:

Section 1. Policy. With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately-owned vehicles (POV) on official Government business, and some Federal employees use Government-supplied electronic devices to text or e-mail while driving. A Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment will help save lives, reduce injuries, and set an example for State and local governments, private employers, and individual drivers. Extending this policy to cover Federal contractors is designed to promote economy and efficiency in Federal procurement. Federal contractors and contractor employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal procurement.

Sec. 2. Text Messaging While Driving by Federal Employees. Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using electronic equipment supplied by the Government while driving.

Sec. 3. Scope of Order. (a) All agencies of the executive branch are directed to take appropriate action within the scope of their existing programs to further the policies of this order and to implement section 2 of this order. This includes, but is not limited to, considering new rules and programs, and reevaluating existing programs to prohibit text messaging while driving, and conducting education, awareness, and other outreach for Federal employees about the safety risks associated with texting while driving. These initiatives should encourage voluntary compliance with the agency's text messaging policy while off duty. (b) Within 90 days of the date of this order, each agency is directed, consistent with all applicable laws and regulations: (i) to take appropriate measures to implement this order, (ii) to adopt measures to ensure compliance with section 2 of this order, including through appropriate disciplinary actions, and (iii) to notify the Secretary of Transportation of the measures it undertakes hereunder.

(c) Agency heads may exempt from the requirements of this order, in whole or in part, certain employees, devices, or vehicles in their respective agencies that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions.

Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients. Each Federal agency, in procurement contracts, grants, and cooperative agreements, and other grants to the extent authorized by applicable statutory authority, entered into after the date of this order, shall encourage contractors, subcontractors, and recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Agencies should also encourage Federal contractors, subcontractors, and grant recipients and subrecipients as described in this section to conduct initiatives of the type described in section 3(a) of this order.





UTAH *grants*

Sec. 5. *Coordination.* The Secretary of Transportation, in consultation with the Administrator of General Services and the Director of the Office of Personnel Management, shall provide leadership and guidance to the heads of executive branch agencies to assist them with any action pursuant to this order.

Sec. 6. *Definitions.* (a) The term "agency" as used in this order means an executive agency, as defined in 5 U.S.C. 105, except for the Government Accountability Office.

(b) "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(c) "Driving" means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect or alter: (i) Authority granted by law or Executive Order to an agency, or the head thereof; (ii) Powers and duties of the heads of the various departments and agencies pursuant to the Highway Safety Act of 1966, as amended, 23 U.S.C. 402 and 403, section 19 of the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 668, sections 7901 and 7902 of title 5, United States Code, or the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 *et seq.*; (iii) Rights, duties, or procedures under the National Labor Relations Act, 29 U.S.C. 151 *et seq.*; or (iv) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals. (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations. (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,
October 1, 2009.

[FR Doc. E9-24203



SEAT BELT USE BY GOVERNMENT CONTRACTORS, SUBCONTRACTORS, AND GRANTEEES

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UTAH *grants*

Filed 10-5-09; 8:45 am]

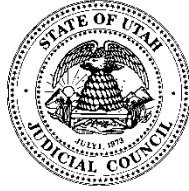
Billing code 3195-W9-P

[Acknowledgment](#)

I read the terms and agree



Tab 18




Administrative Office of the Courts

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

MEMORANDUM

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Keisa L. Williams 
Date: December 4, 2017
Re: Adding a Table to CJA 4-202.02 for Clarification Purposes

Code of Judicial Administration Rule 4-202.02 outlines the court's policy on records classification. The rule undergoes numerous amendments, is very lengthy, and is difficult to read. For quite some time, the Policy and Planning Committee has discussed ways to make the rule more user-friendly and less cumbersome. The Committee drafted a table version of the rule that could be added as a link next to the heading. The Committee presents this proposal for discussion and consideration by the Judicial Council.

Encl. CJA 4-202.02 in table format

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.

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

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Presumption of Public Court Records.** Court records are public unless otherwise classified by this rule.

