

JUDICIAL COUNCIL MEETING

AGENDA

November 22, 2021

Meeting held through Webex

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:00 a.m. Oath of Office and Selection of Executive Committee for Justice Paige
Petersen and Judge Keith Barnes Chief Justice Matthew B. Durrant
(Tab 2 - Information)
3. 9:05 a.m. Chair's Report. Chief Justice Matthew B. Durrant
(Information)
4. 9:10 a.m. State Court Administrator's Report Ron Gordon
(Information)
5. 9:20 a.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Budget & Fiscal Management Committee..... Judge Mark May
Liaison Committee..... Judge Kara Pettit
Policy & Planning Committee Judge Derek Pullan
Bar Commission..... Margaret Plane, esq.
(Tab 3 - Information)
6. 9:45 a.m. Court Commissioner Conduct Committee Report..... Judge Ryan Harris
(Information) Keisa Williams
7. 10:00 a.m. Forms Committee Report..... Randy Dryer
(Information) Nathanael Player
8. 10:10 a.m. Acknowledgement of Firearm Restriction..... Nathanael Player
(Tab 4 - Action)
9. 10:20 a.m. Model Utah Civil Jury Instructions Committee Report..... Stacy Haacke
(Tab 5 - Information)
- 10:30 a.m. Break

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|-----|------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| 10. | 10:40 a.m. | Budget and Grants.....
(Action) | Judge Mark May
Karl Sweeney
Alisha Johnson
Heidi Anderson
Nathanael Player |
| 11. | 11:20 a.m. | Problem-Solving Court Recertification
(Tab 6 - Action) | Judge Dennis Fuchs
Judge Clint Gilmore |
| 12. | 11:30 a.m. | Green Phase Proposal/Access to Justice
(Tab 7 - Action) | Judge Don Torgerson
Meredith Mannebach
Justice Christine Durham
Amy Sorenson
Pamela Beatse
Nancy Sylvester |
| | 12:00 p.m. | Lunch Break | |
| 13. | 12:10 p.m. | Old Business/New Business
(Discussion) | All |
| 14. | 12:30 p.m. | Executive Session - There will be an executive session | |
| 15. | 1:00 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 8) | Outreach Committee – Valeria Jimenez
Forms Committee – Nathanael Player
Ethics Advisory Committee – Keisa Williams |
| 2. Forms Committee Forms
(Tab 9) | Kaden Taylor |

Tab 1

JUDICIAL COUNCIL MEETING**Minutes****October 25, 2021****Meeting conducted through Webex****9:00 a.m. – 11:53 a.m.*****Chief Justice Matthew B. Durrant, Presiding*****Members:**

Chief Justice Matthew B. Durrant, Chair
 Hon. Todd Shaughnessy, Vice Chair
 Hon. Samuel Chiara
 Hon. Augustus Chin
 Hon. David Connors
 Hon. Paul Farr
 Hon. Michelle Heward
 Justice Deno Himonas
 Hon. Mark May
 Hon. David Mortensen
 Hon. Kara Pettit
 Margaret Plane, esq.
 Hon. Derek Pullan
 Hon. Brook Sessions

Excused:

Hon. Ryan Evershed

Guests:

Kim Brock, TCE, Third District Court

AOC Staff:

Ron Gordon
 Cathy Dupont
 Michael Drechsel
 Heidi Anderson
 Shane Bahr
 Meredith Mannebach
 Jordan Murray
 Bart Olsen
 Jim Peters
 Nini Rich
 Keri Sargent
 Neira Siaperas
 Nick Stiles
 Jeni Wood

Guests Cont.:

Commissioner Sherrie Hayashi, JPEC
 Hon. Elizabeth Knight, Third Juvenile Court
 Hon. Rick Romney, Provo Justice Court
 Hon. Danalee Welch-O'Donnal, Moab Justice Court
 Dr. Jennifer Yim, JPEC

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. The Council held their meeting through Webex.

Motion: Judge David Connors commented that he did not know that “gamified” was a word, and then moved to approve the September 28, 2021 Judicial Council meeting minutes, as amended to 1) add in item 11 that the FY21-22 projects were previously sent to the legislature; and 3) item 12 add “Mr. Bahr will follow up . . . are not consistent and do not always reflect the statutorily minimum fines. Judge Brook Sessions seconded the motion, and it passed unanimously.

2. OATH OF OFFICE AND SELECTION OF EXECUTIVE COMMITTEE FOR MARGARET PLANE: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant administered the Oath of Office to Margaret Plane. It is expected that Ms. Plane will be assigned to the Budget & Fiscal Management Committee. The Management Committee will vote on the executive committee assignments at their November meeting.

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

Chief Justice Durrant, Ron Gordon, and Michael Drechsel met with the Judicial Compensation Commission. The Commission supports the Judiciary.

4. STATE COURT ADMINISTRATOR'S REPORT: (Ron Gordon)

Mr. Gordon will continue to work closely with the Judicial Compensation Commission and update the Council as information is available. The AOC has been working with TCEs and other employees to develop quarterly awards, looking beyond the normal annual judicial awards. This will provide additional opportunities to recognize the hard work of court employees.

Mr. Gordon is participating in the Justice Reinvestment Initiative Listening Tour coordinated through the Utah Commission on Criminal and Juvenile Justice. The tour provides forums for residents of Utah to provide feedback on the criminal justice system in Utah and suggestions for criminal and juvenile justice policy. At the end of the listening tour, a work group will be established to determine next steps.

All ARPA Funding requests have been submitted. Mr. Gordon thanked the Council for their efforts with this program. The AOC and staff throughout the courts are working on employee mental health and wellness issues with state partners in the executive branch and the Judicial Institute Director.

Judge Connors thanked those who participated in the Utah Access to Justice Initiative.

**5. COMMITTEE REPORTS:
Management Committee Report:**

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

The committee met earlier this month and will have further discussions later in the meeting.

Liaison Committee Report:

The pretrial legislative workgroup will meet tomorrow in anticipation of an upcoming bill. Michael Drechsel perceived that pretrial legislation may not be addressed at the November 18-19, 2021 Special Session and may, instead, be addressed during the regular session.

Policy and Planning Committee Report:

Judge Derek Pullan said the committee will meet on Friday.

Bar Commission Report:

Ms. Plane mentioned the Bar created the Reimagination Committee. The Fall Forum will be held virtually. The Bar received funding to conduct a licensee survey, with particular interest from rural areas and young lawyers. The survey will identify what kind of member benefits Bar members would prefer.

6. BOARD OF JUSTICE COURT JUDGES REPORT: (Judge Rick Romney and Jim Peters)

Chief Justice Durrant welcomed Judge Rick Romney and Jim Peters.

- There are 110 justice courts supported by 75 judges.
- Of the 75 judges, 60 are male and 15 are female.
- There are 10 judicial vacancies.

Goals of the Board

- Explore options for improving wellness among judges and clerks
- Continue to strengthen the Boards relationship with the AOC
- Propose revised standards for court certifications
- Launch the clerk certification
- Continue to provide subject-matter expertise for Justice Court Reform
- Recommend improvements to the judicial selection process for justice courts
- Study payment options for justice court patrons and make recommendations for improvement
- Develop a workload study for justice court clerks

Judge Romney was thankful for the work of their contacts in the Judicial Institute , Lauren Andersen and Kim Zimmerman. The Justice Court Reform Task Force proposals have not been reviewed by the Liaison Committee at this time.

Chief Justice Durrant thanked Judge Romney and Mr. Peters.

7. BOARD OF JUVENILE COURT JUDGES REPORT: (Judge Elizabeth Knight and Neira Siaperas)

Chief Justice Durrant welcomed Judge Elizabeth Knight and Neira Siaperas. Judge Knight was recently elected as the Chair to the Board of Juvenile Court Judges. Judge Knight thanked Ms. Siaperas for her dedication to the juvenile courts.

They completed phase I of the Fairness & Accountability project, highlighting the disparities of the juvenile court process, finding that minority youth received disproportionately more referrals to the juvenile court. Phase II of the project will allow for further review of the data more thoroughly to identify the courts role.

The juvenile courts are recognizing their staff through employee appreciation. The Board recognized that the juvenile court staff have the ability to understand the challenges and adjust the practices as needed. The previous Board Chair sent a letter to all staff showing his appreciation.

The Board appreciated the Council's support of the juvenile judicial workload study. They felt they had an accurate representation of their work. The Board is discussing creating expert panels to review case weights and other workload issues.

The Board continues to review the technological needs for holding hybrid hearings.

The Juvenile Recodification Act resulted in some mistakes that have been identified and are being corrected.

Chief Justice Durrant thanked Judge Knight and Ms. Siaperas.

8. SENIOR JUDGE CERTIFICATION: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. Judge Charlene Hartmann sought initial certification. Judge Hartmann does not have any outstanding complaints after a finding of reasonable cause with the Judicial Conduct Commission or the Utah Supreme Court. (CJA Rule 11-201(2)) Judge Hartmann appeared to have met the criteria found in CJA Rule 11-203 with the exception of her education hours two years ago. The National Center for State Courts (NCSC) does not conduct performance evaluations on justice court judges. The courts are working with the NCSC to determine if that is a possibility. The Board of Justice Court Judges unanimously supported Judge Hartmann's application.

Chief Justice Durrant thanked Ms. Dupont.

Motion: Judge Chin moved to approve the initial certification of Judge Charlene Hartmann as an active senior justice court judge, as presented. Judge Paul Farr seconded the motion, and it passed unanimously.

9. REPORT AND RECOMMENDATION ON WHETHER TO INCREASE SMALL CLAIMS JURISDICTIONAL FILING AMOUNT: (Michael Drechsel)

Chief Justice Durrant welcomed Michael Drechsel. Utah Code § 78A-8-1091 states "The Judicial Council shall present to the Judiciary Interim Committee, if requested by the committee, a report and recommendation concerning the maximum amount of small claims actions." The Judiciary Interim Committee has requested a report and recommendation from the Council by November 1, 2021.

There was no recommendation from the Board of District Court Judges to make any change to the small claims jurisdictional amount. The Board of Justice Court Judges voted in favor of recommending that the legislature increase the jurisdictional limit, without identifying a specific amount of increase. Any increase should be reasonably designed to avoid directing more complicated cases (i.e. cases requiring extensive discovery, expert witness testimony, etc.) into the small claims venue. The Board is confident that justice courts around the state are well-positioned to effectively adjudicate higher-value cases if the legislature chooses to increase the jurisdictional authority.

The current small claims jurisdictional limit is \$11,000, including attorney fees, but exclusive of court costs and interest. Historically, the rate has continued to increase as follows:

2017 = \$17,000; 2009 = \$10,000; 2004 = \$7,500; 1993 = \$5,000; and in 1991 = \$2,000. Small claims actions over the past 10 years have steadily declined from 31,644 in FY12 to 10,872 in FY21. This reduction is not attributable to the launch of the Online Dispute Resolution (ODR) program; the represented data includes all ODR cases as well as all cases filed and processed using traditional small claims processes. Collateral effects of the COVID pandemic likely play a significant role in the decrease.

Small claim cases in the district courts have also seen a steady decline from 314 in FY12 to 158 in FY21.

Judge Shaughnessy asked if the data compiled separated landlord/tenant cases from general debt collection cases. Mr. Drechsel explained the data did not separate them out.

Judge Farr explained that the Justice Court Reform Task Force did not address small claims monetary limit. Justice Deno Himonas asked if this needed to be addressed at this time, given the significant proposed changes from the Task Force. Judge Todd Shaughnessy agreed that this should relate to the work of the Task Force. If the jurisdictional amount was increased, Mr. Drechsel didn't expect any changes from the largest group of filers.

Judge Shaughnessy wondered if the increase in the amount would result in high-volume filers filing in justice courts, which may result in a considerable increase in the justice courts' workload. Judge Farr said the justice courts might not see a large increase because justice courts only permit a party to collect their own debts. Cases that get assigned to a collection agency are considered third-party claims, which are not allowed in small claims court per Utah Code § 78A-8-103.

Judge Pullan thought the amount being requested in a case does not always correspond with the complexity of the case. As the amount increases, the Council may need to revisit small claims procedures. Judge Pullan didn't believe the courts gain much by increasing the amount. Judge Farr said increasing the amount may bring in personal injury cases, which would deprive the parties of discovery. Mr. Drechsel said if the amount was increased it could affect filings in district courts.

Judge Shaughnessy recommended the Council support an adjustment based on inflation, noting that the data does not indicate that the filing amount is an impediment to people filing. He suggested that the Council thinks there are perhaps other structural impediments that the Justice Court Reform Task Force is working through. Judge Sessions favored this form of open communication with constituents and the legislature. Mr. Drechsel will provide a report to the legislature similar to the one he presented to the Council.

Chief Justice Durrant thanked Ms. Drechsel.

Motion: Justice Himonas moved to defer the response until the Justice Court Reform Task Force can review the information. Judge Pettit seconded the motion, and it passed unanimously.

10. JUDICIAL PERFORMANCE EVALUATION COMMISSION REPORT: (Dr. Jennifer Yim and Commissioner Sherrie Hayashi)

Chief Justice Durrant welcomed Dr. Jennifer Yim and Commissioner Sherrie Hayashi. Dr. Yim introduced Commissioner Hayashi, who began her service in 2020. Commissioner Hayashi used JPEC survey tools in her previous work of evaluating law judges. Dr. Yim participates in the national Institute for the Advancement of the American Legal System (IAALS) that covers judicial performance evaluation topics. Some states have similar processes to Utah. The IAALS core group created the JPE 2.0 task force, which identifies concerning trends in performance evaluations, uncontested retention elections, and societal attitudes towards the Judiciary. Phase I includes collecting information and research on topics such as implicit bias and relationships. About six states have been participating in this process through a judicial survey. The multi-state survey by IAALS gives judges an opportunity to weigh in on the judicial evaluation process. Judge Shaughnessy said there are judges who would appreciate the opportunity to participate.

Dr. Yim will send the survey to Chief Justice Durrant to circulate to the judges. Judge Pullan suggested if Utah will undertake this effort, he would appreciate a letter from Chief Justice Durrant to encourage participation. Dr. Yim will prepare the letter for Chief Justice Durrant.

JPEC has proposed legislation to present in the upcoming session. The legislation is still in draft and has not been numbered. The Government Operations Committee considered the proposal. There are six states who have JPEC-style evaluations. Four of the six states have moved from making a recommendation to retain or not retain to instead providing information about whether the judge passes or does not meet the minimum standards. The substantive work of JPEC would not change with this proposal, the difference would help voters receive the most information about judges possible without feeling as though they were being directed as to their vote. Basically, JPEC would not make a recommendation; rather, they would simply provide whether a judge passed or not. Citizens should be making their own choices rather than a recommendation from JPEC.

Judge Pullan asked if there was any change in the outcome of elections in the other states where they have already changed from JPEC recommendations to noting whether a judge passed the evaluation scenario. The results showed more consistency between JPEC and voters. Judge Connors wondered if it would be better to not propose this legislation because once the proposal is sent to the legislature, the legislature may make other changes to JPEC on their own accord. Judge Pullan did not oppose the change. The Council was not being asked by Dr. Yim to take action on this proposal.

