

JUDICIAL COUNCIL MEETING

AGENDA

February 24, 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. 9:45 a.m. St. George Expansion..... Judge David Mortensen
(Information) Chris Talbot
6. 9:55 a.m. Legislative Updates..... Judge Kara Pettit
(Information) Judge Mary Noonan
Cathy Dupont
Michael Drechsel
- 10:25 a.m. Break
7. 10:35 a.m. Language Access Committee Report..... Michelle Draper
(Tab 3 - Information) Kara Mann
8. 10:45 a.m. ADR Committee Report Judge Royal Hansen
(Tab 4 - Information) Nini Rich
9. 11:05 a.m. Self-Represented Parties Committee Report Judge Barry Lawrence
(Tab 5 - Information) Nancy Sylvester

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| 10. | 11:15 a.m. | Board of Juvenile Court Judges Report | Judge F. Richards Smith
Neira Siaperas |
| 11. | 11:25 a.m. | Authority of Well-Being Committee | Judge Andrew Stone
Kim Free |
| 12. | 11:35 a.m. | Appellate Mediation Program Report..... | Michele Mattsson
(Tab 7 - Information) |
| 13. | 11:50 a.m. | Outreach Committee Report | Judge Elizabeth Hruby-Mills
Geoff Fattah |
| | 12:00 p.m. | Lunch | |
| 14. | 12:10 p.m. | An Action Plan for Compiling Judicial Council History..... | Geoff Fattah
(Tab 8 - Information)
Cathy Dupont |
| 15. | 12:30 p.m. | Ethics Advisory Committee Report | Judge Laura Scott
(Information)
Brent Johnson |
| 16. | 12:40 p.m. | H.R. 550 for Final Action | Judge Derek Pullan
(Tab 9 - Action) |
| 17. | 12:50 p.m. | Rules 3-105 and 3-301.01 for Discussion and Public Comment..... | Judge Derek Pullan
(Tab 10 - Action) |
| 18. | 1:10 p.m. | Application for Weber County Adult Drug Court | Judge Dennis Fuchs
(Tab 11 - Action) |
| 19. | 1:20 p.m. | Problem-Solving Court Forms..... | Judge Dennis Fuchs
(Tab 12 - Action) |
| 20. | 1:30 p.m. | Xchange Funds Process Change Approval | Judge Mark May
(Tab 13 - Action)
Karl Sweeney |
| 21. | 1:40 p.m. | Proposed Delegation of Authority for Personnel Salary Adjustments | Judge Mark May
(Tab 14 - Action)
Karl Sweeney |
| 22. | 1:50 p.m. | Old Business/New Business | All
(Discussion) |
| 23. | 2:10 p.m. | Executive Session | |
| 24. | 2:30 p.m. | Adjourn | |

Consent Calendar

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

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| 1. Committee Appointments
(Tab 15) | Language Access Committee – Kara Mann
Ethics Advisory Committee – Brent Johnson |
| 2. CJA Rule 3-403 for Public Comment
(Tab 16) | Keisa Williams |
| 3. Forms Committee Forms
(Tab 17) | Brent Johnson |

Tab 1

Agenda

JUDICIAL COUNCIL MEETING**Minutes****January 27, 2020****Matheson Courthouse****Council Room****450 S. State St.****Salt Lake City, Utah 84111****9:00 a.m. – 12:00 p.m.*****Judge Kate Appleby, Presiding*****Members:**

Hon. Kate Appleby, Vice Chair
 Hon. Brian Cannell
 Hon. Augustus Chin
 Justice Deno Himonas
 Hon. Mark May
 Hon. Kara Pettit
 Hon. Derek Pullan
 Hon. Brook Sessions
 Hon. Todd Shaughnessy
 Hon. John Walton
 Rob Rice, esq.

AOC Staff:

Hon. Mary T. Noonan
 Cathy Dupont
 Michael Drechsel
 Heidi Anderson
 Shane Bahr
 Brent Johnson
 Jim Peters
 Neira Siaperas
 Nancy Sylvester
 Shonna Thomas
 Keisa Williams
 Jeni Wood

Excused:

Chief Justice Matthew B. Durrant, Chair
 Hon. Ryan Evershed
 Hon. Paul Farr
 Larissa Lee

Guests:

Jim Bauer, JTCE Third District Court
 Commissioner Christine Durham, JPEC
 Hon. Keith Kelly, Third District Court
 Dr. Jennifer Yim, JPEC

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

Chief Justice Matthew B. Durrant, Judge Ryan Evershed, and Judge Paul Farr were unable to attend the meeting. Judge Kate Appleby welcomed everyone to the meeting.

Motion: Judge Derek Pullan moved to approve the edited Judicial Council minutes from the November 25, 2019 and approve the December 16, 2019 Council minutes, as amended to state: 1) Section 7. Judge Cannell abstained only in relation to the Adult Mental Health Court Brigham City, Box Elder County, and 2) Section 11. “Therefore, the committee concluded that justice court reform is predominantly within the exclusive authority of the Judicial Council. The task force will therefore be a Judicial Council Task Force. The Supreme Court will designate one member of the task force because part of the review will address de novo appeals, an area over which the Supreme Court has exclusive authority.” Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant was unable to attend the meeting.

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

Judge Mary T. Noonan noted the Judicial Council's Annual Report to the Legislature and to the Chief Justice will be distributed electronically, so there are fewer printed copies this year.

There has been positive press coverage with the judiciary recently.

- Judge Elizabeth Knight and her drug court team were recognized last fall.
- Judge Brown received favorable media on being the first female presiding judge.

The Mental Health Initiative Conference has been rescheduled from April to August 18-19 to allow for additional preparation time.

Legislative Audits:

- Fines & Fees Audit held their opening conference and will include state and justice courts. The last audit was completed in 2007.
- Audit of the Office of State Debt Collection will include information provided by the courts. Cathy Dupont will lead the courts assistance to the auditors.

Cathy Dupont is meeting with John Fellows, Legislative General Counsel, at the request of the Speaker to discuss the court's involvement in the study of pre-trial release and detention issues.

Shane Bahr noted the Board of District Court Judges sent proposed revisions of Rule 64 to the Rules of Civil Procedure Committee for consideration. The Board requested Brent Johnson prepare an opinion regarding the propriety of cash only bails in debt collection context and the practice of issuing bench warrants on debt collection cases without first holding an order to show cause hearing.

It is anticipated that a motion to repeal the tax reform will be filed. This would affect the Governor's budget recommendations. The judiciary will present their budget requests at the EOCJ appropriations meeting next week. Third District Court Judge Jim Gardner will provide testimony at the appropriations meeting concerning the need to replace the aging audio equipment in West Jordan.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Ad Hoc Budget & Finance Committee Report:

The Budget & Finance Committee met this month.

Issues addressed:

- Turnover savings showed an increase in available funds from last year.
- Strategies were discussed on how to better document spending in the districts.
- TCEs are researching how many devices are in their district and identifying the need for them.

- Creation of a workgroup to review the Judicial Operations Budget.
- Use of Xchange funds.

Ms. Dupont will create a Judicial Operations Budget workgroup, consisting of AOC personnel, TCEs and judges from various court levels, to gather data and focus on alternative options for the Judicial Operations Budget.

Liaison Committee Report:

Judge Kara Pettit said the Liaison Committee opposed SJR005 Joint Resolution to Amend the Rules of Civil Procedure on Disqualification of a Judge, because the bill interferes with the administration of justice and allows judge shopping. Judge Lawrence attended the Liaison Committee meeting and offered some historical perspective that may offer insight into the motivation for this bill. Judge Lawrence stated that the District Court bench is concerned with the bill, but the Board has not had a chance to formally address it in a meeting. Rob Rice will review this with the Bar.

Policy and Planning Committee Report:

The committee did not meet in January. Judge Pullan noted the committee has been working on:

- Courtroom attire rule. Research showed each state varies with their requirement for attire.
- They are focusing on rules that were discussed at the Council retreat. Their first meeting of the year is next week.

Bar Commission Report:

Rob Rice noted the Supreme Court approved an extended public comment period (90 days) for the regulatory reform rules due to the high level of interest. The rules have not been published as of this date. The Bar created a cannabis section.

5. JUDICIAL PERFORMANCE EVALUATION COMMISSION REPORT: (Dr. Jennifer Yim and Commissioner Christine Durham)

Judge Appleby welcomed Dr. Jennifer Yim and Commissioner Christine Durham. Commissioner Durham has been a member of JPEC since July, 2018 and has assisted with outreach efforts at the Bar Convention as well as New Judge Orientation. Commissioner Durham said JPEC provides a robust training for their members. JPEC has participated in educating judges on the evaluation process. Everything has been corrected from the survey software program glitch in the fall that affected sixty-eight attorneys. JPEC reviewed all survey results to ensure they were completed correctly. Dr. Yim distributed JPEC's first Annual Report.

Judge Pullan appreciated the efforts of JPEC with providing meaningful information to the public which has increased public confidence in the judiciary. In an effort to retrieve more responses, Mr. Rice recommended including a message to attorneys that the survey is efficient and brief. Attorneys will receive CLE credit for completing the survey and watching a brief video.

JPEC, through statute, is required to report any concerns about a judge to the judge, presiding judge, and the Council. JPEC believes the mentoring program should be increased for some judges who are struggling. The Education Department can help with judge training.

Judge Appleby thanked Dr. Yim and Commissioner Durham.

6. WINGS COMMITTEE REPORT: (Judge Keith Kelly and Shonna Thomas)

Judge Appleby welcomed Judge Keith Kelly and Shonna Thomas. 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. The WINGS Committee meets about every two months with a membership that has increased 54% since January 2019. WINGS is effective through participation of key stakeholders who understand and are in a position to improve the Courts' guardianship processes.

Accomplishments:

- Native American Collaboration, January 2019. 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.
- Participated in the Strategies and Training to Advance Greater Elder Safety Conference, March 2019.
- Guardianship training at the Elders Justice Conference, May 2019.
- Held a CLE to recruit volunteers for the Guardianship Signature Program (GSP), June 2019.
- Facilitated an Interagency Record Sharing for the benefit of vulnerable adults.

Current & Upcoming Projects:

- Clerical Education. The Clerical Education Subcommittee is working to develop a revised draft of the 2013 clerical guardianship manual.
- 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 is working on concerns with the current processes for reviewing guardianship annual reports and the reports submitted by Court Visitors.
- Financial Exploitation Concerns. 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. A subcommittee is addressing revisions of the guardianship test and test procedures, developing training, and resource materials to provide to new guardians.

The program may request Policy & Planning create rules directly related to the Court Visitor program. Judge Appleby thanked Judge Kelly and Ms. Thomas for their continued dedication to this program.

7. JUSTICE COURT REFORM TASK FORCE: (Judge Paul Farr and Jim Peters)

Judge Appleby welcomed Jim Peters. The newly formed task force will meet monthly or more if needed to evaluate all aspects of the current justice court system, including structure, organization, procedures and practices including appeals. The task force will then present recommendations for improvement and reform to the Council in approximately 12 to 18 months. Judge Shaughnessy felt the task force should understand that they directly report to the Council. The task force will determine if any additional committee members are needed at their initial meeting.

Judge Appleby thanked Mr. Peters.

Motion: Judge Augustus Chin moved to approve the task force membership as follows: Judge Paul Farr, Chair, Paul Burke, Supreme Court representative, Judge Roger Griffin, District Court representative, Anna Anderson, prosecutor, Joanna Landau, defense counsel, representatives to be named from the Court of Appeals, two justice courts, the Governor's office, the Senate and House, the League of Cities and Towns, and the Utah Association of Counties. Staff shall be Jim Peters, with assistance from Cathy Dupont and Michael Drechsel. In addition, the Chair and staff should come back to the Council for approval of other members and any needed changes to the purpose of the task force. Judge Pullan seconded the motion, and it passed unanimously.

8. JUSTICE COURT JUDGE CERTIFICATIONS: (Jim Peters)

Judge Appleby welcomed Jim Peters. Mr. Peters sought certification of four new justice court judges and noted all applicants have completed the new judge course, passed the required justice court test, and completed BCI check, as required.

- Ann Boyle, Saratoga Springs Justice Court
- Paul Olds, Riverdale Justice Court
- Ryan Richards, South Salt Lake Justice Court
- Danalee Welch-O'Donnal, Grand County Justice Court

Judge Appleby thanked Mr. Peters.

Motion: Judge Brian Cannell moved to certify the following as justice court judges: Ann Boyle, Saratoga Springs Justice Court, Paul Olds, Riverdale Justice Court, Ryan Richards, South Salt Lake Justice Court, and Danalee Welch-O'Donnal, Grand County Justice Court, as presented. Judge Pettit seconded the motion, and it passed unanimously.

9. SENIOR JUDGE CERTIFICATION: (Nancy Sylvester)

Judge Appleby welcomed Nancy Sylvester. Judge Thomas Willmore (retiring Feb. 16, 2020) and Judge Gordon Low (retired) applied for active senior judge status. Judge Evan Hall applied for inactive justice court senior judge status. All applicants are complying.

Judge Cannell disclosed he has a working relationship with Judge Low, but he felt he could be fair and impartial with his vote.

Judge Appleby thanked Ms. Sylvester.

Motion: Judge Sessions moved to approve Judge Thomas Willmore (effective upon retirement – Feb. 16, 2020) and Judge Gordon Low (retired) as active senior judges and Judge Evan Hall as an inactive justice court senior judge. The Council would like to understand the need for and costs associated with active senior judges for each bench, and would like to evaluate the need for changes to senior judge rules before the Council approves additional applications for active senior judge status. Judges may continue to apply for active senior judge status, but the Council will suspend action on applications until the Council has fully identified the issues and made changes if necessary. Judges should be notified of the study of the senior judges and the suspension of approving applications. Judge Shaughnessy seconded the motion, and it passed with Judge Pullan and Rob Rice voted nay.

10. LEGISLATIVE UPDATES: (Michael Drechsel)

Judge Appleby welcomed Michael Drechsel. Today is the first day of the Legislative Session. There are approximately 250 numbered bills, slightly higher than in the past. The courts have reviewed 86 bills thus far.

Bills with position of support from the Liaison Committee:

HB0100 – Veteran’s Treatment Court Act. Liaison has a position of support as the courts programs largely comply with the bill.

HB0081 – Judicial Retention for Justice Court Judges. This bill proposes to eliminate first and second classes, allowing for statewide assessments of the need for judges.

SB0066 – Court Resources Reallocation Amendments. Senator Weiler, sponsor, agreed that this bill should move quickly through the legislature in case a juvenile court judge retires in Third District before the normal course of time that a bill takes effect.

The Liaison Committee took no position on SB46. Domestic Violence Amendments. This bill proposes changing a charge of domestic violence in the presence of a child from a class B misdemeanor to a class A misdemeanor, which would essentially move all cases with this charge from the justice courts to the district courts.

Mr. Drechsel thanked Jim Bauer, Third District Juvenile TCE and Meredith Mannebach who are serving as legislative support staff, and noted Judge Noonan and Ms. Dupont have been pivotal with the budget requests this session. The EOCJ appropriations subcommittee will hold 7 meetings every other day for next two weeks to address budget requests. Judge Noonan and Judge Gardner will present the courts budget requests to the appropriations subcommittee on February 4. Mr. Drechsel noted if the tax reform is repealed this may change the appropriations process causing budget requests to be subjected to additional scrutiny. Senator Todd Weiler indicated that during the December Legislative meeting an undisclosed list of \$330 million in budget cuts may be needed if the tax reform is not passed. Judge Noonan noted the Council should ensure that any budget requests include cost efficiencies.

Judge Appleby thanked Mr. Drechsel.

11. CJA RULE 4-410 COURTHOUSE CLOSURE FOR FINAL ACTION: (Keisa Williams)

Judge Appleby welcomed Keisa Williams. Rule 4-410 completed its 45-day public comment period in the fall 2019 with no comments received. The purpose of the rule is to establish protocols for closing or delaying the opening of a courthouse. The Trial Court Executives, Presiding Judges, and Board of Justice Court Judges reviewed this rule. Policy & Planning took their comments into consideration. Policy and Planning recommends that the Council approve the amendments to CJA 4-410 on an expedited basis with a January 27, 2020 effective date.

Judge Appleby thanked Ms. Williams.

Motion: Justice Himonas moved to approve CJA Rule 4-410 with an effective date of January 27, 2020, as presented. Judge Chin seconded the motion, and it passed unanimously.

12. OLD BUSINESS / NEW BUSINESS

Judge Pettit noted Chief Justice Durrant sought support for the Mental Health Initiative from the executive and legislative branches. The task force composition will include 25 stakeholders from all three branches of government. The August conference will guide the initiative and will include an invitation to teams from each district.

Judge Pettit requested support from the Council to participate in this year's National Center for State Courts (NCSC) Mental Health Conference. The NCSC will invite eight states to participate in learning about competency to stand trial and restoration discussions. Applications are being accepted by the NCSC. Judge Pettit proposed sending Judge Howell, Utah County, or herself with the Council's approval. Judge Appleby granted the support of the Council.

Judge Pullan is concerned that the Council history project is moving too slow and may result in lost institutional knowledge. Judge Noonan requested a project plan from Geoff Fattah which will include a timeline, deliverable, bench mark goals, actions, and costs within two weeks. Ms. Dupont asked the Council to consider adding Roger Tew, who served as staff to the Constitutional Revision Commission when they created Article VIII, to the list of interviewees for the Council history.

The NCSC chose Utah as case study for ODR. Justice Himonas anticipates seeking approval from the Council for an ODR grant that would allow for Utah to share the code for ODR with other states through licensing agreements, and include training. Judge Brook Sessions said feedback he has received of the ODR program has been positive. SJI may also provide grant funds to the program. Phase two will include links to the Bar for legal counsel assistance and training videos. Judge Pullan recognized that licensing of code to other states is new territory for the Utah Courts and was concerned that IT would be a maintenance provider for other states. Justice Himonas said this is open source code, the other states would not be purchasing the program, and the courts in other states would be allowed to use the Utah technology, but they would be expected to collaborate and add value to the code. Heidi

Anderson noted that before the Utah IT Department would provide aid to other state courts, they would review all aspects, including any personnel costs and capacity. Utah will retain control over security issues.

Judge Noonan noted Brent Johnson is conducting an annual review of responsibilities, such as proper use of XChange funds, evidence rules, restricted funds usage, business practices, and other rules.

Ms. Dupont updated the Council on the Board of Senior Judges efforts to review all senior judge rules to ensure the rules are current and are serving the needs of the courts. A senior judge working group was formed with Senior Judge Scott Hadley, Chair of the Board of Senior Judges, Senior Judge Michael Allphin, and Senior Judge Michael Lyon. Senior judges will hold a special meeting on March 20, following the Legislative Update to finalize rule amendment recommendations. Judge Hadley attended a TCE meeting in an effort to provide better communication between senior judges and TCEs. Judge Pullan wanted the Council to review costs associated with senior judges and perhaps consider capping the number of senior judges per district. Judge May questioned why sitting judges must retire at 75 but senior judges do not have that same age limit.

The HR Department did not email judges about tracking their sick days this year as they have done in the past. This information is needed for calculating retirement benefits. Judge Noonan and Ms. Dupont will research this issue.

13. EXECUTIVE SESSION

Motion: Justice Himonas moved to go into an executive session to discuss a personnel matter and an audit. Judge Shaughnessy seconded the motion, and it passed unanimously.

14. CONSENT CALENDAR ITEMS

a) Recertification of Municipal Justice Courts. First District: Box Elder County – Garland, Mantua, Tremonton, and Willard and 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 and 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 and 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, and Wasatch County – Heber; Fifth District: Iron County – Parowan and 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, and Sanpete County – Ephraim, Fairview, Fountain Green, Gunnison, Manti, Moroni, Mt. Pleasant, and Spring City; Seventh District: Carbon County – East Carbon and Wellington and San Juan County – Blanding and Monticello; Eighth District: Uintah County – Vernal. Approved without comment.

b) Forms Committee Forms. Declaration of Other Parent's Earnings; Objection to Form of Order or Judgment; Notice of Modification; Petition and Stipulation to Modify Child Support; Findings and Conclusions on Petition to Modify Child Support; Order on Petition to Modify Child Support; Motion to Adjust Child Support; Order on Motion to Adjust Child Support; Notice of Registration Foreign Domestic Order; Request for Hearing on Request to Register Foreign Order; Order on Hearing for Confirmation of Foreign Order; Notice of Confirmation on Foreign Order; and Notice of Judgment. Approved without comment.

15. ADJOURN

The meeting adjourned.

Tab 2

JUDICIAL COUNCIL MANAGEMENT COMMITTEE

**Minutes
February 11, 2020
Council Room
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111
12:00 p.m. – 2:30 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
Larissa Lee

AOC Staff:

Hon. Mary T. Noonan
Cathy Dupont
Heidi Anderson
Shane Bahr
Brent Johnson
Kara Mann
Jim Peters
Neira Siaperas
Karl Sweeney
Nancy Sylvester
Jeni Wood

Guests:

Judge Dennis Fuchs, Senior Judge
Mike Harmond, Supreme Court Law Clerk
Justice Deno Himonas, Supreme Court
Judge Laura Scott, Third District Court
Judge Keith Kelly, Third District 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 January 14, 2020 Management Committee meeting minutes, as presented. Judge Paul Farr seconded the motion, and it passed unanimously.

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

Judge Mary T. Noonan thanked Michael Drechsel for creating the courts budget presentation to the EOCJ Appropriations Subcommittee. Cathy Dupont stated Judge Noonan did a great job with the budget presentation.

Judge Noonan mentioned that JPEC recently completed their mid-term surveys. Utah Code § 78A-12-101(7)(c) requires reports be provided to the Judicial Council. Judges receive a copy of their results directly from JPEC. Historically, only the State Court Administrator receives the results. The Council has not, in the past, reviewed the reports. Ms. Dupont recommended having the Council acknowledge that the Council has resources available to assist with an issue arises with a judge. Judge Appleby thought the recommendation was consistent with the proposed Policy & Planning rules. Judge May felt as though the results should be kept private and not distributed to the Council as many comments may be individualized. Chief Justice Durrant noted at a minimum the Council members should have access to the reports, as per statute. Judge Noonan will review the current processes and the statute then present a proposal to this committee at a later date.

3. APPROVAL OF PROBLEM-SOLVING COURT COMPLIANCE LETTER, FORM, CERTIFICATION CHECKLIST, AND COMMITTEE COMPOSITION: (Judge Dennis Fuchs and Shane Bahr)

Judge Dennis Fuchs presented the following proposed forms:

- a letter that would be sent to judges whose problem-solving courts are not meeting the presumed best practices criteria
- adult DUI court certification checklist
- veteran court certification checklist
- mental health court certification checklist
- family dependency court certification checklist
- request for waiver of presumed certification criteria

Judge Fuchs provided four of the five problem-solving court checklists and noted the fifth checklist (juvenile) will be ready for the Council meeting. When courts are certified, Judge Fuchs provides the Council with the certification forms. The Council needs to determine whether those reports should be private or public. Judge Fuchs was concerned about the public's perception given that services available to the problem-solving courts vary throughout the state. Judge Fuchs provides the Department of Substance Abuse and Mental Health with a list of the courts that are certified but not the checklists. The Department has now asked for the checklists. Brent Johnson expressed to Judge Fuchs that the checklists are public documents.

Judge Todd Shaughnessy confirmed the timeline would be:

First, Judge Fuchs sends out a recertification checklist to the courts

Second, they complete and send the checklists to Judge Fuchs

Third, if there are compliance issues Judge Fuchs sends a letter to the courts to correct the errors or prepare a waiver

Fourth, the courts must respond to Judge Fuchs with an explanation or a waiver

Fifth, the Council makes a recertification determination based on the information provided by Judge Fuchs

The committee asked that Judge Fuchs readdress the privacy issue of the checklists at their next meeting.

Motion: Judge Appleby moved to approve the letter, the waiver, and all four certification checklists, as presented, and to put them on the Council agenda. Judge Farr seconded the motion, and it passed unanimously.

4. COURT VISITOR RULE 6-507: (Judge Keith Kelly and Nancy Sylvester)

Judge Keith Kelly presented a new rule that would clarify the appointment and role of court visitors and to establish a process for a judicial review of court visitor reports. Judge Kelly would like the rule to be sent to Policy & Planning for further review. Currently, when reports are submitted to the court there is no requirement that a request to submit for decision also be filed. There needs to be follow up with reports submitted to the courts. The Probate Committee unanimously recommended the rule. Judge Shaughnessy noted probate judges will be the first to see reports filed therefore, there needs to be a request to submit for decision or the equivalent to notify a judge to take action.

Motion: Judge Appleby moved to approve sending rule 6-507 to Policy & Planning, as presented. Judge Farr seconded the motion, and it passed unanimously.

5. ODR GRANT: (Justice Deno Himonas and Mike Harmond)

Justice Himonas sought approval for a new grant in the amount of \$185,000 that would enable the court to pay for a full code review, documentation enhancement, ensure compliance with intellectual property and governance requirements, and develop an RFI to identify other states with interest in implementing Utah's code for ODR. Utah Courts will collaborate with the National Center for State Courts to complete the work, which is estimated to take 3-6 months. This project falls within the State Justice Institute's Priority Investment Areas – Self-Represented Litigation. The courts are requesting \$25,000 from PEW Research. The courts are not expected to match the awarded funds with court money.

Judge Appleby questioned who would pay the matching funds needed if the PEW Research funds are not approved. Justice Himonas noted PEW asked the courts to request the matching funds.

Justice Himonas noted this project cannot generate revenue. The courts would be providing the system at no cost to other states, therefore the courts will not be receiving a profit and not competing with the private industry. Judge Shaughnessy supported creating a tool for other states if there is an open-source licensing available. There are concerns about legal issues and the current workload on the IT Department. Justice Himonas said any state seeking to use this program would cover all costs, including hiring outside IT personnel to provide service. Heidi Anderson said the license agreement protects the courts. Ms. Anderson is proposing an open-source where other states can use the courts code.

Justice Himonas noted the funding of the grant would be used for legal fees, pen-test (penetration test to detect external hacking vulnerabilities), and code review. Ms. Anderson would use the IT Department's security assessment employee to assist regarding the pin-test but will not affect the department's time.

Motion: Judge Appleby moved to include the ODR Grant on the April Judicial Council agenda. Judge Farr seconded the motion, and it passed unanimously.