(2) **Public Court Records.** Public court records include but are not limited to:

Section	TYPE OF RECORD	CLASSIFICATION	RESTRICTIONS/CLARIFICATION
(2)(A)	Abstract of a citation that redacts all non-public information	Public	
(2)(B)	Aggregate records without non-public information and without personal identifying information	Public	
(2)(C)	Appellate filings, including briefs	Public	
(2)(D)	Arrest warrants	Public	But a court may restrict access before service
(2)(E)	Audit reports	Public	
(2)(F)	Case files	Public	
(2)(G)	Committee reports	Public	After release by the Judicial Council or the court that requested the study
(2)(H)	Contracts entered into by the judicial branch and records of compliance with the terms of a contract	Public	
(2)(I)	Drafts that were never finalized but were relied upon in carrying out an action or policy	Public	
(2)(J)	Exhibits	Public	But the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure
(2)(K)	Financial records	Public	
(2)(L)	Indexes approved by the Management Committee of the Judicial Council, including the following: <ul style="list-style-type: none"> • (2)(L)(i) amount in controversy • (2)(L)(ii) attorney name • (2)(L)(iii) case number • (2)(L)(iv) case status • (2)(L)(v) civil case type or criminal violation • (2)(L)(vi) civil judgment or criminal disposition • (2)(L)(vii) daily calendar 	Public	<ul style="list-style-type: none"> • In courts other than the juvenile court • An index may contain any other index information

	<ul style="list-style-type: none"> • (2)(L)(viii) file date • (2)(L)(ix) party name 		
(2)(M)	For an adult person or business entity: <ul style="list-style-type: none"> • name, • business address, • business telephone number, and business email address 	Public	Other than a party or a victim or witness of a crime
(2)(N)	For a party: <ul style="list-style-type: none"> • name, • address, • telephone number, • email address, • date of birth, and • the last four digits of the following: <ul style="list-style-type: none"> ○ driver's license number; ○ social security number; or ○ account number 	Public	
(2)(O)	For an appearing lawyer: <ul style="list-style-type: none"> • name, • business address, • business telephone number, and • business email address 	Public	
(2)(P) & (2)(R)	For court personnel (not judges): <ul style="list-style-type: none"> • name, • business address, • business telephone number, • business email address, • gender, • gross salary, • benefits, • job title and description, • number of hours worked per pay period, • dates of employment, and • relevant qualifications 	Public	Applies to both current and former court personnel
(2)(Q)	For judges: <ul style="list-style-type: none"> • name, • business address, and • business telephone number 	Public	Not email addresses
(2)(S)	Name of a juror empaneled to try a case	Public	Unless classified by the judge as private or safeguarded to protect the personal safety of the juror or the juror's family and only 10 days after the jury is discharged
(2)(T)	Opinions and orders entered in open hearings	Public	Including concurring and dissenting opinions
(2)(U)	Order or decision classifying a record as not public	Public	
(2)(V)	Private record	Public	If the subject of the record has given written permission to make the record public

(2)(W)	Probation progress/violation reports	Public	
(2)(X)	Publications of the administrative office of the courts	Public	
(2)(Y)	Record in which the judicial branch determines or states an opinion on the rights of the state, a political subdivision, the public, or a person	Public	
(2)(Z)	Record of the receipt or expenditure of public funds	Public	
(2)(AA)	Record or minutes of an open meeting or hearing and the transcript of them	Public	
(2)(BB)	Record of formal discipline of current or former court personnel or of a person regulated by the judicial branch	Public	If the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained
(2)(CC)	Record of a request for a record	Public	
(2)(DD)	Reports used by the judiciary	Public	If all of the data in the report is public or the Judicial Council designates the report as a public record
(2)(EE)	Rules of the Supreme Court and Judicial Council	Public	
(2)(FF)	Search warrants, the application and all affidavits or other recorded testimony on which a warrant is based	Public	After they are unsealed under Utah Rule of Criminal Procedure 40
(2)(GG)	Statistical data derived from public and non-public records	Public	If they disclose only public data
(2)(HH)	Notwithstanding subsections (6) and (7), Petitions, indictments or informations, adjudication orders, disposition orders, and delinquency history summaries involving minors	Public	<ul style="list-style-type: none"> Only when a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult The delinquency history summary shall contain: <ul style="list-style-type: none"> the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses

(3) **Sealed Court Records**. The following court records are sealed:

Section	TYPE OF RECORD	CLASSIFICATION	RESTRICTIONS/CLARIFICATION
(3)(A)	<p>Records in the following actions:</p> <ul style="list-style-type: none"> • (3)(A)(i) *Title 78B, Chapter 6, Part 1, Utah Adoption Act six months after the conclusion of proceedings • (3)(A)(ii) *Title 78B, Chapter 15, Part 8, Gestational Agreement, six months after the conclusion of proceedings • (3)(A)(iii) Section 76-7-304.5, Consent required for abortions performed on minors • (3)(A)(iv) Section 78B-8-402, actions for disease testing 	Sealed	<p>*78B-6-1 records are private until sealed.</p> <p>*78B-15-8 records are private until sealed.</p>
(3)(B)	Expunged records	Sealed	
(3)(C)	Orders authorizing installation of pen register or trap and trace device under Utah Code Section 77-23a-15	Sealed	
(3)(D)	Records showing the identity of a confidential informant	Sealed	
(3)(E)	Records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code Section 7-2-6	Sealed	
(3)(F)	Wills deposited for safe keeping under Utah Code Section 75-2-901	Sealed	
(3)(G)	Records designated as sealed by rule of the Supreme Court	Sealed	
(3)(H)	Record of a Children's Justice	Sealed	After the conclusion of any legal

	Center investigative interview		proceedings
(3)(l)	Other records as ordered by the court under Rule 4-202.04	Sealed	

(4) **Private Court Records.** The following court records are private:

Section	TYPE OF RECORD	CLASSIFICATION	RESTRICTIONS/CLARIFICATION
(4)(A)	<p>(4)(A) Records in the following actions:</p> <ul style="list-style-type: none"> • (4)(A)(i) Section 62A-15-631, Involuntary commitment under court order • (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System database • (4)(A)(iii) *Title 78B, Chapter 6, Part 1, Utah Adoption Act • (4)(A)(iv) *Title 78B, Chapter 15, Part 8, Gestational Agreement 	Private	<p>*78B-6-1 records are private until sealed.</p> <p>*78B-15-8 records are private until sealed.</p>
(4)(B)	<p>(4)(B) Records in the following actions, including an action to modify or enforce a judgment in these cases</p> <p>(4)(B)(ix):</p> <ul style="list-style-type: none"> • (4)(B)(i) *Title 30, Husband and Wife, including qualified domestic relations orders • (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions • (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property • (4)(B)(iv) Title 78B, Chapter 7, Protective Orders • (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act • (4)(B)(vi) Title 78B, Chapter 	Private	<ul style="list-style-type: none"> • In all of these records, the case history; judgments, orders and decrees; letters of appointment; and the record of public hearings are public records. • *In an action for consortium due to personal injury under Section 30-2-11 are public.

	13, Utah Uniform Child Custody Jurisdiction and Enforcement Act <ul style="list-style-type: none"> • (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act • (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act 		
(4)(C)	An affidavit supporting a motion to waive fees	Private	
(4)(D)	Aggregate records	Private	Other than public aggregate records under subsection (2)
(4)(E)	Alternative dispute resolution records	Private	
(4)(F)	Applications for accommodation under the Americans with Disabilities Act	Private	
(4)(G)	Jail booking sheets	Private	
(4)(H)	Citation	Private	But an abstract of a citation that redacts all non-public information is public
(4)(I)	Judgment information statement	Private	
(4)(J)	Judicial review of final agency action under Utah Code Section 62A-4a-1009	Private	
(4)(K)	The following personal identifying information about a party : <ul style="list-style-type: none"> • driver's license number • social security number • account description and number • password • identification number • maiden name • mother's maiden name • similar personal identifying information 	Private	
(4)(L)	The following personal identifying	Private	