Chief Justice Durrant thanked Dr. Yim and Commissioner Hayashi.

11. BUDGET AND GRANTS: (Judge Mark May, Karl Sweeney, and Jordan Murray)
Chief Justice Durrant welcomed Judge Mark May, Karl Sweeney, and Jordan Murray.

\$7,600

Special Request to Address 11% Salary Cap Issue

Ongoing turnover savings

In February 2020, the Council approved the use of 20% of the estimated annual Ongoing Turnover Savings, not to exceed \$110,000 in a fiscal year, by the State Court Administrator and Deputy State Court Administrator to address departmental reorganizations, “hot spot” salary adjustments and other types of routine ongoing salary increase requests. One other person has been identified as being impacted by the 11% salary cap. This is an additional request for \$7,600 in ongoing turnover savings in FY22 to address this issue.

Motion: Judge Shaughnessy moved to approve the 11% Cap Adjustment and Associate General Counsel position, as presented. Judge Connors seconded the motion, and it passed unanimously.

Proposed Authorization to Increase Delegated OTS

\$200,000 (up to)

Ongoing funds

The Council approved the use of 20% of the estimated annual ongoing turnover savings, not to exceed \$110,000 in a fiscal year to address departmental reorganizations. The new request is not to exceed \$200,000.

Motion: Judge Connors moved to approve the Proposed Authorization to Increase Delegated OTS, as presented. Judge May seconded the motion, and it passed unanimously.

Software to Implement Court’s Portion of Clean Slate Legislation

\$19,667

One-time funds

In order to complete continuing work on the expungement Clean Slate project, the courts need this in order to run auto expungements without human intervention. This will help continue the court's mission by assisting patrons with their expungements and relieving them of the burdening expungement process. Heidi Anderson will seek additional funds in 2022 as this is only valid for one year. Judge Pullan wondered if the courts should consider a long-term commitment.

Motion: Judge Pullan moved to approve the Software to Implement Court’s Portion of Clean Slate Legislation position, as presented. Judge Michelle Heward seconded the motion, and it passed unanimously.

Historically, the Judicial Operations budget has been funded through two sources:

- Ongoing base budget (\$500 per Judge/Senior Judge/Commissioner)
- Carryforward funding (\$400 per Judge/Senior Judge/Commissioner).

In FY21 and FY22, the carryforward funding was not granted by the Council leaving each Judge/Commissioner/Senior Judge with the \$500 Judicial Operations Budget base allocation. This allocation has not been fully utilized. In the past five years the greatest use year was FY18 and, in that year, the amount utilized was 59.31% of just the base portion of the

allocation (\$51,598/\$88,000). As a portion of total allocation, for the past five years, utilization rates range from a low of 19.79% in FY 2020 to a high of 32.95% in FY18.

	FY17	FY18	FY19	FY20	FY21
Base Allocation	\$86,500	\$87,000	\$88,000	\$88,000	\$88,000
Carryforward Allocation	\$69,200	\$69,600	\$70,400	\$70,400	\$-
Total Allocation	\$155,700	\$156,600	\$158,400	\$158,400	\$88,000
Funding Utilized	\$47,789	\$51,598	\$44,940	\$31,350	\$25,028
Percent of Base Utilized	55.25%	59.31%	51.07%	35.62%	28.44%
Percent of Total Utilized	30.69%	32.95%	28.37%	19.79%	28.44%

By design, the Judicial Operations Budget funding has very specific allowable uses as per the Accounting Manual section 13-02 00. The request is to eliminate the Judicial Operations Budget allocation. With the elimination:

- the base allocation would be moved to court executives' budgets to control; and
- judges will be granted the flexibility, subject to accounting manual policy and court executive approval, not afforded to them within the current scope of the Judicial Operations budget.

Shane Bahr explained that currently the funds reside in the districts but are subjected to the Accounting Manual restrictions. Moving the approval to the districts would allow the TCEs discretion to use the funds in a manner that would improve their district, such as devices (coordinated through IT) and out-of-state travel. Council members expressed concern that the Board of District Court Judges have not weighed in on this request. Justice Himonas understood that this would allow more flexibility in the districts with the understanding that all electronic purchases must be coordinated with the IT Department.

Judge Shaughnessy thought this would be a good move but felt it should be conveyed to the Board. Mr. Bahr understood that the Accounting Manual restrictions currently in place would be removed but the amount allocated per judge would remain. Judge Pullan was concerned districts would seek additional funds and was very concerned ordering new electronic devices would be difficult for IT to control. Judge Pullan recommended IT produce a list of allowed devices.

The Council decided to postpone this decision until it can be discussed with the Board of District Court Judges, the TCEs, and the IT Department.

Jordan Murray reviewed the third quarter grants report. The revised draft of CJA Rule 3-411 is in the public comment period through November 12, 2021. The Council's Grant Application Proposal forms are being updated to reflect revised Rule 3-411 and Accounting Manual Section 11-07.00. The Court Improvement Program renewal application, as approved as of September 24, 2021 by the Department of Health & Human Services Children's Bureau. The Notice of Award letter is pending.

Mr. Murray sought expedited approval of Rule 3-411 from the Council and will seek the Council's approval to end the grant moratorium. Judge Pullan was concerned that the public

comment period had not ended yet and felt this should be addressed after the public comment period had ended and to address the grant moratorium at that time.

Motion: Judge Pullan moved to delay the decision on CJA Rule 3-411 and the grant moratorium. Judge Chin seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Judge May, Mr. Sweeney, and Mr. Murray.

12. OLD BUSINESS/NEW BUSINESS

No additional business was addressed.

13. EXECUTIVE SESSION

An executive session was not held.

14. CONSENT CALENDAR ITEMS

- a) Committee Appointments. Appointment of Chris Morgan to the Court Facility Planning Committee. Approved without comment.

15. ADJOURN

The meeting adjourned.

Tab 2

Management Committee	Policy & Planning	Liaison Committee	Budget & Fiscal Management Committee (Created July 2019)
Chief Justice Durrant, Chair (Supreme Court)	Judge Pullan, Chair (District)	Judge Pettit, Chair (District)	Judge May, Chair (Juvenile)
Judge Shaughnessy (District)	Judge Chiara (District)	Judge Evershed (Juvenile)	Judge Barnes (District)
Judge Farr (Justice)	Judge Chin (Justice)	Justice Petersen (Supreme Court)	Justice Petersen (Supreme Court)
Judge May (Juvenile)	Judge Connors (District)	Judge Sessions (Justice)	Judge Pettit (District)
Judge Mortensen (Court of Appeals)	Judge Heward (Juvenile)		Margaret Plane (Bar)

Tab 3

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

**Minutes
November 9, 2021
Meeting held through Webex
12:00 p.m. – 2:00 p.m.**

Chief Justice Matthew B. Durrant, Presiding

Committee Members:

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

Excused:

Guests:

Pamela Beatse, Access to Justice Director
Justice Christine Durham, (former)
Travis Erickson, TCE Seventh District Court
Hon. Richard Mrazik, Third District Court
Amy Sorenson, Attorney
Nancy Sylvester, Utah Bar
Hon. Don Torgerson, Seventh District Court

AOC Staff:

Ron Gordon
Cathy Dupont
Michael Drechsel
Heidi Anderson
Shane Bahr
Tracy Chorn
Valeria Jimenez
Wayne Kidd
Meredith Mannebach
Tania Mashburn
Bart Olsen
Jim Peters
Nathanael Player
Keri Sargent
Neira Siaperas
Nick Stiles
Keisa Williams
Jeni Wood

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

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

Motion: Judge Paul Farr moved to approve the October 12, 2021 Management Committee minutes, as presented. Judge Mark May seconded the motion, and it passed unanimously.

2. STATE COURT ADMINISTRATOR'S REPORT: (Ron Gordon)

The Judicial Council will hold a special meeting to review and possibly approve a new Fourth District Court commissioner. The date for this meeting has yet to be set.

Ron Gordon and other members of the AOC are working on the Annual Judicial Report. The general theme is access to justice – not only by maintaining access to justice but in some ways increasing access to justice through these particularly difficult times. The Report will

include information on how the courts have responded during the pandemic; new data points on various measures in the Judiciary, such as the length of time for pending cases and how the courts are addressing the backlog of cases. The Report will be distributed only electronically this year. The committee agreed to distribute the Report electronically.

3. JUDICIAL COUNCIL COMMITTEE ASSIGNMENTS: (Ron Gordon)

Mr. Gordon proposed the following committee assignments.

Management	Policy & Planning	Liaison	Budget & Fiscal Management
Chief Justice Durrant, Chair	Judge Pullan, Chair	Judge Pettit, Chair	Judge May, Chair
Judge Shaughnessy, Vice Chair	Judge Chiara	Judge Evershed	Judge Barnes (new)
Judge Farr	Judge Chin (new)	Justice Petersen (new)	Justice Petersen (new)
Judge May	Judge Connors	Judge Sessions	Judge Pettit
Judge Mortensen	Judge Heward		Margaret Plane (new)

Motion: Judge Farr moved to approve the Judicial Council executive committee assignments, as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

4. COMMITTEE APPOINTMENTS: (Valeria Jimenez, Nathanael Player, and Keisa Williams)

Outreach Committee

Judge Jill Pohlman completed her first term and has committed to serve a second term. The committee recommended her reappointment. Stacy Haacke was recommended to fill Brent Johnson's position.

Motion: Judge May moved to approve the appointment of Stacy Haacke and the reappointment of Judge Jill Pohlman to the Outreach Committee, as presented, and place this on the Judicial Council consent calendar. Judge Farr seconded the motion, and it passed unanimously.

Forms Committee

The Forms Committee recommended Judge Randy Birch and Commissioner Russell Minas be reappointed to a second term.

Motion: Judge Farr moved to approve the reappointments of Judge Randy Birch and Commissioner Russell Minas to the Forms Committee, as presented, and place this on the Judicial Council consent calendar. Judge May seconded the motion, and it passed unanimously.

Ethics Advisory Committee

Judge Trent Nelson's term expired on February 26, 2021. The committee recommended the reappointment of Judge Nelson to a second term backdating to February 26, 2021.

Motion: Judge Farr moved to approve the reappointment of Judge Trent Nelson to the Ethics Advisory Committee, as presented, and place this on the Judicial Council consent calendar. Judge May seconded the motion, and it passed unanimously.

5. **RISK PHASE RESPONSE PLAN: (Cathy Dupont)**

Cathy Dupont requested a revision to the language in the Risk Phase Response Plan (Plan) regarding entry into the courthouse after a positive COVID test, and travel during the yellow phase of operations.

Entry into the courthouse after a positive COVID test

Currently the Plan prohibits a person who has symptoms of COVID from entering the courthouse. This language is more restrictive than current CDC guidance which recognizes that certain symptoms such as loss of taste and smell and lingering coughs can last for extended periods of time when a person is no longer contagious. The courts more restrictive language is impacting the return of some employees to work. The recommended change is found on page 6:

- c. A person who has had a positive COVID-19 test, may enter the courthouse after:
 - i. 10 days have passed since the on-set of symptoms;
 - ii. 24 hours with no fever without the use of fever reducing medication; and
 - iii. other symptoms of COVID-19 are improving (loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation.)

Court signs and screening questions

The courts' signage for the public and our screening questions do not reflect this more nuanced approach to the screening questions. The signs instruct a person who has symptoms of COVID to not enter the building. The more nuanced approach complicates the screening process. If a person is denied entrance, they will be given information to contact the court and the court can ask the more nuanced questions and determine if the person should enter the building.

Travel

The second issue is the language about travel. It does not reflect current CDC guidance. The new CDC travel language says:

Not Vaccinated:

After you travel:

- *Get tested with a viral test 3-5 days after travel **AND** stay home and self-quarantine for a full 7 days after travel.*
 - ☐ *Even if you test negative, stay home and self-quarantine for the full 7 days.*
 - ☐ *If your test is positive, isolate yourself to protect others from getting infected.*
- *If you don't get tested, stay home and self-quarantine for 10 days after travel.*
- *Avoid being around people who are at increased risk for severe illness for 14 days, whether you get tested or not.*
- *Self-monitor for COVID-19 symptoms; isolate and get tested if you develop symptoms.*
- *Follow all state and local recommendations or requirements.*
- *Visit your state, territorial, tribal or local health department's website to look for the latest information on where to get tested*

Vaccinated:

After Travel

- *Self-monitor for COVID-19 symptoms; isolate and get tested if you develop*

symptoms.

- Follow all *state and local* recommendations or requirements.

You do NOT need to get tested or self-quarantine if you are fully vaccinated or have recovered from COVID-19 in the past 3 months. You should still follow all other travel recommendations.

The policy question for the Management Committee was whether to impose the recommended quarantine period for unvaccinated employees who travel. With the holidays approaching there is concern about having unvaccinated employees out of work for 7 days after their return while they wait for a PCR test, or for 14 days after travel with no PCR test. Ms. Dupont recommended the following language, which, for personal travel, is not as strict as the CDC travel recommendations:

7. Travel

- a. All business travel is restricted to that which is necessary. Travel to an area where the CDC, or the Utah Department of Health designates as a risk level four country (other than the United States), or for which the CDC recommends self-quarantine upon return is prohibited.
- b. If a person travels out of state for personal or business reasons, the person should monitor for symptoms each day for 14 days following their return from travel, and should not enter the courthouse if they have any symptoms of COVID-19. If symptoms of COVID-19 develop, the person should obtain a PCR Covid-19 test no sooner than 5 days after the return from travel.

The language in Paragraph (a) would prohibit business travel if a person is not vaccinated because the CDC recommends quarantine after travel for a person who is not vaccinated.

Ms. Dupont requested a change in language on page 6 to track the new CDC language for when people can return to work. She also asked if it would be acceptable to leave the signage and screening questions for the bailiffs as they currently exist. The changes to page 6 were reviewed and approved by the TCEs.

The committee discussed whether to remove all travel language or to clarify the travel language. Judge David Mortensen preferred to leave in “or business” in the travel section. Judge May recommended revising or clarifying the section about traveling out of the country. Ms. Dupont explained the CDC states unvaccinated people traveling must self-quarantine. Mr. Gordon reminded the Committee that the U.S. has been declared a level 4 country, noting that there are internal inconsistencies since other countries have lower COVID levels. Ms. Dupont recommended careful monitoring when someone travels or is around large groups. Judge Shaughnessy recommended that the Plan should state that business travel should be restricted to that which is necessary but also preferred that each judge must make their own determination on whether their business-related travel is necessary. Judge May approved Judge Shaughnessy’s recommendation. Mr. Gordon thought this was a particularly good approach with the upcoming special Management meeting discussions on mandatory vaccinations.

The Committee agreed with not making changes to the signs or questionnaires. Ms. Dupont clarified the Committee approved amending the section on entry into courthouses after a positive COVID test; leaving the signs and questionnaires as they are; and amending section 7 to state business travel is restricted to that which is necessary and if an employee travels for business or personal reasons, they must carefully monitor symptoms when they return and do not come into a courthouse if symptoms are present.

Motion: Judge Shaughnessy moved to approve changes to the Risk Phase Response Plan, as amended to approve the first request of editing entry into courthouses after a positive COVID test, approve the second request to leave the signs and questionnaires as is, and to revise section 7 as discussed above. Judge Farr seconded the motion, and it passed unanimously.