6. REGULATORY REFORM GRANT: (Justice Deno Himonas and Mike Harmond)

The Utah Courts submitted a new regulatory reform grant from the State Justice Institute. The Legal Services Oversight Office and Regulatory Sandbox will ease certain restrictions on the practice of law in a safe and controlled environment to allow legal service providers to experiment with new, innovative, and cost-effective legal services. The Court will receive approximately \$100,000 in in-kind staff assistance from the National Center for State Courts and the Institute for the Advancement of the American Legal System. In-kind means the representation of the time or equipment donated by the court, anything other than cash. Larissa Lee will devote approximately \$25,000 of her salary time to this project, but this contribution is not separately quantified in the grant application. The courts are under no obligation to match the awarded funds with court money.

Cash match

FY21 \$107,214 (grant) + \$100,000 (NCSC) = \$207,214 (in-kind match would include staff time)

FY22 \$92,786 (grant)

Motion: Judge Appleby moved to include the Regulatory Reform Grant on the April Council agenda subject to review by the Board of Appellate Court Judges. Judge Shaughnessy seconded the motion, and it passed unanimously.

7. COMMITTEE APPOINTMENTS: (Brent Johnson and Kara Mann)

Ethics Advisory Committee

Brent Johnson addressed a vacancy due to Judge Michele Christiansen Forster's term expiration. The Court of Appeals recommended Judge Ryan Harris' appointment. The committee agreed on the recommendation. The committee further recommended Judge Laura Scott serve as Chair to the committee.

Motion: Judge Shaughnessy moved to approve the appointment of Judge Ryan Harris to the Ethics Advisory Committee and the appointment of Judge Laura Scott as the chair, and to place this item on the Judicial Council consent calendar. Judge Appleby seconded the motion, and it passed unanimously.

Language Access Committee

Kara Mann addressed a probation officer vacancy due to Megan Haney's term expiration. The committee recommended Rory Jones fill the position.

Motion: Judge Appleby moved to approve the appointment of Rory Jones to the Language Access Committee, and to place this item on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

8. ADDRESSING ETHICS ISSUES WITH JUDGES: (Judge Kate Appleby and Judge Todd Shaughnessy)

This will be addressed in the executive session.

9. AN ACTION PLAN FOR COMPILING JUDICIAL COUNCIL HISTORY: (Cathy Dupont)

Cathy Dupont presented an estimated timeline of tasks, actions, and resources for the Judicial Council history project. There would need to be two RFP requests. Ms. Dupont felt the better approach would be to move Geoff Fattah from the project manager of this project and instead to appoint a project coordinator and an advisor, possibly a small working group. A budget proposal will be created. Ms. Dupont will inquire about the possibility of a grant, other than from the National Center for State Courts who rejected a grant option. Judge Appleby suggested contacting the State Department of History or one of the universities for a possible grant. Judge Noonan suggested the Council request the Standing Committee on Judicial Outreach assist with the project and serve as the project coordinator.

Tasks & timeline

Establish project coordinator and advisor: begin March 2020

Creating searchable database of primary source documents: has begun

Conduct on-camera interviews of key individuals: begin February 2020

Create a book of the history of the Council: begin fall 2020

10. 2020 BUDGET PRESENTATION: (Judge Mary T. Noonan, Michael Drechsel, and Karl Sweeney)

Michael Drechsel presented the Judicial Branch budget requests and building blocks for FY21.

Budget Priorities	Ongoing	One-time
#1 Technology Investment	\$932,000	\$450,000
• IT Developers	(\$650,000)	
• Online Court Assistance Program	(\$210,000)	
• West Jordan Courthouse Audio		(\$450,000)
• Microsoft Licensing		(\$72,000)
#2 Self-Help Center	\$104,300	
#3 Commissioners – Recruit & Retain	\$92,500	
#4 Child Welfare Mediator	\$54,947	
Total	\$1,183,747	\$450,000

The IT Developers request includes efilings, ODR, and OCAP. The OCAP system in 2018 included 5,284 divorce case filings. The West Jordan Courthouse Audio request would allow for repairs/replacements for the second busiest courthouse handling in 2019 approximately 13,000 cases and 28,000 hearings. The Microsoft licensing would allow upgrades on more than 1,500 devices. The Self-Help Center in 2019 had a total of 21,495 court patron contacts. This has steadily increased for many years. Without the expansion, it is estimated there would be more than 142,000 missed calls.

The Commissioner – Recruit & Retain request would allow for more institutional knowledge of the family law cases, all decisions subject to judge review, and provide efficient use of judicial resources. Current salary for commissioners is \$144,200, the proposed salary would be \$153,450. Currently there are three commissioners in the Second District, five commissioners in the Third District, and two commissioners in the Fourth District.

The Child-Welfare mediators participated in 1,187 mediations in 2019 with 90% resolution.

11. XCHANGE FUNDS PROCESS CHANGE APPROVAL: (Judge Mark May and Karl Sweeney)

Code of Judicial Administration Rule 4-202.08. Fees for records, Information, and Services includes guidance for courts' collection and use of fees, including XChange subscriptions, paper copies, and personnel time. Although all XChange subscription fees do get credited to various groups within the AOC, XChange also receives fees for copy requests which are taken in from various payers and then allocated back to the Districts. Over time the subscription fee process has evolved to distribute a portion of XChange fees to multiple AOC departments. For FY 2020, the budget distribution for XChange subscription and other fees is as follows (in priority order):

- \$102,600 to Education
- \$87,300 to Law Library
- \$750,800 to IT (\$600,800 to IT and \$150,000 to Information Services)
- \$258,300 to AOC
- \$127,900 to District Courts

Proposed Options

Option 1

- 1) Amend the rule to specifically include language that permits Education, Law Library, AOC, and Districts uses of the XChange subscription funds and follow the current allocation methodology. IT and Information Services are already included in the rule.
- 2) Amend the rule to specifically include language that takes non-XChange related other fees (copies, paper, personnel time, etc.) and specifies they are to be deposited to the District where the expense would have occurred separating it into a different section than XChange fees. In FY19 those fees were \$344,153.

Option 2

- 1) Keep the rule wording as-is. Move all XChange funding (subscription and other fees) to IT to be in clear compliance with the rule. Move sufficient general funds from IT and Information Services to the other groups to leave them whole. This does not impact the copy and other fees that districts currently receive. This method would involve the following budgetary reclassifications:

- Current IT XChange budget: \$750,800
- Additional IT XChange budget reclassified: \$576,100
- Total proposed IT XChange budget: \$1,326,900

The Finance Department is working to correct the errors in previous allocation of funds and ensure future funds are correctly distributed.

Department	General Fund	XChange Funds
Information Technology (BAK)	(\$576,100)	\$576,100
Education (BAJ)	\$102,600	(\$102,600)
District Courts (BAD)	\$127,900	(\$127,900)
Law Library (BAB)	\$87,300	(\$87,300)
AOC (BAH)	\$258,300	(\$258,300)
<i>TOTAL</i>	\$0	\$0

Motion: Judge Appleby moved to add this item on the Judicial Council agenda, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

12. PROPOSED DELEGATION OF AUTHORITY FOR PERSONNEL SALARY ADJUSTMENTS: (Judge Mark May and Karl Sweeney)

The Finance Department sought support for a Council request to approve the use of 20% of the estimated ongoing turnover savings, not to exceed \$110,000 in a fiscal year, to address departmental reorganizations, “hot spot” salary adjustments and other types of routine ongoing salary increase requests. This delegation of authority to the State Court Administrator offers a systematic way to fully address personnel actions (including salary increases) within the scope of CJA rule 3-301 yet retains for the Judicial Council sufficient funding to address court-wide market comparability and similar issues.

The process for submitting personnel pay request would be:

1. Detailed write-up by the requesting manager,
2. Review and approval by the appropriate AOC Director or TCE and District/Juvenile Court State Level Administrator,
3. Reviews by the HR Director Review for compliance with HR policy and Finance Director for potential non-salary budget reduction opportunities, and
4. Review and approval by the Administrators.

Judge Noonan thought salary adjustments should be addressed throughout the year and providing this option would allow for continual review of salaries. The distribution of funds should be consistent with the size of the district.

Motion: Judge Appleby moved to approve including this item on the Judicial Council agenda, as presented. Judge Farr seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the proposed agenda for the February 24, 2020 Judicial Council meeting.

Motion: Judge Appleby moved to approve the Judicial Council agenda, as amended to move both grant requests to the April meeting and remove the Budget Presentation. Judge Shaughnessy seconded the motion, and it passed unanimously.

14. OLD BUSINESS/NEW BUSINESS: (All)

Judge Farr distributed proposed meeting dates for the Justice Court Reform Task Force. They will hold 14 meetings throughout the state. Jim Peters felt this would cost \$35,000, a large part of which will be mileage. This will be split between the two fiscal years. Half of the cost will be paid through the justice courts budget and the other half through the AOC.

Ms. Dupont confirmed the approximate \$10,000-\$15,000 requirement for the PSA trip to New Jersey should be paid by the Council budget.

Judge Noonan was unable to find a written policy about family members involved in the court system. Managers cannot attend hearings when for their family members. Judge Noonan will request a policy from Brent Johnson to allow exceptions.

15. EXECUTIVE SESSION

An executive session was held.

16. ADJOURN

The meeting adjourned.

**JUDICIAL COUNCIL'S
AD HOC BUDGET & FINANCE COMMITTEE**

**Minutes
February 10, 2020
Matheson Courthouse
Café Meeting Room
450 South State Street
Salt Lake City, Utah 84111
12:00 p.m. – 2:00 p.m.**

Members Present:

Hon. Mark May, Chair
Hon. Augustus Chin – by phone
Hon. Kara Pettit

Excused:

Michael Drechsel
Shane Bahr
Larissa Lee

Staff Present:

Hon. Mary T. Noonan
Cathy Dupont
Heidi Anderson
Kim Free
Alisha Johnson
Tom Langhorne
Bart Olsen
Jim Peters
Neira Siaperas
Karl Sweeney
Libby Wadley
Jeni Wood

Guests:

Hon. Diana Hagen, Court of Appeals
Wendell Roberts, TCE Sixth District
Larry Webster, TCE Second District

1. WELCOME & APPROVAL OF MINUTES: (Judge Mark May)

Judge Mark May welcomed everyone to the meeting. Judge May addressed the minutes from the previous meeting.

Motion : Judge Kara Pettit moved to approve the January 16, 2019 minutes, as amended to clarify the date of the meeting to January 16. Judge Augustus Chin seconded the motion, and it passed unanimously.

2. LMS FUNDING REQUEST: (Judge Diana Hagen, Tom Langhorne, Kim Free, and Libby Wadley)

The Education Department requested \$164,000 (\$123,672 for a 2-year software license and \$40,398 for implementation costs) one-time funding for a Learning Management System (LMS) software and service contract for 1,800 employees for the period of June 30, 2020 - June 30, 2022. Current on-line training of all judicial branch employees (and various partners) was

conceived in 2008 and implemented in 2010. From 2013 to present day no funds have been allocated to this system, no enhancements or updates have been made, and the system is now becoming obsolete.

Judge May indicated he was convinced by the write-up that the current LMS needed to be replaced. Judge May and Judge Pettit recommended that the budget request summary document be expanded to enable the reader to (1) compare the top two choices and determine why the recommended LMS was best and (2) more easily determine why other alternatives (including replacing Adobe Flash in the existing LMS) were not the best options. The Education Department agreed to address these issues and re-present to the Committee at its next meeting.

3. YTD PERIOD 7 TURNOVER SAVINGS: (Karl Sweeney and Alisha Johnson)

Current year turnover savings (current): \$2,310,739.79

Expected ongoing turnover savings: \$605,755.70

The courts have used approximately \$241,170.85 of the ongoing career ladder money but only \$177,645.05 this fiscal year which could provide an additional potential \$222,354.95 in one-time savings if no other uses of the \$400,000 career ladder budget were requested.

Available One-time Funds			
#	Available One-time Funding	Funding Type	Amount
1*	Estimated Turnover Savings	Internal Savings	4,491,201
2**	Available funding from TCE /AOC budgets	Internal Savings	2,062,307
3	Judicial Council Reserve Amount (from May 2019 meeting)	Reserve	150,000
		Subtotal	6,703,508
4***	Minus base budget adjustments from Legislature	Legislative	(165,000)
5	Minus authorized beginning balance for FY 2021	Carry Forward	(2,500,000)
Total Estimated Available One-time Funds			\$ 4,038,508
*	Turnover savings is based upon the last pay period run rate continuing for the rest of the fiscal year. This also includes expected unused career ladder and incentives.		
**	Forecasted number from TCE / AOC may not fully account for traditional year end spending which could reduce this amount.		
***	This number appeared in the base budget bill provided by LFA. It includes the following changes:		
	- Domestic Violence, Dating Violence, and Stalking Amendments:	\$	19,800
	- Joint Resolution Dissolving Newton, Amalga, and Leviston Justice Courts:	\$	(4,800)
	- Solicitation Amendments:	\$	(55,400)
	- Driving Under the Influence Modifications:	\$	1,400
	- Competency to Stand Trial Amendments:	\$	(121,200)
	- Identity Theft Paraphernalia Provisions:	\$	(4,800)
		Total:	\$ (165,000)

**4. MONTHLY FINANCIAL STATEMENTS WITH VARIANCE EXPLANATIONS:
(Karl Sweeney and Alisha Johnson)**

Mr. Sweeney reviewed financial statements.

**5. REVISED BUDGET CALENDAR AND REVIEW OF OVERALL BUDGET
PROCESS: (Karl Sweeney and Alisha Johnson)**

Mr. Sweeney reviewed dates of interest:

February 21 – All spending requests for FY 2020 forecast to budget savings (one-time) must be turned in to the Finance Department

March 3 – The Budget & Finance Committee will review all FY 2020 forecast to budget savings (one-time) spending requests for the Judicial Council.

March 13 – The Judicial Council will make determinations on the FY2020 forecast to budget savings (one-time) requests.

April 6 – FY 2021 carryforward one-time and ongoing turnover savings funding uses requests must be turned in to the Finance Department.

April 16 - The Budget & Finance Committee will review FY 2021 carryforward one-time and ongoing turnover funding uses requests for the Judicial Council.

May 18 – The Judicial Council will make determinations on the FY 2021 carryforward and ongoing turnover funding uses.

Mr. Sweeney presented the new FY 2020/FY 2021 Business Case forms.

Judge May preferred to have the Council make any determinations on funding.

- **FY20 Forecasted Savings**
 - o Current estimate of \$1M-\$2M funds available
 - o One-time money
 - o Requests due to Finance 2/21/20
 - o Requests reviewed by Budget & Finance Committee 3/3/20
- **FY20 Savings Carryforward to FY21**
 - o Current estimate \$2.5M one-time money and \$750K ongoing (from turnover savings, historically used for personnel items)
 - o Requests due to Finance 4/6/20
 - o Requests reviewed by Budget & Finance Committee 4/16/20
 - o Items using one-time money must be received and paid by 6/30/21. Services paid for with one-time money must be started and paid by 6/30/21
- **FY22 Council Priorities**
 - o Must be approved by Legislature
 - o Requests due to Finance 4/6/20
 - o Requests reviewed by Budget & Finance Committee 4/16/20
 - o Can be one-time, ongoing funds or a combination of both

6. XCHANGE FUNDS ACTUAL USE VS. RULE - REVISED: (Alisha Johnson and Karl Sweeney)

Code of Judicial Administration Rule 4-202.08. Fees for records, Information, and Services includes guidance for courts' collection and use of fees, including XChange subscriptions, paper copies, and personnel time. Although all XChange subscription fees do get credited to various groups within the AOC, XChange also receives fees for copy requests which are taken in from various payers and then allocated back to the Districts. Over time the subscription fee process has evolved to distribute a portion of XChange subscription fees to multiple AOC and district groups. For FY 2020, the budget distribution for XChange subscription and other fees is as follows (in priority order):

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Proposed Options

Option 1

- 1) Amend the rule to specifically include language that permits Education, Law Library, AOC, and Districts uses of the XChange subscription funds and follow the current allocation methodology. IT and Information Services are already included in the rule.
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Option 2

- 1) Keep the rule wording as-is. Move all XChange funding (subscription and other fees) to IT to be in clear compliance with the rule. Move sufficient general funds from IT and Information Services to the other groups to leave them whole. This does not impact the copy and other fees that districts currently receive. This method would involve the following budgetary reclassifications:

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AOC (BAH)	\$258,300	(\$258,300)
<i>TOTAL</i>	\$0	\$0

Current IT XChange budget: \$750,800

Additional IT XChange budget reclassified: \$576,100

Total proposed IT XChange budget: \$1,326,900

The Finance Department recommends Option 2 and, if approved by the Judicial Council, will move budgets and funding sources to implement Option 2 as of July 1, 2019. The Committee agreed to recommend Option 2 to the Management Committee for their review and action.

7. PROPOSED DELEGATION OF AUTHORITY TO BUDGET & FINANCE COMMITTEE PERSONNEL MATTERS: (Bart Olsen and Karl Sweeney)

The Finance Department sought support for a Council request to approve the use of 20% of the estimated ongoing turnover savings, not to exceed \$110,000 in a fiscal year, to address departmental reorganizations, “hot spot” salary adjustments and other types of routine ongoing salary increase requests. This delegation of authority to the State Court Administrator and/or Deputy State Court Administrator (Administrators) offers a systematic way to fully address personnel actions (including salary increases) within the scope of CJA rule 3-301 yet retains for the Judicial Council sufficient funding to address court-wide market comparability and similar issues.

The process for submitting personnel pay request would be:

1. Detailed write-up by the requesting manager,
2. Review and approval by the appropriate AOC Director or TCE and District/Juvenile Court State Level Administrator,
3. Reviews by the HR Director Review for compliance with HR policy and Finance Director for potential non-salary budget reduction opportunities, and
4. Review and approval by the Administrators.

Motion : Judge Pettit moved to seek authorization from the Council to approve the use of 20% estimated annual ongoing turnover savings not to exceed \$110,000 to address departmental reorganization. Judge Chin seconded the motion, and it passed unanimously.

8. FUTURE AGENDA ITEMS: (Karl Sweeney)
Total Compensation Strategy (May)

Judicial Operations Budget – Cathy Dupont said the working group will most likely begin their work in March. (May)

9. OLD BUSINESS/NEW BUSINESS: (All)
There was no additional business discussed.

10. ADJOURN
The meeting adjourned at 1:20 p.m.

**UTAH JUDICIAL COUNCIL
POLICY AND PLANNING COMMITTEE
MEETING MINUTES**

Judicial Council Room (N31), Matheson Courthouse
450 South State Street, Salt Lake City, Utah 84114
February 7, 2020 - 10 a.m. – 12 p.m.

DRAFT

MEMBERS:**PRESENT****EXCUSED**

Judge Derek Pullan, <i>Chair</i>	•	
Judge Brian Cannell – by phone	•	
Judge Augustus Chin – by phone	•	
Judge Ryan Evershed – by phone	•	
Judge John Walton – by phone	•	
Mr. Rob Rice	•	

GUESTS:

Michael Drechsel
Tom Langhorne
Judge Barry Lawrence
Nancy Sylvester
Brent Johnson
Paul Barron
Judge Kate Appleby
Judge Mary Noonan
Dr. Kim Free
Chris Palmer

STAFF:

Keisa Williams
Minhvan Brimhall (recording secretary)

(1) WELCOME AND APPROVAL OF MINUTES:

Judge Pullan welcomed the committee to the meeting. The committee considered the minutes from the December 2, 2019 meeting. With no additional changes, Judge Chin moved to approve the draft minutes. Rob Rice seconded the motion. The motion passed unanimously.

(2) JUNE RETREAT RULES:

Judge Pullan discussed two proposed rule drafts assigned to Policy and Planning by the Judicial Council at its June 2019 retreat. Between Policy and Planning's December 2019 meeting and today, the rules have undergone several revisions. Judge Pullan worked closely with the Court, the Management Committee, and Judge Noonan to reach consensus on revisions to the rules.

Management Performance Review Committee:

Judge Pullan: The State Court Administrator (SCA) serves at the pleasure of both the Supreme Court and the Judicial Council. The intent of the rule is to establish a process for reviewing the performance of the State Court Administrator, judicial officers, and court employees, and creating an avenue by which complaints may be received, reviewed, and investigated. Initial discussions involved leaving that responsibility to the Management Committee, but creating a process providing equal representation of the Court and the Council became problematic. The Performance Review Committee (PRC) will consist of a member of the Management Committee who is not a member of the Supreme Court, and that representative is appointed by a majority vote of the Management Committee. The Supreme Court would designate a member, making it a two-person committee. Both the Supreme Court and Management Committee may receive complaints regarding the performance of the SCA. Each body would disclose the

complaint to each other, and then pass that information along to the PRC. The PRC is ultimately responsible for two things. First they must review the complaint, determine what investigation is appropriate, and make recommendations to the Council and Court as to whether the SCA should be exonerated, subjected to a performance or corrective action plan, be disciplined, or be terminated. The recommendation is not binding.

The second responsibility of the PRC is to conduct an annual performance review of the SCA in accordance with the Human Resources Manual. The Human Resources Review Committee will be proposing a draft of the Human Resources Manual, which will outline details regarding performance reviews for the SCA and high level managers. The SCA will be responsible for assessing the performance of high level managers. High level managers should only have one boss. If a high-level manager is not performing well, the SCA is responsible for addressing those concerns. If a recommendation is made to discipline or terminate the SCA, both the Court and Council will meet in a joint executive session. Additional investigation may be requested.

Subsection (3) addresses complaints regarding judges and state court employees and how those complaints are reviewed and investigated. In subsection (4) the Management Committee is authorized to receive complaints from, and consult with, presiding judges and the SCA on personnel and related matters. This creates a level of transparency and openness. The Council can refer complaints to the Judicial Conduct Commission. Subsection (5) addresses confidentiality.

Mr. Rice: Where will the rule reside in relation to the Human Resources Policies and Procedures Manual? How will this rule operate in relation to, or separate from, the complaint procedures that the HR committee and the Judicial Council recently adopted? Brent Johnson: I brought some rules to P&P as a preliminary discussion some months ago about including cross references in the Code of Judicial Administration and the Human Resources Policies Manual. For example, there is a presiding judge rule that will need to reference a portion of the HR Manual because the HR Manual was typically only applicable to court employees. My suggestion is to make direct references in this rule and the other two presiding judge rules stating that judges must abide by particular provisions in the HR manual. The presiding judge rules will be brought back to P&P for discussion at a future meeting.

At the suggestion of Brent Johnson, the Committee struck 'review and investigate' from subsection (3)(b). Also under subsection (3)(b), the Committee added language regarding complaints about the Human Resource Director. Those complaints should go to the SCA. The Management Committee may receive complaints regarding the HR Director under (3)(b), which will ensure they have notice about potential issues that may need to be addressed with the SCA.

At the suggestion of Mr. Rice, the Committee amended (2)(a)(ii) and (2)(b)(i) to expand the options regarding recommendations. Recommendations may include: no further action, performance or corrective action, discipline as a condition of continued employment, or termination.

Mr. Rice moved to approve the rule on the condition that Mr. Johnson will make any necessary references to the HR Manual. Judge Walton seconded the motion and it carried unanimously. Ms. Williams will number the rule and include it on the Judicial Council's February agenda.

Administration of the Judiciary:

Judge Pullan: This rule has been applied in practice even though it has not yet taken effect. Questions arose surrounding the justice court reform task force. The Supreme Court has the authority to manage the judicial process, but the Judicial Council has exclusive authority over the administration of the judiciary. Supreme Court and Management Committee representatives met and determined that authority over the justice court reform task force lies solely with the Judicial Council. A Judicial Council task force was formed, with a Supreme Court representative to address questions related to the appellate court.

Mr. Johnson recommended amending subsection (1)(b) to make it clear that judges must comply with the Human Resources Policy and Procedure Manual. The Judicial Council promulgates HR rules, but the HR Manual is not a rule. After discussion, that change was made.

Mr. Rice moved to approve the rule as amended. Judge Chin seconded the motion and it carried unanimously. Ms. Williams will number the rule and include in on the Judicial Council agenda.

(3) AUTOMATIC EXPUNGEMENTS (4-208):

Michael Drechsel reported on the progress of CJA 4-208. A rule draft is forthcoming. Mr. Drechsel apologized to IT for the delay. The rule needs to accomplish a few things: 1) provide a mechanism for standing orders to issue which allow an automated process for issuing expungement orders when eligibility criteria have been met, 2) give direction to prosecutors about providing a single email address per prosecuting entity, 3) provide a mechanism for prosecutors to object through the e-filing system on a specific document type, and 4) provide notification once the court has taken action on an automatic expungement.

In July of 2019, Mr. Drechsel and Heidi Anderson received approval from the Judicial Council to pursue the standing order model. It just needs to be effectuated. Mr. Drechsel will meet with Mr. Johnson to talk about how to structure the legal component of the standing orders, whether it's by presiding judges of the eight districts, or whether it's by presiding judges of the district and justice courts. Mr. Drechsel will have a draft rule for review by Policy and Planning at the March 6th meeting.

Judge Pullan expressed discomfort with a process that automatically affixes a judge's signature without judicial review. Mr. Drechsel: There may be some comfort in the fact that over many years and in a significant number of cases statewide, expungements have been granted in the high-90s percentage-wise without any opposition. The small subset of cases with opposition that weren't granted are not the types of cases that qualify for automatic expungement under the statute. Those are excluded from this process automatically, for example, convictions for DV, assault, violent behaviors, and higher level offenses like felonies. All Class A misdemeanors are also excluded, except for simple possession and even then there is a 7-year waiting period before they become eligible. The expungement process would be unmanageable if a manual review process was required. There are tens of thousands of qualifying cases each year. The development process has been very careful and thorough. The system will not be developed in a way that would ever identify a case that should not be expunged. It will err on the side of no expungement if there is any question about whether eligibility criteria have been met. Hopefully that will give the judiciary confidence in the process. The first part of the development process is focused on those cases that have been dismissed with prejudice in its entirety, and those cases that resulted in an acquittal.

Judge Pullan: Prior to this, parties would file a petition for expungement and a judge would determine whether or not they met the criteria. The driving force now behind affixing automatic signatures is the sheer volume of cases. That is the practical effect of the overcriminalization of conduct in our society. Rather than address that problem, we are going to let a machine make judicial decisions. I am extremely uncomfortable with that.

Mr. Drechsel noted that the implementation date is May 1st. Ms. Williams suggested asking that the Council adopt the rule on an expedited basis so as to give IT time to finalize the programming and process.