	<p>information about a person other than a party or a victim or witness of a crime:</p> <ul style="list-style-type: none"> • residential address • personal email address • personal telephone number • date of birth • driver's license number • social security number • account description and number • password • identification number • maiden name • mother's maiden name • similar personal identifying information 		
(4)(M)	Medical, psychiatric, or psychological records	Private	
(4)(N)	Name of a minor	Private	<p>Except that the name of a minor party is public in the following district and justice court proceedings:</p> <ul style="list-style-type: none"> • (4)(N)(i) name change of a minor • (4)(N)(ii) guardianship or conservatorship for a minor • (4)(N)(iii) felony, misdemeanor, or infraction • (4)(N)(iv) child protective orders; and • (4)(N)(v) custody orders and decrees
(4)(O)	Nonresident violator notice of noncompliance	Private	
(4)(P)	Personnel file of a current or former	Private	

	court personnel or applicant for employment		
(4)(Q)	Photograph, film, or video of a crime victim	Private	
(4)(R)	Record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5	Private	<ul style="list-style-type: none"> • (4)(R)(i) permanently if the hearing is not traditionally open to the public and public access does not play a significant positive role in the process • (4)(R)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to release the record without prejudice to the interests that justified the closure
(4)(S)	Record submitted by a senior judge or court commissioner regarding performance evaluation and certification	Private	
(4)(T)	Record submitted for in camera review	Private	Until its public availability is determined
(4)(U)	Reports of investigations by Child Protective Services	Private	
(4)(V)	Victim impact statements	Private	
(4)(W)	Name of a prospective juror summoned to attend court	Private	Unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family
(4)(X)	Records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure	Private	Except briefs filed pursuant to court order
(4)(Y)	Records in a proceeding under Rule 60 of the Utah Rules of Appellate	Private	

	Procedure		
(4)(Z)	Other records as ordered by the court under Rule 4-202.04	Private	

(5) **Protected Court Records**. The following court records are protected:

Section	TYPE OF RECORD	CLASSIFICATION	RESTRICTIONS/CLARIFICATION
(5)(A)	Attorney's work product, including the mental impressions or legal theories concerning litigation of: <ul style="list-style-type: none"> • an attorney, or • other representative of the courts 	Protected	
(5)(A)	Privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding	Protected	
(5)(B)	Records that are subject to the attorney client privilege	Protected	
(5)(C)	Bids or proposals	Protected	Until the deadline for submitting them has closed
(5)(D)	Budget analyses, revenue estimates, and fiscal notes of proposed legislation	Protected	Before issuance of the final recommendations in these areas
(5)(E)	Budget recommendations, legislative proposals, and policy statements	Protected	Only those that, if disclosed, would reveal the court's contemplated policies or contemplated courses of action
(5)(F)	Court security plans	Protected	
(5)(G)	Investigation and analysis of loss covered by the risk management fund	Protected	
(5)(H)	Memorandum prepared by staff for a member of any body charged by law with performing a judicial	Protected	If they were used in the decision-making process

	function		
(5)(I)	Confidential business records under Utah Code Section 63G-2-309	Protected	
(5)(J)	Records created or maintained for: <ul style="list-style-type: none"> • civil • criminal • administrative enforcement purposes • audit or discipline purposes • licensing, certification or registration purposes 	Protected	If the record reasonably could be expected to: <ul style="list-style-type: none"> • (5)(J)(i) interfere with an investigation • (5)(J)(ii) interfere with a fair hearing or trial • (5)(J)(iii) disclose the identity of a confidential source; or • (5)(J)(iv) concern the security of a court facility
(5)(K)	Records identifying property under consideration for sale or acquisition by the court or its appraised or estimated value	Protected	Unless the information has been disclosed to someone not under a duty of confidentiality to the courts
(5)(L)	Record that would reveal the contents of settlement negotiations	Protected	Other than the final settlement agreement
(5)(M)	Record that, if disclosed, would impair governmental procurement or give an unfair advantage to any person	Protected	
(5)(N)	Record that, if disclosed, would interfere with supervision of an offender's incarceration, probation, or parole	Protected	
(5)(O)	Record that, if disclosed, would jeopardize life, safety, or property	Protected	
(5)(P)	Strategy about collective bargaining or pending litigation	Protected	
(5)(Q)	Test questions and answers	Protected	
(5)(R)	Trade secrets as defined in Utah Code Section 13-24-2	Protected	
(5)(S)	Record of a Children's Justice Center investigative interview	Protected	Before the conclusion of any legal proceedings
(5)(T)	Presentence investigation report	Protected	

