

## JUDICIAL COUNCIL MEETING

### AGENDA

**January 27, 2020**

**Council Room**

**Matheson Courthouse**

**450 South State Street**

**Salt Lake City, Utah 84111**

*Chief Justice Matthew B. Durrant Presiding*

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. .... Chief Justice Matthew B. Durrant  
(Information)
3. 9:10 a.m. Administrator's Report. .... Judge Mary T. Noonan  
(Information)
4. 9:20 a.m. Reports: Management Committee ..... Chief Justice Matthew B. Durrant  
Budget & Finance Committee ..... Judge Mark May  
Liaison Committee..... Judge Kara Pettit  
Policy & Planning Committee ..... Judge Derek Pullan  
Bar Commission..... Rob Rice, esq.  
(Tab 2 - Information)
5. 9:40 a.m. Judicial Performance Evaluation Commission Report ..... Dr. Jennifer Yim  
(Information) Commissioner Christine Durham
6. 10:00 a.m. WINGS Committee Report..... Judge Keith Kelly  
(Tab 3 - Information) Shonna Thomas
7. 10:10 a.m. Justice Court Reform Task Force ..... Judge Paul Farr  
(Tab 4 - Action) Jim Peters
8. 10:20 a.m. Justice Court Judge Certifications ..... Jim Peters  
(Action)
9. 10:25 a.m. Senior Judge Certification..... Nancy Sylvester  
(Tab 5 - Action)
- 10:30 a.m. Break

10. 10:40 a.m. Legislative Updates..... Michael Drechsel  
(Information)
11. 10:55 a.m. CJA Rule 4-410 Courthouse Closure for Final Action.....Keisa Williams  
(Tab 6 - Action)
12. 11:05 a.m. Old Business/New Business ..... All  
(Discussion)
13. 11:25 a.m. Executive Session - There will be an executive session
14. 11:55 a.m. Adjourn

The State of the Judiciary presented by Chief Justice Durrant is scheduled after the Council meeting as follows.

|           |                          |
|-----------|--------------------------|
| 2:15 p.m. | House of Representatives |
| 2:45 p.m. | Senate                   |

### **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.

1. Recertification of Municipal Justice Courts  
(Tab 7)

Jim Peters

2. Forms Committee Forms  
(Tab 8)

Brent Johnson

# Tab 1



## Agenda

**JUDICIAL COUNCIL MEETING****Minutes****December 16, 2019****Matheson Courthouse****Council Room****450 S. State St.****Salt Lake City, Utah 84111****9:00 a.m. – 2:00 p.m.***Chief Justice Matthew B. Durrant, Presiding***Members:**

Chief Justice Matthew B. Durrant, Chair  
 Hon. Kate Appleby, Vice Chair  
 Hon. Brian Cannell  
 Hon. Ryan Evershed  
 Hon. Paul Farr  
 Justice Deno Himonas  
 Hon. Mark May  
 Hon. Kara Pettit  
 Hon. Derek Pullan  
 Hon. Brook Sessions  
 Hon. Todd Shaughnessy  
 Hon. John Walton  
 Rob Rice, esq.

**Excused:**

Hon. Augustus Chin  
 Michael Drechsel  
 Neira Siaperas

**AOC Staff:**

Hon. Mary T. Noonan  
 Cathy Dupont  
 Shane Bahr  
 Larissa Lee  
 Jim Peters  
 Nathanael Player  
 Karl Sweeney  
 Chris Talbot  
 Keisa Williams  
 Jeni Wood

**Guests:**

Krista Airam, TCE Second District Juvenile  
 Judge James Blanch, Third District Court  
 Randy Dryer  
 Travis Erickson, TCE Seventh District  
 Sr. Judge Dennis Fuchs  
 Judge Christine Johnson, Fourth District Court  
 Judge David Mortensen, Court of Appeals  
 Alex Petersen, Judicial Conduct Commission  
 Judge Sharon Sipes, Second District Juvenile  
 F. Richards Smith, Fourth District Juvenile  
 Judge Douglas Thomas, Seventh District Court  
 Mark Urry, TCE Fourth District

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

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

**Motion:** Judge Derek Pullan moved to delay the approval of the Judicial Council minutes from the November 25, 2019 meeting until January to allow for additional edits. Amendments that were addressed: 1) Section 6 add “Judge Appleby and Judge Farr abstained,” 2) Section 19 changed “continued” to “to be stated on the record,” 3) Section 4 in the Policy & Planning report

add after gang-related clothing “or they appear in a substantial state of undress.” Judge Appleby seconded the motion, and it passed unanimously.

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

Chief Justice Durrant noted he, Judge Noonan, Judge Appleby, and Cathy Dupont will meet with Governor Herbert.

**3. ADMINISTRATOR’S REPORT: (Judge Mary T. Noonan)**

Jeremy Humes has been nominated by Governor Herbert as a Seventh District Court judge to replace Judge Thomas who is retiring at the end of the month. Mr. Humes is awaiting Senate confirmation.

“The Well-Being of Women in Utah in 2019” study provided that the ratio in Utah of earnings of women to men, ages 16 and older is 69.8%. Human Resources will review and prepare a report for the Council of any judicial gender salary gaps in both the state and justice courts.

Judge Noonan attended a CCJJ meeting where the implementation of JRI and other initiatives were addressed. Due to the lack of data available, the courts, along with the Department of Corrections and the Department of Public Safety will work together to address these issues.

**4. COMMITTEE REPORTS:**

**Management Committee Report:**

The work of this committee is reflected in the minutes.

**Ad Hoc Budget & Finance Committee Report:**

After reviewing a request from the District Board to increase Judicial Operations Budget base amount from \$500 to \$1,000, the committee decided the rule may be outdated and needed to be further studied.

**Liaison Committee Report:**

They will begin meeting weekly in January.

**Policy and Planning Committee Report:**

The committee is nearing completion of their proposed edits to CJA rule 4-411. Courthouse Attire. A recommendation was made for the committee to consider hiring a consultant to conduct a study on attire. Judge Derek Pullan respectfully declined the offer as the committees work on the rule is nearly complete. The committee is addressing CJA rule 4-403. Electronic Signature and Signature Stamp Use as it relates to authority to automatically add judges’ signatures on documents. The committee will meet again in February.

**Bar Commission Report:**

Rob Rice said the Bar is scheduled to meet this week.

**5. SECOND DISTRICT FAMILY RECOVERY COURT CERTIFICATION: (Judge Sharon Sipes, Krista Airam, and Sr. Judge Dennis Fuchs)**

Chief Justice Durrant welcomed Judge Sharon Sipes, Krista Airam, and Sr. Judge Dennis Fuchs. The Family Recover Court will serve children and families to prevent foster care placements under circumstances in which drug-endangered children whose parents use illegal drugs around their children. The target participation is expected to be at the most 20 participants. Stakeholders include: Davis Behavioral Health, DCFS, vocational rehabilitation, workforce services, Davis County Public Defenders, Attorney General's Office, and the Office of Guardian ad Litem.

Anticipated impact on court staff includes:

- Minimal and temporary front desk staff for those seeking directions
- One judge will conduct business for the recovery court in accordance with best practices, with in-court time anticipated to be ½ day every other week.
- One JA for in-court record maintenance and dissemination of reports, approximately ½ day every 2 weeks. Hearing preparation, minutes and orders is expected to be an additional ½ day.

Chief Justice Durrant thanked Judge Sipes, Ms. Airam, and Judge Fuchs.

**Motion:** Judge Appleby moved to approve the Second District Family Recovery Court certification, as presented. Judge Kara Pettit seconded the motion, and it passed unanimously.

**6. SEVENTH DISTRICT MENTAL HEALTH COURT CERTIFICATION: (Judge Douglas Thomas, Travis Erickson, and Sr. Judge Dennis Fuchs)**

Chief Justice Durrant welcomed Judge Douglas Thomas, Travis Erickson, and Sr. Judge Dennis Fuchs. The Mental Health Court will serve those who have demonstrated a pattern of violations of the law that result from poor adherence to or insufficient self-management of mental health treatment. The target participation will be approximately 20 people. Stakeholders include: Four Corners Behavioral Health, AP&P, Carbon and Emery County Prosecutor's Office, and the Public Defender's Office. Judge Fuchs recommended a liaison from the local jail to assist with medications for inmates. Jeremy Humes is expected to replace Judge Thomas with this court.

Mental Health Court will be held twice monthly and require time and preparation from the judge and JA. Additionally, the judge will dedicate time to the study, program design, and organization of resources.

Chief Justice Durrant thanked Judge Thomas for his extraordinary service to the courts. Chief Justice Durrant thanked Mr. Erickson and Judge Fuchs.

**Motion:** Judge Appleby moved to the Seventh District Mental Health Court certification, as presented. Judge Pettit seconded the motion, and it passed unanimously.

**7. PROBLEM-SOLVING COURT RECERTIFICATIONS: (Sr. Judge Dennis Fuchs)**

Chief Justice Durrant welcomed Sr. Judge Dennis Fuchs. Judge Fuchs sought renewal of the following problem-solving courts and identified non-compliant courts.

**Adult Drug Courts non-compliant with sections listed below:**

Heber, Wasatch County (Judge Brown)

- (P) Monitors historically disadvantaged groups (Waiting for IT program).
- (B) Contact with participants within first 90 days of completion (They do not).
- (B) Provide medical and dental treatment (They do not).
- (P) More than 15 but less than 125 participants (not consistent in numbers).
- (P) Monitor new arrests in the first 3 years (only follow local arrests).

Moab, Grand County (Judge Manley)

- (P) Monitors historically disadvantaged groups (waiting for IT program).
- (P) Each member of team attends up-to-date training on cultural bias (Court does not require but each agency takes care of the training).
- (P) Drug tests available within 48 hours (Most are but some take 72 hours especially over the weekends).
- (B) Court provides a continuum of care (Not available in the area).
- (B) Treatment groups no more than 12 with 2 facilitators. (Staffing issues).
- (P) Training on trauma informed services (Each agency responsible not the court).
- (B) Immediate medical and dental treatment (Not available in locality).
- (P) New arrests monitored for 3 years (Only local arrests).

**Adult Mental Health Courts non-compliant with sections listed below:**

Salt Lake City, Salt Lake County (Judge Trease)

- (B) Contact after completion in the first 90 days (Do not do).

Salt Lake City, Salt Lake County (Judge Brereton)

- (P) Clients placed within the first 90 days (Takes longer to get mental health records).

**Veterans Court non-compliant with sections listed below:**

Salt Lake City, Salt Lake County (Judge Hansen)

- (R) Current or prior offenses disqualify (Bad wording, they do not).
- (R) Clients placed within 90 days of arrest (Sometimes takes longer to determine VA eligible).
- (R) Treatment fees based on sliding scale (There are no treatment fees).
- (P) New arrest monitored for 3 years. (Do not have the personnel).

**DUI Court non-compliant with sections listed below:**

Ogden, Weber County (Judge DiReda)

- (P) Placed within 50 days (Does not occur all of the time).
- (P) New arrests monitored for 3 years (Only follow local arrests).
- (B) Contact made within first 90 days after completion (Not done).



**Family Dependency Courts non-compliant with sections listed below:**

Ogden, Weber County (Judge Dillon)

(P) Regularly monitors historically disadvantaged groups (Waiting for IT program).

(P) Clients placed within 90 days (A lot but not all).

Ogden, Weber County (Judge Heward)

(P) Regularly monitors historically disadvantaged groups (Waiting for IT program).

(B) Formal training before implementation (State and federal training).

Provo, Utah County (Judge Bazzelle)

(B) Length of program is a minimum of 12 months (Based on unification, some graduate earlier).

(B) Formal training before implementation (State and federal training).

(P) More than 15 less than 125 participants (Not always).

Moab, Grand County (Judge Manley)

(P) Regularly monitors historically disadvantaged groups (Waiting or IT program).

(P) Drug tests available within 48 hours (Not always especially tests on weekends).

(B) Offers continuum of care (Not available in locality).

(B) Treatment groups have no more than 12 and 2 facilitators (Do not have personnel).

(B) Immediate dental and medical treatment (Not available in locality).

(P) Clients placed within 50 days (Not all of them).

(B) More than 15 but less than 125 participants (fluctuates, sometimes more than the 15).

**Adult Mental Health Court compliant with sections:**

Brigham City, Box Elder County (Judge Cannell)

**Veterans Court complaint with all sections:**

Provo, Utah County (Judge Powell)

**Family Dependency Court compliant with all sections:**

Spanish Fork, Utah County (Judge Smith)

Judge Fuchs will have new forms prepared and sent to Policy & Planning for review at their February meeting. The Council discussed having courts that do not meet the minimum criteria present an explanation as to any deficiencies.

Chief Justice Durrant thanked Judge Fuchs.

**Motion:** Judge Pettit moved to approve the following problem-solving courts 1) Veterans Court Provo, Utah County (Judge Powell); 2) Adult Mental Health Court Salt Lake City, Salt Lake County (Judge Trease); 3) Adult Mental Health Court Brigham City, Box Elder County (Judge Cannell); and 4) Family Dependency Court Spanish Fork, Utah County (Judge Smith). Judge Brook Sessions seconded the motion, and is passed with Judge Cannell abstaining.

**Motion:** Judge Pullan moved to inform problem-solving courts in writing that they are not in compliance with the presumptive criteria and invite them to provide a written explanation of sufficient compensating measure. Judge Shaughnessy seconded the motion, and it passed unanimously.

Judge Noonan will assist with creating a form template for responses from the courts regarding deficiencies. Judge Noonan recommended the Council review the infrastructure support needed to help with the growing problem-solving courts throughout the state.

## **8. FORMS COMMITTEE REPORT: (Randy Dryer and Brent Johnson)**

Chief Justice Durrant welcomed Randy Dryer.

Primary highlights the committee report include the following:

1. The committee updated numerous forms due to recent court rule changes or legislative enactments in the 2019 legislative session.
2. The majority of the forms needed for use by LPPs to practice in the areas of landlord-tenant and debt collection have been updated.
3. Approximately 90% of the OCAP provisions relating the family law have been reviewed and approved. There are numerous other general family law practice forms that the committee will be reviewing well into 2020.
4. The committee welcomed the addition of a new committee member, Amber Alleman (pending final Council approval). Ms. Alleman is a member of the inaugural graduating class of four LPPs.
5. The committee received a request from Representative Walt Brooks to revise the current subpoena form which specifically requires that three particular documents (Notice to Persons Served with a Subpoena, Objection to Subpoena, and Declaration of Compliance with Subpoena) be attached with any court subpoenas served pursuant to Rules of Civil Procedure rule 45. The request was to eliminate the requirement to physically attach the documents to the subpoena and instead provide a link on the subpoena to the court's web page where the forms may be accessed electronically. The committee deemed the matter to be a policy question beyond the purview of the committee's mandate and requested guidance from the Council. Committee members expressed concern that such a change would have a negative impact on access to justice since not all Utahns, including those who are economically disadvantaged or who live in rural areas, have ready and reliable access to the internet.

Chief Justice Durrant thanked Mr. Dryer.

## **9. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge Christine Johnson and Shane Bahr)**

Chief Justice Durrant welcomed Judge Christine Johnson and Shane Bahr. Judge Johnson reviewed the Board membership. The Board has been working on documents that are required to be signed either by a commissioner and/or a judge and are waiting for the accompanying IT fix. The Board has also made the recommendation to eliminate the requirement that the Military Service Order be signed when a defendant is not in military service. The Board is working on better communication with the Council. The Board recommended an

increase to the Judicial Operations Budget to the Budget & Finance Committee. Judge May provided a brief status update to Judge Johnson of the recommendation.

The Board created a searchable link for judges to upload orders, allowing for a resource to judges. The Council welcomed members of the Board to attend Council meetings either in person or telephonically.

Chief Justice Durrant thanked Judge Johnson and Mr. Bahr.

**10. APPELLATE E-FILING GRANT APPROVAL: (Judge David Mortensen and Larissa Lee)**

Chief Justice Durrant welcomed Judge David Mortensen and Larissa Lee. Grant funds would allow the appellate courts to begin studying requirements to implement an appellate e-filing system through a hired consultant, to determine the appropriate software for appellate e-filing.

This grant requires the courts to match 50% (\$25,000), but only 10% (\$5,000) would be required. The remaining funds would represent the hourly rate of employees' working on the project. The E-Filing Appellate Task Force estimated that e-filing would most likely result in the elimination of 1 FTE. Heidi Anderson noted fully funded, it would take IT approximately 18 months to build the program. Ms. Lee said the appellate courts will split the \$5,000 cash required between the Supreme Court and Court of Appeals.

Chief Justice Durrant thanked Judge Mortensen and Ms. Lee.

**Motion:** Judge Shaughnessy moved to approve the grant in the amount of \$50,000 with the courts match of \$25,000; of that \$5,000 cash is required to be paid for by the appellate courts, as presented. Judge Appleby seconded the motion, and it passed unanimously.

**11. APPOINTMENT OF CO-CHAIRS TO THE JUSTICE COURT REFORM TASK FORCE: (Justice Deno Himonas)**

The Management Committee approved creating two co-chairs, one justice court judge and one Court of Appeals judge to the Justice Court Reform Task Force. Judge Paul Farr volunteered as the justice court judge representative. Judge Appleby respectfully declined a request to co-chair the task force.

If the task force was limited to removing the de novo appeal, the Supreme Court would primarily oversee the task force, however, the Management Committee requested a broader review of justice courts including fines and fees, salary caps, and qualifications for judges. Therefore, the committee concluded that that Council should primarily oversee the task force and have the Supreme Court oversee the de novo portion.

The Council discussed task force composition which could include Judge Paul Farr, an appellate judge representative as co-chair, a district court judge, Cathy Dupont and Michael Drechsel, plus additional members as determined by Judge Farr and the Administrative Office of the Courts.

**Motion:** Judge Appleby moved to establish the Justice Court Reform Task Force and appoint Judge Paul Farr as co-chair, and have the Supreme Court, Court of Appeals, and the Board of District Court Judges identify members to the task force. Judge Shaughnessy seconded the motion, and it passed with and Judge Farr abstaining.

**12. JUDICIAL CONDUCT COMMISSION REPORT: (Alex Petersen)**

Chief Justice Durrant welcomed Alex Petersen. Mr. Petersen reviewed the current members of the Commission and noted Jim Jardine will be leaving as Chairman of the Commission in the spring. Mr. Petersen will seek a replacement at that time. In 2019, the Commission attended conferences where e-filing of complaints was addressed. Complaints have increased with e-filing however the ratio of complaints with action taken has remained the same. The Commission is conducting a five-year review of their administrative rules.

Mr. Petersen noted nationally common complaints are dealing with subordinates and sexual harassment.

Caseload Update:

- a. 64 cases in FY19 compared to 58 cases in FY18. Currently at 24 cases in FY20.
- b. To date in FY20, have had 1 public disposition and 1 Dismissal with warning disposition for 1) Indecorous treatment of subordinates and 2) Abuse of prestige of judicial office.
- c. No cases are pending before Utah Supreme Court.

Chief Justice Durrant thanked Mr. Petersen.

**13. FOURTH DISTRICT COMMISSIONER ASSIGNMENT: (Judge F. Richards Smith and Judge James Brady)**

Chief Justice Durrant welcomed Judge F. Richards Smith and Judge James Brady. Judge Smith and Judge Brady requested on behalf of the Fourth District and Juvenile Court Benches approval of a change in allocation of Commissioner Sean Petersen's workload from the current allocation of .8 to the district court and .2 to the juvenile court to 100% of his time allocated to the district court, effective January 1, 2020. The Juvenile Bench created a plan to distribute Commissioner Petersen's workload.

Chief Justice Durrant thanked Judge Smith and Judge Brady.

**Motion:** Judge Appleby moved to approve transitioning Commissioner Sean Petersen to only the district court, effective January 1, and dividing his current juvenile workload to the current juvenile team, as presented. Judge Farr seconded the motion, and it passed unanimously.

**14. CJA RULES 1-303, AND 5-101 FOR FINAL ACTION: (Cathy Dupont)**

Chief Justice Durrant welcomed Cathy Dupont. CJA Rules 1-303 and 5-101 public comment period closed on January 31, 2019. No comments were submitted. Ms. Dupont now seeks a final approval for these rules.

Chief Justice Durrant thanked Ms. Dupont.

**Motion:** Judge Shaughnessy moved to approve CJA Rules 1-303 and 5-101 for final approval, effective December 16, 2019, as presented. Judge Appleby seconded the motion, and it passed unanimously.

**15. SENIOR JUDGE CERTIFICATION: (Cathy Dupont)**

Chief Justice Durrant welcomed Cathy Dupont. Judge Kimberly Hornak is scheduled to retire on March 1, 2020 and has applied for active senior judge status. Judge Hornak meets all requirements. Ms. Dupont noted she is working with the senior judges to review senior judge rules.

Chief Justice Durrant thanked Ms. Dupont.

**Motion:** Judge May moved to approve Judge Kimberly Hornak as an active senior judge upon her retirement, March 1, 2020 as presented. Judge Appleby seconded the motion, and it passed unanimously.

**16. JUDICIAL COUNCIL PRESENTATION GUIDELINES AND COUNCIL NORMS: (Cathy Dupont)**

Chief Justice Durrant welcomed Cathy Dupont. Ms. Dupont presented Council Presentation Guidelines and amendments to Council Norms proposed by Ms. Dupont, Judge Appleby, and Judge Shaughnessy. The Guidelines were developed for committees and groups that regularly report to the Judicial Council, to inform them of the Council's expectations for the reports. The proposed amendments to Council Norms include formatting changes and clarification of the roles of Council members.

Changes discussed:

- Delete Council norm number 10
- Modify Council norm number 14 to include the expectation that Council members will attend Council meetings in person or electronically before sending a judge in their absence.
- Include in the guidelines a request for an executive summary if the materials are voluminous.
- Include in the guidelines an introductory appreciation for their presentation.
- Include in the guidelines a request to explain how their work advanced the core mission of the court.

Chief Justice Durrant thanked Ms. Dupont.

**Motion:** Judge Appleby moved to accept the scheduled reports from external groups, Boards and committees, the Council Presentation Guidelines, and the Council Norms, as amended with the changes as listed above. Judge Sessions seconded the motion, and it passed unanimously.

**17. NCSC SYSTEM REVIEW PHASE 2 CONTRACT & TIMELINE: (Cathy Dupont)**

Chief Justice Durrant welcomed Cathy Dupont. The same project team that conducted the initial assessment, Patti Tobias, Principal Court Management Consultant with the National Center for State Courts and James D. (J.D.) Gingerich, Director of the State Courts Partnership will serve as the project team for Phase 2.

Plan:

- Project Initiation – Teleconference – week of January 13, 2020
- Develop & distribute employee and judicial officer surveys – February 5, 2020
- Compile survey results and report to the Steering Committee – March 2020
- Structured group discussions – May 2020
- Submit final report to the Steering Committee – May 2020
- On-site presentation of final report – August 2020

Ms. Dupont explained the consultants' cost \$50,000 included travel time, visits to districts, meetings, and compilation of the survey results. Funding would come from Council reserves that have been set aside.

Chief Justice Durrant thanked Ms. Dupont.

**Motion:** Judge Pullan moved to approve Phase 2 of the NCSC System Review, as amended to reserve the on-sight presentation for the steering committee to make that determination at a later date and email the Council a draft report once completed. Judge Shaughnessy seconded the motion, and it passed unanimously.

**18. MODEL UTAH CRIMINAL JURY INSTRUCTIONS COMMITTEE REPORT:  
(Judge James Blanch and Michael Drechsel)**

Chief Justice Durrant welcomed Judge James Blanch. Judge Blanch reviewed the committee composition as well as instructions the committee has completed. The committee is currently working on DUI and related traffic instructions. Once completed, the committee will focus on burglary & robbery offenses, homicide offenses, use of force & prisoner offenses, and wildfire offenses instructions.

Chief Justice Durrant thanked Judge Blanch.