6. 2021 LIMITED AUDITS OF SELECTED JUVENILE COURTS: (Wayne Kidd and Tracy Chorn)

Wayne Kidd presented the 2021 limited audits of selected juvenile courts. These audits were conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. Tracy Chorn, Internal Auditor, served as the lead auditor for this review.

Motion: Judge Mortensen moved to approve the limited juvenile court audits, as presented. Judge Farr seconded the motion, and it passed unanimously.

7. 2021 LIMITED AUDITS OF SELECTED DISTRICT COURTS: (Wayne Kidd and Tracy Chorn)

Wayne Kidd presented the 2021 limited audits of selected district courts. These audits were conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. Tracy Chorn, Internal Auditor, served as the lead auditor for this review.

Motion: Judge Farr moved to approve the limited district court audits, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

8. GREEN PHASE PROPOSAL: (Judge Don Torgerson and Meredith Mannebach)

Judge Don Torgerson and Meredith Mannebach reported on the recommendations of the workgroup that has been evaluating which parts of the remote proceedings adopted by district courts during the pandemic should continue after the pandemic. As the pandemic abates, district court judges should be permitted to continue to have the option to use both virtual and in-person court proceedings to effectively accomplish the mission of the courts. In aid of that, the courts should make significant technology investments to accommodate better virtual hearings, facilitate hybrid hearings, and improve the evidence-presentation process for in-person hearings.

Maintaining judicial discretion is paramount. Given the unique characteristics of each court, court location, and case, district court judges should be given individual discretion to determine which type of hearing will best to promote the open, fair, and efficient administration of justice in each proceeding.

Each type of proceeding offers benefits and efficiencies – though not to the same extent in each hearing – so judges will need discretion, considering all appropriate factors, including the following (in no particular order):

- Does an existing rule or principle of law require an in-person hearing? Can it be waived?
- Do all parties have sufficient access to technology for virtual hearings?
- What is the substantive or procedural importance of the hearing?
- Which type of hearing best promotes access to justice for the parties?
- Are the parties more comfortable with a virtual hearing? (e.g., high-conflict domestic cases, protective order and civil stalking injunction hearings);
- Does a virtual hearing allow the parties to have access to counsel of their choice?
- Are the parties or their counsel traveling long distances for an in-person hearing?
- Is there a significant cost to a party for an in-person hearing? (i.e. money, time, lost work, child care, etc.);
- Do the parties have a stated preference?
- Is the judge able to manage a remote courtroom effectively?
- Does the hearing make efficient use of judicial resources, facilities, and court personnel?
- Will a party experience an identifiable prejudice by a virtual or in-person hearing?
- Will the hearing unreasonably delay the progress of the case, increase expense, or complicate resolution of any issue?
- Will the hearing unreasonably limit the court's ability to assess credibility, voluntariness, or comprehension?
- Is there a fairness concern because one party has easier access to the courthouse, or greater facility with technology, and is seeking a strategic advantage?

Some areas in San Juan County take quite a bit of travel time, upwards of several hours, for potential jurors. Judge May understood why there needed to be discretion but wondered how litigants would feel about whether they get assigned a judge that conducts remote hearings or a judge that prefers in-person hearings. Judge Shaughnessy said jails and prisons need to be willing to transport inmates to hold in person hearings and felt the courts cannot expect to have the jails/prisons sometimes transport inmates and sometimes conduct virtual hearings. Judge May wondered if this would or should be determined by the Judicial Council. Judge Farr thought that requiring in-person contested traffic citations in rural areas might result in fewer contested tickets. The Committee did not want to leave the language in that remote hearings were subject to a judge's discretion. Judge Shaughnessy thought the Committee needed to make a firm decision on remote and in-person hearings.

Chief Justice Durrant agreed that at some point, the Policy & Planning Committee may need to address this. Judge Shaughnessy thought maybe a group needed to be created to create a plan, including Judge Torgerson. The Committee agreed to add this item to the Council November agenda.

9. ACCESS TO JUSTICE: (Justice Christine Durham, Amy Sorenson, Pamela Beatse, and Nancy Sylvester)

Justice Christine Durham, Amy Sorenson, Pamela Beatse, and Nancy Sylvester requested the Management Committee permit a NCSC survey to be distributed to district courts statewide.

The National Center for State Courts (NCSC) conducted a survey of judges to understand the effectiveness of remote hearings. There were 80 responses from Utah patrons and attorneys.

To conduct a statewide survey, the Access to Justice Commission will initially provide the Utah specific survey link to all district court judges and commissioners throughout the state. Participation in the survey would be voluntary. For one month, the judicial officer's team would send an email to each party after their hearing asking them to participate in the survey. The email would include a link and QR code to the survey. The judicial officer's team would also post the invitation and link in the Webex "chat" during virtual hearings. The Commission would use this data to prepare a report evaluating the use of virtual hearings for court patrons.

Next, the Commission will ask the Utah State Bar to send a separate practitioner survey to each Bar licensee. This practitioner-specific survey would ask whether they have appeared in court during the past month, and if so, would ask about their experiences, particularly with virtual hearings. It would also ask them to compare how they have experienced in-person appearances versus virtual.

Finally, the Commission will ask each of the participating judicial officers to share their experiences and observations through a judicial officer-specific survey. Judicial officers would have the opportunity to provide information on how virtual hearings have impacted their ability to hear motions, trials, and other actions.

Judge Richard Mrazik chairs the Resources for Self-Represented Parties. He stated that the committee sought to be better informed of what the public prefers as to remote hearings. Judge Mrazik believed that some judge's do not have the bandwidth to conduct remote hearings. Justice Durham explained that the project would initially start in the district courts and may move to the justice courts, but it was the teams perception that this is a pivotal time for the district courts. Judge Farr thought this would benefit justice courts. Judge Shaughnessy thought this information could be helpful with district court judges developing processes.

Judge May approved the idea but was concerned that the Council would have to make a decision for all court levels with information from only one court level. Justice Durham believed the next step would be to address this with the Council; if approved, the appropriate judges and staff should be identified to assist in creating the survey. Judge Mrazik would like to determine which judges/teams have the bandwidth to conduct remote hearings. Judge Mortensen recommended combining this with the Green Phase agenda item on the Council agenda.

Chief Justice Durrant appreciated this conversation in opening the dialogue on this subject.

Motion: Judge Shaughnessy moved to combine the Access to Justice topic with the Green Phase agenda item on the Council agenda. Judge May seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the Judicial Council agenda.

Motion: Judge Shaughnessy moved to approve the Judicial Council agenda, as amended to add the Green Phase report/Access to Justice item and approved holding a special Council meeting to address the Fourth District Commissioner. Judge Farr seconded the motion, and it passed unanimously.

11. OLD BUSINESS/NEW BUSINESS: (All)

Ms. Dupont explained that the TCEs had questioned why most commissioners did not have a biography or photo on the courts public website, whereas, judges have a biography and photo. At this time, one of the five commissioners in the Third District Court has a biography posted and the only commissioner in the Fourth District Court does not have a biography or photo posted. No other districts or juvenile courts have commissioners. The Committee agreed to add commissioners biographies and photos to the public website.

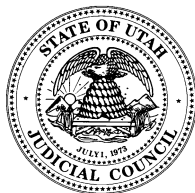
12. EXECUTIVE SESSION: (All)

An executive session was held.

13. ADJOURN

The meeting adjourned.

Tab 4



Administrative Office of the Courts

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

October 14, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Nathanael Player, on behalf of the Forms Committee

RE: Acknowledgment of Firearm Restriction

The Forms Committee prepared a form Acknowledgement of Firearm Restriction in response to HB 101, which became effective May 5, 2021. The Council approved the form for statewide use and it was distributed to all affected courts. After feedback from a number of judges, the Committee revised the form (enclosed). It addresses concerns regarding ambiguous language and includes verbiage to address both federal and state restrictions. However, it does not address concerns from some members of the bench that the form is not sufficiently specific and that the form should be drafted assuming that lawyers will review this form with criminal defendants in each case. The Forms Committee considered these concerns, and balanced them with competing concerns regarding the need for statewide use, knowing that there are varying levels of capacity throughout the state at agencies providing public defense in criminal matters, that criminal defendants have a wide range of capacities for understanding legal concepts, and that the Committee is charged, under CJA 3-117 (3)(b), with preparing forms that are written in plain language. The Committee takes this charge seriously, understanding that plain language expands access to justice. At the same time, plain language is in tension with legal precision. This form represents the Committee's best attempt to strike a balance between accessibility and accuracy. Because there were some concerns from the bench that we did not address, and because this form is for statewide use, we ask the Council to consider this matter as a discussion item. Questions this form raises include the following:

1. Does the Council have guidance for the Forms Committee on how to balance plain language with legal precision?
2. Will the version of this form that the Council approves be for mandatory use? That is, will the direction from the Council be that courts are not to use their own versions of this form?

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In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff	Acknowledgment of Firearm Restriction (Utah Code 76-10-503.1)
v.	Case Number _____
Defendant	Judge _____

I acknowledge and understand that (choose one):

1. ☐ **Firearm restriction as a result of entering a plea.**

I acknowledge that before entering a guilty plea, guilty and mentally ill plea, no contest plea, or plea in abeyance, my attorney or the prosecuting attorney informed me that:

- my plea will classify me as a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, own, or imply that I own or possess a firearm or ammunition;
- I will have to give up each firearm I possess;
- there will be additional criminal charges and penalties if I violate this restriction, which under state law can include (choose one, based on the charges):
 - (For a Category I restricted person)
 - ☐ charges for a second degree felony: 1-15 years in prison, up to \$10,000 +90% surcharge; and
 - (For a Category II restricted person)
 - ☐ charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge; and
- there can be additional penalties under federal law if I violate this restriction.

By pleading guilty, no contest, or entering a plea in abeyance:

- I will be a restricted person;
- upon conviction, I must give up each firearm I possess; and
- I will be in violation of federal and state law if I violate this restriction.

2. ☐ Firearm restriction as a result of a conviction from trial.

If my conviction is the result of being found guilty at trial, I acknowledge that my attorney, the prosecuting attorney, or the court verbally informed me that:

- I am now a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, own, or imply that I own or possess a firearm or ammunition;
- I will have to give up each firearm I possess;
- there will be additional criminal charges and penalties if I violate this restriction, which under state law can include (choose one, based on the charges):

(For a Category I restricted person)

- ☐ charges for a second degree felony: 1-15 years in prison, up to \$10,000 +90% surcharge; and

(For a Category II restricted person)

- ☐ charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge; and

- there can be additional penalties under federal law if I violate this restriction.

I acknowledge and understand that:

- I am now a restricted person;
- I must give up each firearm that I currently possess; and
- I will be in violation of federal and state law if I violate this restriction.

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

Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

Tab 5

Agenda



Administrative Office of the Courts

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

November 14, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Ruth Shapiro and Stacy Haacke

RE: Annual Report on the Model Utah Civil Jury Instructions Committee

The Judicial Council's Standing Committee on the Model Utah Civil Jury Instructions (MUJI-Civil) is comprised of district judges, civil practitioners from both sides of the aisle, and a linguist. Some of the positions are currently in transition or renewing, including our chairmanship (these are the highlighted names). But overall we have a solid, committed membership. The membership list is below.

Last	First	Role
Andrus	Randy	Plaintiff
DiPaolo	Marianne	Linguist
Ferre	Joel	Defendant
Holmberg	Kent	Judge
Kelly	Keith	Judge
McAllister	Alyson	Plaintiff
Mortensen	Douglas	Plaintiff
Shapiro	Ruth	Defendant, <i>Chair</i>
Shelton	Ricky	Plaintiff
Shurman	Lauren	Defendant
Slark	Samantha	Defendant
Wentz	Adam	Recording Secretary
Haacke	Stacy	Staff

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Utah Code of Judicial Administration [Rule 1-205](#) provides for the establishment of the Committee on Model Utah Civil Jury Instructions, and [Rule 3-418](#) provides for the Committee's charge. For reference the Committee's meeting materials are posted [here](#), and the completed instructions are found [here](#). In the last year or so, the Committee has completed two sets of instructions: 1) trespass and nuisance and 2) updates to the general instructions. The trespass and nuisance instructions are new and the general instructions have been streamlined and amended to more closely resemble the general criminal jury instructions. The Committee has also spent time discussing the instructions for Implicit Bias, Products Liability, and Boundaries and Easements. The discussions this year on products liability have been robust to be sure there are cohesive and understandable instructions. These instructions are not only extensive, but include language the Committee has spent much time deliberating.

Due to the pandemic, the Committee is still meeting through Webex, and there was a break for a few months due to scheduling issues. Because of the deliberative nature of the Committee's work, there have been advantages and disadvantages to the virtual platform. The Committee is looking ahead and will continue to address jury instructions with its various working groups in the New Year, including Assault/False Arrest, Insurance, and Unjust Enrichment.

