

# JUDICIAL COUNCIL MEETING

## AGENDA

**September 13, 2022**

**Meeting held through Webex  
and In Person**

**Zermatt Resort  
Basel Room  
1<sup>st</sup> floor  
784 W Resort Drive  
Midway UT 84049**

*Chief Justice Matthew B. Durrant, Presiding*

1. 12:30 p.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 12:35 p.m. Chair's Report. .... Chief Justice Matthew B. Durrant  
(Information)
3. 12:40 p.m. State Court Administrator's Report.....Ron Gordon  
(Information)
4. 12:45 p.m. Reports: Management Committee ..... Chief Justice Matthew B. Durrant  
Budget and Fiscal Management Committee ..... Judge Kara Pettit  
Liaison Committee..... Judge Kara Pettit  
Policy, Planning, and Technology Committee ..... Judge Derek Pullan  
Bar Commission.....Margaret Plane, esq.  
(Tab 2 - Information)
5. 12:55 p.m. Racial and Ethnic Disparity Workgroup..... Jon Puente  
(Tab 3 - Information) Judge Richard Mrazik  
Judge Cristina Ortega
6. 1:25 p.m. Judicial Branch Education Committee Report.....Justice Diana Hagen  
(Tab 4 - Information) Lauren Andersen
7. 1:35 p.m. Judicial Performance Evaluation Commission Report ..... Dr. Jennifer Yim  
(Tab 11 - Information) Commissioner Bridget Romano
8. 1:55 p.m. Office of Innovation Update .....Nick Stiles  
(Information) Margaret Plane

9. 2:05 p.m. Board of Appellate Court Judges Report .....  
(Information) Judge Michele Christiansen Forster  
Nick Stiles
10. 2:15 p.m. Problem-Solving Courts Recertifications ..... Judge Dennis Fuchs  
(Tab 5 - Action)
- 2:25 p.m. Break
11. 2:35 p.m. Justice Court Reform ..... Jim Peters  
(Information) Ron Gordon
12. 2:45 p.m. Board of Justice Court Judges Report..... Judge Rick Romney  
(Information) Jim Peters
13. 2:55 p.m. Mental Health Initiative Update..... Judge Kara Pettit  
(Information) Chris Palmer
14. 3:10 p.m. Budget and Grants..... Karl Sweeney  
(Tab 6 - Action)
15. 3:25 p.m. Administrative Fee for Deferred Traffic Prosecution ..... Keisa Williams  
(Tab 7 - Action)
16. 3:35 p.m. Rules for Final Approval ..... Keisa Williams  
(Tab 8 - Action)
17. 3:45 p.m. Old Business/New Business ..... All  
(Discussion)
18. 3:55 p.m. Recognition of Outgoing Judicial Council Member - Judge Todd  
Shaughnessy and Judge Derek Pullan..... Chief Justice Matthew B. Durrant  
(Information)
- 4:00 p.m. Break
19. 4:10 p.m. Senior Judge Recertifications ..... Neira Siaperas  
(Action)
20. 4:15 p.m. Executive Session - there will be an executive session
21. 5:15 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.

1. Forms Committee Forms  
(Tab 9)

Kaden Taylor

2. Rules for Public Comment  
(Tab 10)

Keisa Williams

# Tab 1



## Agenda

**JUDICIAL COUNCIL MEETING**  
**Minutes**

**August 19, 2022**

**Meeting conducted through Webex**

**12:45 p.m. – 5:12 p.m.**

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

**Members:**

Chief Justice Matthew B. Durrant, Chair  
 Hon. Todd Shaughnessy, Vice Chair  
 Hon. Keith Barnes  
 Hon. Brian Brower  
 Hon. Samuel Chiara  
 Hon. Augustus Chin  
 Hon. David Connors  
 Hon. Ryan Evershed  
 Hon. Paul Farr  
 Hon. Elizabeth Lindsley  
 Hon. David Mortensen  
 Justice Paige Petersen  
 Hon. Kara Pettit  
 Margaret Plane, esq.  
 Hon. Derek Pullan

**Excused:**

Michael Drechsel

**Guests:**

Holly Langton, GOMB

**AOC Staff:**

Ron Gordon  
 Neira Siaperas  
 Brody Arishita  
 Shane Bahr  
 Kristene Laterza  
 Meredith Mannebach  
 Jordan Murray  
 Bart Olsen  
 Chris Palmer  
 Jim Peters  
 Jon Puente  
 Nini Rich  
 Nick Stiles  
 Karl Sweeney  
 Melissa Taitano  
 Jeni Wood

**Guests Cont.:**

Mark Urry, TCE, Fourth District Court  
 Elizabeth Wright, Executive Director, Utah State Bar

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

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

**Motion:** Judge David Connors moved to approve the July 18, 2022 Judicial Council meeting minutes, as presented. Judge Augustus Chin seconded the motion, and it passed unanimously.

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

Chief Justice Durrant did not have an update for the Council.

### **3. STATE COURT ADMINISTRATOR'S REPORT: (Ron Gordon)**

The Senate unanimously confirmed Justice Jill Pohlman to the Supreme Court and Judge Rick Westmoreland to the Second District Juvenile Court. There are currently seven judicial vacancies throughout the state. Sonia Sweeney has been hired as the new Juvenile Court Administrator, beginning August 29.

The Green Phase Workgroup is hoping to provide the Council with a draft report compiled of information gathered from stakeholders in the next two months.

Ron Gordon thanked AOC staff, the Budget and Fiscal Management Committee, and the Boards of Judges on their preparation work for the Annual Budget meeting.

### **4. COMMITTEE REPORTS:**

#### **Management Committee Report:**

The work of this committee is reflected in the minutes.

#### **Budget & Fiscal Management Committee Report:**

The work of the committee will be addressed later in this meeting.

#### **Liaison Committee Report:**

Michael Drechsel updated the Liaison Committee of his work with various legislative committees. The committee agreed with the concept that any justice court reform changes be delayed until the courts have a better chance to study a phase-in implementation. Judge Kara Pettit did not receive any information on a constitutional change regarding preliminary hearings, however, Mr. Gordon thought there may be a sense of urgency among legislators to address preliminary hearing changes.

#### **Policy, Planning, and Technology Committee Report:**

Judge Derek Pullan reported that the committee continues to work on drafting the prioritization process of IT projects.

#### **Bar Commission Report:**

Margaret Plane said the Bar is launching a new and improved website on September 1<sup>st</sup>. They are testing 6 LPPs this month; currently there are 23 LPPs.

### **5. OFFICE OF INNOVATION UPDATE: (Nick Stiles and Margaret Plane)**

Chief Justice Durrant welcomed Nick Stiles and Margaret Plane. The Office of Innovation (Office) is hoping to receive an answer on the Stand Together grant next week. Mr. Stiles noted there have been 71 total applications for the Utah Legal Sandbox, 43 authorized entities, with 3 more pending applications. There have been 23,353 legal services from the sandbox through the end of June; the majority of which fall into the military/veteran's benefits category. The Office receives an average of 1 harm complaint for every 2,000 services provided. John Lund and Mr. Stiles have been involved with the Bar's study to house the Office at the Bar. The study includes the practical effects of the Office, public relations issues, effects on the current litigation and potential liabilities that might arise, and financial considerations including

salaries, administrative services, IT services, and rent. The Office is studying the Arizona model when considering whether participants should be paying a fee.

Chief Justice Durrant thanked Mr. Stiles and Ms. Plane.

#### **6. JUSTICE COURT REFORM: (Jim Peters and Ron Gordon)**

Chief Justice Durrant welcomed Jim Peters and Ron Gordon. The justice court workgroup, who meets every other week, has been calculating a fiscal note and facilitating outreach to various stakeholders about the task force recommendations. They have preliminary estimates for the fiscal note, which includes about 60 additional division court judges and about 260+ support staff.

They will next discuss how the reform would affect the Audit, Human Resources, Court of Appeals, Legal, and Education Departments. With regard to outreach, the National Center for State Courts (NCSC) facilitated a meeting with the Board of Justice Court Judges. The NCSC will meet next week with the justice court clerks and Board of District Court Judges. They are working to schedule focus groups with prosecutors, defense counsel, and city and county officials.

Mr. Peters said it will be difficult to determine the impact of the reform on current justice court staff and judges, because a lot of them are not full time. There are approximately 400 justice court staff, some of which only work 1-2 hours a week. There are 80 judges. Plus, at this point, they do not know how many city and counties will maintain their justice courts, which makes preliminary data difficult to determine.

Judge Paul Farr said there is a small group that is in favor of this proposal, a small group that opposes it – possibly for revenue purposes, but the largest group is somewhere in between. The in between group would like detailed financial data pertaining to their court after justice court reform takes effect. Mr. Gordon explained that the courts do not know how much revenue the Legislature will give to the new division courts, if the legislation passes. Assuming the proposal of moving traffic cases from justice to district courts is accepted as it is currently written, the revenue of just over \$30 million would not cover the cost of justice court reform. If the Legislature wants to be cost-neutral, they would need to instruct the cities and counties to split the revenue between them and the new division court on some cases.

Judge Pullan found that the justice court reform has familiar aspects to the old Utah circuit court system and recommended research as to why the courts moved away from circuit courts. Judge Farr had discussions with Justice Michael Zimmerman and Roger Tew about the old circuit court system. They identified that the circuit courts were the “gold standard” model for other states to follow and at that time, there was a push to eliminate justice courts over time so everything would be state-operated courts. But there was political opposition and financial incentives to municipalities that had justice courts. Judge Farr was told that the reason the circuit court system was removed was the internal tension among court levels. District court judges expressed concern that circuit court judges were not contributing to the workload enough, whereas, circuit court judges felt that district court judges higher salaries were unfair. Judge Farr believed the current proposals take the history of circuit court issues into consideration.

Chief Justice Durrant found it interesting that circuit courts were the gold standard. Judge Farr said those outside of the Judiciary liked the circuit courts but internally, the problems were clear and something needed to change. Judge Farr will contact additional people that were involved in the process moving away from circuit courts, such as, Justice Christine Durham, Dan Becker, Judge Lynn Davis, Judge Judith Atherton, Judge Sharon McCully, Judge Brent West, Judge Dennis Fuchs, as well as some of the senior judges.

Chief Justice Durrant thanked Mr. Peters and Mr. Gordon.

**7. BUDGET AND GRANTS: (Karl Sweeney, Jordan Murray, Brody Arishita, Todd Eaton, and Melissa Taitano)**

Chief Justice Durrant welcomed Karl Sweeney, Jordan Murray, Brody Arishita, Todd Eaton, and Melissa Taitano. The total case processing amounts from 2022 Legislature General Session Fiscal Notes is \$247,900 in one-time funds and \$818,200 in ongoing funds. The expected carryforward amount from FY 2022 was \$3,200,000.

**Upgrade Spanish Fork Courtroom Audio**

\$17,000

One-time funds

The audio in this courtroom was last updated in 2009 and lacks the current audio technology to best support hybrid/remote hearings.

**Motion:** Judge Elizabeth Lindsley moved to approve the Upgrade Spanish Fork Courtroom Audio for \$17,000 in one-time funds, as presented. Judge Connors seconded the motion, and it passed unanimously.

**Internal Control Self-Assessment**

Mr. Murray presented the Five Year Internal Control Self-Assessment (ICSA) grants report, which represented the first compliance review conducted for grants awarded to the courts between 2016 – 2020. Future ICSA reviews will be completed annually per CJA Rule 3-411(9)(A)(i).

The ICSA was guided by principles and statutes set forth in:

1. Standards for Internal Control in the Federal Government;
2. Accounting Manual Section 11-07.00 Grants;
3. CJA Rule 3-411 Grant Management;
4. Utah Code § 63J-5-203 Judicial Council to Approve Certain New Federal Funds Requests, Utah Code § 63J-5-204 Legislative Review and Approval of Certain Federal Funds Requests, Utah Code § 63J-7-202 Judicial Council to Approve Certain Grant Requests, and Utah Code § 63J-7-203 Legislative Review and Approval of Certain Grant Requests; and
5. Generally Accepted Accounting Principles.

## ARPA Spending

	Funded by	GOPB	Requested	Approved	Actual	Balance
	Legislature	Approved	Amount	Amount	Amount YTD	Available
IT Access to Justice - Response to COVID - Part I	May-21	Yes	11,000,000	11,000,000	3,042,468	7,957,532
Courts Case Backlog - Part I*	May-21	Yes	1,000,000	1,000,000	707,963	292,037
Subtotal			12,000,000	12,000,000	3,750,431	8,249,569
Requests to Legislature for FY 2023 - \$3,000,000 approved by the Legislature			Requested	Approved	Actual	Available
IT Access to Justice - Response to COVID - Part II	N/A	Submitted 10/21	1,373,400	1,373,400	-	1,373,400
Courts Case Backlog - Part II	N/A	Submitted 10/21	1,000,000	1,000,000	-	1,000,000
COVID-19 Supplies	N/A	Submitted 10/21	640,000	302,100	-	302,100
Legal Sandbox Response to COVID	N/A	Submitted 10/21	649,000	324,500	-	324,500
Self-Help Center	N/A	Submitted 10/21	64,000	-	-	-
Interpreter Equipment	N/A	Submitted 10/21	97,000	-	-	-
Eviction Court	N/A	Submitted 10/21	166,000	-	-	-
Public Outreach & Engagement	N/A	Submitted 10/21	30,000	-	-	-
IT Access to Justice - Response to COVID - Part III	N/A	Submitted 10/21	1,881,500	-	-	-
Subtotal			5,900,900	3,000,000	-	3,000,000
			\$ 17,900,900	\$ 15,000,000	\$ 3,750,431	\$ 11,249,569

The final date for spending ARPA funds is December 31, 2024. The final date for lost revenue is December 31, 2023. Judge Pullan expressed his appreciation for Mr. Sweeney's careful work on the history of grants. Mr. Murray explained that each grant will be added to the Google drive so each grant manager can upload information in a shared, permanent capacity. This will effectuate timely communication. Judge Shaughnessy wondered if there were items in the pipeline that were going to use the \$11 million IT ARPA funds. Mr. Arishita has a roadmap created to use all of the remaining \$8 million in ARPA funds available to them.

Mr. Sweeney said senior judges' assistance in the districts remains busy but has been declining. Shane Bahr informed the Council that the Board of District Court Judges recognized that the number of continuances has almost doubled compared to the pre-pandemic amount. He further noted, attorneys may not have enough funding or staff to keep up with current demand. The Council understood that much of trial preparation is hard for the courts to control. Judge Shaughnessy said there has been a culture developed for people asking for continuances. This may require judges to break this cultural expectation. Judge Pullan recommended this be further discussed at the Annual Judicial Conference.

Mr. Gordon informed the Council that the last FY 2022 fiscal quarter showed the courts had the highest amount of jury trials in recent history, which is likely attributable to the lifting of COVID restrictions.

Chief Justice Durrant thanked Mr. Sweeney, Mr. Murray, Mr. Arishita, Mr. Eaton, and Ms. Taitano.

### 8. EVICTION AUTOMATIC EXPUNGEMENT ORDERS: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. Utah Code § 78B-6-852 Automatic Expungement of Eviction, went into effect on July 1, 2022. In accordance with CJA Rule 4-208(3)(D) Automatic Expungement of Cases, the Council must approve the form and content of automated orders of expungement. Both the Management Committee and the Policy, Planning, and Technology Committee approved the automated process and the form and content of the proposed orders. Mr. Arishita explained that they have corrected the inadvertently expunged

cases. For expungement cases, the IT Department will create a process to frequently check on these cases.

Chief Justice Durrant thanked Ms. Williams.

**Motion:** Judge Connors moved to approve the process and the three automated orders of expungement, as amended to develop and return to the Council with a proposed audit of the process. Judge Pullan seconded the motion, and it passed unanimously.

**9. DEFERRED TRAFFIC PROSECUTION: (Keisa Williams and Michael Drechsel)**

Chief Justice Durrant welcomed Keisa Williams. HB 139 Traffic Violation Amendments and revisions to Utah Code § 77-2-4.2 Compromise of Traffic Charges -- Deferred Prosecution of Traffic Infractions – Limitations, Deferred Traffic Prosecution, goes into effect on October 1, 2022. The amendments and orders authorize the AOC to implement automated processes and automatically affix signatures without judicial review, similar to the clean slate and eviction expungement processes.

The statute contemplates an administrative fee to be paid by participants to cover costs associated with the development and implementation of the system. Section (5)(h)(i) states that the “Judicial Council shall set and periodically adjust the fee ... in an amount that the Judicial Council determines to be necessary to cover the cost to implement, operate, and maintain the deferred prosecution program ...” The use of automated orders will help keep the administrative fee lower and more cost effective for court patrons.

Regardless of whether the Council approves the use of an automated or manual system, the Council will need to set an initial administrative fee to cover costs associated with administering the program and rely on AOC staff to provide periodic reports and recommendations on necessary adjustments. The AOC estimates that a \$5.00 fee is necessary to cover the initial implementation and operation costs.

In accordance with CJA 4-208(2)(C) and (3)(D), the Council must approve all automated processes developed by the AOC and the form and content of automated orders. Policy, Planning, and Technology recommended that the rules be adopted on an expedited basis with an October 1, 2022 effective date, followed by a 45-day public comment period.

Kristine Laterza explained that a quarterly auditing process has been created.

Chief Justice Durrant thanked Ms. Williams and Ms. Laterza.

**Motion:** Judge Pettit moved to approve the automated process, the orders, and amendments to CJA Rules 3-108, 4-208, and 4-403, with an effective date of October 1, 2022, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

**10. RULES FOR FINAL APPROVAL: (Keisa Williams)**

Chief Justice Durrant welcomed Keisa Williams. Following a 45-day comment period, the Policy, Planning, and Technology Committee recommended that the following rules be

approved as final with an effective date of November 1, 2022, unless otherwise noted.

**CJA Rule 4-202.03 Records Access.**

Allows a petitioner in an expunged case to obtain a certified copy of the expungement order and case history upon request and in-person presentation of positive identification. This mirrors the process for adoptive parents in obtaining a certified copy of an adoption decree.

**CJA Rule 6-501 Reporting Requirements for Guardians and Conservators.**

Incorporates changes related to HB 320 Guardianship Bill of Rights, streamlines and clarifies exceptions to reporting requirements, outlines procedures and timelines for approval of and objection to reports, and requires the use of a Judicial Council-approved Order on Review and report forms that are substantially the same as Judicial Council-approved forms. In response to comments, the Policy, Planning, and Technology Committee renamed “coversheet” to “Order on Review of Guardian or Conservator Report” (“Order on Review”) to clearly define what it is and to ensure it is recognized as a critical document in the file.

**CJA Rule 4-508 Guidelines for Ruling on Motion to Waive Fees**

Amendments are in response to SB 87 Court Fee Waiver Amendments, effective May 4, 2022. Among other things, SB 87 amends provisions regarding affidavits of indigency and requires a court to find an individual indigent under certain circumstances. The Policy, Planning, and Technology Committee adopted the proposed amendments.

Chief Justice Durrant thanked Ms. Williams.

**Motion:** Judge Connors moved to approve CJA Rule 4-202.03. Records Access and Rule 6-501. Reporting Requirements for Guardians and Conservators, as presented, with a November 1, 2022 effective date and approve CJA Rule 4-508 Guidelines for Ruling on Motion to Waive Fees, as presented, with an August 19, 2022 effective date. Judge Chin seconded the motion, and it passed unanimously.

**11. APPOINTMENT OF WATER LAW JUDGES: (Shane Bahr)**

Chief Justice Durrant welcomed Shane Bahr. CJA Rule 6-104 District Court Water Judges will go into effect on November 1, 2022. The rule requires the Council to formally designate at least three district court judges who volunteer as water judges. In preparation for this new rule to go into effect, the Board of District Court Judges contacted judges who currently have water cases assigned to them and asked if they were interested in volunteering to be water judges.

The following judges have expressed interest in serving as water judges. The Board of District Court Judges recommended that the Council designate these nine district court judges to serve as water judges.

- First District Court – Judge Angela Fannesbeck
- Second District Court – Judge Jennifer Valencia
- Third District Court – Judge Laura Scott, Judge Patrick Corum, and Judge Kent Holmberg (possibly short-term)

- Fourth District Court – Judge Kraig Powell
- Fifth District Court – Judge Ann Marie McIff Allen and Judge Michael Westfall (possibly short-term)
- Eighth District Court – Judge Greg Lamb

Judge Pettit wondered how much staff would be needed to work with this many Water Law Judges. Mr. Bahr explained that there will be one staff member to assist but they are planning on creating a bench book and provide mostly internal training. There is more costly training outside of the Utah Judiciary, which may be covered through the judges' annual judicial fund.

Chief Justice Durrant thanked Mr. Bahr.

**Motion:** Judge Connors moved to approve all nine judges designated above, as presented. Judge Pullan seconded the motion, and it passed unanimously.

## **12. COMMISSIONER RECERTIFICATIONS: (Shane Bahr)**

Chief Justice Durrant welcomed Shane Bahr. The court commissioner evaluation and retention process are governed by the following Code of Judicial Administration rules:

- Rule 3-111 Performance Evaluation of Active Senior Judges and Court Commissioners
- Rule 3-201 Court Commissioners

Commissioner Michelle Tack's and Commissioner Marian Ito's term ends on December 31, 2022. According to the information from the self-declaration form, surveys and annual performance evaluations, Commissioner Ito and Commissioner Tack meet the performance standards in the following areas: survey scores, judicial education records, self-declaration, no formal or informal sanctions, and performance evaluations. Neither of the commissioners has a complaint pending before the Commissioner Conduct Commission and there weren't any public comments submitted for either commissioner.

Chief Justice Durrant thanked Mr. Bahr.

## **13. SENIOR JUDGE RECERTIFICATIONS: (Neira Siaperas)**

Chief Justice Durrant welcomed Neira Siaperas. The following Code of Judicial Administration rules are relevant to appointment and reappointment of senior judges:

- CJA Rule 11-201 Senior Judges and CJA Rule 11-203 Senior Justice Court Judges establish the qualifications, term, authority, appointment, and assignment for senior judges.
- CJA Rule 3-111 Performance Evaluation of Active Senior Judges and Court Commissioners establishes the criteria and standards for performance evaluations.

### **Initial Appointment**

Hon. David Hamilton, Second District Court, will retire on October 31, 2022 and has applied to become an active senior judge.



## **Reappointments**

### *Active senior judges seeking reappointment*

The following active senior judges of courts of record have applied for reappointment: Hon. Kate Appleby, Hon. Kent Bachman, Hon. Robert Dale, Hon. Lynn Davis, Hon. Donald Eyre, Hon. Dennis Fuchs, Hon. Ben Hadfield, Hon. Royal Hansen, Hon. Kimberly Hornak, Hon. Ernest Jones, Hon. Gordon Low, Hon. Michael Lyon, Hon. Darold McDade, Hon. Frederic Oddone, Hon. Sandra Peuler, Hon. Robin Reese, Hon. Gary Stott, and Hon. Brent West.

The following active senior justice court judge has applied for reappointment: Hon. Scott Cullimore.

### *Inactive senior judges seeking reappointment*

The following inactive senior judges of courts of record have applied for reappointment: Hon. Lyle Anderson, Hon. Leslie Brown, Hon. Hans Chamberlain, Hon. Paul Iwasaki, Hon. Denise Lindberg, Hon. Tyrone Medley, Hon. Andrew Valdez, and Hon. Michael Wilkins.

The following inactive senior justice court judges have applied for reappointment: Hon. Dennis Barker, Hon. Holly Barringham, and Hon. Lesley Scott.

### *Judges not seeking reappointment*

The following judges have not responded nor applied for reappointment, therefore, their terms will expire on December 31, 2022: Hon. Darold Butcher; Hon. Norman Ashton; Hon. Paul Lyman; and Hon. James Beesley. Hon. Lee Dever has indicated that he will not seek reappointment when his term expires on December 31, 2022.

## **Information**

### *Initial Appointment*

Judge Hamilton meets the qualifications for an active senior judge appointment as outlined in Rule 11-201.

### *Reappointments (Inactive and Justice Court Judges)*

All inactive senior judges seeking reappointment meet the qualifications as outlined in Rules 11-201 and 11-203.

The Board of Justice Court Judges recommended reappointment of all senior justice court judges seeking reappointment this term.

### *Reappointments (Active Senior Judges)*

Subject to the Council's determination that the survey scores are satisfactory, all active senior judges seeking reappointment meet the standards of performance as outlined in Rule 3-111. Fourteen judges meet the qualifications as outlined in Rules 11-201 and 11-203. Five judges are not in compliance with Rule 11-201(1)(C)(vii) "accepts assignments, subject to being called, at least two days per calendar year." None of the judges have outstanding complaints after a finding of reasonable cause with the Judicial Conduct Commission or the Utah Supreme Court (Rule 11-201(2)).

Chief Justice Durrant thanked Ms. Siaperas.

#### **14. OLD BUSINESS/NEW BUSINESS**

No additional business was discussed.

#### **15. EXECUTIVE SESSION**

**Motion:** Judge Shaughnessy moved to go into an executive session for the purpose of discussing the character, competence, or physical or mental health of an individual and for the purpose of discussing litigation or legal advice. Judge Mortensen seconded the motion, and it passed unanimously.

After the executive session, the following motions were made.

**Motion:** Judge Pettit moved to approve forwarding to the Supreme Court for certification: Hon. David Hamilton as an active senior judge, effective upon retirement; approve forwarding to the Supreme Court for recertification: active senior judge recertifications of Hon. Kate Appleby, Hon. Donald Eyre, Hon. Dennis Fuchs, Hon. Royal Hansen, Hon. Kimberly Hornak, Hon. Ernest Jones, Hon. Michael Lyon, Hon. Darold McDade, Hon. Frederic Oddone, Hon. Sandra Peuler, Hon. Robin Reese, and Hon. Gary Stott; inactive senior justice court judge Hon. Scott Cullimore; inactive senior judges Hon. Lyle Anderson, Hon. Leslie Brown, Hon. Hans Chamberlain, Hon. Paul Iwasaki, Hon. Denise Lindberg, Hon. Tyrone Medley, Hon. Andrew Valdez, and Hon. Michael Wilkins, and inactive senior justice court judges Hon. Dennis Barker, Hon. Holly Barringham, and Hon. Lesley Scott as amended and to not forward at this point to the Supreme Court for recertification six judges that were addressed in the executive session. Judge Connors seconded the motion, and it passed unanimously.

**Motion:** Judge Pettit moved to approve the recertification of Commissioner Michelle Tack and Commissioner Marian Ito, as having met the performance standards and inform their respective presiding judges for retention purposes, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

#### **16. CONSENT CALENDAR ITEMS**

- a) Rules for Public Comment. CJA Rule 4-202.02. Records Classification and Appendix B. Justice Court Standards for Recertification. Approved without comment.
- b) Committee Appointments. The reappointment of Judge Jon Carpenter and the appointment of Judge Brendan McCullagh, Judge Ryan Richards, and Judge Barbara Finlinson to the Uniform Fine Committee. Approved without comment.

#### **17. ADJOURN**

The meeting adjourned.

## Agenda

**JUDICIAL COUNCIL  
ANNUAL BUDGET AND PLANNING MEETING**

**Minutes  
August 19, 2022**

**Meeting held through Webex**

**8:00 a.m. – 12:07 p.m.**

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

**Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Todd Shaughnessy, Vice Chair  
Hon. Keith Barnes  
Hon. Brian Brower  
Hon. Samuel Chiara  
Hon. Augustus Chin  
Hon. David Connors  
Hon. Ryan Evershed  
Hon. Paul Farr  
Hon. Elizabeth Lindsley  
Hon. David Mortensen  
Justice Paige Petersen  
Hon. Kara Pettit  
Margaret Plane, esq.  
Hon. Derek Pullan

**Excused:****Guests:**

Jonathan Ball, Legislative Fiscal Analyst  
Kim Brock, TCE Third District Court  
Holly Langton, GOPB  
Hon. Brendan McCullagh, West Valley Justice Court  
Hon. Doug Nielsen, Fourth District Juvenile Court  
Hon. Laura Scott, Third District Court  
Alissa Swart, Case Manager, Third District Court  
Gary Syphus, Legislative Fiscal Analyst  
Nate Talley, Deputy Director, GOPB  
Mark Urry, TCE Fourth District Court

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Michael Drechsel  
Brody Arishita  
Shane Bahr  
Paul Barron  
Suzette Deans  
Amy Hernandez  
Meredith Mannebach  
Heather Marshall  
Daniel Meza Rincon  
Blake Murdoch  
Jordan Murray  
Bart Olsen  
Zerina Ocanovic  
Jim Peters  
Nathanael Player  
Nini Rich  
Nick Stiles  
Karl Sweeney  
Melissa Taitano  
Chris Talbot  
Keisa Williams  
Jeni Wood

**Guests Cont.:**

Shelly Waite, JTCE Fourth District Juvenile Court  
Elizabeth Wright, Executive Director, Utah State Bar

**1. WELCOME: (Chief Justice Matthew B. Durrant)**

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

**2. OVERVIEW: (Ron Gordon)**

Ron Gordon explained that the Council will review budget requests from throughout the state after being reviewed by the Boards of Judges and the Budget and Fiscal Management Committee. After presentations are made, the Council will have the responsibility of determining whether to advance and prioritize, defer or eliminate budget requests. The courts have been working on a judicial compensation increase recommendation with the Elected Officials and Judicial Compensation Commission, who will present the request to the Legislature.

**3. UTAH ECONOMIC OUTLOOK: (Nate Talley)**

Chief Justice Durrant welcomed Nate Talley, Deputy Director and Chief Economist for the Governor's Office of Planning and Budget. Mr. Talley defined a "soft landing" as it refers to federal reserve monetary policy and the prospects for being able to raise interest rates to address inflation while not triggering a recession. Mr. Talley's office will partner with the Legislative Fiscal Analyst to conduct a stress-test and consensus to gauge the state's budget reserves against revenue losses and expenditure demands.

Utah's job growth is trending moderately at 3.5%, which is higher than the state's long term average. Historically, Utah's job growth rate has been higher than other states in the nation. This may be due to other states' reliance on natural resource extraction. Utah continues to lead the nation in recovered jobs since pre-pandemic levels. Utah's labor force participation rate of 68.1% matches the state's pre-pandemic levels and is markedly higher than the nation. Utah private wage growth is trending moderately at 7.5%. Utah's wage growth ranks 7<sup>th</sup> highest in the nation. Utah state government revenue is trending moderately at 24%. Utah unemployment rate is trending even at 2%. Utah job openings are trending even at 6.5%. There are three job openings for every one Utahn, actively seeking employment. Utah housing prices and Utah confidence are suffering as a response to high inflation. The nationwide consumer price index is 8.5%.

Chief Justice Durrant thanked Mr. Talley.

**4. LEGISLATURE'S APPROACH TO FY 2024 BUDGET: (Jonathan Ball)**

Chief Justice Durrant welcomed Jonathan Ball, Legislative Fiscal Analyst. Mr. Ball informed the Council that they can find information on Utah's budget on Utah's government website: <https://budget.utah.gov/>. The nation is still in a period where there is a lot of federal and personal stimulus working its way through the economy. Utah has already seen a downturn in recession in reference to revenue estimates, as FY 2023 revenue estimates are lower than FY 2022.

Mr. Ball felt the state was going to have to stay the course on fiscal discipline when considering its current large surplus. Fiscal discipline can be treated as a temporary fix to a crisis, however, Utah has to exercise fiscal discipline each year. One-time money must be invested in ways that will help the economy long term. Such as through forward funding capital

infrastructure, which means considerations for buildings for the next 10-15 years, rather than short-term uses. Or, using the funds for transit or roads.

Mr. Ball informed the Council that the state does not oversee property taxes, although they do have the authority to raise them. Homeowners may see a hike in property taxes due to the differential growth rate between residences and commercial property. The value of primary and secondary residences is growing exponentially, especially in Washington County. Commercial property is not growing as quickly, therefore is causing concern that there may be excess unused office space. The states ongoing budget will be lower next year; hence they anticipate a modest increase in ongoing revenue.