**19. APPROVAL OF MEMBERSHIP TO THE PRETRIAL REFORM  
SUBCOMMITTEE: (Keisa Williams)**

Chief Justice Durrant welcomed Keisa Williams. Ms. Williams noted the Management Committee approved moving the task force to a subcommittee reporting to the Pretrial Release Standing Committee with a composition of Ms. Williams (staff), Judge Todd Shaughnessy (district court judge), Heidi Anderson (Information Technology), Doug Thompson (public defender), Sheriff Brian Nielson (law enforcement) and Chris Allred (prosecutor).

Chief Justice Durrant thanked Ms. Williams.

**Motion:** Judge Appleby moved to approve amending the joint task force to a subcommittee reporting to the Standing Committee with the composition of Ms. Williams (staff), Judge Todd Shaughnessy as Chair (district court judge), Heidi Anderson (Information Technology), Doug Thompson (public defender), Sheriff Brian Nielson (law enforcement) and Chris Allred (prosecutor), as presented. Justice Himonas seconded the motion, and it passed with Judge Shaughnessy abstaining.

**20. CJA RULES 4-403 AND 4-503 FOR FINAL ACTION: (Keisa Williams)**

Chief Justice Durrant welcomed Keisa Williams. The proposed amendments to CJA 4-403 address an issue created by the implementation of a new Utah Rule of Civil Procedure, Rule 109, which becomes effective January 1, 2020. Rule 109 provides that a standard injunction shall be issued by the court immediately upon the filing of certain domestic relations cases. The proposed amendments to rule 4-503 require Licensed Paralegal Practitioners to file documents electronically. Policy and Planning recommends that the Judicial Council approve the amendments to CJA Rules 4-403 and rule 4-503 on an expedited basis with a January 1, 2020 effective date, pursuant to its authority under CJA 2-205.

Judge Cannell was concerned approving rule 4-403 would create a substantive rule that would not allow for judicial discretion, but some discretion could be created by presiding judges' standing orders in the districts. Judge Pullan noted the rule states unless otherwise ordered by the courts the injunction shall issue. Judge Pullan stated "we if go this direction, the minutes should reflect that the Council is saying we do this only in the narrowest circumstances." Judge Pullan was concerned that IT had already put measures in place to implement the rule before it was approved.

Chief Justice Durrant thanked Ms. Williams.

**Motion:** Judge Shaughnessy moved to approve amendments to CJA Rules 4-403 and 4-503 for final action, as presented, with an effective date of January 1, 2020. Judge Appleby seconded the motion, and it passed unanimously.

**21. SELF-HELP CENTER FUNDING INCREASE: (Nathanael Player)**

Chief Justice Durrant welcomed Nathanael Player. At the August budget meeting before the Judicial Council the Self-Help Center (SHC) requested 1) \$98,155 in ongoing funds to provide permanent funding to make the five existing SHC staff attorneys full-time; and 2) \$96,909 in ongoing funding for one additional full-time staff attorney. The first request was sent to the ad hoc Budget & Finance Committee to see if they could find internal funding, and the second request was prioritized by the Judicial Council as a budget request for the legislature.

Currently, the temporary funding for the five part-time attorney positions for full-time work will expire on June 30, 2020. The Ad Hoc Budget & Finance Committee decided not to use projected savings based on clerical weighted caseload numbers to fund this request.

Possible solutions:

1. Instead of requesting ongoing funding for an additional staff attorney from the legislature, ask the legislature for ongoing funding to keep existing staff attorneys full-time; or
2. Do not send any request for funding to the legislature during the 2020 session, and resubmit the request for the Council's consideration next year.

Substituting the funding request to the legislature would mean asking for \$109,315, instead of \$96,909. This is \$12,406 more. The Council approved market comparability adjustments for four staff attorneys, so the cost for funding request number one went up. If this

change is too difficult to accomplish then Mr. Player requested that the courts not send any request to the legislature this session.

Judge May noted the Budget & Finance Committee approved switching the legislative request from one Self-Help attorney to ongoing funding for the current attorneys. Ms. Dupont stated the Council appropriates one-time savings and reserve funds each year, the request for ongoing funding for the current attorneys was originally approved with one-time funding.

Chief Justice Durrant thanked Mr. Player.

**Motion:** Judge Shaughnessy moved to amend the legislative request from one Self-Help attorney to ongoing funding for the current attorneys with an additional \$7,000, as presented. Judge Appleby seconded the motion, and it passed unanimously.

**22. 2020 PROPOSED AUDIT SCHEDULE: (Karl Sweeney)**

Chief Justice Durrant welcomed Karl Sweeney. Mr. Sweeney reviewed the 2020 audit schedule, as approved by the Management Committee pursuant to CJA Rule 3-415. Mr. Sweeney is working with the TCEs to have their support services coordinators assist with audits in their districts.

Chief Justice Durrant thanked Mr. Sweeney.

**23. SELF-ASSESSMENT OF AUDIT SERVICES WITH EXTERNAL VALIDATION: (Karl Sweeney)**

Chief Justice Durrant welcomed Karl Sweeney. The Department of Workforce Services (“DWS”) Director of Internal Audit conducted an independent validation of the self-assessment performed by Internal Audit Department. The primary objective was to verify the assertions and conclusions. The validation, concluded on December 3, 2019, consisted of a review and a test of the procedures and results, and included interviews with the Chair of the Management Committee and senior managers.

Chief Justice Durrant thanked Mr. Sweeney.

**24. OLD BUSINESS / NEW BUSINESS**

Judge May noted the Budget & Finance Committee discussed the need to address the court’s career ladder and market comparability salary adjustment process and policies. . The Council requested the Budget & Finance Committee review career ladder increases and the market comparability process used by the courts.

Justice Himonas recommended the Council create a subcommittee to address recent press coverage of debt collection practices and state statute that permits the use of bench warrants as a tool to collect judgements. He mentioned three individuals arrested last week on civil bench warrants due to non-appearance at sup-order hearings. The Council recommended addressing this with the Rules of Civil Procedure Committee. In addition, the Board of District Court Judges and the Board of Justice Court Judges will address this issue.



Ms. Dupont noted part of the Domestic Violence Program Coordinator positions salary, Amy Hernandez, comes from the VAWA grant. The grant has increased this year with what is anticipated to be one-time funding from \$75,000 to \$150,000. Ms. Hernandez will prepare a proposal for spending the additional funds, to which, the Council determined the Administrative Office of the Courts shall determine how the additional funds should be spent.

Judge Mortensen reminded the Council of the discussion regarding the federal courts request to expand the Fifth District Court. The federal courts are unable to pay \$15,000 for a feasibility study. The courts have funds available through the Facilities Department to pay for the study. The current lease ends in 2024 and with the current population growth the courts will need the space currently housed by the federal courts. The Council requested Judge Mortensen return to the Council after speaking with the federal courts again regarding the cost of the feasibility study.

## **25. EXECUTIVE SESSION**

An executive session was not held.

## **26. CONSENT CALENDAR ITEMS**

**a) Committee Appointments.** Education Committee – appointment of Judge Y.C. Ynchausti and Bart Olsen; GAL Oversight Committee – appointment of Brittany Randall; MUJI Civil Committee – appointment of Randy Andrus, Ricky Shelton, and Samantha Slark; Technology Committee – reappointment of Mikelle Ostler and the appointment of Judge Debra Jensen, Judge Don Torgerson, and Erin Boyington; Uniform Fine & Bail Committee – appointment of Judge Jennifer Valencia and Judge Patrick Corum. Approved without comment.

**b) Probation Policies.** Amendments of sections 2.13, 4.2, 4.16, and the deletion of section 5.6. Approved without comment.

**c) Forms Committee Forms.** Petition to Modify Child Custody, Parent-time and Child Support; Findings of Fact and Conclusions of Law on Petition to Modify Child Custody, Parent-time and Child Support; and Order on Petition to Modify Custody. Approved without comment.

## **27. ADJOURN**

The meeting adjourned.



# Tab 2



**JUDICIAL COUNCIL MANAGEMENT COMMITTEE**

**Minutes  
January 14, 2020  
Council Room  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah 84111  
12:00 p.m. – 2:00 p.m.**

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

**Committee Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Kate Appleby, Vice Chair  
Hon. Paul Farr  
Hon. Mark May  
Hon. Todd Shaughnessy

**Excused:**

Michael Drechsel

**AOC Staff:**

Hon. Mary T. Noonan  
Cathy Dupont  
Heidi Anderson  
Shane Bahr  
Kim Free  
Brent Johnson  
Larissa Lee  
Jim Peters  
Neira Siaperas  
Karl Sweeney  
Jeni Wood

**Guests:**

Justice Paige Petersen, Supreme Court

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

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

**Motion:** Judge Kate Appleby moved to approve the December 10, 2019 and January 10, 2020 Management Committee meeting minutes, as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

**2. ADMINISTRATORS REPORT: (Judge Mary T. Noonan)**

Judge Mary T. Noonan thanked both the district juvenile courts for their professionalism with the media regarding the Mental Health Recognition and the district and juvenile courts first appearance calendars report.

Judge Noonan reviewed the Governor's budget recommendations, which will be distributed to the Boards.

*\* All amounts are ongoing, unless noted as "one-time"*

|   | JUDICIAL COUNCIL<br>BUDGET PRIORITY           | GOVERNOR'S<br>RECOMMENDATION                    |
|---|---|---|
| <b>TECHNOLOGY INVESTMENT</b><br>IT Developers [\$650,000]<br>OCAP [\$210,000]<br>West Jordan Audio [\$450,000 one-time]<br>Microsoft Licensing [\$72,000] | <b>\$932,000</b><br><b>\$450,000 one-time</b> | <b>\$450,000</b><br><b>\$450,000 one-time</b>   |
| <b>SELF-HELP CENTER STAFF</b>   | <b>\$104,300</b>                              | <b>\$104,300</b>                                |
| <b>COURT COMMISSIONERS:<br/>RECRUIT AND RETAIN</b>  | <b>\$92,000</b>                               | ---   |
| <b>CHILD WELFARE MEDIATOR</b>   | <b>\$54,947</b>                               | <b>\$55,000</b>                                 |
| <b>EXTREME RISK PROTECTIVE<br/>ORDER BILL</b>   | ---   | <b>\$136,000</b>                                |
| <b>SIXTH DISTRICT:<br/>MANTI COURTHOUSE</b>   | ---   | <b>\$19,597,900</b><br><b>\$90,400 one-time</b> |
| <b>COST OF LIVING INCREASE<br/>FOR ALL STATE EMPLOYEES</b>  | ---   | <b>2.5%</b>                                     |
| <b>DISCRETIONARY PERFORMANCE-<br/>BASED INCREASE</b>  | ---   | <b>\$1,056,400</b>                              |

The Mental Health Initiative Conference has been rescheduled from April to August 18-19 to allow for additional preparation time. Tom Langhorne is working on venues for the event.

**Legislative Audits:**

- Fines & Fees Audit will begin soon, and
- Audit of the Office of State Debt Collection includes receiving information from the courts. Cathy Dupont will lead the courts assistance to the auditors.

**3. STATEWIDE PROBLEM-SOLVING COURTS COMMITTEE PROPOSAL:  
(Shane Bahr)**

The committee determined this item should be revisited after a fulltime coordinator has been hired, therefore, this item was removed from the agenda.

**4. UNIFORM FINE & BAIL COMMITTEE MEMBERSHIP COMPOSITION: CJA  
RULE 1-205: (Shane Bahr)**

The Board of Juvenile Court Judges recently made a recommendation to eliminate item (1)(B)(ii)(c) from rule 1-205; which removes juvenile court representation from the Uniform Fine and Bail Committee. After eliminating the juvenile court judge position, membership of the committee would include four district court judges and three justice court judges. Since justice courts and district courts are equally impacted by the work undertaken by committee, the Board of Justice Court Judges and the committee recommended increasing the composition to include a fourth justice court judge and to amend rule 1-205 accordingly.

**Motion:** Judge Appleby moved to refer this to Policy & Planning Committee to amend rule 1-205 in accordance with the recommendation to remove one juvenile court representative and add a fourth justice court judge to the Uniform Fine and Bail Committee, and to remove this item from the Judicial Council consent calendar, as presented. Judge Mark May seconded the motion, and it passed unanimously.

**5. REQUEST FOR PERMISSION TO LEAVE THE JUSTICE COURT  
CONFERENCE EARLY: (Jim Peters)**

Jim Peters stated Judge Sydney Magid requested to leave the Justice Court Judges Conference scheduled for April 21-24, 2020 early due to a preplanned sporting event. Judge Magid is a seasoned judge and understands that she will still need to comply with CLE requirements. Judge Paul Farr noted this is an important conference that should require attendance, however, exceptions should be given, when necessary. The committee felt these exceptions should be evaluated by the Board of Justice Court Judges rather than the Judicial Council Management Committee.

**Motion:** Judge Shaughnessy moved to approve Judge Sydney Magid's early departure from the Justice Court Judges Conference, and to send rule 3-403 for amendment to Policy & Planning to give authority to the Board of Justice Court Judges for future exceptions. Judge May seconded the motion, and it passed unanimously.

Judge Paul Farr will speak with the Board about this topic.

**6. RECERTIFICATION OF MUNICIPAL JUSTICE COURTS: (Jim Peters)**

Pursuant to Rule 9-108(1)(B) of the Code of Judicial Administration, the Board of Justice Court Judges discussed the applications received for recertification of the municipal justice courts. Applications included (i) the judge's affidavit attesting that the court is in compliance (or not) with the operating standards required both by statute and by the Judicial Council, (ii) a legal opinion from the city's legal counsel (a) informing the governing body as to those operating standards and (b) advising it as to the feasibility of maintaining a justice court, and (iii) a resolution from the governing body committing to abide by those standards and

requesting that the court be recertified. The Board recommends that the municipal justice courts set forth below be recertified for the four-year term beginning February 1, 2020.

**Justice courts seeking recertification and waiver:**

Alta Justice Court. Alta operates one of the smallest courts in the state with a weighted caseload of .06 and the last jury trial in 1975. Judge Paul Farr requested a waiver of several Judicial Council requirements, three of which relate to jury trials: (i) that Alta provide for a separate area and chairs for four jurors, (ii) that it provides a room for jury deliberations, (iii) that it provides a separate room for victims and witnesses that is separate from the public, and (iv) standard requirement for judicial office space as the building is not equipped with the space needed. Jury trials could be held in the Sandy Justice Court where all of the services listed above are available. The Board supported the waiver request.

Mantua Justice Court. Mantua operates another of the state's smallest courts. It is compliant with all operating standards, except that the riser for the judge is not quite six inches above the well. Judge Kevin Nelson and the Board requested that this requirement be waived.

Roy/Weber County Justice Court. Weber County entered into an interlocal agreement with Roy City more than eight years ago. Filings between the two jurisdictions have required that Roy/Weber be classified as a Class I Court, which requires a dedicated courtroom. The Judicial Council previously waived this requirement. Judge Nelson and the Board requested that this requirement be waived again. The city's council and planning meetings are held in the evenings and never conflict with court, which is held during the day.

Smithfield Justice Court. In December 2018 Smithfield sought permission to be open to the public from 7:00 a.m. to 6:00 p.m., Monday through Thursday. This request was never advanced to the Judicial Council, but Smithfield assumed it had been approved. An ongoing audit discovered the variation from approved practice so the request is being submitted in connection with recertification. These hours comply with Utah Code § 78A-7-213(3), but absent a waiver from the Judicial Council, they do not comply with rule 9-105(2) of the Code of Judicial Administration. Both Judge Moore and the Board are supportive of the waiver.

**Justice courts seeking recertification:**

*First District*

*Box Elder County* – Garland, Mantua, Tremonton, and Willard

*Cache County* – Hyde Park, Hyrum, Logan, Providence, Richmond, Smithfield, and Wellsville

*Second District*

*Davis County* – Centerville, Clearfield, Clinton, North Salt Lake, South Weber, Sunset, Syracuse, and Woods Cross

*Weber County* – Farr West, Harrisville, North Ogden, Ogden, Plain City, Pleasant View, Riverdale, Roy/Weber, South Ogden, Uintah City, and Washington Terrace



*Third District*

*Salt Lake County* – Alta, Bluffdale, Draper, Herriman, Holladay, Midvale, Murray, Riverton, Salt Lake City, Sandy, South Jordan, South Salt Lake, Taylorsville, West Jordan, and West Valley

*Tooele County* – Grantsville and Stockton

*Fourth District*

*Juab County* – Levan and Nephi

*Millard County* – Fillmore

*Utah County* – Genola, Goshen, Highland, Lehi, Lindon, Mapleton, Orem, Payson, Pleasant Grove, Provo, Santaquin, Saratoga Springs, and Springville

*Wasatch County* – Heber

*Fifth District*

*Iron County* – Parowan

*Washington County* – Enterprise, Hildale, Hurricane, Santa Clara, and Washington City

*Sixth District*

*Garfield County* – Panguitch

*Kane County* – Big Water and Orderville

*Sevier County* – Aurora and Salina

*Sanpete County* – Ephraim, Fairview, Fountain Green, Gunnison, Manti, Moroni, Mt. Pleasant, and Spring City

*Seventh District*

*Carbon County* – East Carbon and Wellington

*San Juan County* – Blanding and Monticello

*Eighth District*

*Uintah County* – Vernal

**Motion:** Judge May moved to approve all justice court recertifications as presented and to approve waivers as requested for Alta Justice Court, Mantua Justice Court, Roy/Weber County Justice Court, and Smithfield Justice Court, and put this item on the Judicial Council agenda, as presented. Judge Appleby seconded the motion, and it passed with Judge Farr abstaining as to the Alta Justice Court.

Chief Justice Durrant requested to move this item to the Council consent calendar, if allowed. Jim Peters will check with Brent Johnson and amend the Council agenda if need be.

**7. AUTHORITY OF WELL-BEING COMMITTEE: (Justice Paige Petersen and Kim Free)**

Justice Paige Petersen reviewed the progress and membership of the committee. The Supreme Court recommended seeking guidance from the Management Committee/Judicial Council as to which body should have the primary authority of this committee. The committee

confirmed any topics relating to attorneys would fall under the authority of the Supreme Court. Issues relating to judges would fall within the authority of the Council.

Judge Shaughnessy recommended approving the creation of a Judges Well-Being Committee, not as a standing or ad hoc committee, seeking approval from the Council as to the composition of the committee, requiring the committee to report annually to the Council, and putting this item on the Judicial Council February agenda. A motion was not made.

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

Chief Justice Durrant addressed the proposed agenda for the January 27, 2020 Judicial Council meeting. The agenda was edited to remove items 6, 8, possible move item 9 to the consent calendar, remove items 12, consent calendar item 1 and add Forms Committee forms to the consent calendar.

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

**15. OLD BUSINESS/NEW BUSINESS: (All)**

The committee discussed follow-up to the courts evaluation of the use of restricted accounts. Neira Siaperas stated the four juvenile court positions in the Non-Judicial Account have been corrected. Mr. Bahr stated the two district court positions funded through the Tobacco Settlement Restricted account have or are being corrected. The courts Accounting Manual is being revised as to use of restricted funds. Brent Johnson is reviewing all restricted fund rules and current processes to ensure future compliance.

Ms. Dupont stated the Utah Retirement System bill from last session requires the AOC to determine a justice court judges' status as a full time or part time employee under certain circumstances, for retirement calculations. Utah Code § 49-12-40649-13-406 requires a determination based on "whether a judges service is full-time or part-time for any employment period", but does not define an employment period. Ms. Dupont is working with Brent Johnson to create a rule to better clarify the process. It was noted that caseloads do include all of the judges work in various justice courts, but do not include time spent on committees, such as the Judicial Council.

Ms. Dupont reviewed the courts' food expenditures. Ms. Dupont compared the court's rules for when food may be provided in a group gathering with various state entity rules. The courts are similar to those entities, with the exception of meals allowed for shorter meetings when a judge is present. One example she gave was graduations of problem-solving courts which provide small treats, and requires an exception from Ms. Dupont. The committee recommended Ms. Dupont speak with the TCEs about reducing costs, such as through not providing drinks and/or desserts.

**16. EXECUTIVE SESSION**

An executive session was held.

- 17. ADJOURN**  
The meeting adjourned.



# Tab 3



To: Utah Judicial Council  
 From: Judge Keith A. Kelly, Chair, Utah WINGS  
 Re: Utah WINGS Update  
 Date: January 27, 2020

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Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) is a problem solving body that relies on court-community partnerships to:

- Oversee guardianship practice in the Courts;
- Improve the handling of guardianship cases;
- Engage in outreach/education; and
- Enhance the quality of care and quality of life of vulnerable adults.

WINGS meets about every two months. WINGS is effective through participation of key stakeholders who understand and are in a position to improve the Courts' guardianship processes.

**WINGS Executive Committee:**

|    |                 |                           |                                      |
|----|-----------------|---------------------------|--------------------------------------|
| 1. | Keith A. Kelly  | Judge, WINGS Chair        | 3 <sup>rd</sup> District             |
| 2. | Kent Alderman   | Attorney/Partner          | Lewis/Hansen Law Firm                |
| 3. | Nels Holmgren   | Director                  | Division of Adult and Aging Services |
| 4. | Nan Mendenhall  | Director                  | Adult Protective Services            |
| 5. | Andrew Riggle   | Public Policy Analyst     | Disability Law Center                |
| 6. | Nancy Sylvester | Associate General Counsel | Administrative Office of the Courts  |
| 7. | Shonna Thomas   | GRAMP Program Coordinator | Administrative Office of the Courts  |

**Steering Committee:**

|     |                        |                                   |                                       |
|-----|------------------------|-----------------------------------|---------------------------------------|
| 1.  | James Brady            | Presiding Judge                   | 4 <sup>th</sup> District              |
| 2.  | David Connors          | Presiding Judge                   | 2 <sup>nd</sup> District              |
| 3.  | Shane Bahr             | District Court Administrator      | Administrative Office of the Courts   |
| 4.  | TantaLisa Clayton      | Attorney / Director               | Utah Legal Services                   |
| 5.  | Rob Denton             | Attorney at Law                   |                                       |
| 6.  | Jeff Daybell           | Staff Attorney                    | Access to Justice, Utah State Bar     |
| 7.  | Rob Ence               | Director                          | Utah Commission on Aging              |
| 8.  | Xia Erickson           | Director                          | Office of Public Guardian             |
| 9.  | Wendy Fayles           | Criminal Justice / Mentor         | National Alliance on Mental Illness   |
| 10. | Cora Gant              | Deputy Court Clerk (retired)      | 4 <sup>th</sup> District              |
| 11. | Michelle Miranda       | Clinical Neuropsychologist        | University of Utah School of Medicine |
| 12. | Daniel Musto           | Administrator                     | Long-term Care Ombudsman              |
| 13. | Alan Ormsby            | State Director                    | AARP                                  |
| 14. | Joanne Sayre           | Judicial Case Manager             | 3 <sup>rd</sup> District              |
| 15. | Nancy Sylvester        | Associate General Counsel         | Administrative Office of the Courts   |
| 16. | James Toledo           | Program Manager                   | Utah Division of Indian Affairs       |
| 17. | Norma Valavala-Ballard | Judicial Case Manager             | 4 <sup>th</sup> District              |
| 18. | Todd Weiler            | Senator                           | 23 <sup>rd</sup> District             |
| 19. | Michelle Wilkes        | Court Visitor Program Coordinator | Administrative Office of the Courts   |
| 20. | KayeLynn Wootton       | Assistant Attorney General        | Medicaid Fraud Control Unit           |

### **General:**

- WINGS Membership has increased by 54% since January 2019.
- Members regularly note the value WINGS brings to their respective organizations, highlighting benefits of collaboration, collective expertise, and raised awareness of the issues.

### **Accomplishments:**

1. Native American Collaboration, January 2019 – WINGS Subcommittee on Collaboration with Native American Tribes identified and implemented goals for working with the tribal population, including: (a) improving mutual understanding between state and tribal adult protection systems to resolve issues; (b) establishing a referral procedure; and (c) improving education about state resources available to assist tribes in protecting vulnerable adults.
2. STAGES Conference, March 2019 – An interdisciplinary team was formed to participate in the Strategies and Training to Advance Greater Elder Safety (STAGES) conference in Charlottesville, VA. WINGS participants included representatives from Adult Protective Services, Attorney General's Office - Medicaid Fraud Control Unit, and the Administrative Office of the Courts, as well as a probate judge, clerk, and private probate attorney.
3. Guardianship training, May 2019 – WINGS representatives presented on guardianship in Park City at the Elder Justice Conference - "Elevating Utah's Seniors."
4. Guardianship Signature Program (GSP) Recruitment, June 2019 – A CLE was held in St. George to recruit volunteers for the GSP.
5. Interagency Record Sharing, August 2019 – WINGS facilitated record-sharing processes for the benefit of vulnerable adults. Adult Protective Services, Office of Public Guardian, the Attorney General's Office, and the Court Visitor Program coordinated in developing an internal policy.

