

# JUDICIAL COUNCIL MEETING

## AGENDA

**February 27, 2023**

**Meeting held through Webex  
and in person**

**Matheson Courthouse  
Council Room  
450 S. State St.  
Salt Lake City, Utah 84111**

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

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report ..... Chief Justice Matthew B. Durrant  
(Information)
3. 9:10 a.m. State Court Administrator's Report.....Ron Gordon  
(Information)
4. 9:15 a.m. Reports: Management Committee ..... Chief Justice Matthew B. Durrant  
Budget and Fiscal Management Committee ..... Judge Kara Pettit  
Liaison Committee..... Justice Paige Petersen  
Policy, Planning, and Technology Committee ..... Judge Samuel Chiara  
Bar Commission.....Margaret Plane, esq.  
(Tab 2 - Information)
5. 9:25 a.m. Problem Solving Courts Recertifications..... Judge Dennis Fuchs  
(Tab 3 - Action)
6. 9:35 a.m. ADR Committee Report ..... Judge Adam Mow  
(Tab 4 - Information) Nini Rich
7. 9:50 a.m. Legislative Update ..... Michael Drechsel  
(Information)
- 10:20 a.m. Break

8. 10:30 a.m. Office of Innovation.....Justice Diana Hagen  
(Information)
9. 11:00 a.m. WINGS Committee Report..... Judge Keith Kelly  
(Tab 5 - Information) Shonna Thomas
10. 11:15 a.m. Juvenile Probation Presentation ..... Sonia Sweeney  
(Tab 6 - Information) Blake Murdoch  
Carlos Sabuco
11. 11:35 a.m. Budget and Grants..... Karl Sweeney  
(Tab 7 - Action) Alisha Johnson  
Jordan Murray  
Chris Talbot  
Chris Palmer  
Lauren Andersen
- 11:55 a.m. Lunch Break
12. 12:10 p.m. Court Commissioner Conduct Committee Report.....Judge Ryan Harris  
(Tab 8 - Information) Keisa Williams
13. 12:20 p.m. Rules for Final Approval .....Keisa Williams  
(Tab 9 - Action) Jon Puente
14. 12:30 p.m. Request for Waiver of the Justice Court Operating Standards .....Jim Peters  
(Tab 10 - Action)
15. 12:40 p.m. Old Business/New Business ..... All  
(Discussion)
16. 12:50 p.m. Senior Judge Certification..... Neira Siaperas  
(Action)
17. 12:55 p.m. Executive Session - there will be an executive session
18. 1:00 p.m. Recognition of Judge David Connors..... Chief Justice Matthew B. Durrant  
(Information)
19. 1:05 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. Grants<br>(Tab 11)                   | Grant Renewal – Amy Hernandez<br>SAFG Grant – Jordan Murray |
| 2. Committee Appointment<br>(Tab 12)    | MUJI-Criminal Committee – Bryson King                       |
| 3. Forms Committee Forms<br>(Tab 13)    | Kaden Taylor  |
| 4. Rules for Public Comment<br>(Tab 14) | Keisa Williams  |

# Tab 1



## Agenda

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

**January 17, 2023**

**Meeting held through Webex**

**9:00 a.m. – 11:25 a.m.**

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

**Members:**

Chief Justice Matthew B. Durrant, Chair  
 Hon. David Mortensen, Vice Chair  
 Hon. Keith Barnes  
 Hon. Suchada Bazzelle  
 Hon. Brian Brower  
 Hon. Samuel Chiara  
 Hon. Augustus Chin  
 Hon. David Connors  
 Hon. Ryan Evershed  
 Hon. Paul Farr  
 Hon. James Gardner  
 Hon. Elizabeth Lindsley  
 Hon. Thomas Low  
 Justice Paige Petersen  
 Hon. Kara Pettit  
 Margaret Plane, esq.