Mr. Ball explained that large salary employee increases can lead to a recession. This happened last between 2001-2008, shortly before the 2008-2010 recession. Even so, the Legislature understands the impact wage growth is having on the labor market and is considering wage increases for state employees.

Chief Justice Durrant thanked Mr. Ball.

**5. FY 2022 FILINGS AND DISPOSITION COUNTY – DISTRICT, JUVENILE, AND APPELLATE: (Paul Barron, Shane Bahr, and Daniel Meza Rincon)**

Chief Justice Durrant welcomed Paul Barron, Shane Bahr, Daniel Meza Rincon, Heather Marshall, and Zerina Ocanovic.

**Statistics over the past fiscal year.**

- Supreme Court filings have increased 10%
- Court of Appeals filings have increased 31%
- District court judgments, general civil, property rights, probate, domestic, traffic, and criminal cases have an overall 3% decrease
- Criminal cases have resulted in a decline of 6%
- Property rights cases have resulted in an increase of 23%
- Eviction filings have increased
- Debt collection filings have continued to decline since 2019 at a 7.5% rate
- General civil cases have resulted in a decrease of 7%
- Tort case filings have resulted in a decrease of 12%
- Probate case filings have resulted in an increase of 4%
- Guardianship and conservatorship filings have seen an overall increase of 3%
- The average age of pending cases has increased from 2020 to 2022

### District court time to disposition

District Court Time to Disposition 12-Month Summary July 1, 2021 to June 30, 2022				
Case Category	Case Type	% Goal	Time Goal	% Disposed Within Time Goal
<b>Criminal</b>	Felonies and Misdemeanors	95%	12 m	84%
<b>Civil</b>	All Civil except Eviction, Small Claims	95%	24 m	95%
	- Debt Collection	95%	12 m	97%
	- General Civil	95%	24 m	89%
	- Torts	95%	24 m	84%
	Eviction	95%	9 m	90%
<b>Domestic</b>	Divorce, Paternity, Custody and Support	95%	18 m	90%
	Domestic Modifications	95%	12 m	71%
	Temporary Protective Orders	95%	10 d	99%
<b>Probate</b>	Administration of Estates	95%	12 m	99%
	Guardian/Conservatorship: Protected Persons	95%	90 d	79%
	Involuntary Civil Commitment	95%	15 d	91%

District Court Time to Disposition Comparison to Pre-Pandemic Percentages of Cases Meeting Time Goal			
Case Category	Case Type	FY19	FY22
<b>Criminal</b>	Felonies and Misdemeanors	95%	84%
<b>Civil</b>	All Civil except Eviction, Small Claims	96%	95%
	- Debt Collection	98%	97%
	- General Civil	94%	89%
	- Torts	88%	84%
	Eviction	94%	90%
<b>Domestic</b>	Divorce, Paternity, Custody and Support	93%	90%
	Domestic Modifications	74%	71%
	Temporary Protective Orders	100%	99%
<b>Probate</b>	Administration of Estates	99%	99%
	Guardian/Conservatorship: Protected Persons	82%	79%
	Involuntary Civil Commitment	97%	91%

### Justice courts time to disposition

Case type	Goal percentage	Goal time	Percentage disposed within goal time
Misdemeanor B/C and infractions	95%	6 months	73%
Small claims	95%	9 months	90%
Traffic	95%	90 days	91%

Between FY 2021 and FY 2022, juvenile court referral trends had a 4% increase, delinquency referrals had a 9% increase, juvenile referral adult filings had a 7% decrease, child welfare had a 2% decrease, and miscellaneous referrals had a 17% increase.

### Juvenile court time to disposition

Case type	Goal percentage	Goal time	Percentage disposed within goal time
Delinquency and status offenses	95%	90 days	86%
Child welfare – Shelter hearing to adjudication	95%	60 days	89%

Child welfare – Adjudication to disposition hearing	95%	30 days	95%
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Judge Kara Pettit asked why the courts collect data on hospital liens. Mr. Barron was uncertain but will address this with his committee.

Chief Justice Durrant thanked Mr. Barron, Mr. Bahr, Mr. Meza Rincon, Ms. Marshall, and Ms. Ocanovic.

## **6. SUPREME COURT FUNDING: (Judge Derek Pullan)**

Chief Justice Durrant welcomed Judge Derek Pullan. Judge Pullan explained that while his observations of the past communications between the Supreme Court (Court) and the Council regarding the Office of Innovation (Office) were warranted and necessary to an informed debate, in making them he never intended to suggest that members of the Court made intentional misrepresentations to the Council or acted in bad faith.

### **Judge Pullan presented the following.**

#### **Separation of Powers Between the Supreme Court and the Judicial Council**

Both the Council and Court are constitutionally created with defined roles through Utah Constitution Article VIII Judicial Department, Section 2 Supreme Court -- Chief Justice -- Declaring Law Unconstitutional -- Justice Unable to Participate and Section 12 Judicial Council -- Chief Justice as Administrative Officer -- Legal Counsel. The Court, as found in Section 4, has exclusive authority for rule-making, governing the practice of law, authorizing retired judges and judges pro tempore to perform judicial duties, and managing the appellate process. The Council is responsible for adopting rules for the administration of the Judiciary. CJA Rule 3-105(3)(A) tasks the Council with “exclusive authority for administration of the judiciary, including authority to establish and manage the budget.”

#### **A Coordinated Process to Fund the Court’s Article VIII, Section 4 Duties by Internal Line Item**

Judge Pullan believed that the Council has a constitutional responsibility to ensure that the Court’s Article VIII, Section 4 duties are adequately funded, and to do so in a manner that allows the Court sole discretion. He proposed that the Council coordinate with the Court to allocate funds, designated by internal line item, for the Court’s Article VIII, Section 4 responsibilities.

For future requests, Judge Pullan proposed a process independent of and preceding the Annual Budget meeting, asking that the Court recognize that available one-time and on-going funds are limited, and that these limited funds are applied each year to a variety of important and competing budgetary needs. As to the funds required to perform its Article VIII, Section 4 duties, the Court does not stand in the same position as any other department within the Judiciary. He suggested that over the next year the Policy, Planning, and Technology Committee work together with the Court to draft a rule establishing the procedures for an independent budgetary process which would recognize the Court’s constitutional status and exclusive Article VIII, Section 4 duties.

### **Supreme Court response**

In response, the Court noted that they do not differentiate in their budget between Article VIII, Section 4 expenses and other operational expenses. Because of their delegation of authority to the Utah State Bar (Bar), including the authority to collect licensing fees, the Judiciary has borne only a small portion of the overall cost of these constitutional responsibilities.

All relevant expenses, with the exception of their funding request for the Office, are covered within their existing budget or within the licensing fee structure of the Bar. The Office's funding request, which was previously reviewed by the Council, included three requests: 1) that they be allowed to file a grant application with the Stand Together Foundation (approved by the Council), 2) that they be permitted to access ARPA funding not being used by higher ranked ARPA priorities (approved by the Council), and 3) that they be granted a one-time carryforward request for \$200,000 (deferred by the Council). Currently, there are no other competing requests for this one-time funding.

The Court spends roughly \$3,500 annually on the attorney admission process. This cost is offset by the Bar's \$50 admission fee. Due to this fee, the Judiciary does not realize any cost relating to admissions. The Court spends roughly \$3,600 annually on their committees, and roughly \$800 on related travel expenses. Over the last two years they have spent roughly \$15,000 of their internal budget on the Office.

If the Court and the Council elect to pursue this funding format, the Court will be glad to work with AOC Finance and the relevant departments over the next year to determine an appropriate level of funding concerning these constitutional responsibilities. Of course, the most significant item to be addressed will not be the relatively small matters, but may be the future funding of the Office.

Chief Justice Durrant appreciated Judge Pullan's proposal and sensitivity to the issues. He recognized that there is no constitutional, statutory or rule authority for the Council to oversee the Court's performance of Article VIII, Section 4 responsibilities. Chief Justice Durrant suggested the Council and Court coordinate funding requests together. He didn't believe the Court's request should fall within the same categories as other budget requests because of their constitutional requirements.

Judge Pettit thought the timeline would be similar to the current timeline. An administrative rule in the accounting manual could highlight the details. Mr. Sweeney thought this was feasible and mentioned that the Court's budget is almost all personnel. Judge Connors supported Judge Pullan's proposal but was concerned that the an increased need for funding the Court would result in a decrease of funding for the Council to distribute.

**Motion:** Judge Pullan moved to approve that over the next year, Policy, Planning, and Technology Committee together with the Supreme Court, draft a proposed rule establishing procedures for an independent budgetary process, which recognizes the Courts constitutional status and exclusive Article VIII, Section 4 duties. And, that this be presented to the Council so that it might be implemented in the next budgetary cycle. Judge Pettit seconded the motion, and it passed unanimously.



Judge David Mortensen asked for clarification on the status of the \$200,000. Chief Justice Durrant confirmed that this budget request was deferred.

Chief Justice Durrant thanked Judge Pullan.

**7. JUDICIAL COUNCIL BUDGET APPROVAL PROCESS, BUDGET AND FISCAL MANAGEMENT COMMITTEE PROCESS: (Judge Kara Pettit, Ron Gordon, Shelly Waite, Judge Doug Nielsen, Chris Talbot, Nathanael Player, Bart Olsen, Amy Hernandez, Brody Arishita, Meredith Mannebach, Kim Brock, and Judge Laura Scott)**

Chief Justice Durrant welcomed the presenters. The Annual Budget Plan is a process where the Council determines which budget requests will be submitted to the Legislative Fiscal Analyst Office through a prioritization process. Legislative approved items are added to the courts FY 2024 base budget. The court's base general fund budget for FY 2023 is \$131.5 million.

**Carryforward**

Carryforward funds are unused one-time funds from the prior fiscal year that will be carried into the next fiscal year. The Legislature has typically authorized at least \$2.5 million in one-time carryforward. In recent years due to supply chain issues, the authorized carryforward amount has been increased to \$3.2 million.

**Fiscal Year-End One-Time Funds**

The Finance Department works with districts, administrators, and directors to create a forecast to determine if carryforward funds will exceed the allowed carryforward amounts. If the forecasted amount will exceed the allowed carryforward funds, Finance will seek requests from districts, administrators, and directors to spend the "excess" one-time funds prior to the end of the fiscal year so that they do not lapse. Typically, the courts have generated approximately \$2.0 million in year-end one-time spending amounts in addition to the \$2.5 million – \$3.2 million in carryforward funds.

**One-Time or Ongoing Turnover Savings**

Savings to budget arise from personnel turnover and program spending less than budgeted.

1. One-time turnover savings occurs when a position is vacant for a period of time. These funds can be used for both year-end (the current fiscal year) and carryforward (the next fiscal year) purposes.
2. Ongoing turnover savings occurs when a vacant position is filled at a lower rate than budgeted. Only general fund positions generate turnover savings; personnel paid out of specialty funds or grants do not generate turnover savings.

One-time turnover savings are used for the "greater good" of the courts and are combined with one-time non-personnel savings to determine the total one-time carryforward and year-end funds available. Turnover savings originate in every budgetary unit in the courts and are used to fund various Council approved requests.

### **Annual Budget Approval Process**

1. Any individual or group within the courts can submit a judicial priority request.
2. The requests are circulated to the Board of District Court Judges, Board of Juvenile Court Judges, and Board of Appellate Court Judges.
3. The Boards submit their prioritization of the requests to the BFMC.
4. Presenters attend the BFMC meeting to discuss their requests.
5. BFMC prioritizes the requests and then sends the requests to the Council for consideration.

### **Fourth District Court Additional Juvenile Court Judge**

\$475,000

Ongoing funds

Based on the FY 2022 Interim Judicial Weighted Caseload statistics, the average workload for a judge in the Fourth District Juvenile Court has increased from 116% (3 years ago) to 136% of standard (2022). From FY 2021 to FY 2022 the court has experienced a 14% increase. Hearings are double-booked, emergency hearings are frequently set during the lunch hour leaving minimal breaks for both judicial officers and their judicial assistants. Judicial officers' time is largely spent on the bench; there is little time for work in the chambers. The duties of reviewing warrants, preparing for cases, issuing orders, and working on committee assignments is done either after hours or squeezed in between hearings. The Fourth District Juvenile Court has five judges. These judges serve Wasatch, Utah, Juab and Millard Counties. Three of the judges travel to serve the rural counties of Wasatch, Juab and Millard. The increase in travel directly impacts the time on calendars.

Judge Douglas Nielsen noted the juvenile court had a "one family, one judge" philosophy to ensure each family in the juvenile court is taken care of in a professional and caring manner. Judge Pullan wondered if the court has sought assistance from other juvenile court judges. Judge Nielsen said they do not typically request coverage. Judge Samuel Chiara recognized that the Seventh District Juvenile Court has enough judicial support to help the Fourth District Juvenile Court and wondered what the feasibility would be to utilize assistance from them. Judge Nielsen didn't believe this was feasible because they are working towards in person hearings, which would make it very difficult for judges to travel. Plus, ensuring there is sufficient staff would cause problems. Judge Nielsen referred the Council to the supplemental document explaining limitations with the Seventh District Court bench providing assistance to the Fourth District Court bench.

Judge Chiara asked if the Council faced any risks of the Legislature moving a judge from the Seventh District to the Fourth District. Judge Elizabeth Lindsley reminded the Council that the Third District Juvenile Court lost a judicial position, which resulted in the judges taking on more work and now needed a judicial officer in the Third District Juvenile Court. She thought judges assisting from other districts is temporary and thought this request was needed. Mr. Gordon appreciated Council members asking these questions because they are what the Legislature would ask as well. He felt comfortable in the explanation that he would be able to give the Legislature regarding the impression of the Seventh District Juvenile Court being over staffed.

### **Recruit & Retain Non-Judicial Legal Expertise**

\$1,513,100

Ongoing funds

The average rate of actual annual pay for jobs requiring a Juris Doctorate in the judicial branch is currently about \$55,800. Entry-level attorneys are being hired at a few law firms with \$200,000 starting pay. The requested funding would equip the courts to successfully recruit and retain essential supportive legal expertise for many years to come. Salary increases would impact approximately 75 existing branch attorneys, including the following jobs: General Counsel, Associate General Counsel, Capital Litigation Research Attorney, Appellate Court Administrator, Appellate Mediator, Law Clerk Attorney, Directors of Self-Help Center, Law Library, and Utah Judicial Institute, Assistant State Court Administrator, Self-Help Center Attorney, and Central Staff Attorney.

Judge Todd Shaughnessy shared that the Third District Court has two law clerk positions open, one of which has been opened for six months and has undergone two hiring cycles, which resulted in a total of eight applicants. Every applicant that was offered the job declined. Judge Mortensen and Judge Connors said this has also affected their respective courts. Judge Pullan wanted to make sure the amount requested was enough. Mr. Gordon explained that the Attorney General's Office reported that they were grateful to the Legislature for their recently received \$2 million recruitment and retention funding for attorneys but believed it didn't make a big difference. Mr. Gordon said the judiciary has seen a difference in recruitment and retention after increasing the pay for judicial assistant positions by 14%.

Judge Chiara asked if current law clerks would also receive a \$5-7 per hour pay increase. Mr. Olsen stated that all current positions that require a Juris Doctorate will receive a pay increase, but the amounts may vary. He further noted, federal court law clerks are paid a bit higher than the state courts. Judge Pettit asked if the Council could match a 20% increase for law clerks. Mr. Gordon was not concerned about increasing in this request if that is what is needed to impact recruitment and retention. Mr. Olsen provided estimates: \$26.91 hourly is about \$56,000 annual. 20% salary increase = \$32.29 or about \$67,000 annual. 30% increase = \$34.98 or about \$73,000 annual.

Mr. Sweeney said Guardian ad Litem attorneys received ongoing federal funding for raises. Chief Justice Durrant learned that the Tenth Circuit Court pays law clerks right out of law school approximately \$66,400 and law clerks with experience approximately \$79,684.

Judge Augustus Chin wondered if increasing this request would also increase the other law clerk request. It was confirmed that if this request amount was increased, then it would also increase the other request.

**Motion:** Judge Connors moved to have Mr. Olsen recalculate the proposed rate for law clerks from \$32 an hour to \$35 an hour and adjust the other law clerk item amount as well. Judge Shaughnessy seconded, and it passed unanimously.

**Self-Help Center Forms Attorney**

\$127,000

Ongoing funds

This is a request for one additional staff attorney at the Self-Help Center to help with drafting and revising court forms. This would be in addition to helping with inquiries. The Self-Help Center currently has funding for five full-time staff attorneys.

**Wasatch County Justice Center**

\$163,301

Ongoing funds

The court has leased space at the Wasatch County Justice Center since 1996 and has funded rent payments through the Facilities budget at \$95,413 annually at a fixed rate over the last 9 years. They anticipate applying the rent towards a new lease, in addition to the recently reallocated annual bond payments from the retired Richfield Courthouse bond of \$219,155. The judiciary needs an additional courtroom in the Wasatch facility. The new lease, which will include construction costs, is estimated at \$477,869 annually. This leaves an annual shortfall of \$163,301. Chris Talbot requested the Council give him permission to ask the EOCJ if they believe this request would be funded so he could begin the design, which would cost \$250,000.

**Motion:** Judge Connors moved to support Mr. Talbot's request to hold a discussion with the EOCJ. Judge Shaughnessy seconded, and it passed unanimously.

**Domestic Violence Program Manager Position**

\$110,000

Ongoing funds

This budget request sought ongoing funding for a full-time Domestic Violence Program Manager position to address domestic violence, sexual violence, dating violence, stalking, and protective order needs. In particular, a full-time manager will have capacity to ensure compliance with state and federal data requirements for the Statewide Domestic Violence Network (protective order network). The manager will also ensure the use of best practices in domestic violence, sexual violence, and protective order cases as domestic violence incidents increase across Utah. Mr. Gordon noted that the best case scenario is that one FTE is funded by the Legislature and the .5 FTE grant funds are retained. If general funds are not sufficient, the courts would limit the position to one FTE. Mr. Gordon explained, that grant funds are wonderful and allow the courts to do work they may not be able to do otherwise but the grant funds also limit the scope of the position.

**Information Technology – Essential Software Funding**

\$1,096,000

Ongoing funds

To advance access to justice in Utah by improving and maintaining the courts' IT infrastructure and development through continued licensing of software ensuring ongoing

funding for critical software and expanding coverage. That urgency has only increased with the issues surrounding access to justice in a post-COVID court system. If Adobe eSignatures is approved, additional one-time funding will be requested. Mr. Arishita explained that they are working on a roadmap to convert Webex to FTR recordings, through working with each district to determine their backlog.

Judge Pettit asked if there were any concerns for requesting ongoing funds. Mr. Sweeney explained that the Legislature will review each item and has the authority to remove any, should they choose. Judge Pullan wondered if it would make sense to internally fund the smaller requests. If the smaller requests were removed, Mr. Arishita would ask the Council for one-time funding for these.

This prioritized request includes

- Windows 10 Enterprise Upgrades and Software Assurance - \$135,000
- Increased cost of Google licensing for Enterprise Plus - \$148,000
- Increased cost of Webex licenses for Courts - \$38,000
- Continued software licensing for Clean Slate Legislation (Senzing) - \$25,000
- FTR - \$220,000
- Add licenses for remaining 560 court employees to Microsoft M365 - \$80,000
- Adobe Experience Manager - \$150,000
- Adobe eSignatures - \$300,000

#### **Jury Department FTE Request**

\$233,100

Ongoing funds

Currently, there are three time-limited judicial assistants assigned to the Third District Court Jury Department who support 31 judges. These positions have been funded with ARPA dollars since July 1, 2021 and are approved through FY 2023. This request is to make those three positions permanent.

#### **Tribal Outreach Program Coordinator**

\$64,900

Ongoing funds

In 2019, the AOC created this position to lay the foundation for relationships between the Utah State Courts and the eight Utah Tribal Nations. Court personnel and community stakeholders highlighted critical issues such as the Missing and Murdered Indigenous Women's Crisis and the Indian Child Welfare Act that impact both the state courts and the Native American Nations. If approved, this request would fund 50% of the Tribal Outreach Coordinator's position.

#### **District Court Law Clerk Attorneys**

\$961,200

Ongoing funds

This request is for nine district court law clerk attorneys. The request will fund seven new law clerk attorney positions and convert two positions currently funded with one-time funding to ongoing funds. One of the clerks will be assigned to support the newly created Water Law program. The other eight positions will be allocated equitably throughout the districts to provide one law clerk attorney for every two district court judges. There are currently 32 law clerk attorneys serving 77 district court judges. Thirty of the existing positions are funded with ongoing general fund and two positions are funded with one-time turnover dollars. If approved, this will move the courts to two judges to every one law clerk. This request is based on the higher, \$32 an hour rate. If the earlier proposal passes, this amount will need to be adjusted to increase to the Council approved \$35 an hour rate. Judge Lindsley noted that the juvenile court has two law clerks for thirty judges.

**ODR Program Administrator**

\$120,000

Ongoing funds

This request will pay for one program administrator for the ODR program. The ODR program is currently administered through one-time funds. Judge Brendan McCullagh, who has been running the ODR program in his court longer than any other court, believed this position will expand as the ODR platform's demand increases.

**New Furniture Configuration for Matheson Second Floor IT Areas**

\$235,000

One-time funds

The existing IT cubicle area has 35 workstations that create a maze and visual obstruction in the open office space on the second floor. The Facilities and IT departments need to transform the area into a modern, socially distanced and flexible work area that could be used by all AOC departments.

**Judicial Compensation Increase**

Mr. Gordon updated the Council that the courts presentation of a requested 20% salary increase (about \$7 million) to the EJCC went very well. The Commission will decide how much an increase to request and will make the recommendation to the Legislature. Mr. Gordon recommended having the Council go on the record to support this effort and include it as a priority. Judge Lindsley said the Board of Juvenile Court Judges thought the request for a new juvenile court judge was more important than a salary increase. The Board of Juvenile Court Judges also ranked the IT and Wasatch County requests higher than the judicial salary request.

Chief Justice Durrant thanked the presenters.

**b. FINALIZE JUDICIAL COUNCIL PRIORITIES: (Judge Kara Pettit, Karl Sweeney, and Melissa Taitano)**

Chief Justice Durrant welcomed Judge Kara Pettit, Karl Sweeney, and Melissa Taitano. The process is for the Council members to assign any requests not advanced as a Judicial Priority/Building Block or Legislative Fiscal Note into one the following two categories:

**a) Deferral or Alternative Funding**

**i. Deferral** – Items which are removed from consideration for general fund money in the general session and will be brought back to the Council in the spring or summer for reconsideration of funding through 1) submission as a general session judicial priority for the next year; 2) year-end surplus funds (one-time funds); 3) carryforward funds (one-time funds) or 4) ongoing turnover savings (ongoing funds generally used for personnel matters).

**ii. Alternative funding**—Items requested for which funding may be available from sources other than the legislature including grants and items (2), (3) or (4) above.

**b) Elimination** – Items that are requested that the Council elects not to pursue during the legislative general session are removed from consideration for general fund money and will not be automatically considered again.

Judge Pullan recognized that the Supreme Court lost two justices recently to the private industry and felt the Council needed to diminish the incentive for judges to leave the courts. Chief Justice Durrant mentioned there were different factors for the recent departure of two justices and that salary was a factor for both.

Judge Pullan requested the Council consider removing some of the IT Department's smaller requests (Webex (\$38,000), Clean Slate (\$25,000), and Microsoft M365 (\$80,000)) before considering the priority of the other requests, reducing the IT request to \$953,000. Judge Brian Brower wondered if the Council should leave the Clean Slate request on, because the amount requested would still be under \$1 million at \$978,000. He further noted that the clean slate program was legislative-enacted.

**Motion:** Judge Pettit moved to remove Webex licenses for \$38,000 and Microsoft M365 for \$80,000 from the IT request. Judge Brower seconded the motion, and it passed unanimously.

Judge Pullan had grave concerns that virtual jury selection will become the standard for the courts and until the Green Phase Workgroup finishes their work, he didn't believe the Council should fund any new jury FTE positions on this. He was concerned at how the rights of the accused might be affected.

**Motion:** Judge Shaughnessy moved to make the Non-Judicial Legal Recruit and Retain request to the second priority, following judicial compensation. Judge Lindsley amended the motion to make this to the first priority position, after the judicial compensation position and to make the Fourth District Juvenile Court Judge request the second priority after judicial compensation. Judge Shaughnessy accepted the amendment. Judge Mortensen seconded the motion, and it passed unanimously.

**Motion:** Judge Connors moved to move the District Court Law Clerk Attorneys item after the Information Technology – Essential Software Funding item. Judge Shaughnessy seconded the motion, and it passed unanimously.

**Motion:** Judge Mortensen moved to place the Tribal Outreach Program Coordinator request above the Jury Department FTE request. Judge Farr seconded the motion. The motion passed

with eight members voting in favor of and six members voting nay: Judges Shaughnessy, Barnes, Pettit, Pullan, Connors, and Chiara voted nay.

The Council completed the prioritized list. The results of the voting are as follows:

Rank	Amount	Ongoing or One-time	Item
Highest	Appx \$7 million	Ongoing	Judicial Compensation Increase
1 <sup>st</sup>	\$1,513,100 (will be revised)	Ongoing	Recruit & Retain Non-Judicial Legal Expertise
2 <sup>nd</sup>	\$475,000	Ongoing	Fourth District Additional Juvenile Court Judge
3 <sup>rd</sup>	\$127,000	Ongoing	Self-Help Center Forms Attorney
4 <sup>th</sup>	\$163,301	Ongoing	Wasatch County Justice Center
5 <sup>th</sup>	\$110,000	Ongoing	Domestic Violence Program Manager Position
6 <sup>th</sup>	\$978,000	Ongoing	Information Technology – Essential Software Funding
7 <sup>th</sup>	\$961,200 (will be revised)	Ongoing	District Court Law Clerk Attorneys
8 <sup>th</sup>	\$64,900	Ongoing	Tribal Outreach Program Coordinator
9 <sup>th</sup>	\$233,100	Ongoing	Jury Department FTE
10 <sup>th</sup>	\$120,000	Ongoing	ODR Program Administrator
11 <sup>th</sup>	\$235,000	One-time	New Furniture Configuration for Matheson Second Floor IT Areas

**Motion:** Judge Connors moved to approve the list as prioritized as listed above. Judge Mortensen seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Judge Pettit, Mr. Sweeney, and Ms. Taitano.

## 8. ADJOURN

The meeting adjourned.



# Tab 2

## Agenda

**JUDICIAL COUNCIL'S  
BUDGET & FISCAL MANAGEMENT COMMITTEE**

**Minutes  
August 4, 2022  
Meeting held through WebEx  
12:00 a.m. – 2:11 p.m.**

**Members Present:**

Hon. Kara Pettit, (Chair)  
Hon. Keith Barnes  
Hon. Elizabeth Lindsley  
Justice Paige Petersen  
Margaret Plane, Esq.

**Excused:****Guests:**

Mark Urry, TCE, Fourth District Court  
Brett Folkman, TCE, First District Courts  
Shelly Waite  
Kim Brock  
Alissa Stewart  
Amy Hernandez  
Lucy Beecroft  
Judge Laura Scott

**AOC Staff Present:**

Ron Gordon  
Neira Siaperas  
Nick Stiles  
Jim Peters  
Brody Arishita  
Todd Eaton  
Jonathan Puente  
Chris Talbot  
Bart Olsen  
Shane Bahr  
Daniel Meza-Rincon  
Meredith Mannebach  
Nathanael Player  
Jordan Murray  
Karl Sweeney  
Alisha Johnson  
Melissa Taitano  
Suzette Deans, Recording Secretary

- 1. WELCOME AND APPROVAL OF MINUTES (Judge Kara Pettit – “Presenter”)**  
Judge Kara Pettit welcomed everyone to the meeting.

**Motion:** Judge Keith Barnes moved to approve the July 5, 2022, as presented. Justice Paige Petersen seconded the motion, and it passed unanimously.

- 2. FY 2022 Financial Schedules (Alisha Johnson – “Presenter”)**

Alisha Johnson stated that she just submitted our FY 2022 close out to State Finance.

One-time Turnover and Budget Savings -We ended FY 2022 with 1x turnover and budget savings sufficient to fully fund the \$3,200,000 dollars in carryforward authorized by the

legislature. Our FY 2022 Year end Forecasted Available one-time Funds schedule (see below) shows a zero balance which includes (1) updates to the one-time spending plan requests to adjust for any where the expenditures were less than requested (this was adjusted in item (b) on the left hand side) and (2) the funding of \$300,000 to our Courts trust account. Back in November 2021 we received Judicial Council approval to shift credit card fees to the customer instead of having the credit card fees paid by the Courts out of earnings from our trust funds on deposit. It will take us until 2023 to get legislative approval and IT work completed to do so. Our forecast showed the trust account was going to be at least \$100,000 short so we moved \$300,000 of our 1x savings (which would otherwise lapse) to the trust account to shore it up.



### FY 2022 Year End Forecasted Available One-time Funds

Forecasted Available One-time Funds			#	One-time Spending Plan Requests	Current Requests Amount	Judicial Council Prev. Amount
Description	Funding Type	Amount				
<b>Sources of YE 2022 Funds</b>						
* Turnover Savings as of pay period ending 07/08/22 (including anticipated ARPA reimbursement)	Turnover Savings	4,059,887	1	Judicial Council Room Upgrades		39,481
** Turnover savings Estimate for the rest of the year (\$1,750 x 0 pay hours)	Turnover Savings	-	2	Archives and Records Upgrades		1,600,000
(a) <b>Total Potential One Time Turnover Savings</b>		<b>4,059,887</b>	3	WiFi Access Points Upgrades		120,000
(b) <b>Operational Savings From TCE / AOC Budgets</b>	Internal Operating Savings	<b>1,102,938</b>	4	FY 2022 Career Ladder Payments		243,000
(c) <b>Reserve Balance (from August Judicial Council meeting net of approved reserve uses)</b>	Judicial Council Reserve	<b>414,829</b>	5	FY 2022 Performance Bonus Payments Q1/Q2		365,000
<b>Uses of YE 2022 Funds</b>			6	Software for Clean Slate Legislation		19,667
Carryforward into FY 2023 (Maximum is \$3,200,000)	Desired Carryforward	(3,200,000)	7	My Case Account Creation Enhancements		130,000
			8	For The Record Upgrade		187,000
			9	Supplemental Secondary Language Stipend		5,200
			10	Taylorsville State Office Building AV Build-out Part 1		47,806
			11	Utah Criminal Justice Center Funding		5,000
			12	Performance Bonus Payments Q3/Q4		365,000
			13	Law Library - Delayed Subscription Payments		39,150
			14	Jury Assembly Room - Ogden		25,300
			15	SJI Grant Match for NCSC Concept Paper on Rule 26		23,050
			16	Matheson Carpeting Project		200,000
			17	Edge Firewalls w/ increased bandwidth		415,000
			18	Google Enterprise Plus Renewal		148,000
<b>Total Potential One Time Savings = (a) + (b) + (c) less Carryforward</b>		<b>\$ 2,377,654</b>		<b>Current Month One-time Spending Requests</b>		
Less: Judicial Council Requests Previously Approved		\$ (2,377,654)		<b>Previously Approved 1x FY 2022 YE Spending Request (net of cuf'd requests)</b>		<b>2,377,654</b>
Less: Judicial Council Current Month Spending Requests		\$ -				
<b>Remaining Forecasted Funds Available for FY 2022 YE Spending Requests</b>		<b>\$ -</b>				

Updated 08/01/2022

Ongoing Turnover Savings – During FY 2022, the Courts generated \$409,541 of ongoing turnover savings net of personnel uses. Approximately \$200,000 of ongoing turnover savings will roll forward into FY 2023. At our next meeting, we'll show the 2023 reports which will show the ongoing turnover savings rolled from FY 2022 to FY 2023.