### **Current & Upcoming Projects:**

- Clerical Education – The guardianship manual for clerks was first developed in 2013 and is in need of revision. The Clerical Education Subcommittee is working to develop a revised draft, using input from probate clerical staff.
- GSP Monitoring – WINGS is engaged in monitoring to ensure improvements in the GSP, and expanding the network, especially in rural areas.
- Annual Reports and Court Visitor Review Process – WINGS has identified concerns with the processes in place in the different districts for reviewing guardianship annual reports and the reports submitted by Court Visitors. WINGS is developing recommendations for ensuring that problems raised by such reports are flagged by staff and addressed by the assigned judges.
- Financial Exploitation Concerns – WINGS members identified a need for training Court Visitors on accounting/financial issues to aid in their work on audit cases. Adult Protective Services and the Court Visitor Program are working together to coordinate financial exploitation training to offer both an in-person and recorded version. The Commission on Aging is developing additional training opportunities for attorneys and the public related to financial exploitation.
- Guardianship Test – Members have raised concerns about deficiencies in the guardianship test and the general training of proposed guardians. A subcommittee is addressing revisions of the guardianship test and test procedures, as well as developing training and resource materials to provide to new guardians. This should assist in producing greater accountability and understanding among guardians and the general public.



# Tab 4



## Agenda

### **Utah Supreme Court and Judicial Council Task Force on Justice Court Reform**

- Creation:** This task force was created by the Utah Supreme Court and the Utah Judicial Council in December, 2019 following completion of a multi-year internal analysis. While the Supreme Court initially was interested in evaluating the de novo appeals process, it quickly became apparent that any changes would affect other aspects of the judicial system and process and that a full evaluation by a broad group of stakeholders would be the best avenue for addressing any reforms.
- Purpose:** The task force has been tasked with evaluating all aspects of the current justice court system, including structure, organization, procedures and practices, including appeals (which could affect other court levels) and making recommendations for improvement and reform. The task force itself will define its own scope of work.
- Duration:** It is anticipated that the task force will begin its work in March 2020 and conclude within 12 to 18 months.
- Deliverables:** It is anticipated that the task force will produce a report to the Utah Judicial Council and Utah Supreme Court making recommendations regarding the structure, organization, procedures and practices of the justice courts; and identifying statutes, rules or constitutional provisions that would need amendments to implement recommendations of the report.
- Membership:** The task force was created with the goal of including members from the various stakeholders involved in justice courts. It is anticipated that membership will include: (1) a chair, (2) a representative of the Supreme Court, (3) a representative from the Utah Court of Appeals, (4) a representative from the District Court, (5 and 6) two representatives from justice courts, one urban and one rural, (7) prosecution representation, (8) defense counsel representation, (9) a representative from the Governor's office, (10) a representative from the Utah State Senate, (11) a representative from the Utah House, (12) a representative from the Utah League of Cities and Towns, (13) a representative from the Utah Association of Counties.
- Time Commitment:**  
It is anticipated that the task force will meet at least monthly, but work groups may be created and may meet more often. Most meetings will be held in Salt Lake City. Some meetings may be held in other locations in order to allow participation from interested parties throughout the state. Members may be asked to review materials and accept assignments outside of regular meeting times.

## Utah Supreme Court and Judicial Council Joint Task Force on Justice Court Reform

| <u>Interest</u>           | <u>Name</u>                                | <u>Email</u>   | <u>Telephone</u>      |
|---------------------------|--|--|-----------------------|
| <b>MEMBERS</b>            |  |  |                       |
| Chair                     | Judge Paul Farr (Sandy, Herriman, Alta JC) | <a href="mailto:pfarr@utcourts.gov">pfarr@utcourts.gov</a>         | (801) 336-8279 (cell) |
| Supreme Court Rep.        | Paul Burke (Comm. Rules App. Proc.)        | <a href="mailto:pburke@rqn.com">pburke@rqn.com</a>                 | (801) 323-3303        |
| District Court Rep.       | Judge Roger Griffin (4th District)         | <a href="mailto:rgriffin@utcourts.gov">rgriffin@utcourts.gov</a>   | (801) 756-9654        |
| Court of Appeals Rep.     |  |  |                       |
| Justice Court Rep.        |  |  |                       |
| Justice Court Rep.        |  |  |                       |
| Prosecution Rep.          | Anna Anderson (SLCO DA)                    | <a href="mailto:aranderson@slco.org">aranderson@slco.org</a>       | (385) 468-7700        |
| Defense Rep. (and CCJJ)   | Joanna Landau (Ind. Defense Comm.)         | <a href="mailto:jlandau@utah.gov">jlandau@utah.gov</a>             | 801-209-5440 (cell)   |
| Governor's Rep.           |  |  |                       |
| Utah House Rep.           |  |  |                       |
| Utah Senate Rep.          |  |  |                       |
| ULCT Rep.                 |  |  |                       |
| UAC Rep.                  |  |  |                       |
| <b>STAFF</b>              |  |  |                       |
| Deputy State Court Admin. | Cathy Dupont -                             | <a href="mailto:cathyd@utcourts.gov">cathyd@utcourts.gov</a>       | (801) 578-3800        |
| Associate General Counsel | Michael Drechsel                           | <a href="mailto:michaelcd@utcourts.gov">michaelcd@utcourts.gov</a> | (801) 578-3800        |
| Justice Court Admin.      | Jim Peters                                 | <a href="mailto:jamesp@utcourts.gov">jamesp@utcourts.gov</a>       | (801) 578-3800        |

## **LAWS AFFECTING JUSTICE COURTS**

### **Constitutional Provisions**

Article VIII, Section 1 [Judicial Powers -- Courts.]  
 Article VIII, Section 5 [Jurisdiction of district court and other courts -- Right of appeal.]  
 Article VIII, Section 6 [Number of judges of district court and other courts -- Divisions.]  
 Article VIII, Section 7 [Qualifications of justices and judges.]  
 Article VIII, Section 10 [Restrictions on Justices and Judges.]  
 Article VIII, Section 11 [Judges of courts not of record.]

### **Statutory Provisions**

77-25-2. Venue of prosecution by information.  
 78A-7-101. Creation of justice court -- Not of record -- Classes of justice.  
 78A-7-102. Establishment of justice courts.  
 78A-7-103. Minimum standards of justice courts -- Authority of Judicial Council over justice courts.  
 78A-7-105. Territorial jurisdiction -- Voting.  
 78A-7-106. Jurisdiction.  
 78A-7-118. Appeals from justice court -- Trial or hearing de novo in district court.  
 78A-7-120. Disposition of fines.  
 78A-7-121. Funds collected -- Deposits and reports -- Special account -- Accounting.  
 78A-7-122. Security surcharge -- Application -- Deposit in restricted accounts.  
 78A-7-123. Dissolution of justice courts.  
 78A-7-201. Justice court judge eligibility -- Mandatory retirement.  
 78A-7-202. Justice court judges to be appointed -- Procedure.  
 78A-7-203. Term of office for justice court judge -- Retention -- Reduction in force.  
 78A-7-204. Offices of justice court judges.  
 78A-7-205. Required training -- Expenses -- Failure to attend.  
 78A-7-206. Determination of compensation and limits -- Salary survey -- Limits on secondary employment -- Prohibition on holding political or elected office -- Penalties.  
 78A-7-207. Compensation -- Annual review and adjustment.  
 78A-7-208. Temporary justice court judge.  
 78A-7-210. Justice court judge administrative responsibilities.  
 78A-7-212. Place of holding court.  
 78A-7-213. Trial facilities -- hours of business  
 78A-7-215. Monthly reports to court administrator and governing body  
 78A-7-301. Justice Court Technology, Security, and Training Account established -- Funding -- Uses.  
 78A-8-101. Creation.  
 78A-8-102. Small claims -- Defined -- Counsel not necessary -- Removal from district court -- Deferring multiple claims of one plaintiff -- Supreme Court to govern procedures.  
 78A-8-103. Assignee may not file claim.  
 78A-8-104. Object of small claims -- Attachment, garnishment, and execution.

- 78A-8-105. Civil filing fees.
- 78A-8-106. Appeals -- Who may take and jurisdiction.
- 78A-8-107. Costs.
- 78A-8-108. Evening hours -- Judges pro tempore.
- 78A-8-109. Report to Judiciary Interim Committee.
- 78A-10-102. Nomination, appointment, and confirmation of judges.
- 78A-10-105. Senate confirmation of judicial appointments -- Courts of record.
- 78A-12-207. Evaluation of justice court judges.

### **Court Rules**

- Rule 3-303. Justice court clerks.
- Rule 4-610. Appointment of justice court judges to preside at first appearances, preliminary hearings and arraignments.
- Rule 4-801. Filing small claims cases.
- Rule 9-101. Board of Justice Court Judges.
- Rule 9-102. Caseload report requirements.
- Rule 9-103. Certification of educational requirements.
- Rule 9-104. Salary recommendations.
- Rule 9-105. Justice Court hours.
- Rule 9-106. New judge certification procedure.
- Rule 9-107. Justice court technology, security, and training account.
- Rule 9-108. Justice court standards.
- Rule 9-109. Presiding judges.
- Rule 9-302. Mandatory electronic filing.
- Appendix B. Justice Court Standards For Recertification

## **CONSTITUTIONAL PROVISIONS**

### **Article VIII, Section 1. [Judicial powers -- Courts.]**

The judicial power of the state shall be vested in a Supreme Court, in a trial court of general jurisdiction known as the district court, and in such other courts as the Legislature by statute may establish. The Supreme Court, the district court, and such other courts designated by statute shall be courts of record. Courts not of record shall also be established by statute.

### **Article VIII, Section 5. [Jurisdiction of district court and other courts -- Right of appeal.]**

The district court shall have original jurisdiction in all matters except as limited by this constitution or by statute, and power to issue all extraordinary writs. The district court shall have appellate jurisdiction as provided by statute. The jurisdiction of all other courts, both original and appellate, shall be provided by statute. Except for matters filed originally with the Supreme Court, there shall be in all cases an appeal of right from the court of original

jurisdiction to a court with appellate jurisdiction over the cause.

**Article VIII, Section 6. [Number of judges of district court and other courts -- Divisions.]**

The number of judges of the district court and of other courts of record established by the Legislature shall be provided by statute. No change in the number of judges shall have the effect of removing a judge from office during a judge's term of office. Geographic divisions for all courts of record except the Supreme Court may be provided by statute. No change in divisions shall have the effect of removing a judge from office during a judge's term of office.

**Article VIII, Section 7. [Qualifications of justices and judges.]**

Supreme court justices shall be at least 30 years old, United States citizens, Utah residents for five years preceding selection, and admitted to practice law in Utah. Judges of other courts of record shall be at least 25 years old, United States citizens, Utah residents for three years preceding selection, and admitted to practice law in Utah. If geographic divisions are provided for any court, judges of that court shall reside in the geographic division for which they are selected.

**Article VIII, Section 10. [Restrictions on justices and judges.]**

Supreme court justices, district court judges, and judges of all other courts of record while holding office may not practice law, hold any elective nonjudicial public office, or hold office in a political party.

**Article VIII, Section 11. [Judges of courts not of record.]**

Judges of courts not of record shall be selected in a manner, for a term, and with qualifications provided by statute. However, no qualification may be imposed which requires judges of courts not of record to be admitted to practice law. The number of judges of courts not of record shall be provided by statute.

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**STATUTORY PROVISIONS**

**77-25-2. Venue of prosecution by information.**

Any prosecution by information, except in the case of a felony or class A misdemeanor, shall be commenced before a magistrate in the precinct of the county or municipality where the offense was alleged to have been committed, except as otherwise provided by law.

**78A-7-101. Creation of justice court -- Not of record -- Classes of justice.**

(1) Under Article VIII, Section 1, Utah Constitution, there is created a court not of record known as the justice court. The judges of this court are justice court judges.

(2) Justice courts shall be divided into the following classes:

- (a) Class I: 501 or more case filings per month;
- (b) Class II: 201-500 case filings per month;
- (c) Class III: 61-200 case filings per month; and
- (d) Class IV: 60 or fewer case filings per month.

**78A-7-102. Establishment of justice courts.**

(1) (a) As used in this section, to "create a justice court" means to:

- (i) establish a justice court; or
- (ii) establish a justice court under [Title 11, Chapter 13, Interlocal Cooperation Act](#).

(b) For the purposes of this section, if more than one municipality or county is collectively proposing to create a justice court, the class of the justice court shall be determined by the total citations or cases filed within the territorial jurisdiction of the proposed justice court.

(2) A municipality or county of the first or second class may create a justice court by filing a written declaration with the Judicial Council on or before July 1 at least two years before the effective date of the election. Upon demonstration of compliance with operating standards as established by statute and the Judicial Council, the Judicial Council shall certify the creation of the justice court under Section [78A-7-103](#).

(3) (a) A municipality or county of the third, fourth, or fifth class may create a justice court by demonstrating the need for the justice court and filing a written declaration with the Judicial Council on or before July 1 at least one year before the effective date of the election.

(b) A municipality or county creating a justice court shall demonstrate to the Judicial Council that a justice court is needed. In evaluating the need for a justice court, the Judicial Council shall consider factors of population, case filings, public convenience, availability of law enforcement agencies and court support services, proximity to other courts, and any special circumstances.

(c) The Judicial Council shall certify the creation of the justice court under Section [78A-7-103](#), if the Judicial Council determines:

- (i) a need exists;
- (ii) the municipality or county has filed a timely application; and
- (iii) the proposed justice court will be in compliance with all of the operating standards established by statute and the Judicial Council.

(4) (a) A municipality that has a justice court may expand the territorial jurisdiction of the justice court by entering into an agreement under [Title 11, Chapter 13, Interlocal Cooperation Act](#), with one or more other municipalities, or the county in which the municipality exists.



- (b) A justice court enlarged under this Subsection (4) may not be considered as creating a new justice court. An expanded justice court shall demonstrate that it will be in compliance with all of the requirements of the operating standards as established by statute and the Judicial Council before the justice court expands.
- (c) A municipality or county seeking to expand the territorial jurisdiction of a justice court shall notify the Judicial Council:
  - (i) no later than the notice period required in Section 78A-7-123, when the expanded justice court is a result of the dissolution of one or more justice courts; or
  - (ii) no later than 180 days before the expanded court seeks to begin operation when the expanded justice court is a result of other circumstances.
- (d) The Judicial Council shall certify the expansion of a justice court if it determines that the expanded justice court is in compliance with the operating standards established by statute and the Judicial Council.
- (e)
  - (i) A municipality or county that has a justice court at the time of executing an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, to become part of an expanded court shall resume operation of the justice court upon termination of the interlocal agreement in accordance with this Subsection (4)(e) or dissolve its justice courts in accordance with Subsection (4)(e)(iii).
  - (ii) The municipality or county shall notify the Judicial Council at least 90 days before resuming operations. The municipality or county shall demonstrate that the municipality's or county's justice court will be in compliance with the operating standards.
  - (iii) If the Judicial Council determines that a justice court will not be in compliance with the operating standards, the Judicial Council shall direct the expanded justice court to continue operation until the Judicial Council is satisfied the municipality's or county's justice court will meet the operating standards or until the municipality or county dissolves the municipality's or county's justice court in accordance with Section 78A-7-123.
  - (iv) If the interlocal agreement includes a municipality or county that did not have a justice court at the time the interlocal agreement was executed, the municipality or county shall notify the Judicial Council at least 180 days before termination of the interlocal agreement. In the notification, the municipality or county shall set forth its intentions in regard to adjudicating offenses committed within the municipality's or county's territorial boundaries. The Judicial Council may require the expanded justice court to continue operation until the Judicial Council is satisfied that the municipality's or county's caseload will be adequately subsumed by another justice court.
- (5) Upon request from a municipality or county seeking to create a justice court, the Judicial Council may shorten the time required between the municipality's or county's written declaration or election to create a justice court and the effective date of the election.

- (6) The Judicial Council may by rule provide resources and procedures adequate for the timely disposition of all matters brought before the courts. The Administrative Office of the Courts and local governments shall cooperate in allocating resources to operate the courts in the most efficient and effective manner based on the allocation of responsibility between courts of record and not of record.

**78A-7-103. Minimum standards of justice courts -- Authority of Judicial Council over justice courts.**

The Judicial Council shall ensure that:

- (1) procedures include requirements that every municipality or county that establishes or maintains a justice court provide for the following minimum operating standards:
  - (a) a system to ensure the justice court records all proceedings with a digital audio recording device and maintains the audio recordings for a minimum of one year;
  - (b) sufficient prosecutors to perform the prosecutorial duties before the justice court;
  - (c) adequate funding to provide indigent defense services for indigent individuals under [Title 78B, Chapter 22, Indigent Defense Act](#);
  - (d) sufficient local peace officers to provide security for the justice court and to attend to the justice court when required;
  - (e) sufficient clerical personnel to serve the needs of the justice court;
  - (f) sufficient funds to cover the cost of travel and training expenses of clerical personnel and judges at training sessions mandated by the Judicial Council;
  - (g) adequate courtroom and auxiliary space for the justice court, which need not be specifically constructed for or allocated solely for the justice court when existing facilities adequately serve the purposes of the justice court; and
  - (h) for each judge of its justice court, a current copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge; and
- (2) the Judicial Council's rules and procedures shall:
  - (a) presume that existing justice courts will be recertified at the end of each four-year term if the court continues to meet the minimum requirements for the establishment of a new justice court; or
  - (b) authorize the Judicial Council, upon request of a municipality or county or upon its own review, when a justice court does not meet the minimum requirements, to:
    - (i) decline recertification of a justice court;
    - (ii) revoke the certification of a justice court;
    - (iii) extend the time for a justice court to comply with the minimum requirements; or
    - (iv) suspend rules of the Judicial Council governing justice courts, if the council believes

suspending those rules is the appropriate administrative remedy for the justice courts of this state.

**78A-7-105. Territorial jurisdiction -- Voting.**

- (1) The territorial jurisdiction of county justice courts extends to the limits of the precinct for which the justice court is created and includes all cities or towns within the precinct, except cities where a municipal justice court exists.
- (2) The territorial jurisdiction of municipal justice courts extends to the corporate limits of the municipality in which the justice court is created.
- (3) Justice court judges have the same authority regarding matters within their jurisdiction as judges of courts of record.
- (4) A justice court may issue all extraordinary writs and other writs as necessary to carry into effect its orders, judgments, and decrees.
- (5) (a) Except as provided in this Subsection (5), a judgment rendered in a justice court does not create a lien upon any real property of the judgment debtor unless the judgment or abstract of the judgment:
  - (i) is recorded in the office of the county recorder of the county in which the real property of the judgment debtor is located; and
  - (ii) contains the information identifying the judgment debtor in the judgment or abstract of judgment as required in Subsection 78B-5-201(4)(b) or as a separate information statement of the judgment creditor as required in Subsection 78B-5-201(5).
- (b) The lien runs for eight years from the date the judgment was entered in the district court under Section 78B-5-202 unless the judgment is earlier satisfied.
- (c) State agencies are exempt from the recording requirement of Subsection (5)(a).

**78A-7-106. Jurisdiction.**

- (1) Justice courts have jurisdiction over class B and C misdemeanors, violation of ordinances, and infractions committed within their territorial jurisdiction by a person 18 years of age or older.
- (2) Except those offenses over which the juvenile court has exclusive jurisdiction, justice courts have jurisdiction over the following offenses committed within their territorial jurisdiction by a person who is 16 or 17 years of age:
  - (a) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver Licensing Act; and
  - (b) class B and C misdemeanor and infraction violations of:

- (i) Title 23, Wildlife Resources Code of Utah;
- (ii) Title 41, Chapter 1a, Motor Vehicle Act;
- (iii) Title 41, Chapter 6a, Traffic Code;
- (iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
- (v) Title 41, Chapter 22, Off-Highway Vehicles;
- (vi) Title 73, Chapter 18, State Boating Act;
- (vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;
- (viii) Title 73, Chapter 18b, Water Safety; and
- (ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators Act.

- (3) As used in this section, "the court's jurisdiction" means the territorial jurisdiction of a justice court.
- (4) An offense is committed within the territorial jurisdiction of a justice court if:
- (a) conduct constituting an element of the offense or a result constituting an element of the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is itself unlawful;
  - (b) either a person committing an offense or a victim of an offense is located within the court's jurisdiction at the time the offense is committed;
  - (c) either a cause of injury occurs within the court's jurisdiction or the injury occurs within the court's jurisdiction;
  - (d) a person commits any act constituting an element of an inchoate offense within the court's jurisdiction, including an agreement in a conspiracy;
  - (e) a person solicits, aids, or abets, or attempts to solicit, aid, or abet another person in the planning or commission of an offense within the court's jurisdiction;
  - (f) the investigation of the offense does not readily indicate in which court's jurisdiction the offense occurred, and:
    - (i) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft passing within the court's jurisdiction;
    - (ii) (A) the offense is committed on or in any body of water bordering on or within this state if the territorial limits of the justice court are adjacent to the body of water; and
      - (B) as used in Subsection(4)(f)(ii)(A), "body of water" includes any stream, river, lake, or reservoir, whether natural or man-made;
    - (iii) a person who commits theft exercises control over the affected property within the court's jurisdiction; or

- (iv) the offense is committed on or near the boundary of the court's jurisdiction;
  - (g) the offense consists of an unlawful communication that was initiated or received within the court's jurisdiction; or
  - (h) jurisdiction is otherwise specifically provided by law.
- (5) A justice court judge may transfer a criminal matter in which the defendant is a child to the juvenile court for further proceedings if the justice court judge determines and the juvenile court concurs that the best interests of the minor would be served by the continuing jurisdiction of the juvenile court, subject to Section [78A-6-602](#).
- (6) Justice courts have jurisdiction of small claims cases under [Title 78A, Chapter 8, Small Claims Courts](#), if a defendant resides in or the debt arose within the territorial jurisdiction of the justice court.

**78A-7-118. Appeals from justice court -- Trial or hearing de novo in district court.**

- (1) In a criminal case, a defendant is entitled to a trial de novo in the district court only if the defendant files a notice of appeal within 28 days of:
  - (a) sentencing, except as provided in Subsection [\(4\)\(b\)](#); or
  - (b) a plea of guilty or no contest in the justice court that is held in abeyance.
- (2) Upon filing a proper notice of appeal, any term of a sentence imposed by the justice court shall be stayed as provided for in Section [77-20-10](#) and the Rules of Criminal Procedure.
- (3) If an appeal under Subsection [\(1\)](#) is of a plea entered pursuant to negotiation with the prosecutor, and the defendant did not reserve the right to appeal as part of the plea negotiation, the negotiation is voided by the appeal.
- (4) A defendant convicted and sentenced in justice court is entitled to a hearing de novo in the district court on the following matters, if the defendant files a notice of appeal within 28 days of:
  - (a) an order revoking probation;
  - (b) imposition of a sentence, following a determination that a defendant failed to fulfill the terms of a plea in abeyance agreement;
  - (c) an order denying a motion to withdraw a plea, if the plea is being held in abeyance and the motion to withdraw the plea is filed within 28 days of the entry of the plea;
  - (d) a postsentence order fixing total or court ordered restitution; or
  - (e) an order denying expungement.
- (5) The prosecutor is entitled to a hearing de novo in the district court if an appeal is filed within 28 days of the court entering:
  - (a) a final judgment of dismissal;

- (b) an order arresting judgment;
  - (c) an order terminating the prosecution because of a finding of double jeopardy or denial of a speedy trial;
  - (d) a judgment holding invalid any part of a statute or ordinance;
  - (e) a pretrial order excluding evidence, when the prosecutor certifies that exclusion of that evidence prevents continued prosecution of an infraction or class C misdemeanor;
  - (f) a pretrial order excluding evidence, when the prosecutor certifies that exclusion of that evidence impairs continued prosecution of a class B misdemeanor;
  - (g) an order granting a motion to withdraw a plea of guilty or no contest;
  - (h) an order fixing total restitution at an amount less than requested by a crime victim; or
  - (i) an order granting an expungement, if the expungement was opposed by the prosecution or a victim before the order was entered.
- (6) Upon entering a decision in a hearing de novo, the district court shall remand the case to the justice court unless:
- (a) the decision results in immediate dismissal of the case; or
  - (b) the hearing de novo was on a pretrial order and the parties and the district court agree to have the district court retain jurisdiction.
- (7) The district court shall retain jurisdiction over the case on trial de novo.
- (8) The decision of the district court is final and may not be appealed unless the district court rules on the constitutionality of a statute or ordinance.