Tab 6



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

PROBLEM-SOLVING COURT INFORMATION

Name of Judge: Clint Gilmore
Type of Court: Mental Health Court
Location of Court: West Valley City Justice Court
Date: 17 April 2021

REQUIRED OR PRESUMED CERTIFICATION CRITERIA NON-COMPLIANCE ISSUE #1

Requirement: <u>Presumed Best Practice #35</u>
Reason for non-compliance: <i>We will sometimes fall under the minimum of 15 clients for each of our two, separate Mental Health Court calendars. (We have a High-Risk and a separate, Medium-Risk calendar which divides us into two, smaller Mental Health Courts.)</i>
<i>The kind of sentences handed down by a judge in a Justice Court are, by law, not as heavy as those found in a District Court. One of the main incentives for a defendant to adhere to the requirements of a problem-solving court is to avoid the possible sentencing sanctions a judge might hand down. Because our sentences do not carry with them the same punitive possibilities, we have many candidates opt out of Mental Health Court because they feel the required best practices, we are required to implement, are too cumbersome for them to comply with based on the level of offense they are facing.</i>
Anticipated compliance date or reason as to why compliance cannot be met: <i>We offer the program to everyone who meets the criteria. Their willingness to participate is out of our control. Frankly, I understand why some defendants opt to handle their case on a regular court calendar instead of participating in our Mental Health Court.</i>
Permanent or Temporary Waiver Request: <i>We would request a permanent waiver, or we would request the numbers of participant in the two, separate calendars we conduct (one for High-Risk and one for Medium-Risk clients) be combined so we can meet the minimum participant standard.</i>
Compensating measures: <i>Part of the reason we have two, separate court calendars (one for High-Risk and one for Medium-Risk clients) is to have enough interested parties participate in our program to justify the time-consuming commitment of our stakeholders. Between the two, separate calendars we do meet the 15-participant threshold.</i>

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

PROBLEM-SOLVING COURT INFORMATION

Name of Judge: Clint Gilmore
Type of Court: Mental Health Court
Location of Court: West Valley City Justice Court
Date: 17 April 2021

REQUIRED OR PRESUMED CERTIFICATION CRITERIA NON-COMPLIANCE ISSUE #1

Requirement: <u>Presumed Best Practice #29</u>
Reason for non-compliance: <i>We are a Mental Health Court, not a Drug Court. We have clients who have no substance misuse history who participate in our program. Therefore, a separate discussion on how to avoid an overdose is not relevant with every client who participates in our program. Therefore, it is not currently a standard.</i>
Anticipated compliance date or reason as to why compliance cannot be met: <i>Every client who is given a prescription from the APRN at Cornerstone, is advised of the proper use of that prescription.</i>
Permanent or Temporary Waiver Request: <i>We would request a temporary waiver if an adjustment needs to be made where we create a standard for discussing with each client how to avoid an overdose, even if they have no history of misuse of substances.</i>
Compensating measures: <i>We are not a Drug Court. Overdose is not that the primary focus of our court. As a Mental Health Court, some of our clients have absolutely no history of substance misuse.</i>

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

PROBLEM-SOLVING COURT INFORMATION

Name of Judge: Clint Gilmore
Type of Court: Mental Health Court
Location of Court: West Valley City Justice Court
Date: 17 April 2021

REQUIRED OR PRESUMED CERTIFICATION CRITERIA NON-COMPLIANCE ISSUE #1

Requirement: <u>Presumed Best Practice #12B</u>
Reason for non-compliance: <i>Clients are able to call-in first thing in the morning to inquire if they are required to test on a given day and are able to produce a sample before the close of that same business day and still be considered in full compliance.</i>
Anticipated compliance date or reason as to why compliance cannot be met: <i>There is a maximum, ten-hour window for producing a UA sample in our court.</i>
Permanent or Temporary Waiver Request: <i>Because we are a Mental Health Court and not a Drug Court, we would request a permanent waiver to the eight-hour window for producing UA result to be expanded to ten hours. It enables our working clients and our clients with mental conditions that require them to depend on family members for transportation the ability to comply with our court.</i>
Compensating measures: <i>As mentioned above, we are a Mental Health Court (while we do have some clients with co-occurring substance dependency issues), we are not a Drug Court. We believe the ten hour window is sufficient for us to identify substance dependency issues among our distinct clientele.</i>

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

PROBLEM-SOLVING COURT INFORMATION

Name of Judge: Clint Gilmore
Type of Court: Mental Health Court
Location of Court: West Valley City Justice Court
Date: 17 April 2021

REQUIRED OR PRESUMED CERTIFICATION CRITERIA NON-COMPLIANCE ISSUE #1

Requirement: <u>Presumed Best Practice #12A</u>
Reason for non-compliance: <i>Due to the Pandemic, UA results from our testing provider now take 72 hours instead of 48 hours.</i>
Anticipated compliance date or reason as to why compliance cannot be met: <i>This is a change that is <u>new, temporary and pandemic-related</u>. It should resolve itself before our next recertification application submittal or sooner.</i>
Permanent or Temporary Waiver Request: <i>We would request a temporary waiver due to pandemic-related delay issues.</i>
Compensating measures: <i>The probation agent assigned to the court from Salt Lake County has been good about sending emails with UA results to members of our staff to keep us informed of the latest problematic results as soon as they are made available to her and not just on a weekly basis.</i>

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

PROBLEM-SOLVING COURT INFORMATION

Name of Judge: Clint Gilmore
Type of Court: Mental Health Court
Location of Court: West Valley City Justice Court
Date: 17 April 2021

REQUIRED OR PRESUMED CERTIFICATION CRITERIA NON-COMPLIANCE ISSUE #1

Requirement: <u>Presumed Best Practice #2</u>
Reason for non-compliance: <i>Our court does have set incentives as clients advance thru the four phases of the program. Those are administered equally. However, we have rewarded specific clients with additional incentives, in a handful of cases, when they have overcome certain "client-specific" obstacles. For example, one of our High-Risk clients went an entire five-month period where she either missed or tested positive for marijuana on all her urine-analysis tests. We worked with her tirelessly on this issue. Once we were able to get a month of clean UAs, we sent her a \$10 gift card that was not tied to a phase advancement as a specific acknowledgement to her. As a staff, we will also assign sanctions (we call them assignments) on a case-by-case basis depending on the proximal goals we are addressing with each client. A positive drug test by someone who has not had a period of sobriety of more than a month in the last eight years would be handled differently than a positive drug test by someone who has been clean for over six months by the court.</i>
Anticipated compliance date or reason as to why compliance cannot be met: <i>While we do have certain set incentives, as a staff, we understand the value of applying compliance standards differently based on the identified proximal and distal goals of the participants in our program. We believe that to be the best practice of a problem-solving court.</i>
Permanent or Temporary Waiver Request: <i>If the above-mentioned explanation is not sufficient, we would request a temporary waiver so that we could work with Judge Fuchs to develop a more concise standard.</i>
Compensating measures: <i>Clients in a Justice Court, Mental Health Court program do not have the same range of sentencing options you will find in the District Court and this acts as its own compensating boundary. Because the maximum sentence a person in our court can receive for any one offense is a six-month term in jail, we are jurisdictionally prohibited from deviating as drastically as one might anticipate occurring in a District Court. (By the way, the only time we have ever sentenced anyone for any length of time in jail over a week was to try to get them into an out-of-custody, inpatient treatment program or in order to qualify to complete CATS.)</i>

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

PROBLEM-SOLVING COURT INFORMATION

Name of Judge: Clint Gilmore
Type of Court: Mental Health Court
Location of Court: West Valley City Justice Court
Date: 17 April 2021

REQUIRED OR PRESUMED CERTIFICATION CRITERIA NON-COMPLIANCE ISSUE #1

Requirement: <i>Best Practice #44</i>
Reason for non-compliance: <i>While we do admit clients who do not have a stable residence, we have a requirement that they currently reside in Salt Lake County, do not relocate outside of Salt Lake County, and maintain an updated address with the court so that our Stakeholders can reach out to them outside of court hours. We also set goals and provide support for our clients to acquire a stable residence. It is advantageous for random compliance checks.</i>
Anticipated compliance date or reason as to why compliance cannot be met: <i>Again, perhaps I didn't understand the question and the above-mentioned explanation will be sufficient for the application.</i>
Permanent or Temporary Waiver Request: <i>If the above-mentioned explanation is not sufficient, we would request a temporary waiver so that we could work with Judge Fuchs to develop a more inclusive standard.</i>
Compensating measures: <i>While we do admit applicants without a stable residence and do not remove those who encounter housing issues, having all of our clients obtain and maintain a stable residence is an aspirational focus of our court.</i>

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

PROBLEM-SOLVING COURT INFORMATION

Name of Judge: Clint Gilmore
Type of Court: Mental Health Court
Location of Court: West Valley City Justice Court
Date: 17 April 2021

REQUIRED OR PRESUMED CERTIFICATION CRITERIA NON-COMPLIANCE ISSUE #1

Requirement: <u>Best Practice #10</u>
Reason for non-compliance: <i>The treatment service provider we use for our court is Cornerstone Counseling thru Volunteers of America. The agency does staff APRN's who prescribe mental-health-related medications to our clients. We do have a written requirement that participants in the program take all medications as prescribed and report to their APRN any other prescriptions given by any other medical professional, but we do not have a comprehensive written policy covering any other medically assisted treatment they might engage in for their physical health.</i>
Anticipated compliance date or reason as to why compliance cannot be met: <i>Perhaps I didn't understand the question and the above-mentioned explanation will be sufficient for the application.</i>
Permanent or Temporary Waiver Request: <i>If the above-mentioned explanation is not sufficient, we would request a temporary waiver so that we could work with Judge Fuchs to develop a more comprehensive written policy addressing medically assisted treatment..</i>
Compensating measures: <i>As a Mental Health Court, the only medical services we offer our clients access to is an APRN for mental health related prescription services.</i>

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

PROBLEM-SOLVING COURT INFORMATION

Name of Judge: Clint Gilmore
Type of Court: Mental Health Court
Location of Court: West Valley City Justice Court
Date: 17 April 2021

REQUIRED OR PRESUMED CERTIFICATION CRITERIA NON-COMPLIANCE ISSUE #1

Requirement: <u>Best Practice #3</u>
Reason for non-compliance: <i>West Valley does not <u>only</u> offer its services to High-Risk applicants. Because we are a Justice Court and do not have the same clientele as a District Court, we have two separate calendars, one for High-Risk clients and one for Medium-Risk clients.</i>
Anticipated compliance date or reason as to why compliance cannot be met: <i>We plan to continue to offer the program <u>on separate calendars</u> to High-Risk and Medium-Risk applicants.</i>
Permanent or Temporary Waiver Request: <i>We are requesting a permanent waiver. In order to increase the amount of defendants who might avail themselves of our services and based on the types of cases that come before the court, we plan on continuing with the two separate calendars.</i>
Compensating measures: <i>As was mentioned above (and has been discussed by us with Judge Fuchs) we keep the two calendars separated so the clientele do not appear in court at the same time thereby avoiding the mix of the two, separate populations.</i>

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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
			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.	
X	<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.
X	<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.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input type="checkbox"/>	X	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"/>	X	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"/>	X	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.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<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.
X	<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"/>	X	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"/>	X	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"/>	X	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.

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
X	<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"/>	X	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of eligibility screening.	
X	<input type="checkbox"/>	31	Team members are assigned to Mental health Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Mental health Court issues.	
X	<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.
X	<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"/>	X	35	The Mental health Court has more than 15 but less than 125 active participants.	IX.A.*
X	<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"/>	X	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.
X	<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.
X	<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.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

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
X	<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.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<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	V.J.

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
			to precipitate a relapse to substance use.	
X	<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"/>	X	11	Drug test results are available within 48 hours.	VII.H.
<input type="checkbox"/>	X	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.
X	<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.
X	<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.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<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.
X	<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.
X	<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.
X	<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.
X	<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
X	<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.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<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.
X	<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.
X	<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.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<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.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<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.*
X	<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.
X	<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.
X	<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.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<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.*
X	<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
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input type="checkbox"/>	X	2	The Mental health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<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.
X	<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.
X	<input type="checkbox"/>	5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<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.
X	<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.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely	IV.I.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<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.*
X	<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.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<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.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<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.
X	<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.
X	<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.
X	<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.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<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.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<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"/>	X	44	Participants are not excluded from participation in Mental health Court because they lack a stable place of residence.	VI.D.
X	<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.*
X	<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.*
X	<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.*

YES	NO	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS*
X	<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.
X	<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.*
X	<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.
X	<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.
X	<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.
X	<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.
X	<input type="checkbox"/>	19 The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<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.
X	<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.
X	<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.
X	<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.
X	<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.
X	<input type="checkbox"/>	25 Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26 Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<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.*
X	<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.

UTAH JUDICIAL COUNCIL
MENTAL HEALTH COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: WEST VALLEY JUSTICE COURT

COURT NUMBER: _____

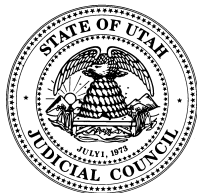
NAME: GILMORE

REVIEW DATE: FEBRUARY, 2021

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
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input type="checkbox"/>	X	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.*
X	<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.
X	<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.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<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.
X	<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.
X	<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"/>	X	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
X	<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.

Tab 7



Administrative Office of the Courts

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

October 25, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee of the Judicial Council

FROM: Judge Don Torgerson (The Board of District Court Judges Green Phase Workgroup)

RE: Statement on Remote Hearings in District Court (Proposed)

The COVID-19 Pandemic has accelerated the adoption of remote-hearing technology in the courtroom, allowing for virtual court proceedings that were previously unavailable.

As the Pandemic abates, district court judges will continue to have the option to use both virtual and in-person court proceedings to effectively accomplish the mission of the courts. In aid of that, the courts should make significant technology investments to accommodate better virtual hearings, facilitate hybrid hearings (i.e., hearings involving virtual and in-person participation simultaneously), and improve the evidence-presentation process for in-person hearings.

Maintaining judicial discretion is paramount. Given the unique characteristics of each court, court location, and case, district court judges must have individual discretion to determine which type of hearing will best promote the open, fair, and efficient administration of justice in each proceeding.

Each type of proceeding offers benefits and efficiencies—though not to the same extent in each hearing—so judges will need to decide whether proceeding virtually or in-person will best address the exigencies of each hearing. In making that decision, judges should consider all appropriate factors, including the following (in no particular order):

- Does an existing rule or principle of law require an in-person hearing? Can it be waived?
- Do all parties have sufficient access to technology for virtual hearings?
- What is the substantive or procedural importance of the hearing?
- Which type of hearing best promotes access to justice for the parties?

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

- Are the parties more comfortable with a virtual hearing? (e.g., high-conflict domestic cases, protective order and civil stalking injunction hearings);
- Does a virtual hearing allow the parties to have access to counsel of their choice?
- Are the parties or their counsel traveling long distances for an in-person hearing?
- Is there a significant cost to a party for an in-person hearing? (i.e. money, time, lost work, child care, etc.);
- Do the parties have a stated preference?
- Is the judge able to manage a remote courtroom effectively?
- Does the hearing make efficient use of judicial resources, facilities, and court personnel?
- Will a party experience an identifiable prejudice by a virtual or in-person hearing?
- Will the hearing unreasonably delay the progress of the case, increase expense, or complicate resolution of any issue?
- Will the hearing unreasonably limit the court's ability to assess credibility, voluntariness, or comprehension?
- Is there a fairness concern because one party has easier access to the courthouse, or greater facility with technology, and is seeking a strategic advantage?



Access to Justice Commission

UTAH STATE BAR

TO: Judicial Council

FROM: Justice Christine Durham (Ret.), Amy Sorenson, Nancy Sylvester, and Pamela Beatse

RE: Survey of court users, practitioners, and judicial officers

DATE: November 9, 2021

COURT USER SURVEY - UTAH REMOTE HEARINGS

Judge Clem Landau, who is a member of the Access to Justice Commission of the Utah State Bar, recently participated in a survey with the Implementation Lab at the National Center for State Courts (NCSC). The survey was designed to shed light on the effectiveness of remote hearings. The survey link was shared with several other Salt Lake judges, who also collected data in their courts. Together, the judges collected 80 survey responses from Utah court patrons and practitioners. The NCSC sent a preliminary report of survey results, which is attached. The Access to Justice Commission ("Commission") requests the Judicial Council's permission to take this survey to district, juvenile, and justice courts across the state.

Sample Survey Highlights

The following are some survey highlights:

Survey respondents were asked how they felt about the court process based on a 5-point scale (1 being disagree strongly and 5 being agree strongly). In response to the questions regarding (a) whether they could conduct their court business in a reasonable amount of time, and (b) whether they were treated with courtesy and respect, the courts received a 4.44 and 4.65 rating respectively.

When asked how the respondents accessed the court, 1.28% appeared in person, 55.13% used a computer, and 38.46% used a cell phone or tablet.

Respondents also reported that they appeared in the following case types: criminal/probation (48.78%), traffic/ticket (28.05%), civil (6.10%), and other (17.07%).

Respondents reported the following with respect to the conditions of the remote hearing:

- The Webex hearing procedure was thoroughly explained (77.78% agreed or



Access to Justice Commission

UTAH STATE BAR

strongly agreed).