### FY 2022 Ongoing Turnover Savings as of 07/29/2022

#		Funding Type	Actual Amount YTD	Forecasted Amount @ YE
1	Carried over Ongoing Savings (from FY 2021, includes unallocated ongoing appropriation)	Internal Savings	244,454	244,454
2	Ongoing Turnover Savings FY 2022	Internal Savings	1,015,037	1,015,037
3	<b>TOTAL SAVINGS</b>		<b>1,259,491</b>	<b>1,259,491</b>
	2021 Hot Spot used (balance available at beginning of FY was \$99,950)		(99,950)	(99,950)
	2022 Hot Spot used (\$110k initially available raised to \$200k in October Judicial Council)		(200,000)	(200,000)
	2022 Additional Targeted (\$100k allocated by Judicial Council in March)		(100,000)	(100,000)
	2022 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		(450,000)	(450,000)
4	<b>TOTAL USES before YE Requests</b>		<b>(849,950)</b>	<b>(849,950)</b>
5	<b>Actual Turnover Savings for FY 2022 as of 07/29/2022 Before Judicial Council YE Requests</b>		<b>\$ 409,541</b>	<b>\$ 409,541</b>

Prior Report Totals \$ 775,490 \$ 375,490

\* Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits

ARPA Expenditures - For fiscal year 2022 we had \$3,042,468 dollars in expenses for the IT access to justice part 1 and \$707,963 dollars in expenses for case backlog work, respectively, leaving us an authorized balance to be expended before 12/31/2024 of approximately \$8.0M and \$300,000 respectively. For FY 2023, we can start using our 2023 ARPA funding of \$3M as well.

Mr. Sweeney stated that FY 2023 carryforward had a reserve balance of \$500,000 but that he was aware of another request that will happen in September for about \$140,000 for an IT purchase that was originally scheduled for FY 2022 but was delayed until FY 2023.



## YTD ARPA Expenses as of 08/01/2022

#		Funded by Legislature	GOPB Approved	Requested Amount	Approved Amount	Actual Amount YTD	Balance Available	Activity Code	Description
1	IT Access to Justice - Response to COVID - Part I	May 21	Yes	11,000,000	11,000,000	3,042,468	7,957,532	ITCV	Projects will extend thru 12/31/24 See detail below.
2	Courts Case Backlog - Part I*	May 21	Yes	1,000,000	1,000,000	707,963	292,037	BKLG	
	Subtotal			12,000,000	12,000,000	3,750,431	8,249,569		
Requests to Legislature for FY 2023 - \$3,000,000 approved by the Legislature				Requested	Approved	Actual	Available		
1	IT Access to Justice - Response to COVID - Part II	N/A	Submitted 10/21	1,373,400	1,373,400	-	1,373,400	ITC2	Projects will extend thru 12/31/24 Projects case backlog will take thru 6/30/2023
2	Courts Case Backlog - Part II	N/A	Submitted 10/21	1,000,000	1,000,000	-	1,000,000	BK12	
3	COVID-19 Supplies	N/A	Submitted 10/21	640,000	302,100	-	302,100	CV19	
4	Legal Sandbox Response to COVID	N/A	Submitted 10/21	649,000	324,500	-	324,500		
5	Self-Help Center	N/A	Submitted 10/21	64,000	-	-	-		
6	Interpreter Equipment	N/A	Submitted 10/21	97,000	-	-	-		
7	Eviction Court	N/A	Submitted 10/21	166,000	-	-	-		
8	Public Outreach & Engagement	N/A	Submitted 10/21	30,000	-	-	-		
9	IT Access to Justice - Response to COVID - Part III	N/A	Submitted 10/21	1,881,500	-	-	-		
	Subtotal			5,900,900	3,000,000	-	3,000,000		
				\$ 17,900,900	\$ 15,000,000	\$ 3,750,431	\$ 11,249,569		

ARPA spending cut off date is 12/31/2024 ; ARPA cut off date for lost revenue is 12/31/2023.

- \* Data pulled using list of employees provided by TCEs

YTD Expenses Include

Personnel Expenses (as of PPE 7/8/22):	\$ 680,101
Mileage Expenses (as of PPE 7/8/22):	\$ 2,475
Sr. Judge Travel Expenses (as of 7/8/2022):	\$ 2,203
	<u>\$ 684,778</u>
COVID Testing Kit purchase:	\$ 23,185
	<u>\$ 707,963</u>

# Carryforward Spend Requests Presented for Approval to Forward to Judicial Council



## FY 2023 Carryforward and Ongoing Requests - 2022 Year End

7/29/2022

### Funding Sources

	One Time	Ongoing
Total Case Processing Amounts from 2022 General Session Fiscal Notes	\$ 247,900	\$ 818,200
Expected Carryforward Amount from Fiscal Year 2022 (as of 7/29/2022)	\$ 3,200,000	\$ -
Ongoing Turnover Savings (forecasted as of 7/29/2022 - funding for Hot Spot, Targeted, and Performance Raises already included)	\$ -	\$ 409,541
<b>Total Available Funding</b>	<b>\$ 3,447,900</b>	<b>\$ 1,227,741</b>

### Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
4 Clerk of Court Supplemental to JA Increase	N/A	\$ 59,000	N/A	\$ 59,000
5 Public Outreach Coordinator	N/A	\$ 120,000	N/A	\$ 120,000
6 Partial Restoration of FY 2021 Budget Cuts	N/A	\$ 112,500	N/A	\$ 112,500
7 New District Court Law Clerk Attorney	N/A	\$ 95,850	N/A	\$ 95,850
8 New Associate General Counsel - Legal Department	N/A	\$ 150,000	N/A	\$ 150,000
9 HB 143 DUIs - New Judicial Assistants	N/A	\$ 320,000	N/A	\$ 320,000
10 New HR Compensation & Classification Manager	N/A	\$ 120,000	N/A	\$ 120,000
11 Pre-fund Portion of Annual Performance Raises	N/A	\$ 150,000	N/A	\$ 150,000
12 Pre-fund Portion of Hot Spot Raises	N/A	\$ 82,000	N/A	\$ 82,000
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ 1,209,350</b>	<b>\$ -</b>	<b>\$ 1,209,350</b>
<b>Net Ongoing Total - carry into FY 2023</b>		<b>\$ 18,391</b>		<b>\$ 18,391</b>

### One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 AALL Conference Attendance Funds - Law Library	\$ 845	N/A	\$ 845	N/A
2* ODR Program Development	\$ 46,200	N/A	\$ 46,200	N/A
3 Bountiful District Courtroom #2 Audio Upgrade	\$ 40,000	N/A	\$ 40,000	N/A
4 Law Clerk Commitment Fulfillment	\$ 11,000	N/A	\$ 11,000	N/A
5 IT - Delayed Delivery of Statewide Routers and WIFI Access Points	\$ 160,000	N/A	\$ 160,000	N/A
6 TSOB Probation Office A/V System - Phase 2	\$ 61,509	N/A	\$ 61,509	N/A
7* HR - Onboarding and Recruitment Software	\$ 19,030	N/A	\$ 19,030	N/A
8* Education - In Person Conferences and Education Team Training	\$ 168,500	N/A	\$ 168,500	N/A
9* Employee Incentive Awards	\$ 280,000	N/A	\$ 280,000	N/A
10* ICI Operations Funding	\$ 21,000	N/A	\$ 21,000	N/A
11* Education Assistance Program Funding	\$ 85,000	N/A	\$ 85,000	N/A
12* Secondary Language Stipend	\$ 83,200	N/A	\$ 83,200	N/A
13* Public Transportation Reimbursement Program	\$ 50,000	N/A	\$ 50,000	N/A
14 Cisco Portal Upgrade - IT	\$ 150,000	N/A	\$ 150,000	N/A
15* Retain Contract Developers - IT	\$ 682,000	N/A	\$ 682,000	N/A
16* IT Replacement Inventory	\$ 250,000	N/A	\$ 250,000	N/A
17 Seventh District Courthouse Improvements	\$ 8,840	N/A	\$ 8,840	N/A
18 Partial Restoration of FY 2021 Budget Cuts	\$ 112,500	N/A	\$ 112,500	N/A
19 IT Bandwidth and Webex Renewal	\$ 118,000	N/A	\$ 118,000	N/A
20* Time-limited Law Clerks	\$ 191,200	N/A	\$ 191,200	N/A
21 IT Staff Augmentation	\$ 270,000	N/A	\$ 270,000	N/A
22 Pilot Program - Counseling for Court Employees and Jurors	\$ 35,000	N/A	\$ 35,000	N/A
23 Justice Court Reform Analysis Partner	\$ 50,000	N/A	\$ 50,000	N/A
24 Education - Diversity, Equity and Inclusion Training	\$ 25,000	N/A	\$ 25,000	N/A
25* Divorce Education for Children	\$ 12,000	N/A	\$ 12,000	N/A
26 Audio for Spanish Fork Courtrooms	\$ 17,000	N/A	\$ -	N/A
<b>Subtotal</b>	<b>\$ 2,947,824</b>	<b>\$ -</b>	<b>\$ 2,930,824</b>	<b>\$ -</b>
<b>Balance Remaining After Judicial Council Approvals</b>			<b>\$ 517,076</b>	
<b>+ Balance Remaining Inclusive of "Presented"</b>	<b>\$ 500,076</b>			

### LEGEND

Highlighted items are currently being presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

\* - Items have been presented and approved in prior years.

+ - One-time balance remaining will go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation.

If more funds are available than the total of requests received, prioritization is optional.

### 3. FY 2023 Carryforward Request (Todd Eaton – “Presenter”)

26. FY 2023 Carryforward Request - Upgrade Spanish Fork Courtroom Audio (Todd Eaton – “Presenter”)

Todd Eaton is requesting \$17,000 in one-time funds to upgrade the audio system in Spanish Fork District Courtroom. The courtroom was last updated in 2009 and lacks the current audio technology to support hybrid/remote hearings.

Spanish Fork is at the top of the list for the next upgrade. The total cost of the upgrade is \$40,000 per courtroom x 2 courtrooms = \$80,000. The funding will come from several places.

- IT still has \$24,000 remaining in the FY22/23 AMA (Agency Managed Account) through DFCM for courtroom upgrades. DFCM allowed us to extend the terms on the current AMA through FY23 due to current supply chain and hardware availability issues.
- Mark Urry (TCE 4th District) has set aside \$11,000 of his 2023 budget to contribute.
- Shelly Waite (TCE 4th Juvenile) has set aside \$28,000 to contribute.
- This brings internal funding to \$63,000. We are requesting the balance of \$17,000 so these updates can be completed in FY 2023.

**Motion:** Justice Paige Peterson made a motion to approve Margaret Plane seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

### 4. Judicial Priorities Discussion followed by Ranking (including Judicial Officer Pay)

After discussion, the BFMC ranked Judicial Officer Compensation as the overall #1 priority for FY 2023 above any of the 11 Judicial Priorities submitted.

Judge Pettit and Karl Sweeney explained that the goal of the ranking process is to assign 1 of the 11 as the most essential encompassing the courts mission. A score of 10 is the highest and only one item can be given a score of 10 in each of the 2 factors. Each of the remaining items would get a score of 1-9 with 9 being the highest or more essential. Once the items are scored on both factors: 1. How essential to accomplishing Court’s Mission and 2. Expenditure provides good return on investment, the scores will be tallied and will give us the ranking. Factor 1 number will be multiplied by 2. Adjustments can be made at the end to make sure you agree as to which items have more importance, and add value to the court’s mission. The discussion and ranking ensued.

#### 1. 4<sup>th</sup> District Additional Juvenile Judge - Judicial Priority (Shelly Waite – “Presenter”)

Shelly Waite is requesting \$475,000 of ongoing funds for a new 4<sup>th</sup> District Juvenile Judge. The current Fourth District Juvenile Court general fund budget does not have the internal funds available for a new judicial officer and two JAs. Over the last three years, our district has shown large increases in caseload, particularly in the critical and demanding

area of child welfare. The increases in caseloads are impacting the court calendars of each current judicial officer. Each officer has increased calendaring time on the bench to avoid delays and keep within the timelines. If the increased caseload continues with no relief there will be delays.

**Priority:** BFMC ranked the Fourth District Juvenile Court Judge as #1 priority. Total score was 29.

## 2. Matheson IT Remodel and Upgrade Workspace (Chris Talbot – “Presenter”)

Chris Talbot is requesting \$235,000 of FY2024 one-time funds for new furniture configuration for Matheson 2<sup>nd</sup> floor IT areas. As we respond to the COVID-19 impact on workers causing more to stay home and "visit" the office, we need to create flexible work locations that provide socially distanced space for employees to attach their device to a docking mechanism that can plug into external monitors, keyboard and mouse. This allows us to replace crowded cubes with safe temporary workspaces. It also will assist an employee or judge that travels to plug in a mobile device and work. As a side benefit, this allows us to add employees without having to add new buildings.

The existing IT cubicle area has 35 workstations that create a maze and visual obstruction in the open office space on the second floor. The Facilities and IT departments need to transform the area into a modern, socially distanced and flexible work area that could be used by all AOC departments. This could possibly include reducing the number of individual workstations to 20 and creating flexible collaboration spaces where teams could meet. There may also be an opportunity to build a few modular offices for AOC general use hoteling offices.

Mr. Sweeney pointed out that this request was for 1x funds which were generally more available than ongoing funds and do not compete for the same pool of funds as all of the other requests and this request could therefore be down ranked and still be funded.

**Priority:** BFMC ranked the Matheson workspace remodel as #11 priority. Total score was 3.

## 3. Wasatch Courthouse Lease (Chris Talbot – “Presenter”)

Chris Talbot is requesting \$163,301 of FY 2024 ongoing funds for a new capital lease with Wasatch County that will expand and improve the Court leased spaces within the County owned facility. The existing shared facility has only one courtroom dedicated for State Court use. Sharing a single courtroom between district and juvenile court with the increasing Wasatch County caseload has been problematic since in 2012. The existing facility needs to be expanded to provide another courtroom and additional support staff space. The Court has leased space at this location since 1996 and has funded rent payments through the Facilities budget at \$95,413 annually at a fixed rate over the last 9 years. We anticipate applying the \$95,413 towards the new lease in addition to the recently reallocated annual bond payments from the retired Richfield Courthouse bond of \$219,155.

The new lease, which will include construction costs, is estimated at \$477,869 annually. This leaves an annual shortfall of \$163,301 after the credits from our existing budget amounts are subtracted.

**Priority:** BFMC ranked the Wasatch Courthouse Lease as #4 priority. Total score was 25.

4. Self-Help New Forms Attorney (Nathanael Player – “Presenter”)

Nathanael Player is requesting \$127,000 of FY 2024 ongoing funding to add one additional staff attorney at the SHC to help with drafting and revising court forms. This would be in addition to helping with SHC inquiries. The Self-Help Center currently has funding for five full-time staff attorneys, who focus on helping patrons contacting the SHC for legal assistance. These positions are paid for out of the general fund. This new staff attorney would split their time drafting court forms and conducting user testing, while also answering SHC inquiries during peak hours.

**Priority:** BFMC ranked the Self-Help Attorney as #3 priority. Total score was 27.

5. Online Dispute (ODR) Administrator (Nathanael Player – “Presenter”)

Nathanael Player is requesting \$120,000 of FY2024 ongoing funds for an Online Dispute Resolution (ODR) Program Administrator, to be housed under the Self-Help Center. ODR is a system of resolving legal disputes using an online platform, removing the need for parties to physically come to the courthouse. Our ODR program has come very far – we need a dedicated employee to focus on the program to take our operations to the next level.

**Priority:** BFMC ranked the Online Dispute Administrator as #10 priority. Total score was 16.

6. Non-Judicial Legal - Recruit and Retain (Bart Olsen – “Presenter”)

Bart Olsen is requesting \$1,513,100 of FY2024 ongoing funds for recruitment and retention of Non-Judicial Legal Expertise. Judicial officers (judges, justices and court commissioners) rely heavily upon non-judicial officers with legal expertise to handle essential but legal ancillary matters tied to the daily judicial decisions that must be reached fairly and efficiently. These non-judicial officers must, at a minimum, hold a Juris Doctorate in order to possess the legal expertise necessary to provide adequate support needed by judicial officers. The average Court’s starting attorney clerk salary no longer competes with the starting salary for similar positions in Utah’s other public sector agencies. When salaries for the Judicial Branch positions that require legal expertise drop below other state agency positions with similar educational background, the resulting turnover from legal expert attrition makes it very difficult to fill vacant positions. The requested funding will be 100% allocated to personnel expenditures.

**Priority:** BFMC ranked the JD Required Positions as #2 priority. Total score was 28.



7. Domestic Violence Program Administrator (Neira Siaperas & Amy Hernandez – “Presenter”)

Ron Gordon and Amy Hernandez are requesting \$110,000 of FY 2024 ongoing funds for a full-time Domestic Violence Program Manager Position. A full-time DVPM will have capacity to ensure compliance with state and federal data requirements for the Statewide Domestic Violence Network (otherwise known as the protective order network). The DVPM will also ensure the use of best practices in domestic violence, sexual violence, and protective order cases as domestic violence incidents increase across Utah.

**Priority:** BFMC ranked the Domestic Violence Program Administrator as #5 priority. Total score was 24.

8. Tribal Outreach Program Coordinator (Jon Puente & Amy Hernandez – “Presenter”)

Jon Puente & Amy Hernandez are requesting \$64,900.00 of FY2024 ongoing funds for a Tribal Outreach Program Coordinator. This budget request seeks ongoing general funds funding for a 50% portion of the Tribal Outreach Program Coordinator’s (TOPC) position not funded by grants. By funding a 50% portion of the TOPC’s position with general funds, the TOPC will have the flexibility to address matters outside of grant funding that judicial leadership and Nation leadership highlight for intervention. This flexibility will allow the TOPC to develop and strengthen the Utah judiciary’s relationship with the Nations. The amount of funding for 50% of the TOPC is \$64,900.

**Priority:** BFMC ranked the Tribal Outreach Program Coordinator as #8 priority. Total score was 22.

9. Information Technology Essential Software Funding (Brody Arishita – “Presenter”)

Brody Arishita is requesting \$1,096,000.00 in FY2024 ongoing funds for information technology software. Below is a breakdown of how the funds would be spent.

- Windows 10 Enterprise Upgrades and Software Assurance - \$135,000
- Increased cost of Google licensing for Enterprise Plus - \$148,000
- Increased cost of WebEx licenses for Courts - \$38,000
- Continued software licensing for Clean Slate Legislation (Senzing) - \$25,000
- FTR - \$220,000
- Add licenses for remaining 560 court employees to Microsoft M365 - \$80,000
- AEM (Adobe Experience Manager) - \$150,000
- Adobe eSignatures - \$300,000

All requests are either to address costs encumbered by the courts through one time funding for initiation, increased costs due to expanded utilization, or price increases encountered this year. The Windows licensing and Google are expenses to maintain the courts current license levels and allow us to continue providing value to the citizens of Utah. These resources (e.g., WebEx, Senzing, AEM, Adobe eSignatures, FTR) allow the Court to

continue to create new value and increased efficiencies for the public, the legal community and Court staff.

**Priority:** BFMC ranked the Information Technology Software Funding as #6/7 priority. Total score was 23. Tied with 3<sup>rd</sup> District JA’s jury clerks.

#### 10. District Court New Law Clerk Attorneys (Meredith Mannebach – “Presenter”)

Meredith Mannebach is requesting \$961,200 of FY 2024 ongoing funds for (9) District Court Law Clerk Attorneys. One of the nine Law Clerk Attorneys will be assigned to work with the newly appointed water law Judges and the remaining eight (8) Law Clerk Attorney positions (6 new; 2 currently funded with 1x funds) will be allocated equitably to the eight judicial districts to provide one Law Clerk Attorney for every two District Court Judges.

**Priority:** BFMC ranked the District Court New Law Clerk Attorneys as #9 priority. Total score was 18.

#### 11. Third District JAs – Jury Selection (Kim Brock – “Presenter”)

Kim Brock is requesting \$233,100 of FY 2024 ongoing funds for 3 Jury Department FTEs. Funding for this request will support the 31 judges and thousands of prospective jurors in the Third District. The Third District has the largest volume of cases statewide with approximately 50% of the district level cases in the state being assigned to the Third District. Each month, the Third District jury team distributes approximately, 10,000 qualifications forms to prospective jurors. The purpose of this request is to obtain ongoing funding for three FTEs which will replace the three time-limited judicial assistant positions currently being funded by ARPA. The cost for each of these positions is approximately \$77,700, with the total annual cost of \$233,100 for three full-time permanent (FTE) judicial assistant positions.

**Priority:** BFMC ranked the Third District JA’s- Jury clerks as # 6/7 priority. Total score was 23. Score tied with Information Technology Software Funding.

#### **Final Ranking:**

Description	Factor 1	Factor 2	Total	Recommendation
4 <sup>th</sup> district Juvenile Judge	20	9	29	1
JD Required Positions – Recruit and Retain	18	10	28	2
Self-Help Center Attorney	18	9	27	3
Wasatch County Courtroom Addition (lease)	18	7	25	4
Domestic Violence Program Manager	16	8	24	5
Information Technology Software Funding	16	7	23	6/7
3 <sup>rd</sup> District JA’s Jury Clerks	16	7	23	6/7
Tribal Outreach Program Manager	14	8	22	8
District Court Law Attorneys	12	6	18	9
Online Dispute Resolution Administrator	10	6	16	10

Matheson 2 <sup>nd</sup> Floor Workspace Remodel	1	1	3	11
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### 3. Grants Update (Jordan Murray - Presenter)

Karl Sweeney introduced this agenda item. He stated that in February of 2021 during a Judicial Council meeting in connection with adopting the new Grants policy, AOC Finance agreed to go back 5 years and do an internal control self-assessment (ICSA) and report on what they found to the Judicial Council. Melissa Taitano led the project and Karl Sweeney and Jordan Murray also participated on the ICSA project. Jordan Murray stated that this 5-year retrospective is beyond what is required under revised Administrative Rule 3-411 Grant Management (9)(A)(i) issued in November 2021. This first ICSA report is a one-time look back to 2016 – 2020 to establish a baseline for the future. AOC Finance will submit the next ICSA for FY 2022 ISCA by 12.31.2022. The 2016-2020 ICSA report specifically looked at the grants that happened in the past and were accessed for compliance based on the rules, accounting policies and statutes then in effect.

**Motion:** Margaret Plane made a motion to approve. Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded onto the Judicial Council with a favorable recommendation.

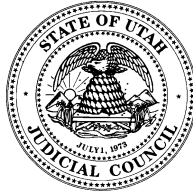
Mr. Murray touched base with Office of Innovation and they are in communication with the Stand Together Foundation. The Innovation Office submitted a request for \$965,000 in grant support which can be used over two years and starting in late FY 2023 and continuing throughout FY 2024. The bulk of those funds, if awarded, will cover expenses that are anticipated for FY 2024. They are in the communication with the potential funder but the funder has not reached a decision on whether to make this funding. Mr. Murray will follow-up and try to get an answer for the next BFMC meeting.

Meeting adjourned: 2:11 p.m.

Next meeting: Thursday August 30, 2022 (held virtually through WebEx)

# Tab 3

Agenda



## Administrative Office of the Courts

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

August 29, 2022

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy Court Administrator

### MEMORANDUM

**TO: Management Committee, Judicial Council, Board of District Court Judges**

**FROM: Jonathan Puente, Director OFA**  
**Hon. Richard Mrazik, Co-Chair RED Data Working Group**

**RE: Racial and Ethnic Disparity Data Gathering Workgroup**

A primary objective of the Office of Fairness and Accountability (OFA) is supporting the judicial branch's efforts to eliminate bias from court operations. *See* UCJA 3-419(2). And the duties of the OFA include conducting data collection and research through collaboration with national experts and thought leaders to identify, gather and analyze relevant data. *See* UCJA 3-419(3)(A)(ii). To those ends, OFA formed the Racial and Ethnic Disparity Data Gathering Workgroup, composed of judges, representatives from the Administrative Office of the Courts, prosecutors, defense counsel, law enforcement, probation supervision, and community representatives.

By way of context: in its final report, issued twenty-two years ago, the Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System noted "the fact that minorities are disproportionately represented at each stage of the justice system. Importantly, overrepresentation increases incrementally as one progresses through the system, resulting in greater disproportionality at incarceration than at arrest." Notably, phase one of the Racial and Ethnic Disparity analysis recently performed by the Utah Juvenile Courts shows this condition of increasing disparity continues today.

While the Task Force aimed "to determine whether the cause of this overrepresentation can be ascertained with certainty," it was ultimately unable to do so because "the lack of consistently collected comparable and relevant data made any such analysis very difficult." The RED Workgroup aims to overcome the data challenges that frustrated the Task Force twenty years ago by designing and implementing a data gathering and analysis project that will provide a statistically valid answer to a fundamental question: *Are there disparities in judicial decision-making that contribute to racial and ethnic disparities in the criminal justice system?*

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

In discussing and designing the data gathering and analysis project—which discussions are ongoing—the RED Workgroup has adopted three foundational principles.

First, the project should target touchpoints in the criminal justice system that involve *both* judicial-decision making *and* sufficient data variability. In the RED Workgroup’s view, decisions regarding pretrial release, sentencing, and probation violations satisfy these two conditions.

Second, the project should gather a scope of data broad enough to control for possible biases of non-judicial actors and systems. In other words, although the RED Workgroup recommends focusing the analysis on pretrial release, sentencing, and probation violations, it acknowledges that to perform a true apples-to-apples comparison of judicial decision-making in those areas, the project must also gather data regarding a broad scope of other conditions, including but certainly not limited to custody status, pretrial risk assessment scores, initial charges, recommendations made by counsel, presentence investigation report recommendations, and probation violation report recommendations.

Third, anonymity is paramount. While the RED Workgroup supports holding the judicial branch, *as a whole*, accountable for its contribution (if any) to racial and ethnic disparities in the criminal justice system, the workgroup also believes strongly that this initial project—which is backward looking, related to decisions that were made months and years ago—is not an appropriate tool to hold individual districts, counties, or judges accountable for any disparity that is discovered.

If this initial analysis finds racial and ethnic disparities in judicial decision-making related to pretrial release, sentencing, and/or probation violation resolutions, the Committee on Fairness and Accountability and the OFA will provide data driven policy recommendations to the Judicial Council to address those disparities.

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# Racial Disparities in the Massachusetts Criminal System

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A Report by The Criminal Justice Policy Program, Harvard Law School  
Submitted to Chief Justice Ralph D. Gants, Supreme Judicial Court of Massachusetts

Elizabeth Tsai Bishop, Brook Hopkins, Chijindu Obiofuma, Felix Owusu

*September 2020*

**CRIMINAL JUSTICE  
POLICY PROGRAM**  
**HARVARD LAW SCHOOL**

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## Executive Summary

People of color are drastically overrepresented in Massachusetts state prisons. According to the Massachusetts Sentencing Commission's analysis of 2014 data, the Commonwealth significantly outpaced national race and ethnicity disparity rates in incarceration, imprisoning Black people at a rate 7.9 times that of White people and Latinx people at 4.9 times that of White people.<sup>1</sup>

This report explores the factors that lead to persistent racial disparities in the Massachusetts criminal system by leveraging detailed administrative data from several agencies, including the Massachusetts Trial Court, the Department of Criminal Justice Information Services, and the Department of Correction. These data provide a useful, if incomplete, window into several different stages of the criminal system from charging and bail to adjudication and sentencing.

In this report, we focus particularly on understanding the factors that contribute to the large disparities in incarceration rates that motivated this work. Through our analysis, we found that Black and Latinx people are overrepresented in the criminal caseload compared to their population in the state. White people make up roughly 74% of the Massachusetts population while accounting for 58.7% of cases in our data. Meanwhile, Black people make up just 6.5% of the Massachusetts population and account for 17.1% of cases. Latinx people are similarly overrepresented, making up 8.7% of the Massachusetts population but 18.3% of the cases in the sample.

In addition to being overrepresented relative to their share of the state population, Black and Latinx people are less likely than White people to have their cases resolved through less severe dispositions such as pretrial probation or continuances without finding (CWOs). Among those sentenced to incarceration, Black and Latinx people sentenced to incarceration receive longer sentences than their White counterparts, with Black people receiving sentences that are an average of 168 days longer and Latinx people receiving sentences that are an average of 148 days longer.

We use regression analysis to consider several factors that may contribute to or explain the substantial disparities we document, including the defendants' criminal history and demographics, initial charge severity, court jurisdiction, and neighborhood characteristics. The regression analysis indicates that even after accounting for these characteristics, Black and Latinx people are still sentenced to 31 and 25 days longer than their similarly situated White counterparts, suggesting that racial disparities in sentence length cannot solely be explained by the contextual factors that we consider and permeate the entire criminal justice process.

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<sup>1</sup> MASSACHUSETTS SENTENCING COMMISSION, SELECTED RACE STATISTICS 2 (Sept. 27, 2016), <https://www.mass.gov/files/documents/2016/09/tu/selected-race-statistics.pdf>.

Our analysis shows that one factor—racial and ethnic differences in the type and severity of initial charge—accounts for over 70 percent of the disparities in sentence length.

We explore several mechanisms by which racial disparities in initial charging decisions lead to the substantial average disparities we document. We find that:

- Black and Latinx people are more likely to have their cases resolved in Superior Court where the available sentences are longer, both because they are more likely to receive charges for which the Superior Court exercises exclusive jurisdiction and because prosecutors are more likely to exercise their discretion to bring their cases in Superior Court instead of District Court when there is concurrent jurisdiction.
- Black and Latinx people charged with drug offenses and weapons offenses are more likely to be incarcerated and receive longer incarceration sentences than White people charged with similar offenses. This difference persists after controlling for charge severity and additional factors.
- Black and Latinx people charged with offenses carrying mandatory minimum sentences are substantially more likely to be incarcerated and receive longer sentences than White people facing charges carrying mandatory minimum incarceration sentences.

Our data do not allow us to determine conclusively the extent to which aggregate differences in initial type and charge severity across racial groups reflect police and prosecutor discretion versus differences in criminal conduct. We note, however, that among the subset of cases where the person was sentenced to incarceration in a state prison (i.e. cases involving charges that carry the longest potential sentences and where the racial disparity is largest), Black and Latinx people are convicted of charges roughly equal in seriousness to their White counterparts despite facing more serious initial charges. Black people in particular who are sentenced to incarceration in a state prison are convicted of *less* severe crimes on average than White people despite facing more serious initial charges and receiving longer sentences.

The fact that the level of seriousness of the final conviction offense is similar across race is an indication that the underlying conduct in these cases may be similar across race. However, we do not observe the underlying circumstances of the case in the administrative data, so we cannot determine this conclusively. Still, the disparity in initial charge level appears to play an important role in determining sentencing outcomes, and this is not surprising given the role that initial charges play in the plea bargaining process from which the vast majority of convictions result. Our results highlight the central role that initial charging decisions play in sentencing. It appears that the adjudication and plea bargaining processes attenuate disparities in charge severity, but initial differences continue to influence sentencing even if defendants of color are not convicted of the more serious offenses with which they are initially charged.

It is also worth noting that the available administrative data presented significant obstacles to our analysis, some of which we were able to overcome through time-consuming

workarounds, and some of which limited the scope of our analysis. Certain obstacles we encountered have since been corrected through upgrades to data systems, but others persist. These include:

- Inadequate linking of records across agencies
- Unavailability of statewide police data in usable electronic format
- Unavailability of district attorney data
- Inadequate or inconsistent electronic tracking of key data including
  - Identity of presiding judge
  - Identity of prosecutor
  - Length of pretrial detention
  - Outcomes of key pretrial motions
  - District Court/Boston Municipal Court cases that are subsequently indicted in Superior Court
  - Use of diversion programs

In Appendix 2 we detail these data challenges and suggest policy reforms to improve the quality of the data so that it may be used for future research to increase our understanding of racial disparities in the Massachusetts criminal system.

## Introduction

This report is the culmination of a research project undertaken by researchers at Harvard Law School at the request of Massachusetts Supreme Judicial Court Chief Justice Ralph Gants. In his October 2016 State of the Judiciary address, Chief Justice Gants cited data gathered by the Massachusetts Sentencing Commission showing “great disparity in the rates of imprisonment among Whites, African-Americans, and Hispanics in this Commonwealth.”<sup>2</sup> He expressed the need to take “a hard look at how we can better fulfill our promise to provide equal justice for every litigant”<sup>3</sup> and announced a collaborative study with Harvard Law School to examine racial and ethnic disparities in the Massachusetts criminal system.<sup>4</sup> Using data collected from the Massachusetts Trial Court, the Department of Criminal Justice Information Services, the Department of Correction, the Massachusetts Probation Service, and other agencies, this report analyzes racial and ethnic disparities throughout the criminal process.