(4) RULE 4-410. COURTHOUSE CLOSURE

Draft template order:

Ms. Williams: Rule 4-410 was approved by the Council on an expedited basis and is out for public comment. The TCEs asked for a sample order and a checklist to assist judges in complying with the rule

when making closure decisions. In October, the Policy and Planning asked if IT could send an electronic notice of closures through the e-filing system. Ms. Williams spoke with Heidi Anderson. Ms. Anderson did not recommend using the e-filing system as it would require programming, and a person would need to be logged into their account to see the notice. Ms. Anderson recommends that notice be posted in a prominent place on the court's website. Ms. Williams spoke with Clayson Quigley who agreed to post notice on the website. Mr. Fattah is required under the rule to send notice to both the media and the public. Judge Pullan suggested having Mr. Fattah send notice to the bar as well.

Ms. Williams reviewed the sample courthouse closure order. After discussion, the committee made minor language changes to the order. Judge Walton suggested an amendment to Rule 4-410 by removing "not safe" in the first sentence of subsection (2). It could be amended to say that a courthouse may not be safely operated or staffed due to the weather. When the rule comes back to the Committee after public comment, Judge Walton's proposed amendment will be considered.

After discussion, the Committee added "Paper filing may be filed at [name of location][address]" to the order.

Draft checklist:

Ms. Williams reviewed the checklist. Ms. Williams received feedback from the TCEs on both the checklist and the draft order. The TCEs prefer that the checklist be in Google Forms because each court entry will be captured.

The Committee approved the checklist and sample order. No motions were necessary because both are procedural.

(5) JUDICIAL BRANCH EDUCATION:

Education Director, Tom Langhorne reviewed the rationale and background behind the proposed amendments to CJA 3-403. The Board of District Court Judges is very supportive of the proposed language and with Mr. Langhorne being more proactive in monitoring the assignment and quality of mentoring relationships. The Board of Juvenile Court Judges' top priority for this year is to enhance mentoring for new juvenile court judges. The Board Chair and Juvenile Judges Planning Committee devoted a day to determining how to be better mentors. Mr. Langhorne will be developing a half day of interactive exercises and will review the best practice guidelines adopted by the Council in 2016. Mr. Langhorne has consulted with many states to help develop and enhance their mentoring programs. The proposed language in 3-403 is very similar to language adopted by Ohio. In his experience, if expectations aren't clearly defined and there are no teeth to the rule, mentoring programs will die on the vine. These amendments do not apply to the appellate bench. The appellate bench has its own guidelines and rules.

Judge Pullan suggested removing the language tying timing to termination of prior employment. The language in (8)(A) and (B) was amended to read:

8(A): "Within seven business days after a new district or juvenile judge has been sworn in, the Presiding Judge shall appoint a mentor to the new judge."

8(B): "Within fourteen business days after a new district or juvenile judge has been sworn in, the mentor and the new judge shall meet ..."

Mr. Rice moved to approve the rule as amended for recommendation to the Council for public comment. Judge Chin seconded the motion and it carried unanimously.

6) 4-411. COURTHOUSE ATTIRE:

Judge Pullan welcomed Judge Lawrence and Judge Appleby to the meeting.

Judge Cannell provided an overview of his research into other states. Judge Cannell: Most of the language included in other states' rules seems bias-driven. The language proposed in subsection (2)(a) was pulled from the court's website. I didn't include a laundry list of do's and don'ts in an effort to avoid penalizing patrons for minor violations. Clerks in the 1st district get calls regularly from patrons asking what they should wear to court. The clerks use the language directly from the website. The language added to (4)(b) is meant to discourage judicial officers from making decisions to exclude patrons unjustly. Requiring findings on the record would promote careful thought and consideration and deter bad actors.

Mr. Rice: I view the enumerated list in the committee's last draft to be a very important mechanism for setting the floor. I am sensitive to judges' need to maintain control over the courtroom, but setting a standard grounded in statutory principle is an effective way to meet that intent. Judge Pullan expressed concern that a draft including the enumerated list would not be adopted by the Council. Many of the trial court judges feel that the enumerated list would invite patrons to use the low bar as a means to protest or disrupt the proceedings.

Judge Cannell suggested providing judicial training to address bad actors, and expressed concern with requiring clerks to respond to calls with the list of body parts. Mr. Rice: There is a separation between what the rule says and what patrons are being told over the phone. They are related but separate. Training for clerks in responding to those calls may be beneficial. When meeting with the Supreme Court, they had no criticism of the enumerated list in the rule. It may be wise to be clearer in the intent section about what we're trying to accomplish. Making the standard something you would wear to a job interview may be too high.

Judge Lawrence: The Self-Represented Parties Committee presented the rule to the Judicial Council because some of the behaviors throughout the state were outrageous. The constitutional right to public access and an open court outweighs concerns about potential violations of the standard. Tying the standard to judicial discretion about what an individual judge feels detracts or disrupts the proceedings would allow the same bad conduct to continue.

Judge Pullan: If a woman comes in wearing a giant green foam cowboy hat that is knocking everyone around, the cowboy hat has to go. It is not prejudicing anyone. It is removing a distraction from the courtroom. She is disrupting the proceedings. Judge Lawrence: If she doesn't take the hat off, she is violating an order and is in contempt. That isn't a problem. Judge Cannell's language in (2)(a) is an aspirational standard. It's okay to say 'this is how you should dress if you can,' as long as they aren't excluded or removed from court for not meeting that subjective standard.

Judge Pullan recommended deleting subsection (2) in its entirety. Subsection (1)(a) would cover the prohibition against excluding patrons based solely on attire. Judge Lawrence: The Self-Represented Parties Committee's concern is that patrons were not allowed into the building based on attire, and were not even making it into the courtroom where a judge could make a decision. They should be allowed in the courtroom where judges can then make the call about continuing with the case if they are behaving badly.

Judge Pullan: If bailiffs do not have some discretion in excluding individuals from the building we may be inviting a safety issue, for example, gang colors. Chris Palmer: In talking to the bailiffs, oftentimes they are relying on signs on the courtroom door, and in talking to judges they are often unaware that bailiffs have removed someone from the building or denied them access.

No motion was made. Rule 4-411 will be included on the next agenda.

7) OLD BUSINESS/NEW BUSINESS:

No other business was discussed

8) ADJOURN:

With no further items for discussion, the meeting was adjourned without a motion. The meeting adjourned at 2 pm. The next meeting will be held March 6, 2020 at noon in Conference Room B & C.

Tab 3

Utah Language Access Committee Report to Utah Judicial Council

February 24, 2020

I. Interpreter Usage in Fiscal Year 2019

Court	Number of Proceedings
District Court	6,273
Juvenile Court	4,144
Justice Court	12,236
Total	22,653

District Usage of Interpreters	District Court	Juvenile Court	Justice Court
1 st	364	88	643
2 nd	869	575	1,474
3 rd	2,909	1,704	7,018
4 th	1,483	1,327	2,349
5 th	456	96	622
6 th	82	95	50
7 th	63	4	52
8 th	47	6	28
Youth Parole Authority		249	

II. Interpreter Usage Growth

Court	FY 2018	FY 2019	Growth Percentage
District Court	5,568	6,273	12%
Juvenile Court	4,057	4,144	2%
Justice Court	6,836	12,236	44% *
Total	16,461	22,653	37% *

*Training provided at Justice Court conferences potentially influenced growth

III. Most Requested Languages in Fiscal Year 2019

Top Requested Languages	
Spanish	18,881
Arabic	609
American Sign Language	313
Vietnamese	236
Farsi	202
Mandarin	194
Somali	188

IV. Interpreter Training

Date	Training	Number of Attendees
March 2019	2-Day Orientation	17
March 2019	ASL Interpreter Orientation	9
April 2019	Practice English Written Exam	7
April 2019	3-Day Skill Building Workshop	15
May 2019	2-Day Advance Skill Building Workshop	11
June 2019	Practice Oral Proficiency Exam	7
July 2019	Practice English Written Exam	6
July 2019	The Accounting Manual and Interpreter Invoices Workshop	7
September 2019	2-Day Orientation	14
October 2019	Practice English Written Exam	4

V. Interpreter Exam Results

English Written Exam

Date	Number of Candidates	Passed
January 2019	17	7
April 2019	14	3
July 2019	10	2
October 2019	13	7
January 2020	9	4

Oral Proficiency Exam

Date	Number of Candidates	Passed
June 2019	15	1
January 2020	7	Results Pending

VI. Interpreters Added to the Roster

Certified interpreters

Language	Number
Spanish	1

Approved interpreters

Language	Number
Arabic	1
Korean	1
Lao	1

Spanish	7
Mandarin	1
Tagalog	1
Thai	1

VII. Committee Members

- Michelle Draper, Chair, ASL Interpreter
 - Yadira Call, Certified Spanish Interpreter
 - Judge Su Chon, Third District Court
 - Mary Kaye Dixon, Interpreter Coordinator, Second District
 - Amine El Fajri, Certified Arabic Interpreter
 - Monica Diaz, Attorney, Utah Juvenile Defender Attorneys
 - Judge Michael Leavitt, Fifth District Juvenile Court
 - Russell Pearson, Trial Court Executive, Eighth District
 - Judge Kelly Schaeffer-Bullock, Highland Justice Court
 - Lynn Wiseman, Clerk of Court, Second District Juvenile Court
- Staffed By: Kara Mann, Language Access Program Coordinator, AOC
Jeni Wood, Recording Secretary (when available)

The Committee meets every other month on the third Friday for two hours.

VIII. Completed Projects

- Revised and approved the Code of Professional Responsibility for Court Interpreters Exam
- Drafted and approved a recruitment pamphlet for court interpreters
 - Brochure was distributed at the Courts' booth at the Multicultural Festival, Partners in the Park, the Muslim Heritage Festival, and FanX
- Developed an action plan to address the certified Spanish interpreter shortage
- Reviewed the court employee second language stipend scoring requirement

IX. On-Going Projects

- Updating the Language Access Plan
- Drafting a handbook for Interpreter Coordinators
- Addressing the certified Spanish interpreter shortage
 - Outreach
 - Scheduling
 - Focus on Approved Interpreters

X. Future Projects

- Drafting new court rules to address interpreting recorded evidence
- Reviewing the hourly pay for contract interpreters in order to make a recommendation
- Creating a mentoring program for approved interpreters

XI. Looking Forward- Challenges

- A lack of approved Spanish interpreters passing NCSC's Oral Proficiency Exam to become certified court interpreters.
- The pay for interpreters of languages of lesser diffusion. The pay often isn't enough of an incentive for languages that are rarely requested.
- A lack of qualified applicants applying for the open staff interpreter positions.

Tab 4

ADR Committee Update to Utah Judicial Council

February 24, 2020

Judge Royal I. Hansen, Chair

Presentation Outline

1. **ADR Committee Members**
2. **Annual Report (attached)**
3. **Major Projects Completed and Ongoing**
 - **Policy for Investigating Complaints against ADR Providers**
 - **Re-write of UCJA 4-510 with tie-in to URCP 16**
 - **Utah Mediation Best Practice Guide** (updates ongoing)
 - **Interactive Online Mediation Ethics Exam**
 - **40-hour Mediation Training for Court Personnel** - over 300 graduates
 - **Training of International Judicial Delegations on Utah Court – annexed ADR Structure and Programs** (Botswana, South Africa)

4. **2020 Focus Areas**

Coordinating and Collaborating with Access to Justice Initiatives

The Committee will explore the range of ADR/Settlement Assistance options in the Utah State Courts (mediation, arbitration, judicial settlement conferences, domestic *pro se* calendars, domestic case managers, and online dispute resolution, ODR) to find areas for collaboration and coordination of efforts to support an overall ADR Program best suited to the needs of court patrons.

Data Collection on ADR/Settlement Assistance

The American Bar Association Section of Dispute Resolution's Advisory Committee on Dispute Resolution Research has created preliminary recommendations on Data Elements for Courts to Collect Regarding ADR/Settlement Assistance (**attached**). The ABA Advisory Committee is coordinating with the National Center for State Courts in an effort to develop cutting edge information to assist stakeholders in the justice system and assure the quality of dispute resolution services. The ADR Committee will explore ways to enhance ADR-related data collection in the Utah Courts.

Utah Judicial Council's ad hoc Committee on Alternative Dispute Resolution

Committee Membership as of February 24, 2020

Judge Royal I. Hansen, Chair, Third District Court

Judge Ryan M. Harris, Utah Court of Appeals

Judge Michelle E. Heward, Second District Juvenile Court

Commissioner Michelle C. Tack, Third District Court

Judge William B. Bohling, ret., Attorney/Mediator

Michele Mattsson, Chief Appellate Mediator, Utah Court of Appeals

Professor James Holbrook, S.J. Quinney College of Law, University of Utah

William Downes Jr., Utah Dispute Resolution, Board of Trustees

Professor Carolynn Clark, University of Utah, Conflict Resolution Program

Professor Benjamin Cook, J. Reuben Clark College of Law, Brigham Young
University

Michelle M. Oldroyd, Utah State Bar, CLE Director,

Marcella L. Keck, Attorney/Mediator

Kent B. Scott, Attorney/Mediator

Nini Rich, staff, ADR Director, Administrative Office of the Courts

Utah Court-Annexed Alternative Dispute Resolution Program

ADR Committee Update to the Judicial Council – February 24, 2020

History

In 1994, the Utah State Legislature enacted the Utah Alternative Dispute Resolution Act (ADR Act) which required the Judicial Council to implement a program utilizing Alternative Dispute Resolution in the state courts. The program was implemented by the Judicial Council and Supreme Court rules on January 1, 1995.

Funding

The ADR Act provides for the creation of a restricted account, the Dispute Resolution Fund, to be funded by a portion of court filing fees and appropriated annually to the Administrative Office of the Courts (AOC) to implement the purposes of the ADR Act. Additional funds are provided through a Federal Child Access and Visitation Grant and the General Fund.

ADR Programs

Child Welfare Mediation	Statewide (Juvenile Court cases involving abuse or neglect)
Co-Parenting Mediation	Third District (U.C.A. §30-3-38)
Divorce Mediation	Statewide (U.C.A. §30-3-39)
General Civil Referrals	Statewide (Mediation or Arbitration) (UCJA 4-510.05)
Restorative Justice	Statewide (Juvenile Truancy & Victim/Offender Mediation)
Probate Mediation	Third District
Small Claims Mediation	Various Justice Courts
Small Claims Appeals	Second and Third Districts

ADR Program Structure and Rationale

The Utah Court ADR programs are structured in various ways. Generally speaking, if the program is mandatory, we have more interest in quality assurance and require more training, oversight and evaluation:

- For **General Civil** case referrals we administer a Court Roster of private mediators and arbitrators who have met specific education, experience and ethical requirements outlined in UCJA 4-510.03. Parties select their own mediator.
- For **Mandatory Divorce Mediation** we have a sub roster of Divorce Mediators who have received additional specialized training and mentoring and are subject to the same annual re-qualification requirements as the basic Court Roster.
- For **Co-parenting Mediations** which are required to be mediated within 15 days of filing, we screen cases, contact parties and assign cases to a closed roster of private providers with specialized experience and training.
- For **Child Welfare Mediation** cases which are court-ordered and subject to very tight statutory timelines, we provide court staff mediators hired and trained specifically for these cases, as well as administrative support and evaluation.
- For **Juvenile Court Victim/Offender and Truancy** cases, 2 Juvenile Justice Mediators were added in 2018.
- **Other mediation programs** utilize trained volunteer mediators and are often administered through collaborations with universities and other nonprofit organizations.

Utah Court-Annexed ADR Program – Annual Report
Page 2

ADR Program Statistics and Services –FY2019

- More than 2,000 cases were referred directly to court-administered ADR Programs. In addition, more than 5,000 cases were mediated by private providers selected by parties.
- Over 900 *pro bono* mediations were provided through ADR Program collaborations with nonprofit community organizations and educational institutions.
- Six ADR staff mediators were assigned 1,402 Child Welfare mediations statewide. Of those cases mediated, 90% were fully resolved. (Since 1998, the Child Welfare Mediation Program has conducted over 17,300 mediations for the Utah State Juvenile Court)
- Three Juvenile Justice Mediators (2.5 FTE) were assigned 116 Truancy mediations and 90 Victim/Offender mediations statewide.
- More than 380 *pro bono* mediations were arranged directly by ADR staff.
- The Utah Court Roster lists 203 ADR Providers who mediated 4,636 cases and arbitrated 48 cases in the 2018 calendar year. Over 30 new applications and 173 roster re-qualifications were processed by the ADR Office in 2018.
- 1026 *pro bono* mediations and 10 *pro bono* arbitrations were provided by members of the Utah Court Roster.
- The ADR Committee of the Utah Judicial Council has continued to provide ethics outreach and education using the new Utah Mediation Best Practice Guide. Presentations in 2019 included conferences of the Utah State Bar and the Utah Council on Conflict Resolution. The ADR Committee recently approved amendments to the guide to address issues brought forward from outreach efforts.
- The ADR Committee created a new on-line ethics examination for new applicants to the Utah Court Roster which expanded the scope of the exam to cover all Utah court rules and statutes that govern ethical behavior of mediators who are members of the Utah Court Roster. The online exam contains live links to the relevant rules and statutes.
- Ongoing ADR Training and information are provided to court personnel through a 40-hour Basic Mediation Training, New Judge Orientations and specialized training sessions arranged for judges, court staff and supervisors.
- Outreach and education are provided to the Utah State Bar, Utah State Legislature, Utah ADR Providers and court clients through reports, seminar and conference presentations and the ADR web site.

Preliminary Recommendations on Data Elements for Courts to Collect Regarding ADR/Settlement Assistance

Version 2.0 (September 14, 2019)

ABA Section of Dispute Resolution, Advisory Committee on Dispute Resolution Research¹

Explanation of Classification of the Data Items

The data items below are presented in two parts: Part A consists of data items routinely recorded in case management systems (CMSs) or in ADR information systems, and Part B consists of data items obtained through surveys or mediator reports. Note, however, that with the increased use of electronic filing and case management and the implementation of ODR systems, it is becoming increasingly possible to provide all court users with an electronic means of reporting their assessments of access and fairness regarding their court experience. Therefore, items contained in Part B may have the potential to be part of a routine collection process in some courts.

Taking Part A's routinely-recorded data first, these are divided into two sections. The first section lists data collected for every case that will also be essential to evaluating and maximizing the effectiveness of ADR/settlement assistance processes. The collection of every one of these items is essential. The second section in Part A lists data that are particularly about ADR/settlement assistance and would be recorded for every case referred to ADR or judicial settlement conferences. Again, every one of these items is essential.

Part B's data consist of three sections. All data items would come from surveys. The first section consists of data items that are about the case; the second section lists items that involve party and attorney assessments of the ADR/settlement assistance process; and the third section consists of items that assess or are from the neutral providing ADR/settlement assistance.

¹ The members of the Advisory Committee on Dispute Resolution Research are: Nancy A. Welsh, Professor of Law and Director of Dispute Resolution Program, Texas A&M University School of Law (Chair); Lin Adrian, Associate Professor, JUR Centre for Interdisciplinary Studies of Law, Faculty of Law, University of Copenhagen; Howard Herman, Director, ADR Program, U.S. District Court of the Northern District of California; Jennifer Shack, Director of Research, Resolution Systems Institute; Donna Shestowsky, Professor of Law and Director of the Lawyering Skills Education Program, UC Davis School of Law; Donna Stienstra, Senior Researcher, Federal Judicial Center; Thomas J. Stipanowich, Associate Dean, Straus Institute for Dispute Resolution and William H. Webster Chair in Dispute Resolution and Professor of Law, School of Law, Pepperdine University; and Doug Van Epps, Director, Office of Dispute Resolution, Michigan Supreme Court.

To the extent possible, it will be important to collect the same data from both the cases referred to ADR/settlement assistance and the cases not referred to ADR/settlement assistance. This will permit valid comparisons between them (e.g., to examine which types of cases are referred and which are not).

Note: Bold = Essential. If the first line in a row is in bold and nothing below is, then all items in that row are considered to be essential. Otherwise, the item(s) in bold are the only ones in that row that are considered to be essential.

PART A: INFORMATION RECORDED IN CASE MANAGEMENT OR ADR MANAGEMENT SYSTEMS

Item	Reason
Section 1: Information recorded on all court dockets and relevant to ADR/settlement	
Case characteristics <ul style="list-style-type: none"> • Case type • Amount in controversy 	Needed for determining whether case characteristics affect outcomes. Case type is needed for knowing the cases for which ADR/settlement assistance is being used.
Party represented by counsel? <ul style="list-style-type: none"> • Full representation • Limited representation • No representation 	A focus of access to justice, this information is used to determine how many parties have counsel, as well as whether representation has an impact on case and ADR/settlement assistance outcomes.
Benchmark dates² <ul style="list-style-type: none"> • Case filing date • Date discovery commenced • Date discovery closed • Dates dispositive motions filed and decided (by type of motion) • Start date of trial • End date of trial • Case closing date 	Needed for case management. Also required for determining: 1) time from filing to disposition, 2) whether ADR/settlement assistance is used at all appropriate times, 3) whether the occurrence of some types of case events (e.g., filing of a summary judgment motions) make ADR/settlement assistance more or less effective, 4) whether education is needed to promote earlier referral and 5) relationship of ADR/settlement assistance to duration of case (e.g., do cases referred to ADR resolve more quickly).
Was case eligible for referral to ADR?	Needed for case management purposes and to track the percentage of the caseload that is referred to ADR. Should be recorded for every filed civil case.

² This is the list of dates for civil cases. The list may vary for other case types. For example, for child protection cases, the list would include the dates of petition, initial hearing, adjudication, disposition, and so on.

Case outcome, including dates <ul style="list-style-type: none"> • Default • Settlement • Agreed/consent judgment • Judgment on motion • Judgment at trial • Dismissal by plaintiff • Joint dismissal by parties • Dismissed by the court or transferred to other venue • Other 	<p>Needed for case management. Also required to know the outcomes of cases referred to ADR/settlement assistance. Information could come from a required case closing form, to be filed by the parties.</p>
Case outcome: process that led to settlement <ul style="list-style-type: none"> • Party negotiations not assisted by a third-party neutral • Settlement conference • Mediation • Non-binding arbitration • Early neutral evaluation • ODR • Other 	<p>For courts that offer many options for settlement assistance, needed to know whether settlement is due to ADR or other settlement assistance and what the outcomes of such processes are.</p> <p>This data element may not be currently captured by courts, but it should be. Parties can be required to provide this information on a consent judgment, voluntary dismissal, or case closing form.</p> <p>Another option is to gather this information from post-disposition surveys.</p> <p>ODR may take a variety of forms. We are recommending that the use of ODR be recorded. Different forms of ODR (e.g., facilitation of negotiation, mediation, evaluation) could be listed separately.</p>
Section 2: Information about ADR/settlement assistance recorded on court dockets or in ADR management systems	
ADR/settlement assistance process(es) used <ul style="list-style-type: none"> • Party negotiations not assisted by a third party neutral • Settlement conference • Mediation • Non-binding arbitration • Early neutral evaluation • ODR • Other 	<p>This is needed for case management generally, even in courts with only one ADR/settlement assistance process in addition to traditional bilateral negotiations by lawyers. It is also needed for specific ADR/settlement assistance purposes, including the degree of use of various types of ADR/settlement assistance processes and whether party assessments and case outcomes differ by type of ADR/settlement assistance process.</p> <p>ODR may take a variety of forms. We are recommending that the use of ODR be recorded. Different forms of ODR (e.g., facilitation of</p>

	negotiation, mediation, evaluation) could be listed separately.
Benchmark dates <ul style="list-style-type: none"> • Date(s) referred/ordered to ADR/settlement assistance process(es) • Date neutral selected • Date(s) ADR/settlement assistance session(s) held (see the row above for the processes for which session dates should be recorded) • Date ADR/settlement assistance referral period ended 	<p>Needed for case management and to know whether cases are going to ADR/settlement assistance. Also required for determining: 1) time required for the ADR/settlement assistance process, 2) whether timing of ADR/settlement assistance affects settlement and participant assessments, and 3) efficiency of the ADR/settlement assistance process.</p>
Information on neutral <ul style="list-style-type: none"> • Name of neutral or dispute resolution organization • Current position of neutral, relevant to process <ul style="list-style-type: none"> • Presiding judge • Non-presiding judge • Former judge • Non-judge neutral • Attorney • Gender • Race • Ethnicity • Disability • Sexual orientation • Paid/pro-bono • Who selected neutral 	<p>The name of the neutral or dispute resolution organization is needed in order to monitor the extent of use of particular neutrals or organizations and the quality of the neutrals. The current position of the neutral is particularly relevant in order to distinguish between settlement assistance processes conducted by current judges (presiding and non-presiding) and processes conducted by other neutrals.</p> <p>Gender, race, ethnicity, disability and sexual orientation can be used to determine the diversity of the neutrals providing services. This information can be retrieved from a roster module of the CMS if it is being used. Gender, race, ethnicity, and the other variables are useful for determining whether neutral characteristics affect outcomes. Parties' involvement in selection of the neutral is also useful for assessing the effect of their involvement or non-involvement on settlement, timing, and party assessments.</p> <p>If it isn't possible to record this information in the CMS or an accompanying module, it can be obtained through a neutral survey.</p>

PART B: INFORMATION OBTAINED THROUGH SURVEYS

Section 1: Case information that is obtained through surveys	
What led to use of ADR/settlement assistance? <ul style="list-style-type: none"> • Automatic referral • Multi-door courthouse • Court ordered on own motion and parties agreed with the referral • Court ordered on own motion and parties did not agree with the referral • Party requested • Other 	<p>For programs in which cases can be referred to ADR/settlement assistance by various means. This information can be used in at least two ways: 1) to understand who is requesting cases go to ADR/settlement assistance so that education and outreach efforts can be tailored to those groups that do not request (e.g., judges, parties), and 2) to match outcomes and participant assessments to whether the case was mandated to ADR/settlement assistance or not (a procedural fairness issue). A court may use a referral process different from those listed, but courts should routinely record the referral method used in each case.</p>
Case characteristics <ul style="list-style-type: none"> • Amount in controversy • Contentiousness • Degree to which party assessments of the case differed 	<p>Helpful for determining whether case characteristics affect outcomes.</p>
ADR/settlement assistance outcome: occurrence of settlement <ul style="list-style-type: none"> • Settlement: <ul style="list-style-type: none"> ○ Full ○ Partial • No settlement 	<p>Needed for case management purposes. Also needed for determining the outcomes of cases referred to ADR/settlement assistance.</p>
ADR/settlement assistance outcome: nature of settlement <ul style="list-style-type: none"> • Monetary • Non-monetary • Combination of monetary and non-monetary 	<p>Some ADR processes, such as mediation, are considered to provide the benefit of settlements that address underlying issues. This information is needed in order to assess whether this is happening.</p>