**78A-7-120. Disposition of fines.**

- (1) Except as otherwise specified by this section, fines and forfeitures collected by a justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the court and 1/2 to the treasurer of the local government which prosecutes or which would prosecute the violation. An interlocal agreement created pursuant to [Title 11, Chapter 13, Interlocal Cooperation Act](#), related to justice courts may alter the ratio provided in this section if the parties agree.
- (2) (a) For violation of [Title 23, Wildlife Resources Code of Utah](#), the court shall allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or county government responsible for the justice court.
- (b) For violation of [Title 41, Chapter 22, Off-Highway Vehicles](#), or [Title 73, Chapter 18, State Boating Act](#), the court shall allocate 85% to the Division of Parks and Recreation and 15% to the general fund of the city or county government responsible for the justice court.
- (c) Fines and forfeitures collected by the court for a violation of [Section 41-6a-1302](#) in

instances where evidence of the violation was obtained by an automated traffic enforcement safety device as described in Section [41-6a-1310](#) shall be remitted:

- (i) 20% to the school district or private school that owns or contracts for the use of the school bus; and
  - (ii) 80% in accordance with Subsection [\(1\)](#).
- (3) The surcharge established by Section [51-9-401](#) shall be paid to the state treasurer.
- (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice court for a violation of Section [72-7-404](#) or [72-7-406](#) regarding maximum weight limitations and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial Council, shall be paid to the state treasurer and allocated to the Department of Transportation for class B and class C roads.
- (5) Revenue allocated for class B and class C roads pursuant to Subsection [\(4\)](#) is supplemental to the money appropriated under Section [72-2-107](#) but shall be expended in the same manner as other class B and class C road funds.
- (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation under Section [41-6a-1713](#) or Subsection [72-7-409\(6\)\(c\)](#) shall be remitted:
- (i) 60% to the state treasurer to be deposited in the Transportation Fund; and
  - (ii) 40% in accordance with Subsection [\(1\)](#).
- (b) Fines and forfeitures collected by the court for a second or subsequent violation under Subsection [72-7-409\(6\)\(d\)](#) shall be remitted:
- (i) 50% to the state treasurer to be deposited in the Transportation Fund; and
  - (ii) 50% in accordance with Subsection [\(1\)](#).

**78A-7-121. Funds collected -- Deposits and reports -- Special account -- Accounting.**

- (1) (a) Justice courts shall deposit public funds in accordance with Section [51-4-2](#).
- (b) The city or county treasurer shall report to the city recorder or county auditor, as appropriate, the sums collected and deposited. The recorder or auditor shall then apportion and remit the collected proceeds as provided in Section [78A-7-120](#).
- (2) Money received or collected on any civil process or order issued from a justice court shall be paid within seven days to the party entitled or authorized to receive it.
- (3) (a) With the approval of the governing body a trust or revolving account may be established in the name of the justice court and the treasurer for the deposit of money collected including bail, restitution, unidentified receipts, and other money that requires special accounting.
- (b) Disbursements from this account do not require the approval of the auditor, recorder,

or governing body.

(c) The account shall be reconciled at least quarterly by the auditor of the governing body.

**78A-7-122. Security surcharge -- Application -- Deposit in restricted accounts.**

- (1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge of \$50 shall be assessed on all convictions for offenses listed in the uniform bail schedule adopted by the Judicial Council and moving traffic violations.
- (2) The security surcharge shall be collected and distributed pro rata with any fine collected. A fine that would otherwise have been charged may not be reduced due to the imposition of the security surcharge.
- (3) Eighteen dollars of the security surcharge shall be remitted to the state treasurer and distributed to the Court Security Account created in Section [78A-2-602](#).
- (4) Thirty-two dollars of the security surcharge shall be allocated as follows:
  - (a) the assessing court shall retain 20% of the amount collected for deposit into the general fund of the governmental entity; and
  - (b) 80% shall be remitted to the state treasurer to be distributed as follows:
    - (i) 62.5% to the treasurer of the county in which the justice court which remitted the amount is located;
    - (ii) 25% to the Court Security Account created in Section [78A-2-602](#); and
    - (iii) 12.5% to the Justice Court Technology, Security, and Training Account created in Section [78A-7-301](#).
- (5) The court shall remit money collected in accordance with [Title 51, Chapter 7, State Money Management Act](#).

**78A-7-123. Dissolution of justice courts.**

- (1) (a) The county or municipality shall obtain legislative approval to dissolve a justice court if the caseload from that court would fall to the district court upon dissolution.
- (b) To obtain approval of the Legislature, the governing authority of the municipality or county shall petition the Legislature to adopt a joint resolution to approve the dissolution.
- (c) The municipality or county shall provide notice to the Judicial Council.
- (d) Notice of intent to dissolve a Class I or Class II justice court to the Judicial Council shall be given not later than July 1 two years prior to the general session in which the county or municipality intends to seek legislative approval.



- (e) Notice of intent to dissolve a Class III or Class IV justice court to the Judicial Council shall be given not later than July 1 immediately prior to the general session in which the county or municipality intends to seek legislative approval.
- (2) (a) A county or municipality shall give notice of intent to dissolve a justice court to the Judicial Council if the caseload of that court would fall to the county justice court. A municipality shall also give notice to the county of its intent to dissolve a justice court.
- (b) Notice of intent to dissolve a Class I or Class II court shall be given by July 1 at least two years prior to the effective date of the dissolution.
- (c) Notice of intent to dissolve a Class III or Class IV court shall be given by July 1 at least one year prior to the effective date of the dissolution.
- (3) Upon request from a municipality or county seeking to dissolve a justice court, the Judicial Council may shorten the time required between the city's or county's notice of intent to dissolve a justice court and the effective date of the dissolution.

**78A-7-201. Justice court judge eligibility -- Mandatory retirement.**

- (1) A justice court judge shall be:
  - (a) a citizen of the United States;
  - (b) 25 years of age or older;
  - (c) a resident of Utah for at least three years immediately preceding his appointment;
  - (d) a resident of the county in which the court is located or an adjacent county for at least six months immediately preceding appointment; and
  - (e) a qualified voter of the county in which the judge resides.
- (2) Effective May 10, 2016, a justice court judge is not required to be admitted to practice law in the state as a qualification to hold office but:
  - (a) in counties of the first and second class, a justice court judge shall have a degree from a law school that makes one eligible to apply for admission to a bar in any state; and
  - (b) in counties of the third, fourth, fifth, and sixth class, a justice court judge shall have at the minimum a diploma of graduation from high school or its equivalent.
- (3) A justice court judge shall be a person who has demonstrated maturity of judgment, integrity, and the ability to understand and apply appropriate law with impartiality.
- (4) A justice court judge shall retire upon attaining the age of 75 years.
- (5) In counties of the first and second class, if there are not at least three applicants for a justice court judge position who meet the requirements of Subsection (2)(a), the justice court nominating commission shall re-advertise the position, and may accept applications from persons who do not meet the requirements of Subsections (1)(d) and (2)(a).

- (6) (a) In accordance with Subsection 78A-7-202(3), the Administrative Office of the Courts shall provide notice to all attorneys in the county and adjacent counties when a justice court judge position is vacant.
- (b) If the justice court nominating commission waives the requirement of Subsection (1)(d) in accordance with Subsection (5), the Administrative Office of the Courts shall provide notice to all attorneys in the state.
- (7) A justice court judge holding office on May 10, 2016, who does not meet the qualification in Subsection (2)(a) may continue in the judge's position until the judge resigns, retires, is not retained in a retention election, or is removed from office.

**78A-7-202. Justice court judges to be appointed -- Procedure.**

- (1) As used in this section:
  - (a) "Local government executive" means:
    - (i) for a county:
      - (A) the chair of the county commission in a county operating under the county commission or expanded county commission form of county government;
      - (B) the county executive in a county operating under the county executive-council form of county government; and
      - (C) the county manager in a county operating under the council-manager form of county government;
    - (ii) for a city or town:
      - (A) the mayor of the city or town; or
      - (B) the city manager, in the council-manager form of government described in Subsection 10-3b-103(7); and
    - (iii) for a metro township, the chair of the metro township council.
  - (b) "Local legislative body" means:
    - (i) for a county, the county commission or county council; and
    - (ii) for a city or town, the council of the city or town.
- (2) There is created in each county a county justice court nominating commission to review applicants and make recommendations to the appointing authority for a justice court position. The commission shall be convened when a new justice court judge position is created or when a vacancy in an existing court occurs for a justice court located within the county.
  - (a) Membership of the justice court nominating commission shall be as follows:
    - (i) one member appointed by:

- (A) the county commission if the county has a county commission form of government; or
    - (B) the county executive if the county has an executive-council form of government;
  - (ii) one member appointed by the municipalities in the counties as follows:
    - (A) if the county has only one municipality, appointment shall be made by the governing authority of that municipality; or
    - (B) if the county has more than one municipality, appointment shall be made by a municipal selection committee composed of the mayors of each municipality and the chairs of each metro township in the county;
  - (iii) one member appointed by the county bar association; and
  - (iv) two members appointed by the governing authority of the jurisdiction where the judicial office is located.
- (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be appointed by the regional bar association. If no regional bar association exists, the state bar association shall make the appointment.
- (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing authority or an elected official of a county or municipality.
- (d) The nominating commission shall submit at least three names to the appointing authority of the jurisdiction expected to be served by the judge. The local government executive shall appoint a judge from the list submitted and the appointment ratified by the local legislative body.
- (e) The state court administrator shall provide staff to the commission. The Judicial Council shall establish rules and procedures for the conduct of the commission.
- (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through the Utah State Bar, and other appropriate means.
- (4) Selection of candidates shall be based on compliance with the requirements for office and competence to serve as a judge.
- (5) Once selected, every prospective justice court judge shall attend an orientation seminar conducted under the direction of the Judicial Council. Upon completion of the orientation program, the Judicial Council shall certify the justice court judge as qualified to hold office.
- (6) The selection of a person to fill the office of justice court judge is effective upon certification of the judge by the Judicial Council. A justice court judge may not perform judicial duties until certified by the Judicial Council.

**78A-7-203. Term of office for justice court judge -- Retention -- Reduction in force.**

- (1) The term of a justice court judge is six years beginning the first Monday in January following the date of election.
- (2) Upon the expiration of a justice court judge's term of office, the judge shall be subject to an unopposed retention election in accordance with the procedures set forth in [Section 20A-12-201](#):
  - (a) in the county or counties in which the court to which the judge is appointed is located if the judge is a county justice court judge or a municipal justice court judge in a town or city of the fourth or fifth class; or
  - (b) in the municipality in which the court to which the judge is appointed is located if the judge is a municipal justice court judge and Subsection [\(2\)\(a\)](#) does not apply.
- (3) Before each retention election, each justice court judge shall be evaluated in accordance with the performance evaluation program established in [Chapter 12, Judicial Performance Evaluation Commission Act](#).
- (4) A political subdivision in a county of the first or second class that has more than one justice court judge and the weighted caseload per judge is lower than 0.60 as determined by the Administrative Office of the Courts may, at the political subdivision's discretion and at the end of a judge's term of office, initiate a reduction in force and reduce, lay off, terminate, or eliminate a judge's position pursuant to the political subdivision's employment policies.
- (5) A political subdivision in a county of the first or second class may only add a new justice court judge position if the Judicial Council, after considering the caseload of the court, approves creation of the position.

**78A-7-204. Offices of justice court judges.**

- (1) Justice court judges holding office in:
  - (a) county precincts are county justice court judges; and
  - (b) cities or towns are municipal justice court judges.
- (2) The county legislative body may establish a single precinct or divide the county into multiple precincts to create county justice courts for public convenience.
- (3)
  - (a) The governing body may create as many judicial positions as are required for the efficient administration of a justice court.
  - (b) If more than one judge is assigned to a court, all filings within that court shall be assigned to the judges at random unless the governing body has been authorized to create specialized judicial calendars to serve the interests of justice.

**78A-7-205. Required training -- Expenses -- Failure to attend.**

- (1) A justice court judge shall meet the continuing education requirements of the Judicial Council.
- (2) Successful completion of the continuing education requirement includes instruction regarding competency and understanding of constitutional provisions and laws relating to the jurisdiction of the court, rules of evidence, and rules of civil and criminal procedure as indicated by a certificate awarded by the Judicial Council.
- (3) The Judicial Council shall file a formal complaint with the Judicial Conduct Commission against each justice court judge who does not comply with this section.

**78A-7-206. Determination of compensation and limits -- Salary survey -- Limits on secondary employment -- Prohibition on holding political or elected office -- Penalties.**

- (1) Every justice court judge shall be paid a fixed compensation determined by the governing body of the respective municipality or county.
  - (a) The governing body of the municipality or county may not set a full-time justice court judge's salary at less than 50% nor more than 90% of a district court judge's salary.
  - (b) The governing body of the municipality or county shall set a part-time justice court judge's salary as follows:
    - (i) The governing body shall first determine the full-time salary range outlined in Subsection (1)(a).
    - (ii) The caseload of a part-time judge shall be determined by the office of the state court administrator and expressed as a percentage of the caseload of a full-time judge.
    - (iii) The judge's salary shall then be determined by applying the percentage determined in Subsection (1)(b)(ii) against the salary range determined in Subsection (1)(a).
  - (c) A justice court judge shall receive an annual salary adjustment at least equal to the average salary adjustment for all county or municipal employees for the jurisdiction served by the judge.
  - (d) Notwithstanding Subsection (1)(c), a justice court judge may not receive a salary greater than 90% of the salary of a district court judge.
  - (e) A justice court judge employed by more than one entity as a justice court judge may not receive a total salary for service as a justice court judge greater than the salary of a district court judge.
- (2) A justice court judge may not appear as an attorney in any:
  - (a) justice court;
  - (b) criminal matter in any federal, state, or local court; or

- (c) juvenile court case involving conduct which would be criminal if committed by an adult.
- (3) A justice court judge may not hold any office or employment including contracting for services in any justice agency of state government or any political subdivision of the state including law enforcement, prosecution, criminal defense, corrections, or court employment.
- (4) A justice court judge may not hold any office in any political party or organization engaged in any political activity or serve as an elected official in state government or any political subdivision of the state.
- (5) A justice court judge may not own or be employed by any business entity which regularly litigates in small claims court.
- (6) The Judicial Council shall file a formal complaint with the Judicial Conduct Commission for each violation of this section.

**78A-7-207. Compensation -- Annual review and adjustment.**

- (1) The governing body of each municipality or county shall annually review and may adjust the compensation paid.
- (2) The salary fixed for a justice court judge may not be diminished during the term for which the judge has been appointed or elected.
- (3) A copy of the resolution, ordinance, or other document fixing the salary of the justice court judge and any adjustments to the document shall be furnished to the state court administrator by the governing body of the municipality or county.

**78A-7-208. Temporary justice court judge.**

When necessary, the governing body may appoint any senior justice court judge, or justice court judge currently holding office within the judicial district or in an adjacent county, to serve as a temporary justice court judge.

**78A-7-210. Justice court judge administrative responsibilities.**

- (1) Justice court judges shall comply with and ensure that court personnel comply with applicable county or municipal rules and regulations related to personnel, budgets, and other administrative functions.
- (2) Failure by the judge to comply with applicable administrative county or municipal rules and regulations may be referred, by the county executive or municipal legislative body, to the state Justice Court Administrator.
- (3) Repeated or willful noncompliance may be referred, by the county executive or municipal legislative body, to the Judicial Conduct Commission.

**78A-7-212. Place of holding court.**

- (1) (a) County justice court judges may hold court in any municipality within the precinct but may exercise only the jurisdiction provided by law for county justice courts.
- (b) County justice court judges may also, at the direction of the county legislative body, hold court anywhere in the county as needed but may only hear cases arising within the precinct.
- (2) A municipal justice court judge shall hold court in the municipality where the court is located and, as directed by the municipal governing body, at the county jail or municipal prison.

**78A-7-213. Trial facilities -- Hours of business.**

- (1) A justice court judge shall conduct all official court business in a courtroom or office located in a public facility which is conducive and appropriate to the administration of justice.
- (2) (a) A county justice court may, at the direction of the county legislative body, hold justice court anywhere in the county as needed but may only hear cases arising within its precinct.
- (b) A municipal justice court judge shall hold court in the municipality where the court is located.
- (c) Justice courts may also hold court or conduct hearings or court business in any facility or location authorized by rule of the Judicial Council.
- (3) Justice courts shall be open and judicial business shall be transacted:
  - (a) five days per week; or
  - (b) no less than four days per week for at least 11 hours per day.
- (4) The legislative body of the county, city, or town shall establish operating hours for the justice courts within the requirements of Subsection (3) and the code of judicial administration.
- (5) The hours the courts are open shall be posted conspicuously at the courts and in local public buildings.
- (6) The clerk of the court and judges of justice courts shall attend the court at regularly scheduled times.
- (7) By July 1, 2011, all justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council.

**78A-7-215. Monthly reports to court administrator and governing body.**

- (1) Every justice court shall file monthly with the state court administrator a report of the judicial business of the judge. The report shall be on forms supplied by the state court administrator.
- (2) The report shall state the number of criminal and small claims actions filed, the dispositions entered, and other information as specified in the forms.
- (3) A copy of the report shall be furnished by the justice court to the person or office in the county, city, or town designated by the governing body to receive the report.

**78A-7-301. Justice Court Technology, Security, and Training Account established -- Funding -- Uses.**

There is created a restricted account in the General Fund known as the Justice Court Technology, Security, and Training Account.

- (1) The state treasurer shall deposit in the account money collected from the surcharge established in Subsection [78A-7-122\(4\)\(b\)\(iii\)](#).
- (2) Money shall be appropriated from the account to the Administrative Office of the Courts to be used for audit, technology, security, and training needs in justice courts throughout the state.

**78A-8-101. Creation.**

There is created a limited jurisdiction division of the district and justice courts designated small claims court.

**Deferring multiple claims of one plaintiff -- Supreme Court to govern procedures.**

- (1) A small claims action is a civil action:
  - (a) for the recovery of money when:
    - (i) the amount claimed does not exceed \$11,000 including attorney fees, but exclusive of court costs and interest; and
    - (ii) the defendant resides or the action of indebtedness was incurred within the jurisdiction of the court in which the action is to be maintained; or
  - (b) involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in which the amount claimed does not exceed \$11,000 including attorney fees, but exclusive of court costs and interest.
- (2) (a) A defendant in an action filed in the district court that meets the requirement of Subsection [\(1\)\(a\)\(i\)](#) may remove, if agreed to by the plaintiff, the action to a small claims court within the same district by:
  - (i) giving notice, including the small claims filing number, to the district court of



- removal during the time afforded for a responsive pleading; and
- (ii) paying the applicable small claims filing fee.
- (b) A filing fee may not be charged to a plaintiff to appeal a judgment on an action removed under Subsection (2)(a) to the district court where the action was originally filed.
- (3) The judgment in a small claims action may not exceed \$11,000 including attorney fees, but exclusive of court costs and interest.
- (4) A counter claim may be maintained in a small claims action if the counter claim arises out of the transaction or occurrence which is the subject matter of the plaintiff's claim. A counter claim may not be raised for the first time in the trial de novo of the small claims action.
- (5) A claim involving property damage from a motor vehicle accident may be maintained in a small claims action, and any removal or appeal of the small claims action, without limiting the ability of a plaintiff to make a claim for bodily injury against the same defendant in a separate legal action. In the event that a property damage claim is brought as a small claims action:
  - (a) a liability decision in an original small claims action or appeal of the original small claims action is not binding in a separate legal action for bodily injury; and
  - (b) an additional property damage claim may not be brought in a separate legal action for bodily injury.
- (6) (a) With or without counsel, persons or corporations may litigate actions on behalf of themselves:
  - (i) in person; or
  - (ii) through authorized employees.
- (b) A person or corporation may be represented in an action by an individual who is not an employee of the person or corporation and is not licensed to practice law only in accordance with the Utah Rules of Small Claims Procedure as made by the Supreme Court.
- (7) If a person or corporation other than a municipality or a political subdivision of the state files multiple small claims in any one court, the clerk or judge of the court may remove all but the initial claim from the court's calendar in order to dispose of all other small claims matters. A claim so removed shall be rescheduled as permitted by the court's calendar.
- (8) A small claims matter shall be managed in accordance with simplified rules of procedure and evidence made by the Supreme Court.

**78A-8-103. Assignee may not file claim.**

A claim may not be filed or prosecuted in small claims court by any assignee of a claim.

**78A-8-104. Object of small claims -- Attachment, garnishment, and execution.**

- (1) The hearing in a small claims action has the sole object of dispensing speedy justice between the parties. The record of small claims proceedings shall be as provided by rule of the Judicial Council.
- (2) Attachment, garnishment, and execution may issue after judgment as prescribed by law, upon the payment of the fees required for those services.

**78A-8-105. Civil filing fees.**

- (1) Except as provided in this section, the fees for a small claims action in justice court shall be the same as provided in Section [78A-2-301](#).
- (2) Fees collected in small claims actions filed in municipal justice court are remitted to the municipal treasurer. Fees collected in small claims actions filed in a county justice court are remitted to the county treasurer.
- (3) The fee in the justice court for filing a notice of appeal for trial de novo in a court of record is \$10. The fee covers all services of the justice court on appeal but does not satisfy the trial de novo filing fee in the court of record.

**78A-8-106. Appeals -- Who may take and jurisdiction.**

- (1) Either party may appeal the judgment in a small claims action to the district court of the county by filing a notice of appeal in the original trial court within 28 days of entry of the judgment. If the judgment in a small claims action is entered by a judge or judge pro tempore of the district court, the notice of appeal shall be filed with the district court.
- (2) The appeal is a trial de novo and shall be tried in accordance with the procedures of small claims actions. A record of the trial shall be maintained. The trial de novo may not be heard by a judge pro tempore appointed under Section [78A-8-108](#). The decision of the trial de novo may not be appealed unless the court rules on the constitutionality of a statute or ordinance.

**78A-8-107. Costs.**

The prevailing party in any small claims action is entitled to costs of the action and also the costs of execution upon a judgment rendered therein.

**78A-8-108. Evening hours -- Judges pro tempore.**

- (1) The district or justice court may request that the Supreme Court appoint a member of the Utah State Bar in good standing, with the member's consent, as judge pro tempore to hear

and determine small claims at times, including evening sessions, to be set by the court.

(2) After being duly sworn, judges pro tempore shall:

- (a) serve voluntarily and without compensation at the request of the court; and
- (b) be extended the same immunities, and have the same powers with respect to matters within the jurisdiction of the small claims court as exercised by a regular judge.

**78A-8-109. Report to Judiciary Interim Committee.**

The Judicial Council shall present to the Judiciary Interim Committee, if requested by the committee, a report and recommendation concerning the maximum amount of small claims actions.

**78A-10-102. Nomination, appointment, and confirmation of judges.**

Judges for courts of record in Utah shall be nominated, appointed, and confirmed as provided in Utah Constitution Article VIII, Section 8, and this chapter.

**78A-10-105. Senate confirmation of judicial appointments -- Courts of record.**

(1) The Senate shall:

- (a) consider and decide on each judicial appointment within 60 days of the date of appointment; and
- (b) if necessary, convene itself in extraordinary session to consider a judicial appointment.