According to the Sentencing Commission’s analysis of 2014 data, the Commonwealth significantly outpaced national race and ethnicity disparity rates in incarceration,

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<sup>2</sup> Chief Justice Ralph D. Gants, Massachusetts Supreme Judicial Court, Annual Address: State of the Judiciary 5 (Oct. 20, 2016), [https://www.mass.gov/files/documents/2017/10/10/state-of-judiciary-speech-sjc-chief-justice-gants-2016\\_0.pdf](https://www.mass.gov/files/documents/2017/10/10/state-of-judiciary-speech-sjc-chief-justice-gants-2016_0.pdf).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 5-6.

# Tab 4





## STANDING EDUCATION COMMITTEE'S

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# 2021-22 ANNUAL REPORT

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TO THE JUDICIAL COUNCIL

# OUR PERFORMANCE

000051

The Education Department continued to evolve and grow in 2021-2022. We introduced more tools, new people and transitioned to hybrid events. Here are some key performance metrics for our department:

- 24,933 enrollments in live trainings and online, on-demand courses. 82% of these enrollments received credit.
- Hosted seven judicial conferences, four New Judge Orientations, two New Employee Orientations, one Employee Conference, one Justice Court Clerk Conference, one virtual Mental Health Summit and one Problem Solving Conference. Six of these events were offered in a hybrid format.
- Supported the 2022 Legislative Update and Justice Court's Law & Literature event.



## OUR PEOPLE

The Education Team is made up of eight outstanding employees: Chauncey Bushnell, Johnizan Bowers, Kimberlee Zimmerman, Lauren Andersen, Libby Wadley, Suzy Lee, Tiffany Rupe and Tonia Wilson. Tonia Wilson, Ph.D. joined the team as our Judicial Educator in February 2022. Tonia develops curriculum and trainings for judges at all court levels. Some of her first projects have focused on developing on-demand modules for New Judge Orientation and creating trainings on Water Law, Diversity, Equity and Inclusion. Administrative Assistant, Chauncey Bushnell came to the Education team in May 2022 after the loss of long serving Administrative Assistant Shirley Trujillo. Chauncey has taken on the responsibilities of managing out-of-state travel reimbursements and course feedback. In addition, Johnizan Bowers and Lauren Andersen became certified facilitators of the Arbinger Institute's "Developing & Implementing an Outward Mindset".

## OUR TOOLS

Education has continued to embrace new tools in 2021 and 2022. Our tools include:

- The Learning Management System (LMS) that allows all judicial employees to access asynchronous courses that are (a) pre-recorded and (b) gamified. This system allows us to easily track enrollments and award credit. Its features allow us to quickly determine which courses are most popular and adjust training accordingly.
- Engage, a social learning integration in the LMS, that allows LMS users to interact and share resources. This tool was tested in spring 2022 and will roll out to employees in FY23.
- An upgrade to OpenSesame's 100+ program. Our most popular OpenSesame offerings addressed Compassionate Leadership, Managing Work and Family, Sexual Harassment and Abusive Conduct Prevention and Strategies for Handling Difficult People.
- Proof of Training certifications in the LMS for Annual Court Security, PCI, Court Security Awareness (Justice Courts), Electronic Mail Retention and the Self Help Center.

After hosting the Mental Health Summit and the Annual Judicial Conference virtually in Fall 2021, the Courts returned to in-person and hybrid conferences in 2022. Following CDC guidance, Education offered nine in-person events, six of which could be streamed to attendees in other locations. At each event Education managed registration, venue negotiations, room set-up, speaker bookings and negotiations, travel, agenda creation, meals and online content delivery.

In addition to the Mental Health Summit and the Annual Judicial Conference, the Education Department supported:

- Commissioners Retreat
- Appellate Court Conference
- District Court Judges' Conference
- Justice Court Clerks Conference
- Court Employee Conference
- Legislative Update
- Justice Court Judges' Conference
- Juvenile Court Judges' Conference
- Law & Literature
- Problem Solving Conference

## JUSTICE COURT CLERK CERTIFICATION

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Justice Court Clerk Certification launched on January 1, 2022. To date, 358 of Justice Court's 385 clerks have registered and completed at least one Clerk Certification course.

The Education Department created eight new courses for the first six months of Clerk Certification. It also supported two required programming updates and created two assignments as part of Clerk Certification. One of the most popular assignments is watching an OpenSesame Course and then reporting back on what the Clerk learned. Clerks are also very positive about the Job Shadow assignment. The assignment encourages clerks to learn while building a network of professional resources.

From January 1 through June 30, 2022 clerks have successfully completed a total of 2876 courses with eight courts having all clerks completing all required courses. Overall, 43 clerks have completed all the required courses. 70 additional clerks have only one more course to complete before they receive their certification.



# SERVICE TO OTHER DIVISIONS OF THE COURT

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The Education department engages in a high level of collaboration with other court divisions. In FY22, Education collaborated with Chiefs and the Juvenile Probation department to create the Performance Education for Probation Guide. The Performance Education for Probation Guide replaces Career Track's education requirements. The Performance Education Guide provides information about required and optional training, while mapping out learning paths based on professional development needs. Similarly, the Education department is collaborating with Clerks of Court to create learning pathways for Judicial Assistants. These pathways will be available in the LMS in FY23.

Other services to court divisions include:

- Collaborating with the SHC to create a completely digital path, where district court clerical staff use study units to learn the basics of helping self-represented parties in Utah. The education team will be working in FY23 to create a similar path for juvenile court clerical staff.
- Creating courses on working with gang affiliated youth and individuals living in poverty for Juvenile Probation.
- Deploying the MAYSI-2 e-learning course.
- Planning and executing 2021's Mental Health Summit and planning and supporting the 2022 Virtual Court Improvement Program Summit.

# JUDICIAL EDUCATION SCHOLARSHIPS

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Not every judicial education offering can be provided by the Education department. While travel remained limited in FY22, several judges applied for scholarships to attend trainings and summits. In FY22 Education's scholarships helped train judges in areas of advanced procedural justice, judicial writing, law & economics, family law and treatment courts. Judges receiving these scholarships have been encouraged to lead conference breakout sessions or district trainings to share what they have learned with their peers.

# COURSE ENROLLMENTS (BY SUBJECT AND TYPE)

000054

Course	Enrollment	Credit	% Receiving Credit	Category
ADA Compliance Training	27	25	93%	Live
Ask the Judge	26	26	100%	Live
Assessment Accuracy Booster	105	68	65%	Live
Basic Group Dynamics	176	131	74%	Live
Become Change Adaptive as a Manager	35	25	71%	Live
Being a Good Listener Pt. 1 & 2	34	34	100%	Live
Blue Zones Webinar	100	73	73%	Live
Bridges out of Poverty	52	47	90%	Live
CARE Booster	6	5	83%	Live
Case Item and Order Fulfillment	33	32	97%	Live
Case Planning 102	28	19	68%	Live
Case Planning 2	24	24	100%	Live
Case Planning Booster	29	27	93%	Live
Case Planning in CARE Booster	13	10	77%	Live
Case Planning Introduction	128	127	99%	Live
Case Planning Kahoot	81	76	94%	Live
Child Welfare Timeline	47	40	85%	Live
Child Welfare Timeline Errors	26	18	69%	Live
Coaching	174	155	89%	Live
CoC/CPO Workshop: Performance-Focused Comp & Employee Development	13	13	100%	Live
Crisis Response Planning Workshop	51	39	76%	Live
Customer Service	101	76	75%	Live
Dating Violence Among Teens	73	69	95%	Live
Developing Your Leadership Style	21	21	100%	Live
District Court Judge Brown Bag Discussions (April) - Working with Self Help Parties	24	24	100%	Live
District Court Judge Brown Bag Discussions (Dec) - Rule 404(b) Motions	27	27	100%	Live
District Court Judge Brown Bag Discussions (Feb) - Security and Social Media	18	18	100%	Live
District Court Judge Brown Bag Discussions (Jan) - Green Phase, Technology in your Courtroom, Virtual Jury Selection	45	45	100%	Live
District Court Judge Brown Bag Discussions (June) - Pretrial Release Update	15	15	100%	Live
District Court Judge Brown Bag Discussions (March) - Stalking and Protective Orders	11	11	100%	Live
District Court Judge Brown Bag Discussions (May) - Legislative Session Q&A	29	29	100%	Live
District Court Judge Brown Bag Discussions (Nov) - My Case	17	17	100%	Live
District Court Judge Brown Bag Discussions (Oct) - Pretrial Release	24	24	100%	Live
District/Justice Court Programming Release Webinar	430	309	72%	Live
Due Process and Constitutional Law	40	30	75%	Live
Emotional Intelligence	237	178	75%	Live
Employee Development and Performance Management	175	152	87%	Live
Ethics	48	42	88%	Live
Facilitation and Meeting Management	138	122	88%	Live
Family Law Lunch & Learns (Feb) - Resist/Refuse Dynamics	14	14	100%	Live
Family Law Lunch & Learns (Jan) - AFCC Guidelines & Therapy Types	14	14	100%	Live
Family Law Lunch & Learns (June) - Rule 108 Objections	23	23	100%	Live
Family Law Lunch & Learns (May 24th) - Post Decree Issues	15	15	100%	Live
Google Sites Training for Department Websites	37	30	81%	Live
HB 260 & Accounting Changes	203	121	60%	Live
HR Policy Amendments Effective July 2022	325	308	95%	Live
ICJ Runaways	47	40	85%	Live
ICJ Transfers of Supervision	52	45	87%	Live
ICJ Travel Permits	58	52	90%	Live
Implicit Bias	36	32	89%	Live
Individual Goals and Challenges	25	9	36%	Live



# COURSE ENROLLMENTS

## (BY SUBJECT AND TYPE)

000055

Introduction to Sexual Violence	25	17	68%	Live
IT Programming Pre-Release Webinar	236	159	67%	Live
Job Shadow - Justice Court Clerk Certification	139	79	57%	Live
Jury Trials - Utilizing Survey Monkey Combined with Google as a Collection Tool	82	62	76%	Live
Juvenile Brain Development	62	56	90%	Live
Juvenile Court Criminal Protective Order Webinar	136	108	79%	Live
Juvenile Court Legislative Update - 2022	118	102	86%	Live
Juvenile Court Programming Release (Sept2021)	144	100	69%	Live
Juvenile Court Programming Release Webinar (April2022)	150	102	68%	Live
Juvenile Court Programming Release Webinar (Jan2022)	232	176	76%	Live
Juvenile Expungements	29	26	90%	Live
Juvenile Justice Mental Health	13	9	69%	Live
Juvenile Substance Abuse Issues	13	11	85%	Live
Legislative Workshop - 2022	93	82	88%	Live
LGBTQ Considerations in Domestic Violence	31	31	100%	Live
LGBTQIA+ Cultural Competency	28	25	89%	Live
Lunch & Learn: Pretrial, Bail and Unsecured Bonds	10	10	100%	Live
Mentoring EBP for Supervisors Follow Up	26	11	42%	Live
Mentoring Evidence Based Practices for Probation Supervisors	30	19	63%	Live
Motivational Interviewing 101	26	18	69%	Live
Motivational Interviewing 102	25	18	72%	Live
Motivational Interviewing Booster	105	90	86%	Live
Navigating Through Resistance	18	12	67%	Live
NEO - Diversity	132	95	72%	Live
NEO - Ethics	132	98	74%	Live
NEO- Workplace Harassment	131	95	73%	Live
New Accounting Manual Site	20	20	100%	Live
Probation Officer Coaching	9	9	100%	Live
Probation Officer Safety 2	11	10	91%	Live
Protective Orders Webinar	34	27	79%	Live
Real Colors	14	7	50%	Live
Resilience	17	11	65%	Live
Resolving Conflict Real Time - Dealing with Difficult Conversation	103	66	64%	Live
Restorative Justice and Victim Issue	11	8	73%	Live
Role of Probation	23	16	70%	Live
Secondary Trauma in the Utah Courts	22	15	68%	Live
Strangulation and Domestic Violence	24	17	71%	Live
Suicide Prevention (QPR)	12	11	92%	Live
Targeted Response	44	33	75%	Live
Targeted Response Review Booster	84	62	74%	Live
Train the Trainer Assessment Booster Training	20	17	85%	Live
Trauma Informed Care for Probation (Pilot)	10	10	100%	Live
Understanding Racial and Ethnic Disparities in Utah Juvenile Justice	32	29	91%	Live
Understanding Trauma in the Courts	25	13	52%	Live
Working with Gang Affiliated Youth	71	56	79%	Live
Working with Youth with Problematic Sexual Behavior	24	17	71%	Live
Workplace Harassment	105	72	69%	Live
Accounting: Cash Count in CARE	52	48	92%	Online and on-demand
Accounting: Cash Count in CORIS	161	130	81%	Online and on-demand
Accounting: Cashiering in CORIS	85	74	87%	Online and on-demand
Accounting: Collections	105	24	23%	Online and on-demand
Accounting: Credit Adjustments	114	92	81%	Online and on-demand
Accounting: Daily Journal Cutoff	41	37	90%	Online and on-demand
Accounting: General	44	41	93%	Online and on-demand
Accounting: Journal Close	79	57	72%	Online and on-demand
Accounting: Office of State Debt Collection	98	59	60%	Online and on-demand
Accounting: Overages and Shortages	74	64	86%	Online and on-demand
Accounting: Overpayments	84	76	90%	Online and on-demand



# COURSE ENROLLMENTS

## (BY SUBJECT AND TYPE)

000056

Accounting: Returned Checks	58	47	81%	Online and on-demand
Accounting: Revenue Reporting	49	35	71%	Online and on-demand
Accounting: Trust Checks	75	44	59%	Online and on-demand
Accounting: Trust Reconciliation	54	40	74%	Online and on-demand
Accounting: Unclaimed Property	45	34	76%	Online and on-demand
Accounting: Unidentified Payments	82	74	90%	Online and on-demand
Accounting: Verifying a Cash Count in CARE	44	41	93%	Online and on-demand
Adoptions and Foreign Adoptions	57	28	49%	Online and on-demand
AIS Workspace - Batch Document Emailing	8	6	75%	Online and on-demand
Anticipating Filer Mistakes	106	100	94%	Online and on-demand
Attaching an Attorney in CARE	42	41	98%	Online and on-demand
Balance and Well Being	132	121	92%	Online and on-demand
Basic Gap Analysis	36	27	75%	Online and on-demand
Basics of eFiling	23	21	91%	Online and on-demand
Basics of eFiling - CARE	49	45	92%	Online and on-demand
Basics of eFiling - District/Justice Court	166	147	89%	Online and on-demand
Burnout and Mental Fatigue	150	142	95%	Online and on-demand
Calendaring Events	136	114	84%	Online and on-demand
CARE Generated Documents and Orders	42	38	90%	Online and on-demand
Caring for Ourselves and Others During Difficult Times	110	107	97%	Online and on-demand
Case and Document Classifications	148	134	91%	Online and on-demand
Case Search & Print	117	73	62%	Online and on-demand
CCPIO Panel: First Amendment Auditors Sovereign Citizens/Constitutionalists, Dealing Effectively with Disrupters at the Courthouse	56	52	93%	Online and on-demand
Certified and Exemplified Copies - District Court	85	79	93%	Online and on-demand
Certified and Exemplified Copies - Juvenile Court	45	42	93%	Online and on-demand
Citation Process	41	39	95%	Online and on-demand
Civil Appeals	56	41	73%	Online and on-demand
Civil Case Management Part 1	76	58	76%	Online and on-demand
Civil Case Management Part 2	54	39	72%	Online and on-demand
Civil Post-Conviction Relief	35	25	71%	Online and on-demand
Civil Stalking Injunction	80	65	81%	Online and on-demand
Civil: Abstract of Judgment	73	60	82%	Online and on-demand
Civil: Evictions	74	63	85%	Online and on-demand
Civil: Foreign Judgments	69	52	75%	Online and on-demand
Civil: Foreign Subpoena	57	46	81%	Online and on-demand
Civil: Judgment Maintenance	52	36	69%	Online and on-demand
Collecting Specimens	42	38	90%	Online and on-demand
Commissioner Judge Workflow - CARE	26	26	100%	Online and on-demand
Community of Practice - Building Rapport	14	14	100%	Online and on-demand
Community of Practice - Using Technology as a Tool for Supervision	12	12	100%	Online and on-demand
Computing Time - Justice Courts	253	236	93%	Online and on-demand
Confidentiality and Release of Information	54	52	96%	Online and on-demand
Contested Divorces	78	68	87%	Online and on-demand
Continuances	99	93	94%	Online and on-demand
Court Calendars	45	44	98%	Online and on-demand
Courtroom Demeanor	153	143	93%	Online and on-demand
Creating a Delinquency Incident	36	28	78%	Online and on-demand
Creating and Processing New Cases	39	34	87%	Online and on-demand
Criminal Appeals	47	36	77%	Online and on-demand
Criminal Bail Bond Dispositions	108	83	77%	Online and on-demand
Criminal Expungements	103	60	58%	Online and on-demand
Criminal Post Disposition	71	54	76%	Online and on-demand
Criminal Sentencing	87	55	63%	Online and on-demand
Criminal Terminology	128	106	83%	Online and on-demand
Criminal Time Pay	84	71	85%	Online and on-demand
Criminal Traffic	88	77	88%	Online and on-demand
Critical Messages	37	36	97%	Online and on-demand



# COURSE ENROLLMENTS

## (BY SUBJECT AND TYPE)

000057

Delinquency Case Referrals - CARE	31	30	97%	Online and on-demand
Delinquency Intake Decisions	43	41	95%	Online and on-demand
Digital Signature - CORIS	70	50	71%	Online and on-demand
Digital Signature for Warrants, OTC, Small Claims	35	24	69%	Online and on-demand
Digitally and Manually Signed Orders	35	33	94%	Online and on-demand
Discovery Tiers and Timelines	41	29	71%	Online and on-demand
Document Entry & Classifications	12	10	83%	Online and on-demand
Domestic - Protective Order Cases	105	79	75%	Online and on-demand
Domestic In-Court Minutes	65	53	82%	Online and on-demand
Domestic Judgements	58	44	76%	Online and on-demand
Domestic Mediation	53	42	79%	Online and on-demand
Domestic Petitions to Modify	63	48	76%	Online and on-demand
Domestic Technology	90	81	90%	Online and on-demand
Domestic Uncontested & Stipulated Divorces	80	63	79%	Online and on-demand
E-Filing Guidance Course	101	98	97%	Online and on-demand
Electronic Mail Retention	399	373	93%	Online and on-demand
Enterprise Security Awareness	110	94	85%	Online and on-demand
Everything Google Part 1 - Email, Calendar and Hangouts	145	138	95%	Online and on-demand
Everything Google Part 2 - Drive and Docs	114	102	89%	Online and on-demand
Everything Google Part 3 - Sheets, Forms and Slides	86	72	84%	Online and on-demand
Evidence & Ethical Issues with Social Media	75	72	96%	Online and on-demand
Exhibits	73	62	85%	Online and on-demand
File Reassignment	17	10	59%	Online and on-demand
Filing Civil Cases	87	73	84%	Online and on-demand
Filing Criminal Cases	119	104	87%	Online and on-demand
Filing Domestic Cases	91	78	86%	Online and on-demand
Finding Case, Party, Victim	67	62	93%	Online and on-demand
Foreign Domestic Orders	60	38	63%	Online and on-demand
Formal Informal Probate	57	29	51%	Online and on-demand
Generating Letters	31	29	94%	Online and on-demand
Guardianship Conservatorship	56	27	48%	Online and on-demand
How to Create an Order for Signature - CARE	32	26	81%	Online and on-demand
How to eFile Documents	10	10	100%	Online and on-demand
How to eFile Documents - CARE	35	31	89%	Online and on-demand
How to Set Defaults	42	40	95%	Online and on-demand
How to Verify Judgments	66	57	86%	Online and on-demand
Human Trafficking	39	30	77%	Online and on-demand
Humor Me	43	39	91%	Online and on-demand
Incidents	36	32	89%	Online and on-demand
In-Court Minutes	52	50	96%	Online and on-demand
Introduction to Online Dispute Resolution	104	98	94%	Online and on-demand
Jabber	154	114	74%	Online and on-demand
JUSTJUST Anatomy of a Criminal/Traffic Case	329	319	97%	Online and on-demand
JUSTJUST Uniform Fine Schedule, Fine Distribution and Court Costs	316	303	96%	Online and on-demand
LMS Manager Training Session	31	26	84%	Online and on-demand
LMS Social Learning Space Demonstration	103	94	91%	Online and on-demand
LMS User Training Sessoin	337	323	96%	Online and on-demand
Managing eFile Queues - CARE	34	31	91%	Online and on-demand
Managing Pending Cases	41	28	68%	Online and on-demand
Managing Probate Cases	34	22	65%	Online and on-demand
Managing Queues - District/Justice Courts	89	82	92%	Online and on-demand
MAYSI-2 Online Training	152	119	78%	Online and on-demand
Minute Entries - CORIS	85	64	75%	Online and on-demand
Minutes Section A - CARE	41	32	78%	Online and on-demand
Minutes Section B - CARE	28	24	86%	Online and on-demand
Modifying Scheduled Events	97	84	87%	Online and on-demand
Module 1: Case Planning 101 - What is an Assessment & How to Navigate?	139	136	98%	Online and on-demand
Module 10: Case Planning 101 - Steps to Create a PRA/PRSA in CARE Domain				
10 Skills	116	113	97%	Online and on-demand



# COURSE ENROLLMENTS

## (BY SUBJECT AND TYPE)

000058

Module 11: Case Planning 101 - Steps to Create a PRA/PSRA in CARE Domain 11 Scoring	93	87	94%	Online and on-demand
Module 12: Case Planning 101 - Behavioral Analysis Worksheet BAW	76	68	89%	Online and on-demand
Module 13: Case Planning 101 - How to Access the PRA Dashboard	75	66	88%	Online and on-demand
Module 14: Case Planning 101 - How to Create a Case Plan Report Packet	72	64	89%	Online and on-demand
Module 15: Case Planning 101 - How to Complete & eFile the Case Plan	75	68	91%	Online and on-demand
Module 2: Case Planning 101 - Steps to Create a PRA/PSRA in CARE, Central 8, Category 1 - Delinquency History	134	128	96%	Online and on-demand
Module 3 - Case Planning 101: Central 8, Category 2 - School and Work	129	126	98%	Online and on-demand
Module 4: Case Planning 101 - Steps to Create a PRA/PSRA in CARE Domain 2 School	120	117	98%	Online and on-demand
Module 5: Case Planning 101 - Steps to Create a PRA/PSRA in CARE Domain 4 Free Time & Employment	121	118	98%	Online and on-demand
Module 6: Case Planning 101 - Steps to Create a PRA/PSRA in CARE Domain 5 Relationships/Drugs & Alcohol	119	115	97%	Online and on-demand
Module 7: Case Planning 101 - Steps to Create a PRA/PSRA in Care Domain 6A & 6B Environment & Current Living	120	114	95%	Online and on-demand
Module 8: Case Planning 101 - Steps to Create a PRA/PSRA in CARE Domain 8 Mental Health	111	108	97%	Online and on-demand
Module 9: Case Planning 101 - Steps to Create a PRA/PSRA in CARE Domain 9 Attitudes & Behaviors	110	107	97%	Online and on-demand
My Cases My Calendar - CARE	33	32	97%	Online and on-demand
My Workspace	11	11	100%	Online and on-demand
My Workspace Jury - Post Jury	56	37	66%	Online and on-demand
My Workspace Jury - Processing	59	38	64%	Online and on-demand
My Workspace Jury - Trial Preparation	64	39	61%	Online and on-demand
My Workspace Jury: Creation	68	48	71%	Online and on-demand
My Workspace Jury: Non Compliance	38	31	82%	Online and on-demand
MyCase (Pro Se eFiling) & JAQ	186	150	81%	Online and on-demand
MyCase Overview & Case Linking Webinar	618	522	84%	Online and on-demand
NEO - Courthouse Security	124	124	100%	Online and on-demand
New Employee Orientation - Overview	141	118	84%	Online and on-demand
ODR Case Disposition and Dismissal Management	90	88	98%	Online and on-demand
ODR Case Initiation and Exemptions	93	92	99%	Online and on-demand
ODR Facilitators and the Role They Play	94	90	96%	Online and on-demand
Offense Tracking Number	290	286	99%	Online and on-demand
Orientation to CARE	45	44	98%	Online and on-demand
PCI Training	273	141	52%	Online and on-demand
Plugged in and Disconnected	37	37	100%	Online and on-demand
Poverty Simulation for Poverty Training	52	43	83%	Online and on-demand
Probable Cause: On-Call Maintenance	23	19	83%	Online and on-demand
Probate Gestational Agreement	45	26	58%	Online and on-demand
Probate Minor Settlement	49	26	53%	Online and on-demand
Probate Name Change	55	26	47%	Online and on-demand
Probate Supervised Administration	40	19	48%	Online and on-demand
Probation Mission, Vision, and Values Rollout	128	121	95%	Online and on-demand
Probation Officer Safety 1	112	70	63%	Online and on-demand
Procedure for Bail Bonds	46	44	96%	Online and on-demand
Processing eCitations in CARE	31	30	97%	Online and on-demand
PRS/PSRA Instruction Update	20	18	90%	Online and on-demand
PSRA/PRA 2022 Update Information	191	159	83%	Online and on-demand
Purpose and Responsibilities of the Courts	71	64	90%	Online and on-demand
Recordings - District Court	73	68	93%	Online and on-demand
Recordings - Juvenile Court	15	11	73%	Online and on-demand
Report Scheduling in CORISWeb	28	23	82%	Online and on-demand
Robyn's Experience: A Tiny Chat from the National Center for State Courts	26	17	65%	Online and on-demand
Rulings for Case & Certificate of Notification	58	40	69%	Online and on-demand
SAFE System	38	36	95%	Online and on-demand
Searching for Uploaded Documents	37	34	92%	Online and on-demand



# COURSE ENROLLMENTS (BY SUBJECT AND TYPE)

000059

Self Care Isn't Selfish	92	55	60%	Online and on-demand
Signature Process	40	38	95%	Online and on-demand
Signing Application	74	65	88%	Online and on-demand
Signing at the Direction of the Judge - CORIS	68	58	85%	Online and on-demand
Sleep from A to Zzzz's	43	39	91%	Online and on-demand
Social (In)Justice, Trauma & Mental Illness - Implications for Officers of the Court	53	30	57%	Online and on-demand
Social Media and the Courts	32	30	94%	Online and on-demand
Survey Monkey: Create a Survey	28	26	93%	Online and on-demand
SurveyMonkey: Introduction & Login Information	30	27	90%	Online and on-demand
SurveyMonkey: Navigation	25	24	96%	Online and on-demand
SurveyMonkey: Other Features	21	19	90%	Online and on-demand
SurveyMonkey: Q&A	22	20	91%	Online and on-demand
SurveyMonkey: Review Survey Responses	19	18	95%	Online and on-demand
SurveyMonkey: Sending the Survey	19	17	89%	Online and on-demand
SurveyMonkey: Testing and Modifications	19	18	95%	Online and on-demand
Timeblocks	14	8	57%	Online and on-demand
Trials	92	82	89%	Online and on-demand
Trust Check Processing	20	20	100%	Online and on-demand
Under 12 Sex Specific Cases NJ Interview Process	16	14	88%	Online and on-demand
Uploading Documents in CARE	36	31	86%	Online and on-demand
Use of State Seal	42	40	95%	Online and on-demand
Victim Notice of Hearing	25	21	84%	Online and on-demand
Webex Meetings Update for Clerks	61	57	93%	Online and on-demand
Working with Interpreters - CARE	32	31	97%	Online and on-demand
Working with Interpreters - CORIS	61	54	89%	Online and on-demand
Workspace - Getting Started	285	265	93%	Online and on-demand
15 Secrets Successful People Know About Time Management	41	34	83%	OpenSesame
4 Essentials for Compassionate Leadership	100	76	76%	OpenSesame
4 Strategies for Handling Difficult People	210	156	74%	OpenSesame
Asking Essential Questions	31	26	84%	OpenSesame
Be Assertive the Right Way	102	86	84%	OpenSesame
Becoming an Effective Manager: Building Emotional Intelligence	52	37	71%	OpenSesame
Better Business Writing	50	26	52%	OpenSesame
Build Resilience With An Adaptive Mindset	98	74	76%	OpenSesame
Burnout Protection	34	30	88%	OpenSesame
Cases of Bullying and Harassment	73	56	77%	OpenSesame
Change Management 101	24	10	42%	OpenSesame
Communicating Interpersonally	52	39	75%	OpenSesame
Creative Problem Solving	53	43	81%	OpenSesame
Crucial Conversations: Tools for Talking When Stakes Are High	8	7	88%	OpenSesame
Dealing with Stress	27	19	70%	OpenSesame
Developing the Leader Within You	44	32	73%	OpenSesame
Effective Listening Training	39	28	72%	OpenSesame
Effective Presentation Skills	36	25	69%	OpenSesame
Emotional Mastery for Wellbeing and High Performance	25	20	80%	OpenSesame
Emotions versus Evidence	39	31	79%	OpenSesame
Employee Performance Recognition	20	13	65%	OpenSesame
Goal Setting for Managers	10	4	40%	OpenSesame
Google Docs: Beginner	41	11	27%	OpenSesame
Google Sheets: Beginner	28	8	29%	OpenSesame
Grammar 101	46	24	52%	OpenSesame
Hope Theory at Work	42	31	74%	OpenSesame
How Great Leaders Inspire Action	22	17	77%	OpenSesame
How to Avoid Burnout	36	29	81%	OpenSesame
How to Deal with Frustration	14	14	100%	OpenSesame
How to Delegate	14	11	79%	OpenSesame
How to Manage Stress in Your Team	8	4	50%	OpenSesame
How to Resolve a Personality Clash	26	18	69%	OpenSesame

# COURSE ENROLLMENTS

## (BY SUBJECT AND TYPE)

000060

Individual Goal Setting	28	15	54%	OpenSesame
Juneteenth	25	22	88%	OpenSesame
Leadership Sins	10	6	60%	OpenSesame
Making Meetings Matter	6	5	83%	OpenSesame
Management Gaps: Building Management Skills to Thrive and Survive				
Generational Differences	8	4	50%	OpenSesame
Managing Work and Family	75	53	71%	OpenSesame
Mastering Change Management	26	17	65%	OpenSesame
Microsoft Office Excel 2016: Part 1 (Beginner)	41	8	20%	OpenSesame
Microsoft Office Excel 2016: Part 2 (Intermediate)	18	2	11%	OpenSesame
Microsoft Office Excel 2016: Part 3 (Expert)	14	1	7%	OpenSesame
Microsoft Office Word 2016: Part 1 - Beginner Level	44	9	20%	OpenSesame
Microsoft Office Word 2016: Part 2 - Advanced Level	20	4	20%	OpenSesame
Microsoft Office Word 2016: Part 3 - Expert Level	11	3	27%	OpenSesame
Mind Your Mood	66	39	59%	OpenSesame
Online Meeting Etiquette	7	3	43%	OpenSesame
Personal Wellbeing for Managers	5	4	80%	OpenSesame
Practical Wellbeing	18	13	72%	OpenSesame
Prevent Workplace Bullying: How to Recognize and Respond to Bullies at Work	8	6	75%	OpenSesame
Productivity and Time Management	10	6	60%	OpenSesame
Reaching Personal Goals	25	14	56%	OpenSesame
Reduce the Harm of Microaggression in the Workplace	32	21	66%	OpenSesame
Remote Working	5	3	60%	OpenSesame
Resilience 101	5	3	60%	OpenSesame
Seated Desk Yoga	10	7	70%	OpenSesame
Setting Goals to Stretch and Grow	4	3	75%	OpenSesame
Sexual Harassment and Abusive Conduct Prevention	58	48	83%	OpenSesame
Successful Negotiation	29	15	52%	OpenSesame
Time Management 101	8	4	50%	OpenSesame
Transitioning into Your Role New Manager Role	23	12	52%	OpenSesame
Using Words and Voice Effectively	40	21	53%	OpenSesame
Virtual Working: How to Be Your Most Productive	39	24	62%	OpenSesame
Why We Make Bad Decisions	80	58	73%	OpenSesame
Word 2010: Beginner	5	3	60%	OpenSesame
Word 2010: Intermediate	2	1	50%	OpenSesame
Working From Home: Strategies for Remote Employees	13	9	69%	OpenSesame



# THANK YOU STANDING EDUCATION COMMITTEE

The Standing Education Committee provided guidance and important feedback as the Education Department considered different policies, tools and methods of content delivery during the past year.