- The majority did not experience any issues with sound or audio (70.27% responded “none of the time”) or with the video (91.89% responded “none of the time”).
- Most people appeared virtually from their home or work (89.19%, with 58.11% from home and 31.08% from work).
- 92.31% responded “I prefer to participate remotely” when asked the question, “for the type of court hearing or activity in which you participated today, which do you prefer: remote or in-person?”
- Only 7.69% said “I prefer to participate in person at the courthouse.

Survey Methods

Court Patron Survey

The Access to Justice Commission proposed the following to the Management Committee: To conduct a statewide survey, the Commission will initially provide the Utah-specific survey link to all district court judges and commissioners throughout the state. Participation in the survey would be voluntary. For one month, the judicial officer’s team would send an email to each party after their hearing asking them to participate in the survey. The email would include a link and QR code to the survey. The judicial officer’s team would also post the invitation and link in the Webex “chat” during virtual hearings. The Commission would use this data to prepare a report evaluating the use of virtual hearings for court patrons.

The Management Committee expressed enthusiastic support for the proposal with some modifications. For example, the Committee expressed interest in surveying not just the district courts, but also the juvenile and justice courts. The Management Committee also discussed initially piloting the survey in just one or two courts before sending it statewide so that any technical issues could be addressed. Heidi Anderson volunteered to work with Judge Mrazik on the pilot and to also explore how the courts’ technology may be leveraged to reduce survey workload impact on judges and judicial assistants. If there is a way to automate the survey, that will be ideal. Then all that may be required of judges is to mention the survey to court patrons during each hearing.

Additional Surveys

Once the Commission surveys court patrons, it will move on to practitioners and judicial officers. The Commission will ask the Utah State Bar to send a separate practitioner survey to each Bar licensee. This practitioner-specific survey will ask whether they have appeared in court during the past month and their experiences in doing so,



Access to Justice Commission

UTAH STATE BAR

particularly with respect to virtual hearings. It will also ask them to compare how they have experienced in-person appearances versus virtual. The Commission will then ask each of the participating judicial officers to share their experiences and observations through a judicial officer-specific survey. Judicial officers would have the opportunity to provide information on how virtual hearings have impacted their ability to hear motions, trials, and other actions.

Adjustments and Analysis

The Commission is open to making further changes and adjustments to questions or the survey process based on the Judicial Council's feedback, including whether the appellate courts should be included in surveys. The NCSC will assist with analysis of the results and the Commission will report the findings to the Judicial Council.

Request for Approval

The Access to Justice Commission is requesting approval from the Judicial Council to conduct this survey statewide in the district, juvenile, and justice courts. This information would give valuable insights into how court patrons, practitioners, and judicial officers experience the courts in the pandemic era, and in so doing paint a better picture of the impact of virtual hearings (for better or worse) on access to justice.



Pandemic Rapid Response Team

IMPLEMENTATION *Lab*

Court Use Survey REQUEST FOR APPROVAL

The Access to Justice Commission in partnership
with the Implementation Lab at the National Center
for State Courts (NCSC)

UTAH REMOTE HEARINGS

Judge Clem Landau, a member of the Access to Justice Commission, participated in a survey with NCSC.

- ❖ **PURPOSE:** To examine the effectiveness of remote hearings.
- ❖ **SAMPLING:** 80 responses from Utah court patrons and practitioners.

SAMPLING SURVEY DATA

Preliminary Highlights

Question: I was able to get my court business done in a reasonable amount of time today.



4.44

Question: I was treated with courtesy and respect by court staff.

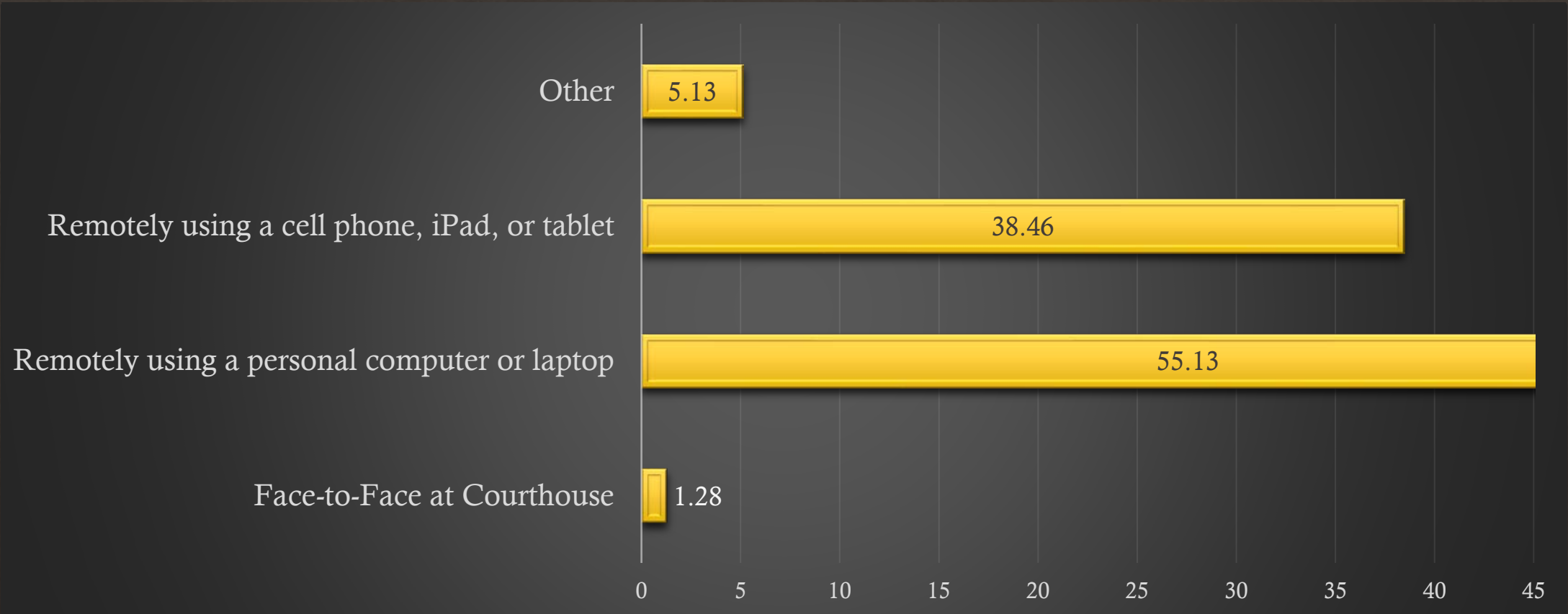


4.65

5-point scale (1 = strongly disagree and 5 = strongly agree)

Question: How did you access court services today?

(reported by %)



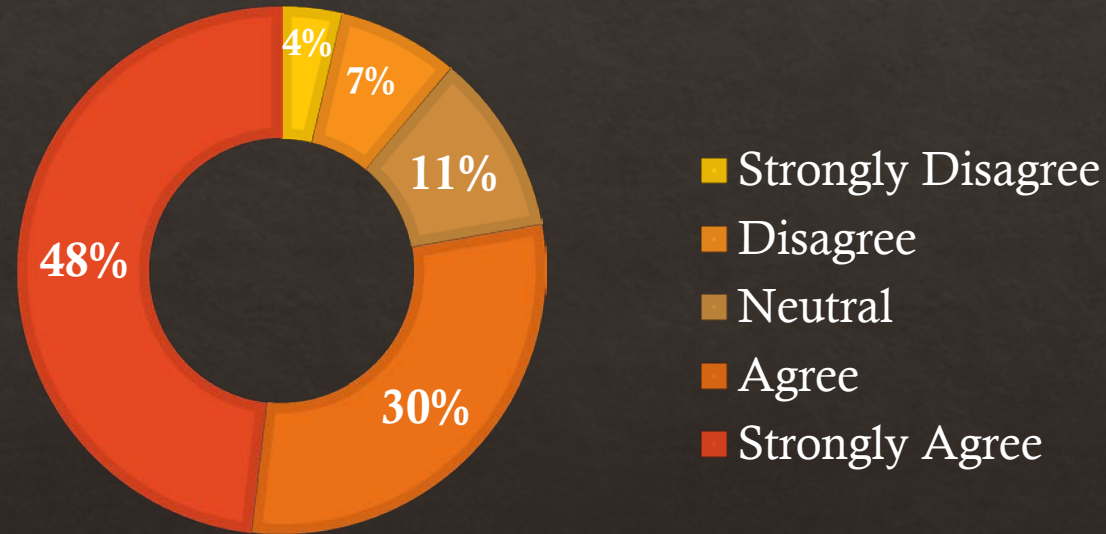
Question:

What type of case were you meeting about today?

Answer	%	Count
Criminal/probation	48.78	40
Traffic	28.05	23
Civil matter	6.10	5
Other*	17.07	14

*Note: “Other” included drug/sobriety court; filing papers; landlord/tenant; protective orders, bench warrant, getting information; and a pretrial conference.

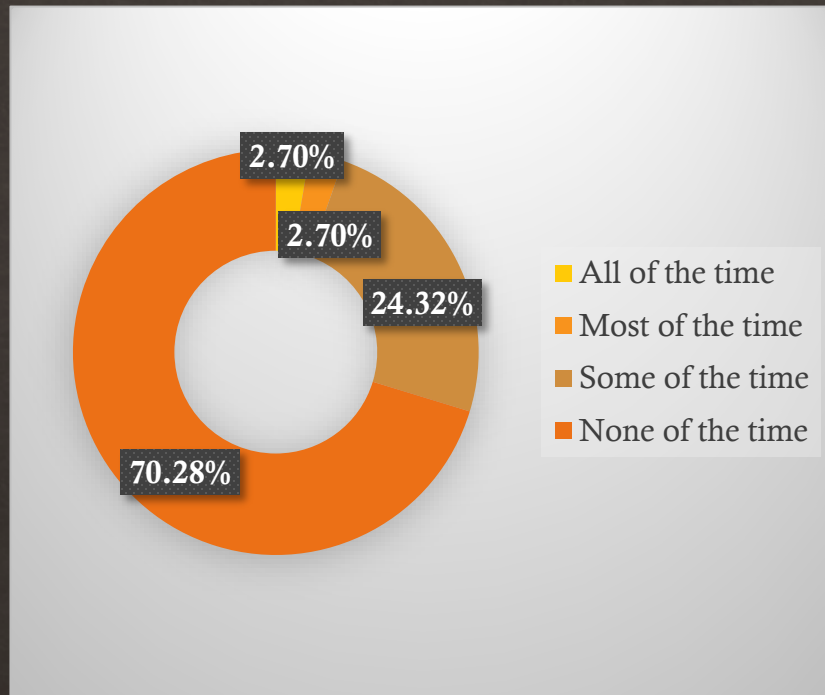
Question: The Webex hearing procedure was thoroughly explained to me.



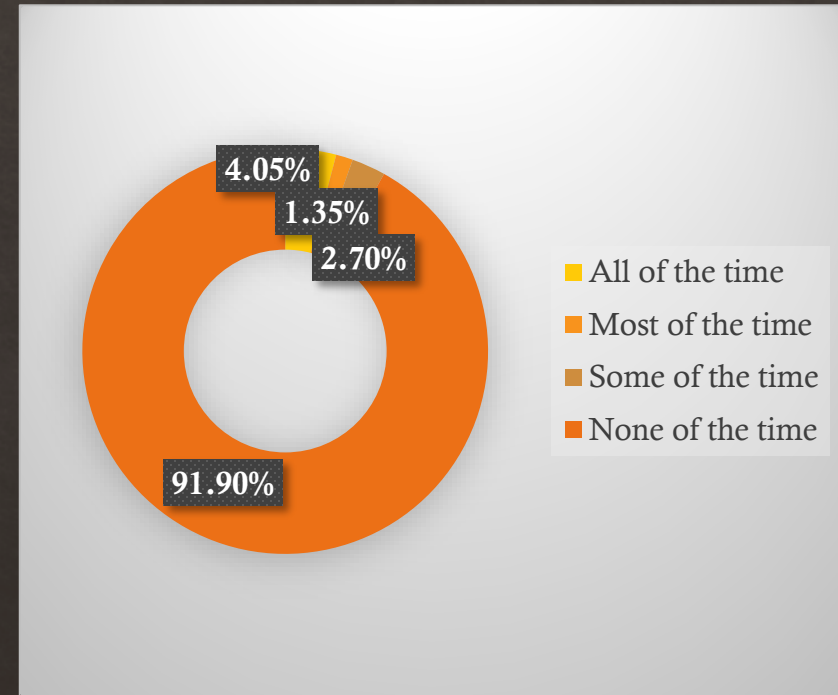
*Note: This question was specific to two Utah survey links.

70.3% of patrons surveyed reported no issues with sound or audio
and **91.9%** reported no issues with video

Were there any issues with the **sound or audio** that made it difficult to hear or be heard?

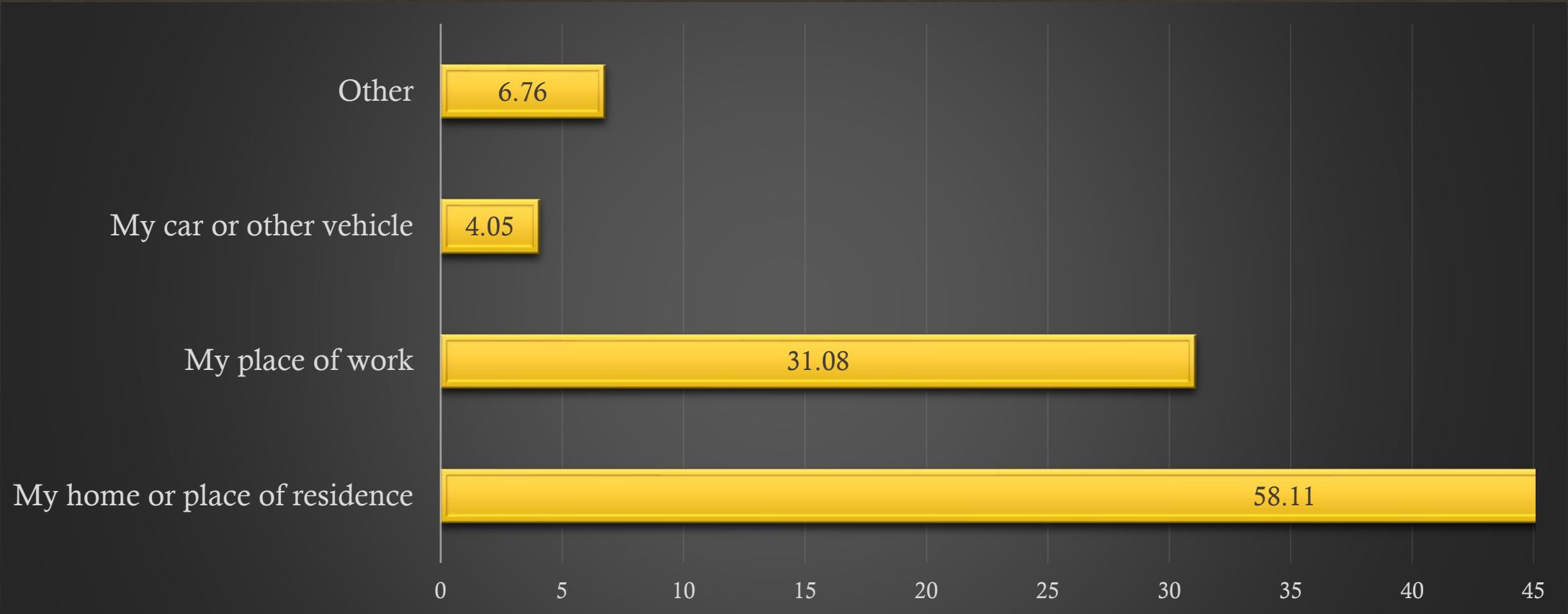


Were there any issues with the **video** that made it difficult to see or be seen?