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

Hon. Barbara Finlinson, Nephi Justice Court  
 Hon. Dennis Fuchs, Senior Judge  
 Lisa Garner, Draper City Justice Court

**AOC Staff:**

Ron Gordon  
 Neira Siaperas  
 Michael Drechsel  
 Lauren Andersen  
 Brody Arishita  
 Shane Bahr  
 Katy Burke  
 Alisha Johnson  
 Jordan Murray  
 Bart Olsen  
 Jim Peters  
 Nini Rich  
 Tucker Samuelsen  
 Nick Stiles  
 Karl Sweeney  
 Sonia Sweeney  
 Melissa Taitano  
 Keisa Williams  
 Jeni Wood

**Guests Cont.:**

Commissioner Blair Hodson, JPEC  
 Russ Pearson, TCE Eighth District Court  
 Dr. Jennifer Yim, JPEC

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

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

**Motion:** Judge David Connors moved to approve the December 19, 2022 Judicial Council meeting minutes, as amended to 1) change Justice Paige Petersen’s comment in item # 2 from “Justice Petersen thought that, if they do make the change, it might make the nominating

commission imbalanced as to partisanship. She wondered how will the constitution be protected.” to “Justice Petersen thought that if the nominating commission is made partisan, it could impact the constitutional requirement that judicial selection not consider political ideology”; 2) change item #3 from “If discretionary funding is allocated, salary increases for court positions that require Juris Doctorate degrees could be funded from the discretionary funds.” to “If discretionary funding is allocated, salary increases for court positions that require Juris Doctorate degrees other than judges could be funded from the discretionary funds.”; 3) change item #7 from “trust in confidence” to “trust and confidence; and 4) Judge Brian Brower will provide additional errors at a later time. Judge Brower seconded the motion, and it passed unanimously.

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

Chief Justice Durrant will be providing the Senate and House of Representatives with the State of the Judiciary this afternoon.

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

Ron Gordon introduced Tucker Samuelsen as the Director of the new Data and Research Department and Mark Paradise as the new Third District Court TCE. Joyce Pace announced her retirement from the Fifth District Court TCE position. Mr. Gordon said Ms. Pace’s leadership will be greatly missed.

Judge Coral Sanchez has been confirmed to the Third District Court. There are a few judicial appointments pending confirmation, Judge Amy Oliver to the Court of Appeals, Jay Winward to the Fifth District Court, and Jason Nelson to the Second District Court.

Mr. Gordon organized a secondary trauma committee to identify ways to improve services to judges and employees. One of the committee members, Tiffany Power, JTCE, Third District Juvenile Court, recently completed her master’s thesis which focused on secondary trauma in the courts.

The Courts presented their budget requests to the co-Chairs of the Executive Offices and Criminal Justice Budget Appropriation Committee last week. Mr. Gordon will make the same presentation to the full appropriation subcommittee in February.

**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 discussed later in the meeting.

**Liaison Committee Report:**

Justice Petersen noted the committee began their weekly meetings.

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

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

### **Bar Commission Report:**

Margaret Plane said the Bar's wellbeing providers will go live on February 1. TAVA is the new therapy provider replacing Blomquist Hale. The Bar is supportive of the judicial raises budget request.

### **5. JUDICIAL PREFORMANCE EVALUATION COMMISSION (JPEC) REPORT: (Dr. Jennifer Yim)**

Chief Justice Durrant welcomed Dr. Jennifer Yim. Dr. Yim introduced Commissioner Blair Hodson. Commissioner Hodson was appointed in 2018 by the Supreme Court.

Judge Pettit asked if JPEC has been involved in discussions about potential legislation to address judicial nominating commissions. Dr. Yim was invited to an informal workgroup to discuss judicial retentions. Senator Kirk Cullimore presented to JPEC some of his ideas.

Dr. Yim started working for JPEC in 2016 wanting to accomplish a few things:

- 1) To ensure that judges knew JPEC was an entity that could be trusted and to conduct evaluations fairly and accurately and in the best interest of Utah. She wanted to work collaboratively with the Courts on improving the process of evaluating judges.
- 2) To find ways to minimize implicit bias in the evaluation process.
- 3) To have an informed electorate in casting votes for judges. She wanted to make sure voters could rely on JPEC's evaluations when casting votes.