**Justice Diana Hagen**

Chair, Utah Supreme Court

**Judge Matthew D. Bates**

Third District Court

**Cathy Dupont**

Deputy State Court Administrator, Administrative Office of the Courts

**Megan Haney**

Chief Probation Officer, Third District Juvenile Court

**Judge George Harmond**

Seventh District Court

**Judge Angela Foncesbeck**

First District Court

**Professor James Hedges**

Dean, Division of Online and Continuing Education, Weber State University

**Melissa Kennedy**

Clerk of Court, Third District Juvenile Court

**Marianne Perry**

Program Manager, Administrative Office of the Courts

**Judge Kirk Morgan**

First District Juvenile Court

**Bart Olsen**

Human Resources Director, Administrative Office of the Courts

**Joyce Pace**

Trial Court Executive, Fifth District Court

**Mark Paradise**

Judicial Case Manager, Third District Court

**Judge J.C. Ynchausti**

Davis County Justice Court, Education liaison of the Board of Justice Court Judges

**Lauren Andersen**

Staff, Judicial Institute Director, Administrative Office of the Courts

# Tab 5

## Agenda

### PROBLEM SOLVING COURT CERTIFICATION, COUNCIL, SEPTEMBER, 2022

The following courts meet all Required and Presumed Best Practices:

District III, Salt Lake County, Adult, Judge Blanch

District III, Salt Lake County, Veteran, Judge Mow

District III, Salt Lake County, Adult, Judge Hogan

District III, Salt Lake County, Adult, Judge Gibson

The following courts have an issue with one or more of the Required or Presumed Best Practices:

District III, Salt Lake County, Adult, Judge Skanchy

Presumed # 11: Drug tests are not all returned within 48 hours

The following Family and Juvenile drug Courts all have the same issue:

District III, Salt Lake County, Family, Judge Renteria

District III, Salt Lake County, Family, Judge Eisenman

District III, Salt Lake County, Family, Judge Jan

District III, Salt Lake County, Family, Judge Johnson

District III, Salt Lake County, Juvenile, Judge Beck

Presumed # 25: All of the above do not have a minimum of 15 participants

**UTAH JUDICIAL COUNCIL**  
**ADULT DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** SALT LAKE COUNTY

**COURT NUMBER:** ADC14SALT LAKE

**JUDGE NAME:** BLANCH

**REVIEW DATE:** MAY, 2022

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 standards.

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.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Drug 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 Drug 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 Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug 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 Drug Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	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 Drug 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 Drug Court team.	III.D.

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 Drug 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 Drug 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 Drug 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 Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

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 Drug 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 Drug 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 Drug 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 Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug 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 Drug 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 drug 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"/>	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 Drug 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 Drug 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 Drug 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 Drug 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.
X	<input type="checkbox"/>	2	The Drug 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 Drug 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 Drug Court judge attends current training events on legal and constitutional issues in Drug 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 Drug 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 Drug 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.

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			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.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
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 Drug 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.
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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 Drug 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 Drug 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 Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.



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X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug 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 Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug 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.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug 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	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <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 Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input type="checkbox"/>	X	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 Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail,	V.J.

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		#	<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>	
			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 Drug 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.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug 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 Drug 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.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

**UTAH JUDICIAL COUNCIL**  
**VETERAN COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** SALT LAKE COUNTY

**COURT NUMBER:** VDC1SALT LAKE

**JUDGE NAME:** MOW

**REVIEW DATE:** JUNE, 2022

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.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Veteran court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Veteran court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
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 Veteran court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Veteran 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 Veteran court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Veteran court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	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 Veteran 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 Veteran court team.	III.D.

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 Veteran 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 Veteran 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 Veteran 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 Veteran court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

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 Veteran 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 Veteran court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Veteran court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
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 Veteran court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Veteran 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 Veteran 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 veteran 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), VJO (in veteran court), and the judge attend each staffing meeting.	VIII.B.*

YES	NO	#	<b>REQUIRED CERTIFICATION CRITERIA</b> <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), VJO(in veteran court), and the judge attend each Veteran 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 Veteran court must be reasonably related to the costs of testing or other services, (if any are assessed).	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant, (if assessed).	
X	<input type="checkbox"/>	53	The Veteran court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Veteran court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

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X	<input type="checkbox"/>	5	The judge presides over the Veteran court for no less than two consecutive years.	III.B.
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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.
<input type="checkbox"/>	X	4	For at least the first ninety days after discharge from the Veteran court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail,	V.J.



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
			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 Veteran 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.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Veteran court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Veteran court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Veteran courts and develop fair and effective policies and procedures for the program.	VIII.F.
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 Veteran court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Veteran court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Veteran court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Veteran court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

**UTAH JUDICIAL COUNCIL**  
**ADULT DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** SALT LAKE COUNTY, WEST JORDAN

**COURT NUMBER:** ADC16SALT LAKE

**JUDGE NAME:** HOGAN

**REVIEW DATE:** JUNE, 2022

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 standards.

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.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Drug 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 Drug 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 Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug 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 Drug Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	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 Drug 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 Drug Court team.	III.D.

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 Drug 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 Drug 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 Drug 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 Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

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 Drug 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 Drug 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 Drug 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 Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug 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 Drug 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 drug 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"/>	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 Drug 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 Drug 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 Drug 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 Drug 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.
X	<input type="checkbox"/>	2	The Drug 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 Drug 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 Drug Court judge attends current training events on legal and constitutional issues in Drug 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 Drug 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 Drug 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	<b>PRESUMED CERTIFICATION CRITERIA</b>		<b>BPS</b>
		#	<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>	
			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.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
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 Drug 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 Drug 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 Drug 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 Drug 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 Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <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 Drug Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug 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 Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug 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.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug 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	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <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 Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input type="checkbox"/>	X	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.
<input type="checkbox"/>	X	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail,	V.J.

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
			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 Drug 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.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input type="checkbox"/>	X	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 Drug 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.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.



**UTAH JUDICIAL COUNCIL**  
**ADULT DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** SALT LAKE COUNTY

**COURT NUMBER:** ADC12SALT LAKE

**JUDGE NAME:** GIBSON

**REVIEW DATE:** JULY, 2022

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X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
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X	<input type="checkbox"/>	4	Candidates for the Drug 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 Drug 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 Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug 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 Drug Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	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 Drug 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 Drug Court team.	III.D.

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 Drug 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 Drug 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 Drug 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 Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

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 Drug 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 Drug 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 Drug 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 Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug 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 Drug 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 drug 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.*

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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 Drug 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 Drug 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 Drug 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 Drug 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.
X	<input type="checkbox"/>	2	The Drug 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 Drug 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 Drug Court judge attends current training events on legal and constitutional issues in Drug 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 Drug 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 Drug 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	PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
			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.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
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 Drug 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 Drug 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 Drug 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 Drug 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 Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <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 Drug Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug 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 Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug 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.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug 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	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <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 Drug 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.
<input type="checkbox"/>	X	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail,	V.J.

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			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 Drug 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.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input type="checkbox"/>	X	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 Drug 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.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.



**UTAH JUDICIAL COUNCIL**  
**ADULT DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** SAL LAKE COUNTY

**COURT NUMBER:** ADC13SALT LAKE

**JUDGE NAME:** SKANCHY

**REVIEW DATE:** MAY, 2022

*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 standards.*

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.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Drug 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 Drug 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 Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug 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 Drug Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	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 Drug 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 Drug Court team.	III.D.

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 Drug 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 Drug 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 Drug 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.*
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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 Drug 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 Drug 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 Drug 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 Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <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 Drug Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest or referral.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug 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 Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug 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.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug 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	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <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 Drug 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.
<input type="checkbox"/>	X	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail,	V.J.

YES	NO	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b>		<b>BPS</b>
		#	<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>	
			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 Drug 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.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug 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 Drug 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.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.



**UTAH JUDICIAL COUNCIL**  
**FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** SALT LAKE COUNTY, WEST JORDAN

**COURT NUMBER:** JFDDC9SALT LAKE

**JUDGE NAME:** RENTERIA

**REVIEW DATE:** MAY, 2022

*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.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high-risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
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 Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency 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 Family dependency court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	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 Family dependency 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 Family dependency court team.	III.D.

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 Family dependency 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 Family dependency 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 Family dependency 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 Family dependency court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

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 Family dependency 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 Family dependency court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Family dependency court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
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 Family dependency court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Family dependency 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 Family dependency 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 family dependency 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 and DCFS caseworker (in family 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"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each Family dependency court session.	VIII.A.*
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 Family dependency 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 Family dependency court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

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.
X	<input type="checkbox"/>	2	The Family dependency court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Family dependency 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 Family dependency court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
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.

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		#	<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>	
			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.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
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 Family dependency 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 Family dependency 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 Family dependency 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 Family dependency 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 Family dependency court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

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X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest or referral.	
X	<input type="checkbox"/>	31	Team members are assigned to Family dependency court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency 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 Family dependency courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Family dependency court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	38	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"/>	39	The program conducts an exit interview for self-improvement.	

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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 Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.

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"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
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.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
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 Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.
X	<input type="checkbox"/>	17	New referrals are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.



**UTAH JUDICIAL COUNCIL**  
**FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** SALT LAKE COUNTY

**COURT NUMBER:** JFDDC7SALT LAKE

**JUDGE NAME:** EISENMAN

**REVIEW DATE:** AUGUST, 2022

*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.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high-risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
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 Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency 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 Family dependency court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	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 Family dependency 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 Family dependency court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
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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 Family dependency 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 Family dependency 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 Family dependency 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 Family dependency court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

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X	<input type="checkbox"/>	30	Upon entering the Family dependency court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
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 Family dependency court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Family dependency court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
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 Family dependency court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Family dependency 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 Family dependency 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 family dependency 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 and DCFS caseworker (in family 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"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each Family dependency court session.	VIII.A.*
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 Family dependency 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 Family dependency court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

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.
X	<input type="checkbox"/>	2	The Family dependency court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Family dependency 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 Family dependency court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
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.

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			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.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
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 Family dependency 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 Family dependency 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 Family dependency 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 Family dependency 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 Family dependency court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

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X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Family dependency court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest or referral.	
X	<input type="checkbox"/>	31	Team members are assigned to Family dependency court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency 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 Family dependency courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Family dependency court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	38	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"/>	39	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <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 Family dependency court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
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 Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.

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"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
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.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
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 Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.
X	<input type="checkbox"/>	17	New referrals are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.



**UTAH JUDICIAL COUNCIL**  
**FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** SALT LAKE COUNTY

**COURT NUMBER:** JFDDC8SALT LAKE

**JUDGE NAME:** JAN

**REVIEW DATE:** JUNE, 2022

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X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Family dependency court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of family dependency court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each staffing meeting.	VIII.B.*

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 and DCFS caseworker (in family dependency courts), and the judge attend each Family dependency 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 Family dependency 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 Family dependency court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

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X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Family dependency court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Family dependency 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 Family dependency court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
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.

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			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.*
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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 Family dependency court population.	VII.D.
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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.
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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 Family dependency court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

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X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Family dependency court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest, or referral.	
X	<input type="checkbox"/>	31	Team members are assigned to Family dependency court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency 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 Family dependency courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Family dependency court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	38	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"/>	39	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <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 Family dependency court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
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 Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.

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X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
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.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
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 Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.
X	<input type="checkbox"/>	17	New referrals are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.



**UTAH JUDICIAL COUNCIL**  
**FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** Salt Lake City

**COURT NUMBER:** ?

**JUDGE NAME:** Johnson (May)

**REVIEW DATE:** August, 2022

*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.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high-risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
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 Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency 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 Family dependency court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	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 Family dependency 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 Family dependency court team.	III.D.

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 Family dependency 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 Family dependency 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 Family dependency 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 Family dependency court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

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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 Family dependency 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 Family dependency court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Family dependency court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
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 Family dependency court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Family dependency court because they lack a stable place of residence.	VI.D.
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X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
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X	<input type="checkbox"/>	31	Team members are assigned to Family dependency court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency 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 Family dependency courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Family dependency court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	38	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"/>	39	The program conducts an exit interview for self- improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <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 Family dependency court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
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 Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.

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"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
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.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
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 Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.
<input type="checkbox"/>	X	17	New referrals are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.



**UTAH JUDICIAL COUNCIL**  
**JUVENILE DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT****LOCATION:** SALT LAKE COUNTY**COURT NUMBER:** JDC1SALT LAKE**NAME:** BECK**REVIEW DATE:** JUNE, 2022

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.
X <input type="checkbox"/>	3	The juvenile drug team does not apply subjective criteria or personal impressions to determine participants' suitability for the program.	I.A.
X <input type="checkbox"/>	4	Candidates for the Juvenile Drug 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.	C
X <input type="checkbox"/>	5	Candidates for the Juvenile Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	C
X <input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	C
X <input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Juvenile Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Juvenile Drug Court.	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 Juvenile Drug Court.	D
X <input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Juvenile Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	D
X <input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X <input type="checkbox"/>	11	The Juvenile Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. <b>R BPS II D</b>	II D
X <input type="checkbox"/>	12	Each member of the Juvenile Drug Court team attends up-to-date training events on recognizing implicit biases and correcting disparate impacts for members of historically disadvantaged groups. <b>R BPS II F</b>	II F
X <input type="checkbox"/>	13	Participants ordinarily appear before the same judge throughout their enrollment in Juvenile Drug Court. <b>R BPS III B</b>	III B
X <input type="checkbox"/>	14	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for the performance are discussed by the Juvenile Drug	III D

YES NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
		Court team. R BPS III D	
X <input type="checkbox"/>	15	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program.	III E
X <input type="checkbox"/>	16	Status hearings are scheduled no less frequently than every four weeks until participants graduates.	III E
X <input type="checkbox"/>	17	The judge spends an average of at least three minutes with each participant.	III F
X <input type="checkbox"/>	18	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"/>	19	If a participant has difficulty expressing him 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"/>	20	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"/>	21	The judge makes these decisions after taking into consideration the input of other Juvenile Drug 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"/>	22	The judge relies on the expert input of duly trained treatment professional when imposing treatment-related conditions.	III H
X <input type="checkbox"/>	23	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV A
X <input type="checkbox"/>	24	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 legal collateral consequences that may ensue from graduation and termination.	IV A
X <input type="checkbox"/>	25	The Juvenile Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV A
X <input type="checkbox"/>	26	The 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 few infractions.	IV A
X <input type="checkbox"/>	27	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV F
X <input type="checkbox"/>	28	Drug testing is performed at least twice a week.	VII G
X <input type="checkbox"/>	29	Drug testing is random, and is available on weekend and holidays.	VII B
X <input type="checkbox"/>	30	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

YES NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X <input type="checkbox"/>	31	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII G
X <input type="checkbox"/>	32	The Juvenile Drug Court utilizes scientifically and valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII G
X <input type="checkbox"/>	33	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 I
X <input type="checkbox"/>	34	Upon entering the Drug 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"/>	35	The program requires at least 90 days clean to graduate.	
X <input type="checkbox"/>	36	The minimum length of the program is twelve months.	
X <input type="checkbox"/>	37	Unless a participant poses an immediate risk to public safety, detention sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV J
X <input type="checkbox"/>	38	Detention sanctions are definite in duration and typically last no more than three to five days.	IV J
X <input type="checkbox"/>	39	Participants are given access to counsel and a fair hearing if a detention sanction might be imposed.	IV J
X <input type="checkbox"/>	40	Participants are not terminated from Juvenile Drug 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"/>	41	If a participant is terminated from the Juvenile Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. <b>R BPS* IV K</b>	V.I.
X <input type="checkbox"/>	42	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services.	V B
X <input type="checkbox"/>	43	Treatment providers are licensed or certified to deliver substance abuse treatment. <b>R BPS V H</b>	V H
X <input type="checkbox"/>	44	Participants are not excluded from participation in DUI Court because they lack a stable place of residence.	VI.D.
X <input type="checkbox"/>	45	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V J
X <input type="checkbox"/>	46	At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each staffing meeting. <b>R BPS VII A*</b>	VI.I.*
X <input type="checkbox"/>	47	At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each Juvenile Drug Court session.	VII A
X <input type="checkbox"/>	48	Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case.	VIII B
X <input type="checkbox"/>	49	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.	VII C

YES NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X <input type="checkbox"/>	50	Court fees are reasonable and based on each participant's ability to pay.	
X <input type="checkbox"/>	51	Treatment fees are based on a sliding fee schedule.	
X <input type="checkbox"/>	52	A skilled and independent evaluator examines the drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X D
X <input type="checkbox"/>	53	The Juvenile Drug 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

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
X <input type="checkbox"/>	2	The program admits only participants who are high risk need as measure by a validated risk and need assessment tool.	I B
X <input type="checkbox"/>	3	The Juvenile Drug Court attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, and evidence-based substance abuse and mental health treatment, behavior modification and community supervision.	III A
X <input type="checkbox"/>	4	The judge presides over the Juvenile Drug Court for no less than two consecutive years.	III B
X <input type="checkbox"/>	5	The Juvenile Drug 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 medially safe alternative treatments are available.	IV F
X <input type="checkbox"/>	6	Phase promotion is predicted 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"/>	7	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV I
X <input type="checkbox"/>	8	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
X <input type="checkbox"/>	9	Drug Testing results are available within 48 hours.	VII H
X <input type="checkbox"/>	10	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 Drug Court population.	VII D
X <input type="checkbox"/>	11	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"/>	12	Standardized patient placement criteria govern the level of care that is provided.	V A
X <input type="checkbox"/>	13	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Juvenile Drug Court's programmatic phase structure.	V A
X <input type="checkbox"/>	14	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V D

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <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"/>	15	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"/>	16	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"/>	17	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V H
X	<input type="checkbox"/>	18	Participants suffering from mental illness receive mental health services beginning in the first phase of Juvenile Drug Court and continuing as needed throughout their enrollment in the program.	V I
X	<input type="checkbox"/>	19	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"/>	20	Clients are placed in the program within 50 days of screening for eligibility.	
X	<input type="checkbox"/>	21	Team members are assigned to Juvenile Drug Court for no less than two years.	
X	<input type="checkbox"/>	22	All team members use electronic communication to contemporaneously communicate about Juvenile Drug Court issues.	
X	<input type="checkbox"/>	23	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 Juvenile Drug Courts.	VIII F
X	<input type="checkbox"/>	24	New staff hires receive a formal orientation training on the Juvenile Drug Court model and best practices in DUI Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII F
	X	25	The Juvenile Drug Court has more than 15 but less than 125 active participants.	IX C
X	<input type="checkbox"/>	26	The Juvenile Drug 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
X	<input type="checkbox"/>	27	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"/>	28	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <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 Juvenile Drug Court regularly monitor whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II B XE
X	<input type="checkbox"/>	2	The Juvenile Drug Court offers a continuum of care for substance abuse treatment including	V B

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
			detoxification, residential, day treatment, intensive outpatient and outpatient services.	
X	<input type="checkbox"/>	3	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"/>	4	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V E
X	<input type="checkbox"/>	5	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 juvenile justice system.	V F
X	<input type="checkbox"/>	6	Treatment providers have substantial experience working with juvenile justice populations.	V H
X	<input type="checkbox"/>	7	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Juvenile Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), other major anxiety disorders.	VI E
X	<input type="checkbox"/>	8	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"/>	9	Female participants receive trauma-related services in gender-specific groups.	VI F
X	<input type="checkbox"/>	10	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI F
X	<input type="checkbox"/>	11	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, as appropriate, after their discharge from the Juvenile Drug Court.	VJ
X	<input type="checkbox"/>	12	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	VJ
X	<input type="checkbox"/>	13	Before starting a Juvenile Drug Court, team members attend a formal pre-implantation training to learn from expert faculty about best practices in Juvenile Drug Courts and develop fair and effective policies and procedures for the program.	VII F
X	<input type="checkbox"/>	14	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.	X
X	<input type="checkbox"/>	15	Information relating to the services provided and participant' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Juvenile Drug Court's adherence to best practices and in-program outcomes.	X F
X	<input type="checkbox"/>	16	Outcomes are examined for all eligible participants who entered the Juvenile Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. B BPS X H	X H
<input type="checkbox"/>	X	17	New adjudications are monitored for at least three years following each participant's entry into the Juvenile Drug Court.	X C





# Tab 6

## Agenda

### **Budget and Grants Agenda for the September 13, 2022 Judicial Council Meeting**

1. Adoption of Carryforward FY 22 into FY 23 beginning Reserve ..... Karl Sweeney  
(Tab 1 – Action)
2. Ongoing, Reserve and Year End Spending Requests ..... Karl Sweeney  
(Tab 2 – Action)

#### **Ongoing Spend Requests Presented for Approval to Forward to Judicial Council**

1. Performance Raises ..... Melissa Taitano

#### **Year End Spend Requests Presented for Approval to Forward to Judicial Council**

1. Q1/Q2 Performance Bonus Payments ..... Karl Sweeney
2. St. George Courtroom Audio ..... Todd Eaton
3. Adobe E-Signatures ..... Brody Arishita

#### **Reserve Requests Presented for Approval to Forward to Judicial Council**

To be addressed in Executive Session

3. Grants Update ..... Jordan Murray  
(Tab 3 – Information)

# Tab 1

## 1. FY 2023 Reserve Funding Request

This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of the balance of the FY 2022 Carryforward into Reserves.

**Date:** 8/30/2022

**Department or District:** AOC Finance

**Requested by:** Karl Sweeney and Alisha Johnson

**Request title:** Reserve Funding

**Amount requested:** One time: \$500,076 (Last year's initial reserve request was \$150,000 initially but increased to \$466,829 in August 2021 due to available but unclaimed carryforward funds).

**Purpose of funding request:**

This is a request to move \$500,076 of unused carryforward (see Exhibit A) funding to Reserves. These funds could then be allocated by the Judicial Council through the year end spending process for one time FY 2023 projects.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

The Judicial Council has historically maintained a reserve for contingency spending requests. The \$500,076 amount is on par with reserves for most recent years but, due to potential contingent liabilities for FY 2023, we may bring a supplemental request for increased reserves to the Judicial Council in a future month.

**Alternative funding sources, if any:**

None.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

Risk of YE FY 2023 requests reducing the amount available to fund the reserve for contingencies.

# 1. FY 2023 Reserve Funding Request

## Exhibit A



### FY 2023 Carryforward and Ongoing Requests - 2022 Year End

8/30/2022

#### Funding Sources

	One Time	Ongoing
Total Case Processing Amounts from 2022 General Session Fiscal Notes	\$ 247,900	\$ 818,200
Expected Carryforward Amount from Fiscal Year 2022 (as of 7/29/2022)	\$ 3,200,000	\$ -
Ongoing Turnover Savings (forecasted as of 7/29/2022 - funding for Hot Spot, Targeted, and Performance Raises already included)	\$ -	\$ 409,541
<b>Total Available Funding</b>	<b>\$ 3,447,900</b>	<b>\$ 1,227,741</b>

#### One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 AALL Conference Attendance Funds - Law Library	\$ 845	N/A	\$ 845	N/A
2* ODR Program Development	\$ 46,200	N/A	\$ 46,200	N/A
3 Bountiful District Courtroom #2 Audio Upgrade	\$ 40,000	N/A	\$ 40,000	N/A
4 Law Clerk Commitment Fulfillment	\$ 11,000	N/A	\$ 11,000	N/A
5 IT - Delayed Delivery of Statewide Routers and WiFi Access Points	\$ 160,000	N/A	\$ 160,000	N/A
6 TSOB Probation Office A/V System - Phase 2	\$ 61,509	N/A	\$ 61,509	N/A
7* HR - Onboarding and Recruitment Software	\$ 19,030	N/A	\$ 19,030	N/A
8* Education - In Person Conferences and Education Team Training	\$ 168,500	N/A	\$ 168,500	N/A
9* Employee Incentive Awards	\$ 280,000	N/A	\$ 280,000	N/A
10* ICJ Operations Funding	\$ 21,000	N/A	\$ 21,000	N/A
11* Education Assistance Program Funding	\$ 85,000	N/A	\$ 85,000	N/A
12* Secondary Language Stipend	\$ 83,200	N/A	\$ 83,200	N/A
13* Public Transportation Reimbursement Program	\$ 50,000	N/A	\$ 50,000	N/A
14 Cisco Portal Upgrade - IT	\$ 150,000	N/A	\$ 150,000	N/A
15* Retain Contract Developers - IT	\$ 682,000	N/A	\$ 682,000	N/A
16* IT Replacement Inventory	\$ 250,000	N/A	\$ 250,000	N/A
17 Seventh District Courthouse Improvements	\$ 8,840	N/A	\$ 8,840	N/A
18 Partial Restoration of FY 2021 Budget Cuts	\$ 112,500	N/A	\$ 112,500	N/A
19 IT Bandwidth and Webex Renewal	\$ 118,000	N/A	\$ 118,000	N/A
20* Time-limited Law Clerks	\$ 191,200	N/A	\$ 191,200	N/A
21 IT Staff Augmentation	\$ 270,000	N/A	\$ 270,000	N/A
22 Pilot Program - Counseling for Court Employees and Jurors	\$ 35,000	N/A	\$ 35,000	N/A
23 Justice Court Reform Analysis Partner	\$ 50,000	N/A	\$ 50,000	N/A
24 Education - Diversity, Equity and Inclusion Training	\$ 25,000	N/A	\$ 25,000	N/A
25* Divorce Education for Children	\$ 12,000	N/A	\$ 12,000	N/A
26 Audio for Spanish Fork Courtrooms	\$ 17,000	N/A	\$ 17,000	N/A
<b>Subtotal</b>	<b>\$ 2,947,824</b>	<b>\$ -</b>	<b>\$ 2,947,824</b>	<b>\$ -</b>
<b>Balance Remaining After Judicial Council Approvals</b>			<b>\$ 500,076</b>	
<b>+ Balance Remaining Inclusive of "Presented"</b>	<b>\$ 500,076</b>			

#### LEGEND

Highlighted items are currently being presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

\* - items have been presented and approved in prior years.

- One-time balance remaining is available to go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

# Tab 2



### FY 2023 Ongoing Turnover Savings as of 08/22/2022

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation)	Internal Savings	250,392	250,392
2	Ongoing Turnover Savings FY 2023	Internal Savings	30,365	530,365
3	TOTAL SAVINGS		280,756	780,756
	2023 Hot Spot Raises		(48,889)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(450,000)
4	TOTAL USES before YE Requests		(48,889)	(650,000)
<b>Actual Turnover Savings for FY 2023 as of 08/22/2022 Before Judicial Council YE Requests</b>			<b>\$ 231,868</b>	<b>\$ 130,756</b>

Prior Report Totals \$ - \$ -

- \* Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- \* There are currently 25 positions that have turned over within the past 90 days that are currently listed as having unknown benefits. As those employees select their benefits, if they select lower benefits, there will be additional savings.
- \* Currently, 53.6 FTE are vacant with 15 in process of being filled. If those fill, with no other changes, that would leave 48.6 FTE vacant.
- 1 Line 1 includes the previously allocated \$150,000 set aside for performance raises and the \$82,000 set aside for hot-spot (listed in the uses section)
- 2 We are currently estimating \$50,000 of ongoing savings a month for the remaining 10 months of the fiscal year.
- 3 When the carried over and appropriated amount (line 1) with the YE forecast (line 2), the grand total for YE 2023 increases to ~ \$780,800.
- 4 With all hot spot and performance raises money is expended (a total of \$650,000), the YE available ongoing OTS is reduced to ~ \$130,800.



### FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 08/05/2022 (208 out of 2088 hours)

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 08/05/2022)	Internal Savings	392,881.18
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 08/05/2022)	Reimbursements	100,213.85
3	Est. One Time Savings for 1,880 remaining pay hours (\$1,750 / pay hour)	Internal Savings (Est.)	3,290,000.00
<b>Total Potential One Time Savings</b>			<b>\$ 3,783,095.03</b>

Prior Report Totals \$ -

- \* Actual per hour turnover savings for the last 3 pay periods (oldest to newest) are \$2,719.27, \$2,247.93 and \$2,284.20. The average per hour turnover savings YTD was \$2,370.65. These numbers do include ARPA reimbursements.



**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

## 1. FY 2023 Ongoing Turnover Savings Spending Request – Performance Raises

We believe delaying approval of this request weakens trust in the promises made to our Court personnel that performance raises would be an annual event.

### Exhibit A



### FY 2023 Ongoing Turnover Savings as of 08/22/2022

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2023, includes unallocated ongoing appropriation)	Internal Savings	250,392	250,392
2	Ongoing Turnover Savings FY 2023	Internal Savings	30,365	530,365
3	TOTAL SAVINGS		280,756	780,756
	2023 Hot Spot Raises		(48,889)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(450,000)
4	TOTAL USES before YE Requests		(48,889)	(650,000)
5	Actual Turnover Savings for FY 2023 as of 08/22/2022 Before Judicial Council YE Requests		\$ 231,868	\$ 130,756
		Prior Report Totals	\$ -	\$ -



## FY 2023 Year End Forecasted Available One-time Funds

Forecasted Available One-time Funds			#	One-time Spending Plan Requests	Current Requests	Judicial Council Approved
Description	Funding Type	Amount			Amount	Amount
<b>Sources of YE 2023 Funds</b>						
* Turnover Savings as of pay period ending 08/05/22 (including anticipated ARPA reimbursement)	Turnover Savings	493,095	1	Performance Bonus Payments	\$ 450,000	
** Turnover savings Estimate for the rest of the year (\$1,750 x 1,880 pay hours)	Turnover Savings	3,290,000	3	St. George Courtroom Audio	\$ 141,000	
(a) <b>Total Potential One Time Turnover Savings</b>		3,783,095	2	Adobe E-Signatures	\$ 260,000	
(b) <b>Operational Savings From TCE / AOC Budgets</b>	Internal Operating Savings	-				
(c) <b>Reserve Balance (balance from FY 2022 Carryforward) if request approved</b>	Judicial Council Reserve	500,076				
<b>Anticipated Reserve Uses - including previously approved and pending requests</b>	Judicial Council Reserve Uses	(152,000)				
<b>Uses of YE 2023 Funds</b>						
<b>Carryforward into FY 2024 (Maximum is \$2,500,000)</b>	Desired Carryforward	(2,500,000)				
<b>Total Potential One Time Savings = (a) + (b) + (c) less Carryforward</b>		\$ 1,631,171				
<b>Less: Judicial Council Requests Previously Approved</b>		\$ -		<b>Current Month One-time Spending Requests</b>	851,000	
<b>Less: Judicial Council Current Month Spending Requests</b>		\$ (851,000)		<b>Previously Approved 1x FY 2022 YE Spending Request (net of cxl'd requests)</b>		-
<b>Remaining Forecasted Funds Available for FY 2023 YE Spending Requests</b>		\$ 780,171				

Updated 08/24/2022

\* Actual turnover savings as calculated on a pay period basis through 05/13/2022. Data can be found in the Budget Summary Excel workbook on the Personnel tab.

\*\* Actual per hour turnover savings for the last 3 pay periods (oldest to newest) are \$2,719.27, \$2,247.93 and \$2,284.20.

The average per hour turnover savings YTD was \$2,370.65. These numbers do include ARPA reimbursements.

(b) This amount will be updated based on forecasts from budget managers (TCEs, AOC Directors, etc) to be received in January/February, 2023.