(2) If the Senate fails to approve the appointment, the office is considered vacant and a new nominating process begins.

(3) An appointment is effective upon approval of a majority of all members of the Senate.

(4) The judicial nominating commission, the governor, the chief justice, and the Senate shall nominate and select judges based solely upon consideration of their fitness for office without regard to any partisan political considerations.

**78A-12-207. Evaluation of justice court judges.**

(1) The Judicial Performance Evaluation Commission shall:

- (a) conduct a performance evaluation for each justice court judge in the third and fifth year of the justice court judge's term;
- (b) classify each justice court judge into one of the following three categories:

- (i) full evaluation;
  - (ii) midlevel evaluation; or
  - (iii) basic evaluation; and
- (c) establish evaluation criteria for each of the three categories.
- (2) A full evaluation justice court judge shall be subject to the requirements of this chapter.
- (3) A midlevel evaluation justice court judge shall be governed by this chapter, except as provided below:
  - (a) the commission shall administer an intercept survey periodically outside the courtroom of the evaluated justice court judge in lieu of the survey specified in Section [78A-12-204](#); and
  - (b) courtroom observation may not be conducted for midlevel evaluation justice court judges.
- (4) A basic evaluation justice court judge shall be governed by this chapter, except as provided below:
  - (a) basic evaluation justice court judges shall comply with minimum performance standards for judicial education, judicial conduct, cases under advisement, and any other standards the commission may promulgate by administrative rule; and
  - (b) courtroom observation and surveys may not be conducted for basic evaluation justice court judges.

## **COURT RULES**

### **Rule 3-303. Justice court clerks.**

Intent:

To provide for clerical services in justice courts and to establish uniform responsibilities for justice court clerks.

Applicability:

This rule shall apply to all justice courts.

Statement of the Rule:

- (1) Clerks shall be provided to each justice court to assist the judge in managing the operation of the courts. The clerk shall have primary responsibility for performing clerical duties including:
  - (A) recordkeeping;

- (B) filing reports;
  - (C) scheduling hearings and trials;
  - (D) mailing notices;
  - (E) maintaining case files;
  - (F) collecting fines;
  - (G) docketing cases;
  - (H) taking and certifying acknowledgments and administering oaths; and
  - (I) other court related duties as assigned.
- (2) The judge shall concur in the appointment of the clerk assigned to serve the court and shall participate in the personnel evaluation process for that clerk.
- (3) If the clerk is serving the court in a part time capacity, the clerk shall not be assigned to other duties which present a conflict of interest or promote an appearance of impropriety regarding court responsibilities.
- (4) Counties and municipalities are responsible for bearing the expense of providing clerical services to the justice courts located within their jurisdictions.

**Rule 4-610. Appointment of justice court judges to preside at first appearances, preliminary hearings and arraignments.**

Intent:

To establish the criteria for the appointment of justice court judges to preside at first appearances, preliminary hearings and arraignments.

Applicability:

This rule shall apply to the district and the justice courts.

Statement of the Rule:

(1) The presiding district court judge may appoint a justice court judge to preside at a first appearance, preliminary hearing or arraignment if:

(A) the justice court judge consents to the appointment; and

(B) the justice court judge has either completed a course in the conducting of first appearances, preliminary hearings and arraignments, or has presided over at least five first appearances, preliminary hearings and arraignments prior to the effective date of this rule.

(2) A justice court judge may only accept a plea of not guilty, or not guilty by reason of insanity.

(3) The Justice Court Administrator shall maintain a list of those justice court judges who meet the qualifications set forth in paragraph (1)(B) above.

(4) The administrative office shall offer courses in the conducting of first appearances, preliminary hearings and arraignments, and shall pay the expenses of justice court judges attending such courses not offered in conjunction with the annual justice court judges conference.

(5) Hearings conducted pursuant to this rule shall be conducted on the record.

**Rule 4-801. Filing small claims cases.**

Intent:

To establish a procedure for filing small claims cases in the appropriate justice court.

Applicability:

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

Statement of the Rule:

Small claims actions shall be filed in a justice court with territorial jurisdiction. If there is no justice court with territorial jurisdiction, the case may be filed in the district court, and the plaintiff shall state why no justice court has jurisdiction. If a small claims affidavit, without the required statement, is presented for filing in a district court, the clerk shall reject it with instructions to file in a justice court with jurisdiction. If the clerk fails to reject it initially, the affidavit and filing fee shall be returned to the plaintiff when the deficiency is first noticed.

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

Intent:

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

Applicability:

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

Statement of the Rule:

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

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

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

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

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

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

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

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

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

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

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

(12) All business conducted by the Board shall be conducted in accordance with this Code. (13) The Board shall be responsible for certifying new justice courts and recertifying existing justice courts to the Judicial Council as outlined in Rule 9-108.

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

#### **Rule 9-102. Caseload report requirements.**

Intent:

To establish the caseload reporting requirements for Justice Courts.

Applicability:

This rule shall apply to all Justice Courts.

Statement of the Rule:

- (1) Every Justice Court judge shall direct the clerk to prepare a Monthly Report of Court Caseload or complete the form personally if there is no court clerk.
- (2) This report shall be submitted by the tenth day of the month following the report period.
- (3) A separate form shall be prepared for each court in which a judge sits.
- (4) If the court has had no cases to report during the preceding month, a form shall be submitted to document that no cases were filed or disposed of during the month.

#### **Rule 9-103. Certification of educational requirements.**

Intent:

To establish the process for measuring compliance with the certification requirements of Utah statutes.

Applicability:

This rule shall apply to all Justice Court judges.

Statement of the Rule:

(1) Notification shall be sent to each Justice Court judge of the date and place of the annual Justice Court Conference.

(2) Each Justice Court judge shall enter his or her name on a roll to be kept at the annual Justice Court Conference.

(3) No later than February 1, the Justice Court Administrator shall report to the Judicial Conduct Commission the names of Justice Court judges who have failed during the previous calendar year:

(3)(A) to attend or be excused from a mandatory conference; or

(3)(B) to obtain 30 hours of judicial education.

#### **Rule 9-104. Salary recommendations.**

Intent:

To establish the process for determining recommended salary levels for Justice Court judges.



**Applicability:**

This rule shall apply to the Board of Justice Court Judges and the Administrative Office of the Courts.

**Statement of the Rule:**

(1) The Personnel Manager for the courts shall develop a salary plan for Justice Court judges. A weighted caseload formula, which has been reviewed and approved by the Board, shall serve as a basis for determining relative pay ranges.

(2) A revision of the recommended salary scale shall be done whenever the compensation of district court judges has been increased by the legislature. The scale shall then be sent to the local governmental unit responsible for setting the salary of the judge.

(3) Upon request of a Justice Court judge, a reevaluation of the salary recommendation may be made, based upon a change in his or her workload. No recommendation shall be made, however, which reduces the judge's salary during a term of office.

**Rule 9-105. Justice Court hours.****Intent:**

To establish minimum court hours for Justice Courts.

**Applicability:**

This rule shall apply to all Justice Courts.

**Statement of the Rule:**

(1) Every Justice Court shall establish a regular schedule of court hours to be posted in a conspicuous location at the court site.

(2) Justice Courts shall be open and available to transact judicial business every business day, Monday through Friday, excluding holidays as defined in Utah Code section 63G-1-301, and unless specifically waived by the Judicial Council. During the scheduled hours of court operation the Justice Court judge or clerk shall be physically present or immediately available remotely.

(3) Justice Courts shall provide, at a minimum, the following hours of operation:

| Number of Average Monthly Filings | Hours Per Day |
|-----------------------------------|---------------|
| 0-60                              | 1             |
| 61-150                            | 2             |
| 151-200                           | 3             |

|             |   |
|-------------|---|
| 201-300     | 4 |
| 301-400     | 5 |
| 401-500     | 6 |
| 501 or more | 8 |

(4) The Justice Court judge may schedule the court hours to meet the needs of the litigants and the availability of bailiff and clerk services.

(5) Court hours shall be set at least quarterly and the Justice Court judge shall annually send notice to the Administrative Office of the Courts of the hours which have been set for court operation.

**Rule 9-106. New judge certification procedure.**

Intent:

To establish the orientation and testing procedure to be followed in determining certification of proposed justice court judges.

Applicability:

This rule shall apply to all newly appointed justice court judges who are not already certified judges in other justice courts in Utah. This rule shall not apply to active senior justice court judges.

Statement of the Rule:

(1) The Council shall schedule three orientations each year. Upon receipt of written notification of the name of a proposed judge, both the proposed judge and the appointing authority shall be notified in writing of the date of the next orientation, and such notification shall include a copy of this rule.

(2) At least 10 days prior to the orientation, the proposed judge shall be sent a copy of the current Manual for Justice Court Judges.

(3) Prior to the orientation, the appointing authority shall assure, and shall notify the Council, that the proposed judge meets the statutory qualifications for office.

(4) The orientation shall cover substantive and procedural issues pertinent to justice courts as outlined in the Manual for Justice Court Judges.

(5) Upon completion of the orientation session, an examination shall be administered. In order to be certified, each proposed judge must attend all parts of the orientation and must answer at least 80% of the examination questions correctly.

(6) If a proposed judge fails to answer 80% of the questions correctly, that proposed judge shall have the opportunity to take another examination not sooner than 15 days after the orientation. The second examination shall be preceded by a substantive review of the first examination and an opportunity for additional instruction.

(7) A proposed judge who fails to answer 80% of the questions on the second examination correctly must wait until the next scheduled full orientation in order to be retested. The appointing authority shall be notified of the status of the proposed judge, and the provisions of paragraphs (5) and (6) above shall once again apply.

(8) Upon completion of the orientation process, the Justice Court Administrator shall make a recommendation to the Council respecting certification. The Council shall either certify that the proposed judge has attended the orientation and successfully passed the examination, or decline to certify the same. The Council shall notify the proposed judge and the appointing authority of its decision in writing.

(9) The Council may waive any of the non-statutory requirements above for good cause shown.

**Rule 9-107. Justice court technology, security, and training account.**

Intent:

To establish the process for allocation of funds from the Justice Court Technology, Security, and Training restricted account.

Applicability:

This rule shall apply to all applications for and allocations from the account.

Statement of the Rule:

(1) Any governmental entity that operates or has applied to operate a justice court may apply for funds from the account for qualifying projects. Local governmental entities may only use the funds for one-time purposes, and preference will be given to applications that propose to use the funds for new initiatives rather than for supplanting existing efforts.

(2) The Board of Justice Court Judges, through the Administrative Office of the Courts, may apply for funds from the account for qualifying projects.

(3) The Administrative Office of the Courts may apply for funds from the account for qualifying projects, and may use the funds for ongoing support of those projects.

(4) Qualifying projects are those that meet the statutory requirements for the use of the account funds.

(5) Funds will be distributed on or about July 1 of each year in which funds are available, and applications for those funds must be made by April 15 of the same year on forms available from the Administrative Office of the Courts. All applications for funds shall be first reviewed and

prioritized by the Board of Justice Court Judges, and that recommendation, along with all timely applications shall then be forwarded to the Management Committee of the Judicial Council. The Management Committee will then make the final awards.

(6) An entity receiving funds shall file with the Board of Justice Court Judges an accounting, including proof of acquisition of the goods or services for which the award was granted. The accounting shall be filed no later than July 15 for activity during the previous fiscal year.

**Rule 9-108. Justice court standards.**

Intent:

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

Applicability:

This rule shall apply to the judiciary.

Statement of the Rule:

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

(A) To recommend to the Council:

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

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

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

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

(2) Adoption and review of standards.

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

(B) Operational standards shall be reviewed and updated every two years.

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

**Rule 9-109. Presiding judges.**

Intent:

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

**Applicability:**

This rule shall apply to presiding judges, associate presiding judges, and education directors in the Justice Courts.

**Statement of the Rule:****(1) Election and term of office.****(1)(A) Presiding judge.**

(1)(A)(i) A presiding judge in each judicial district shall be elected by a majority vote of the active judges present at the district meetings held at the 2018 Justice Court Conference. Thereafter, regular elections shall take place at the annual conference in odd years for odd-numbered districts and in even years for even-numbered districts. In the event that a majority vote cannot be obtained, the presiding judge shall be determined by the Board of Justice Court Judges. Interim elections, if necessary, shall take place as provided in this rule. A presiding judge shall be an active judge, currently appointed to at least one court within the district. Senior judges are ineligible to hold or vote for the office of presiding judge.

(1)(A)(ii) The presiding judge's term of office shall be from the time of his or her election or appointment until he or she resigns or until the next regular election, whichever occurs first. A presiding judge may serve successive terms.

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

(1)(B)(i) The active judges of a district may, at their discretion, elect one judge of the district 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). An associate presiding judge shall be an active judge, currently appointed to at least one court within the district. Senior judges are ineligible to hold or vote for the office of associate presiding judge.

(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.

**(1)(C) District education director.**

(1)(C)(i) The active judges of a district may, at their discretion, elect one judge of the district to the office of education director. An education director shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A). Senior judges are ineligible to vote for the office of district education director but may hold the office. If a district does not elect an education director, the associate presiding judge, if there is one, shall serve as the education director. If the district elects neither an education director nor an associate presiding judge, the presiding judge shall serve as the education director.

(1)(C)(ii) The education director shall serve on the justice court education committee and shall work with the Education Department of the Administrative Office in developing, planning and presenting relevant judicial training at the district level.

(1)(D) Removal and Other Vacancies of Office.

(1)(D)(i) If the office of presiding judge becomes vacant, then the associate presiding judge shall serve the rest of the presiding judge's term. If there is no associate presiding judge, the district education director shall, if the education director is an active judge, serve the unexpired term. Otherwise, the Chair of the Board of Justice Court Judges shall appoint a judge to serve until the next district meeting.

(1)(D)(ii) A presiding judge may appoint, on an interim basis, an eligible judge of the district to fill an unexpired term of associate presiding judge or education director until the next district meeting. At the district meeting, the active judges present shall ratify the appointment by majority vote. If they do not ratify the appointment, or if the presiding judge does not make an interim appointment, nominations and an election shall then be held at that meeting to fill the unexpired term.

(1)(D)(iii) A presiding judge, associate presiding judge or education director may be removed from that office by a two-thirds vote of the active justice court judges in the district. A successor presiding judge shall, or an associate presiding judge or education director may, then be elected to fill the unexpired term of the vacant office.

(1)(D)(iv) In extraordinary circumstances, to preserve confidence in the fair administration of justice, the Presiding Officer of the Judicial Council may remove a judge from any office described in this rule. Vacancies shall be filled as provided in this rule.

## **(2) District meetings.**

(2)(A) Each district shall have regular meetings to discuss and decide district business, receive training, or address issues and concerns specific to the district.

(2)(A)(i) The presiding judge shall call and preside over a meeting of other justice court judges in the district at the annual Justice Court Conference.

(2)(A)(ii) Each district shall have at least one other meeting during the calendar year in which a majority of active justice court judges is present, including the presiding judge or associate presiding judge.

(2)(B) In addition to regular meetings, the presiding judge or a majority of the active judges may call additional meetings as necessary.

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

(2)(D) Other than judges and the Justice Court Administrator, attendance at district meetings shall be by invitation of the presiding judge only.

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

### **(3) Administrative responsibilities and authority of presiding judge.**

(3)(A) Generally. The presiding judge is charged with the responsibility for the effective operation of the justice courts within a district. He or she is responsible for the implementation and enforcement of statutes, rules, policies, and directives of the Judicial Council and the Board of Justice Court Judges as they pertain to the administration of the courts. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

(3)(B) Coordination of required training.

(3)(B)(i) The presiding judge, associate presiding judge, or education director shall: (a) be responsible to see that judges in his or her district are appropriately trained, (b) assist in planning statewide trainings as part of the Education Committee, (c) plan district training to be held in connection with the meetings required by section (2), (d) recommend mentors for new judges, and (e) arrange for individual training, as needed.

(3)(B)(ii) Presiding judges are encouraged to observe the hearings of judges within the district to assess training needs.

(3)(C) Court committees. The presiding judge shall, where appropriate, make use of committees composed of other judges and court personnel to investigate problem areas and improve the administration of justice.

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

(3)(D)(i) The presiding judge shall be available to meet with the media, outside agencies, such as prosecuting attorneys, city attorneys, county attorneys, public defenders or associations of defense counsel, sheriffs, police chiefs, bar association leaders, probation providers, government officials of cities or counties located within the district, civic organizations, and other state agencies.

(3)(D)(ii) The presiding judge shall be the primary judicial representative of the justice court judges in the district.

(3)(D)(iii) Nothing in this rule shall replace or interfere with the statutory and administrative responsibilities of an appointed judge to the appointing authority of a court.

(3)(E) Judicial officers. The presiding judge shall discuss significant concerns, problems or complaints regarding the judges in his or her district with the Justice Court Administrator, who shall work together to resolve the concern. In the event that another judge in the district 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, depending on the severity of the issue and consistent with legal and ethical obligations:

(3)(E)(i) Consult with appropriate staff at the Administrative Office of the Courts and/or discuss the issue with other presiding judges;

(3)(E)(ii) Meet with the judge to explain the reasons for the directive given or the position taken, consult with the judge about alternative solutions and reevaluate the directive or position, as appropriate;

(3)(E)(iii) Present the problem to the Board of Justice Court Judges for input;

(3)(E)(iv) Require the judge to participate in appropriate counseling, therapy, education or treatment; or

(3)(E)(v) Refer the problem to the Judicial Council, the Chief Justice, or the Judicial Conduct Commission, as appropriate.

(3)(F) Liaison. The presiding judge or his or her designee shall serve as a liaison between the justice courts of the district and (i) the Board of Justice Court Judges and (ii) the presiding judges of Juvenile Court and District Court.

(3)(G) Reassignment.

(3)(G)(i) In the event that a motion to disqualify a judge or judges is filed and no appointed judge of the court is available or empowered to hear the motion, the presiding judge shall consider the motion and, if necessary, assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.

(3)(G)(ii) In the event that all of the appointed judges of a court recuse themselves from a matter, the presiding judge shall assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.

(3)(H) Compliance with standards. The presiding judge shall monitor and ensure that judges are complying with performance standards established by the Council or as otherwise required by law.

(3)(I) Performance evaluations. Pursuant to Utah Code 78A-12-203, the presiding judge shall receive the midterm reports prepared by the Judicial Performance Evaluation Commission for the other justice court judges in his or her district. The presiding judge shall consult with the evaluated judge and the Justice Court Administrator to develop a plan for addressing the issues resulting in less than satisfactory scores.

#### **Rule 9-302. Mandatory electronic filing.**

##### **Intent:**

To provide that documents filed in criminal cases in justice court be filed electronically.

To provide for exceptions.

##### **Applicability:**

This rule applies in the justice court.

##### **Statement of the Rule:**

(1) Except as provided in paragraph (3), pleadings and other papers filed in criminal cases in justice court between July 1, 2016 and December 31, 2016 may be electronically filed using the electronic filer's interface.



(2) Except as provided in paragraph (3), pleadings and other papers filed in criminal cases in justice court on or after January 1, 2017 shall be electronically filed using the electronic filer's interface.

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

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

(3) The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the filer's service provider.

## **Appendix B. Justice Court Standards For Recertification**

### Instructions to applicant for recertification

As part of the application process, each entity should carefully review all requirements for the operation of Justice Courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operations of the Court, the governing body of each entity must request a written opinion from its attorney advising the entity of all requirements for the operation of a Justice Court, and the feasibility of maintaining a Justice Court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for the operation of the Court during the period of certification. A copy of the attorney's opinion and the resolution must accompany the application. A representative of the entity may appear before the Committee to present the application and may present any additional information which the applicant desires to present to the Committee. In the event that additional information is deemed necessary, the Committee may request such additional information from the applicant. Certification will certify the court to process all cases which come within the jurisdiction of the court including criminal, civil and small claims cases pursuant to Section 78A-7-106.

Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (Section 78A-7-213).

2. Each court shall be opened and judicial business shall be transacted every day as provided by law (Section 78A-7-213), although the judge is not required to be present during all hours that the court is open.

3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (Section 78A-7-213).

4. The judge and the clerk of the court shall attend the court at regularly scheduled times (Section 78A-7-213).

5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (Section 78A-7-206 and Section 78A-7-211).

6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (Section 78A-7-205).

7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (Section 78A-7-211).

8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (Section 78A-7-209).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (Section 78A-7-209).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (Section 78A-7-209).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the Court.

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (Section 78A-7-121 and Section 78A-7-119).

13. Every entity creating a court shall pay the judge of that court a fixed compensation (Section 78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (Section 78A-7-212).

15. The entity creating the court shall provide and keep current for the court a copy of the Motor Vehicle Laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference material (Section 78A-7-214).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to Section 78A-7-215.

17. An audio recording system shall maintain the verbatim record of all court proceedings. Section 78A-7-103. For Class I and Class II justice courts, the system must:

- (a) be a stand-alone unit that records and audibly plays back the recording;
- (b) index, back-up and archive the recording and enable the record to be retrieved.
- (c) have at least four recording channels;
- (d) have a one-step "on" and "off" recording function;
- (e) have conference monitoring of recorded audio;

- (f) have external record archiving from the unit with local access;
- (g) be capable of being integrated with the courts public address system; and

For Class III and Class IV justice courts, the system must, at a minimum:

- (h) be a stand-alone unit that records and audibly plays back the recording;
- (i) index, back-up and archive the recording and enable the record to be retrieved; and
- (j) have at least two recording channels.

The Board of Justice Court Judges may create a list of products that meet these criteria.

In addition to those requirements which are directly imposed by statute, Section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

1. That the Court be opened for at least one hour each day that the court is required to be open as provided by law (Section 78A-7-213).

2. That the judge be available to attend court and conduct court business as needed.

3. That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public. (A suggested courtroom configuration is attached).

4. A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.

5. Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.

6. A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.

7. The entity must have at least one peace officer (which may be contracted).

8. A court security plan must be submitted consistent with C.J.A. Rule 3-414.

9. Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.

10. Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

In establishing minimum requirements, the Judicial Council has determined that Justice Courts with higher case filings require greater support services. To accommodate the great differences in judicial activity between Justice Courts within the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification. Courts which have an average of less than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are stated above. (These requirements are also attached as Class IV minimum requirements). These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

Courts which have an average of more than 60 but less than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week (see attached Class III minimum requirements), and court must be scheduled at least every other week. Courts which have an average of more than 200 but less than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours (see attached Class II minimum requirements), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his own use, clerical space may not be shared, at least one full-time clerk must be provided (see attached Class II minimum requirements), and the courtroom, judge's chamber and clerk's office must be in the same building. Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three clerks, it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and which meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

The State Legislature has provided that any Justice Court which continues to meet the minimum requirements for its class is entitled to be recertified. However, the Judicial Council also has authority to waive any minimum requirement which has not been specifically imposed by the Legislature (i.e. requirements 1 - 10 above, which have been adopted by the Judicial Council pursuant to Section 78A-7-103). Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified and, the fact that a waiver has been previously granted, will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the Justice Courts. The needs of a particular Court are affected by the type of cases filed (some courts have a high percentage of traffic matters,

while others handle significant numbers of criminal and small claims matters), the location of the Court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the Court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions. In order to adequately function it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; and in such circumstances waiver may be requested.

The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

Applications for existing courts for recertification shall be accompanied by a certificate of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met during the prior year. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. In addition, individual Justice Court Judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held, and that the operational standards for the court have been met during the prior year.

Upon submission of an application, the Justice Court Standards Committee will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If the Committee intends to recommend against certification, it shall specify the minimum requirements which have not been met. The entity may then present additional information to the Committee, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the Committee will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Committee's recommendations.

If you have any questions concerning this application, please contact James Peters, counsel to the Justice Court Standards Committee, at P. O. Box 140241, Salt Lake City, Utah 84114-0241, telephone: (801)578-3824.

## HISTORY OF UTAH'S JUSTICE COURTS

### PART I – Creation of Utah's Justice Courts<sup>1</sup>

#### **Utah Territory: 1850**

Justices of the peace had been in existence in England since the mid-1300's. They were historically judicial officers elected or appointed to serve a local community. Justices of the peace were not required to have formal legal training. This tradition was brought with English settlers to the United States. The institution was common throughout the United States at the time Utah was settled.