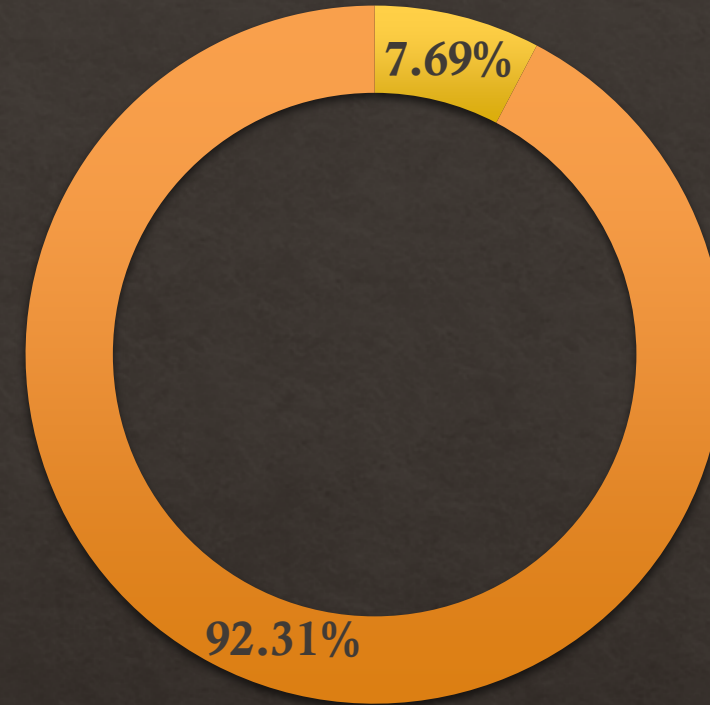


Question: From where did you participate today?

(reported by %)



For the type of court hearing or activity in which you participated today, which do you prefer?



Answer	%	Count
I prefer to participate in person at the courthouse	7.69%	6
I prefer to participate remotely	92.31%	72
Total*	100%	78

*These responses are compiled from three separate surveys that Utah participated in.

IN DEPTH FEEDBACK:

Question:

Please provide
additional comments
or suggestions about
your experience
today.

“

I think it's nice to do the small cases remotely ... Not everyone has the gas money nor the time to attend a hearing due to demands from their job. It should be the new standard going forward after the pandemic

”

“Prompt, on-time, efficient.”

“I am disabled and use a walker to get around. It would have benefitted me if a judge could have SEEN my disability in regards to my charges of battery...”

“Prefer remote meetings, convenient and efficient.”

PROPOSED SURVEY METHOD

With the Judicial Council's approval, the Access to Justice Commission will provide a survey link to all district, juvenile, and justice court judicial officers.

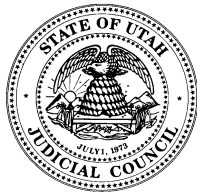
- ❖ **LENGTH:** One month.
- ❖ **PROCEDURE:** The judicial officer's team will post the survey link in the Webex "chat" and send an email to each party with a survey link and QR code inviting them to participate. Alternatively, the Courts' IT Department will provide a technology solution that automates the survey. The judicial officer will then mention that a survey will be provided after the hearing.
- ❖ **ANALYSIS:** NCSC will provide basic analysis, and the A2J Commission will provide a comprehensive report.
- ❖ **NEXT STEPS:** The Commission will conduct additional surveys with practitioners and judicial officers.



Pandemic Rapid Response Team

IMPLEMENTATION *Lab*

Tab 8



Administrative Office of the Courts

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

October 27, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee – Utah Judicial Council

FROM: Valeria Jimenez, Standing Committee on Judicial Outreach Staff Liaison

RE: Judicial Outreach Committee Reappointment of Judge Jill Pohlman & Appointment of Stacy Parsons

In accordance with CJA Rule 1-205(1)(B)(ix), the committee on Judicial Outreach shall consist of one appellate court judge. Judge Pohlman has completed her first 3-year term on the Judicial Outreach Committee and is willing to serve a second 3-year term. Judge Pohlman also serves as the Chair of the Judicial Outreach Committee's Bench-Media subcommittee. Per CJA Rule 1-205(1)(B)(ix), chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee. An email was sent to Judge Pohlman regarding her term expiring and Judge Pohlman would be happy to continue serving on the committee.

Additionally, there is a vacancy on the Judicial Outreach Committee, which must be filled by a State Level Administrator in accordance with CJA Rule 1-205(1)(B)(ix). Brent Johnson was serving in that position; however, he is no longer with the Utah State Courts. An email was sent to Keisa William's office and Keisa recommended Stacy Parsons to fulfill Brent Johnson's former role on the Judicial Outreach Committee. Keisa mentioned it would be a good idea for someone on her team to participate. It's important that outreach efforts comply with ethics rules and policies.

On behalf of the Standing Committee on Judicial Outreach and the Chair, Judge Elizabeth Hruby-Mills, I would respectfully ask for the reappointment of Judge Jill Pohlman and the approval of Stacy Parsons.

At this time the Judicial Outreach Committee is comprised of the following members:

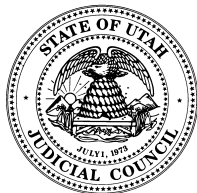
- Judge Elizabeth Hruby-Mills, Chair, District Court Judge
- Judge Bryan Memmott, Plain City Municipal Justice Court
- Krista Airam, TCE - 2nd Juvenile Court
- Melinda Bowen, Civic Community Representative

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

- Michael Anderson, Communication Representative
- Michelle Oldroyd, Utah State Bar
- Nicholas Shellabarger, Utah State Board of Education
- Judge Tupakk Renteria, 3rd Juvenile Court
- Nathanael Player, Law Library Director
- Judge Laura Scott, Divorce Education for Children Program Subcommittee Chair, District Court Judge
- Judge Shauna Graves-Robertson, Community Relations Subcommittee Chair, Salt Lake City Justice Court Judge
- Lauren Andersen, Director of Utah Judicial Institute
- Anna Anderson, Deputy District Attorney
- Jonathan Puente, Ex officio member, Director of Office Fairness and Accountability
- Tania Mashburn, Ex officio member, Public Information Officer

The Judicial Outreach Committee is a standing committee that is tasked with fostering a greater role for judges in service to the community, providing leadership and resources for outreach, and improving public trust and confidence in the judiciary. The committee meets on a Friday every 3 months.

Agenda



Administrative Office of the Courts

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

October 29, 2021

Ronald Gordon, Jr.
State Court Administrator
Cathy T. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee and Judicial Council
FROM: Keisa Williams
RE: Ethics Advisory Committee Membership Reappointment

Name of Committee: Ethics Advisory Committee

Reason for Reappointment: The first term for Judge Trent Nelson as a member of the Judicial Council's Ethics Advisory Committee expired on February 26, 2021. Judge Nelson is eligible to serve a second term and has expressed a desire to do so. The committee requests that Judge Nelson, Second District Justice Court, be reappointed to a serve a second, three-year term expiring on February 26, 2024.

Judge Nelson attends meetings regularly, has been actively engaged in committee discussions, and has provided valuable contributions.

Eligibility requirements: Reappointments are required pursuant to CJA 1-205(3)(A)(i)(c)

Current committee member list:

LAST NAME	FIRST NAME	ROLE
Scott	Laura	Third District Court, Chair
Dame	Paul	Fifth District Juvenile Court
Harris	Ryan	Utah Court of Appeals
Lee	Wallace	Sixth District Court
Nelson	Trent	Second District Justice Court
Tenney	Ryan	U.S. Attorney's Office
Williams	Keisa	General Counsel, AOC

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efficient, and independent system for the advancement of justice under the law.

Agenda



Administrative Office of the Courts

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

October 29, 2021

Ronald Gordon, Jr.
State Court Administrator
Cathy T. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee and Judicial Council
FROM: Keisa Williams
RE: Court Forms Committee Membership Reappointment

Name of Committee: Court Forms Committee

Reason for Reappointment: The first term for two members of the Court Forms Committee will expire on November 19, 2021. Both members are eligible to serve a second term and have expressed a desire to do so. The committee requests that Judge Randy Birch, Heber City Justice Court, and Commissioner Russell Minas, Third District Court, be reappointed to serve a second, three-year term expiring on November 19, 2024.

Judge Birch and Commissioner Minas attend meetings regularly, have been actively engaged in committee discussions, and have provided valuable contributions.

Eligibility requirements: Reappointments are required pursuant to CJA 1-205(3)(A)(i)(c)

Current committee member list:

LAST NAME	FIRST NAME	ROLE
Alleman	Amber	Licensed Paralegal Practitioner
Birch	Randy	Heber City Justice Court
Chon	Su	Judge, Third District Court
Dryer	Randy	S.J. Quinney College of Law, Chair
Galli	Guy	Judicial Team Manager, Third District Court
Lindsley	Elizabeth	Third District Juvenile Court
Mann	Kara	Interpreter Program Coordinator, AOC
Minas	Russell	Commissioner, Third District Court
Player	Nathanael	Director of Self-Help Center/Law Library, AOC
Ralphs	Stewart	Attorney
Taylor	Kaden	Utah State Court Law Library
Westby	Mary	Attorney
Williams	Keisa	General Counsel, AOC

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

Tab 9

Agenda

 Name

 Address

 City, State, Zip

 Phone

 Email

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

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)
☐ Intervenor
☐ Intervenor's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner v. Defendant/Respondent	<p>Child Support Obligation Worksheet – Other Children Present in the Parent's Home (Utah Code 78B-12-301 and 302)</p> <hr/> Case Number
	<hr/> Judge
	<hr/> Commissioner (domestic cases)

Write the names of the parents:

(name:
PARENT IN
THIS ACTION)

(name:
OTHER
PARENT)

COMBINED

1. Enter the # of natural and adopted children of these parents.

--	--	--	--

2a. Enter the parent's gross monthly income. Refer to Instructions for definition of income.	\$	\$	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	-	-	
2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in this case.)	-	-	
3. Subtract Lines 2b and 2c from 2a. This is the Adjusted Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table (U.C.A. 78B-12-301). Find the Combined Support Obligation. Enter it here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.		%	%
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. Enter the amount of the children's portion of the insurance premium actually paid.			\$
8. Enter the monthly work or training related child care expense for the children in Line 1.			\$

9.	PARENT'S SHARE OF BASE CHILD SUPPORT AWARD FOR THE CHILDREN IN LINE 1. Enter the amount for the parent in this action from Line 6.	\$
10.	PARENT'S SHARE OF CHILDREN'S INSURANCE FOR THE CHILDREN IN LINE 1. Multiply Line 7 by .50, and enter the result here.	\$
11.	PARENT'S SHARE OF WORK OR TRAINING RELATED CHILD CARE EXPENSES FOR THE CHILDREN IN LINE 1. Multiply Line 8 by .50, and enter the result here.	\$
12.	PARENT'S SHARE OF TOTAL CHILD SUPPORT OBLIGATION TO THE CHILDREN IN LINE 1. Add Lines 9, 10, and 11. This amount may be used to adjust the parent in this action's gross income on the sole, split, or joint custody worksheets.	\$

Certificate of Service

I certify that I filed with the court and am serving a copy of this Child Support Obligation Worksheet on the following people.

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

Signature ►

Date

Printed Name

Instructions for the Child Support Obligation Worksheet – Other Children Present in the Parent’s Home

See Office of Recovery Services Child Support Calculator for assistance in filling out this form.

this worksheet to determine the parent’s obligation for natural or adopted children who live in the parent’s home and who are not children of the other parent listed on the Sole, Split, or Joint Custody Worksheets (primary worksheets). The parent may use this worksheet in modifying an existing child support award, setting a paternity award, or other appropriate circumstances where the parent has child support obligations for other children.

OTHER PARENT name: The other parent may be a current spouse, partner, or an ex-spouse of the parent.

Line 1. Enter the number of natural or adopted children of the parent in this action and the other parent named on this worksheet. If the parent in this action has children in their home by more than one other parent, complete a separate Child Support Obligation Worksheet – Other Children Present in the Parent’s Home for the children of each other parent.

Line 2a. Enter each parent’s gross monthly income. U.C.A. 78B-12-203(1) states: “As used in the guidelines, ‘gross income’ includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers’ compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from ‘nonmeans-tested’ government programs.”

U.C.A. 78B-12-203(2) states: “Income from earned income sources is limited to the equivalent of one full-time 40-hour job.” Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

U.C.A. 78B-12-203(3) says: “specifically excluded from gross income are:
(a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program;
(b) benefits received under a housing subsidy program, the Job Training Partnership Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP benefits, or General Assistance; and
(c) other similar means-tested welfare benefits received by a parent.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. In the Parent in this Action column, enter the amount of alimony the parent is court ordered to pay and actually pays to a former spouse [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Cancelled checks or a statement from the recipient of the alimony may be accepted as verification.

In the Other Parent column enter the monthly alimony that the parent is paying to someone other than the parent listed in the worksheet.

Line 2c. In the Parent in this Action column, enter the amount of any child support orders either parent is ordered to pay for children by another partner [(U.C.A. 78B-12-204(1))].

A copy of the order is required for verification.

In the Other Parent column list the amount that the other parent is ordered to pay for children other than those listed on this worksheet.

Line 7. In the combined column, enter the children's portion of insurance premium that is actually paid. To determine the children's portion divide the total premium by the number of persons covered by the policy and then multiply that number by the number of children listed on this worksheet that are covered by policy.

Line 8. Enter the amount of work-related, reasonable, child care expenses for up to a full-time work week or training schedule.

Line 9. Complete this line as directed.

Line 10. Complete the calculation as directed.

Line 11. Complete the calculation as directed.

Line 12. Enter the amount on this line on Line 2d of the Sole Custody Worksheet, Line 3d of The Split Custody Worksheet or Line 2d of the Joint Custody Worksheet.