<p>Case outcome: process that led to settlement</p> <ul style="list-style-type: none"> • Party negotiations not assisted by a third-party neutral • Settlement conference • Mediation • Non-binding arbitration • Early neutral evaluation • ODR • Other 	<p>For courts that offer many options for settlement assistance, needed to know whether settlement is due to ADR or other forms of settlement assistance and what the outcomes are.</p> <p>If a survey is used to obtain this information, the survey must be conducted on a post-disposition basis, not a post-session or post-hearing basis.</p> <p>ODR may take a variety of forms. We are recommending that the use of ODR be recorded. Different forms of ODR (e.g., facilitation of negotiation, mediation, evaluation) could be listed separately.</p>
<p>Section 2: Information about and from parties and attorneys that is obtained through surveys</p>	
<p>Party type</p> <ul style="list-style-type: none"> • Individual • Business • Education • Non-profit • Government • Other 	<p>This information has two purposes: 1) to determine whether parties are being served equally depending on their type and 2) to determine if use of the process, its timing, and/or its outcomes vary by party type.</p>
<p>Party demographics</p> <ul style="list-style-type: none"> • Gender • Race • Ethnicity • Disability • Sexual orientation • Income • How many times has party been in court case • How many times has party used ADR/settlement assistance process before 	<p>This is needed to address access to justice. It is needed to determine who is using the program and, by looking at outcomes based on demographics, understand whether outcomes differ based on demographics.</p> <p>The best method for obtaining this information is through an intake process. If this is not possible, these should be included as questions on a post-session survey. The party should retain discretion to decide whether or not to provide this information.</p>
<p>Party represented by counsel?</p> <ul style="list-style-type: none"> • Full representation • Limited representation (only before ADR, only for ADR) • No representation 	<p>A focus of access to justice, this information is used to determine how many parties have counsel, as well as whether representation has an impact on case and ADR/settlement assistance outcomes.</p> <p>Although information on representation is recorded in the CMS, survey questions can be used to obtain further information on the type and extent of representation provided.</p>

<p>Assistance received by party</p> <ul style="list-style-type: none"> • Help desk • Expert assistance (e.g., housing counseling) 	<p>This information helps courts to know how often parties are receiving assistance and whether that assistance has an effect on case and ADR/settlement assistance outcomes.</p> <p>If possible, this information may be collected through the CMS so that information can be obtained for all parties.</p>
<p>Attorney demographics</p> <ul style="list-style-type: none"> • Years in practice • How many times has handled cases in a particular ADR/settlement assistance process in the past 3 years 	<p>Needed to understand who is using the program and, by looking at outcomes based on demographics, understanding whether outcomes differ based on demographics.</p> <p>Experience in ADR in a particular court may be obtained through CMS reports. However, this won't provide information on an attorney's overall experience with the ADR.</p>
<p>Cost to parties to participate</p> <ul style="list-style-type: none"> • Money spent • Time spent 	<p>Access to justice issue. Can those with low incomes afford to participate in the process?</p>
<p>Party/attorney assessment of process and outcome</p> <ul style="list-style-type: none"> • Procedural fairness • Outcome fairness • Procedural satisfaction • Coercion/pressure • Outcome satisfaction • Whether cost of ADR in time and money is too much 	<p>Needed to monitor the quality of services provided.</p>

Section 3: Information about and from neutrals that is obtained through surveys	
Information on neutral <ul style="list-style-type: none"> • Name of neutral or dispute resolution organization • Current position of neutral, relevant to process <ul style="list-style-type: none"> • Presiding judge • Non-presiding judge • Former judge • Non-judge neutral • Attorney • Gender • Race • Ethnicity • Disability • Sexual orientation • Paid/pro-bono • Who selected neutral 	<p>If information on neutrals can't be obtained from the case management or ADR management system, it can be obtained through survey questions. The name of the neutral or dispute resolution organization is needed in order to monitor the extent of use of particular neutrals or organizations and the quality of the neutrals. The current position of the neutral is especially important to distinguish between current judges (presiding and non-presiding) and other neutrals.</p> <p>Gender, race, ethnicity, disability, and sexual orientation can be used to determine the diversity of the neutrals providing services. Gender, race, ethnicity, and the other variables are useful for determining whether neutral characteristics affect outcomes. The neutral should retain discretion to decide whether or not to provide this information. Parties' involvement in selection of the neutral is also useful for assessing the effect of their involvement or non-involvement on settlement, timing, and party assessments.</p>
Party/attorney assessment of neutral	<p>Needed to monitor the quality of the neutrals providing services. For mediation, research indicates that attorney survey responses represent one relatively accessible and reliable means to assess mediators' ability.</p>
Actions taken by mediator <ul style="list-style-type: none"> • Required actions • Not required actions 	<p>Information on whether mediators took required actions (IPV screening, explanation of confidentiality) is needed to monitor mediator quality. Information on other actions can help in research/evaluation into what mediator actions are associated with better outcomes (including more positive participant assessments)</p>
Neutral's assessment of case	<p>Neutrals can provide useful feedback to the court regarding the appropriateness of their case referrals and systemic issues that may affect the quality, fairness, efficiency or cost of ADR.</p>

Tab 5

Report of the Judicial Council's Standing Committee on Resources for Self-represented Parties

February 2020

The court's mission

The Judicial Council's Standing Committee on Resources for Self-represented Parties supports the court's mission of providing the people an open, fair, efficient, and independent system for the advancement of justice under the law by studying the needs of self-represented parties within the Utah State Courts and proposing policy recommendations concerning those needs to the Judicial Council. More detail on this is found in the committee's authority:

Rule 3-115 of the Code of Judicial Administration

Intent: To establish a committee to study and make policy recommendations to the Judicial Council concerning the needs of self-represented parties.

(1) The committee shall study the needs of self-represented parties within the Utah State Courts, and propose policy recommendations concerning those needs to the Judicial Council.

(2) *Duties of the committee.* The committee shall:

(2)(A) provide leadership to **identify** the needs of self-represented parties and to **secure and coordinate resources** to meet those needs;

(2)(B) assess available **services and forms** for self-represented parties and gaps in those services and forms;

(2)(C) ensure that **court programs for self-represented litigants are integrated** into statewide and community planning for legal services to low-income and middle-income individuals;

(2)(D) **recommend** measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and

(2)(E) **develop an action plan** for the management of cases involving self-represented parties.

Membership

Rule 1-205 of the Code of Judicial Administration:

(1)(B)(viii) **The Committee on Resources for Self-represented Parties** shall consist of

- two district court judges,
- one juvenile court judge,
- two justice court judges,

- three clerks of court--one from an appellate court, one from an urban district and one from a rural district,
- one representative from the Self-Help Center,
- one representative from the Utah State Bar,
- two representatives from legal service organizations that serve low-income clients,
- one private attorney experienced in providing services to self-represented parties,
- two law school representatives,
- the state law librarian, and
- two community representatives.

Membership changes this year: the chairmanship passed from Judge Barry Lawrence to Judge Richard Mrazik.

Looking backward

- Helped form the Self-help Center
- Helped vet the new lawyer directory
- Worked on forms
- The Self-help Center is responsible for a lot of the website
- Worked on amending the law student practice rule to be more broad and encompassing (and allow 2L students to participate)
- Studied early domestic case processing through the use of Rule 16 conferences by court commissioners
- Supported the development and implementation of virtual services in rural areas
- Supported the Self-Help Center's funding request to increase staff hours to the Judicial Council
- Supported and encouraged one-on-one clerk training on pro se resources
- Presentations to law students and the Bar about getting involved in pro bono work
- Presentations to judges about self-help resources and remote hearings

Looking forward

- **The Self Help Center:***
 - The best use of resources in the State
 - Continue to advocate for more funding
 - Continue to get the word out to the bar, the community, Court staff (JA's)
- **Access Issues:**
 - Unrepresented parties should have unfettered access to the courthouse
 - Working on dress code rule
 - Expand the concept – cell phones and child care
- **Debt Collection Focus:**
 - Based on the number of defaults, serious concerns
 - Wednesday afternoon calendar to provide access to attorneys
 - Senior Section of the Bar to help populate those calendars

- Forms:
 - Omnibus Collections Form
 - Warning Language on Motions and Requests for Admissions
- Work with Civil Rules Committee:
 - Warning Language
 - Ten Day Summons (?)
- **Future Focus on Evictions; Landlord Tenant Issues***
 - Growing problem of affordable housing
 - Growing problem of homelessness
 - Multi-faceted approach is probably needed (are we situated to do this?)
- **Remote Services**
 - Remote access to rural courthouses to take advantage of Salt Lake lawyers
 - Rural courts are interested, but practical concerns
 - IT is a limiting factor. Proposal to Judicial Council in this regard?
- **Community Outreach***
 - This is really important and we lawyer types aren't great at it.
 - Committee members should continue to put in the effort on this.
- **Continue to make presentations about the need for pro bono**
 - Law Schools annual presentation
 - Judge conferences
 - Bar conferences.
- **Court Visitor Program**
 - Work with the University of Utah to start a program for students
 - Alternative source of possible visitors.
- **Continue to Work with the Domestic Practice Section**
- **Continue to interact with the Bar, the Access to Justice Committee**
 - Participate in Annual Summit
 - Cross-Discussions between the groups are important.

Tab 6

Judicial Council "Additional Committee"
Judges' Well-Being Committee (JWC) or
Judicial Well-being Oversight Committee (JWOC)

Committee Objectives:

1. Look at the CONFIDENTIAL judge study results and identify our biggest challenges; Who will be designated to start this project and measure efforts-based on above answers?
2. Create a judge-to-judge peer support team to serve all districts
 - a. Similar programs around the country similar to the Lawyers Helping Lawyers program.
 - b. Brent Johnson will be instrumental in establishing guidelines for this program.
 - c. A potential fiscal note to this program or committee will be the possibility of two or more clinical, licensed counselors, specializing in the legal community to be "retained" by the AOC for judges only. More details to follow in regards to this idea pending recommendations.
3. Assist in creation and oversight of high-quality training
 - a. Education department is currently offering well-being tracts/training for new-judge onboarding, bench-level conferences, all-judge judicial conference.

Timelines:

- 1st Committee meeting: week of March 9, 2020
- Next Judicial Council update: August 2020 (scope and status)
- Target Date for All-Judicial Announcement: Annual Conference Sept. 2020.

Membership: Every district and all benches must be represented

Committee Members

Chair
Staff
General Counsel
Asst. State Court Administrator
HR Director
Education Director
One judge from
Appellate Court
District Court (urban)
District Court (rural)
Juvenile (rural)
Juvenile (urban)
Justice Courts (rural)
Justice Courts (urban)
Commissioner
TCE (urban)
TCE (rural)

Recommendation

Andrew Stone
Larissa Lee
Brent Johnson
Cathy Dupont
Bart Olsen
Tom Langhorne/Kim Free

Paige Petersen
Elizabeth Hruby-Mills (3rd)
Ed Peterson (8th)
7th?
5th?
6th?
4th?
2nd?
4th?
1st?

Tab 7

THE APPELLATE MEDIATION OFFICE 2019

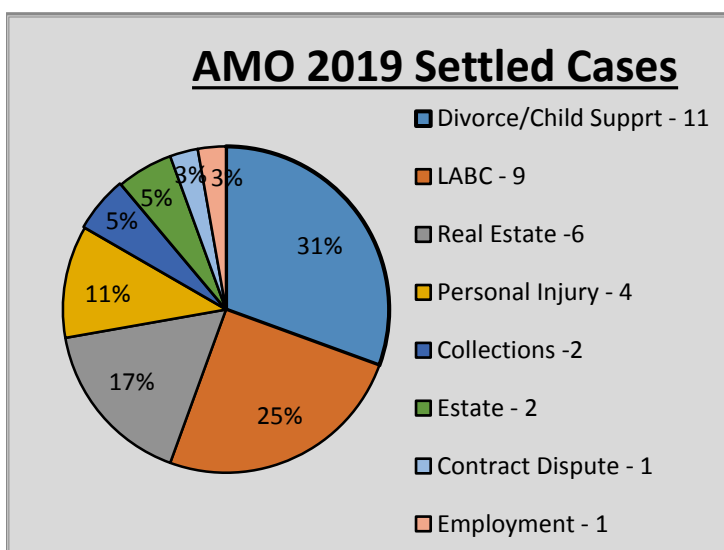
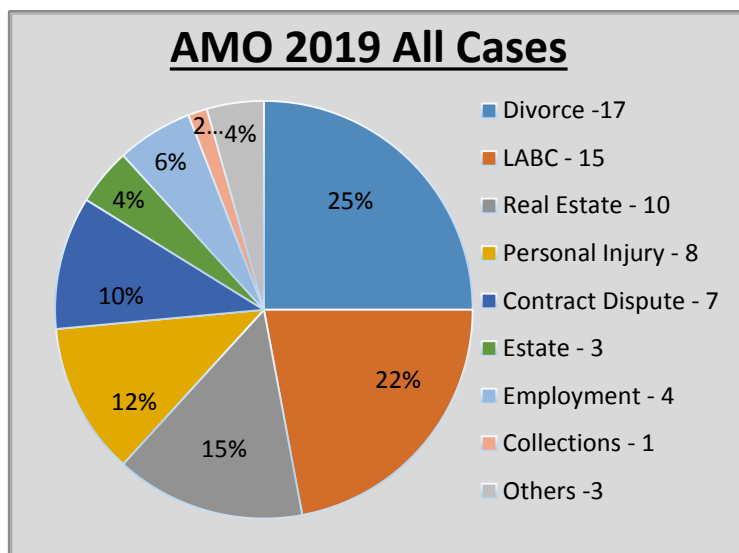
"It's Never Too Late to Mediate"

- For 22 years, the Appellate Mediation Office (AMO) has helped litigants resolve their disputes in a kind, professional, and welcoming environment.
- The AMO provides experience and compassion. Michele Mattsson has been the Chief Appellate Mediator for 19 years. Shauna Hawley, a paralegal, has been the administrative assistant for seven years. Together, they create a supportive, caring environment in which litigants in high stress, high conflict situations can resolve their disputes.
- The number of cases settled by the AMO is similar to the number of opinions authored by each Court of Appeals (COA) judge. The AMO and COA judges work in tandem to serve the public. Parties have the option of resolving disputes by themselves or with the help of the appellate judges.
- The AMO has broad reach and influence. Not only are appellate cases resolved through mediation but so are related district court and federal court cases. The AMO also helps settle a significant number of agency cases. Settlements provide finality, resolve pressing issues, eliminate the possibility of reversals, and address litigation realities and risk factors, including collectability.
- Mediations reduce costs. Cases are typically mediated before briefs are written or transcripts ordered, which saves the parties tens of thousands of dollars. Mediations also save time. A case resolved through mediation is quicker than one decided by judicial opinion. Significantly, the emotional toll on the parties is lessened when a case settles in mediation.
- Over 50% of the cases referred to the AMO settle. Here is a snapshot of 2019:

Number of cases ordered into mediation	68
Cases settled	37
Percentage of cases settled	54%

Case demographics:

Divorce/Child support	17
LABC/WFS	15
Real Estate/Landlord	10
Personal injury	8
Contract disputes	7
Collections	1
Estate	3
Employment	4
Others	3



● Demographics of cases settled in mediation closely reflect demographics of cases ordered into mediation. Divorce cases are the most common and most often settled followed by real estate, Labor Commission, and personal injury cases.

● Most mediations are in-person; some are by phone; some are both. In 2019, 64 cases were mediated in-person; 4 by phone.

● The AMO is efficient. In 2019:

- Average time cases were in mediation 81.38 days
- Average time Labor Commission cases were in mediation 89.14 days
(Settlements have to be reviewed and approved by the Labor Commission.)
- Average time domestic cases were in mediation 82.76 days

2019 Mediation Questionnaire Responses

"Mediation process was very beneficial. Mediator was excellent."

"I was blown away that we settled. Whatever magic you worked, Michele, thank you!"

"I have used the services of the appellate mediation office before and think it is one of the times when a client can feel good about the judicial system."

"Michele Mattsson was kind, professional and did a great job even though it did not settle. I appreciate the service provided and believe it helped my client understand a system that seems confusing and cold."

"Phone was an effective way to discuss the issues."

"Michele and Shauna helped my case a lot. Highly appreciated the help!"—Pro Se participant

"Best mediation success ever. Michele hung in there for over a month."

"Michele was perceptive and recognized what the parties both needed to feel comfortable settling. Her efforts were critical to getting the case resolved."

"Trial counsel had tried to settle to no avail. This one worked, as always. Excellent work Michele! Thanks!"

"We were discussing settlement on our own, but were a ways apart. We might have been able to resolve it, but that prospect was greatly enhanced by Michele's patient approach to a difficult and complex case."

"Ms. Mattsson did an excellent job and provided us with the best chance of settlement. Although the case didn't settle, mediation was useful and appreciated."

"Michele did her usual fine job."

"Michele is excellent! Thanks to your office."

"The mediation failed because of the other party, notwithstanding the efforts of the mediator."

"Mediation was useful—always helps for my client to interact with the mediator."

Cases Settled as a Result of Mediation
Calendar Year January 1, 2019 to December 31, 2019

1. Cordova v. Haws - 20180420 - buyers alleged seller sold them a home that violated city codes without proper disclosures. Buyers appealed decision requiring them to pay attorney fees under the REPC.

Notice of Appeal filed: 05/31/18
Pourover date: 06/25/18
Docketing Statement filed: 06/21/18
Rec'd by Mediation: 07/03/18
Order for Mediation sent: 07/03/18
Mediation originally scheduled: 07/27/18
Mediation held: 07/27/18
Settled: 07/27/18
Dismissed: 01/22/19. The case settled and an agreement was signed at mediation. The appeal was dismissed after settlement requirements were met.

2. Niedrauer v. Niedrauer - 20181014 - husband unsuccessfully sought to set aside default divorce decree that awarded all the real property to wife.

Notice of Appeal filed: 12/13/18
Pourover date: N/A
Docketing Statement filed: 01/02/19
Rec'd by Mediation: 01/04/19
Order for Mediation sent: 01/04/19
Mediation originally scheduled: 01/15/19
Mediation held: 01/15/19
Settled: 01/15/19
Dismissed: 01/25/19. The case settled and an agreement was signed at mediation. The case was dismissed thereafter.

3. Nelson v. McGregor - 20180954 - ex-wife was vacating home to an assisted living facility. Husband wanted to live in home, but court ruled he had previously waived any interest in the home.

Notice of Appeal filed: 11/20/18
Pourover date: 12/11/18
Docketing Statement filed: 12/05/18
Rec'd by Mediation: 12/17/19
Order for Mediation sent: 12/17/19
Mediation originally scheduled: 01/04/19
Mediation held: 01/04/19
Settled: 01/04/19
Dismissed: 02/08/19. After the case went to mediation, husband elected not to pursue his appeal.

4. Allred v. LABC - 20170497 - flight attendant who was injured by a food cart sued airline. She appealed an adverse decision against her.

Writ of Review filed: 06/21/17

Pourover date: N/A

Docketing Statement filed: 07/11/17

Rec'd by Mediation: 07/19/17

Order for Mediation sent: 07/19/17

Mediation originally scheduled: 08/24/17

Mediation held: 09/12/17; 10/02/17

Settled: 10/27/17

Dismissed: 02/14/19. After almost two years of effort the case settled.

5. Fullmer v. Fullmer - 20190004 - divorcing couple stipulated that husband would pay same amount of child support until youngest of three children graduated from high school. Court granted husband's later petition to reduce child support when one child moved in with him. Wife appealed.

Notice of Appeal filed: 01/03/19

Pourover date: N/A

Docketing Statement filed: 01/16/19

Rec'd by Mediation: 01/22/19

Order for Mediation sent: 01/22/19

Mediation originally scheduled: 02/08/19

Mediation held: 02/08/19

Settled: 02/08/19

Dismissed: 02/21/19. After the case went to mediation, wife elected not to pursue her appeal.

6. In re Guardianship of Norma Jean - 20180855 - dispute between aunt and niece over who should oversee the care and assets of their sister/mom who is a protected person.

Notice of Appeal filed: 10/22/18

Pourover date: 11/07/18

Docketing Statement filed: 10/17/18

Rec'd by Mediation: 11/13/18

Order for Mediation sent: 11/13/18

Mediation originally scheduled: 12/05/18

Mediation held: The mediation office worked informally with counsel to resolve the appeal.

Settled: 03/26/19

Dismissed: 04/01/19

7. Great Salt Lake Minerals v. LABC - 20170005 - employer objected to award of benefits and award of medical expenses to employee with pre-existing medical issues

Writ of Review filed: 01/04/17

Pourover date: N/A

Docketing Statement filed: 01/25/17

Rec'd by Mediation: 02/01/17

Order for Mediation sent: 02/01/17

Mediation originally scheduled: 03/07/17

Mediation held: 03/07/17

Settled: 04/04/19

Dismissed: 04/10/19. Considerable effort was expended to resolve the case which had lots of complicated issues. After nearly two years, the case settled.

8. Taylor v. Crawford - 20180430 - dispute between buyers and sellers as to who was responsible to pay for increase in second mortgage. Sellers also objected to award of attorney fees in buyers' favor.

Notice of Appeal filed: 06/06/18

Pourover date: 06/11/18 **Docketing Statement filed:** 07/27/18

Rec'd by Mediation: 08/15/18

Order for Mediation sent: 08/15/18

Mediation originally scheduled: 09/11/18

Mediation held: 09/11/18

Settled: 04/17/19

Dismissed: 04/25/19. Post mediation efforts led to the case settling.

9. Manning v. LABC - 20180864 - employee with pre-existing back issues was injured when she was pushed from behind by a co-worker. Employee appealed denial of Worker's Compensation benefits.

Writ of Review filed: 10/24/18

Pourover date: N/A

Docketing Statement filed: 11/13/18

Rec'd by Mediation: 11/20/18

Order for Mediation sent: 11/20/18

Mediation originally scheduled: 12/07/18

Mediation held: 12/14/19

Settled: 12/14/18

Dismissed: 05/02/19. An agreement in principle was reached but it took extra effort to finalize the settlement. Labor Commission approval of the settlement also had to be obtained.

10. Stevens v. WFS - 20190032 - employee appealed agency determination that he was overpaid unemployment benefits.

Notice of Appeal filed: 01/11/19

Pourover date: N/A

Docketing Statement filed: 01/24/19

Rec'd by Mediation: 02/07/19

Order for Mediation sent: 02/07/19

Mediation originally scheduled: 02/20/19

Mediation held: 02/20/19

Settled: 04/25/19

Dismissed: 05/02/19. It took considerable effort and negotiations after the mediation for the case to resolve.

11. Vest v. Vest - 20180689 - husband appealed division of assets in divorce.

Notice of Appeal filed: 08/29/18

Pourover date: N/A

Docketing Statement filed: 09/07/18

Rec'd by Mediation: 09/14/18

Order for Mediation sent: 09/14/18

Mediation originally scheduled: 10/05/18

Mediation held: 11/09/18

Settled: 11/09/18

Dismissed: 05/15/19. Case settled at mediation. It then took time to finalize the settlement documents.

12. Neilsen v. Neilsen - 20190039 - dispute over business, custody and property issues. Wife argued evidentiary and valuation errors by trial court.

Notice of Appeal filed: 01/15/19

Pourover date: N/A

Docketing Statement filed: 02/01/19

Rec'd by Mediation: 02/21/19

Order for Mediation sent: 02/21/19

Mediation originally scheduled: 03/19/19

Mediation held: 03/19/19

Settled: 03/19/19

Dismissed: 05/23/19. The appeal was dismissed after requirements of the settlement agreement were met.

13.Haws v. Morrell - 20180706 - employee was attacked with an ax to his skull while working in Ethiopia. Insurance company paid his significant medical bills. Employee appealed denial of his claim for permanent total disability.

Notice of Appeal filed: 09/05/18
Pourover date: 09/21/18
Docketing Statement filed: 09/24/18
Rec'd by Mediation: 12/17/18
Order for Mediation sent: 12/17/18
Mediation originally scheduled: 01/08/19
Mediation held: 03/13/19
Settled: 03/13/19
Dismissed: 05/23/19. Appeal was dismissed after settlement documents were finalized and approved by the Labor Commission.

14.Davis v. Retirement - 20181054 - employee suffered significant injuries when a manhole cover failed. Employee appealed agency determination that his long term disability benefits should be offset by his Worker's Compensation benefits.

Notice of Appeal filed: 12/21/18
Pourover date: N/A
Docketing Statement filed: 01/11/19
Rec'd by Mediation: 01/29/19
Order for Mediation sent: 01/29/19
Mediation originally scheduled: 03/01/19
Mediation held: 03/01/19
Settled: 03/20/19
Dismissed: 05/23/19. The case was dismissed after appropriate paperwork was finalized.

15.Baur v. ACCC - 20181055 - Baur recovered from insurance company of motorist who hit her. She then sought VIM coverage from her own insurance carrier which was denied.

Notice of Appeal filed: 12/27/18
Pourover date: 01/14/19
Docketing Statement filed: 01/18/19
Rec'd by Mediation: 01/23/19
Order for Mediation sent: 01/23/19
Mediation originally scheduled: 02/12/19
Mediation held: 02/12/19
Settled: 02/12/19
Dismissed: 05/28/19. Appeal was dismissed after paperwork was completed and settlement agreement obligations were met.

16. Scott v. Scott - 20180210 - multi-issue divorce case.

Notice of Appeal filed: 03/15/18

Pourover date: N/A

Docketing Statement filed: 03/20/18

Rec'd by Mediation: 07/03/18

Order for Mediation sent: 07/03/18

Mediation originally scheduled: 08/21/18

Mediation held: 10/12/18

Settled: Certified to S.C.

Dismissed: 06/11/19. At mediation, the parties agreed to resolve the Court of Appeals' case by seeking certification to the Supreme Court.

17. Mellor v. LABC - 20190342 - employee who was denied Worker's Compensation benefits appealed. Employee argued multiple errors below: improper exclusion of experts, flawed instructions to medical panel, misapplication of guidelines, and misinterpretation of evidence.