In January of 1850, just three years after Mormon settlers arrived in the Salt Lake valley in what was then a Mexican territory, the local legislature of the proposed State of Deseret created county probate courts. Later, in September 1850, the United States Congress passed an Organic Act organizing the Utah Territory. The organization of the territory included the creation of a court system which included a territorial supreme court, federal district courts with federally appointed judges, and local justices of the peace. Due to the tension between the federal government and the Mormon settlers, the settlers sought to increase the jurisdiction of the local probate courts, thereby eliminating reliance on the federal courts. The jurisdiction of the probate courts therefore expanded over the next few years until by 1855 they had virtually the same jurisdictional authority as the federal district courts.

The local justices of the peace heard violations of local ordinances and small claims cases. The probate courts heard appeals from justice of the peace courts. As had historically been the case, justices of the peace were not required to have legal training. In Utah, this may have been for practical reasons as well as tradition. Brigham Young is often quoted for his dislike of lawyers. In a speech given in 1872, Young was quoted as saying, "I feel about them as Peter of Russia is said to have felt when he was in England. . . He replied that he had two lawyers in his empire, and when he got home he intended to hang one of them."<sup>i</sup>

#### **Statehood: 1896**

The Utah Constitution was drafted in a convention that began in March 1895. On January 4, 1896, Utah was admitted to statehood. Territorial courts transitioned to state courts with the authority provided for by the Utah Constitution. Article VIII, Section 1 of the Constitution established the judiciary for the state. In addition to establishing other levels of courts, that article also states "Courts not of record shall also be established by statute." The "Courts not of record" consisted of the justice of the peace courts that continued to operate much the same up until 1989.

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<sup>1</sup> Part I Creation of Utah's Justice Courts is taken from "The Evolution of Utah's Justice Courts," Judge Paul C. Farr, Utah Bar Journal July/August 2016.

### **Circuit Courts: 1978 - 1996**

“From 1978 to 1996, a 12-court circuit court system existed to handle misdemeanors, criminal cases through the preliminary hearings, and civil small case claims. They could not handle such things as divorce cases, probate cases, or land title cases. Beginning in 1996 and completed in 1997, the circuit courts were consolidated into the district courts.”<sup>ii</sup>

After circuit courts merged with the district courts, justice courts (whose creation is discussed below) began handling the small claims and misdemeanor criminal offenses that were previously being handled in the circuit courts. The District Courts did maintain jurisdiction over preliminary hearings in class A misdemeanor and felony criminal cases, although the court may utilize qualified justice court judges to hear them.

### **Constitutional Revision: 1984**

In 1984 the Utah Constitution was revised with respect to Article VIII. This revision included many significant changes regarding the rule-making authority of the Supreme Court, the role of the Judicial Council and others. In addition to these changes, Article VIII, Sec. 11 was added, which states:

Judges of courts not of record shall be selected in a manner, for a term, and with qualifications provided by statute. However, no qualification may be imposed which requires judges of courts not of record to be admitted to practice law. The number of judges of courts not of record shall be provided by statute.

This section continued the historical trend that justices of the peace, because they presided over courts not of record, were not required to be lawyers. However, the language used carried an important distinction for future developments. This constitutional language states that a justice court judge may not be required to be “admitted to the practice law,” i.e., a member of the Utah State Bar. However, other qualifications, including educational requirements, were still to be determined by statute.

### **Creation of Justice Courts: 1989**

In 1983 the Utah State Legislature created the Utah Commission on Criminal and Juvenile Justice. The Commission, along with the Court Administrator’s Office, established a task force to study and recommend changes to the justice of the peace system. Based on those recommendations, in 1989 the Utah State Legislature passed legislation creating the justice courts. This was originally enacted as section 78-5-101, but was later (in 2008) renumbered to 78A-7-101, et seq., Utah Code Ann. The justice courts continued handling matters that were previously being handled by the justice of the peace. Again, in 1996 with the dissolution of the circuit courts, justice courts also began presiding over the small claims and misdemeanor criminal matters (class B and C) that had previously been within the jurisdiction of circuit courts. Educational requirements for justice court judges continued to be a high school diploma.

## PART II – Justice Court Reforms in Utah

### **Nehring Commission**

On February 27, 2006 the Judicial Council created a Committee tasked with looking at justice court reform. (The minutes from this meeting are available at: <https://www.utcourts.gov/admin/judcncl/min-2006/min02-06.htm>) Justice Ronald Nehring was selected as the committee chair. This committee has subsequently been referred to as the Nehring Commission. The committee's work was addressed in a Judicial Council meeting as reflected in minutes from May 30, 2006. One year later, on May 29, 2007, the committee's work was again discussed at a Council Meeting and the committee's goals were set forth, which included: (1) judicial independence, (2) public trust and confidence, (3) preserving the right to maintain a local court, and (4) eliminating concurrent jurisdiction with the District Court.

The committee provided its final report and recommendations to the Utah Judicial Council at its meeting on November 26, 2007. (The minutes of this meeting are available at the following link: <https://www.utcourts.gov/admin/judcncl/min-2007/min11-07.pdf>) Some of the recommendations were ultimately implemented, while others were not. The recommendations included:

1. Uncoupling money and the judge
  - Make justice court judges state paid
  - Pay full-time judges 90% of a district court judge salary
  - Pay part time judges a percentage based on weighted caseload
  - Bill sponsoring agencies a flat rate to cover salary and benefits
2. Make the judicial selection process more merit based, including nominating commission selection process, retention elections and terms of office.
3. Assure public confidence in the fairness and competence of all justice court judges.
  - Require all judges to have at least a 4-year degree.
4. Attract and retain good judges
  - All future vacancies will be full-time
  - Full-time judges to receive same benefits as district court judges, except retirement
  - Judges above .5 would get full health insurance benefits
  - Salary cannot be reduced during term of office
5. Current judges would serve out their current term of office. Full-time judges would stand for retention. Part-time judges would be guaranteed at least one 3-year appointment as an active senior judge.
6. Approximately 60 FTE judges would be needed to manage statewide caseload. The number of Judges would be provided by statute.

### **Recordings**

In 2011 the legislature amended Utah Code section 78A-7-103 to require that all proceedings in justice court be audio recorded. These requirements have been implemented. Most large courts have recording systems similar to those used in the district courts. Some small courts use handheld digital recorders.



## **Educational Requirements**

H.B. 160, passed in 2016, amended section 78A-7-201 Utah Code. This section requires justice court judges in first and second class counties (Weber, Davis, Salt Lake, Utah and Washington) to have a law degree to be considered for appointment. This bill did not go so far as to require justice court judges to be members of the bar, as that would have required a constitutional amendment. (Article III, Sec. 11, Utah Constitution).

## **Presiding Judges**

At the June 25, 2018 Judicial Council meeting, Rule 9-109 was approved. This rule created presiding judges in each district at the justice court level. Implementation of this rule was a priority of the Board of Justice Court Judges and has improved, and will continue to improve, judicial administration efforts.

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<sup>i</sup> *Journal of Discourses*, October 9, 1872, reported by David W. Evans.

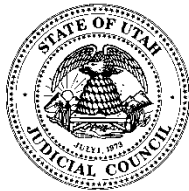
<sup>ii</sup> Utah Administrative Office of the Courts, <http://archives.utah.gov/research/guides/courts-system.htm>



# Tab 5



## Agenda

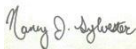


## Administrative Office of the Courts

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

### MEMORANDUM

Hon. Mary T. Noonan  
Interim State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

**To:** Judicial Council  
**From:** Nancy Sylvester   
**Date:** January 15, 2020  
**Re:** Certification of Senior Judges

Judge Thomas Willmore (district court-retiring February 16, 2020) and Judge Gordon Low (district court-retired) have applied for Active Senior Judge status and Judge Evan Hall (justice court-retired) has applied for Inactive Senior Judge status. I have attached their application forms, which show compliance with the minimum qualifications for office and with judicial performance standards.

Judge Low was an active senior judge from 2016-2018, but elected inactive status during his 18-month Australia mission. Judge Low is in compliance with Judicial branch education [rule 3-403\(3\)\(A\)\(ii\)](#), which provides, "If an inactive senior judge or a retired judge applies to be an active senior judge, the judge shall demonstrate that less than three years has passed since he or she last complied with the continuing education requirements of an active senior judge."

None of the judges has complaints pending before the Judicial Conduct Commission or the Utah Supreme Court.

I will come prepared with the Board of Justice Court Judges' recommendation on Judge Hall's certification. The board meets on January 17<sup>th</sup>.

The Judicial Council's certification decision on the three applicants will be forwarded to the Utah Supreme Court for its consideration in the appointment process.



## Senior Judge Application Active Status

### Qualifications for Office

I, Thomas L. Willmore, hereby apply for the office of Active Senior Judge and declare as follows:

- 1) I was retained in the last election in which I stood for election.
- 2) I voluntarily resigned from judicial office, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, have recovered from or have accommodated that disability.
- 3) I am physically and mentally able to perform the duties of judicial office.
- 4) I demonstrate appropriate ability and character.
- 5) I am admitted to the practice of law in Utah, but I do not practice law.
- 6) I am eligible to receive compensation under the Judges' Retirement Act, subject only to attaining the appropriate age.
- 7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace.
- 8) I am a current resident of Utah and available to take cases.
- 9) I will satisfy the education requirements of an active judge.
- 10) I will accept assignments at least two days per calendar year, subject to being called.
- 11) I will conform to the Code of Judicial Conduct, the Code of Judicial Administration, and rules of the Supreme Court.
- 12) I obtained results on the most recent judicial performance evaluation prior to termination of service sufficient to have been certified for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- 13) I continue to meet the requirements for certification for judicial performance evaluation as those requirements are established for active senior judges.
- 14) I was not removed from office or involuntarily retired on grounds other than disability.

- 15) I was not suspended during my final term of office or final six years in office, whichever is greater.
- 16) I did not resign as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause.
- 17) I will submit relevant information as requested by the Judicial Council.
- 18) My date of birth is **PRIVATE**, and my retirement date is February 16, 2020.
- 19) I have not been subject to any order of discipline for conduct as a senior judge.
- 20) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 21) During my current term there have been no orders of discipline against me entered by the Supreme Court, and I have attached a copy of each, if applicable.
- 22) The address at which I can be contacted after retirement is:

**PRIVATE****PRIVATE**

My email address and phone  
number are:

**PRIVATE****PRIVATE**

### Judicial Performance Evaluation Information

I further declare as follows:

- 23) I have held no more than three cases per calendar year under advisement more than 60 days after submission.
- 24) I have held no cases under advisement more than 180 days after submission.
- 25) I am in substantial compliance with the Code of Judicial Conduct.
- 26) I am physically and mentally fit for office.
- 27) I have obtained the following judicial education hours for the years indicated.

| 2017  | 2018 | 2019 |
|-------|------|------|
| 35.75 | 36   | 32   |

If you have fewer than 30 hours for the current year, list any course you plan to complete before the end of the year and the estimated number of hours associated with the course.

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- 28) I understand that I must contact the Administrative Office of the Courts and request transfer to inactive status prior to any planned leaves of absence that could interfere with my ability to fully comply with annual education requirements.

I waive my claim of confidentiality and request that a copy of any complaints submitted to the Judicial Conduct Commission be sent to the person shown below, if requested.

January 8, 2020

Date

Ther J. Williams

[FIRST NAME] [LAST NAME]

Please complete and return by \_\_\_\_\_ to:

Nancy J. Sylvester  
P.O. Box 140241  
Salt Lake City, Utah 84114-0241  
Fax: 801-578-3843  
Email: [nancyjs@utcourts.gov](mailto:nancyjs@utcourts.gov)





## Senior Judge Application for District or Juvenile Court Judge Active Status

### Qualifications for Office

I, GORDON J. LOW, hereby apply for the office of Active Senior Judge and declare as follows:

- 1) I was retained in the last election in which I stood for election.
- 2) I voluntarily resigned from judicial office, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, have recovered from or have accommodated that disability.
- 3) I am physically and mentally able to perform the duties of judicial office.
- 4) I demonstrate appropriate ability and character.
- 5) I am admitted to the practice of law in Utah, but I do not practice law.
- 6) I am eligible to receive compensation under the Judges' Retirement Act, subject only to attaining the appropriate age.
- 7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace. ( I WILL NEED TO REFRESH-ESPECIALLY IN ELECTRONIC RECORD AND IN JUDICIAL WORKSPACE.)
- 8) I am a current resident of Utah and available to take cases.
- 9) I will satisfy the education requirements of an active judge.
- 10) I will accept assignments at least two days per calendar year, subject to being called.
- 11) *If applying for a subsequent active senior judge term:* During my last term of office, I accepted assignments at least two days per calendar year. If you did not, please explain why in the lines below.  
I SERVED AS A MEDIATION INSTRUCTOR IN VIETNAM FROM MARCH-JUNE OF 2018. I THEN LEFT TO SERVE IN AUSTRALIA AS ASSOCIATE AREA LEGAL COUNSEL SEPTEMBER 2018. PREPARATION TO PROVIDE THE SAID FOREIGN SERVICE AND MY ABSENCE INTERFERED WITH OPPORTUNITIES TO SERVE ON THE BENCH.
- 12) I will conform to the Code of Judicial Conduct, the Code of Judicial Administration, and rules of the Supreme Court.

- 13) I obtained results on the most recent judicial performance evaluation prior to termination of service sufficient to have been certified for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- 14) I continue to meet the requirements for certification for judicial performance evaluation as those requirements are established for active senior judges.
- 15) I was not removed from office or involuntarily retired on grounds other than disability.
- 16) I was not suspended during my final term of office or final six years in office, whichever is greater.
- 17) I did not resign as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause.
- 18) I will submit relevant information as requested by the Judicial Council.
- 19) My date of birth is **PRIVATE** and my retirement date is 01/09/2007.
- 20) I have not been subject to any order of discipline for conduct as a senior judge.
- 21) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 22) During my current term there have been **NO** orders of discipline against me entered by the Supreme Court, and I have attached a copy of each, if applicable.
- 23) The address at which I can be contacted after retirement is:  
**PRIVATE** **PRIVATE**
- 
- My email address and phone number are: **PRIVATE** **PRIVATE**

### Judicial Performance Evaluation Information

I further declare as follows:

- 24) I have held no more than three cases per calendar year under advisement more than 60 days after submission.
- 25) I have held no cases under advisement more than 180 days after submission.
- 26) I am in substantial compliance with the Code of Judicial Conduct.
- 27) I am physically and mentally fit for office.

28) I have obtained the following judicial education hours for the years indicated.

| 2017 | 2018 | 2019 | 2020 |
|------|------|------|------|
| 30   | 0    | 8    | 0    |

(THE 2017 HOURS ARE MY BEST GUESS/RECOLLECTION. JUDICIAL ADMINISTRATION OFFICE RECORDS WILL ACCURATELY REFLECT THE HOURS.)

If you have fewer than 30 hours for the current year, list any course you plan to complete before the end of the year and the estimated number of hours associated with the course. You may also use these lines to explain the reason(s) for any other gaps in your education hours.

I INTEND TO COMPLETE 30+ HOURS OF LEGAL EDUCATION IN 2020

IN 2018, I WAS IN VIETNAM DURING THE UTAH SPRING BAR AND DISTRICT COURT CONFERENCES AND IN AUSTRALIA DURING THE ANNUAL JUDICIAL CONFERENCE AND OTHER UTAH BAR OFFERINGS.

29) I understand that I must contact the Administrative Office of the Courts and request transfer to inactive status prior to any planned leaves of absence that could interfere with my ability to fully comply with annual education requirements.

I waive my claim of confidentiality and request that a copy of any complaints submitted to the Judicial Conduct Commission be sent to the person shown below, if requested.

11 JANUARY 2020

Date

Gordon J. Lew  
Signature

Please complete and return the application at your earliest convenience. An electronic copy (a scanned copy that is emailed) is preferred, but you may return it using the method most convenient to you. Thank you.

Nancy J. Sylvester  
P.O. Box 140241  
Salt Lake City, Utah 84114-0241  
Email: [nancyjs@utcourts.gov](mailto:nancyjs@utcourts.gov); Fax: 801-578-3843





**Senior Judge Application**  
**Inactive Status**

I, EVAN B. HALL, apply for the office of senior judge, inactive status, and declare as follows:

- 1) I was certified by the Judicial Council for retention election or reappointment the last time the Council considered me for certification.
- 2) I voluntarily resigned from judicial office, was laid off pursuant to a reduction in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, recovered from or have accommodated that disability.
- 3) I demonstrate appropriate ability and character.
- 4) I was in office for at least five years. My separation date is Feb. 2018
- 5) I comply with the restrictions on secondary employment provided by the Utah Code.
- 6) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 7) During my current term there have been 0 orders of discipline against me entered by the Supreme Court, and I have attached a copy of each.
- 8) The mailing address and phone number at which I can be contacted after retirement are:

EVAN B. HALL

PRIVATE

PRIVATE

My email address and phone number are:

PRIVATE

PRIVATE

I waive my claim of confidentiality and request that a copy of any complaints submitted to the Judicial Conduct Commission be sent to the person shown below, if requested.

January 8, 2020  
Date

Evan B. Hall  
Signature

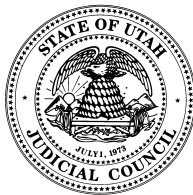
If you wish to apply for appointment, please complete and return no later than January 13, 2020 to:

Nancy J. Sylvester  
P.O. Box 140241  
Salt Lake City, Utah 84114-0241  
Fax: 801-578-3843  
Email: [nancyjs@utcourts.gov](mailto:nancyjs@utcourts.gov)

# Tab 6



## Agenda



## Administrative Office of the Courts

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

Hon. Mary T. Noonan  
State Court Administrator

Catherine J. Dupont  
Deputy Court Administrator

### MEMORANDUM

**TO:** Judicial Council  
**FROM:** Keisa L. Williams, Associate General Counsel – AOC  
**DATE:** Monday, January 27, 2020  
**RE:** (NEW) RULE – CJA 4-410 – Courthouse closure. – Expedited Approval

---

The Judicial Council approved this rule for public comment in August, 2019. No comments were received during the 45-day comment period. After additional review, Policy and Planning made minor amendments to the published draft.

The purpose of the rule is to establish protocols to which presiding judges, court staff, and other affected stakeholders may turn in the event that a courthouse needs to be closed or its opening delayed. The Trial Court Executives, Presiding Judges, and Board of Justice Court Judges reviewed this rule and offered suggested edits, which were incorporated.

Policy and Planning recommends that the Judicial Council approve the amendments to CJA 4-410 on an expedited basis with a January 27, 2020 effective date, pursuant to its authority under CJA 2-205.

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

**Rule 4-410. Courthouse closure.****Intent:**

To establish protocols surrounding the closure of a court's physical building in the event that extreme weather or other emergency situation prevents the safe arrival to, or the ability to safely conduct business in, the courthouse.

**Applicability:**

This rule applies to courts of record and not of record.

**Statement of the Rule:****(1) Definitions.****(1)(A) In courts of record:**

(1)(A)(i) "Presiding judge" refers to the judge who presides over the district or court level.

(1)(A)(ii) "Court executive" refers to the trial court executive in the district and juvenile courts and the Appellate Court Administrator in the appellate courts.

**(1)(B) In courts not of record:**

(1)(B)(i) "Presiding judge" refers to the local justice court presiding judge, not the district level presiding judge.

(1)(B)(ii) "Court executive" refers to the local justice court administrator.

**(2) In the event the presiding judge determines that a courthouse is not safe or is not capable of supporting the core mission of the court due to extreme weather conditions or other emergency situation, the presiding judge has the discretion to determine, in consultation with the court executive, court security, and authority responsible for the building's operation and maintenance, how to continue supporting the core mission of the court.**

**(3) The presiding judge(s) may order:**

(3)(A) the time-limited partial closure of the courthouse;

(3)(B) the time-limited complete closure of the courthouse; or

(3)(C) the indefinite complete closure of the courthouse.

**(4) If the presiding judge orders a complete or partial building closure that in any way affects the public's ability to conduct court business in that location,**

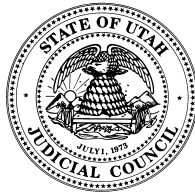


- (4)(A) the presiding judge may order that operations resume in an alternate location;  
and
- (4)(B) the presiding judge shall ensure that notice is posted in at least two conspicuous  
places informing the public of:
- (4)(B)(i) the building's physical closure;
- (4)(B)(ii) the anticipated length of time the building will be closed; and
- (4)(B)(iii) the procedures for conducting court business, including where cases  
will be heard and how to file court documents.
- (5) Communication of decision to close the courthouse.
- (5)(A) In courts of record, the presiding judge shall as soon as possible inform the State  
Court Administrator, the Chief Justice, the Court Communications Director, the  
Court Security Director, the Court Facilities Director, the Sheriff whose  
jurisdiction covers the affected courthouse, and the other organizations or  
lessees occupying the building of the presiding judge's decision to close the  
courthouse.
- ~~(4)(A)~~(5)(B) In courts not of record, the presiding judge shall as soon as possible  
inform the court executive, the Justice Court Administrator, the Court  
Communications Director, the Court Security Director, the law enforcement  
agency whose jurisdiction covers the affected courthouse, and the other building  
occupants of the presiding judge's decision to close the courthouse.
- (6) The Court Communications Director shall immediately inform the media and public of the  
closure.
- (7) If the presiding judge determines that there is a need to extend a court closure order, the  
presiding judge shall so order and the steps of paragraphs (1) through (4) shall repeat.
- (8) For all courthouses that house more than one level of court, the presiding judges of each  
court level shall confer and come to a consensus decision regarding action pursuant to  
subsection (3) above.
- (8)(A) In the event that a closure is ordered by consensus, the presiding judges of the  
closed courthouse shall all sign the closure order.
- (8)(B) In the event there is not consensus among the presiding judges, the Chief  
Justice shall determine whether to issue and sign the closure order.
- (9) Each presiding judge and the Administrative Office of the Courts shall retain a copy of the  
order.

Effective ~~May/November 1, 20~~ January 27, 2020

# Tab 7





## Administrative Office of the Courts

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

**Hon. Mary T. Noonan**  
State Court Administrator  
**Catherine J. Dupont**  
Deputy Court Administrator

### MEMORANDUM

**TO: Judicial Council**

**FROM: James M. Peters**  
**Justice Court Administrator**

**DATE: January 6, 2020**

**RE: Recertification of Utah's Municipal Justice Courts**

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Pursuant to [Rule 9-108\(1\)\(B\) of the Code of Judicial Administration](#), the Board of Justice Court Judges (the "Board") has discussed the applications received for recertification of the municipal justice courts. These applications include (i) the judge's affidavit attesting that the court is in compliance (or not) with the operating standards required both by statute and by the Judicial Council, (ii) a legal opinion from the city's legal counsel (a) informing the governing body as to those operating standards and (b) advising it as to the feasibility of maintaining a justice court, and (iii) a resolution from the governing body committing to abide by those standards and requesting that the court be recertified. Subject to the Judicial Council's approving the waivers described below, the Board recommends that the municipal justice courts set forth on Attachment A be recertified for the four-year term beginning February 1, 2020. This list includes all municipal courts currently operating in the state.

#### **Alta Justice Court – Judge Paul Farr**

Alta operates one of the smallest courts in the state. Its weighted caseload was last calculated at 0.06. So far as anyone is aware, Alta has not had a jury trial since the court began operating in 1975. Judge Farr is requesting a waiver of several Judicial Council requirements, three of which relate to jury trials: (i) that Alta provide for a separate area and chairs for four jurors, (ii) that it provide a room for jury deliberations, and (iii) that it provide a separate room for victims and witnesses that is separate from the public. In the unlikely event that Alta has a jury trial, it could

**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.**

be held in the Sandy Justice Court where all of the foregoing amenities are available. For this reason, the Board is supportive of waiving these requirements.

Judge Farr is asking that the standard requiring office space for the judge be waived as well. Given the limitations of Alta's facility, it is not feasible for Alta to comply with this requirement without relocating the court. The Board is therefore supportive of waiving the requirement that Alta provide office space for the judge.