Name

Address

City, State, Zip

Phone

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

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)
☐ Intervenor
☐ Intervenor's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Child Support Obligation Worksheet – Joint Physical Custody (Utah Code 78B-12-301 and 302)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Write the names of the parents:	(name: PARENT 1)	(name: PARENT 2)	COMBINED
1. Enter the # of natural and adopted children of these parents for whom support is to be awarded.			
2a. Enter the parents' gross monthly income. Refer to Instructions for definition of income.	\$	\$	

2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	-	-	
2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)	-	-	
2d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	-	-	
3. Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table (U.C.A. 78B-12-301). Enter the Combined Support Obligation here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.		%	%
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. Enter the number of overnights the children will spend with each parent. (They must total 365). Each parent must have at least 111 overnights to qualify for Joint Physical Custody (U.C.A. 78B-12-208).			365
7b. Identify the parent who has the child the lesser number of overnights, and continue the rest of the calculation for them. You will be making adjustments to the net amount owed by this parent.	<u>(Name of parent with lesser number of overnights)</u>		
8a. For the parent who has the child the lesser number of overnights multiply the number of overnights that are greater than 110 but less than 131 by .0027 to obtain a resulting figure and enter in the space to the right.			
8b. Multiply the result on Line 8a by the Combined Support Obligation on Line 4 for this parent and enter the number in the space to the right.	\$		
8c. Subtract the respective dollar amount on Line 8b from this parent's share of the Base Support Obligation found in the column for this parent on Line 6 to determine the amount as indicated by U.C.A. 78B-12-208 (3)(a) and enter the amount in the space to the right.	\$		
9a. Additional calculation necessary if both parents have the child for 131 overnights or more (Otherwise go to Line 10): For the parent who has the child the lesser number of overnights multiply the number of overnights that exceed 130 (131 overnights or more) by .0084 to obtain a resulting figure and enter it in the space to the right.			
9b. Multiply the result on Line 9a by the Combined Support Obligation on Line 4 for this parent and enter each in the space to the right.	\$		

9c. Subtract this parent's dollar amount on Line 9b from their respective amount as identified on Line 8c to determine the amount as indicated by U.C.A. 78B-12-208 (3)(b) and enter the amount in the space to the right. Go to Line 10.	\$
10. BASE CHILD SUPPORT AWARD: If the result in Line 9c. is > 0 , then this parent is the one who must pay child support (and the other parent is entitled to receive child support). Enter the amount in Line 9c here. This is the amount owed by this parent to the receiving parent all 12 months of the year. If the result in Line 9c is < 0 , then this parent is the one who must pay child support (and the other parent is entitled to receive child support). Enter the absolute value of the result in Line 9c here. This is the amount owed to this parent by the paying parent all 12 months of the year.	\$

11. Who must pay child support?

- ☐ Parent 1
☐ Parent 2
☐ Both

12. Is the support award the same as the guideline amount in Line 10?

- ☐ Yes ☐ No

If YES, you are done with this section. Complete the Certificate of Service.

If NO, enter the amount ordered:

- ☐ Parent 1 \$ _____
☐ Parent 2 \$ _____

13. What were the reasons stated by the court for the deviation?

- ☐ property settlement
☐ excessive debts of the marriage
☐ absence of need of the parent to receive child support
☐ other: _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Child Support Obligation Worksheet on the following people.

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

Date

Signature ►

Printed Name

INSTRUCTIONS FOR THE JOINT PHYSICAL CUSTODY WORKSHEET

See Office of Recovery Services Child Support Calculator for assistance in filling out this form.

Line 1. Enter the number of natural and adopted children of the parents for whom support is to be determined. Do not include any children of either parent by another partner on this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2a. Enter each parent's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs."

U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

U.C.A. 78B-12-203(3) says: "specifically excluded from gross income are:
 (a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program;
 (b) benefits received under a housing subsidy program, the Job Training Partnership Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP benefits, or General Assistance; and
 (c) other similar means-tested welfare benefits received by a parent.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. Enter the amount of alimony either parent is court ordered to pay and actually pays to a former spouse [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Cancelled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 2c. Enter the amount of any child support orders either parent is ordered to pay for children by another partner [(U.C.A. 78B-12-204(1))].

A copy of the order is required for verification.

Line 2d. U.C.A. 78B-12-210(6) states: “(a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting a child support award, as provided in Subsection (7); (b) Additional worksheets shall be prepared that compute the base child support award of the respective parents for the additional children. The base child support award shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

U.C.A. 78B-12-210 (7) states: “In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee [the parent who receives child support] if the credit would increase the support obligation of the obligor [the parent who must pay child support] from the most recent order; or (b) for the benefit of the obligor [parent who must pay child support] if the amount of support received by the obligee [the parent who receives child support] would be decreased from the most recent order.”

Line 3. Complete the calculation as directed.

Line 4. The amount on the "Combined Child Support Obligation Table" (U.C.A. 78B-12-301) shows the amount BOTH parents combined should contribute for the support of their child(ren).

Line 5. Calculate each parent's share of the amount in Line 4 as a percentage figure.

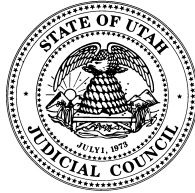
Line 6. Calculate each parent's share of the amount in Line 4 as a dollar amount.

Line 7. This is the total number of overnights the children will have with each parent. Each parent must have at least 111 overnights to qualify for Joint Physical Custody (U.C.A. 78-12-208).

Line 7b. The rest of the calculation will be made for the parent who has the child(ren) the lesser number of overnights. So identify this parent here and continue the calculation for only this parent.

Line 8a. Complete the calculation as directed. This is the mathematical figure that will be used to reduce the base support obligation for overnights totaling between 110 and 131 [U.C.A. 78B-12-208 (3) (a)].

- Line 8b. Complete the calculation as directed. This is the combined support obligation as a dollar figure for this parent.
- Line 8c. Complete the calculation as directed. This is this parent's share of the base support obligation as a dollar figure.
- Line 9a. If both parents have the child for 131 overnights or more, then continue the calculation as directed. This is the mathematical figure that will be used to reduce the base support obligation for any overnights greater than 130 that the child(ren) have with the parent who has the child(ren) the lesser number of overnights [U.C.A. 78B-12-208 (3) (b)]. Otherwise go to Line 10.
- Line 9b. Complete the calculation as directed. This is the combined support obligation as dollar figure for this parent.
- Line 9c. Complete the calculation as directed. This is this parent's share of the base support obligation as a dollar figure.
- Line 10. Designate which parent must pay support and the support amount by completing the calculation as directed. The Base Child Support Award is the amount the paying parent pays to the receiving parent all 12 months of the year. See the Insurance Premium and Child Care Adjustment Worksheet to determine how the insurance premiums and child care expenses may change the amount the paying parent pays to the receiving parent.
- Line 11. Designate which parent must pay support.
- Line 12. Complete Line 12 to indicate if the amount ordered deviates from the guideline amount in Line 10.
- Line 13. Complete Line 13 if the paying parent will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table" or the "Low Income Table."



Administrative Office of the Courts

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

October 20, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Nathanael Player, on behalf of the Forms Committee

RE: Gender Neutral Child Support Worksheets

Members of the family law bar, working in concert with ORS, have requested that the child support worksheets be made gender neutral so that they can work for all Utah families. The Forms Committee approved these forms at the October 18, 2021, meeting. If the Council approves them they will need to be sent to ORS so that they can update their online child support calculator, which is widely used by family law practitioners and many self-represented litigants. Karla Block, counsel to ORS, has been supportive of these changes but advises that updating their online calculator to reflect these changes could take several months. She suggests that if these forms are approved that the courts consider continuing to accept the existing forms generated by ORS' calculator until their updates can be made.

Because LPPs can only use Council approved forms, including this clarification could be important to not hamper the ability of LPPs to practice family law.

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

«SET PN1 TO "1"»«IF VALUE(preparer_selection) = "Pet" AND (YEARS FROM(VALUE(pet_dob), TODAY) >= 18 OR YEARS FROM(VALUE(pet_dob), TODAY) < 18 AND VALUE(pet_under_18) = "Married" OR YEARS FROM(VALUE(pet_dob), TODAY) < 18 AND VALUE(pet_under_18) = "Emancipated" OR YEARS FROM(VALUE(pet_dob), TODAY) < 18 AND VALUE(pet_under_18) = "UIFSA")»
«pet_name» Online Court Assistance Program
 «IF VALUE(pet_address_protect_yes_no) = FALSE»«pet_street»«ELSE»**Protected Address**«END IF»
 «IF VALUE(pet_address_protect_yes_no) = FALSE»«IF ANSWERED(pet_city)»«pet_city», «END IF»«IF pet_address_usa_yes_no = TRUE AND ANSWERED(pet_state)»«pet_state» «END IF»«IF pet_address_usa_yes_no = FALSE»«IF ANSWERED(pet_ward_province)»«pet_ward_province», «END IF»«IF ANSWERED(pet_country)»«pet_country» «END IF»«END IF»«pet_zip»«ELSE»«END IF»
 «IF VALUE(pet_address_protect_yes_no) = FALSE AND ANSWERED(pet_phone)»«pet_phone»«ELSE»«END IF»
 «IF VALUE(pet_address_protect_yes_no) = FALSE AND ANSWERED(pet_email)»«pet_email»«ELSE»«END IF» **Check your email.** You will receive information and documents at this email address.

I am the Petitioner

«END IF»«SET PN1 TO "1"»«IF VALUE(preparer_selection) = "Pet" AND (YEARS FROM(VALUE(pet_dob), TODAY) < 18 AND VALUE(pet_under_18) = "Minor")»
«preparer_name» Online Court Assistance Program
 «IF YEARS FROM(VALUE(pet_dob), TODAY) < 18 AND VALUE(pet_under_18) = "Minor" AND VALUE(pet_guardian_status) = "GAL" AND VALUE(preparer_atty_yes_no) = "Yes"»«lb»«preparer_atty_bar_num»«END IF»
«preparer_street»
«preparer_city», «preparer_state» «preparer_zip»
 «IF ANSWERED(preparer_phone)»«preparer_phone»«ELSE»«END IF»
 «IF ANSWERED(preparer_email)»«preparer_email»«ELSE»«END IF» **Check your email.** You will receive information and documents at this email address.
 «IF YEARS FROM(VALUE(pet_dob), TODAY) < 18 AND VALUE(pet_under_18) = "Minor" AND VALUE(pet_guardian_status) = "GAL"»

Guardian ad Litem for Petitioner

«END IF»
 «END IF»
 «IF VALUE(preparer_selection) = "Paralegal" OR VALUE(preparer_selection) = "Attorney"»
 «IF ANSWERED(preparer_name)»«preparer_name»«END IF» Online Court Assistance Program
 «IF ANSWERED(preparer_street)»«preparer_street»«END IF»

«IF ANSWERED(preparer_city)»«preparer_city», «END IF»«IF
ANSWERED(preparer_state)»«preparer_state» «END IF»«IF
ANSWERED(preparer_zip)»«preparer_zip»«END IF»
«IF ANSWERED(preparer_phone)»«preparer_phone»«END IF»
«IF ANSWERED(preparer_email)»
«preparer_email»
«END IF»

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

«IF VALUE(preparer_selection) = "Attorney"»

I am Petitioner's Attorney (Utah Bar # «preparer_bar_num»)

«END IF»

«IF VALUE(preparer_selection) = "Paralegal"»

I am Petitioner's Licensed Paralegal Practitioner (Utah Bar # «preparer_bar_num»)

«END IF»

«END IF»

In the District Court of Utah
«court_district» Judicial District, «court_county» County
«court_address»

«IF YEARS FROM(VALUE(pet_dob), TODAY) <
18 AND VALUE(pet_under_18) = "Minor" AND
VALUE(pet_guardian_status) != "GAL"»

«preparer_name»

Guardian for

«END IF»

«pet_name»

«IF YEARS FROM(VALUE(pet_dob), TODAY) <
18 AND VALUE(pet_under_18) = "Minor"»

(a person under 18 years of age)

«END IF»

Petitioner

v.

«res_name»

«IF YEARS FROM(VALUE(res_dob), TODAY) <
18»

(a person under 18 years of age)

«END IF»

Respondent

«IF VALUE(ors_intervenor_yes_no) =
TRUE»

Office of Recovery Services

Dept. of Human Services, State of Utah

Intervenor

«END IF»

Declaration of Unmarried Father

(Utah Code 78B-6-110, 120, 121, and 122)

Case Number: «IF

ANSWERED(case_num)»«case_num»«.lb»«END

IF»«IF NOT

ANSWERED(case_num)»_____«.l

b»«END IF»

Judge: «IF ANSWERED(judge)»«judge»«.lb»«END

IF»«IF NOT

ANSWERED(judge)»_____

«.lb»«END IF»

Commissioner: «IF

ANSWERED(commissioner)»«commissioner»«.lb

»«END IF»«IF NOT

ANSWERED(commissioner)»_____

_«.lb»«END IF»

«pet_name», being first duly sworn and under oath, states as follows:

1. This **declaration is being filed** with the Court pursuant to Utah Code 78B-6-110, 120, 121, and 122.
2. I believe that I am the father of the children who are the subject of this parentage action for paternity.
3. I am fully able and willing to have full custody of the children.
4. My plans to care for the children are as follows:
«unmarried_father_plans»
5. I agree to pay the amount of child support ordered by the court for me to pay.
6. I agree to pay the amount of expenses incurred with **«res_name_possessive»** pregnancy and the birth of our child(ren).

«IF VALUE(preparer_selection) = "Pet" OR (VALUE(preparer_selection) = "Pet" AND YEARS FROM(pet_dob, TODAY) >= 18 OR YEARS FROM(pet_dob, TODAY) < 18 AND pet_under_18 = "Married" OR YEARS FROM(pet_dob, TODAY) < 18 AND pet_under_18 = "Emancipated" OR YEARS FROM(pet_dob, TODAY) < 18 AND pet_under_18 = "UIFSA") OR (VALUE(preparer_selection) = "Paralegal" AND VALUE(preparer_status_selection) = "Docs")»

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

Signed at: **«signature_city»**, **«signature_state_country»**

«signature_date»

Signature

«IF (VALUE(service_rule_5_selection) = "Email" OR VALUE(filing_method_selection) = "Email") AND ANSWERED(pet_email_signature)»**«pet_email_signature»**«END IF»

Date

«pet_name»

«END IF»

«IF ((VALUE(preparer_selection) = "Paralegal" AND VALUE(preparer_status_selection) = "Case") OR VALUE(preparer_selection) = "Attorney") OR (VALUE(preparer_selection) = "Pet" AND YEARS FROM(pet_dob, TODAY) < 18 AND pet_under_18 = "Minor")»

«IF VALUE(preparer_selection) = "Attorney"»**Attorney of record**«END IF»«IF VALUE(preparer_selection) = "Paralegal" AND VALUE(preparer_status_selection) = "Case"»**Licensed Paralegal Practitioner of record**«END IF»«IF VALUE(preparer_selection) = "Pet" AND YEARS FROM(pet_dob, TODAY) < 18 AND pet_under_18 = "Minor"»**Guardian for «pet_name», a minor child**«END IF»

«signature_date»

Sign here

«IF (VALUE(service_rule_5_selection) = "Email"
OR VALUE(filing_method_selection) = "Email")
AND
ANSWERED(preparer_email_signature)»«prepare
r_email_signature»«END IF»
«preparer_name»

Date

«END IF»

Certificate of Service

I certify that I filed with the court and am serving a copy of this Declaration of Unmarried Father on the following people.