Writ of Review filed: 04/25/19

Pourover date: N/A

Docketing Statement filed: 05/07/19

Rec'd by Mediation: 05/09/19

Order for Mediation sent: 05/05/19

Mediation originally scheduled: 05/29/19

Mediation held: 05/29/19

Settled: 05/29/19

Dismissed: 06/25/19. The appeal was dismissed after Labor Commission approval of the settlement agreement.

18. SLYD v. Hunn - 20190454 - Hunn sought to set aside default judgment against himself and his company arguing the judgment was improperly entered against him while he was incapacitated at the hospital.

Notice of Appeal filed: 06/03/19

Pourover date: 06/19/19

Docketing Statement filed: 06/24/19

Rec'd by Mediation: 06/28/19

Order for Mediation sent: 06/28/19

Mediation originally scheduled: 07/29/19

Mediation held: The mediation office worked informally with the parties to achieve a settlement.

Settled: 06/25/19

Dismissed: 07/01/19

19. Jansson v. LABC - 20190232 - question of whether employee was entitled to worker's compensation benefits for knee injury sustained during softball game sponsored by the employer. Employee appealed denial of benefits.

Writ of Review filed: 03/22/19

Pourover date: N/A

Docketing Statement filed: 04/10/19

Rec'd by Mediation: 04/15/19

Order for Mediation sent: 04/16/19

Mediation originally scheduled: 05/07/19

Mediation held: 05/07/19

Settled: 05/07/19

Dismissed: 07/01/19. Post-mediation efforts led to a settlement and dismissal of the appeal.

20. Oler v. Rockville City - 20190022 - dispute between resident and city over denial of building permit and resident's attempt to disconnect property from city.

Notice of Appeal filed: 01/04/19

Pourover date: 01/24/19

Docketing Statement filed: 02/01/19

Rec'd by Mediation: 04/03/19

Order for Mediation sent: 04/03/19

Mediation originally scheduled: 04/25/19

Mediation held: 04/25/19

Settled: 04/24/19

Dismissed: 07/09/19. After the case went to mediation, resident elected not to pursue his appeal.

21. 670 Torrey v. Straightline - 20190231 - dispute between contractor and owner over work performed on hotel remodel.

Notice of Appeal filed: 03/18/19

Pourover date: 04/08/19

Docketing Statement filed: 04/02/19

Rec'd by Mediation: 04/10/19

Order for Mediation sent: 04/10/19

Mediation originally scheduled: 04/30/19

Mediation held: 04/30/19

Settled: 04/30/19

Dismissed: 07/15/19. An agreement was reached in principle at the mediation. It took extra time and effort to resolve unexpected issues and draft a settlement.

22. Kelle's Transport v. LABC - 20190463 - trucking company appealed award of worker's compensation benefits to employer with pre-existing back condition arguing mechanism of injury was not unusual or extraordinary.

Writ of Review filed: 06/03/19
Pourover date: N/A
Docketing Statement filed: 06/03/19
Rec'd by Mediation: 06/07/19
Order for Mediation sent: 06/07/19
Mediation originally scheduled: 06/26/19
Mediation held: 06/26/19
Settled: 06/26/19
Dismissed: 08/01/19. The case settled at mediation. It took time to finalize settlement documents and to obtain Labor Commission approval.

23. Tooele City v. Aposhian - 20190464 - dispute between sod farm and Tooele over amounts owed to sod farm when it was required to vacate land owned by Tooele.

Notice of Appeal filed: 06/05/19
Pourover date: 06/06/19
Docketing Statement filed: 06/18/19
Rec'd by Mediation: 06/28/19
Order for Mediation sent: 06/28/19
Mediation originally scheduled: 07/23/19
Mediation held: 07/23/19
Settled: 07/23/19
Dismissed: 08/16/19. Case settled at mediation. Documents were finalized and signed after approval by City Council.

24. Young v. Utah Crime Victims - 20190530 - crime victim appealed decision requiring her to pay back Office of Crime Victims money she recovered for the perpetrators and her insurance companies.

Notice of Appeal filed: 06/27/19
Pourover date: 07/12/19
Docketing Statement filed: 07/08/19
Rec'd by Mediation: 07/22/19
Order for Mediation sent: 07/22/19
Mediation originally scheduled: 08/21/19
Mediation held: 08/23/19
Settled: 08/23/19
Dismissed: 09/03/19. A settlement was reached at mediation. The appeal was dismissed after paperwork was finalized.

25. Quackenbush v. Quackenbush - 20190362 - appeal and cross-appeal in a contentious divorce.

Notice of Appeal filed: 04/30/19

Pourover date: N/A

Docketing Statement filed: 05/17/19

Rec'd by Mediation: 05/24/19

Order for Mediation sent: 05/24/19

Mediation originally scheduled: 06/27/19

Mediation held: 06/28/19

Settled: 06/28/19

Dismissed: 09/05/19. A settlement was reached at mediation. It took several months thereafter to finalize paperwork and obtain trial court approval.

26. Peterson v. LABC - 20190142 - employee argued she was entitled to additional worker's compensation benefits (beyond 312 weeks) because employer's alleged actions delayed medical treatment.

Writ of Review filed: 02/22/19

Pourover date: N/A

Docketing Statement filed: 04/09/19

Rec'd by Mediation: 05/02/19

Order for Mediation sent: 05/02/19

Mediation originally scheduled: 05/16/19

Mediation held: 05/16/19

Settled: 05/16/19

Dismissed: 09/27/19. The appeal was dismissed after settlement documents were finalized and Labor Commission approval was obtained.

27. Borchardt v. Dalmendray - 20190226 - highly contentious divorce.

Notice of Appeal filed: 03/19/19

Pourover date: N/A

Docketing Statement filed: 04/08/19

Rec'd by Mediation: 05/30/19

Order for Mediation sent: 05/30/19

Mediation originally scheduled: 06/27/19

Mediation held: 06/27/19

Settled: 09/26/19

Dismissed: 10/04/19. This case took months of effort after the mediation to resolve. Trial court approval was also obtained.

28. Overton v. Martin - 20190594 - family dispute over ownership of estate property.

Notice of Appeal filed: 07/18/19
Pourover date: 07/25/19
Docketing Statement filed: 08/08/19
Rec'd by Mediation: 08/16/19
Order for Mediation sent: 08/16/19
Mediation originally scheduled: 09/12/19
Mediation held: 09/12/19
Settled: 09/12/19; 09/23/19. Two parties settled and dismissed their appeal and counterclaim. One appellant continued with her appeal.
Dismissed: 09/27/19 (two parties)

29. Osheku v. Moulton - 20190714 - dispute over child support and parent-time.

Notice of Appeal filed: 08/26/19
Pourover date: N/A
Docketing Statement filed: 08/27/19
Rec'd by Mediation: 09/04/19
Order for Mediation sent: 09/04/19
Mediation originally scheduled: 09/30/19
Mediation held: 09/30/19
Settled: 09/30/19
Dismissed: 10/07/19. Appeal was dismissed after settlement paperwork was finalized.

30. Hammon v. POST - 20190051 - two officers appealed disciplinary decisions by POST. Though the fact patterns were different the cases of the two officers were consolidated (20190100) given similar legal issues.

Notice of Appeal filed: 01/18/19
Pourover date: N/A
Docketing Statement filed: 02/02/19
Rec'd by Mediation: 02/08/19
Order for Mediation sent: 02/08/19
Mediation originally scheduled: 03/08/19
Mediation held: 03/08/19
Settled:
Dismissed: 10/07/19. Negotiations continued after mediation and ultimately resulted in settlement for both officers and dismissal of the appeal.

31. In re Adoption of B.B.B. - 20170726 - case regarding interests of biological and adoptive father.

Petition for Interloc filed: 09/13/17

Pourover date:

Docketing Statement filed:

Rec'd by Mediation:

Order for Mediation sent:

Mediation originally scheduled:

Mediation held: The mediation office worked informally with counsel.

Settled: 10/11/19

Dismissed: 10/11/19

32. Arigot v. Arigot - 20190617 - wife appeals trial court's decision not to award attorney fees in divorce case.

Notice of Appeal filed: 07/22/19

Pourover date: N/A

Docketing Statement filed: 08/09/19

Rec'd by Mediation: 08/20/19

Order for Mediation sent: 08/20/19

Mediation originally scheduled: 09/24/19

Mediation held: 10/11/19

Settled: 10/11/19

Dismissed: 10/21/19. Parties agreed to a remand so the trial court could employ a different legal standard in determining whether wife was entitled to attorney fees.

33. Fu v. Deutsche Bank - 20170473 - dispute between bank which owned house through foreclosure and prospective purchaser.

Notice of Appeal filed: 06/14/17

Pourover date: 07/05/17

Docketing Statement filed: 07/05/17

Rec'd by Mediation: 01/08/19

Order for Mediation sent: 01/08/19

Mediation originally scheduled: 05/02/18; 05/24/18

Mediation held: The mediation office worked informally with the parties for over a year. It was complicated and slow due to housing regulations, the need to obtain approvals from non-parties, and the variety of issues involved.

Settled: 10/16/19

Dismissed: 10/22/19

34. Roderick v. Durfey - 20180774 - dispute between widow and husband's relatives over water rights, ownership and maintenance of well.

Notice of Appeal filed: 09/24/18
Pourover date: 10/09/18
Docketing Statement filed: 10/03/18
Rec'd by Mediation: 10/11/18
Order for Mediation sent: 10/11/18
Mediation originally scheduled: 10/24/18
Mediation held: 10/24/18
Settled: 10/21/19
Dismissed: 11/05/19. After a year of effort and negotiations (and some delays caused by serious health issues of one attorney and one party), appellant elected not to pursue her appeal.

35. Higham v. LABC - 20190573 - employee working with special needs children injured her back while attempting to lift a student from a wheelchair. Employer argued she had degenerative back issues and was not entitled to compensation.

Writ of Review filed: 07/11/19
Pourover date: N/A
Docketing Statement filed: 08/01/19
Rec'd by Mediation: 08/05/19
Order for Mediation sent: 08/05/19
Mediation originally scheduled: 09/03/19
Mediation held: 10/11/19
Settled: 10/11/19
Dismissed: 11/25/19

36. Cox v. Cox - 20190468 - sad and contentious divorce. The parties' only two children were killed in a car accident and mom was severely injured. This happened after the divorce trial, but before the trial court had finalized its decision.

Notice of Appeal filed: 05/31/19
Pourover date: N/A
Docketing Statement filed: 06/19/19
Rec'd by Mediation: 06/24/19
Order for Mediation sent: 06/28/19
Mediation originally scheduled: 07/31/19
Mediation held: 07/31/19
Settled: 07/31/19
Dismissed: 11/25/19. In mediation, the parties agreed to a remand so that issues in the personal injury case could be resolved and then alimony revisited. The appeal was dismissed after the remand.

37. Stevens v. Holmes - 20190642 - two passengers were injured when struck by a car driven by Holmes who was going over 100 mph. Holmes raised sudden unforeseen mental illness defense.

Notice of Appeal filed: 08/02/19

Pourover date: 08/21/19

Docketing Statement filed: 08/23/19

Rec'd by Mediation: 09/03/19

Order for Mediation sent: 09/04/19

Mediation originally scheduled: 10/01/19

Mediation held: 10/01/19

Settled: 10/01/19

Dismissed: 12/16/19. The case settled at mediation and was dismissed after settlement requirements were met.

Tab 8



Judicial Council History Project Plan

Benchmark Tasks	Actions	Est. Time to Accomplish	Est. Cost/Resources
Establish project coordinator and advisor	<p>Consult with the Judicial Council about creating a project coordinator, such as a Judicial Council History Steering Committee or a contracted person, to better define the scope of the project, identify resources needed, and help guide the project. Identify staff for the committee.</p> <p>Consult with the Education Dept. regarding how to approach and manage the project.</p> <p>Scope and purpose of the history should be better defined. Is it to educate new council members? Is it outreach to the public? Is it an origin story or a complete history?</p> <p>Outreach for grant and resource opportunities NCSC, SJI, U of U and BYU</p>	<p>Spring 2020 for identifying and creating the project coordinator structure and assigning staff</p> <p>February, early March 2020</p> <p>A couple months after the Steering Committee is created (Summer 2020) for further definition of scope of project</p> <p>Start summer 2020 and ongoing as project advances</p>	<p>Varies depending on whether a current employee or department has the capacity to oversee this project or whether we need to RFP for help</p> <p>A comprehensive history may require substantial resources</p> <p>Committee staff and others with connections to organizations and institutions</p>



UTAH STATE COURTS

Benchmark Tasks	Actions	Est. Time to Accomplish	Est. Cost/Resources
Creating Searchable Database of Primary Source Documents	Identify estimated 61,200 pages of Judicial Council documents that need to be indexed, scanned, and converted to a keyword searchable database. If the scope of the project is to include all history and not just the inception of the Council, this task will be very large.	Process started, but only as time permits - completion to be determined (TBD) based on available resource	Law Library Staff are currently going through the documents, with limited time to devote to the effort. Outside resources or additional employees will be needed to scan and index. Budget needed to support
	Meet with law library to plan and formulate timeline, and budget and resources needed to complete task	Feb 2020 for planning meeting	Geoffrey Fattah/Jessica Van Buren
	Identify records in State archives and the legislative branch to supplement Court records	TBD after resources for task identified	People and money to do the work
	Consult with IT and Court Services for discussion of resources needed to create a searchable database	March - April 2020	Heidi Anderson, Clayson Quigley, Jessica Van Buren and Steering Committee
	Prepare budget requests for indexing and the database. Meet with Finance to identify carryforward funding or new request from 2022 budget	April - May 2020, or August 2020	Budget and FTEs



UTAH STATE COURTS

Benchmark Tasks	Actions	Est. Time to Accomplish	Est. Cost/Resources
<p>Conduct on-camera interviews of key individuals:</p> <ul style="list-style-type: none"> • Chief Justice Richard Howe • Chief Justice Michael Zimmerman • Chief Justice Christine Durham • Judge Gregory Orme, Utah Court of Appeals • Tim Shea, former Appellate Courts Administrator • Dan Becker, State Court Administrator • Gordon Hall • Isaiah Zimmerman, consultant • Roger Tew, Constitutional Revision Commission, Legislative Research • Richard Peay, State Court Administrator (1984 - prior) • Others 	<p>Review pertinent documents to prepare questions and conduct Justice Howe interview. Seek feedback from the Judicial Council and Steering Committee about interview questions.</p> <p>Select videographer. Determine amount for budget request. Consult with Finance to determine budget request timing. (carryforward or 2022) If the budget request is approved in May, begin the 6-month RFP process or the 3-month state contractor process.</p> <p>Once the videographer is selected, contact each person to schedule interviews and forward questions to interviewee. Determine need to interview additional people.</p> <p>Edit videos</p>	<p>Feb 2020 to early March 2020 (initial contact with Justice Howe's son is completed)</p> <p>April- May 2020 for budget request</p> <p>August - Oct. 2020 videographer selected.</p> <p>November 2020 to April 2021 conduct additional interviews</p> <p>Unknown at this time</p>	<p>Identifying Subjects: Geoffrey Fattah/Tim Shea</p> <p>Formulating Questions: Geoffrey Fattah with input from the Council, Tim Shea, and Steering Committee</p> <p>Scheduling and conducting interviews: Geoffrey Fattah</p> <p>Videographer for filming - RFP requires selection committee and Dustin Treanor and legal for contract. cost unknown (est at least \$10,000)</p>



UTAH STATE COURTS

Benchmark Tasks	Actions	Est. Time to Accomplish	Est. Cost/Resources
Create a book of the history of the Council	Work group or project coordinator needs to decide the scope of the history: inception story or history of council from inception to current and the audience for the book. Is the audience the public or Judicial Council?	Fall 2020	Steering committee or project coordinator.
	The Steering Committee needs to determine the timing of looking for an author. Do we wait until the materials are indexed and in a searchable database?	Fall 2020	Seek opinions from the Education Department, Law Library and Steering Committee.
	Prepare a request for information to help the Council determine what type of author we want (historian, law professor, grad student) and to get an idea of the costs for creating a history book.	Timing depends on decisions from committee, earliest date for issuing an RFI is probably early 2021	Project lead or steering committee to prepare RFI, committee to review RFI and make recommendations to the Council
	Determine timing of Budget request for the cost of hiring an author. Enter into the budget process to obtain funding.	TBD	Project manager and Steering Committee, available funding

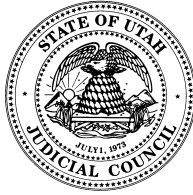


UTAH STATE COURTS

	Once funding is obtained, start the RFP process for selecting the author.	TBD and subject to budget	The project coordinator, an RFP committee and legal
	Writing of book, editing of book	TBD	Project coordinator and Steering Committee to supervise the author and help with content and edits
	Publishing of book - Separate RFP process needed to publish	TBD	Project coordinator, RFP Committee and legal

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Tab 9



Administrative Office of the Courts

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

Hon. Mary T. Noonan
Interim State Court Administrator

Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: **Judicial Council members**
FROM: **Keisa Williams, Associate General Counsel – AOC**
DATE: **February 24, 2020**
RE: **HR 550 – Discrimination and Harassment – For Final Approval**

HR 550 – Discrimination and Harassment

The Judicial Council asked the Human Resources Review Committee to update the Courts' discrimination and harassment policy, and to seek feedback from the Policy and Planning Committee before advancing a proposal to the Council. The Human Resources Review Committee, with support from Rob Rice and Brent Johnson, engaged in several revisions of this policy.

At its November 25, 2019 meeting, the Judicial Council recommended that a provision be added safeguarding judges and employees against disciplinary action for the possession of, or communication regarding, sensitive case-related materials necessary to perform work-related functions that might otherwise be considered offensive. Those amendments were added to subsection (4), lines 61-67.

Policy and Planning now recommends this rule to the Judicial Council for final approval with a February 24, 2020 effective date.

Note: Mr. Johnson has identified three companion rules that he believes should be amended once HR 550 is approved. If approved, HR 550 will be the only policy in the Personnel Policy and Procedures Manual applicable to judges. To ensure judges are aware of their responsibilities, Mr. Johnson recommends incorporating a reference to HR 550, or language outlining specific duties, in the following rules:

- CJA 3-103. Administrative Role of Judges
- CJA 3-104. Presiding Judges
- Code of Judicial Conduct. Canon 2.3. Bias, Prejudice, and Harassment
 - Amend protected categories to make it consistent with HR 550

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

Once the Judicial Council approves HR 550, Policy and Planning will consider amendments to CJA 3-103 and CJA 3-104. Mr. Johnson will propose amendments to CJC Canon 2.3 to the Supreme Court for approval.

HR550

DRAFT: 12/02/2019

Human Resources Policy 550 – Discrimination and Harassment

1. The judicial branch is committed to providing a work environment free from all forms of discrimination and harassment based on the following: sex, gender, age, ancestry, national origin, race, color, religious creed, mental or physical disability or medical condition, sexual orientation, gender identity or expression, marital status, military or veteran status, genetic information, or any other category protected by federal, state or applicable local law. This policy applies to every employee of the judicial branch, regardless of their position, including Administrative Office of the Courts management, as well as commissioners, judges and justices. This policy also applies to contractors, vendors, and other third parties who affect the workplace environment. In addition to the protections provided by this policy, commissioners, judges and justices are prohibited under the Utah Code of Judicial Conduct from manifesting bias or prejudice or engaging in harassment.
2. **Sexual harassment.**
 - 2.1 The judicial branch strictly prohibits and will not tolerate sexual harassment of any kind by any individual, employee, commissioner, judge or justice. Sexual harassment may include: any conduct of a sexual nature that is unwelcome and makes a person feel that the work environment is intimidating, offensive or hostile; any conduct of a sexual nature between people of the opposite sex or the same sex; and non-sexual comments, threats or actions that display hostility toward a person in the workplace because of gender.
 - 2.2 All types of unlawful offensive, hostile and intimidating behavior are prohibited by this policy. The following list is not intended to be all-inclusive, but illustrates kinds of behavior that may be considered forms of sexual harassment, and are strictly prohibited:
 - 2.2.1 Offering a job benefit in return for sexual favors.
 - 2.2.2 Taking or threatening to take an adverse action against an individual who refuses sexual advances.
 - 2.2.3 Other advances or requests of a sexual nature.
 - 2.2.4 Sexual flirtations.
 - 2.2.5 Unwelcome or inappropriate statements about an individual's body or sexuality.
 - 2.2.6 Sexually degrading words to describe a person.

HR550

DRAFT: 12/02/2019

2.2.7 Gestures of an obscene or sexually suggestive nature.

2.2.8 Humor or jokes of a sexual nature.

2.2.9 Posters, pictures, cartoons, toys or objects of a sexual nature.

2.2.10 Leering or staring that is offensive.

2.2.11 Any unwelcome touching or other physical contact with an individual.

2.2.12 Hostile comments toward employees in the workplace because of gender.

2.2.13 Sexting, texting, messaging, emailing, or any other form of communication of a sexually suggestive nature.

3. Other types of harassment.

3.1 Harassment based on an individual's race, color, religion, religious affiliation, age, national origin, ancestry, mental or physical disability or medical condition, sex, gender, sexual orientation, gender identity or expression, genetic information, marital status, military or veteran status or any other category protected by federal, state or local law is prohibited under this policy and will not be tolerated.

3.2 All types of unlawful offensive, hostile and intimidating behavior are prohibited by this policy. The following list is not intended to be all-inclusive, but illustrates kinds of behavior that may be considered forms of harassment, and are strictly prohibited.

3.2.1 Telling racial, ethnic, disability, age-related or other types of degrading jokes.

3.2.2 Making racial, ethnic, or religious slurs, and other forms of degrading name calling.

3.2.3 Making threats or intimidation based on a category protected by the judiciary's policies.

3.2.4 Possessing written or graphic material or communications in the workplace that is offensive based on a category identified in 3.1 or that violates universal standards of conduct.

3.2.5 Texting, messaging, emailing, or any other form of communication that is offensive, hostile or intimidating.

4. Work-Related Discussions or Materials

4.1 The sensitive nature of the court's work may necessitate engaging in verbal or electronic communications, or possessing written or graphic material in the workplace that might be considered offensive.

4.2 Communications or written materials made or possessed in the ordinary course of business do not violate this rule, provided they are necessary to perform work-related functions and are not used or intended to harass, intimidate, or discriminate.

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HR550

DRAFT: 12/02/2019

4.5. Retaliation.

4.45.1 The judicial branch also prohibits retaliation against persons who make reports of discrimination or harassment or who provide assistance during an investigation. Retaliation will not be tolerated and will be considered a serious form of misconduct which can result in disciplinary action up to and including immediate termination of employment.

5.6. Reporting Procedures.

5.46.1 Any employee who believes they have been subject to, have witnessed, or are aware of discrimination or harassment by any employee, commissioner, judge or justice, individual or entity is strongly encouraged to report the incident. All employees can report discrimination, harassment, or retaliation verbally or in writing by any of the following methods:

5.4.46.1.1 By contacting directly any supervisor or member of management with whom the employee is comfortable reporting such matters.

5.4.26.1.2 By contacting any Human Resource representative using contact information at <https://www.utcourts.gov/intranet/hr/cus.htm>

5.4.36.1.3 By contacting directly, any member of AOC management, including any court-level administrator.

5.4.46.1.4 By contacting the State Court Administrator, Deputy State Court Administrator, or Assistant State Court Administrator.

5.4.56.1.5 By contacting any commissioner, judge or justice.

5.26.2 Commissioners, judges, justices, court executives and administrators, supervisors and managers must report any complaints or misconduct under this policy promptly to an appropriate authority, including a Human Resources representative at <https://www.utcourts.gov/intranet/hr/cus.htm> for further action.

5.36.3 Upon receipt, Human Resources must promptly respond to any complaint of discrimination, harassment, or retaliation.

6.7. Confidentiality.

6.47.1 Reports of policy violation will be addressed as confidentially as possible. Information will be disclosed only on a need-to-know basis for the purpose of responding to the report. At the conclusion of the response to the report, all relevant parties will be notified.

7.8. Corrective Action.

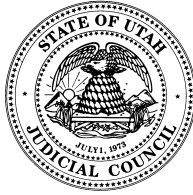
HR550

DRAFT: 12/02/2019

101 | ~~7.4~~8.1 Violation of this policy will be considered a serious form of misconduct which can
102 result in disciplinary action up to and including immediate termination of employment.

103 Effective: February 24, 2020

Tab 10



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, February 24, 2020
RE: Rule CJA 3-105. (NEW) Administration of the Judiciary. – Public Comment
Rule CJA 3-301.01. (NEW) State Court Administrator—Complaints and
Performance Review; Complaints Regarding Judicial Officers and State Court
Employees. – Public Comment

Policy and Planning received two assignments at the Judicial Council's June 2019 retreat:

- 1) Create a rule establishing the Management Performance Review Committee, and outlining the process by which the Supreme Court and the Judicial Council will evaluate the performance of the State Court Administrator (SCA). The rule should also establish a process by which the SCA evaluates the performance of high level managers in the Administrative Office of the Courts.
- 2) Create a rule setting forth the authority of judges, courts, the Supreme Court, and the Judicial Council to administer the functions of the judicial branch. The rule should provide a process by which the Supreme Court and Judicial Council may assess and determine exclusive and predominate authority, and how those two bodies will communicate with each other when issues arise.

Policy and Planning recommends that the Judicial Council approve new rules CJA 3-105 and CJA 3-201.01 for public comment.

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 3-105. Administration of the Judiciary**Intent:**

To set forth the authority of individual judges, courts, the Supreme Court, and the Judicial Council to fairly and effectively administer the functions of the judicial branch, and to provide a process by which the Supreme Court and the Judicial Council (1) determine when a matter is predominantly within the exclusive authority of the Supreme Court or the Judicial Council such that referral to and independent action of either body is required; and (2) determine when a matter significantly implicates the exclusive authority of both the Supreme Court and the Judicial Council such that a coordinated effort is required.

Applicability:

This Rule applies to the judicial branch.

Statement of the Rule:**1. Individual Judges, Courts and Court Levels.**

- a. Individual judges are responsible for administering the cases assigned to them and to their courts for disposition consistent with Rule 3-103.
- b. Individual judges, courts, or court levels may adopt and apply policies, procedures, and practices applicable to them to ensure the fair, efficient, and timely administration of cases assigned to them, provided such policies, procedures, and practices conform to all applicable state and federal laws, to rules and orders promulgated by the Supreme Court, rules promulgated by the Judicial Council, and to applicable provisions of the Human Resources Policies and Procedures Manual.