## 1. FY 2023 YE Spending Request – Q1/Q2 Performance Bonus Payments

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

**Date:** 8/30/2022

**Department or District:** AOC Administrators

**Requested by:** Ron Gordon, Neira Siaperas, Karl Sweeney and Melissa Taitano

**Request title:** FY 2023 Q1/Q2 Performance Bonus Payments

**Amount requested:** \$450,000 of 1x Turnover Savings (TOS) (\$340,000 in cash payments + \$110,000 in Retirement/employer taxes)

**Purpose of funding request:** The conversion of the Court's incentive plans to a court-wide incentive plan (as approved by the Judicial Council in May 2021) includes a performance based bonus plan. Under this plan all non-judicial Court employees have the opportunity to receive a Performance Bonus using one-time Turnover Savings (1x TOS) similar to the one-time Incentive Bonus payments that were made in Spring FY 2021 and twice in FY 2022 (see table below). The FY 2022 amount was smaller than FY 2021 because those who opted into Career Ladder for FY 2022 were not eligible to participate in the Performance Bonus Plan until FY 2023. Due to lower turnover rates anticipated for FY 2023, the payments for FY2023 are recommended to be \$450,000 for Q1/Q2 2023 and adjusted up or down for Q3/Q4 depending on actual 1xTOS for FY 2023. The totals for all bonus plans for the last 3 years are shown below:

	<u>FY 2021</u>	<u>FY 2022</u>	<u>Forecast FY 2023</u>
Payment in spring 2021	\$990,300		
Performance Bonus Payments		\$730,000	\$900,000 (paid out 50% in Dec 2022 and 50% in June 2023)
Career Ladder 1x Payments		<u>\$243,000</u>	
Total	\$990,300	\$973,000	\$900,000

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

Performance Bonuses are based on completion of milestones in performance expectations. They are generally the largest type of one-time compensation payments that can be given to non-judiciary employees. They are authorized by the Judicial Council by request from the State Court and Deputy State Court Administrators and funded from 1x Turnover Savings. Payment of Performance Bonuses is a critical piece of the Court's compensation strategy. However, request amounts may vary year to year depending on the (1) amount of 1x Turnover Savings and (2) the competing demands for those funds.

These bonuses are meant to be given as employees complete milestones in performance goals as set with their manager. Not all goals will be accomplished in Q1 or Q2, but to reduce the turnover of Court personnel, we are encouraging managers to continue paying bonuses as eligible employees complete portions of their annual goals. The amount of the Performance Bonus Plan varies with some employees

## 1. FY 2023 YE Spending Request – Q1/Q2 Performance Bonus Payments DRAFT

receiving Performance Raises and others Performance Bonus payments. Of course, those who do not complete their performance goals may not receive either of these type of payments.

Bonus payments in Q1/Q2 of FY 2023 not only immediately reinforce the accomplishment of an employee's goals, but serve to assure employees that the Performance Bonus plan can continue to be relied upon as part of the total compensation plan for the Courts.

The Courts in FY 2022 generated in excess of \$5.0M in 1x TOS and budget savings annually. With lower JA turnover for FY 2023 we expect the amount of 1x TOS to be lower in FY 2023 than in FY 2022.

Please see Exhibit A for our current forecast of 1x TOS.

As shown in Exhibit A, our current forecast of 1x TOS is \$3.8M for FY 2023. We have not shown in our current forecast of 1x TOS any savings to budget for FY 2023. The savings to budget amounts will be generated in Period 7 when we ask the AOC Directors and TCEs to do a forecast of savings to budget they will have in FY 2023. For FY 2022 we generated over \$1.0M in savings from operational budgets. We also have \$500K of unused carryforward funds giving the Courts upwards of \$4.3M of total forecasted 1x TOS. After deducting out \$2.5M in legislature authorized carryforward funds (this amount may increase if AOC Finance's forecast show a likelihood of supply chain interruptions for FY 2023 that would mean our \$2.5M in authorized carryforward would be too little to meet the needs of the Court).

This gives us \$1.8M to use for funding FY 2023 YE requests – against which the \$450,000 requested above will be drawn. AOC Finance is confident that there will be sufficient 1x TOS to fund this Performance Bonus Payment request of \$450,000.

### **Alternative funding sources, if any:**

None.

### **If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

We would be outside the terms approved by the Judicial Council. It would potentially accelerate turnover in critical positions.

# 1. FY 2023 YE Spending Request – Q1/Q2 Performance Bonus Payments DRAFT

## Exhibit A



## FY 2023 Year End Forecasted Available One-time Funds

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
	Sources of YE 2022 Funds		
*	Turnover Savings as of pay period ending 08/05/22 (including anticipated ARPA reimbursement)	Turnover Savings	493,095
**	Turnover savings Estimate for the rest of the year (\$1,750 x 1,880 pay hours)	Turnover Savings	3,290,000
(a)	Total Potential One Time Turnover Savings		3,783,095
(b)	Operational Savings From TCE / AOC Budgets	Internal Operating Savings	-
(c)	Reserve Balance (balance from FY 2022 Carryforward)	Judicial Council Reserve	500,076
	Uses of YE 2023 Funds		
	Carryforward into FY 2023 (Maximum is \$2,500,000)	Desired Carryforward	(2,500,000)
Total Potential One Time Savings = (a) + (b) + (c ) less Carryforward			\$ 1,783,171

## 2. FY 2023 YE Spending Request – St. George Courtroom A/V Upgrades

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

**Department or District:** Information Technology  
**Requested by:** Todd Eaton

**Request title:** St. George Courtroom A/V Upgrades

**Amount requested:** \$ 141,000 **One-time funds**

**Purpose of funding request:**

Funding St. George courtroom AV upgrades completed in July 2022

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

PO 2108108808 was cut in August of 2021 to upgrade the audio systems in all of the St. George courtrooms. Due to supply chain and technology parts shortages only partial hardware was delivered during FY22. When a majority of the hardware had arrived, special arrangements were made through Legal and Finance to allow us to partially pay for about \$195,000 of this purchase order. The remaining \$141,000 was left open through completion of the project. This request is for that remaining balance to be carried forward for FY22.

The upgrades were completed July 29th, 2022. We are completing final sign off, billing, and payment currently. This request simply tracks that the project was not completed during FY22 and, thus, the remaining funding was carried forward into the beginning FY23 balance and should be funded as, now, "Year End."

**Alternative funding sources, if any:**

There is no alternative funding source

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

We will not be able to pay GenComm for the remaining balance of this PO for completed work.



### 3. FY 2023 YE Spending Request – Adobe e-Signature

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

**Date:** 8/30/2022

**Department or District:** AOC Information Technology

**Requested by:** Brody Arishita

**Request title:** Adobe e-Signature (AdobeSign) Implementation

**Amount requested:** \$260,000 of 1x Turnover Savings funds

**Purpose of funding request:**

Courts IT has been busy building tools to “bring the courts to the public” by providing improved access to Justice. Many of the ARPA projects are geared towards increasing accessibility especially for pro se filers. Tools like MyCase offer the ability for pro se parties in District, Justice and Juvenile courts to be able to e-file documents that would go to a clerical queue for review and to accept or revise. The ability to e-file documents brings much greater efficiency to the front part of the process but will be greatly impaired if it is not paired with an efficient workflow for digitally signing. AdobeSign brings the ability to efficiently sign e-filed documents across all of the different case types and documents types and the various persons who need to sign or otherwise access electronic documents including Judges, Commissioners, Court Clerical, Attorneys, and the Public – which includes pro se filers.

Other places in the Courts where AdobeSign can be used include purchasing contracts, employment correspondence, and any other Court documents

This request is to cover costs for 1 year of AdobeSign. We have negotiated with Adobe to bring the cost down from over \$1 per signature down to a very reasonable cost per transaction (which may include multiple documents) of \$0.25 cents. This request is calculated based on estimate of 1 million documents that the Courts would utilize AdobeSign to gather signatures across all levels of courts. Funding for AdobeSign for FY 2024 is being sought from the legislature as part of IT’s judicial priority request (#6).

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

AdobeSign expedites the process for signing documents, with (1) enhanced security over current signing methodology, (2) improved workflow across various user groups and (3) highly competitive pricing based on skilled negotiation and utilization of other Adobe products. **AdobeSign is included in the IT Judicial Priority request for FY 2024 @ \$300,000 ongoing. The 1x request seeks to begin the adoption of AdobeSign in FY 2023 with 1x funds and begin to integrate and reap the efficiencies of this software in advance of the ongoing funds being approved.**

### 3. FY 2023 YE Spending Request – Adobe e-Signature

**Alternative funding sources, if any:** None.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

Without this funding, the pricing cannot be guaranteed as this is a “quarter end” negotiated price. Further, we would lose this valuable test phase to determine how good of a “fit” for our MyCase and propose filers and other users listed above.

# Tab 3

# UTAH STATE COURTS

## GRANTS UPDATE APRIL–JUNE 2022



ADMINISTRATIVE OFFICE OF THE COURTS  
FINANCE DEPARTMENT

SEPTEMBER, 2022

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

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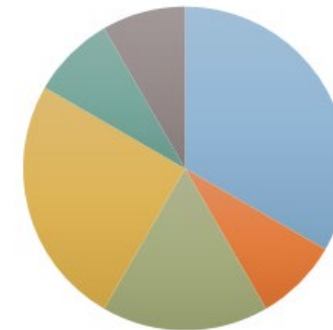
*Table 2. Grant Financial Overview.* ..... 6

**Active Grants.** The Administrative Office of the Courts presently holds twelve (12) active grants comprised of six (6) federally-awarded grants and six (6) non-federally awarded grants.

**Closed Grants.** Three grants concluded as scheduled at the close of fiscal year 2022. Closed grants include those awarded by The Pew Charitable Trusts supporting the assessment and implementation of various usability and accessibility enhancements to the Online Dispute Resolution platform, a State Justice Institute grant supporting the pilot of the Office of Legal Services Innovation, and a State Asset Forfeiture Grant awarded by the Commission on Criminal & Juvenile Justice in support of the May 2022 Problem Solving Court Conference.

**Grant Distribution.** Among the twelve active grants in the portfolio of the Courts, four (33%) are administered by the Juvenile Court, one (8%) by Information Technology, two (17%) by the Domestic Violence Program, three (25%) by the Innovation Office, one (8%) by Alternative Dispute Resolution, and one (8%) by the Office of Guardian ad Litem.

**Grants Under Consideration.** The Stand Together Foundation grant requesting \$975,000 in support of the Innovation Office (approved for submission by the Judicial Council on June 27, 2022) remains pending grantor response.



■ Juvenile Court Administration
 ■ Information Technology
 ■ Domestic Violence Program
 ■ Innovation Office
 ■ Alternative Dispute Resolution
 ■ Office of Guardian ad Litem

Figure 1. Active Grants by Grant Administering Unit (GAU)

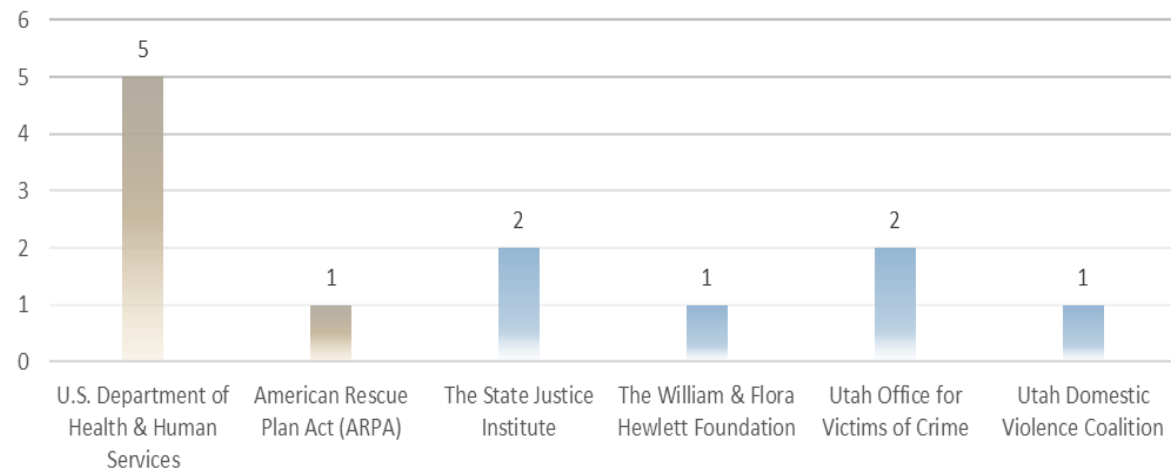


Figure 2. Active Grants by Funder

Table 1. Grant Summary

Proportion of Active Grants by Awarding Agency Type				
		Federal 50%	Non-Federal 50%	
Unit	Grant Title	Federal	Non-Federal	Grant Administering Unit (GAU)
2918	Court Improvement Program-Data	✓		Juvenile Court Administration
2919	Court Improvement Program-Training	✓		Juvenile Court Administration
2923	Court Improvement Program Pandemic Supplement	✓		Juvenile Court Administration
2935	Online Dispute Resolution Enhancements		✓	Information Technology
2936	Stop Violence Against Women Act		✓	Domestic Violence Program
2938	Innovation Office Regulatory Sandbox		✓	Innovation Office
2940	Innovation Office Sandbox Tools		✓	Innovation Office
2957	Court Improvement Program-Basic	✓		Juvenile Court Administration
2962	State Access & Visitation Program	✓		Alternative Dispute Resolution
2967	Victims of Crime Act		✓	Office of Guardian ad Litem
2975	Innovation Office-ARPA	✓		Innovation Office
2999	Tribal Outreach Coordinator		✓	Domestic Violence Program
<b>Active Grants Total</b>		<b>6</b>	<b>6</b>	
2920	SAFG Problem Solving Court Conference 2022 - CCJJ		✓	District Court Administration
2933	Office of Legal Services Innovation Pilot - SJI		✓	Innovation Office
2943	Online Dispute Resolution - Pew Charitable Trusts		✓	Information Technology
<b>Closed Grants Total</b>			<b>3</b>	



## **Juvenile Court Administration** **Court Improvement Program (CIP)** **Units 2918/2919/2957/2923**



*The Juvenile Court continues its recruitment efforts to hire a CIP Director. The CIP Director position has been posted three times and a new director has yet to be hired. The CIP Summit is scheduled to take place from August 31-September 1, 2022. The Hearing Quality Project is underway and the Juvenile Court has completed the review and update of the “Codebook for Hearing Observation Tool” and SRI will now begin the first round of Post Benchcard Hearing Reviews. The FY 2023 CIP application was recommended for approval by Utah’s federal CIP representative.*

## **Office of Guardian ad Litem** **Victims of Crime Act (VOCA)** **Unit 2967**



*The VOCA-funded Volunteer Coordinator in the West Jordan location is presently on maternity leave and expected to return the first week of September. There are approximately 30 volunteers who will initiate training when the West Jordan Volunteer Coordinator returns from leave. The VOCA-funded Volunteer Coordinator in the Provo location has turned in their notice, and the Office will seek to fill the role as soon as possible despite the tough realities of the current job market.*

## **Domestic Violence Program** **Violence Against Women Act (VAWA)** **& Domestic Violence Coalition (UDVC) Grant** **Units 2936/2999**



*The Domestic Violence Program has worked on the following items concerning the VAWA grant: rolling out the criminal protective order forms, bringing the courts into compliance with NCIC requirements, training court staff, judicial officers, attorneys, victim advocates, law enforcement, and other professionals about domestic violence, sexual violence, protective order, trauma and trauma-informed care; developing a Sexual Violence Bench Book, meeting with Utah's Native American Nations to address domestic violence, sexual violence, and the Missing and Murdered Indigenous Women's Crisis, developing and implementing the Domestic Violence Criminal Docket Pilot Program, and developing a full faith and credit conference for the courts, the Native American Nations, and stakeholders.*

*Concerning the UDVC grant, the Domestic Violence Program has provided training on protective order NCIC requirements to rural court locations, has begun developing a needs assessment to assess tribal protective orders (Nations' access to NCIC, registration within the State courts, barriers to effective submission), is providing training on domestic violence and best practices, and is performing audits for the protective order system for errors to reduce the submission error rates across rural courts.*

**Utah Supreme Court**  
**Office of Legal Services Innovation**  
Hewlett Foundation & State Justice Institute  
Units 2938/2940/2975



*The Office of Legal Services Innovation posted a Request for Proposals to fill the Senior Research Analyst position. From launch through August 1, 2022, the Office has received 79 applications requesting participation in the Utah Regulatory Sandbox. Of those, 46 applicants (58%) have obtained recommendation for authorization. Two applicants have been denied recommendation by the Office. To date, entities have reported twelve complaints to the Office or approximately one complaint per 2,081 services rendered. The ratio of “harm-related” complaints equals approximately one complaint per 4,163 services rendered. Harm-related complaints are defined when a consumer: 1) obtains inaccurate or inappropriate legal results, 2) fails to exercise legal rights through ignorance or poor advice, and/or 3) purchases an unnecessary or inappropriate legal service.*

**Alternative Dispute Resolution**  
State Access & Visitation Grant  
Unit 2962



*Co-Parenting Mediation has received 25 referrals between 7/01/2022 and 08/24/2022.*

**Information Technology**  
**Online Dispute Resolution (ODR)**  
State Justice Institute  
Unit 2935



*Information Technology continues to work with its contractor (Sirius) to implement accessibility and usability enhancements identified by ODR Facilitators and end-user feedback. Additional workflow enhancements are being made to the ODR chatbot (“COURTney”).*

Table 2. Grant Financial Overview April – June 2022

State Fiscal Year 2022							
Unit #	Grant Administering Unit	Awarded by	Grant	FY 2022 Q4 Revenue	LTD Expenditures	Award Total	Remaining
<b>Federally Awarded</b>							
2918	Juvenile Court Administration	Health & Human Services	Court Improvement Program (CIP) - Data	\$ 39,840	\$ 144,288	\$ 146,189	\$ 1,901
2919	Juvenile Court Administration	Health & Human Services	Court Improvement Program (CIP) - Training	\$ 17,508	\$ 119,569	\$ 146,189	\$ 26,620
2957	Juvenile Court Administration	Health & Human Services	Court Improvement Program (CIP) - Basic	\$ 4,962	\$ 115,772	\$ 158,976	\$ 43,204
2923	Juvenile Court Administration	Health & Human Services	Court Improvement Program (CIP) Supplement	\$ 12,385	\$ 35,944	\$ 147,058	\$ 111,114
2962	Alternative Dispute Resolution	Health & Human Services	State Access & Visitation Program	\$ 52,494	\$ 100,000	\$ 100,000	\$ -
2975	Innovation Office	State Legislature	American Rescue Plan Act (ARPA)	\$ -	\$ -	\$ 324,500	\$ 324,500
<i>Subtotals Federal</i>				\$ 127,188	\$ 515,573	\$ 1,022,912	\$ 507,339
<b>Non-Federally Awarded</b>							
2938	Innovation Office	Hewlett Foundation	Innovation Office Staff Funding	\$ 185,541	\$ 64,059	\$ 250,000	\$ 185,941
2936	Domestic Violence Program	Office for Victims of Crime	Violence Against Women Act (VAWA)	\$ 29,540	\$ 29,540	\$ 85,000	\$ 55,460
2967	Guardian ad Litem	Office for Victims of Crime	Victims of Crime Act (VOCA)	\$ 177,550	\$ 205,136	\$ 215,516	\$ 10,380
2935	Information Technology	State Justice Institute	Online Dispute Resolution (ODR) Enhancements	\$ 78,770	\$ 78,770	\$ 185,000	\$ 106,230
2940	Innovation Office	State Justice Institute	Sandbox Tools for Scaling & Sustaining Innovation	\$ 13,425	\$ 33,421	\$ 65,020	\$ 31,599
2999	Domestic Violence Program	Office for Victims of Crime	Tribal Outreach Coordinator	\$ 33,232	\$ 31,308	\$ 233,350	\$ 202,042
<i>Subtotals Non-Federal</i>				\$ 518,058	\$ 442,234	\$ 1,033,886	\$ 591,652
<b>TOTAL</b>				<b>\$ 645,246</b>	<b>\$ 957,808</b>	<b>\$ 2,056,798</b>	<b>\$ 1,098,990</b>

# Tab 7

## Agenda



## Administrative Office of the Courts

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

September 6, 2022

Ronald B. Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

### MEMORANDUM

**TO: Judicial Council**  
**FROM: Keisa Williams**  
**RE: Administrative Fee - Deferred Traffic Prosecution Cases**

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[HB 139 \(77-2-4.2\)](#), deferred traffic prosecution, goes into effect on October 1, 2022. Related rule amendments and orders were approved by the Judicial Council at its August 19, 2022 meeting. The Judicial Council now needs to approve an administrative fee.

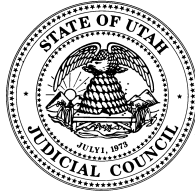
The code contemplates an administrative fee to be paid by participants to cover costs associated with the development and implementation of the automated system. Under 77-2-4.2(5)(h)(i), the “Judicial council shall set and periodically adjust the fee...in an amount that the judicial council determines to be necessary to cover the cost to implement, operate, and maintain the deferred prosecution program...” The use of automated orders will help keep the administrative fee lower and more cost effective for court patrons.

The AOC estimates that a **\$5.00 fee** is necessary to cover initial implementation and operation costs. Staff will provide periodic reports and recommendations to the Judicial Council on any necessary adjustments to that amount.

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 8

## Agenda



# Administrative Office of the Courts

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

September 6, 2022

Ronald Gordon, Jr.  
State Court Administrator  
Neira Saiperas  
Deputy Court Administrator

## MEMORANDUM

**TO: Management Committee / Judicial Council**  
**FROM: Keisa Williams**  
**RE: Rule for Final Approval**

---

Following a 45-day comment period, the Policy, Planning, and Technology Committee recommends that the following rules be approved as final with an *effective date of November 1, 2022, unless otherwise noted*.

**CJA 4-206. Exhibits. (Amend)***(November 1, 2022 effective date)*

For clarification purposes, “biological evidence” has been added to the non-exhaustive list of exhibits that will remain in the custody of parties during trial and a reference to Title 53, Chapter 20, Forensic Biological Evidence Preservation, has been added to paragraph (5) to draw parties’ attention to their responsibilities regarding disposal of biological evidence.

- The court received one public comment in favor of this amendment.

**CJA 9-107. Justice court technology, security, and training account. (Amend)***(November 1, 2022 effective date)*

Following the creation of the Budget and Fiscal Management Committee, the approval process for allocations from the Justice Court Technology, Security and Training Account was modified. The proposed amendments codify a change in practice that was implemented a few years ago.

- No public comments were received.

**CJA 3-412. Procurement of goods and service. (Amend)** *(expedited approval – 9/13/22 effective date)*

The small purchase limits have been increased to \$5,000 per item and up to \$10,000 for an entire purchase. The Budget & Fiscal Management Committee approved the increase to mimic policies that the Executive Branch and State Purchasing have already implemented. Corresponding amendments have been made to the Accounting Manual.

- Policy, Planning, and Technology recommends that the proposed amendments be adopted on an expedited basis with a **September 13, 2022 effective date**, followed by a 45-day public comment period.

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



**Rule 4-206. Exhibits.****Intent:**

To establish a uniform procedure for the receipt, maintenance and release of exhibits.

**Applicability:**

This rule shall apply to all trial in courts of record and not of record, except small claims court. In the discretion of the court, this rule may apply to any proceeding in which exhibits are introduced.

**Statement of the Rule:****(1) Marking exhibits.**

(1)(A) **Marking Exhibits.** Prior to trial, or at a time specified by the judge, each party must mark all exhibits it intends to introduce by utilizing exhibit labels in the format prescribed by the clerk of court. Labels or tags must include, at a minimum, a case number, exhibit number/letter, and an appropriate party designation. With approval of the court, a photograph may be offered by the submitting party as a representation of the original exhibit.

(1)(B) **Digital Exhibits.** Digital exhibits must be marked as provided in paragraph (1)(A) and submitted to the court as prescribed by the clerk of court. Exhibits should not be eFiled.

(1)(C) **Courts not of record.** Courts not of record may exempt parties from the requirements outlined in paragraphs (1)(A) and (1)(B) and prescribe an alternative process for marking exhibits.

**(2) Exhibit custody during trial.**

(2)(A) **Custody of the Parties.** During the trial, bulky and sensitive exhibits, and exhibits that require law enforcement chain of custody, will remain in the custody of the party offering the exhibit. Such exhibits include, but are not limited to: biological evidence, biohazards, controlled substances, paraphernalia, firearms, ammunition, explosive devices, pornographic materials, jewelry, poisonous or dangerous chemicals, intoxicating liquors, money or articles of high monetary value, counterfeit money, original digital storage media such as a hard drive or computer, and documents or physical exhibits of unusual bulk or weight. The clerk of court or designee must list these exhibits in the exhibit list and note that the original exhibit is in the custody of the party.

(2)(B) **Custody of the Court.** Physical exhibits received during trial, other than those in paragraph (2)(A), must be placed in the custody of the clerk of court or designee. Digital exhibits received as evidence by the court during the trial shall be stored electronically or on digital media such as a thumb drive and stored in accordance with paragraph (2)(C). The clerk of court or designee must list all exhibits in the exhibit list, and the list shall be made a part of the court record. An exhibit list may be the court's designated case management system or a form approved by the Judicial Council.

(2)(C) **Secured Storage.**

(2)(C)(i) Upon daily adjournment, the clerk of court or designee must compare the exhibit list with the exhibits received that day. Digital exhibits received under paragraph (2)(B) shall be stored electronically in a manner meeting the requirements outlined in paragraph (3)(A)(ii). Physical exhibits received under paragraph (2)(B) must be stored in an envelope or container, marked with the case number, and stored in a secured storage location that meets the requirements outlined in paragraph (3)(A)(ii).

(2)(C)(ii) Exhibits may be stored in a temporary secured location for no more than 72 hours, provided the temporary location is sufficient to prevent access by unauthorized persons, and the location is secured with a key lock, combination lock, or electronic lock. Access to the temporary storage location shall be limited to the clerk of court, judge, or a designee.

### (3) Exhibit custody prior to disposition.

(3)(A) **Pending Disposition.** Exhibits in the court's custody pursuant to paragraph (2)(B) may not be taken from the custody of the clerk of court or designee until final disposition of the case, except upon order of the court and execution of a receipt that identifies the material, the party to whom the exhibit is released, and the date and time of the release. The receipt shall be made a part of the court record.

(3)(A)(i) **Exhibit Manager.** The clerk of court shall appoint an exhibit manager with responsibility for the security, maintenance, documentation of the chain of custody, and disposition of exhibits. The clerk of court may also appoint a person to act as exhibit manager during periods when the primary exhibit manager is absent. Unaccompanied or unauthorized access to secured storage locations by anyone other than the exhibit manager, acting exhibit manager, or the clerk of court is prohibited without a court order.

(3)(A)(ii) **Secured Storage Location.** Each court must provide physical and electronic secured storage locations within their facility for storing exhibits retained by the court under subsection (2)(B), and shall maintain a current inventory list of all exhibits in the court's custody. The physical secured storage location must be sufficient to prevent access from unauthorized persons, secured with a key lock, combination lock, or electronic lock, and protected from theft or damage. The electronic secured storage location should be sufficient to prevent access from unauthorized persons. Prior to use, physical and electronic secured storage locations must be certified by the Court Security Director. Requests for certification must be made in writing and shall fully describe the secured storage location, local access procedures, and security controls. Any changes to the location, access procedures, or security controls require recertification by the Court Security Director.

(3)(B) **Exhibit custody post disposition.** In courts of record, upon final disposition of the case, exhibits in the court's custody shall be disposed of or returned to the offering parties pursuant to paragraph (5). The clerk of court, exhibit manager, or designee shall execute a receipt identifying the material taken, the party to whom the exhibit is released, and the date and time of the release. The receipt shall be made a part of the court record. In courts not of record, upon final disposition of the case, all exhibits shall be returned to the parties.

(3)(C) **Exhibits in the custody of the parties.** Unless otherwise ordered by the court, exhibits identified in paragraph (2)(A) shall remain in the custody of the parties until they are eligible for disposal pursuant to paragraph (5). Parties are responsible for preserving exhibits in the same condition as when they were first admitted into evidence.

(3)(D) **Access to exhibits by parties.** Parties may file a motion requesting access to an exhibit in the custody of the court or another party. Upon order of the court, the clerk of court, exhibit manager or designee, or party with custody of the exhibits shall promptly make available for examination exhibits, or original or true copies of the exhibits.

(4) **Appeals.** Exhibits and exhibit lists shall be provided upon appeal in accordance with the Utah Rules of Appellate Procedure.

(5) **Disposal of exhibits.** Parties with custody of biological evidence must comply with Title 53, Chapter 20, Forensic Biological Evidence Preservation. Parties may dispose of, and exhibit managers, clerks of court, or designees shall dispose of any other exhibits in their custody 90 days after the time for appeal has expired, or the statute of limitations for post-conviction relief, including the time for appeal from post-conviction relief has expired, whichever is later. Exhibits in the court's custody shall be disposed of as follows:

(5)(A) Property having no monetary value shall be destroyed by the exhibit manager, clerk of court, or designee. The exhibit manager shall create a certificate of destruction including a description of the exhibit, the case and exhibit numbers, and the date and time of the destruction. The certificate of destruction shall be made a part of the court record.

(5)(B) Property having monetary value shall be returned to its owner or, if unclaimed, shall be given to the prosecuting agency, sheriff of the county, or other law enforcement agency to be sold in accordance with Utah Code. The receiving agency shall furnish the court with a receipt identifying the receiving agency, the exhibit received, and the date and time the exhibit was received. The receipt shall be made a part of the court record.

*Effective: November 1, 202~~2~~<sup>4</sup>*

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

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

**Applicability:**

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

**Statement of the Rule:**

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

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

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

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

(5) Funds will be distributed on or about July 1 of each year in which funds are available, and applications for those funds must be made by April 15 of the same year on forms available from the Administrative Office of the Courts. All applications for funds shall be first reviewed and prioritized by the Board of Justice Court Judges. ~~The Board's, and that~~ recommendations, ~~along with all timely applications~~ shall then be forwarded to the Budget and Fiscal Management Committee of the Judicial Council. The ~~Management Committee~~ Judicial Council will then make the final awards.

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

*Effective: ~~September 6, 2005~~ November 1, 2022*

**Rule 3-412. Procurement of goods and services.****Intent:**

To identify the respective responsibilities of the judiciary and the Department of Administrative Services in the procurement of goods and services.

**Applicability:**

This rule shall apply to the judiciary's expenditure of funds appropriated by the legislature.

**Statement of the Rule:**

(1) **Definitions.** Except as provided in Subsection (2), All terms are defined as provided by the Utah Procurement Code, as amended, the Regulations of the Utah State Procurement Policy Board, as amended and the Division of Purchasing's Policies and Procedures. Any discrepancy between the statutory definition and the definition contained in the regulations shall be controlled by the statutory definition.

(2) **Chief procurement officer**~~Purchasing authority. Under the Utah Code~~As used in this rule, chief procurement officer means the state court administrator~~is the purchasing authority for the judiciary in the expenditure of appropriated funds for the procurement of supplies, services, and construction.~~

(3) **Procurement officers.** The state court administrator may designate a others to serve as procurement officers for various parts of the judiciary. For example, cCourt executives are the procurement officers for their courts. The state court administrator or designee or a procurement officer may enter into contracts or make written determinations with respect thereto as provided in this rule. Court Purchasing will advise procurement officers on purchases to ensure compliance with rules, policies, and statutes.

**(4) Contracts to conform to statute and regulations.**

(4)(A) All contracts for the procurement of supplies, services, or construction entered into, by or on behalf of the judiciary, shall conform to the Utah Procurement Code, as amended, the Regulations of the Utah State Procurement Policy Board, as amended and the Division of Purchasing's Policies and Procedures. Any discrepancy between the procedures provided for by statute and the procedures provided for by regulation shall be controlled by the statutory procedures.

(4)(B) Subject to the availability of funds, the state court administrator may establish within the administrative office a procurement section that shall have the responsibility and authority as provided by the Utah Procurement Code and the Regulations of the Utah State Procurement Policy Board. Unless a procurement section is established, the judiciary shall work with and through the Department of Administrative Services, Division of Purchasing in the procurement of supplies, services, or construction.