Person's Name	Service Method	Service Address	Service Date
«IF VALUE(res_atty_yes_no) = FALSE AND VALUE(res_LPP_yes_no) = FALSE»			
«res_name» Respondent	«IF VALUE(service_rule_5_selection) = "Mail" Mail «END IF» «IF VALUE(service_rule_5_selection) = "Hand" Hand Delivery «END IF» «IF VALUE(service_rule_5_selection) = "Email" Email «END IF»	«IF VALUE(service_rule_5_selection) = "Mail" OR VALUE(service_rule_5_selection) = "Hand" «IF ANSWERED(res_street)»«res_street»«.lb»«END IF» «IF VALUE(res_address_yes_no) = TRUE»«res_cc»«END IF»«IF VALUE(res_address_usa_yes_no) = TRUE AND ANSWERED(res_state)»«res_state»«END IF»«IF ANSWERED(res_ward_province)»«res_ward_province», «END IF»«IF ANSWERED(res_country)»«res_country»«END IF»«IF ANSWERED(res_zip)» «res_zip»«END IF»«END IF» «IF VALUE(service_rule_5_selection) = "Email" «res_email» «END IF»	«IF ANSWERED(service_rule_5_date) »«service_rule_5_date»«END IF»

«END IF»

«IF VALUE(res_atty_yes_no) = TRUE»

«res_atty_name» Attorney for «res_name»	«IF VALUE(service_rule_5_selection) = "Mail"» Mail «END IF» «IF VALUE(service_rule_5_selection) = "Hand"» Hand Delivery «END IF» «IF VALUE(service_rule_5_selection) = "Email"» Email «END IF»	«IF VALUE(service_rule_5_selection) = "Mail" OR VALUE(service_rule_5_selection) = "Hand"» «IF ANSWERED(res_atty_law_firm)» «res_atty_law_firm» «.lb»«END IF»«IF ANSWERED(res_atty_street)» «res_atty_street» «.lb»«END IF»«IF ANSWERED(res_atty_city)» «res_atty_city» , «END IF»«IF ANSWERED(res_atty_state)» «res_atty_state» » «END IF»«IF ANSWERED(res_atty_zip)» «res_atty_zip» «END IF»«END IF» «IF VALUE(service_rule_5_selection) = "Email" AND ANSWERED(res_atty_email)» «res_atty_email» «END IF»	«IF ANSWERED(service_rule_5_date))» «service_rule_5_date» «END IF»
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«END IF»

«IF VALUE(res_LPP_yes_no) = TRUE»

«res_LPP_name» Licensed Paralegal Practitioner for «res_name»	«IF VALUE(service_rule_5_selection) = "Mail"» Mail «END IF» «IF VALUE(service_rule_5_selection) = "Hand"» Hand Delivery «END IF» «IF VALUE(service_rule_5_selection) = "Email"» Email «END IF»	«IF VALUE(service_rule_5_selection) = "Mail" OR VALUE(service_rule_5_selection) = "Hand"» «IF ANSWERED(res_LPP_firm)» «res_LPP_firm» «.lb»«END IF»«IF ANSWERED(res_LPP_street)» «res_LPP_street» «.lb»«END IF»«IF ANSWERED(res_LPP_city)» «res_LPP_city» , «END IF»«IF ANSWERED(res_LPP_state)» «res_LPP_state» » «END IF»«IF ANSWERED(res_LPP_zip)» «res_LPP_zip» «END IF»«END IF» «IF VALUE(service_rule_5_selection) = "Email" AND ANSWERED(res_LPP_email)» «res_LPP_email» «END IF»	«IF ANSWERED(service_rule_5_date))» «service_rule_5_date» «END IF»
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«END IF»

«IF VALUE(ors_intervenor_yes_no) = TRUE OR VALUE(ocrorsyn) = TRUE»

«IF ANSWERED(ocrorsname) Utah Assistant Attorney General «END IF» Office of the Attorney General – Child & Family Support	«IF VALUE(service_rule_5_selection) = "Mail" Mail «END IF» «IF VALUE(service_rule_5_selection) = "Hand" Hand Delivery «END IF» «IF VALUE(service_rule_5_selection) = "Email" Email «END IF»	«IF VALUE(ocrorsyn) = TRUE»«IF ANSWERED(ocrorsstreet)»«ocrorsstreet»«.lb »«END IF»«IF ANSWERED(ocrorscity)»«ocrorscity», «END IF» «IF ANSWERED(ocrorsstate)»«ocrorsstate»«EN D IF» «IF ANSWERED(ocrorszip)»«ocrorszip»«END IF»«ELSE»«IF ANSWERED(ors_address)»«ors_address»«E ND IF»«END IF»	«IF ANSWERED(service_rule_5_date) »«service_rule_5_date»«END IF»
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«END IF»
«IF VALUE(ocrgalyn) = TRUE»

«IF ANSWERED(ocrgalname) «END IF» Guardian ad Litem	«IF VALUE(service_rule_5_selection) = "Mail" Mail «END IF» «IF VALUE(service_rule_5_selection) = "Hand" Hand Delivery «END IF» «IF VALUE(service_rule_5_selection) = "Email" Email «END IF»	«IF ANSWERED(ocrgalfirm)»«ocrgalfirm»«.lb»«E ND IF»«IF ANSWERED(ocrgalstreet)»«ocrgalstreet»«.lb »«END IF»«IF ANSWERED(ocrgalcity)»«ocrgalcity», «END IF» «IF ANSWERED(ocrgalstate)»«ocrgalstate»«EN D IF» «IF ANSWERED(ocrgalzip)»«ocrgalzip»«END IF»	«IF ANSWERED(service_rule_5_date) »«service_rule_5_date»«END IF»
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«END IF»

«IF VALUE(preparer_selection) = "Pet" OR (VALUE(preparer_selection) = "Paralegal" AND
VALUE(preparer_status_selection) = "Docs")»

«signature_date»	Sign here	«IF (VALUE(service_rule_5_selection) = "Email" OR VALUE(filing_method_selection) = "Email") AND ANSWERED(pet_email_signature)»«pet_email_signatu re»«END IF»
<hr/>		
Date «END IF» «IF (VALUE(preparer_selection) = "Paralegal" AND VALUE(preparer_status_selection) = "Case") OR VALUE(preparer_selection) = "Attorney"» «signature_date»	Signature	«IF (VALUE(service_rule_5_selection) = "Email" OR VALUE(filing_method_selection) = "Email") AND ANSWERED(preparer_email_signature)»«preparer_em ail_signature»«END IF»
<hr/>		
«IF VALUE(preparer_selection) = "Paralegal" AND VALUE(preparer_status_selection) = "Case"» Date «END IF» «IF VALUE(preparer_selection) = "Attorney"» Date		«preparer_name» Licensed Paralegal Practitioner for «pet_name» «preparer_name» Attorney for «res_name»
«END IF» «END IF»		

Name

Address

City, State, Zip

Phone

Email

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

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)
☐ Intervenor
☐ Intervenor's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Child Support Obligation Worksheet – Sole Physical Custody (Utah Code 78B-12-301 and 302)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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Write the names of the parents:	(name: PARENT 1)	(name: PARENT 2)	COMBINED
1. Enter the # of natural and adopted children of these parents for whom support is to be awarded.			
2a. Enter the parents' gross monthly income. Refer to Instructions for definition of income.	\$	\$	

2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	-	-	
2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)	-	-	
2d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	-	-	
3. Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table (U.C.A. 78B-12-301). Find the Base Combined Support Obligation. Enter it here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.		%	%
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. BASE CHILD SUPPORT AWARD: Bring down the amount(s) from Line 6 or enter the amount(s) from the Low Income table per U.C.A. 78B-12-205. The parent(s) without physical custody of the child(ren) pay(s) the amount(s) all 12 months of the year.	\$	\$	

8. Who must pay child support?

- ☐ Parent 1
☐ Parent 2
☐ Both

9. Is the support award the same as the guideline amount in Line 10?

- ☐ Yes ☐ No

If YES, you are done with this section. Complete the Certificate of Service.

If NO, enter the amount ordered:

- ☐ Parent 1 \$ _____
☐ Parent 2 \$ _____

10. What were the reasons stated by the court for the deviation?

- ☐ property settlement
☐ excessive debts of the marriage
☐ absence of need of the parent to receive child support
☐ other: _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Child Support Obligation Worksheet on the following people.

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

_____ Signature ► _____
 Date _____
 Printed Name _____

INSTRUCTIONS FOR THE SOLE PHYSICAL CUSTODY WORKSHEET

See Office of Recovery Services Child Support Calculator for assistance in filling out this form.

Line 1. Enter the number of natural and adopted children of the parents for whom support is to be determined. Do not include any children of either parent by another partner on this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2a. Enter each parent's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs."

U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

U.C.A. 78B-12-203(3) says: "specifically excluded from gross income are:
 (a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program;
 (b) benefits received under a housing subsidy program, the Job Training Partnership Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP benefits, or General Assistance; and
 (c) other similar means-tested welfare benefits received by a parent.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. Enter the amount of alimony either parent is court ordered to pay and actually pays to a former spouse [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Canceled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 2c. Enter the amount of any child support orders either parent is ordered to pay for children by another partner [(U.C.A. 78B-12-204(1))].

A copy of the order is required for verification.

Line 2d. U.C.A. 78B-12-210(6) states: “(a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting a child support award, as provided in Subsection (7); (b) Additional worksheets shall be prepared that compute the base child support award of the respective parents for the additional children. The base child support award shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

U.C.A. 78B-12-210 (7) states: “In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee [the parent who receives child support] if the credit would increase the support obligation of the obligor [the parent who must pay child support] from the most recent order; or (b) for the benefit of the obligor [parent who must pay child support] if the amount of support received by the obligee [the parent who receives child support] would be decreased from the most recent order.”

Line 3. (See U.C.A. 78B-12-205) If the parent who must pay child support's income is over \$1,050 complete the calculation as directed. If the parent who must pay child support's income is \$650 to \$1,050 then calculate the child support award using the "Combined Child Support Obligation Table" and the "Low Income Table." The child support award will be the lesser of the two amounts. Enter the lesser of the two amounts on Line 7. If the parent who must pay child support's income is \$649 or less, the court may determine the child support amount, but the amount may not be less than \$30; refer to U.C.A. 78B-12-205(6).

Line 4. The amount on the "Combined Child Support Obligation Table" (U.C.A. 78B-12-301) shows the amount BOTH parents combined should contribute for the support of their children.

Line 5. Calculate each parent's share of the amount in Line 4 as a percentage figure.

Line 6. Calculate each parent's share of the amount in Line 4 as a dollar amount.

Line 7. The Base Child Support Award is the amount the parent who must pay child support pays to the parent who receives child support. This is the amount the

parent(s) without physical custody of the child(ren) pays all 12 months of the year.

- Line 8. Designate which parent or parents have a support obligation based on this worksheet.
- Line 9. Complete Line 9 to indicate if the amount ordered deviates from the guideline amount in Line 7.
- Line 10. Complete Line 10 if the parent who must pay child support will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table," "Low Income Table" or in accordance with U.C.A. 78B-12-205.

Name

Address

City, State, Zip

Phone

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

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)
☐ Intervenor
☐ Intervenor's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Child Support Obligation Worksheet – Split Custody (Utah Code 78B-12-301 and 302)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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Write the names of the parents:

(name:
PARENT 1)

(name:
PARENT 2)

COMBINED

1. Enter the # of natural and adopted children of these parents for whom support is to be awarded.			
2. Divide the number of children with each parent by the combined number of children listed in Line 1.	%	%	

3a. Enter the parent's gross monthly income. Refer to Instructions for definition of income.	\$	\$	
3b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	-	-	
3c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)	-	-	
3d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	-	-	
4. Subtract Lines 3b, 3c, and 3d from 3a. This is the Adjusted Gross Income for child support purposes.	\$	\$	\$
5. Take the COMBINED figure in Line 4 and the number of children in Line 1 to the Support Table (U.C.A. 78B-12-301). Find the Base Combined Support Obligation. Enter it here.			\$
6. Divide each parent's adjusted monthly gross in Line 4 by the COMBINED adjusted monthly gross in Line 4.		%	%
7. Multiply Line 5 by Line 6 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
8. Multiply the parent 1's Line 7 by parent 2's Line 2. This is parent 1's obligation to parent 2	\$		
9. Multiply parent 2's Line 7 by parent 1's Line 2. This is parent 2's obligation to parent 1.		\$	
10. BASE CHILD SUPPORT AWARD: Subtract the lesser amount from the greater amount of Lines 8 and 9. This is the amount the parent who must pay child support pays to the parent who receives child support all 12 months of the year.	\$		

11. Who must pay child support?

- ☐ Parent 1
☐ Parent 2
☐ Both

12. Is the support award the same as the guideline amount in Line 10?

- ☐ Yes ☐ No

If YES, you are done with this section. Complete the Certificate of Service.

If NO, enter the amount ordered:

☐ Parent 1 \$ _____

☐ Parent 2 \$ _____

13. What were the reasons stated by the court for the deviation?

- ☐ property settlement
- ☐ excessive debts of the marriage
- ☐ absence of need of the parent to receive child support
- ☐ other: _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Child Support Obligation Worksheet on the following people.

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

_____ Signature ► _____
 Date _____ Printed Name _____

INSTRUCTIONS FOR THE SPLIT CUSTODY WORKSHEET

See Office of Recovery Services Child Support Calculator for assistance in filling out this form.

Line 1. Enter the number of natural and adopted children of the parents for whom support is to be determined. Do not include any children of either parent by another partner this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2. Complete the computation as directed.

Line 3a. Enter each parent's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs."

U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

U.C.A. 78B-12-203(3) says: "specifically excluded from gross income are:

- (a) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program;
- (b) benefits received under a housing subsidy program, the Job Training Partnership Act, Supplemental Security Income, Social Security Disability Insurance, Medicaid, SNAP benefits, or General Assistance; and
- (c) other similar means-tested welfare benefits received by a parent.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 3b. Enter the amount of alimony either parent is court ordered to pay and actually pays to a former spouse [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Cancelled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 3c. Enter the amount of any child support orders either parent is ordered to pay for children by another partner [(U.C.A. 78B-12-204(1))].

A copy of the order is required for verification.

Line 3d. U.C.A. 78B-12-210(6) states: “(a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting a child support award, as provided in Subsection (7); (b) Additional worksheets shall be prepared that compute the base child support award of the respective parents for the additional children. The base child support award shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

U.C.A. 78B-12-210 (7) states: “In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee [the parent who receives child support] if the credit would increase the support obligation of the obligor [the parent who must pay child support] from the most recent order; or (b) for the benefit of the obligor [parent who must pay child support] if the amount of support received by the obligee [the parent who receives child support] would be decreased from the most recent order.”

Line 4. Complete the calculation as directed.

Line 5. The amount on the "Combined Child Support Obligation Table" (U.C.A. 78B-12-301) shows the amount BOTH parents combined should contribute for the support of their children.

Line 6. Calculate each parent's share of the amount in Line 5 as a percentage figure.

Line 7. Calculate each parent's share of the amount in Line 5 as a dollar amount.

Line 8. Complete the calculation as directed. This is Parent 1's obligation to Parent 2.

Line 9. Complete the calculation as directed. This is Parent 2's obligation to Parent 1.

Line 10. The Base Child Support Award is the amount the parent who must pay child support pays to the parent who receives child support

Line 11. Designate which parent must pay support.

Line 12. Complete Line 12 to indicate if the amount ordered deviates from the guideline amount in Line 10.

Line 13. Complete Line 13 if the parent who must pay child support will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table" or the "Low Income Table."