**Mantua Justice Court – Judge Kevin Nelson**

Mantua operates another of the state's smallest courts. It is compliant with all operating standards, except that the riser for the judge is not quite six inches above the well. Judge Nelson is requesting that this requirement be waived. The Board is supportive of his request.

**Roy/Weber Morgan County Justice Court – Judge Trent Nelson**

Weber County entered into an interlocal agreement with Roy City more than eight years ago. Filings between the two jurisdictions have required that Roy/Weber be classified as a Class I Court ever since. Standards require that Class I courts have a dedicated courtroom. When the Roy/Weber Justice Court was last recertified in 2016, the Judicial Council waived this requirement. Judge Nelson is requesting that this requirement be waived again. The city's council and planning meetings are held in the evenings and never conflict with court, which is held during the day. The Board is supportive of waiving the requirement that the Roy/Weber Justice Court have a dedicated courtroom.

**Smithfield Justice Court – Judge Terry Moore**

Shortly after Rick Schwermer retired in December 2018, Smithfield submitted a request asking him for permission to be open to the public from 7:00 a.m. to 6:00 p.m., Monday through Thursday, so that it could be closed on Friday. These hours would comply with [Section 78A-7-213\(3\) of the Utah Code](#) but, absent a waiver from the Judicial Council, they do not comply with [Rule 9-105\(2\) of the Code of Judicial Administration](#). This request was never advanced to the Judicial Council, but Smithfield assumed it had been approved when it heard nothing back. An ongoing audit discovered the variation from approved practice, so the request is being submitted in connection with recertification. Both Judge Moore and the Board are supportive of waiving the requirement that the Smithfield Justice Court be open five days a week.

# ATTACHMENT A MUNICIPAL JUSTICE COURTS RECOMMENDED FOR RECERTIFICATION

**1st District****Box Elder County**

- Garland
- Mantua \*
- Tremonton
- Willard

**Cache County**

- Hyde Park
- Hyrum
- Logan
- Providence
- Richmond
- Smithfield \*
- Wellsville

**Rich County**

- None

**2nd District****Davis County**

- Centerville
- Clearfield
- Clinton
- North Salt Lake
- South Weber
- Sunset
- Syracuse
- Woods Cross

**Weber County**

- Farr West
- Harrisville
- North Ogden
- Ogden
- Plain City
- Pleasant View
- Riverdale
- Roy/Weber \*
- South Ogden
- Uintah City
- Washington Terrace

**Morgan County**

- None

**3rd District****Salt Lake County**

- Alta \*
- Bluffdale
- Draper
- Herriman
- Holladay
- Midvale
- Murray
- Riverton
- Salt Lake City
- Sandy
- South Jordan
- South Salt Lake
- Taylorsville
- West Jordan
- West Valley

**Summit County**

- None

**Tooele County**

- Grantsville
- Stockton

**4th District****Juab County**

- Levan
- Nephi

**Millard County**

- Fillmore

**Utah County**

- Genola
- Goshen
- Highland
- Lehi
- Lindon
- Mapleton
- Orem
- Payson
- Pleasant Grove
- Provo
- Santaquin
- Saratoga Springs
- Springville

**Wasatch County**

- Heber

**5th District****Beaver County**

- None

**Iron County**

- Parowan

**Washington County**

- Enterprise
- Hildale
- Hurricane
- Santa Clara
- Washington City

**6th District****Garfield County**

- Panguitch

**Kane County**

- Big Water
- Orderville

**Piute County**

- None

**Sevier County**

- Aurora
- Salina

**Sanpete County**

- Ephraim
- Fairview
- Fountain Green
- Gunnison
- Manti
- Moroni
- Mt. Pleasant
- Spring City

**Wayne County**

- None

**7th District****Carbon County**

- East Carbon
- Wellington

**Emery County**

- None

**Grand County**

- None

**San Juan County**

- Blanding
- Monticello

**8th District****Daggett County**

- None

**Duchesne County**

- None

**Uintah County**

- Vernal

\* Requesting wavier





# Tab 8



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

**Check your email.** You will receive information and documents at this email address.

\_\_\_\_\_  
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 \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

**Declaration of Other Parent's Earnings**

(Utah Code 78B-12-201(2) and 78B-12-203(8))

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

1. My name is: \_\_\_\_\_.

2. I believe: \_\_\_\_\_ (name of other party) (Choose one.):

☐ earns \$\_\_\_\_\_ in gross income per month.

☐ should be considered to make minimum wage.

☐ should be considered to have zero income. They are in a non-temporary situation and they:

- cannot earn more than the reasonable costs of child care for our minor children;
- are physically or mentally unable to earn minimum wage;
- are engaged in career or occupational training to establish basic job skills; or
- care for one or more of our children whose unusual emotional or physical needs require them to be present in the home.

3. I am relying on the following:

|  | Explanation |
|--|-------------|
| The other party's employment opportunities, work history, and occupation qualifications      |             |
| Educational attainment and literacy  |             |
| Age and health   |             |
| Criminal record  |             |
| Other employment barriers and background factors   |             |
| Prevailing earnings and job availability for persons of similar backgrounds in the community |             |

**Petitioner or Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Signature ► \_\_\_\_\_  
Date Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

\_\_\_\_\_  
Signature ► \_\_\_\_\_  
Date Printed Name \_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Declaration of Other Parent's Earnings on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><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

**Check your email.** You will receive information and documents at this email address.

\_\_\_\_\_  
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>_____<br/>Plaintiff/Petitioner</p> <p>v.</p> <p>_____<br/>Defendant/Respondent</p> | <p><b>Objection to Form of</b></p> <p><input type="checkbox"/> Order</p> <p><input checked="" type="checkbox"/> Judgment<br/> (Utah Rule of Civil Procedure 7 and 58A(c))</p> <p>_____<br/>Case Number</p> <p>_____<br/>Judge</p> <p>_____<br/>Commissioner (domestic cases)</p> |
|---|--|

1. I am the ☐ plaintiff/petitioner ☐ defendant/respondent.

2. I object to the form of the order or judgment called \_\_\_\_\_ (name of order or judgment) prepared by: \_\_\_\_\_

(name of party who prepared the order or judgment) 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.)

---

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5. Paragraph number \_\_\_\_\_. (Explain objection.)

---

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6. Paragraph number \_\_\_\_\_. (Explain objection.)

---

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(Attach additional sheets if needed.)

### **Plaintiff/Petitioner or Defendant/Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ►

Printed Name

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Objection to Form of Order **or Judgment** on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><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

**Check your email.** You will receive information and documents at this email address.

---

 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

**Notice of Modification**

(Utah Code 78B-14-614) (specific to UIFSA)

---

 Case Number

---

 Judge

---

 Commissioner

Use this form only if:

- the court modified a support order,
- the original order was issued in another state,
- the order was registered or modified in another state,
- or both.

Send a copy of this form with a certified copy of the Order on Petition to Modify to each of those courts.

To:

**Court that entered the original order**

(Fill out the box below with information about the original order.)

|                   |  |           |  |
|-------------------|--|-----------|--|
| Case number:      |  | Case name |  |
| Title of order:   |  |           |  |
| Name of court:    |  | State     |  |
| Address of court: |  |           |  |

**Any court in which the original order was registered or modified**

(Fill out the box below with information about the original order.)

|                   |  |           |  |
|-------------------|--|-----------|--|
| Case number:      |  | Case name |  |
| Title of order:   |  |           |  |
| Name of court:    |  | State     |  |
| Address of court: |  |           |  |

|                   |  |           |  |
|-------------------|--|-----------|--|
| Case number:      |  | Case name |  |
| Title of order:   |  |           |  |
| Name of court:    |  | State     |  |
| Address of court: |  |           |  |

|                   |  |           |  |
|-------------------|--|-----------|--|
| Case number:      |  | Case name |  |
| Title of order:   |  |           |  |
| Name of court:    |  | State     |  |
| Address of court: |  |           |  |

**Notice:** I have attached a certified copy of an order of the Utah District Court which modifies an order entered by or registered in your court.

\_\_\_\_\_  
Date

Signature ►

\_\_\_\_\_  
Printed Name

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Modification on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><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

**Check your email.** You will receive information and documents at this email address.

---

 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 \_\_\_\_\_

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 Petitioner

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 V.

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 Respondent

**Petition to Modify Child Support**  
 (Utah Rule of Civil Procedure 106)

**☐ and Stipulation**

---

 Case Number

---

 Judge

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 Commissioner

I ask the court to modify the child support orders as follows.

**1. Controlling order**

The order controlling child support is:

|                 |  |       |  |
|-----------------|--|-------|--|
| Title of order: |  |       |  |
| Name of Court:  |  | State |  |

|                            |  |                                 |  |
|----------------------------|--|---------------------------------|--|
| Address of Clerk of Court: |  | Phone Number of Clerk of Court: |  |
| Case Number:               |  | Case Name                       |  |
| Date Signed:               |  | Signed by Judge:                |  |

2. **Controlling support order**

(Required.)

☐ I have attached a copy of the current order.

3. **Jurisdiction (Authority to Modify Order)**

(Note: an order could be registered in another state, but that does not always mean the other state has jurisdiction to modify or change the order.)

The children reside:

| Child's name | Where child resides (state or country) | Lived there more than 6 months?                             |
|--------------|--|---|
|              |  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|              |  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|              |  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|              |  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|              |  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |

The petitioner resides in: \_\_\_\_\_ (state or country).

The respondent resides in: \_\_\_\_\_ (state or country).

The controlling order was issued by (Choose one.):

☐ a Utah court, and  
(Choose all that apply.)

☐ jurisdiction **has never** been transferred to another state.

That court has always maintained the case

No other court has ever expressed a willingness to change the order

Jurisdiction has always remained with this court.



☐ jurisdiction **has** been transferred to another state.

Name of court: \_\_\_\_\_ Date transferred: \_\_\_\_\_

☐ other (Describe what has happened with the order):  
\_\_\_\_\_

**OR**

☐ a non-Utah court, and  
(Choose all that apply.)

☐ jurisdiction **has never** been transferred to Utah.

☐ jurisdiction **has** been transferred to Utah. Date: \_\_\_\_\_.

☐ the order **has** been registered in Utah for enforcement purposes only.

☐ there is substantial evidence in Utah about the children's care, protection, training, and personal relationships.

☐ other courts have made a decision about jurisdiction and a copy of that order is attached to this petition.

☐ other (Describe what has happened with the order):  
\_\_\_\_\_

**4. Relationship to children**

I am the (Choose all that apply.):

☐ person who pays child support.

☐ person who receives child support.

I am (Choose one.):

☐ the mother of

☐ the father of

☐ the legal guardian or legal custodian of

☐ a person who has been acting as a parent (Utah Code 30-5a-103) to the children listed below.

**5. Minor children**

There are \_\_\_\_\_ (number) minor children included in the controlling order.

| Child's name<br>(first, middle and last) | Child's<br>gender | Month and year of birth |
|--|-------------------|-------------------------|
|--|-------------------|-------------------------|

| Child's name<br>(first, middle and last) | Child's<br>gender | Month and year of birth |
|--|-------------------|-------------------------|
|  |                   |                         |
|  |                   |                         |
|  |                   |                         |
|  |                   |                         |
|  |                   |                         |

**6. Current living arrangement**

The children are currently living (Choose one.):

☐ as stated in the controlling order.

☐ as described below:

| Child's name | Address (street, city, state, ZIP) | Name(s) of<br>person(s) who live<br>with child at this<br>address | Relation-<br>ship(s) to<br>child |
|--------------|------------------------------------|---|----------------------------------|
|              |                                    |   |                                  |
|              |                                    |   |                                  |
|              |                                    |   |                                  |
|              |                                    |   |                                  |
|              |                                    |   |                                  |

**7. Other cases** (Utah Rule of Civil Procedure 100)

☐ There are no other cases that involve(d) the children or this case.

☐ The following cases involve(d) the children or this case:

(Include pending or closed, civil or criminal, in this court or in any other court, in this state or in any other state. Each party has a continuing duty to notify the court of any case (past, current, or future) that could affect this case.)

|   |   |   |   |
|---|---|---|---|
| Court<br>(Name, address,<br>and phone number) |   |   |   |
| Case number                                   |   |   |   |
| Type of case<br>(Choose all that<br>apply.)   | <input type="checkbox"/> adoption<br><input type="checkbox"/> custody<br><input type="checkbox"/> delinquency | <input type="checkbox"/> grandparent visitation<br><input type="checkbox"/> guardianship<br><input type="checkbox"/> modification of an | <input type="checkbox"/> protective order<br><input type="checkbox"/> support<br><input type="checkbox"/> termination of parental |

|  |  |   |   |
|--|--|---|---|
|  | <input type="checkbox"/> divorce<br><input type="checkbox"/> enforcement of an order | order<br><input type="checkbox"/> parentage | rights<br><input type="checkbox"/> other: _____ |
|--|--|---|---|

|  |   |   |   |
|--|---|---|---|
| Court<br>(Name, address, and phone number) |   |   |   |
| Case number                                |   |   |   |
| Type of case<br>(Choose all that apply.)   | <input type="checkbox"/> adoption<br><input type="checkbox"/> custody<br><input type="checkbox"/> delinquency<br><input type="checkbox"/> divorce<br><input type="checkbox"/> enforcement of an order | <input type="checkbox"/> grandparent visitation<br><input type="checkbox"/> guardianship<br><input type="checkbox"/> modification of an order<br><input type="checkbox"/> parentage | <input type="checkbox"/> protective order<br><input type="checkbox"/> support<br><input type="checkbox"/> termination of parental rights<br><input type="checkbox"/> other: _____ |

|  |   |   |   |
|--|---|---|---|
| Court<br>(Name, address, and phone number) |   |   |   |
| Case number                                |   |   |   |
| Type of case<br>(Choose all that apply.)   | <input type="checkbox"/> adoption<br><input type="checkbox"/> custody<br><input type="checkbox"/> delinquency<br><input type="checkbox"/> divorce<br><input type="checkbox"/> enforcement of an order | <input type="checkbox"/> grandparent visitation<br><input type="checkbox"/> guardianship<br><input type="checkbox"/> modification of an order<br><input type="checkbox"/> parentage | <input type="checkbox"/> protective order<br><input type="checkbox"/> support<br><input type="checkbox"/> termination of parental rights<br><input type="checkbox"/> other: _____ |

## 8. Child support – reasons to modify

I ask that child support be modified because (Choose all that apply.):

- ☐ The order has not been modified within the last three years, and
- there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and
  - the difference is not temporary.
- ☐ There are one or more material changes that affect the child support calculation. I used the child support worksheet and there is a difference of 15% or more from the current support order. The difference is not temporary. There is a change (Choose all that apply.):
- ☐ in custody.
- ☐ in the relative wealth or assets of the parties.
- ☐ of 30% or more in the income of a parent.
- ☐ in the employment potential and ability of a parent to earn.

☐ in the medical needs of the child.

☐ in the legal responsibilities of a parent for the support of others.

(Utah Code 78B-12-210(9))

☐ \_\_\_\_\_ (child's name) is emancipated.

☐ there has been a change:

(At least one must apply, but choose all that do apply.)

☐ in the availability, coverage, or reasonableness of cost of health care insurance of the ☐ payor ☐ payee;

☐ in work-related or education-related child care expenses of the ☐ payor ☐ payee.

**9. Current child support order**

The controlling order directs ☐ petitioner ☐ respondent to pay \$\_\_\_\_\_ each month for child support.

**10. Proposed child support**

I ask the court to modify child support based on the parties' incomes or estimated income based on ability or work history.

**a. Petitioner's Income**

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 income**

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. Child support worksheets**

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

**d. Statement of compliance with child support guidelines**

(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:

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**e. Effective Date**

Child support should be effective (Choose one.):

☐ the first day of the month following entry of the Order on Petition to Modify.

☐ as of: \_\_\_\_\_ (date).

**f. Method of payment**

Child support should be paid as follows (Choose one.):

- ☐ Mandatory income withholding by the Office of Recovery Services (ORS).  
Unless ORS gives notice that payments should be sent elsewhere, all  
child support payments should be made to:

Office of Recovery Services  
PO Box 45011  
Salt Lake City, UT 84145

- ☐ Direct payments to the parent receiving child support by (Choose one.):

- ☐ Check  
☐ Deposit in bank account  
☐ Cashier's check or money order  
☐ Other: \_\_\_\_\_

I ask for direct payment because (Utah Code 62A-11-404):

\_\_\_\_\_  
\_\_\_\_\_

**g. Payment schedule**

Child support payments must be paid by the following due date (Choose one.):

- ☐ One half by the 5th day of each month, and the other half by the 20th day  
of each month.  
☐ Other:

\_\_\_\_\_  
\_\_\_\_\_

**h. Delinquent payments**

Child support not paid by the due date is delinquent the next day.

**i. Past-due child support**

The issue of past-due child support may be decided by further judicial or  
administrative process.

If support is past due, the State of Utah may take federal or state tax refunds or  
rebates and apply the amounts to the child support owed.

11. ☐ **Child care expenses** (Utah Code 78B-12-214)

(Check this box and complete this section only if you are asking to change payment of child care costs.)

I ask the court to order:

- Both parties share equally all 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 does not provide written verification of child care, 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:

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### **Other Support**

12. ☐ **Health insurance, medical and dental expenses** (Utah Code 78B-12-212)

(Check this box and complete this section only if you are asking for a change in health insurance coverage.)

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 ☐ petitioner ☐ respondent to maintain health insurance for our minor children. Both parties must share equally:

- the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium should 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
- 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:

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- ☐ I ask for these additional orders regarding health insurance and medical and dental expenses:

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13. ☐ **Claiming children as dependents/exemptions for tax purposes** (Utah Code 78B-12-217)

(Choose one.)

- ☐ \_\_\_\_\_ (name)  
will claim the children as dependents/exemptions for tax purposes.

- ☐ \_\_\_\_\_ (name)  
will claim the children as dependents/exemptions for tax purposes in **even years**, and

\_\_\_\_\_ (name) will  
claim the children as dependents/exemptions for tax purposes in **odd years**.

- ☐ claiming children as dependents/exemptions for tax purposes will be divided as follows:

| Child's name | Month and year of birth | Parent who will claim child as dependent / exemption                       |
|--------------|-------------------------|--|
|              |                         | <input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent |
|              |                         | <input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent |
|              |                         | <input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent |
|              |                         | <input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent |
|              |                         | <input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent |

- ☐ Other:

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14. ☐ **Attorney fees and costs**

I ask the court to order the other party pay my attorney fees and costs.

15. ☐ **Other**

I ask the court for these additional orders:

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I ask for these additional orders because:

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16. **Remainder of order unchanged**

The remainder of the order should remain unchanged.

17. **Declaration about child support services** (Utah Code 78B-12-113(2)(b))

(Child support services include establishing, modifying or enforcing child support, or establishing paternity.)

The Office of Recovery Services (Choose one.):

☐ has never provided child support services for any child listed in paragraph 5.

☐ has or is providing child support services for any child listed in paragraph 5.

I will serve on the Attorney General:

- a copy of this petition, and
- the Stipulation to the petition, if any, and
- Notice to Child Support Division of the Office of the Attorney General and Request to Join

18. **Documents**

I am filing the following documents along with this Petition to Modify Child Support:

(Check all that apply. Forms can be found at [www.utcourts.gov](http://www.utcourts.gov).)

- ☐ Cover Sheet
- ☐ Summons
- ☐ Non-public Information – Parent Information and Location
- ☐ Non-public Information – Minors
- ☐ Non-public Information – Safeguarded Address (if applicable)
- ☐ Notice of Disclosure Requirements in Domestic Relations Cases
- ☐ Notice to Child Support Division of the Office of the Attorney General and Request to Join (if applicable; also serve on the Attorney General)
- ☐ Child Support Obligation Worksheet

### **Petitioner or Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

|      |              |  |
|------|--------------|--|
|      | Signature ►  |  |
| Date | Printed Name |  |

### **Attorney or Licensed Paralegal Practitioner of record** (if applicable)

|      |              |  |
|------|--------------|--|
|      | Signature ►  |  |
| Date | Printed Name |  |

**Stipulation (optional)**

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I am the ☐ petitioner ☐ respondent and the party responding to this Petition to Modify Child Support.

1. I have received and read the petition and its supporting documents.
2. I understand what the petition requests.
3. I understand I have the right to contest the petition by filing an answer, and have the court decide the issues.
4. I waive service of the Summons.
5. I agree this court has the authority to decide this matter and I enter my appearance for that purpose.
6. I agree to the requests in the petition.
7. I agree the court may enter an order of modification consistent with the petition at any time and without further notice.

**Petitioner or Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record (if applicable)**

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

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 Name

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 Address

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 City, State, Zip

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 Phone

---

 Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

|  |   |
|--|---|
| <div style="border-bottom: 1px solid black; margin-bottom: 10px;">           _____<br/>           Petitioner         </div> <div style="margin-bottom: 10px;">           v.         </div> <div style="border-bottom: 1px solid black; margin-bottom: 10px;">           _____<br/>           Respondent         </div> | <div style="text-align: center;"> <b>Findings of Fact and Conclusions of<br/>Law on Petition to Modify Child<br/>Support</b><br/>           (Utah Rule of Civil Procedure 106)         </div> <div style="border-bottom: 1px solid black; margin-bottom: 10px;">           _____<br/>           Case Number         </div> <div style="border-bottom: 1px solid black; margin-bottom: 10px;">           _____<br/>           Judge         </div> <div style="border-bottom: 1px solid black; margin-bottom: 10px;">           _____<br/>           Commissioner         </div> |
|--|---|

The matter before the court is a Petition to Modify Child Support. 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 finds:**

1. The order controlling child support is:

|                            |  |                                 |  |
|----------------------------|--|---------------------------------|--|
| Title of order:            |  |                                 |  |
| Name of Court:             |  | State                           |  |
| Address of Clerk of Court: |  | Phone Number of Clerk of Court: |  |
| Case Number:               |  | Case Name                       |  |
| Date Signed:               |  | Signed by Judge:                |  |

2. There are \_\_\_\_\_ (number) minor children included in the controlling order.

| Child's name<br>(first, middle and last) | Child's gender | Month and year of birth |
|--|----------------|-------------------------|
|  |                |                         |
|  |                |                         |
|  |                |                         |
|  |                |                         |
|  |                |                         |

3. Utah ☐ does ☐ does not have jurisdiction in this case.

4. A material and substantial change in circumstances ☐ has ☐ has not occurred since the controlling order was entered. The court considered the following factors:

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- 
- 
- 
5. ☐ The order has not been modified within the last three years, and
- there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and
  - the difference is not temporary.
- ☐ There are one or more material changes that affect the child support calculation. There is a difference of 15% or more from the current support order. The difference is not temporary. There is a change (Choose all that apply.):
- ☐ in custody.
  - ☐ in the relative wealth or assets of the parties.
  - ☐ of 30% or more in the income of a parent.
  - ☐ in the employment potential and ability of a parent to earn.
  - ☐ in the medical needs of the child.
  - ☐ in the legal responsibilities of a parent for the support of others.
- (Utah Code 78B-12-210(9))
- ☐ \_\_\_\_\_ (child's name) is emancipated.
- ☐ there has been a change:  
(At least one must apply, but choose all that do apply.)
- ☐ in the availability, coverage, or reasonableness of cost of health care insurance of the ☐ payor ☐ payee;
  - ☐ in work-related or education-related child care expenses of the ☐ payor ☐ payee.
- 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.

**The court concludes:**

6. The court ☐ does ☐ does not have jurisdiction.

7. There ☐ are ☐ are not grounds to modify the controlling order.

8. ☐ Other:

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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  | Respondent, Attorney or Licensed Paralegal Practitioner | _____ |



### Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact and Conclusions of Law on Petition to Modify Child Support on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><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 Court of Utah

---

 \_\_\_\_\_ Judicial District \_\_\_\_\_ County

---

 Court Address \_\_\_\_\_

|  |  |
|--|--|
| <hr/> Petitioner<br><br>v.<br><br><hr/> Respondent | <b>Order on Petition to Modify Child Support</b><br>(Utah Rule of Civil Procedure 106)<br><br><hr/> Case Number<br><br><hr/> Judge<br><br><hr/> Commissioner |
|--|--|

The matter before the court is a Petition to Modify Child Support. 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. The petition is:

☐ denied.