(5)(U)	Records maintained and prepared by juvenile probation	Protected	Except those filed with the court
(5)(V)	Other records as ordered by the court under Rule 4-202.04	Protected	

(6) **Juvenile Court Social Records.** The following are juvenile court social records:

Section	TYPE OF RECORD	CLASSIFICATION	RESTRICTIONS/CLARIFICATION
(6)(A)	Correspondence relating to juvenile social records	Juvenile Court Social Records	
(6)(B)	Custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations	Juvenile Court Social Records	
(6)(C)	Medical, psychological, psychiatric evaluations	Juvenile Court Social Records	
(6)(D)	Pre-disposition and social summary reports	Juvenile Court Social Records	
(6)(E)	Probation agency and institutional reports or evaluations	Juvenile Court Social Records	
(6)(F)	Referral reports	Juvenile Court Social Records	
(6)(G)	Report of preliminary inquiries	Juvenile Court Social Records	
(6)(H)	Treatment or service plans	Juvenile Court Social Records	

(7) **Juvenile Court Legal Records.** The following are juvenile court legal records:

Section	TYPE OF RECORD	CLASSIFICATION	RESTRICTIONS/CLARIFICATION
(7)(A)	Accounting records	Juvenile Court Legal Records	
(7)(B)	Discovery filed with the court	Juvenile Court Legal Records	
(7)(C)	Pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, and decrees	Juvenile Court Legal Records	
(7)(D)	Name of a party or minor	Juvenile Court Legal	

		Records	
(7)(E)	Record of a court hearing	Juvenile Court Legal Records	
(7)(F)	Referral and offense histories	Juvenile Court Legal Records	
(7)(G)	Any other juvenile court record regarding a minor that is not designated as a social record	Juvenile Court Legal Records	

(8) **Safeguarded Court Records.** The following court records are safeguarded:

Section	TYPE OF RECORD	CLASSIFICATION	RESTRICTIONS/CLARIFICATION
(8)(A)	<p>Upon request: location information, contact information, and identity information in proceedings under:</p> <ul style="list-style-type: none"> • Title 77, Chapter 3a, Stalking Injunctions • Title 78B, Chapter 7, Protective Orders 	Safeguarded	<p>Other than:</p> <ul style="list-style-type: none"> • name of a petitioner, and • other persons to be protected
(8)(B)	<p>Upon request: location information, contact information and identity information in proceedings under:</p> <ul style="list-style-type: none"> • Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act • Title 78B, Chapter 14, Uniform Interstate Family Support Act • Title 78B, Chapter 15, Utah Uniform Parentage Act 	Safeguarded	<p>Other than:</p> <ul style="list-style-type: none"> • name of a party, or • the party's child <p>And only after showing, by affidavit, that the health, safety, or liberty of the party or child would be jeopardized by disclosure</p>
(8)(C)	Location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list	Safeguarded	
(8)(D)	Location information, contact information, and identity information other than name of a prospective juror summoned to attend court	Safeguarded	
(8)(E)	The following information about a victim or witness of a crime:	Safeguarded	

	<ul style="list-style-type: none"> • (8)(E)(i) business and personal address • (8)(E)(i) email address • (8)(E)(i) telephone number • (8)(E)(i) similar information from which the person can be located or contacted • (8)(E)(ii) date of birth • (8)(E)(ii) driver's license number • (8)(E)(ii) social security number • (8)(E)(ii) account description and number • (8)(E)(ii) password • (8)(E)(ii) identification number • (8)(E)(ii) maiden name • (8)(E)(ii) mother's maiden name • (8)(E)(ii) similar personal identifying information 		
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