(5) **Authority to contract.**

(5)(A) Contracts for the procurement of supplies, services, or construction for an amount greater than \$5000 per individual item or \$10,000 per overall purchase shall be approved by the state court administrator or his designated procurement officer. General eCounsel shall approve such contracts as to form and legal sufficiency, and the manager of finance shall approve such contracts as to availability of funds. Other provisions for contract management contained in this Code shall be followed if they apply to the particular contract.

(5)(B) Requests to enter into contracts greater than \$5000 per individual item or \$10,000 per overall purchase shall be directed to the Chief Procurement Officer or designee~~appropriate state level administrator or the director of support services~~. The Chief Procurement Officer or designee~~state level administrator or the director of support services~~ shall coordinate all procedures required by the Utah Procurement Code, as amended, the Regulations of the Utah State Procurement Policy Board, as amended and the Division of Purchasing's Policies and Procedures. Before final award of the contract, the contract shall be approved pursuant to paragraph (5)(A).

(5)(C) Court executives are authorized to approve and enter into contracts for the procurement of supplies, services, or construction on behalf of their courts when ~~the amount of the contract is not greater than \$5000~~they are under the small purchase rule thresholds of up to \$5,000 for individual items and up to \$10,000 total per purchase. Court executives may enter into such contracts subject to the availability of funds and in accordance with paragraph (4) of this rule.

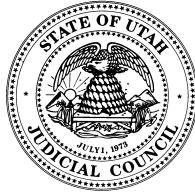
(5)(D) Procurement requirements shall not be artificially divided so as to avoid the provisions of this rule.

(5)(E) Courts should check to see if items are available on state contract before making a purchase by using the State Purchasing website contract search page or contacting Court Purchasing. Contract Search Page link: <https://statecontracts.utah.gov/Home/Search>.

*Effective: ~~November 1, 2008~~September 13, 2022*

# Tab 9

Agenda



## Administrative Office of the Courts

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

September 2, 2022

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

### MEMORANDUM

**TO:** Forms Committee

**FROM:** Nathanael Player, on behalf of OCAP and the Self-Help Center

**RE:** Temporary Separation provisions in OCAP

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Previously, this committee approved provisions for a temporary separation interview in OCAP. The current provisions are largely the same as the provisions approved for a motion for temporary order in the divorce interview. When a user completes an interview in OCAP for temporary separation, depending on their choices, OCAP can generate a petition, stipulation, findings of fact and conclusions of law, and an order. Due to some confusion with these pleadings, and some deficiencies, I recommend the following changes to these OCAP provisions for temporary separation:

1. Cite to Utah Code 30-3-4.5 in the caption of all of the relevant documents (petition, motion, stipulation, order, etc.);
2. Retitle the order, currently called "Order on Motion for Temporary Order," to "Temporary Separation Order;"
3. Add to the caption of the order, a note that says the order expires in one year;
4. Add a provision to the order that says that the order expires one year, to make this consistent with Utah Code 30-3-4.5(2).

The Committee is asked to authorize OCAP to make these changes.

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



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 Name

---

 Address

---

 City, State, Zip

---

 Phone

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

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 Email

I am ☐ Plaintiff ☐ Defendant  
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Plaintiff's Licensed Paralegal Practitioner  
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

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In the District Court of Utah

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

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

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 Plaintiff/Petitioner

v.

---

 Defendant/Respondent

**Objection to Petition to Expunge  
Civil Protective Order or Civil  
Stalking Injunction**

(Utah Code 78B-7-1003)

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 Case Number

---

 Judge

---

 Commissioner (only for protective orders)

1. I filed for a civil protective order or civil stalking injunction in this case.
2. I object to the Petition to Expunge Civil Protective Order or Civil Stalking Injunction.
3. I don't think the civil protective order or civil stalking injunction should be expunged because: (explain)

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4. ☐ I have attached the following documents in support of this objection:

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I declare under criminal penalty under the law of Utah that everything stated in this document is true.  
Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Date

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

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Objection 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



## Administrative Office of the Courts

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

September 2, 2022

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

### MEMORANDUM

**TO: Forms Committee**

**FROM: Nathanael Player, on behalf of the Family Law Forms Subcommittee**

**RE: Health care coverage in OCAP**

Karla Block, the attorney who represents ORS from the AG's office, contacted me with concerns regarding missing language in our OCAP provisions. Her office is asking the Forms Committee to consider adding language to OCAP and to our temporary orders:

The parents must provide health care coverage, as defined by Utah Code Section 78B-12-102, for the medical expenses of the dependent child.

Utah Code 78B-12-102(13) defines health care coverage to mean "coverage under which medical services are provided to a dependent child through: (a) fee for service; (b) a health maintenance organization; (c) a preferred provider organization; (d) any other type of private health insurance; or (e) public health care coverage." Karla wrote that our OCAP provisions do not cover "public health care coverage." Here is context from her message:

The federal requirement for States to add the health care coverage statute was in part a response to the Affordable Care Act's expansion of Medicaid to larger pool of people and this public health care coverage was not covered by the previous insurance requirements that are reflected in the court's forms. For example, under the court's current forms if insurance is available to the parents at a reasonable cost then they are required to enroll the children in that insurance. But if they do not have insurance available from their employers at a reasonable cost then they do not need to do anything else. On the other hand, if the order contained the health care coverage requirement from the statute then if insurance was not available at a reasonable cost but the children were eligible for Medicaid or another form of public health care coverage then they would be required to enroll the children in that program.

Sample OCAP provisions and my recommended changes, based on ORS' concerns, are below. These recommended changes would be made to all relevant pleadings in the Divorce, Divorce

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

Answer, Custody, Custody Answer, and any other needed interviews (temporary order forms are attached).

Child health care (Utah Code 78B-12-212)

The parties must provide health care coverage for the medical expenses of the dependent children. Health care coverage means coverage under which medical services are provided to a dependent child through: fee for service, a health maintenance organization, a preferred provider organization, any other type of private health insurance, or public health care coverage. Utah Code 78B-12-102(13).

PARENT ONE must maintain medical, hospital, and dental care insurance for the **dependent children if it is available at reasonable cost.** If medical insurance is not available at reasonable cost then both parents must ensure the children have health care coverage. This may require applying for public health care coverage, such as CHIP or Medicaid.

a. If, at any time, a dependent child is covered by the medical, hospital, or dental insurance plans of both parents, the coverage will be as follows:

- PARENT ONE's insurance will be primary coverage.
- PARENT TWO's insurance will be secondary coverage.

b. If a parent remarries and that parent's dependent child is not covered by that parent's health, hospital, or dental insurance plan but is covered by a step-parent's plan, the coverage will be as follows:

- PARENT ONE's insurance will be primary coverage.
- PARENT TWO spouse's insurance will be secondary coverage.

c. Both parties will equally share the out-of-pocket costs of the insurance premiums.

d. Both parties will equally share all uninsured and unreimbursed medical and dental expenses that are reasonable and necessary. This includes deductibles, co-insurance, and co-payments paid by a party for the dependent children.

e. The party who pays health care expenses must provide the other party written verification of the cost and payment within 30 days.

f. If a party does not follow this order and provide written verification, they may not be able to receive credit for health care expenses or recover the other party's share of the expenses.

g. On or before January 2 of each year, the party ordered to maintain coverage must provide verification of coverage to the other party, and ORS, if they are involved.

h. If there is any change in coverage, within 30 days of the change the party

ordered to maintain coverage must notify the other party and ORS, if they are involved.

## In the District Court of Utah

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

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

In the Matter of (select one)

- ☐ the Marriage of (for a divorce with or without children, annulment, separate maintenance, or temporary separation case)
- ☐ the Children of (to establish custody, parent-time or child support)
- ☐ the Parentage of the Children of (for a paternity case)

\_\_\_\_\_  
(name of Petitioner)

and

\_\_\_\_\_  
(name of Respondent)\_\_\_\_\_  
Other parties (if any)**Summons for Publication**\_\_\_\_\_  
Case Number\_\_\_\_\_  
Judge\_\_\_\_\_  
Commissioner (domestic cases)

The State of Utah To: \_\_\_\_\_ (name of defendant/respondent):

A lawsuit has been started against you. You must respond in writing for the court to consider your side. You can find an Answer form on the court's website: [utcourts.gov/ans](http://utcourts.gov/ans)

The complaint is on file with this court: \_\_\_\_\_ (court name and address). You can contact the court to request a copy. \_\_\_\_\_ (phone number). You must file your Answer with this court and email, mail or hand deliver a copy of your Answer to the other party or their attorney:

\_\_\_\_\_ (party or attorney name and address).

Your response must be filed with the court and served on the other party within 30

Se ha iniciado una demanda en su contra. Usted debe responder por escrito para que el tribunal considere su versión. Puede encontrar el formulario de Respuesta en el sitio de la red del tribunal: [utcourts.gov/ans-span](http://utcourts.gov/ans-span)

Usted debe presentar su Respuesta en este tribunal: \_\_\_\_\_ (nombre y dirección del tribunal). También debe enviar por correo electrónico, correo postal o entregar personalmente una copia de su Respuesta a la otra parte o a su abogado:

\_\_\_\_\_ (nombre y dirección de la parte o de su abogado).

Usted debe presentar su Respuesta en el tribunal y entregarla formalmente a la

days of the last day of this publication,  
which is \_\_\_\_\_ (date).

If you do not file and serve an Answer by the deadline, the other party can ask the court for a default judgment. A default judgment means the other party wins, and you do not get the chance to tell your side of the story.

Read the complaint or petition carefully. It explains what the other party is asking for in their lawsuit. You are being sued for (briefly describe the subject matter and the sum of money or other relief demanded):

\_\_\_\_\_

otra parte dentro de 30 días después del  
último día de esta publicación, que es  
\_\_\_\_\_ (fecha).

Si no presenta y entrega formalmente una respuesta antes de la fecha límite, la otra parte puede solicitar al juez que dicte un fallo por incumplimiento. Un fallo por incumplimiento significa que la otra parte gana, y usted no tiene la oportunidad de exponer su versión de los hechos.

Lea cuidadosamente la demanda o la petición. En esa se explica lo que la otra parte está pidiendo en su demanda. Se le está demandando por (describa brevemente el asunto y la cantidad de dinero u otra reivindicación exigida):

\_\_\_\_\_

\_\_\_\_\_  
Date

Signature ►

Printed Name



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

**This motion will be decided by the court commissioner at an upcoming hearing. If you do not appear at the hearing, the Court might make a decision against you without your input. In addition, you may file a written response at least 14 days before the hearing.**

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

I am ☐ Petitioner ☐ Respondent  
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: \_\_\_\_\_)  
☐ Petitioner's Licensed Paralegal Practitioner  
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

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

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

In the Matter of (select one)

- ☐ the Marriage of (for a divorce with or without children, annulment, separate maintenance, or temporary separation case)
- ☐ the Children of (to establish custody, parent-time or child support)
- ☐ the Parentage of the Children of (for a paternity case)

\_\_\_\_\_  
(name of Petitioner)

and

\_\_\_\_\_  
(name of Respondent)

\_\_\_\_\_  
Other parties (if any)

**Motion for Temporary Order – With Children - Commissioner**

**☐ Hearing Requested**

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

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

I ask the court to enter temporary orders in the paragraphs I have marked below.

1. ☐ **Children** (including only unborn, minor and adult incapacitated children)

The petitioner and the respondent are the parents of the following children: (Add additional pages if needed.)

Child's name (first, middle and last)	Month and year of birth	Type of child
Example: Jennie Eliza Jones	January 2017	<input type="checkbox"/> Unborn <input checked="" type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated

The children have lived at the addresses listed below and with the persons listed below for the past five years: (Add additional pages if needed.)

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child
Example: Jennie Jones	123 Maple St Mayberry, UT 84444	5/15/15 to present	Jane Doe, John Jones	Mother, maternal grandfather

## 2. ☐ Child custody

All orders involving children will include two types of custody: physical custody and legal custody.

**Physical custody** deals with where the children live and how many overnights the children

spend with each parent.

**Sole physical custody** means that the children live primarily with one parent and have parent time (visitation) with the other parent (see parent-time options in Section 3).

**Joint physical custody** means that the children typically spend at least 30% of overnights with both parents each year and that both parents contribute to the expenses of the child in addition to paying child support.

**Split physical custody** means that where there is more than one child, each parent is awarded sole physical custody of at least one of the children.

**Legal custody** deals with access to information and decision making.

**Sole legal custody** means that one parent has the right to make important decisions about the child.

**Joint legal custody** means that both parents: (1) have the right to information about the child (events, appointments, access to school and medical records, etc.); and (2) that both parents discuss and make major decisions together – (education, religion, medical, extra-curricular activities, etc.) but designate a parent to make the final decision if they cannot agree.

I ask the court to order temporary custody below (Choose one. If you ask for any joint legal custody or joint physical custody arrangement, you must file or attach a Parenting Plan based on Utah Code 30-3-10.7 to 30-3-10.10.):

☐ Custody arrangement: (Add additional pages if needed.)

Child's name	Month and year of birth	Order physical custody to	Order legal custody to
Example: Jennie Jones	January 2013	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other custody arrangement (Describe in detail.):

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I ask the court to order the custody arrangement I have marked above because:

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3. **[ ] Parent-time**

I ask the court to order temporary parent-time below (Choose one.):

☐ Statutory parent-time schedule: (Choose all that apply. You can find the Utah Code at [le.utah.gov/xcode/code.html](http://le.utah.gov/xcode/code.html). Print and attach a copy of the statute(s) for the option(s) you choose.)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Children 5-18 (equal parent-time) (Utah Code 30-3-35.2)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

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I ask the court to order the parent-time schedule I chose above because:

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4. ☐ **Parent-time transfers**

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time described below (Choose one.):

☐ Order transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Order transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

\_\_\_\_\_

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

\_\_\_\_\_

☐ Order curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

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I ask the court to order the transfer arrangement I chose above because:

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5. ☐ **Communication between parties**

I ask the court to order communication between the parties as described below  
(Choose as many options as you want.):

☐ In person

☐ Phone

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Text

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Email

Petitioner's email address \_\_\_\_\_

Respondent's email address \_\_\_\_\_

☐ Through a third party

Name \_\_\_\_\_ Phone # \_\_\_\_\_

☐ Other method of communication: (Describe in detail.)

\_\_\_\_\_

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the children, must not allow other people to do so and must remove the children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the children if anyone discusses the case in the presence of the minor children.

- ☐ The parties must not harm or threaten to harm the other parent or the children and must not allow other people to do so and must remove the children if anyone harms or threatens harm to the other parent or children.

6. ☐ **Child support**

I ask the court to order child support based on the parties' incomes or estimate of income based on ability or work history.

- a. Petitioner's total countable gross monthly income for child support purposes is \$\_\_\_\_\_ (Utah Code 78B-12-203).

This income is from these sources:

\_\_\_\_\_  
\_\_\_\_\_.

- ☐ The court should consider petitioner's income to be \$\_\_\_\_\_ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

- ☐ Petitioner does receive or has received public assistance.

- b. Respondent's total countable gross monthly income for child support purposes is \$\_\_\_\_\_ (Utah Code 78B-12-203).

This income is from these sources:

\_\_\_\_\_  
\_\_\_\_\_.

- ☐ The court should consider respondent's income to be \$\_\_\_\_\_ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

- ☐ Respondent does receive or has received public assistance.

- c. Order ☐ petitioner ☐ respondent to pay \$\_\_\_\_\_ per month for child support. The following child support worksheet is filed or attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

(Choose one.)

☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-201 et seq.).

☐ This amount is **not** based on the Uniform Child Support Guidelines and I am asking for a different amount because (Choose one.):

☐ the guidelines are unjust.

☐ the guidelines are inappropriate.

☐ the guidelines amount is not in the best interest of the children.

(Utah Code 78B-12-202 and 210.)

Explain your choice:

\_\_\_\_\_  
\_\_\_\_\_.

d. Effective date (Choose one.):

☐ The child support is effective upon entry of this order.

**OR**

☐ The child support is effective as of this date: \_\_\_\_\_.

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

☐ Mandatory income withholding by the Office of Recovery Services.  
Unless the Office of Recovery Services gives notice that payments will be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

**OR**

☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: \_\_\_\_\_

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

\_\_\_\_\_



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f. I ask that child support payments be made (Choose one.):

☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

**OR**

☐ Other payment arrangement:

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g. Child support not paid on or before the due date is delinquent on the day after the due date.

h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

7. ☐ **Child care expenses**

I ask the court to order that both parties share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other request for child care payment:

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8. ☐ **Health insurance, medical and dental expenses**

Our minor children currently have health insurance coverage through:

- ☐ [ ] Petitioner's insurance
- ☐ [ ] Respondent's insurance
- ☐ [ ] Medicaid
- ☐ [ ] CHIP
- ☐ [ ] Other: \_\_\_\_\_
- ☐ [ ] Not covered by insurance

Both parties must provide health care coverage for the medical expenses of the dependent children. Health care coverage means coverage under which medical services are provided to a dependent child through: fee for service, a health maintenance organization, a preferred provider organization, any other type of private health insurance, or public health care coverage. Utah Code 78B-12-102(13).

- ☐ [ ] I ask the court to order that ☐ [ ] petitioner ☐ [ ] respondent maintain health insurance for our minor children. Both parties must share equally:
  - a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
  - b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

If medical insurance is not available at reasonable cost then both parents must ensure the children have health care coverage. This may require applying for public health care coverage, such as CHIP or Medicaid.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent

**within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification will reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

I ask for this order because (Choose all that apply.):

☐ the insurance is available to ☐ petitioner ☐ respondent;

☐ the cost of the insurance is reasonable

☐ the custodial parent prefers this arrangement.

☐ Other reasons:

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

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9. ☐ **Pregnancy expenses**

I ask the court to order that ☐ petitioner ☐ respondent pay 50% of the pregnancy expenses. These expenses were billed for services the mother received after becoming pregnant and before the pregnancy ended. (You must attach all documents supporting the amounts you are requesting.)

☐ One-half of health insurance premiums not paid \$ \_\_\_\_\_  
by an employer or government program  
from \_\_\_\_\_ to \_\_\_\_\_ (dates)

☐ One-half of medical costs related to the \$ \_\_\_\_\_  
pregnancy not covered by insurance or  
government program

10. ☐ **Tax exemptions for dependent children**

I ask the court to order tax exemptions for the dependent children for tax year \_\_\_\_\_, as follows:

Child's name	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other: \_\_\_\_\_

11. ☐ **Payment of bills and debts**

I ask the court to order payment of bills and debts (such as mortgage, rent, credit card, utilities, medical expenses, car payments, insurance, etc.) as follows (File or attach Financial Declaration. Add additional pages if needed.):

☐ Petitioner to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

The bills and debts should be paid as requested because:

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12. ☐ **Property**

I ask the court to order the temporary use and possession of the following property (File or attach Financial Declaration. File or attach additional pages if needed.):

☐ To petitioner

☐ Residence (Address): \_\_\_\_\_

☐ Vehicle(s) (Make/model/year): \_\_\_\_\_

☐ Personal property items:

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☐ Other: \_\_\_\_\_

☐ To respondent

☐ Residence (Address): \_\_\_\_\_

☐ Vehicle(s) (Make/model/year): \_\_\_\_\_

☐ Personal property items:

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☐ Other: \_\_\_\_\_

☐ I ask the court to order that neither party sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

I ask for this property order because:

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13. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

I am unable to meet my own financial needs, and I ask the court to order temporary alimony as follows (File or attach Financial Declaration.):

☐ petitioner ☐ respondent shall pay to ☐ petitioner ☐ respondent temporary alimony in the amount of \$ \_\_\_\_\_ per month by:  
(Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: \_\_\_\_\_

☐ Petitioner ☐ Respondent needs temporary alimony because :

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☐ Petitioner ☐ Respondent has the financial ability to pay temporary alimony because:

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14. ☐ **Attorney fees**

I ask the court to order the other party to pay \$ \_\_\_\_\_ to my attorney. (You can only ask for this if you are paying an attorney to represent you in this case. You must file or attach a Financial Declaration.)

I ask for attorney fees because:

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15. ☐ **Other**

I ask the court for these additional orders:

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I ask for these additional orders because:

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16. **Documents**

I have filed or attached the following documents in support of this Motion for Temporary Order (Check all that apply. Forms can be found at [www.utcourts.gov](http://www.utcourts.gov)):

☐ Parenting Plan (Utah Code 30-3-10.7 to 30-3-10.10)

☐ Parent time Schedule (Utah Code 30-3-35; 30-3-35.5; 30-3-35.1; 30-3-35.2)

☐ Child Support Obligation Worksheet (Utah Code 78B-12)

☐ Financial Declaration (Utah Rule of Civil Procedure 26.1)

☐ Income verification (Most recent tax return and pay stub)

☐ Other supporting documents: \_\_\_\_\_

**Petitioner or Respondent**

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature ►

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

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

Date \_\_\_\_\_

Signature ► \_\_\_\_\_

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

**Notice to responding party**

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms: [utcourts.gov/motions](https://utcourts.gov/motions)



Scan QR code to visit page

**Finding help**

The court's Finding Legal Help web page ([utcourts.gov/help](https://utcourts.gov/help)) provides information



Scan QR code to visit page

**Aviso para la parte que responde**

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

[utcourts.gov/motions-span](https://utcourts.gov/motions-span)



Para acceder esta página escanee el código QR

**Cómo encontrar ayuda legal**

La página de la internet del tribunal Cómo encontrar ayuda legal



Para acceder esta página escanee el código QR



about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.	( <a href="http://utcourts.gov/help-span">utcourts.gov/help-span</a> ) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.
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### Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion for Temporary Order – With Children 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

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 Name

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 Address

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 City, State, Zip

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 Phone

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 Email

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

In the District Court of Utah

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

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

In the Matter of (select one)

- ☐ the Marriage of (for a divorce with or without children, annulment, separate maintenance, or temporary separation case)
- ☐ the Children of (to establish custody, parent-time or child support)
- ☐ the Parentage of the Children of (for a paternity case)

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 (name of Petitioner)

and

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 (name of Respondent)

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 Other parties (if any)

**Order on Motion for Temporary Order – With Children**

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 Case Number

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 Judge

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 Commissioner (domestic cases)

The matter before the court is a Motion for Temporary Order. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ respondent.
- ☐ The stipulation of the parties.
- ☐ The pleadings and other papers of the parties.

☐ A hearing held on \_\_\_\_\_ (date), notice of which was served on all parties.

Petitioner

☐ was ☐ was not present

☐ was represented by \_\_\_\_\_

☐ was not represented.

Respondent

☐ was ☐ was not present

☐ was represented by \_\_\_\_\_

☐ was not represented.

**The court orders:**

1. ☐ **Child custody**

☐ Custody arrangement:

Child's name	Month and year of birth	Physical custody to	Legal custody to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other custody arrangement (Describe in detail.):

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2. ☐ **Parent-time** (Choose one.):

☐ Statutory parent-time schedule:

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Children 5-18 (equal parent-time) (Utah Code 30-3-35.2)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

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3. ☐ **Parent-time transfers** (Choose one.):

☐ Transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

\_\_\_\_\_

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) \_\_\_\_\_

transferring the children at this address:

☐ Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

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

4. ☐ **Communication between parties** (Choose all that apply.):

☐ In person

☐ Phone

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Text

Petitioner's # \_\_\_\_\_ Respondent's # \_\_\_\_\_

☐ Email

Petitioner's email address \_\_\_\_\_

Respondent's email address \_\_\_\_\_

☐ Through a third party

Name \_\_\_\_\_ Phone # \_\_\_\_\_

☐ Other method of communication: (Describe in detail.)

\_\_\_\_\_

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the children, must not allow other people to do so and must remove the children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the children, must not allow other people to do so and must remove the children if anyone discusses the case in the presence of the children.

- ☐ The parties must not harm or threaten to harm the other parent or the children and must not allow other people to do so and must remove the children if anyone harms or threatens harm to the other parent or children.

5. ☐ **Child support**

- a. Petitioner's total countable gross monthly income for child support purposes is \$\_\_\_\_\_ (Utah Code 78B-12-203).

☐ Petitioner's income is imputed based on

☐ minimum wage.

☐ historical earnings.

☐ Petitioner does receive or has received public assistance.

- b. Respondent's total countable gross monthly income for child support purposes is \$\_\_\_\_\_ (Utah Code 78B-12-203).

☐ Respondent's income is imputed based on

☐ minimum wage.

☐ historical earnings.

☐ Respondent does receive or has received public assistance.

- c. ☐ Petitioner ☐ Respondent must pay \$\_\_\_\_\_ per month for child support. The following child support worksheet is attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

(Choose one.)

☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).

☐ This amount deviates from the Uniform Child Support Guidelines. The court finds that a deviated child support amount is in the best interests of the ~~minor~~ children based on:

☐ the standard of living and situation of the parties.

☐ the relative wealth and income of the parties.

☐ the ability of the obligor to earn.

- ☐ the ability of the obligee to earn.
- ☐ the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income.
- ☐ the needs of the obligee, the obligor, and the child.
- ☐ the ages of the parties.
- ☐ the responsibilities of the obligor and the obligee for the support of others.
- ☐ other. (Describe.): \_\_\_\_\_

The reason for the deviated child support amount is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

d. Effective date (Choose one.):

- ☐ The child support will be effective upon entry of this order.

**OR**

- ☐ The child support will be effective as of this date: \_\_\_\_\_.

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

- ☐ Mandatory income withholding by the Office of Recovery Services. Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

**OR**

- ☐ Direct payments to the parent receiving child support by:

- ☐ Check

- ☐ Deposit in bank account

- ☐ Cashier's check or money order

- ☐ Other: \_\_\_\_\_

f. Child support payments must be made (Choose one.):



- ☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

**OR**

- ☐ Other payment arrangement:
- 

- g. Child support not paid on or before the due date is delinquent on the day after the due date.
- h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

6. ☐ **Child care expenses**

Both parties must share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

- ☐ Other order for child care payment:
- 
- 
- 

7. ☐ **Health insurance, medical and dental expenses**

The minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance

- ☐ Medicaid
- ☐ CHIP
- ☐ Other: \_\_\_\_\_
- ☐ Not covered by insurance

Both parties must provide health care coverage for the medical expenses of the dependent children. Health care coverage means coverage under which medical services are provided to a dependent child through: fee for service, a health maintenance organization, a preferred provider organization, any other type of private health insurance, or public health care coverage. Utah Code 78B-12-102(13).

- ☐ ☐ Petitioner ☐ Respondent must maintain health insurance for the minor children if it is available to that parent at a reasonable cost. Both parties must share equally:
- a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
  - b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

If medical insurance is not available at reasonable cost then both parents must ensure the children have health care coverage. This may require applying for public health care coverage, such as CHIP or Medicaid.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification must reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification.**

8. ☐ **Tax exemptions for dependent children**

Tax exemptions for the dependent children for tax year \_\_\_\_\_ is ordered as follows:

Child's name	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other: \_\_\_\_\_

9. ☐ **Pregnancy expenses**

A judgment for pregnancy expenses in the amount of \$\_\_\_\_\_ is entered against (choose one):

☐ petitioner.

☐ respondent.

These expenses were billed for services received after the pregnancy began and before the pregnancy ended. This judgment will become part of the final order in this case.

10. ☐ **Payment of bills and debts**

☐ Petitioner must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

11. ☐ **Property**

Temporary use and possession of property will be as follows:

☐ To petitioner

☐ Residence (Address): \_\_\_\_\_

☐ Vehicle(s) (Make/model/year): \_\_\_\_\_

☐ Personal property items:

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

☐ Other: \_\_\_\_\_

☐ To respondent

☐ Residence (Address): \_\_\_\_\_

☐ Vehicle(s) (Make/model/year): \_\_\_\_\_

☐ Personal property items:

\_\_\_\_\_

\_\_\_\_\_  
☐ Other: \_\_\_\_\_

☐ Neither party may sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

12. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

☐ Petitioner ☐ Respondent must pay to ☐ petitioner ☐ respondent temporary alimony in the amount of \$ \_\_\_\_\_ per month by:  
 (Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: \_\_\_\_\_

13. ☐ **Attorney fees**

☐ Petitioner ☐ Respondent must pay \$ \_\_\_\_\_ to

☐ Petitioner's attorney

☐ Respondent's attorney

14. ☐ **Other orders**

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

Commissioner's or judge's signature may instead appear at the top of the first page of this document.

_____ Date	Signature ► _____
	Commissioner _____
_____ Date	Signature ► _____
	Judge _____

Approved as to form.

_____	Signature ►	_____
Date	Petitioner, Attorney or Licensed Paralegal Practitioner	_____

_____	Signature ►	_____
Date	Respondent, Attorney or Licensed Paralegal Practitioner	_____

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion for Temporary Order – With Children 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

**This is a private record**

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 #: \_\_\_\_\_)

In the ☐ District ☐ Justice Court of Utah

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

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

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

v. \_\_\_\_\_

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

**Motion to Waive Fees**

(Utah Code 78A-2-302 and Code of Judicial Administration Rule 4-508)

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

Judge \_\_\_\_\_

Commissioner (domestic cases) \_\_\_\_\_

1. I cannot pay the court fees in this case. I believe I qualify for a waiver. I ask the court to waive the following fees: (Choose all that apply. If you need help, ask court staff.)

- |   |  |
|---|--|
| <input type="checkbox"/> Filing fee (Refer to Cover Sheet):<br>Amount: \$ _____                                   | <input type="checkbox"/> OCAP fee (\$20.00)                          |
| <input type="checkbox"/> Divorce classes: education (\$35)<br>& orientation (\$30.00)                             | <input type="checkbox"/> Appeal fee                                  |
| <input type="checkbox"/> Office of Vital Records fee<br>(Adoption Certificate or Divorce<br>Certificate - \$8.00) | <input type="checkbox"/> \$240 Filing                                |
| <input type="checkbox"/> Fee to have papers served in<br>Utah   | <input type="checkbox"/> \$10 Small claims appeal (Justice<br>Court) |
|   | <input type="checkbox"/> Other _____                                 |



2. I qualify for a fee waiver because: (Choose all that apply.)

a. ☐ I receive: (Choose all that apply.)

☐ Food Stamps (SNAP)

☐ SSI

☐ Medicaid

☐ FEP or TANF

b. ☐ I receive legal services from:

☐ a nonprofit provider: (name of provider) \_\_\_\_\_

☐ a pro bono attorney through the Utah State Bar.

c. ☐ the gross monthly income for my household (before deductions for taxes) is equal to or is less than the amount listed below: (Choose one.)

Household size	Household income	Household size	Household income	Household size	Household income
<input type="checkbox"/> 1	\$1,698.75	<input type="checkbox"/> 3	\$2,878.75	<input type="checkbox"/> 5	\$4,058.75
<input type="checkbox"/> 2	\$2,288.75	<input type="checkbox"/> 4	\$3,468.75	<input type="checkbox"/> 6	\$4,648.75

☐ My household is larger than 6. My household size is \_\_\_\_ and our household income is \$\_\_\_\_\_. (For each additional household member over six, add \$590)

d. ☐ I don't qualify under options a-c above. But I don't have enough money to pay the court fees and provide myself or my family with food, shelter, clothing, or other necessities. (If you choose this option you must fill out the **Extra Information for Fee Waiver form**).

3. ☐ The amount of money held in my prisoner trust account is: \$\_\_\_\_\_.

I do solemnly swear or affirm that due to my poverty I am unable to bear the expenses of the action or legal proceedings which I am about to commence or the appeal which I am about to take, and that I believe I am entitled to the relief sought by the action, legal proceedings, or appeal.

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

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

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

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

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

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

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

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

**Extra Information for Fee Waiver****Case Number** \_\_\_\_\_

(Do you need to complete this form? Only if you are not receiving public assistance, legal services from a nonprofit provider or a pro-bono attorney through the Utah State Bar, or do not meet the federal poverty guidelines.)

**1. Employment**

☐ I am employed as (Choose all that apply):

☐ an hourly employee (Form W-2)

☐ a salaried employee (Form W-2)

☐ self-employed (Form 1099, Form K-1, Schedule C, etc.)

☐ other (Explain): \_\_\_\_\_

Name of employer	Employer's address and phone number	Job title	Hourly rate or annual salary	Hours per week (If hourly)
			\$	
			\$	
			\$	

☐ I am unemployed because:

---



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**2. Dependents** (Count spouse, children or other dependents in your household. If none, write 0.)