2. The Supreme Court.

- a. The Supreme Court has exclusive authority to adopt rules of procedure and evidence to be used in courts of the State, to manage the appellate process, to authorize retired justices, judges, and judges pro tempore to perform judicial duties, and to govern the practice of law in the State.
- b. To the extent matters arise or come before the Judicial Council that are within the exclusive authority of the Supreme Court, the Judicial Council shall refer all such matters to the Supreme Court by notice to the Chief Justice.

3. The Judicial Council.

- a. Except as provided in paragraphs (1) and (2), the Judicial Council has exclusive authority for the administration of the judiciary, including authority to establish and manage the budget, adopt administrative policies and rules, and oversee the Administrative Office of the Courts.

- 34 b. The Chief Justice, as presiding officer of the Judicial Council and chief administrative
35 officer of the judiciary, shall supervise the State Court Administrator and shall implement
36 rules and policies adopted by the Judicial Council.
- 37 c. To the extent matters arise or come before the Supreme Court that are within the
38 exclusive authority of the Judicial Council, the Supreme Court shall refer all such matters
39 to the Judicial Council by notice to the chairperson of the Management Committee.
- 40 4. **Concurrent Authority of the Supreme Court and Judicial Council.** The Supreme Court and
41 the Judicial Council are each independently responsible for the removal of the State Court
42 Administrator as provided in statute and Rule 3-301, but shall exercise that independent authority
43 consistent with Rule 3-308.
- 44 5. **Coordination and Referral of Activities Implicating Exclusive Authority of the Supreme**
45 **Court and Judicial Council.**
- 46 a. When the Supreme Court begins considering a matter which implicates both the Court's
47 and the Council's exclusive authority, or when there is uncertainty about whether the
48 Court or the Council has authority over such a matter, the Supreme Court or a
49 designated member of the Supreme Court, shall promptly meet and confer with the
50 Management Committee.
- 51 b. When the Judicial Council begins considering a matter which implicates both the
52 Council's and the Court's exclusive authority, or when there is uncertainty about whether
53 the Council or the Court has authority over such a matter, the Management Committee
54 shall promptly meet and confer with the Chief Justice.
- 55 c. In the meeting required under subsections (5)(a) and (5)(b), the Supreme Court (acting
56 through its designated member) and the Judicial Council (acting through its Management
57 Committee) shall:
- 58 i. Decide whether the matter is predominantly within the exclusive authority of the
59 Supreme Court or predominantly within the exclusive authority of the Judicial
60 Council, and then refer the matter to the body with the predominating authority to
61 act;
- 62 ii. Decide whether the matter substantially implicates both the exclusive authority of
63 the Supreme Court and the exclusive authority of the Judicial Council, and then
64 act in a coordinated effort to address the matter.
- 65 d. If after a meeting required under subsections 5(a) and 5(b), no decision can be reached
66 about predominant authority, substantial implication of authority, referral of the matter, or
67 coordination of action, the Supreme Court and the Judicial Council shall meet in a joint
68 session to make the decision.
- 69 e. The designated member of the Supreme Court shall consult with and report to the
70 Supreme Court regarding any meeting required under this rule.

71 f. The Management Committee shall consult with and report to the Judicial Council
72 regarding any meeting required under this rule.

73 Effective May 1, 2020

74 Note: All previous versions of CJA 3-105 have been repealed.

Rule 3-301.01. State Court Administrator—Complaints and Performance Review; Complaints Regarding Judicial Officers and State Court Employees.

Intent:

The State Court Administrator serves at the pleasure of both the Supreme Court and the Judicial Council. The intent of this rule is to establish (1) the process for reviewing the performance of the State Court Administrator; (2) an avenue by which complaints regarding the State Court Administrator, judicial officers, and state court employees can be received, reviewed, and investigated; and (3) the confidentiality necessary to perform this work.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) Definitions.

- a. “Performance Review Committee” means a committee consisting of one member of the Management Committee of the Judicial Council who is not a member of the Supreme Court, and one member of the Supreme Court. The Management Committee member shall be appointed by a majority vote of the Management Committee. The Supreme Court member shall be appointed by the Chief Justice.
- b. “Management Committee” means the standing committee of the Judicial Council established in Rule 1-204.

(2) Complaints Regarding and Performance Review of State Court Administrator.

- a. **Complaints—Receipt, Review, and Investigation.** The Supreme Court and the Management Committee are authorized to receive complaints regarding the conduct or performance of the State Court Administrator.
 - i. The Supreme Court or the Management Committee shall promptly disclose all such complaints to each other and to the Performance Review Committee. The Performance Review Committee shall convene promptly to review the complaint and to determine what investigation is appropriate.
 - ii. After the appropriate investigation is completed, the Performance Review Committee shall make recommendations to the Judicial Council and the Supreme Court. Recommendations may include: no further action, a performance or corrective action plan, discipline as a condition of continued employment, or termination.

- 33 b. **Annual Performance Review.** At least annually, the Performance Review Committee
34 shall review the performance of the State Court Administrator in accordance with the
35 standards set forth in the Human Resources Policies and Procedures Manual.
- 36 i. The Performance Review Committee shall report the results of the State Court
37 Administrator's annual performance review to the Judicial Council and Supreme
38 Court. After completion of the performance review, the Performance Review
39 Committee may make recommendations to the Judicial Council and the Supreme
40 Court. Recommendations may include: no further action, a performance or
41 corrective action plan, discipline as a condition of continued employment, or
42 termination.
- 43 ii. The Judicial Council and the Supreme Court shall meet in a joint executive
44 session to approve, reject, or modify any recommended performance or
45 corrective action plan.
- 46 c. **Action to Discipline or Terminate the State Court Administrator.**
- 47 i. If the Performance Review Committee recommends that the State Court
48 Administrator be disciplined as a condition of continued employment or be
49 terminated, the Performance Review Committee shall promptly report its
50 recommendation to the Judicial Council and the Supreme Court.
- 51 ii. The Judicial Council and the Supreme Court shall meet in a joint executive
52 session to consider the recommendation. After considering the recommendation,
53 the Judicial Council and the Supreme Court may undertake such additional
54 investigation as they jointly deem necessary. The Judicial Council and the
55 Supreme Court shall work together in good faith to exercise jointly and by
56 consensus their statutory rights regarding termination of the State Court
57 Administrator.
- 58 **(3) Complaints Regarding Judges and State Court Employees.**
- 59 a. **Judicial Officers.** The Management Committee is authorized to receive, review, and
60 investigate complaints regarding the conduct or performance of any judicial officer. After
61 completing the investigation it deems appropriate, the Management Committee may refer
62 the complaint and make recommendations to the appropriate presiding judge or to the
63 Judicial Council. The Judicial Council shall decide whether to refer the complaint to the
64 Judicial Conduct Commission.
- 65 b. **Other Court Employees.** The Management Committee is authorized to receive
66 complaints regarding the conduct or performance of any state court employee. For
67 complaints involving any employee other than the State Court Administrator or Human
68 Resources Director, the Management Committee shall refer the complaint to the Human
69 Resources Department consistent with its Policies and Procedures Manual. Complaints

involving the Human Resources Director shall be referred to the State Court
Administrator for review and investigation.

(4) Consultation Regarding Personnel and Related Matters.

- a. The Management Committee shall be available to consult with any presiding judge on personnel and related matters involving a judicial officer.
- b. The Management Committee shall be available to consult with the State Court Administrator on personnel and related matters involving any state court employee.

(5) Confidentiality.

- a. The work performed by the Supreme Court, the Performance Review Committee or the Management Committee pursuant to this rule shall be kept confidential and shall not be disclosed until (1) disclosure is required by this rule, or (2) disclosure is required by applicable law.

Effective May 1, 2020

Tab 11

**APPLICATION FOR INITIAL PROJECT PLANNING APPROVAL
FOR PROPOSED PROBLEM SOLVING COURT PROJECT**

Name/Working Title of Proposed Project: Weber County, Second District Drug Court, #2

Court Location: 2525 Grant Ave., Ogden, Utah

Application Submitted by: Judge Joseph M. Bean

I. Target Population

Describe the types of cases or the description of the population that will be served by this project. Please be specific.

The Weber County Drug Court #2 would serve the population of Weber County charged with a drug related Class A misdemeanor and any drug related felony.

II. Purpose/Goal of Project

Please explain why you believe this project is necessary or desirable. How will a problem solving approach benefit your target population?

Weber County currently provides and maintains a drug court, however, there are numerous requests to participate that are turned down due to the limited number of participants (85) that the drug court can handle.

III. What is the size of the proposed project?

Approximately how large is your target population and how many participants would likely be served by the proposed project?

Weber County estimates that it would have a second drug court of fifty or more participants within three months of opening. There appears to be a significant unmet need for drug court in Weber County.

IV. What is the anticipated impact on court staff, clerks and judges, and how will that need be met?

There will likely need to be a new assignment for a court clerk, a probation officer, a public defender, a prosecutor and at least one or two new counselors from Weber Human Services.

V. Funding considerations/stakeholders
Identify the stakeholders and what they will need to contribute to the project. If you have identified a funding source to support the project, please specify.

Trial Court Executive Comment: ,5 FTE for judicial assistant
possible other resource requirements for agencies.

Date: 12/26/2019

Signature:

Lawrence D. White
Trial Court Executive

Presiding Judge Comment:

Date: 12/27/2019

Signature:

David W. Lawrence
Presiding Judge

Date:

Signature:

Applicant

Tab 12



Administrative Office of the Courts

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

January 24, 2020

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

(Judge)
(Address)

Re: (Problem-Solving Court)

Dear (Judge),

The Judicial Council is scheduled to review your _____, for certification. As you will note on the Checklist those Best Practices marked "P" are a standard where there is a presumption that it must be met, but if a program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived by the Judicial Council. In Rule 4-409, Rules of Judicial Administration, (5)(B)(i), and (ii) it states:

Each problem-solving court must adhere to the "Presumed Certification Criteria" outlined in the respective Certification Checklist applicable to that problem-solving court, as promulgated and amended and approved by the Judicial Council, unless: ...the program can show sufficient compensating measures; or...the Judicial Council specifically waives that requirement.

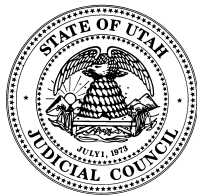
As I reviewed your submitted checklist you have marked your court as not being in compliance with the following REQUIRED or PRESUMPTIVE Best Practices. The Judicial Council will need you to please submit, in writing, the sufficient compensating measures your court is using or an explanation as to why your court has a structural inability to meet these standards. If you have any questions or concerns please feel free to contact me and to use the form attached to this notice.

Sincerely,

Senior Judge Dennis Fuchs
Problem-Solving Courts Coordinator

Attachments

**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.**



UTAH PROBLEM-SOLVING COURT REQUEST FOR WAIVER OF PRESUMED CERTIFICATION CRITERIA

PROBLEM-SOLVING COURT INFORMATION

Name of Judge:
Type of Court:
Location of Court:
Date:

PRESUMED CERTIFICATION CRITERIA NON-COMPLIANCE ISSUE #1

Requirement:
Reason for non-compliance:
Anticipated compliance date or reason as to why compliance cannot be met:
Permanent or Temporary Waiver Request:
Compensating measures:

PRESUMED CERTIFICATION CRITERIA NON-COMPLIANCE ISSUE #2

Requirement:
Reason for non-compliance:
Anticipated compliance date or reason as to why compliance cannot be met:
Permanent or Temporary Waiver Request:
Compensating measures:

PLEASE PROVIDE ANY ADDITIONAL INFORMATION YOU WOULD LIKE THE JUDICIAL COUNCIL TO BE AWARE OF.

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

UTAH JUDICIAL COUNCIL
ADULT DUI COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED 2020

COURT LOCATION: _____

JUDGE NAME: _____

REVIEW DATE: _____

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
<input type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Dui court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Dui court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Dui court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Dui court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Dui court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Dui court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Dui court.	III.C.
<input type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Dui court team.	III.D.
<input type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
<input type="checkbox"/>	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input type="checkbox"/>	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input type="checkbox"/>	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Dui court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input type="checkbox"/>	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Dui court participants and team members.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	22	The Dui court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	25	Drug and/or alcohol testing is performed at least twice per week.	VII.A.*
<input type="checkbox"/>	<input type="checkbox"/>	26	Drug and/or alcohol testing is random, and is available on weekends and holidays.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E.* VII.F.*
<input type="checkbox"/>	<input type="checkbox"/>	28	Drug testing utilized by the Dui court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	30	Upon entering the DUI court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input type="checkbox"/>	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug and alcohol-free to graduate.	
<input type="checkbox"/>	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
<input type="checkbox"/>	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	36	Participants are not terminated from the DUI court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	37	If a participant is terminated from the DUI court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input type="checkbox"/>	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
<input type="checkbox"/>	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
<input type="checkbox"/>	<input type="checkbox"/>	43	Participants complete a final phase of the DUI court focusing on relapse prevention and continuing care.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	44	Participants are not excluded from participation in DUI court because they lack a stable place of residence.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of DUI court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input type="checkbox"/>	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of DUI court.	VI.I.*
<input type="checkbox"/>	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each DUI court session.	VIII.A.*
<input type="checkbox"/>	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input type="checkbox"/>	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Dui court must be reasonably related to the costs of testing or other services.	
<input type="checkbox"/>	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
<input type="checkbox"/>	<input type="checkbox"/>	53	The Dui court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input type="checkbox"/>	<input type="checkbox"/>	54	The Dui court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	The Dui court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
<input type="checkbox"/>	<input type="checkbox"/>	3	Each member of the Dui court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
<input type="checkbox"/>	<input type="checkbox"/>	4	The Dui court judge attends current training events on legal and constitutional issues in Dui courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
<input type="checkbox"/>	<input type="checkbox"/>	5	The judge presides over the Dui court for no less than two consecutive years.	III.B.
<input type="checkbox"/>	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
<input type="checkbox"/>	<input type="checkbox"/>	7	The Dui court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
<input type="checkbox"/>	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug	VII.B.

YES NO		PRESUMED CERTIFICATION CRITERIA	
		# <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
		or alcohol test has been scheduled.	
<input type="checkbox"/>	<input type="checkbox"/>	13 Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the DUI court population.	VII.D.
<input type="checkbox"/>	<input type="checkbox"/>	14 If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	15 Standardized patient placement criteria govern the level of care that is provided.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	16 Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the DUI court's programmatic phase structure.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	17 Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
<input type="checkbox"/>	<input type="checkbox"/>	18 Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	19 Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	20 Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
<input type="checkbox"/>	<input type="checkbox"/>	21 Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
<input type="checkbox"/>	<input type="checkbox"/>	22 Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	23 Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	24 Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the DUI court.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	25 Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of DUI court and continuing as necessary throughout their enrollment in the program.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	26 Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	27 All DUI court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	28 Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of DUI court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	29 Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
<input type="checkbox"/>	<input type="checkbox"/>	30 Clients are placed in the program within 50 days of arrest.	

		PRESUMED CERTIFICATION CRITERIA	
YES	NO	# <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	31 Team members are assigned to DUI court for no less than two years.	
<input type="checkbox"/>	<input type="checkbox"/>	32 All team members use electronic communication to contemporaneously communicate about DUI court issues.	
<input type="checkbox"/>	<input type="checkbox"/>	33 Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in DUI courts.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	34 New staff hires receive a formal orientation training on the DUI court model and best practices in DUI courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	35 The DUI court has more than 15 but less than 125 active participants.	IX.A.*
<input type="checkbox"/>	<input type="checkbox"/>	36 The DUI court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input type="checkbox"/>	<input type="checkbox"/>	37 New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the DUI court.	X.C.
<input type="checkbox"/>	<input type="checkbox"/>	38 A skilled and independent evaluator examines the DUI court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input type="checkbox"/>	<input type="checkbox"/>	39 Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input type="checkbox"/>	<input type="checkbox"/>	40 The program conducts an exit interview for self-improvement.	

		NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS	
YES	NO	# <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1 The DUI court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	2 Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	3 Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	4 For at least the first ninety days after discharge from the DUI court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	5 Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in DUI courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input type="checkbox"/>	<input type="checkbox"/>	6 Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when	VI.F.

YES NO		NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS	
		#	BPS
		<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
			necessary to manage panic, dissociation, or severe anxiety.
<input type="checkbox"/>	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups. VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Dui court. VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. VI.J.
<input type="checkbox"/>	<input type="checkbox"/>	10	Before starting a Dui court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Dui courts and develop fair and effective policies and procedures for the program. VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer. IX.B.
<input type="checkbox"/>	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. IX.C.
<input type="checkbox"/>	<input type="checkbox"/>	13	The Dui court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. X.B.*
<input type="checkbox"/>	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Dui court's adherence to best practices and in-program outcomes. X.F.
<input type="checkbox"/>	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Dui court regardless of whether they graduated, withdrew, or were terminated from the program. X.H.
<input type="checkbox"/>	<input type="checkbox"/>	16	The Dui court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. II.B. X.E.

UTAH JUDICIAL COUNCIL
VETERAN COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED 2020

COURT LOCATION: _____

JUDGE NAME: _____

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<input type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
<input type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Veteran court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Veteran court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Veteran court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Veteran court.	I.D.
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<input type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Veteran court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Veteran court.	III.C.
<input type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Veteran court team.	III.D.
<input type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.

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<input type="checkbox"/>	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Veteran court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
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<input type="checkbox"/>	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	22	The Veteran court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
<input type="checkbox"/>	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E.* VII.F.*
<input type="checkbox"/>	<input type="checkbox"/>	28	Drug testing utilized by the Veteran court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	30	Upon entering the Veteran court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input type="checkbox"/>	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
<input type="checkbox"/>	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
<input type="checkbox"/>	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	36	Participants are not terminated from the Veteran court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	37	If a participant is terminated from the Veteran court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input type="checkbox"/>	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
<input type="checkbox"/>	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
<input type="checkbox"/>	<input type="checkbox"/>	43	Participants complete a final phase of the Veteran court focusing on relapse prevention and continuing care.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	44	Participants are not excluded from participation in Veteran court because they lack a stable place of residence.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Veteran court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input type="checkbox"/>	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of veteran court.	VI.I.*
<input type="checkbox"/>	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), VJO (in veteran court), and the judge attend each staffing meeting.	VIII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), VJO (in veteran court), and the judge attend each Veteran court session.	VIII.A.*
<input type="checkbox"/>	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input type="checkbox"/>	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Veteran court must be reasonably related to the costs of testing or other services, (if any are assessed).	
<input type="checkbox"/>	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant, (if assessed).	
<input type="checkbox"/>	<input type="checkbox"/>	53	The Veteran court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input type="checkbox"/>	<input type="checkbox"/>	54	The Veteran court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	The Veteran court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
<input type="checkbox"/>	<input type="checkbox"/>	3	Each member of the Veteran court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
<input type="checkbox"/>	<input type="checkbox"/>	4	The Veteran court judge attends current training events on legal and constitutional issues in Veteran courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
<input type="checkbox"/>	<input type="checkbox"/>	5	The judge presides over the Veteran court for no less than two consecutive years.	III.B.
<input type="checkbox"/>	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
<input type="checkbox"/>	<input type="checkbox"/>	7	The Veteran court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.

YES NO		PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
<input type="checkbox"/>	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Veteran court population.	VII.D.
<input type="checkbox"/>	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Veteran court's programmatic phase structure.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
<input type="checkbox"/>	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
<input type="checkbox"/>	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
<input type="checkbox"/>	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Veteran court.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Veteran court and continuing as necessary throughout their enrollment in the program.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	27	All Veteran court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Veteran court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
<input type="checkbox"/>	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	

		PRESUMED CERTIFICATION CRITERIA	
YES	NO	# <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	31 Team members are assigned to Veteran court for no less than two years.	
<input type="checkbox"/>	<input type="checkbox"/>	32 All team members use electronic communication to contemporaneously communicate about Veteran court issues.	
<input type="checkbox"/>	<input type="checkbox"/>	33 Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Veteran courts.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	34 New staff hires receive a formal orientation training on the Veteran court model and best practices in Veteran courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	35 The Veteran court has more than 15 but less than 125 active participants.	IX.A.*
<input type="checkbox"/>	<input type="checkbox"/>	36 The Veteran court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input type="checkbox"/>	<input type="checkbox"/>	37 New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Veteran court.	X.C.
<input type="checkbox"/>	<input type="checkbox"/>	38 A skilled and independent evaluator examines the Veteran court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input type="checkbox"/>	<input type="checkbox"/>	39 Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input type="checkbox"/>	<input type="checkbox"/>	40 The program conducts an exit interview for self-improvement.	

		NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS	
YES	NO	# <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1 The Veteran court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	2 Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	3 Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	4 For at least the first ninety days after discharge from the Veteran court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	5 Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Veteran courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input type="checkbox"/>	<input type="checkbox"/>	6 Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when	VI.F.

YES NO		NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS		BPS
		#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
			necessary to manage panic, dissociation, or severe anxiety.	
<input type="checkbox"/>	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Veteran court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	<input type="checkbox"/>	10	Before starting a Veteran court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Veteran courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input type="checkbox"/>	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input type="checkbox"/>	<input type="checkbox"/>	13	The Veteran court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Veteran court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Veteran court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	<input type="checkbox"/>	16	The Veteran court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

UTAH JUDICIAL COUNCIL
MENTAL HEALTH COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED 2020

COURT LOCATION: _____

NAME: _____

REVIEW DATE: _____

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
<input type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Mental health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
<input type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental health Court team.	III.D.
<input type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for	III.E.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			other appearances or administrative reviews when the judge is unavailable.	
<input type="checkbox"/>	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
<input type="checkbox"/>	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input type="checkbox"/>	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input type="checkbox"/>	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Mental health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input type="checkbox"/>	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental health Court participants and team members.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	22	The Mental health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
<input type="checkbox"/>	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
<input type="checkbox"/>	<input type="checkbox"/>	28	Drug testing utilized by the Mental health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless	VII.G.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
<input type="checkbox"/>	<input type="checkbox"/>	30	Upon entering the Mental health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input type="checkbox"/>	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
<input type="checkbox"/>	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
<input type="checkbox"/>	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	36	Participants are not terminated from the Mental health Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	37	If a participant is terminated from the Mental health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input type="checkbox"/>	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
<input type="checkbox"/>	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
<input type="checkbox"/>	<input type="checkbox"/>	43	Participants complete a final phase of the Mental health Court focusing on relapse prevention and continuing care.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	44	Participants are not excluded from participation in Mental health Court because they lack a stable place of residence.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input type="checkbox"/>	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of mental health court.	VI.I.*
<input type="checkbox"/>	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Mental health Court session.	VIII.A.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
<input type="checkbox"/>	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input type="checkbox"/>	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably related to the costs of testing or other services.	
<input type="checkbox"/>	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
<input type="checkbox"/>	<input type="checkbox"/>	53	The Mental health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input type="checkbox"/>	<input type="checkbox"/>	54	The Mental health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	The Mental health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
<input type="checkbox"/>	<input type="checkbox"/>	3	Each member of the Mental health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
<input type="checkbox"/>	<input type="checkbox"/>	4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
<input type="checkbox"/>	<input type="checkbox"/>	5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
<input type="checkbox"/>	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
<input type="checkbox"/>	<input type="checkbox"/>	7	The Mental health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*

YES NO		PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
<input type="checkbox"/>	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
<input type="checkbox"/>	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental health Court population.	VII.D.
<input type="checkbox"/>	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental health Court's programmatic phase structure.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
<input type="checkbox"/>	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
<input type="checkbox"/>	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
<input type="checkbox"/>	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Mental health Court.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental health Court and continuing as necessary throughout their enrollment in the program.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	27	All Mental health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Mental health Court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.

		PRESUMED CERTIFICATION CRITERIA	
YES	NO	# <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	30 Clients are placed in the program within 50 days of eligibility screening.	
<input type="checkbox"/>	<input type="checkbox"/>	31 Team members are assigned to Mental health Court for no less than two years.	
<input type="checkbox"/>	<input type="checkbox"/>	32 All team members use electronic communication to contemporaneously communicate about Mental health Court issues.	
<input type="checkbox"/>	<input type="checkbox"/>	33 Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental health Courts.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	34 New staff hires receive a formal orientation training on the Mental health Court model and best practices in Mental health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	35 The Mental health Court has more than 15 but less than 125 active participants.	IX.A.*
<input type="checkbox"/>	<input type="checkbox"/>	36 The Mental health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input type="checkbox"/>	<input type="checkbox"/>	37 New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental health Court.	X.C.
<input type="checkbox"/>	<input type="checkbox"/>	38 A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input type="checkbox"/>	<input type="checkbox"/>	39 Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input type="checkbox"/>	<input type="checkbox"/>	40 The program conducts an exit interview for self-improvement.	

		NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS	
YES	NO	# <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1 The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	2 Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	3 Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	4 For at least the first ninety days after discharge from the Mental health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	5 Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.