☐ granted. The controlling order dated \_\_\_\_\_ (date) is modified as follows.

2. ☐ **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 obligor's (person who pays support) ability to earn.
  - ☐ the ability of the obligee (person who receives support) 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 past due on the day after the due date.

h. Past-due child support 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.

3. ☐ **Child care expenses**

- Both parties share equally all 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 does not provide written verification of child care, 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:

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4. ☐ **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.**

☐ Other order for health insurance, medical and dental expenses:

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5. ☐ **Claiming children as dependents/exemptions for tax purposes** (Utah Code 78B-12-217)

(Choose one.)

☐ \_\_\_\_\_ (name)  
will claim the children as dependents/exemptions for tax purposes.

☐ \_\_\_\_\_ (name)  
will claim the children as dependents/exemptions for tax purposes in **even years**, and  
\_\_\_\_\_ (name) will  
claim the children as dependents/exemptions for tax purposes in **odd years**.

☐ claiming children as dependents/exemptions for tax purposes will be divided as follows:

| Child's name | Month and year of birth | Parent who will claim child as dependent / exemption                       |
|--------------|-------------------------|--|
|              |                         | <input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent |
|              |                         | <input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent |
|              |                         | <input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent |
|              |                         | <input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent |

|  |  |  |
|--|--|--|
|  |  | <input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent |
|--|--|--|

☐ Other:

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6. ☐ **Attorney fees and costs**

☐ Petitioner ☐ Respondent must pay \$\_\_\_\_\_ in attorney fees and \$\_\_\_\_\_ in costs.

7. ☐ **Other orders**

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8. **Remainder of order unchanged**

The provisions of any previous order not modified by this order remain in effect.

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  | Respondent, Attorney or Licensed Paralegal |       |
|       | Practitioner                               | _____ |

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Petition to Modify Child Support on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature ►

\_\_\_\_\_  
 Printed Name

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 Name

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 Address

---

 City, State, Zip

---

 Phone

**Check your email.** You will receive information and documents at this email address.

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 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.

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 Respondent

☐ **Motion to Adjust Child Support**

☐ **Stipulated Motion to Adjust Child Support**

(Utah Rule of Civil Procedure 106 and Utah Code 78B-12-210(8))

☐ **Hearing Requested**

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 Case Number

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 Judge

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 Commissioner

I ask the court to adjust the child support orders as follows.

1. **Controlling order**

The order controlling child support is:

|                            |  |                                 |  |
|----------------------------|--|---------------------------------|--|
| Title of order:            |  |                                 |  |
| Name of Court:             |  | State                           |  |
| Address of Clerk of Court: |  | Phone Number of Clerk of Court: |  |
| Case Number:               |  | Case Name                       |  |
| Date Signed:               |  | Signed by Judge:                |  |

2. **Controlling support order**

(Required.)

☐ I have attached a copy of the current order.

3. **Jurisdiction (Authority to Adjust Order)**

(Note: an order could be registered in another state, but that does not always mean the other state has jurisdiction to adjust or change the order.)

The children reside:

| Child's name | Where child resides (state or country) | Lived there more than 6 months?                             |
|--------------|--|---|
|              |  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|              |  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|              |  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|              |  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
|              |  | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |

The petitioner resides in: \_\_\_\_\_ (state or country).

The respondent resides in: \_\_\_\_\_ (state or country).

The controlling order was issued by (Choose one.):

☐ a Utah court, and  
(Choose all that apply.)

☐ jurisdiction **has never** been transferred to another state.

That court has always maintained the case

No other court has ever expressed a willingness to change the order  
Jurisdiction has always remained with this court.

☐ jurisdiction **has** been transferred to another state.

Name of court: \_\_\_\_\_ Date transferred: \_\_\_\_\_

☐ other (Describe what has happened with the order):  
\_\_\_\_\_

**OR**

☐ a non-Utah court, and  
(Choose all that apply.)

☐ jurisdiction **has never** been transferred to Utah.

☐ jurisdiction **has** been transferred to Utah. Date: \_\_\_\_\_.

☐ the order **has** been registered in Utah for enforcement purposes only.

☐ there is substantial evidence in Utah about the children's care,  
protection, training, and personal relationships.

☐ other courts have made a decision about jurisdiction and a copy of that  
order is attached to this petition.

☐ other (Describe what has happened with the order):  
\_\_\_\_\_

**4. Relationship to children**

I am the (Choose all that apply.):

☐ person who pays child support.

☐ person who receives child support.

I am (Choose one.):

☐ the mother of

☐ the father of

☐ the legal guardian or legal custodian of

☐ a person who has been acting as a parent (Utah Code 30-5a-103) to  
the children listed below.

**5. Minor children**

There are \_\_\_\_\_ (number) minor children included in the controlling order.

| Child's name<br>(first, middle and last) | Child's<br>gender | Month and year of birth |
|--|-------------------|-------------------------|
|  |                   |                         |
|  |                   |                         |
|  |                   |                         |
|  |                   |                         |
|  |                   |                         |

**6. Current living arrangement**

The children are currently living (Choose one.):

☐ as stated in the controlling order.

☐ as described below:

| Child's name | Address (street, city, state, ZIP) | Name(s) of<br>person(s) who live<br>with child at this<br>address | Relation-<br>ship(s) to<br>child |
|--------------|------------------------------------|---|----------------------------------|
|              |                                    |   |                                  |
|              |                                    |   |                                  |
|              |                                    |   |                                  |
|              |                                    |   |                                  |
|              |                                    |   |                                  |

**7. Other cases** (Utah Rule of Civil Procedure 100)

☐ There are no other cases that involve(d) the children or this case.

☐ The following cases involve(d) the children or this case:

(Include pending or closed, civil or criminal, in this court or in any other court, in this state or in any other state. Each party has a continuing duty to notify the court of any case (past, current, or future) that could affect this case.)

|   |  |
|---|--|
| Court<br>(Name, address,<br>and phone number) |  |
| Case number                                   |  |

|  |  |   |   |
|--|--|---|---|
| Type of case<br>(Choose all that apply.) | <input type="checkbox"/> adoption                | <input type="checkbox"/> grandparent visitation   | <input type="checkbox"/> protective order               |
|  | <input type="checkbox"/> custody                 | <input type="checkbox"/> guardianship             | <input type="checkbox"/> support                        |
|  | <input type="checkbox"/> delinquency             | <input type="checkbox"/> modification of an order | <input type="checkbox"/> termination of parental rights |
|  | <input type="checkbox"/> divorce                 | <input type="checkbox"/> parentage                | <input type="checkbox"/> other: _____                   |
|  | <input type="checkbox"/> enforcement of an order |   |   |

|  |  |   |   |
|--|--|---|---|
| Court<br>(Name, address, and phone number) |  |   |   |
| Case number                                |  |   |   |
| Type of case<br>(Choose all that apply.)   | <input type="checkbox"/> adoption                | <input type="checkbox"/> grandparent visitation   | <input type="checkbox"/> protective order               |
|  | <input type="checkbox"/> custody                 | <input type="checkbox"/> guardianship             | <input type="checkbox"/> support                        |
|  | <input type="checkbox"/> delinquency             | <input type="checkbox"/> modification of an order | <input type="checkbox"/> termination of parental rights |
|  | <input type="checkbox"/> divorce                 | <input type="checkbox"/> parentage                | <input type="checkbox"/> other: _____                   |
|  | <input type="checkbox"/> enforcement of an order |   |   |

|  |  |   |   |
|--|--|---|---|
| Court<br>(Name, address, and phone number) |  |   |   |
| Case number                                |  |   |   |
| Type of case<br>(Choose all that apply.)   | <input type="checkbox"/> adoption                | <input type="checkbox"/> grandparent visitation   | <input type="checkbox"/> protective order               |
|  | <input type="checkbox"/> custody                 | <input type="checkbox"/> guardianship             | <input type="checkbox"/> support                        |
|  | <input type="checkbox"/> delinquency             | <input type="checkbox"/> modification of an order | <input type="checkbox"/> termination of parental rights |
|  | <input type="checkbox"/> divorce                 | <input type="checkbox"/> parentage                | <input type="checkbox"/> other: _____                   |
|  | <input type="checkbox"/> enforcement of an order |   |   |

## 8. **Child support – reasons to adjust**

I ask that child support be adjusted because the order has not been modified within the last three years, and

- there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and
- the difference is not temporary; and
- the proposed support amount is consistent with the child support guidelines.

Utah Code 78B-12-210(8).

## 9. **Current child support order**

The controlling order directs ☐ petitioner ☐ respondent to pay \$\_\_\_\_\_ each month for child support.

10. **Proposed child support**

I ask the court to adjust child support based on the parties' incomes or estimated income based on ability or work history.

a. **Petitioner's Income**

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 income**

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. **Child support worksheets**

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



**d. Statement of compliance with child support guidelines**

(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:

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**e. Effective Date**

Child support should be effective (Choose one.):

- ☐ the first day of the month following entry of the Order on Motion to Adjust.
- ☐ as of: \_\_\_\_\_ (date).

**f. Method of payment**

Child support should be paid as follows (Choose one.):

- ☐ Mandatory income withholding by the Office of Recovery Services (ORS). Unless ORS gives notice that payments should be sent elsewhere, all child support payments should be made to:

Office of Recovery Services  
PO Box 45011  
Salt Lake City, UT 84145

- ☐ Direct payments to the parent receiving child support by (Choose one.):
- ☐ Check
  - ☐ Deposit in bank account
  - ☐ Cashier's check or money order
  - ☐ Other: \_\_\_\_\_

I ask for direct payment because (Utah Code 62A-11-404):

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**g. Payment schedule**

Child support payments must be paid by the following due date (Choose one.):

☐ One half by the 5th day of each month, and the other half by the 20th day of each month.

☐ Other:

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**h. Delinquent payments**

Child support not paid by the due date is delinquent the next day.

**i. Past-due child support**

The issue of past-due child support may be decided by further judicial or administrative process.

If support is past due, the State of Utah may take federal or state tax refunds or rebates and apply the amounts to the child support owed.

**11. ☐ Attorney fees and costs**

I ask the court to order the other party pay my attorney fees and costs.

**12. ☐ Other**

I ask the court for these additional orders:

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I ask for these additional orders because:

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**13. Remainder of order unchanged**

The remainder of the order should remain unchanged.

14. **Declaration about child support services** (Utah Code 78B-12-113(2)(b))  
(Child support services include establishing, modifying or enforcing child support, or establishing paternity.)

The Office of Recovery Services (Choose one.):

☐ has never provided child support services for any child listed in paragraph 5.

☐ has or is providing child support services for any child listed in paragraph 5.  
I will serve on the Attorney General:

- a copy of this motion, and
- the Stipulation to the motion, if any, and
- Notice to Child Support Division of the Office of the Attorney General and Request to Join

15. **Hearing** (Required in districts 1-4; optional in districts 5-8.)

☐ I request a hearing on this motion.

☐ I do not request a hearing on this motion.

16. **Documents**

I am filing the following documents along with this Motion to Adjust Child Support:

(Check all that apply. Forms can be found at [www.utcourts.gov](http://www.utcourts.gov).)

☐ Non-public Information – Parent Information and Location

☐ Non-public Information – Minors

☐ Non-public Information – Safeguarded Address (if applicable)

☐ Notice of Disclosure Requirements in Domestic Relations Cases

☐ Notice to Child Support Division of the Office of the Attorney General and Request to Join (if applicable; also serve on the Attorney General)

☐ Child Support Obligation Worksheet

### Petitioner or Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Signature ► \_\_\_\_\_

Date \_\_\_\_\_

Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

Date \_\_\_\_\_

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

**Stipulation** (optional)

I am the ☐ petitioner ☐ respondent and the party responding to this Motion to Adjust Child Support.

1. I have received and read the motion and its supporting documents.
2. I understand what the motion requests.
3. I understand I have the right to contest the motion by filing a memorandum opposing motion, and have the court decide the issues.
4. I agree to the requests in the motion.
5. I agree the court may enter an order of adjustment consistent with the motion at any time and without further notice.

**Petitioner or Respondent**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

Date \_\_\_\_\_

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Adjust Child Support on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><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 Court of Utah

---

 \_\_\_\_\_ Judicial District \_\_\_\_\_ County

---

 Court Address \_\_\_\_\_

|  |  |
|--|--|
| <hr/> Petitioner<br><br>v.<br><br><hr/> Respondent | <b>Order on Motion to Adjust Child Support</b><br>(Utah Rule of Civil Procedure 106 and Utah Code Section 78B-12-210(8))<br><br><hr/> Case Number<br><br><hr/> Judge<br><br><hr/> Commissioner |
|--|--|

The matter before the court is a Motion to Adjust Child Support. 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 finds:

1. The order controlling child support is:

|                            |  |                                 |  |
|----------------------------|--|---------------------------------|--|
| Title of order:            |  |                                 |  |
| Name of Court:             |  | State                           |  |
| Address of Clerk of Court: |  | Phone Number of Clerk of Court: |  |
| Case Number:               |  | Case Name                       |  |
| Date Signed:               |  | Signed by Judge:                |  |

2. There are \_\_\_\_\_ (number) minor children included in the controlling order.

| Child's name<br>(first, middle and last) | Child's gender | Month and year of birth |
|--|----------------|-------------------------|
|  |                |                         |
|  |                |                         |
|  |                |                         |
|  |                |                         |
|  |                |                         |

3. Utah ☐ does ☐ does not have jurisdiction in this case.

4. The order has not been modified within the last three years, and

- there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and
- the difference is not temporary; and



- the proposed support amount is consistent with the child support guidelines.

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.

**The court concludes:**

6. The court ☐ does ☐ does not have jurisdiction.

7. There ☐ are ☐ are not grounds to adjusted the controlling order.

8. ☐ Other:

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**The court orders:**

9. The motion is:

☐ denied.

☐ granted. The controlling order dated \_\_\_\_\_ (date) is adjusted as follows.

10. ☐ **Child support**

- a. ☐ 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 obligor's (person who pays support) ability to earn.
  - ☐ the ability of the obligee (person who receives support) 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:

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- b. 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: \_\_\_\_\_.

c. 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: \_\_\_\_\_

d. 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:

\_\_\_\_\_

e. Child support not paid on or before the due date is past due on the day after the due date.

f. Past-due child support 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.

11. ☐ **Attorney fees and costs**

☐ Petitioner ☐ Respondent must pay \$\_\_\_\_\_ in attorney fees and \$\_\_\_\_\_ in costs.

12. ☐ **Other orders**

\_\_\_\_\_  
\_\_\_\_\_

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13. **Remainder of order unchanged**

The provisions of any previous order not modified by this order remain in effect.

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<br>Practitioner |  |
|      | Signature ►  |  |
| Date | Respondent, Attorney or Licensed Paralegal<br>Practitioner |  |

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion to Adjust Child Support on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><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 ☐ Person Acting as Parent  
☐ Petitioner's Attorney ☐ Respondent's Attorney ☐ Person Acting as Parent's Attorney  
 (Utah Bar #: \_\_\_\_\_)  
☐ Petitioner's Licensed Paralegal Practitioner ☐ Respondent's Licensed Paralegal Practitioner  
☐ Person Acting as Parent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

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 In the District Court of Utah

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 Judicial District \_\_\_\_\_ County

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 Court Address \_\_\_\_\_

|  |  |
|--|--|
| <hr/> Petitioner<br><br>v.<br><br><hr/> Respondent | <b>Notice of Registration of Foreign</b><br><br><input type="checkbox"/> <b>Child Custody or Parent-Time Order (UCCJEA)</b><br>Utah Code 78B-13-305<br><br><input type="checkbox"/> <b>Support or Income Withholding Order (UIFSA)</b><br>Utah Code 78B-14-605<br><br><hr/> Case Number<br><br><hr/> Judge<br><br><hr/> Commissioner |
|--|--|

To: The people named in the Request to Register Foreign Child Custody or Parent-Time Order, or Support or Income Withholding Order:

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Notice:

1. The attached order(s) have been registered as a judgment of this court on \_\_\_\_\_ (date).
2. The registered order(s) are enforceable in the same manner as an order issued by this court.
3. You have the right to request a hearing to contest the validity of the order. At that hearing you would have to prove:
  - You were entitled to notice of the proceedings before the issuing court, but proper notice was not given (Utah Code 78B-13-108); or
  - The issuing court did not have jurisdiction or personal jurisdiction over you; or
  - The order has been vacated, stayed, or modified by a court having jurisdiction to do so.

If the order is for child support or income withholding, you could also claim:

- The order was obtained by fraud; or
  - You have already paid the claimed arrears; or
  - The statute of limitation prevents collecting some or all of the past-due support (Utah Code 78B-14-604); or
  - The order the registering party claims to be controlling is not the controlling order; or
  - You have some other defense.
4. If you want a hearing to contest the validity of the order, you must file a Request for Hearing with the court at the above address within 20 days of being served with this notice.
  5. If you do not contest the validity of the registered order, the order will be confirmed. You will not be able to contest anything about the order.
  6. [ ] The registering party claims you owe past-due support (arrears) or consolidated arrears under multiple orders in the amount of \$\_\_\_\_\_. (If none, enter zero.)

7. ☐ The registering party asserts two or more orders are in effect. The orders are attached. You have a right to a hearing to determine which one is the controlling order. The hearing must be requested within 20 days. If you do not request a hearing:
- the orders listed below that are marked as controlling will be confirmed, or
  - the court will determine which orders are controlling and will confirm them.

The confirmed orders would then be enforceable against you.

| Title of Order | Date Entered | Entered by<br>(name of court or agency) | Controlling?   |
|----------------|--------------|---|--|
|                |              |   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> I don't know |
|                |              |   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> I don't know |
|                |              |   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> I don't know |
|                |              |   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> I don't know |

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
 Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_



### Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Registration of Foreign Child Custody or Parent-Time Order, or Support or Income Withholding Order on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |

Signature ►

Date

Printed Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address (omit if safeguarded)

\_\_\_\_\_  
City, State, Zip (omit if safeguarded)

\_\_\_\_\_  
Phone (omit if safeguarded)

**Check your email.** You will receive information and documents at this email address.

\_\_\_\_\_  
Email (omit if safeguarded)

I am ☐ Petitioner ☐ Respondent ☐ Person Acting as Parent  
☐ Petitioner's Attorney ☐ Respondent's Attorney ☐ Person Acting as Parent's Attorney  
 (Utah Bar #: \_\_\_\_\_)  
☐ Petitioner's Licensed Paralegal Practitioner  
☐ Respondent's Licensed Paralegal Practitioner  
☐ Person Acting as Parent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Petitioner (named in original foreign order)

v.

\_\_\_\_\_  
Respondent (named in original foreign order)

**Request for Hearing – Request to Register Foreign Child Custody or Parent-Time Order, or Support or Income Withholding Order**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

I request a hearing because I object to the Request to Register Foreign Child Custody or Parent-Time Order, or Support or Income Withholding Order.

Date \_\_\_\_\_ Signature ► \_\_\_\_\_

Printed name \_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Request for Hearing – Request to Register Foreign Child Custody or Parent-Time Order, or Support or Income Withholding Order on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |

Signature ►

\_\_\_\_\_

Date

Printed Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address (omit if safeguarded)

\_\_\_\_\_  
City, State, Zip (omit if safeguarded)

\_\_\_\_\_  
Phone (omit if safeguarded)

**Check your email.** You will receive information and documents at this email address.

\_\_\_\_\_  
Email (omit if safeguarded)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

\_\_\_\_\_  
Petitioner (named in original foreign order)

V.

\_\_\_\_\_  
Respondent (named in original foreign order)

**Order on Hearing for Confirmation  
of Foreign Child Custody or Parent-  
Time Order, or Support or Income  
Withholding Order**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

The matter before the court is a Request to Confirm a Foreign Child Custody or Parent-Time Order, or Support or Income Withholding 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 present ☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Respondent

☐ was present ☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Person Acting as Parent \_\_\_\_\_ (name).

☐ was present ☐ was not present.

☐ was represented by \_\_\_\_\_ (name).

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

**The court finds:**

1. A Request to Register Foreign Child Custody or Parent-Time Order, or Support or Income Withholding Order was filed on \_\_\_\_\_ (date).
2. The clerk mailed notice of the registration to the people named in the Request on \_\_\_\_\_ (date).
3. This court ☐ did ☐ did not receive a Request for Hearing to contest the validity of the registered order within 20 days.
4. The controlling order was signed on \_\_\_\_\_ (date) by \_\_\_\_\_ (court or agency) of \_\_\_\_\_ (State).
5. ☐ The controlling support or income withholding order is:

|                |  |       |  |
|----------------|--|-------|--|
| Name of order: |  |       |  |
| Name of Court: |  | State |  |

|                            |  |                                 |    |
|----------------------------|--|---------------------------------|----|
| Address of Clerk of Court: |  | Phone Number of Clerk of Court: |    |
| Case Number:               |  | Case Name                       |    |
| Date Signed:               |  | Signed by Judge:                |    |
| Payor:                     | <input type="checkbox"/> Petitioner<br><input type="checkbox"/> Respondent | Monthly Amount                  | \$ |

6. ☐ The amount of past-due support (arrears) or consolidated arrears under multiple orders is \$\_\_\_\_\_.
7. ☐ The party objecting to registration has proven:
- ☐ Notice was not given as required by Utah Code 78B-13-108.
  - ☐ The issuing court or agency did not have jurisdiction.
  - ☐ The issuing court or agency did not have personal jurisdiction over the contesting party.
  - ☐ The order has been vacated, stayed, or modified by a court having jurisdiction.
  - ☐ The registered order was obtained by fraud.
  - ☐ Payment of \$\_\_\_\_\_ has been made against the claimed arrears.
  - ☐ The statute of limitation prevents collection of this amount of past-due support: \$\_\_\_\_\_ (Utah Code 78B-14-604).
  - ☐ The alleged controlling order is not the controlling order.
  - ☐ There is this other defense under Utah law. (Explain)

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**The court concludes:**

8. The registration ☐ should ☐ should not be confirmed.

**The court orders:**

9. The foreign Child Custody or Parent-Time Order, or Support or Income Withholding Order ☐ is ☐ is not confirmed as a judgment of this court.

10. Enforcement of the order is stayed until: \_\_\_\_\_ (date).

11. ☐ The court further orders:

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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<br>Practitioner | _____ |
| _____ | Signature ►  | _____ |
| Date  | Respondent, Attorney or Licensed Paralegal<br>Practitioner | _____ |

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Hearing for Confirmation of Foreign Child Custody or Parent-Time Order, or Support or Income Withholding Order on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><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

**Check your email.** You will receive information and documents at this email address.

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

---

 Petitioner (named in original foreign order)

V.

---

 Respondent (named in original foreign order)

**Notice of Confirmation of Foreign  
Child Custody or Parent-Time Order,  
or Support or Income Withholding  
Order**

(Utah Code 78B-13-305(5) and 78B-14-614)

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 Case Number

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 Judge

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 Commissioner

To: The people named in the Request to Register Foreign Child Custody or Parent-Time Order, or Support or Income Withholding Order

Notice:

There was no request for a hearing to contest the validity of the registered order. The attached order is confirmed as a judgment of this court as a matter of law.

Date \_\_\_\_\_ Signature ► \_\_\_\_\_

Court Clerk \_\_\_\_\_

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Confirmation of Foreign Order on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><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 ☐ Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

---

 Plaintiff/Petitioner

v.

---

 Defendant/Respondent

**Notice of Judgment**

(Utah Rule of Civil Procedure 58A(g) and 5(a)(2)(d))

---

 Case Number

---

 Judge

---

 Commissioner (domestic cases)

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

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

---

 Date

Signature ►

Printed Name

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Judgment on the following people.

| Person's Name | Service Method  | Service Address | Service Date |
|---------------|---|-----------------|--------------|
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |
|               | <input type="checkbox"/> Mail<br><input type="checkbox"/> Hand Delivery<br><input type="checkbox"/> E-filed<br><input type="checkbox"/> Email<br><input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)<br><input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) |                 |              |

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature ►

\_\_\_\_\_  
 Printed Name