The following people depend on me for support.

Number of adults	
Number of children under 18	

### 3. **Gross Monthly Income**

☐ I have the following monthly income before tax deductions:  
 (Print your pre-tax income in the boxes below. For income that changes from month to month, calculate the annual total and divide by 12 months to list a monthly average.)

Source of income	Monthly amount
Work (Including self employment, wages, salaries, commissions, bonuses, tips and overtime)	\$
Rental income	\$
Business income	\$
Interest	\$
Dividends	\$
Retirement income (Including pensions, 401(k), IRA, etc.)	\$
Worker's compensation	\$
Private disability insurance	\$
Social Security Disability Income (SSDI)	\$
Supplemental Security Income (SSI)	\$
Social Security (Other than SSDI or SSI)	\$
Unemployment benefits	\$
Education benefits (Including grants, loans, cash scholarships, etc.)	\$
Veteran's benefits	\$
Alimony	\$
Child support	\$
Payments from civil litigation	\$
Victim restitution	\$
Public assistance (Including AFDC, FEP, TANF, welfare, etc.)	\$
Financial support from household members	\$
Financial support from non-household members	\$
Trust income	\$
Annuity income	\$
Other (Describe)	\$
Other (Describe)	\$
<b>Total gross monthly income</b>	<b>\$</b>

☐ I have no income because:

4.

☐ I have no monthly tax deductions because I have no income.

☐ I have the following monthly tax deductions.

Type of tax deduction	Amount
Federal income tax	\$
State income tax	\$
Municipal income tax	\$
FICA	\$
Medicare	\$
<b>Total monthly tax deductions</b>	<b>\$</b>

5.

[ ] My monthly income is:

\$ Gross monthly income from section 5

- \$ Minus monthly tax deductions from section 6

= \$ Equals after-tax monthly income

☐ I have no income.

6.

Monthly expense	Current Amount
Rent or mortgage	\$
Real estate taxes (if not included in mortgage)	\$
Real estate insurance (if not included in mortgage)	\$
Real estate maintenance	\$
Food and household supplies	\$
Clothing	\$

Monthly expense	Current Amount
Automobile payments	\$
Automobile insurance	\$
Automobile fuel	\$
Automobile maintenance	\$
Other transportation costs (public transportation, parking, etc.)	\$
Utilities (such as electricity, gas, water, sewer, garbage)	\$
Telephone	\$
Paid television, cable, satellite	\$
Internet	\$
Credit card payments	\$
Loans and other debt payments	\$
Alimony	\$
Child support	\$
Child care	\$
Extracurricular activities for children	\$
Education (children)	\$
Education (self)	\$
Health care insurance	\$
Health care expenses (excluding insurance listed above)	\$
Other insurance (describe)	\$
Entertainment	\$
Laundry and dry cleaning	\$
Donations	\$
Gifts	\$
Union and other dues	\$
Garnishment or income withholding order	\$
Retirement deposits (including pensions, 401(k), IRA, etc.)	\$
Other (describe)	\$
Other (describe)	\$
Total monthly expenses	\$

7. **Business Interests** (Add additional sheets if needed.)

☐ I have no business interests.

☐ I have the following business interests.

Business name		
Address & phone		
Nature of business		
Current value of the business \$	Percent owned by _____ % Petitioner      _____ % Respondent	

Business name		
Address & phone		
Nature of business		
Current value of the business \$	Percent owned by _____ % Petitioner      _____ % Respondent	

8. **Financial Assets** (Add additional sheets if needed.)

☐ I have no financial assets.

☐ I have the following financial assets.

Asset	Name & address of institution	Names on account	Current balance
<b>Bank or credit union</b> Account number: _____ Date opened: _____ Type: <input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> other			\$
<b>Bank or credit union</b> Account number: _____ Date opened: _____ Type: <input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> other			\$

Asset	Name & address of institution	Names on account	Current balance
<b>Stocks, bonds, securities, money market account</b> Account number: _____ Date opened: _____			\$
<b>Retirement account</b> Account number: _____ Date opened: _____			\$
<b>Profit sharing plan</b> Account number: _____ Date opened: _____			\$
<b>Annuity</b> Account number: _____ Date opened: _____			\$
<b>Life insurance</b> Account number: _____ Date opened: _____			\$
<b>Money owed to me</b> Date of loan: _____			\$
<b>Cash</b>			\$
<b>Other</b> (describe)			\$
<b>Other</b> (describe)			\$

9. **Real Estate** (Add additional sheets if needed.)

☐ I have no real estate.

☐ I have the following real estate.

**Home**

Address			
Date acquired	Name(s) on title	\$ Original cost	\$ Current value
First mortgage or lien holder (name & address)		\$ Amount owed	\$ Monthly payments
Second mortgage or lien holder (name & address)		\$ Amount owed	\$ Monthly payments

### Other real estate

Address			
Date acquired	Name(s) on title	\$ Original cost	\$ Current value
First mortgage or lien holder (name & address)		\$ Amount owed	\$ Monthly payments
Second mortgage or lien holder (name & address)		\$ Amount owed	\$ Monthly payments

10. **Personal Property** (Such as vehicles, boats, trailers, major equipment, furniture, jewelry, and collectibles. Add additional sheets if needed.)

☐ I have no personal property.

☐ I have the following personal property.

Property description (if automobile, include year, make, and model)	Debt owed to (name and address)	Names on title (if applicable)	Amount owed	Minimum monthly payments
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

11. **Debts Owed** (Do not include amounts you owe on property reported in the Real Estate or Personal Property sections. Add additional sheets if needed.)

☐ I do not owe any debts.

☐ I owe the following debts.



Type of debt (such as credit card, cash loan, or installment payment)	Debt owed to (name and address and phone number)	Names on debt	Amount owed	Minimum monthly payments
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

12. **Other**

[ ] The following facts also show why I cannot pay these court fees.

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**Plaintiff/Petitioner or Defendant/Respondent**

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

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

\_\_\_\_\_  
Date

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

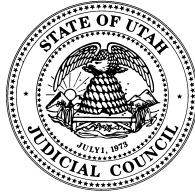
**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

\_\_\_\_\_  
Date

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

# Tab 10

## Agenda



# Administrative Office of the Courts

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

September 6, 2022

Ronald Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy Court Administrator

## MEMORANDUM

**TO: Management Committee / Judicial Council**  
**FROM: Keisa Williams**  
**RE: Rules for Public Comment**

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The Policy, Planning, and Technology Committee recommends that the following rules be approved for a 45-day public comment period.

**CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case. (Amend)**

Clarifies that requesters denied access to non-public court records associated with a case that they are not authorized to access under rule [4-202.03](#) must file a motion or petition to access the record.

**CJA 4-202.08. Fees for records, information, and services. (Amend)**

Consistent with [H.B. 96](#) and [63G-2-203\(5\)\(c\)](#), the proposed amendments in lines 55-62 would allow the court to charge requesters for the first 15 minutes of personnel time if the person has submitted a separate request within the 10-day period immediately prior to the date of the new request, provided the person is not a Utah media representative.

In line 112, “impecunious” is changed to “indigent” to make it more consistent with Utah Code and other court rules.

In lines 116-118, indigent requesters are allowed one free copy of each record, after which they would be required to pay the standard rates. Exceptions can be made by the State Court Administrator.

**CJA 1-204. Executive committees**

The proposed amendments create court-level core teams and subcommittees of Policy, Planning, and Technology to assist the Committee in accomplishing its new technology responsibilities.

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

**CJA 1-201. Judicial Council Membership – Election. (Amend)****CJA 1-302. Board of Judges Membership – Officers – Secretariat. (Amend)**

There appears to be a conflict between rule 1-201(7) (“*Council members shall not be eligible to serve as voting members of a Board of Judges of a trial court...*”) and 1-302(2) (“*A member of a Board may also serve as a member of the Council.*”). The appellate court is exempt from 1-201(7) (“*of a trial court*”) and Council members may be non-voting board members. Each of the individual board rules comply with 1-201(7). The proposed amendments clarify that Council members may serve as non-voting members of a trial court board and continue to allow an exception for the appellate courts.

Rule 1-201 has also been amendment to reflect the Judicial Council’s membership exception for the Standing Committee on Judicial Fairness and Accountability set forth in rule [1-205\(1\)\(C\)](#).

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

**Rule 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case.**

**Intent:**

To establish the process for accessing a court record associated with a case.

**Applicability:**

This rule applies to court records associated with a case.

**Statement of the Rule:**

(1) **Written request.** A request to access a public court record shall be presented in writing to the clerk of the court unless the clerk waives the requirement. A request to access a non-public court record to which a person is authorized access shall be presented in writing to the clerk of the court. A written request shall contain the requester's name, mailing address, daytime telephone number and a description of the record requested. If the record is a non-public record, the person making the request shall present identification.

**(2) Motion or petition to access record.**

(2)(A) If a written request to access a **public** court record is denied by the clerk of court, the person making the request may file a motion to access the record.

(2)(B) A person not authorized to access a non-public court record **pursuant to rule 4-202.03** **must** file a motion to access the record. If the court allows access, the court may impose any reasonable conditions to protect the interests favoring closure.

**(3) Motion or petition to reclassify record.**

(3)(A) If the court record is associated with a case over which the court has jurisdiction, a person with an interest in a court record may file a motion to classify the record as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social; or to have information redacted from the record. The court shall deny access to the record until the court enters an order.

(3)(B) If the court record is associated with a case over which the court no longer has jurisdiction, a person with an interest in the record may file a petition to classify the record as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social; or to have information redacted from the record. The court shall deny access to the record until the court enters an order.

**(3)(C) As appropriate for the nature of the case with which the record is associated, the motion or petition shall be filed and proceedings shall be conducted under the rules of civil procedure, criminal procedure, juvenile procedure, or appellate procedure. The**

person filing the motion or petition shall serve any representative of the press who has requested notice in the case. The court shall conduct a closure hearing when a motion or petition to close a record is contested, when the press has requested notice of closure motions or petitions in the particular case, or when the court decides public interest in the record warrants a hearing.

(4) **Classify – Redact.** The court may classify the record as private, protected, ~~or~~ sealed, safeguarded, juvenile court legal, or juvenile court social, or redact information from the record if the record or information:

(4)(A) is classified as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social under Rule 4-202.02;

(4)(B) is classified as private, controlled, or protected by a governmental entity and shared with the court under the Government Records Access and Management Act;

(4)(C) is a record regarding the character or competence of an individual; or

(4)(D) is a record containing information the disclosure of which constitutes an unwarranted invasion of personal privacy.

~~(5) As appropriate for the nature of the case with which the record is associated, the motion or petition shall be filed and proceedings shall be conducted under the rules of civil procedure, criminal procedure, juvenile procedure, or appellate procedure. The person filing the motion or petition shall serve any representative of the press who has requested notice in the case. The court shall conduct a closure hearing when a motion or petition to close a record is contested, when the press has requested notice of closure motions or petitions in the particular case, or when the court decides public interest in the record warrants a hearing.~~

(5) **Factors and findings.** In deciding whether to allow access to a court record or whether to classify a court record as private, protected, or sealed, safeguarded, juvenile court legal, or juvenile court social, or to redact information from the record, the court may consider any relevant factor, interest, or policy, including but not limited to the interests described in Rule 4-202. In ruling on a motion or petition under this rule the court shall:

(5)(A) make findings and conclusions about specific records;

(5)(B) identify and balance the interests favoring opening and closing the record; and

(5)(C) if the record is ordered closed, determine there are no reasonable alternatives to closure sufficient to protect the interests favoring closure.

(6) **Appellate briefs.** If an appellate brief is sealed, the clerk of the court shall seal the brief under Rule 4-205. If an appellate brief is classified as private, protected, safeguarded, juvenile

88 court legal, or juvenile court social, the clerk of the court shall allow access only to persons  
89 authorized by Rule 4-202.03. If the court orders information redacted from the brief, the clerk of  
90 the court shall remove the information and allow public access to the edited brief.

91  
92 (7)(B) **State Law Library.** If the petitioner serves the order on the director of the State Law  
93 Library, the director shall comply with the order in the same manner as the clerk of the court  
94 under paragraph (67)(A).

95  
96 (87)(C) **Compliance.** Unless otherwise ordered by the court, the order is binding only on the  
97 court, the parties to the motion or petition, and the state law library. Compliance with the order  
98 by any other person is voluntary.

99  
100 (98) **Governing rules.** A request under this rule to access a public court record -is also  
101 governed-~~also~~ by Rule 4-202.06. A motion or petition under this rule is not governed by Rule 4-  
102 202.06 or Rule 4-202.07.

103  
104 *Effective: November-May 1, 2022~~16~~*

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

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

**Applicability:**

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

**Statement of the Rule:**

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

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

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

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

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

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

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

(3)(E) electronic storage medium other than of court hearings: \$15.00 per unit;

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

(3)(G) electronic copy of audio record or video record of court proceeding: \$15.00 for each one-half day of testimony or part thereof; and



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

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

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

**(65) Personnel time.**

(6)(A) Personnel time to copy the record of a court proceeding is included in the copy fee. For other matters, there is no fee for the first 15 minutes of personnel time, unless the person who submits the request:

(6)(A)(i) is not a Utah media representative; and

(6)(A)(ii) has submitted a separate records request within the 10-day period immediately prior to the date of the request to which the court or office is responding.

(6)(B) The fee for time beyond the first 15 minutes is charged in 15 minute increments for any part thereof. The fee for personnel time is charged at the following rates for the least expensive group capable of providing the record, information, or service:

(65)(BA)(i) clerical assistant: \$15.00 per hour;

(65)(B)(ii) technician: \$22.00 per hour;

(65)(BG)(iii) senior clerical: \$21.00 per hour

(65)(BD)(iv) programmer/analyst: \$32.00 per hour;

(65)(BE)(v) manager: \$37.00 per hour; and

(65)(BF)(vi) consultant: actual cost as billed by the consultant.

**(76) Public online services.**

(76)(A) The fee to subscribe to Xchange shall be as follows:

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

(76)(A)(ii) a subscription fee of \$40.00 per month for any portion of a calendar month; and

(76)(A)(iii) \$.15 for each search over 500 during a billing cycle. A search is counted each time the search button is clicked.

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

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

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

**(98) Waiver of fees.**

(98)(A) Subject to (9)(B), fees established by this rule, other than fees for public online services, shall be waived for:

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

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

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

(9)(B) Individuals who qualify for a fee waiver under (9)(A)(ii) are entitled to one free copy of the record requested. The State Court Administrator may waive the one free copy limit under this rule for good cause.

(98)(CB) Fees for public online services shall be waived for:

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

(98)(CB)(ii) any government entity of Utah or its political subdivisions;

(98)(CB)(iii) the Utah State Bar;

130

|131           (~~98~~)(~~C~~B)(iv) public defenders for searches performed in connection with their  
132           duties as public defenders; and

133

|134           (~~98~~)(~~C~~B)(v) any person or organization who the XChange administrator  
135           determines offers significant legal services to a substantial portion of the public at  
136           no charge.

137

|138   *Effective: November 1, 20~~22~~<sup>02</sup>*

**Rule 1-204. Executive committees.****Intent:**

To establish executive committees of the Council.

To identify the responsibility and authority of the executive committees.

To identify the membership and composition of the executive committees.

To establish procedures for executive committee meetings.

**Applicability:**

This rule shall apply to the judiciary.

**Statement of the Rule:**

(1) **Executive Committees.** The following executive committees of the Council are hereby established:

(1)(a) the Management Committee;

(1)(b) the Policy, Planning, and Technology Committee;

(1)(c) the Liaison Committee; and

(1)(d) the Budget and Fiscal Management Committee.

(2) **Management Committee.** The Management Committee shall be comprised of at least four Council members, one of whom shall be the Presiding Officer of the Council. Three Committee members constitute a quorum. The Presiding Officer of the Council or Presiding Officer's designee shall serve as the Chair. When at least three members concur, the Management Committee is authorized to act on behalf of the entire Council when the Council is not in session and to act on any matter specifically delegated to the Management Committee by the Council. The Management Committee is responsible for managing the agenda of the Council consistently with Rule 2-102 of this Code. The Management Committee is responsible for deciding procurement protest appeals.

(3) **Policy, Planning, and Technology Committee.** The Policy, Planning, and Technology Committee shall recommend to the Council periodic and long term planning efforts as necessary for the efficient administration of justice, and shall research and make recommendations regarding any matter referred by the Council. The Committee shall recommend to the Council new and amended rules for the Code of Judicial Administration, new and amended policies for the Human Resource Policies and Procedures Manual, pursuant to Rule 3-402, and new or amended technology policies and priorities.

(3)(A) **Technology Core Teams.** Each court level shall establish a Technology Core Team to review and prioritize requests impacting technology associated with court level applications. Core Teams may consist of:

**(3)(A)(i) Appellate Court Core Team:**

(3)(A)(i)(a) Appellate Court Administrator;

(3)(A)(i)(b) Clerk of Court;

(3)(A)(i)(c) appellate court judge;

(3)(A)(i)(d) Appellate Court Coordinator; and

(3)(A)(i)(e) IT staff.

**(3)(A)(ii) District/Justice Court Core Team:**

(3)(A)(ii)(a) District Court Administrator or designee(s);

(3)(A)(ii)(b) Justice Court Administrator or designee(s);

(3)(A)(ii)(c) Clerk of Court;

(3)(A)(ii)(d) Trial Court Executive;

(3)(A)(ii)(e) district court judge;

(3)(A)(ii)(f) justice court judge;

(3)(A)(ii)(g) Team Manager;

(3)(A)(ii)(h) Case Manager;

(3)(A)(ii)(i) Judicial Assistant;

(3)(A)(ii)(j) Training Coordinator;

(3)(A)(ii)(k) IT staff; and

(3)(A)(ii)(l) local justice court administrator.

**(3)(A)(iii) Juvenile Court Core Team:**

(3)(A)(iii)(a) Juvenile Court Administrator or designee(s);

(3)(A)(iii)(b) Clerk of Court;

(3)(A)(iii)(c) Trial Court Executive;

(3)(A)(iii)(d) Chief Probation Officer;

(3)(A)(iii)(e) Probation Supervisor;

(3)(A)(iii)(f) Probation Officer;

(3)(A)(iii)(g) Team Manager;

(3)(A)(iii)(h) Case Manager;

(3)(A)(iii)(i) Judicial Assistant;

(3)(A)(iii)(j) Training Coordinator;

(3)(A)(iii)(k) juvenile court judge; and

(3)(A)(iii)(l) IT staff.

**(3)(B) Technology Prioritization Subcommittee.** A Technology Prioritization Subcommittee is hereby established. Members shall be designated by each Core Team and shall consist of no more than two members from each Team. A current or former member of the Policy, Planning, and Technology Committee shall be a non-voting member. Each Core Team may submit technology requests associated with court level applications to the Technology Prioritization Subcommittee. The prioritization subcommittee shall come to an agreement on the percentage of work allotted for each court level. The percentage relates to development staff compensated by general funds. Technology requests from Core Teams should fall within the work allotted to that court level for that year, unless the work requested is required by legislative or rule changes. The prioritization subcommittee may review and consider exceptions to this standard. The prioritization subcommittee will make recommendations to the Policy, Planning, and Technology Committee.

**(3)(C) Technology Advisory Subcommittee.** A Technology Advisory Subcommittee is hereby established. The advisory subcommittee shall be available to the Chief Information Officer, Core Teams, Technology Prioritization Subcommittee, and the Policy, Planning, and Technology Committee to provide feedback and recommendations on statewide technology services, including but not limited to, device standards, email, and bandwidth. The advisory subcommittee shall consist of:

(3)(C)(i) one district court judge;

(3)(C)(ii) one juvenile court judge;

(3)(C)(iii) one appellate court judge;

(3)(C)(iv) one justice court judge;

(3)(C)(v) one district court Trial Court Executive

(3)(C)(vi) one juvenile court Trial Court Executive;

(3)(C)(vii) one Clerk of Court;

(3)(C)(viii) one local justice court administrator;

(3)(C)(ix) each court level administrator or their designee(s);

(3)(C)(x) one Chief Probation Officer;

(3)(C)(xi) the Chief Information Officer or designee;

(3)(C)(xii) the Court Security Director; and

(3)(C)(xiii) one current or former member of the Policy, Planning and Technology Committee.

(4) **Liaison Committee.** The Liaison Committee shall recommend to the Council legislation to be sponsored by the Council. The committee shall review legislation affecting the authority, jurisdiction, organization or administration of the judiciary. When the exigencies of the legislative process preclude full discussion of the issues by the Council, the Committee may endorse or oppose the legislation, take no position or offer amendments on behalf of the Council.

(5) **Budget and Fiscal Management Committee.** The Budget and Fiscal Management Committee shall review court budget proposals, recommend fiscal priorities and the allocation of funds, and make recommendations to the Council regarding budget management and budget development in accordance with Rule 3-406.

(6) **Members.** Members of the executive committees must be members of the Council. Each executive committee shall consist of at least three members appointed by the Council to serve at its pleasure. The members of the Policy, Planning, and Technology Committee, the Budget and Fiscal Management Committee, and the Liaison Committee shall elect their respective chairs on a schedule deemed appropriate by each Committee. Chairs must be members of the Council.

(7) **Meetings and Judicial Council Reports.** Each committee shall meet as often as necessary to perform its responsibilities, but a minimum of four times per year. Each committee shall report to the Council as necessary.

(8) **Staff.** The Administrative Office shall provide staff support to the executive committees.

**Effective:** ~~May 23~~November 1, 2022

**Rule 1-201. Judicial Council Membership - Election.****Intent:**

To establish the manner of election of Council members as authorized by statute.

To establish the procedure for filling a vacancy on the Council as authorized by statute.

**Applicability:**

This rule shall apply to all elected members of the Council. This rule shall not apply to the Chief Justice of the Supreme Court.

This rule shall apply to the Boards of Judges and the Board of Commissioners of the Utah State Bar.

As used in this rule, unless the context indicates otherwise, "Board" includes the Boards of Judges and the Board of Commissioners of the Utah State Bar.

**Statement of the Rule:**

(1) The composition of the Council, the term of office of elected Council members, and the electorate of elected Council members shall be as prescribed by law.

**(2) Term.** The term of office of all elected Council members shall begin with the Council meeting immediately following the annual judicial conference. No person shall serve on the Judicial Council for more than two consecutive three-year terms plus the remainder of any unexpired portion of a term.

**(2) Election.** Election of judicial members of the Council shall take place during the annual judicial conference at the business meeting of each respective court. Election of the representative of the Utah State Bar shall take place at a regularly scheduled meeting of the Board of Commissioners.

**(3) Vacancies**

(3)(A) **Judges.** If a vacancy exists for a judicial member of the Council who represents a trial court, the Board for the court represented by that seat shall appoint a judge to serve on the Council until the next judicial conference. At such conference, the judges shall elect a member to the Council to serve for the unexpired portion of the original term. If a judicial member of the Council who represents an appellate court is unable to complete a term of office, the members of that court shall appoint a judge to serve on the Council until the expiration of the vacated term.

(3)(B) **Bar representative.** If the representative of the Utah State Bar is unable to complete a term of office, the Board of Commissioners shall elect a member or ex officio



member of the Board of Commissioners to serve for the unexpired portion of the original term.

~~(3)(C) No person shall serve on the Judicial Council for more than two consecutive three-year terms plus the remainder of any unexpired portion of a term.~~

(4) **Board nomination procedures.** The Boards shall develop procedures for the nomination and election of Council members and shall certify to the Council the names of the members elected. The Boards shall give due regard to geographic representation, security of the election, timely publication of Council vacancies or expired terms, and ease of administration.

(5) **Meeting attendance.** When a judicial member of the Council is unable to attend a Council meeting, that member may designate a judge from the same level of court to attend the Council meeting and observe the proceedings. When the representative of the Utah State Bar is unable to attend a Council meeting, that member may designate a member or ex officio member of the Board of Commissioners to attend the Council meeting and observe the proceedings. The designee shall be provided with a copy of the Council agenda and other meeting materials, and may attend the open and closed sessions of the meeting. The designee may participate in the general discussion of agenda items but may not make motions or vote on Council issues.

(6) **Expenses.** Council members or their designated substitutes may be reimbursed for actual and necessary expenses incurred in the execution of their duties as Council members.

(7) **Board membership.** Council members ~~shall not be eligible to~~may not serve as voting members of a Board of Judges of a trial court or ~~to~~ serve as members of the standing committees of the Council, except for the Standing Committee on Judicial Fairness and Accountability. The representative of the Utah State Bar may vote at meetings of the Board of Commissioners if permitted to vote under rules governing the conduct of the Board of Commissioners.

Effective: ~~June 22~~November 1, 2022~~9~~

**Rule 1-302. Board of Judges Membership - Officers - Secretariat.****Intent:**

To delegate the authority for the election of members and leaders of the various Boards to the Boards themselves or to the judges of the respective courts.

To minimize the costs of organization and administration of the Boards by coordinating the election of members of all Boards.

**Applicability:**

This rule shall apply to all Boards of Judges, except the Board of Senior Judges.

**Statement of the Rule:**

(1) **Term – Election.** The judges of the respective courts shall determine an appropriate term of office for the members of their Board. Election to the Board of a court of record shall take place at the annual judicial conference. Election to the Board of Justice Court Judges shall take place at the annual spring training conference. After an election or upon any change in membership, each Board shall certify to the Council the names of its members.

(2) **Membership.** Judicial Council members may not serve as voting members of a Board of Judges of a trial court. ~~A member of a Board may also serve as a member of the Council.~~

(3) **Chair – Officers.** Each Board shall establish the position of chair of the Board and other positions of leadership as the Board deems appropriate. Each Board shall establish the term and manner of election to such offices. Each Board shall certify to the Council the names of the chair and other officers of the Board.

(4) **Secretariat.** The Administrative Office shall serve as secretariat to the Boards.

(5) **Expenses.** Members of the Boards may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as members.

*Effective: November 1, ~~1998~~2022*

# Tab 11

## Agenda

# Self-Represented Litigant Pilot Proposal

### PROJECT IMPETUS

In 2021, a justice court judge wrote to JPEC with concerns about the fairness of their evaluation. Since only 5% of the cases before the judge had legal counsel aside from the public defender, the judge argued JPEC should not give special emphasis to the lawyer surveys if it did not also survey the litigants who were self-represented.

<b><u>Both Parties Self Represented</u></b>			
<b>District Court</b>		<b>Justice Court</b>	
Case Type	# of Cases	Case Type	# of Cases
Divorce/Annulment	5,990	Small Claims	11,615
Protective Orders	2,423	Small Claims - Govt	162
Civil Stalking	796	Misdemeanor	5
Eviction	398	Infraction	2
Custody and Support	343	Traffic and Contempt	1 each
<b>Totals</b>	<b>9,950</b>	<b>Totals</b>	<b>11,785</b>

**Figure 1** (Data provided by the Utah State Courts, FY 20 & 21)

<b><u>One Party Self Represented</u></b>			
<b>District Court</b>		<b>Justice Court</b>	
Case Type	# of Cases	Case Type	# of Cases
Debt Collection	49,994	Traffic Court	66,270
Divorce/Annulment	4,572	Misdemeanor	20,948
Eviction	3,218	Infraction	3,971
Traffic Court	3,177	DUI	1,687
Involuntary Commitment	1,688	Small Claims	1,014
<b>Totals</b>	<b>60,961</b>	<b>Totals</b>	<b>92,876</b>

**Figure 2** (Data provided by the Utah State Courts, FY 20 & 21)



## BACKGROUND: “LAWYERLESS COURTS”

“The Landscape of Civil Litigation in State Courts” by Paula Hannaford-Agor, NCSC (2015)

- 76% of state court cases in the study’s dataset had at least one self-represented party.
- Only tort cases had a majority of cases (64%) with both parties represented by an attorney.
- “The vast majority of civil cases that remain in state courts are debt collection, landlord/tenant, foreclosure, and small claims cases... The majority of defendants in these cases, however, are self-represented.” (v)  
[https://www.researchgate.net/publication/286246098\\_The\\_Landscape\\_of\\_Civil\\_Litigation\\_in\\_State\\_Courts](https://www.researchgate.net/publication/286246098_The_Landscape_of_Civil_Litigation_in_State_Courts)

“Judges in Lawyerless Courts” by Anna Carpenter, Colleen Shanahan, Jessica Steinberg, Alyx Mark (2022)

- Definition: “Lawyerless” courts are those where more than three-quarters of cases involve at least one unrepresented party.” (511) [https://scholarship.law.columbia.edu/faculty\\_scholarship/2742/](https://scholarship.law.columbia.edu/faculty_scholarship/2742/)
- A judge who engages in a substantive way with pro se litigants promotes better transparency, improves perceptions of procedural justice, and better develops the factual record. (526-527)

## SURVEY ACCESS

- Self-represented litigants must be surveyed “within 30 days of the day on which the case in which the person appears in the judge’s court is closed, exclusive of any appeal.” Utah State Code § 78A-12-204(6)
- JPEC Website
- Utah Courts Self-Help web pages - in the after-judgment sections of the following:
  - [Divorce](#)
  - [Parentage](#)
  - [Motion to Enforce](#)
  - [Petition for Essential Treatment and Intervention](#)
  - [Debt Collection](#)
  - [Small Claims](#)
- Emails to self-represented litigants with My Case accounts.

## FOR DISCUSSION

- Survey content (see below, for two survey drafts)
- Other ideas for evaluating “lawyerless courts”
  - Surveys of others with expertise in the proper functioning of the courts?
  - “Expert” courtroom observation?

**NOTE: The purpose of a pilot is to analyze the value of the data generated and the process of data collection. JPEC pilot projects do *not* generate data that are used in the evaluation of judges.**



**Survey Questions: Self-Represented Litigants – LONG FORM DRAFT****[Qualifying Questions]**

Did you have an attorney represent you in court?

Yes

☐

No

☐

What is your case number? (This is only used to verify that you are eligible to receive a survey.)

---

Is your case resolved? (A final judgement has been made on your case.)

Yes

☐

No

☐

Who was your judge on this case?

---

Did the judge decide your case within the last 30 days?

Yes

☐

No

☐**[Evaluative Questions]**

Please rate how much you agree with the following statements, ranging from 1 (Low/Disagree) to 5 (High/Agree).

	Low=1 High=5	Not enough experience to rate
The judge ran court on time.	1 2 3 4 5	<input type="checkbox"/>
The judge made sure everyone acted appropriately in court.	1 2 3 4 5	<input type="checkbox"/>
The judge was respectful to everyone involved.	1 2 3 4 5	<input type="checkbox"/>
The judge listened to what I had to say.	1 2 3 4 5	<input type="checkbox"/>
The judge made sure everyone understood what happened in court.	1 2 3 4 5	<input type="checkbox"/>
The judge talked in a way I could understand.	1 2 3 4 5	<input type="checkbox"/>
The judge treated me fairly.	1 2 3 4 5	<input type="checkbox"/>
By the end of my case, I trusted the judge.	1 2 3 4 5	<input type="checkbox"/>



---

**Contact Information**

Would you be willing to be contacted if there are follow up questions? If so, please leave contact information here

**Additional Information**

Is there anything else you would like to share about your experience in the judge's courtroom?



**Survey Questions: Self-Represented Litigants – SHORT FORM DRAFT****[Qualifying Questions]**

Did you have an attorney represent you in court?

Yes

☐

No

☐

What is your case number? (This is only used to verify that you are eligible to receive a survey.)

---

Is your case resolved? (A final judgement has been made on your case.)

Yes

☐

No

☐

Who was your judge on this case?

---

Did the judge decide your case within the last 30 days?

Yes

☐

No

☐**[Evaluative Questions]**

Please rate how much you agree with the following statements, ranging from 1 (Low/Disagree) to 5 (High/Agree).

	Low=1 High=5	Not enough experience to rate
I felt heard by the judge.	1 2 3 4 5	<input type="checkbox"/>
I understood what happened in court.	1 2 3 4 5	<input type="checkbox"/>

**Contact Information**

Would you be willing to be contacted if there are follow up questions? If so, please leave contact information here:

**Additional Information**

Is there anything else you would like to share about your experience in the judge's courtroom?