YES NO		NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS		
		#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Mental health Court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	<input type="checkbox"/>	10	Before starting a Mental health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental health Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input type="checkbox"/>	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input type="checkbox"/>	<input type="checkbox"/>	13	The Mental health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental health Court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	<input type="checkbox"/>	16	The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

UTAH JUDICIAL COUNCIL
FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED 2020

COURT LOCATION: _____

JUDGE NAME: _____

REVIEW DATE: _____

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
<input type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Family dependency court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Family dependency court.	III.C.
<input type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Family dependency court team.	III.D.
<input type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for	III.E.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			other appearances or administrative reviews when the judge is unavailable.	
<input type="checkbox"/>	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
<input type="checkbox"/>	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input type="checkbox"/>	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input type="checkbox"/>	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Family dependency court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input type="checkbox"/>	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Family dependency court participants and team members.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	22	The Family dependency court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
<input type="checkbox"/>	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
<input type="checkbox"/>	<input type="checkbox"/>	28	Drug testing utilized by the Family dependency court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless	VII.G.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
<input type="checkbox"/>	<input type="checkbox"/>	30	Upon entering the Family dependency court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input type="checkbox"/>	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
<input type="checkbox"/>	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
<input type="checkbox"/>	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	36	Participants are not terminated from the Family dependency court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	37	If a participant is terminated from the Family dependency court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input type="checkbox"/>	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
<input type="checkbox"/>	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
<input type="checkbox"/>	<input type="checkbox"/>	43	Participants complete a final phase of the Family dependency court focusing on relapse prevention and continuing care.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	44	Participants are not excluded from participation in Family dependency court because they lack a stable place of residence.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Family dependency court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input type="checkbox"/>	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of family dependency court.	VI.I.*
<input type="checkbox"/>	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each staffing meeting.	VIII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each Family dependency court session.	VIII.A.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
<input type="checkbox"/>	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input type="checkbox"/>	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Family dependency court must be reasonably related to the costs of testing or other services.	
<input type="checkbox"/>	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
<input type="checkbox"/>	<input type="checkbox"/>	53	The Family dependency court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input type="checkbox"/>	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

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<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	The Family dependency court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
<input type="checkbox"/>	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
<input type="checkbox"/>	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
<input type="checkbox"/>	<input type="checkbox"/>	5	The judge presides over the Family dependency court for no less than two consecutive years.	III.B.
<input type="checkbox"/>	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
<input type="checkbox"/>	<input type="checkbox"/>	7	The Family dependency court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*

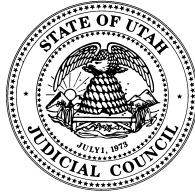
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<input type="checkbox"/>	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
<input type="checkbox"/>	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
<input type="checkbox"/>	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Family dependency court population.	VII.D.
<input type="checkbox"/>	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant’s response to treatment and are not tied to the Family dependency court’s programmatic phase structure.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
<input type="checkbox"/>	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants’ gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
<input type="checkbox"/>	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
<input type="checkbox"/>	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Family dependency court.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Family dependency court and continuing as necessary throughout their enrollment in the program.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	27	All Family dependency court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Family dependency court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.

		PRESUMED CERTIFICATION CRITERIA	
YES	NO	# <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	30 Clients are placed in the program within 50 days of arrest.	
<input type="checkbox"/>	<input type="checkbox"/>	31 Team members are assigned to Family dependency court for no less than two years.	
<input type="checkbox"/>	<input type="checkbox"/>	32 All team members use electronic communication to contemporaneously communicate about Family dependency court issues.	
<input type="checkbox"/>	<input type="checkbox"/>	33 Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Family dependency courts.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	34 New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	35 The Family dependency court has more than 15 but less than 125 active participants.	IX.A.*
<input type="checkbox"/>	<input type="checkbox"/>	36 The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input type="checkbox"/>	<input type="checkbox"/>	37 New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.
<input type="checkbox"/>	<input type="checkbox"/>	38 A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input type="checkbox"/>	<input type="checkbox"/>	39 Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input type="checkbox"/>	<input type="checkbox"/>	40 The program conducts an exit interview for self-improvement.	

		NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS	
YES	NO	# <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1 The Family dependency court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	2 Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	3 Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	4 For at least the first ninety days after discharge from the Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	5 Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.

YES NO		NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>		BPS
<input type="checkbox"/>	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input type="checkbox"/>	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input type="checkbox"/>	<input type="checkbox"/>	13	The Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

Tab 13



Administrative Office of the Courts

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

February 4, 2020

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

MEMORANDUM

TO: Ad Hoc Budget and Finance Committee

FROM: AOC Finance Department

RE: Judicial Council Code of Judicial Administration 4-202.08 / XChange Funds Follow Up

Last month, Finance presented to you how the XChange fund collections are allocated. We have since researched additional information and options for your consideration.

Judicial Council Code of Judicial Administration rule 4-202.08 (*see Exhibit A*), *Fees for records, information, and services*, includes guidance for Courts' collection and use of fees. These fees include things such as XChange subscriptions, paper copies, and personnel time.

Currently, the rule states the following relative to fees for the use of public online services (i.e., XChange):

Fees for public online services are credited to the Administrative Office of the Courts to improve data quality control, information services, and information technology.

Current Process

Although all XChange subscription fees do get credited to various groups within the Administrative Office of the Courts, XChange also receives fees for copy requests which are taken in from various payers and then allocated back to the Districts. Over time the subscription fee process has evolved to distribute a portion of XChange fees to multiple AOC departments. For FY 2020, the budget distribution for XChange subscription and other fees is as follows (in priority order):

\$102,600 to Education
\$87,300 to Law Library
\$737,050 to IT
\$258,300 to AOC
\$127,900 to District Courts¹

¹ These funds were intended to make the District Courts "whole" by replacing the money they would have received from fielding print and information requests from the public and media but which were paid to Xchange.

It could be argued that the uses of XChange subscription fees are compliant with the rule because, in each case, the funds do get used to improve court services that could be related to data quality, information services, and information technology (i.e., the Education department providing training for Judicial Assistants on how to correctly access and provide data in a positive, customer service oriented way; the Law Library providing assistance to patrons to get to the information that they require to file their cases; the IT and Information Services departments maintaining access to CARE and CORIS as well as supporting public information requests). But, the language in the rule can be made clearer.

Finally, we note that the monthly computation of the distribution of XChange subscriptions fees is error-prone and time consuming. Our current methodology is not the most efficient way to account for these funds under the rules. We seek to make our accounting simple and transparent.

Proposed Options

Option 1

- 1) Amend the rule to specifically include language that permits Education, Law Library and AOC uses of the XChange subscription funds and follow the current allocation methodology.
- 2) Amend the rule to specifically include language that takes non-XChange related other fees (copies, paper, personnel time, etc.) and specifies they are to be deposited to the District where the expense would have occurred separating it into a different section than XChange fees.

Option 1 Pros: Actual practice will now clearly comply with the rule.

Option 1 Cons: Accounting remains complex with potential for errors and inefficiencies.

Under this option, AOC Finance will work with Policy and Planning to present an updated rule to the Rules committee before the end of the fiscal year.

Option 2

- 1) Keep the rule wording as-is. Move all XChange funding (subscription and other fees) to IT to be in clear compliance with the rule. Move sufficient general funds from IT to the other groups to leave them whole (see below).

This method would involve the following budgetary reclassifications:

Department	General Fund	XChange Funds
Information Technology (BAK)	(\$576,100)	\$576,100
Education (BAJ)	\$102,600	(\$102,600)
District Courts (BAD)	\$127,900	(\$127,900)
Law Library (BAB)	\$87,300	(\$87,300)
AOC (BAH)	\$258,300	(\$258,300)
<i>TOTAL</i>	\$0	\$0

Current IT XChange budget: \$737,050

Additional IT XChange budget reclassified: \$576,100

Total proposed IT XChange budget: \$1,313,150

Option 2 Pros: (1) The Districts would not wait until Q3 to begin receiving their funds (under the option 1 “waterfall” this is the time when funds would generally begin to reach Districts) and the amounts would be certain so they could budget the use; (2) Any upside to budgeted XChange revenues would supplement IT’s funds available for project needs; (3) Accounting is greatly simplified; (4) No rule wording changes.

Option 2 Cons: IT could potentially have downside revenue risk from lower XChange revenues. However, in the past 4 years, collections have always exceeded the budgeted amount and they have been stable:

<i>Fiscal Year</i>	2016	2017	2018	2019
<i>XChange Collections</i>	\$ 1,428,063.69	\$ 1,316,848.64	\$ 1,406,153.66	\$ 1,471,957.05

Under this option, AOC Finance will work with IT and the other impacted areas to reclassify the budget sources beginning in this current fiscal year.

We recommend option 2.

Exhibit A

Rule 4-202.08. Fees for records, information, and services.

Intent:

To establish uniform fees for requests for records, information, and services.

Applicability:

This rule applies to all courts of record and not of record and to the Administrative Office of the Courts. This rule does not apply to the Self Help Center.

Statement of the Rule:

(1) Fees payable. Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) Use of fees. Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public online services are credited to the Administrative Office of the Courts to improve data quality control, information services, and information technology.

(3) Copies. Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied and are as follows:

(3)(A) paper except as provided in (H): \$.25 per sheet;

(3)(B) microfiche: \$1.00 per card;

(3)(C) audio tape: \$10.00 per tape;

(3)(D) video tape: \$15.00 per tape;

(3)(E) floppy disk or compact disk other than of court hearings: \$10.00 per disk;

(3)(F) electronic copy of court reporter stenographic text: \$25.00 for each one-half day of testimony or part thereof;

(3)(G) electronic copy of audio record or video record of court proceeding: \$10.00 for each one-half day of testimony or part thereof; and

(3)(H) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4)(A) Mailing. The fee for mailing is the actual cost. The fee for mailing shall include necessary transmittal between courts or offices for which a public or private carrier is used.

(4)(B) Fax or e-mail. The fee to fax or e-mail a document is \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

(5) Personnel time. Personnel time to copy the record of a court proceeding is included in the copy fee. For other matters, there is no fee for the first 15 minutes of personnel time. The fee for time beyond the first 15 minutes is charged in 15 minute increments for any part thereof. The fee for personnel time is charged at the following rates for the least expensive group capable of providing the record, information, or service:

(5)(A) clerical assistant: \$15.00 per hour;

(5)(B) technician: \$22.00 per hour;

(5)(C) senior clerical: \$21.00 per hour

(5)(D) programmer/analyst: \$32.00 per hour;

(5)(E) manager: \$37.00 per hour; and

(5)(F) consultant: actual cost as billed by the consultant.

(6) Public online services.

(6)(A) The fee to subscribe to public online services shall be as follows:

(6)(A)(i) a set-up fee of \$25.00;

(6)(A)(ii) a subscription fee of \$30.00 per month for any portion of a calendar month; and

(6)(A)(iii) \$.10 for each search over 200 during a billing cycle. A search is counted each time the search button is clicked.

(6)(B) When non-subscription access becomes available, the fee to access public online services without subscribing shall be a transaction fee of \$5.00, which will allow up to 10 searches during a session.

(6)(C) The fee to access a document shall be \$.50 per document.

(7) No interference. Records, information, and services shall be provided at a time and in a manner that does not interfere with the regular business of the courts. The Administrative Office of the Courts may disconnect a user of public online services whose use interferes with computer performance or access by other users.

(8) Waiver of fees.

(8)(A) Fees established by this rule other than fees for public online services shall be waived for:

(8)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;

(8)(A)(ii) any person who is the subject of the record and who is impecunious; and

(8)(A)(iii) a student engaged in research for an academic purpose.

(8)(B) Fees for public online services shall be waived for:

(8)(B)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;

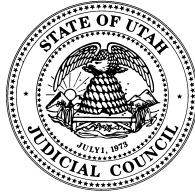
(8)(B)(ii) any government entity of Utah or its political subdivisions;

(8)(B)(iii) the Utah State Bar;

(8)(B)(iv) public defenders for searches performed in connection with their duties as public defenders; and

(8)(B)(v) any person or organization who the XChange administrator determines offers significant legal services to a substantial portion of the public at no charge.

Tab 14



Administrative Office of the Courts

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

February 4, 2020

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

MEMORANDUM

TO: Judge Mark May
Judge Kara Pettit
Judge Augustus Chin

FROM: Karl Sweeney, Director of Finance
Bart Olsen, Director of Human Resources

CC: Hon. Mary T. Noonan
Cathy Dupont

RE: Proposed Delegation of Authority from Judicial Council to Authorize Use of Ongoing Turnover Savings¹

Request

We recommend the ad hoc Budget and Finance Committee (“BFC”) seek authorization from the Judicial Council to approve the use of 20% of the estimated annual Ongoing Turnover Savings (“OTS”), not to exceed \$110,000 in a fiscal year, to address departmental reorganizations, “hot spot” salary adjustments and other types of routine ongoing salary increase requests. Historically, these requests have been addressed ad hoc by the State Court Administrator or Deputy State Court Administrator during periods of the year that precede the annual Judicial Council review and approval of the use of OTS (typically May).² This delegation of authority to the State Court Administrator and Deputy State Court Administrator (the “Administrators”) offers a systematic way to fully address “personnel actions” (including salary increases) that need to be addressed within the scope of Rule 3-301³ yet retains for the Judicial Council sufficient OTS monies to address court-wide market comparability and similar issues.

Business Rationale

The need for managers to address personnel pay issues does not stop for the 10 months of the fiscal year that precede and immediately follow the May annual Judicial Council meeting where OTS is used to address Court personnel needs.

¹ Ongoing Turnover Savings (“OTS”) represent the total personnel impact (including benefits) when a position is vacated and replaced by a new hire to that position. OTS result when this annualized differential is positive because the new hire has a lower total personnel cost. If a replacement hire has a higher total personnel cost, this “negative” turnover savings reduces OTS.

² In the May 2019 Judicial Council meeting, the Judicial Council approved the use of \$537,500 in OTS which was split \$400,000 to career ladder and \$137,500 to fund market comparability adjustments.

³ Code of Judicial Administration Rule 3-301(3)(B)(v) gives the state court administrator the authority to “formulate and administer a system of personnel administration for the judiciary including but not limited to....approval of all personnel actions.”

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

Requests for salary adjustments come in several a month to the Administrators usually to address pay inequities caused by compression, promotions for persons with superior performance who are still at the bottom of their paygrade, or department reorganizations. These salary adjustments are generally ones where there is no ability to reduce other budgeted non-salary expenses in the Unit to “pay” for the ongoing impact. Further, these salary adjustments are thoroughly reviewed and approved by the TCEs and District or Juvenile Court Administrators, or the appropriate AOC Director.

The granting of these pay increases has gone into the YTD calculation of OTS and has reduced the amount of OTS available at the end of the fiscal year to be used by the Judicial Council. The amount of increases that have been granted during the past 13 months is approximately \$117,000 which annualizes to approximately \$110,000. In theory, if the \$110,000 of delegated authority approximates the historical average of pay increases that Administrators have granted, the amount of OTS the Judicial Council will have to work with will be unaffected. The FY 2020 estimated annual OTS is \$600,000 at the end of period 7 and the forecast of OTS available to the Judicial Council for May 2020 is expected to be approximately \$750,000.

Recent examples of personnel pay requests include:

- Salary increase for recently-promoted, superior performing employee with comparable total service time in Utah Courts to peer in identical position who was making \$10 per hour more.
- Salary adjustment to make comparable salaries for 2 different positions within the Courts with the same managerial duties and expertise – one traditionally staffed by males, one by females. The one traditionally staffed by females had a lower pay range and pay for similarly qualified persons.

We believe it is imperative for these personnel pay issues to be acted on promptly and consistently. We believe that is best accomplished by specifically authorizing the Administrators funds to approve requests.

The process for submitting a personnel pay request will be:

1. Detailed write-up by the requesting manager,
2. Review and approval by the appropriate AOC Director or TCE and District/Juvenile Court State Level Administrator,
3. Reviews by the HR Director Review for compliance with HR policy and Finance Director for potential non-salary budget reduction opportunities, and
4. Review and approval by the Administrators.

We recommend the BFC approve this delegation of authority and seek Judicial Council authorization for same.

Tab 15

Agenda



Administrative Office of the Courts

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

January 29, 2020

Hon. Mary T. Noonan
State Court Administrator
Cathy Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee and Judicial Council

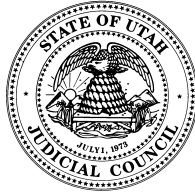
FROM: Brent M. Johnson

RE: Ethics Advisory Committee

The Ethics Advisory Committee is in need of a representative from the Court of Appeals. Judge Michele Christiansen Forster's term expired February 1, 2020. The Court of Appeals has selected Judge Ryan Harris to replace Judge Christiansen Forster. The Ethics Advisory Committee welcomes Judge Harris and recommends the Judicial Council appoint Judge Harris. The Court of Appeals member of the Ethics Advisory Committee also serves as chair of the Commissioner Conduct Committee. The Commissioner Conduct Committee anxiously awaits the appointment of Judge Harris.

Judge Christiansen Forster had been serving as the chair of the Ethics Advisory Committee and with her leaving, the Ethics Advisory Committee will need a new chair. Judge Laura Scott, one of the district court judge members, would be excellent in this position and has agreed to serve as chair. I recommend that the Judicial Council appoint Judge Scott as the chair of the Ethics Advisory Committee.

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



Administrative Office of the Courts

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

February 3, 2020

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

MEMORANDUM

TO: Management Committee/Utah Judicial Council

FROM: Kara J. Mann

RE: Language Access Committee Appointment

Currently, there is a vacancy on the Language Access Committee which must be filled by a Probation Officer in accordance with CJA Rule 1-205(1)(B)(ix). Megan Haney was serving on the committee; however, she recently completed her second consecutive term on the committee.

At this time the Language Access Committee is comprised of the following members:

- Michelle Draper, Chair, ASL interpreter
- Yadira Call, Certified Court Interpreter
- Judge Su Chon, Third District Court
- Mary Kaye Dixon, Judicial Assistant
- Amine El Fajri, Certified Court Interpreter
- Monica Diaz Greene, Attorney, Utah Juvenile Defender Attorneys
- Judge Michael Leavitt, Fifth District Juvenile Court
- Russ Pearson, TCE, Eighth District
- Lynn Wiseman, Clerk of Court, Second District
- Judge Kelly Schaeffer-Bullock, Highland Justice Court

I emailed Ms. Haney about announcing the open position at the next Chief Probation Officer meeting, which was held in December 2019, to disseminate information on the vacant position to probation officers. Through this recruitment process, the Language Access Committee has the following candidate to submit for consideration.

- Rory Jones, Chief Probation Officer, Seventh District

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

Mr. Jones' statement of interest and résumé is enclosed for your consideration. Additionally, Mr. Jones is currently serving on the CORE Committee and serves as a case planning trainer for the courts.

Encl. Rory Jones statement of interest and résumé

To Whom It May Concern:

Please accept my resume and consider me for the Language Access Committee opening. Megan Haney has served on the committee for the past six years, and has recently completed her term as a committee member. I'm highly interested in learning more about the challenges and successes with regard to providing defendants services for language in their native tongue. This committee opening is perfect for me as I used to serve as an interpreter coordinator for the 7th District prior to transferring to probation.

As you seek a well prepared candidate for Language Access Committee member, please consider my qualifications:

- Former Interpreter Coordinator for 7th District.
- Chief Probation Officer for the 7th District.
- Bachelor's degree in Business Management from an accredited four-year institution.
- Ten years supervisory experience in a fast-paced setting.
- Creative problem-solving ability; work well under pressure; interact well with co-workers and management; dependable team player who is always willing to assist other workers.
- Highly motivated and focused with excellent communication, analytical, written and organizational skills.

Thank you for your consideration.

Cordially,

Rory Jones

Rory Jones
 120 E Main St
 Price, Utah 84501
 (435)636-3454
 roryj@utcourts.gov

OBJECTIVE

Language Access Committee member.

QUALIFICATIONS

- Former Interpreter Coordinator for 7th District.
- Chief Probation Officer for the 7th District.
- Bachelor's degree in Business Management from an accredited four-year institution.
- Ten years supervisory experience in a fast-paced setting.
- Creative problem-solving ability; work well under pressure; interact well with co-workers and management; dependable team player who is always willing to assist other workers.
- Highly motivated and focused with excellent communication, analytical, written and organizational skills.

EMPLOYMENT

Chief Probation Officer

Utah State Courts, Price, UT

10/07/2019 to Present

Oversee probation functions supervisory and duties for the Seventh District Juvenile Court. Coordinate with Judges and Trial Court Executive for effective implementation of district vision and strategies. Develop and coach probation staff as well as deliver case planning training. Ensure probation officers are effectively managing cases and are conforming to statute. Attend Chief Probation Officer and CORE committee meetings.

Probation Officer

Utah State Courts, Price, UT

7/16/2018 to 10/07/2019

Conducted preliminary inquiries with youth to assess their risk to recidivate. Developed and implemented case planning principles and strategies with youth and families. Performed field visits and random urinalysis to youth ordered on formal probation. Served as case planning trainer for the district.

Judicial Case Manager

Utah State Courts, Price, UT

10/31/11 to 7/13/2018

Oversaw and performed various management functions as well as clerical duties for both District and Juvenile Court including but not limited to; data entry, keeping court minutes, maintaining the electronic record, jury management, accounts receivables, case initiation and case filing. Prepared and submitted orders for Judge's signature; developed, disciplined and coached line staff; problem solving, hiring/firing, and payroll approval. Served as liaison to allied agencies.

Store Manager

CJ's Do-It Center, Price, UT

6/1/09 to 10/28/11

Performed all management functions in a retail environment that included; motivation and leadership, development, discipline and coaching, hiring/firing, inventory ordering, sales, customer service, labor and cost controls, sales goals, accounts receivables and inventory ordering. Facilitated and administrated operations in various departments.

Assistant Manager/Manager-In-Training

Stock Building Supply, Cedar City, UT

5/4/07 to 5/29/09

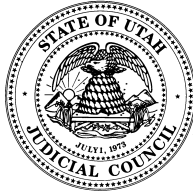
- Performed various duties in a retail environment entailing; hiring/firing, training, development and discipline, safety coordinator, shipping/receiving, vendor relations, inventory ordering, purchase order review, limited HR functions, flatbed delivery and customer service. Completed a number of tasks and projects around the store such as; inside sales, customer service, warehouse operations, and product delivery. Managed numerous aspects of store relocation.

EDUCATION

- *Utah State University Eastern fka College of Eastern Utah, Price, Utah*-Associate of Science Degree, 5/03
- *Southern Utah University, Cedar City, Utah*-Bachelor of Science Degree (Business Management) 12/06

Tab 16

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, February 24, 2020
RE: Rule CJA 3-403. Judicial Branch Education – Public Comment

In 2016, the Judicial Council adopted the Judicial Mentoring Guidelines and Best Practices Recommendations, including the Mentor's Checklist. The Guidelines were drafted by a work group of judges and TCEs, staffed by the Education Director, Tom Langhorne. The Guidelines are intended to increase the efficacy and uniformity of Utah's judicial mentoring practices.

Despite the Judicial Council's adoption of the Mentoring Guidelines, district-wide mentoring efforts remain inconsistent and disparate. Moreover, Utah's unique judicial appointment system often results in new judges sitting for several months before they receive formal new judge training.

Accordingly, the proposed amendments are aimed at ensuring mentors are timely assigned and the mentoring relationship is based upon mutually agreed learning objectives and professional development plans.

Policy and Planning recommends that the Judicial Council approve the amendments to CJA 3-403 for public comment.

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 3-403. Judicial branch education.**Intent:**

To establish the Judicial Branch Education Committee's responsibility to develop and evaluate a comprehensive education program for all judges, commissioners and court staff.

To establish education standards for judges, commissioners and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

Applicability:

This rule shall apply to all judges, commissioners and court staff, except seasonal employees and law clerks.

Statement of the Rule:**(1) Organization.**

(1)(A) **Judicial branch education committee.** The Judicial Branch Education Committee shall submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It shall evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) **Responsibilities of members.** Committee members shall propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

(1)(C) Committee meetings.

(1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) **Administration.**

Judicial Education Officer. The Judicial Education Officer, under the direction of the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) **Standards for judges and court commissioners.**

(3)(A) **Program requirements.** All judges and court commissioners shall participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee. All judges, court commissioners, active senior judges, and active senior justice court judges shall complete 30 hours of pre-approved education annually, to be implemented on a schedule coordinated by the Committee. Judges of courts of record and court commissioners may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual Utah Judicial Conference, but an inactive senior judge or retired judge must pay all expenses.

(3)(A)(i) **Active senior judge.** If an active senior judge applies to be reappointed and will have completed at least 60 total education hours in the two years preceding the effective date of reappointment, the Management Committee may, for good cause shown, excuse the judge from having to complete the annual 30 hour education requirement.

(3)(A)(ii) **Inactive senior judges and retired judges.** If an inactive senior judge or a retired judge applies to be an active senior judge, the judge shall demonstrate that:

(3)(A)(ii)(a) less than three years has passed since he or she last complied with the continuing education requirements of an active senior judge;

(3)(A)(ii)(b) he or she has complied with the MCLE requirements of the Utah State Bar for at least three years before the application;

(3)(A)(ii)(c) he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(A)(ii)(d) he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(B) ~~(A)~~ **Program components.** Education programs for judges and court commissioners shall include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judges and court commissioners over the long term.

(3) ~~(B)~~ ~~(C)~~ **Annual conferences.** Justice court judges and active senior justice court judges shall attend the annual justice court conference unless excused by the Management Committee for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect

their representatives, judges, active senior judges and court commissioners of the courts of record are strongly encouraged to attend that conference.

(4) Standards for court staff.

(4)(A) State employees.

(4)(A)(i) Program requirements. All court staff employed by the state shall complete 20 hours of approved coursework annually.

(4)(A)(ii) Program components. Education programs for court staff employed by the state shall include: on-the-job orientation for new employees as well as semi-annual Orientation Academies; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

(4)(B) Local government employees.

(4)(B)(i) Program requirements. All court staff employed by the justice courts shall complete 10 hours of approved coursework annually. All other court staff employed by local government shall complete 20 hours of approved coursework annually.

(4)(B)(ii) Program components. Education programs for court staff employed by local government shall include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth.

(5) Reporting.

(5)(A) Judges, commissioners and court staff governed by these standards shall report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards shall be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory performance evaluation in the education criterion.

(5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.

(6) Credit. Judicial education procedures shall include guidelines for determining which programs qualify as approved education within the meaning of these standards.

153 (7) **Funding.**

154
155 (7)(A) **Budget.** In preparing its annual request for legislative appropriations, the Council
156 shall receive and consider recommendations from the Committee. The Committee's
157 annual education plan shall be based upon the Council's actual budget allocation for
158 judicial education.

159
160 (7)(B) **In-state education programs.** Judicial branch funds allocated to in-state judicial
161 education shall first be used to support mandatory in-state orientation programs for all
162 judicial branch employees and then for other education priorities as established by the
163 Committee with input from the Boards of Judges and Administrative Office.

164
165 (7)(C) **Out-of-state education programs.** To provide for diverse educational
166 development, to take advantage of unique national opportunities, and to utilize education
167 programs which cannot be offered in-state, the annual education plan shall include out-
168 of-state education opportunities. The Committee shall approve national education
169 providers and shall include in the education procedures, criteria to be applied by the
170 Administrative Office to out-of-state education requests. Criteria shall include relevance
171 to the attendee's current assignment and attendance at in-state programs.
172 Disagreement with a decision to deny an out-of-state education request may be
173 reviewed by a quorum of the Committee at the applicant's request.

174
175 (7)(D) **Tuition, fees, and travel.** The Committee shall develop policies and procedures
176 for paying tuition, fees, per diem, and travel for approved programs. State funds cannot
177 be used to pay for discretionary social activities, recreation, or spouse participation. The
178 Committee may set financial limits on reimbursement for attendance at elective
179 programs, with the individual participant personally making up the difference in cost
180 when the cost exceeds program guidelines.

181
182 **(8) Mentoring.**

183
184 (8)(A) Within seven business days after a new district or juvenile judge has been sworn
185 in, the Presiding Judge shall appoint a mentor to the new judge.

186
187 (8)(B) Within fourteen business days after a new district or juvenile judge has been
188 sworn in, the mentor and the new judge shall meet and review the Judicial Mentoring
189 Guidelines and Best Practices Recommendations, complete the Mentors' Checklist
190 contained therein and the mentor, within that same fourteen business day period, shall
191 provide the completed Mentor's Checklist to the Judicial Education Officer.

192
193
194 *Effective May 1, 2020*

Tab 17

Temporary Separation [UtahCode 30-3-4.5](#)

Overview

A temporary separation case includes a Petition for Temporary Separation followed by a Motion for Temporary Orders, a Stipulation and Order on Motion for Temporary Orders. There is a filing fee and cover sheet. If within 1 year, the temporary separation case filer elects to proceed with a divorce, the fee for the temporary separation case is applied to the filing fee for that divorce.

All documents in a temporary separation case except the Petition for Temporary Separation have been previously approved by the Judicial Council. The language used in the petition follows in this document. Related language already approved or used in divorce documents is provided for reference.

	Text for Review	Text Approved by Forms Comm	Text Approved by JC	
Petition for Temporary Separation				
Caption	X			
Introduction	X			
1 Residency	X			
2 Marriage	X			
3 Children	X			
3a UCCJEA Jurisdiction	X			
3b Rule 100	X			
6 Time Period of Orders in Temporary Separation	X			
7 Other Relief	X			
8 Petition Close	X			
End of Petition				

SECTION 1 Caption Grounds Juris Sep

Caption Before	<div style="text-align: right;">Online Court Assistance Program</div> <p> Name: Clint Hill Address: 1560 Prospector Way Summit, UT 90845 Phone: (132) 412-343 Email: Clinth@gmail.com Pro Se I am the Petitioner </p> <p style="text-align: center;"> IN THE THIRD JUDICIAL DISTRICT COURT OF SUMMIT COUNTY, STATE OF UTAH <hr/> Third District Court - Silver Summit, 6300 Justice Center Road, Park City, Utah 84098 </p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Clint Hill, Petitioner, vs. Nicole Hill, Respondent. </td><td style="width: 50%; vertical-align: top; text-align: center;"> PETITION FOR TEMPORARY SEPARATION Case No. _____ Commissioner: _____ Judge: _____ </td></tr> </table> <p>Clint Hill states as follows:</p> <p>90-DAY RESIDENCY</p> <p>1. Clint Hill and Nicole Hill are residents of the State of Utah and have been residents of the State of Utah for at least 90-days prior to the filing of this action.</p>	Clint Hill, Petitioner, vs. Nicole Hill, Respondent.	PETITION FOR TEMPORARY SEPARATION Case No. _____ Commissioner: _____ Judge: _____
Clint Hill, Petitioner, vs. Nicole Hill, Respondent.	PETITION FOR TEMPORARY SEPARATION Case No. _____ Commissioner: _____ Judge: _____		
Caption After	Format: Follow Style Guide		
Section 1 Introduction			
TS Petition Intro Before	<Petitioner> states as follows:		
Divorce Petition Intro Approved for Reference	I, <Petitioner>, am the petitioner. I say:		
TS Petition Intro Proposed for Approval	Same as approved for divorce.		
Section 1.1 Residency			
TS Petition Residency Before	<p>90-DAY RESIDENCY</p> <p>«PN1». «pet_name» and «res_name» are residents of the State of Utah and have been residents of the State of Utah for at least 90-days prior to the filing of this action.</p>		
Divorce Petition Residency	<p>Three-month residency</p> <p>1. Jane Jetson and George Jetson were residents of Salt Lake County, Utah on</p>		

Approved for Reference	the date this case was filed. Jane Jetson and George Jetson were residents for at least three months immediately before filing this case.
TS Petition Residency Proposed for Approval	Three-month residency Same as approved for divorce.
Section 1.2 Marriage	
TS Petition Marriage Before	MARRIAGE «PN1». «pet_name» and «res_name» were married on «mar_date» in «mar_city», «IF ANSWERED(mar_county)»«mar_county» County,«END IF» «mar_state» and are presently lawfully married.
Divorce Petition Marriage Approved	Marriage 2. Jane Jetson and George Jetson were married on January 23, 2004 in Orbit City Salt Lake County, Utah. We are currently married.
TS Petition Marriage Proposed for Approval	Marriage Same as approved for divorce.
Section 1.2 Children	
TS Petition Children Before	CHILDREN «PN1». The parties are the legal mother and legal father of the following children under Utah's Uniform Parentage Act, Utah Code 78B-15-101 et seq. This court has jurisdiction to determine the issues related to the children in this action because the parties became the legal parents of the children prior to or during the time the parties were married. The name and birth date of each minor child is listed below. «IF child_incapacitated_yes_no = TRUE» The full name and birth date is listed for any incapacitated adult child. «END IF» Born: Unborn: Expected Birth:
Divorce Petition	Children

Children Approved for Reference	<p>5. Jane Jetson and George Jetson are the legal parents of the following children (Utah Code 78B-15-101 et seq.). This court has jurisdiction to make orders about these children.</p> <p>a. Judy Jetson DOB</p> <p>b. Elroy Jetson Expected birthdate</p> <p>-----</p> <p>Children (Utah Code 78B-12-102(7))</p> <p>«PN1». <pet_name and <res_name> do not have any children together.</p> <ul style="list-style-type: none"> • They do not have any children together who are minors. A minor is a child under 18 who has not been married or otherwise emancipated. • They are not expecting a child. • They do not have incapacitated adult children together who are eligible for child support. • They are not asking for child support for any incapacitated adult child who is eligible for child support.
TS Petition Children Proposed for Approval	Use approved divorce language.
TS Petition UCCJEA Before	<p>CHILDREN – UCCJEA JURISDICTION</p> <p>«PN1». Utah has jurisdiction over the custody and parent-time issues in this case pursuant to Utah’s Uniform Child Custody Jurisdiction and Enforcement Act because Utah is the home state of the parties’ minor children under Utah Code 78B-13-102(7) and/or this case meets the criteria under Utah Code 78B-13-201(1), 207, and 208. During the last five years, the minor children have resided at the following places and with the following parties:</p> <p>Lived With: Relation: State: Began Living With: Stopped Living With:</p>
Divorce Petition UCCJEA	Children – Jurisdiction over custody and parent-time issues (Utah Code 78B-13-102(7), 201(1), and 208)

Approved for Reference	<p>6. Utah has jurisdiction over the custody and parent-time issues in this case because:</p> <ul style="list-style-type: none"> • Utah is the home state of the parties' minor children under Utah Code 78B-13-102(7), or • This case meets the criteria under Utah Code 78B-13-201(1), 207, and 208. <p>During the last five years, the minor children have lived at the following places and with the following people:</p> <p>a. Judy Jetson State: UT Address: 14 Little Dipper Drive, Orbit City, UT 12341 Began living there: 01/11/2010; Resided With: Jane Jetson; Relationship to this child: Mother; Current Address of Jane Jetson: 14 Little Dipper Drive, Orbit City, UT 12341</p> <p>b. Elroy Jetson State: UT Address: 14 Little Dipper Drive, Orbit City, UT 12341 Began living there: 01/13/2013; Resided With: Jane Jetson; Relationship to this child: Mother; Current Address of Jane Jetson: 14 Little Dipper Drive, Orbit City, UT 12341</p>
TS Petition UCCJEA Proposed for Approval	Use approved divorce language.
TS Petition Rule 100 Before	<p>CHILDREN – RULE 100 INFORMATION</p> <p>«PN1». Pursuant to Rule 100 of the Utah Rules of Civil Procedure, The Uniform Child Custody Jurisdiction and Enforcement Act, Utah Code 78B-13-101 et Seq. and The Uniform Interstate Family Support Act, Utah Code 78B-14-101 et Seq., the parties state upon information and belief, that:</p> <p>«PN2:abc». There are proceedings in a court of law or governmental agency for custody, child support, parent-time or visitation concerning the parties' minor children which have been filed, or are pending, or have been completed with an order. These proceedings are described as follows:</p> <p>Case InformationCo Court or Agency: Address: Case Number: Judge or Commissioner:</p>

	<p>Nature of Proceeding:</p> <p>OR</p> <p>The parties are unaware of any criminal, delinquency or protective order cases involving a party or the parties' children.</p> <p>«PN2:abc». The parties know of the following criminal, delinquency or protective order cases involving a party or the parties' children:</p> <p>Case Information: Name of Court: Address: Case Number: Judge or Commissioner: Nature of Proceeding:</p> <p>The parties are unaware of any person who is <u>not</u> a party to these proceedings who has physical custody of the parties' minor child «child_name_first[COUNTER]» «child_name_last[COUNTER]» and who claims to have custody, child support, and/or parent-time or visitation rights with respect to «child_name_first[COUNTER]» «child_name_last[COUNTER]».</p> <p>«PN2:abc». The parties know of a person who is <u>not</u> a party to these proceedings who has physical custody of the parties' minor child «child_name_first[COUNTER]» «child_name_last[COUNTER]» and who claims to have custody, child support, and/or parent-time or visitation rights with respect to «child_name_first[COUNTER]» «child_name_last[COUNTER]».</p> <p>Name: Address: Phone: Relation: Situation:</p>
Divorce Petition Rule 100	Children – Other court proceedings

Approved for Reference	<p>(Utah Rule of Civil Procedure 100; Utah Uniform Child Custody Jurisdiction and Enforcement Act, UCCJEA, Utah Code 78B-13-101 et seq.; Utah Uniform Interstate Family Support Act, UIFSA, Utah Code 78B-14-101 et seq.)</p> <p>7. I say the following: Jane Jetson and George Jetson's minor children are involved in the following custody, child support, or parent-time cases. This includes filed, pending, and completed cases.</p> <p style="padding-left: 40px;">i. Case Information Court or Agency: Third District Court Address: 450 State St Case Number: 13451345 Judge or Commissioner: Carnine Nature of Proceeding: Visitation case filed by George's parent</p> <p style="padding-left: 40px;">a. Jane Jetson knows of the following criminal, delinquency, or protective order cases involving Jane Jetson, George Jetson, or their children.</p> <p style="padding-left: 80px;">Case Information Name of Court: 3rd Juvenile Court Address: 450 State Case Number: qwerqew Judge or Commissioner: Smith Nature of Proceeding: Judy shoplifted some cosmetics from the Milky Way Mall. She is paying restitution.</p> <p style="padding-left: 40px;">b. Jane Jetson and George Jetson have physical custody of Judy Jetson, our child. We are the only people who have custody, child support, and parent-time rights to Judy Jetson.</p> <p style="padding-left: 40px;">-----</p> <p>«pet_name» does not know of any criminal, delinquency, or protective order cases involving «pet_name», «res_name», or their children.</p> <p>«PN2:abc». Someone who is not a party in this case has physical custody of «child_name_first[COUNTER]» «child_name_last[COUNTER]», our child. This person claims to have custody, child support, or parent-time rights to «child_name_first[COUNTER]» «child_name_last[COUNTER]».</p> <p style="padding-left: 40px;">Name: Address: Phone: Relation: Situation:</p>
TS Petition Rule 100	Same as approved for divorce above.

Proposed for Approval	
TIME PERIOD OF ORDERS IN TEMPORARY SEPARATION	
TS Petition	TIME PERIOD OF ORDERS IN TEMPORARY SEPARATION
TIME PERIOD OF ORDERS IN TEMPORARY SEPARATION	«PN1». «pet_name» understands that any temporary orders entered in this temporary separation case are valid for one year from the date of the hearing, or until one of the following occurs:
Before	<ul style="list-style-type: none"> a. a petition for divorce is filed and consolidated with the petition for temporary separation; or b. this temporary separation case is dismissed.
TS Petition	Duration of temporary order (Utah Code 30-3-4.5)
TIME PERIOD OF ORDERS IN TEMPORARY SEPARATION	«PN1». Temporary orders entered in this temporary separation case are in effect for one year from the date of the hearing unless:
Proposed for Approval	<ul style="list-style-type: none"> • The case is dismissed earlier. • A petition for divorce is filed and consolidated with the petition for temporary separation. The orders will remain in effect in the divorce case.
OTHER RELIEF IF EQUITABLE AND JUST	
TS Petition	OTHER RELIEF IF EQUITABLE AND JUST
OTHER RELIEF IF EQUITABLE AND JUST	«PN1». The Court should grant such other and further relief as it may deem just and appropriate in this matter.
Before	
Divorce Petition for reference	Other relief if equitable and just
OTHER RELIEF IF EQUITABLE AND JUST	<p>The Court should grant such other and further relief as it may deem just and appropriate in this matter.</p> <p>We missed this in the divorce update. Does Forms Committee want to rewrite. We will then retrofit the approved language all programs.</p>
TS Petition	Stylistics members remember deciding to remove this clause from the divorce documents.

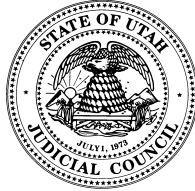
Proposed for Approval	The next section includes an "equitable and just" language. This clause is not needed
Petition Close	
TS Petition Close Before	WHEREFORE, « pet_name » asks that: 1. TEMPORARY ORDERS be entered based on « pet_name_possessive » MOTION FOR TEMPORARY ORDERS and supporting evidence. 3. For such other relief as the court deems equitable and just.
Divorce Petition for Reference Close	<<Petitioner>> asks that << possessive>> be granted a divorce pursuant to the terms of this petition, and for such other relief as the court deems equitable and just.
TS Petition for reference Close Proposed for Approval	<<Petitioner>> asks that temporary orders be granted pursuant to the terms of this petition, and for such other relief as the court deems equitable and just.
	END OF PETITION

Motion for Temporary Orders

The Motion for Temporary Orders, the Stipulation on Temporary Orders and the Order on Motion should conform to the forms already approved by the Judicial Council.

Caption					
	Motion		Stipulation		Order
Introduction					
Minor Children					
1 Children - Custody					
2 Children - Parent-time					
3 Children - Transfers (formerly Pick up and Delivery)					
4 Children - Communication Between Parties					
5 Child Support					
6 Child Care Expenses					

7 Health insurance, medical and dental expenses					
8 Tax Exemptions for Children					
9 Payment of Bills and Debts					
10 Property: Temporary Use and Possession					
• 10a Residence					
• 10b Vehicles					
• 10c Items					
• 10d Other					
11 Temporary Alimony					
12 Attorney Fees					
13 Other Orders					
14 Documents					
END					



Administrative Office of the Courts

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

February 12, 2020

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

MEMORANDUM

TO: Judicial Council Members

FROM: Kim Allard on behalf of the Standing Committee on Forms

RE: Temporary Separation [Utah Code 30-3-4.5](#) proposed language for approval

Overview

A temporary separation case includes a Petition for Temporary Separation, a Motion for Temporary Orders, a Stipulation and Order on Motion for Temporary Orders.

The Motion for Temporary Order documents have been approved by the Council. The Petition for Temporary Separation has not been approved.

Proposed language for the Petition for Temporary Separation language is provided. Much of the language in the petition is similar to that already approved for a divorce petition. Language already approved for use in divorce is provided for reference.

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

SECTION 1 Caption Grounds Juris Sep			
Caption Before	<div style="text-align: right;">Online Court Assistance Program</div> <p> Name: Clint Hill Address: 1560 Prospector Way Summit, UT 90845 Phone: (132) 412-343 Email: Clinth@gmail.com Pro Se I am the Petitioner </p> <p style="text-align: center;"> IN THE THIRD JUDICIAL DISTRICT COURT OF SUMMIT COUNTY, STATE OF UTAH Third District Court - Silver Summit, 6300 Justice Center Road, Park City, Utah 84098 </p> <hr/> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Clint Hill, Petitioner, vs. Nicole Hill, Respondent. </td> <td style="width: 50%; vertical-align: top; text-align: center;"> PETITION FOR TEMPORARY SEPARATION Case No. _____ Commissioner: _____ Judge: _____ </td> </tr> </table> <hr/> <p>Clint Hill states as follows:</p> <p>90-DAY RESIDENCY</p> <p>1. Clint Hill and Nicole Hill are residents of the State of Utah and have been residents of the State of Utah for at least 90-days prior to the filing of this action.</p> <p>MARRIAGE</p>	Clint Hill, Petitioner, vs. Nicole Hill, Respondent.	PETITION FOR TEMPORARY SEPARATION Case No. _____ Commissioner: _____ Judge: _____
Clint Hill, Petitioner, vs. Nicole Hill, Respondent.	PETITION FOR TEMPORARY SEPARATION Case No. _____ Commissioner: _____ Judge: _____		
Caption After	No content change; Follow Style Guide for format		
Section 1 Introduction			
TS Petition Intro Before	<Petitioner> states as follows:		
Divorce Petition Intro Approved for Reference	I, <Petitioner>, am the petitioner. I say:		
TS Petition Intro Proposed for Approval	Same as approved for divorce above.		
Section 1.1 Residency			
TS Petition Residency Before	<p>90-DAY RESIDENCY</p> <p><PN1>. <pet_name> and <res_name> are residents of the State of Utah and have been residents of the State of Utah for at least 90-days prior to the filing of this action.</p>		
Divorce Petition Residency Approved for Reference	<p>Three-month residency</p> <p>1. Jane Jetson and George Jetson were residents of Salt Lake County, Utah on the date this case was filed. Jane Jetson and George Jetson were residents for at</p>		

	least three months immediately before filing this case.
TS Petition Residency Proposed for Approval	Three-month residency Same as approved for divorce above.
Section 1.2 Marriage	
TS Petition Marriage Before	MARRIAGE «PN1». «pet_name» and «res_name» were married on «mar_date» in «mar_city», «IF ANSWERED(mar_county)»«mar_county» County,«END IF» «mar_state» and are presently lawfully married.
Divorce Petition Marriage Approved	Marriage 2. Jane Jetson and George Jetson were married on January 23, 2004 in Orbit City Salt Lake County, Utah. We are currently married.
TS Petition Marriage Proposed for Approval	Marriage Same as approved for divorce above.
Section 1.2 Children	
TS Petition Children Before	CHILDREN «PN1». The parties are the legal mother and legal father of the following children under Utah's Uniform Parentage Act, Utah Code 78B-15-101 et seq. This court has jurisdiction to determine the issues related to the children in this action because the parties became the legal parents of the children prior to or during the time the parties were married. The name and birth date of each minor child is listed below. «IF child_incapacitated_yes_no = TRUE» The full name and birth date is listed for any incapacitated adult child. «END IF» Born: Unborn: Expected Birth:
Divorce Petition Children Approved for Reference	Children 5. Jane Jetson and George Jetson are the legal parents of the following children (Utah Code 78B-15-101 et seq.). This court has jurisdiction to make orders about these children.

	<p>a. Judy Jetson DOB</p> <p>b. Elroy Jetson Expected birthdate</p> <p>-----</p> <p>Children (Utah Code 78B-12-102(7))</p> <p>«PN1». <pet_name and <res_name> do not have any children together.</p> <ul style="list-style-type: none"> • They do not have any children together who are minors. A minor is a child under 18 who has not been married or otherwise emancipated. • They are not expecting a child. • They do not have incapacitated adult children together who are eligible for child support. • They are not asking for child support for any incapacitated adult child who is eligible for child support.
TS Petition Children Proposed for Approval	Same as approved for divorce above.
TS Petition UCCJEA Before	<p>CHILDREN – UCCJEA JURISDICTION</p> <p>«PN1». Utah has jurisdiction over the custody and parent-time issues in this case pursuant to Utah’s Uniform Child Custody Jurisdiction and Enforcement Act because Utah is the home state of the parties’ minor children under Utah Code 78B-13-102(7) and/or this case meets the criteria under Utah Code 78B-13-201(1), 207, and 208. During the last five years, the minor children have resided at the following places and with the following parties:</p> <p>Lived With: Relation: State: Began Living With: Stopped Living With:</p>
Divorce Petition UCCJEA Approved for Reference	<p>Children – Jurisdiction over custody and parent-time issues (Utah Code 78B-13-102(7), 201(1), and 208)</p> <p>6. Utah has jurisdiction over the custody and parent-time issues in this case because:</p> <ul style="list-style-type: none"> • Utah is the home state of the parties’ minor children under Utah Code 78B-13-102(7), or • This case meets the criteria under Utah Code 78B-13-201(1), 207, and 208. <p>During the last five years, the minor children have lived at the following places and with the following people:</p>

	<p>a. Judy Jetson State: UT Address: 14 Little Dipper Drive, Orbit City, UT 12341 Began living there: 01/11/2010; Resided With: Jane Jetson; Relationship to this child: Mother; Current Address of Jane Jetson: 14 Little Dipper Drive, Orbit City, UT 12341</p> <p>b. Elroy Jetson State: UT Address: 14 Little Dipper Drive, Orbit City, UT 12341 Began living there: 01/13/2013; Resided With: Jane Jetson; Relationship to this child: Mother; Current Address of Jane Jetson: 14 Little Dipper Drive, Orbit City, UT 12341</p>
TS Petition UCCJEA Proposed for Approval	Same as approved for divorce above.
TS Petition Rule 100 Before	<p>CHILDREN – RULE 100 INFORMATION</p> <p>«PN1». Pursuant to Rule 100 of the Utah Rules of Civil Procedure, The Uniform Child Custody Jurisdiction and Enforcement Act, Utah Code 78B-13-101 et Seq. and The Uniform Interstate Family Support Act, Utah Code 78B-14-101 et Seq., the parties state upon information and belief, that:</p> <p>«PN2:abc». There are proceedings in a court of law or governmental agency for custody, child support, parent-time or visitation concerning the parties' minor children which have been filed, or are pending, or have been completed with an order. These proceedings are described as follows:</p> <p>Case Information Court or Agency: Address: Case Number: Judge or Commissioner: Nature of Proceeding:</p> <p>OR</p> <p>The parties are unaware of any criminal, delinquency or protective order cases involving a party or the parties' children.</p>

	<p>«PN2:abc». The parties know of the following criminal, delinquency or protective order cases involving a party or the parties' children:</p> <p>Case Information: Name of Court: Address: Case Number: Judge or Commissioner: Nature of Proceeding:</p> <p>The parties are unaware of any person who is <u>not</u> a party to these proceedings who has physical custody of the parties' minor child «child_name_first[COUNTER]» «child_name_last[COUNTER]» and who claims to have custody, child support, and/or parent-time or visitation rights with respect to «child_name_first[COUNTER]» «child_name_last[COUNTER]».</p> <p>«PN2:abc». The parties know of a person who is <u>not</u> a party to these proceedings who has physical custody of the parties' minor child «child_name_first[COUNTER]» «child_name_last[COUNTER]» and who claims to have custody, child support, and/or parent-time or visitation rights with respect to «child_name_first[COUNTER]» «child_name_last[COUNTER]».</p> <p>Name: Address: Phone: Relation: Situation:</p>
Divorce Petition Rule 100 Approved for Reference	<p>Children – Other court proceedings (Utah Rule of Civil Procedure 100; Utah Uniform Child Custody Jurisdiction and Enforcement Act, UCCJEA, Utah Code 78B-13-101 et seq.; Utah Uniform Interstate Family Support Act, UIFSA, Utah Code 78B-14-101 et seq.)</p> <p>7. I say the following: Jane Jetson and George Jetson's minor children are involved in the following custody, child support, or parent-time cases. This includes filed, pending, and completed cases.</p> <p>i. Case Information Court or Agency: Third District Court</p>

	<p>Address: 450 State St Case Number: 13451345 Judge or Commissioner: Carnine Nature of Proceeding: Visitation case filed by George's parent a. Jane Jetson knows of the following criminal, delinquency, or protective order cases involving Jane Jetson, George Jetson, or their children. Case Information Name of Court: 3rd Juvenile Court Address: 450 State Case Number: qwerqew Judge or Commissioner: Smith Nature of Proceeding: Judy shoplifted some cosmetics from the Milky Way Mall. She is paying restitution.</p> <p>b. Jane Jetson and George Jetson have physical custody of Judy Jetson, our child. We are the only people who have custody, child support, and parent-time rights to Judy Jetson.</p> <p>-----</p> <p>«pet_name» does not know of any criminal, delinquency, or protective order cases involving «pet_name», «res_name», or their children.</p> <p>«PN2:abc». Someone who is not a party in this case has physical custody of «child_name_first[COUNTER]» «child_name_last[COUNTER]», our child. This person claims to have custody, child support, or parent-time rights to «child_name_first[COUNTER]» «child_name_last[COUNTER]».</p> <p>Name: Address: Phone: Relation: Situation:</p>
TS Petition Rule 100 Proposed for Approval	Same as approved for divorce above.
TIME PERIOD OF ORDERS IN TEMPORARY SEPARATION	
TS Petition Time Period Of Orders In	TIME PERIOD OF ORDERS IN TEMPORARY SEPARATION « PN1 ». « pet_name » understands that any temporary orders entered in this

Temporary Separation Before	temporary separation case are valid for one year from the date of the hearing, or until one of the following occurs: a. a petition for divorce is filed and consolidated with the petition for temporary separation; or b. this temporary separation case is dismissed.
TS Petition Time Period Of Orders In Temporary Separation Proposed for Approval	Duration of temporary order (Utah Code 30-3-4.5) «PN1». Temporary orders entered in this temporary separation case are in effect for one year from the date of the hearing unless: <ul style="list-style-type: none"> • The case is dismissed earlier. • A petition for divorce is filed and consolidated with the petition for temporary separation. The orders will remain in effect in the divorce case.
Petition Close	
TS Petition Close Before	WHEREFORE, «pet_name» asks that: 1. TEMPORARY ORDERS be entered based on «pet_name_possessive» MOTION FOR TEMPORARY ORDERS and supporting evidence. 3. For such other relief as the court deems equitable and just.
Divorce Petition for Reference Close	<<Petitioner>> asks that << possessive>> be granted a divorce pursuant to the terms of this petition, and for such other relief as the court deems equitable and just.
TS Petition Close Proposed for Approval	<<Petitioner>> asks that temporary orders be granted pursuant to the terms of this petition, and for such other relief as the court deems equitable and just.

	END OF PETITION
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