Dr. Yim felt that JPEC has made significant progress on these fronts and continues to improve.

Dr. Yim appreciated the training being offered by the Judicial Institute to help judges increase their scores when requested by a judge. She noted that it may be beneficial to offer more formalized training. Lauren Andersen said the Judicial Institute continues to offer services, including making recommendations, tailoring training specific to the need of a judge or hiring personal coaches. Dr. Yim stated that JPEC has changed some of the evaluation criteria to meet the changing environment. She would like to know more about how Utah judges have modernized their workload and what other newer methods are being used. Justice Petersen appreciated encouraging participants to review JPEC evaluations. Dr. Yim said JPEC discusses their process with other states who have similar processes to work together to provide more outreach.

### **Survey of Judges on Judicial Performance Evaluation - Overall Findings**

- 86.6% of Utah judges reported overall satisfaction with the process.
  - Respondents reported feeling informed about the process and finding the results helpful.
  - Only 42.4% of Utah respondents had specific concerns about the evaluation process. This is considerably lower than the 58.7% of respondents from 8 other states who identified the same concerns.

- Concerns
  - As in other states, Utah judges are very concerned about bias in the process itself and in survey respondents. Bias includes both gender/racial bias as well as outcome-related bias.
  - Similar to other states, Utah judges are concerned about low response rates.
- Suggested improvements
  - Increase training for observers.
  - Add context to survey responses in order to decrease bias and assess relevance.
  - Follow-up and resources to improve after an evaluation.
- Praise
  - Utah's effort.
  - Efforts made to improve the process.

### **Conclusions**

- Help validate the results of JPEC's internal judge surveys.
- Give cross-state comparisons to see how JPEC is doing.
- Justify continued efforts to ensure that the evaluations are accurate and bias minimized.
- Points to areas for continued process improvement.

The self-represented litigant surveys pilot project has launched. Litigants without legal representation are a rapidly growing population of court users and can change the courtroom dynamic. JPEC is working to incorporate input from self-represented litigants into the performance evaluation survey pool currently made up of attorneys, court staff, allied professionals, and jurors. Capturing these important voices is an important step to ensure that court users have input into judicial evaluation. The two-part pilot will include a standing survey kiosk inside of select courtrooms and an online survey available to any self-represented parties.

Chief Justice Durrant thanked Dr. Yim and Commissioner Hodson for the amount of dedicated time they invest into the work of JPEC.

6. **BUDGET AND GRANTS: (Karl Sweeney, Alisha Johnson, and Jordan Murray)**  
Chief Justice Durrant welcomed Karl Sweeney, Alisha Johnson, and Jordan Murray.

### **FY 2023 Ongoing Turnover Savings**

#		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	302,119	602,119
3	TOTAL SAVINGS		552,511	852,511
	2023 Hot Spot Raises		(133,656)	(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		(133,656)	(650,000)
Actual Turnover Savings for FY 2023 as of 12/23/2022			\$ 418,854	\$ 202,511

- Ongoing turnover savings only happens when a vacant position is filled at a lower rate and/or with lower benefits.
- There are currently 23 positions that have turned over within the past 90 days that are currently listed as having unknown benefits. If those employees select lower benefits, there will be additional savings.
- Currently 64.6 FTE positions are vacant with 21 in process of being filled. If those positions fill, with no other changes, that would leave 43.6 FTE vacant positions.

Ms. Johnson explained that a low turnover savings amount implies that there is less employee turnover. However, retirements and promotions are considered in this as well.

### FY 2023 One-Time Turnover Savings

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 12/09/2022)	Internal Savings	2,117,737
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 11/11/2022)	Reimbursements	416,865
3	Est. One Time Savings for 1,160 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	2,320,000
Total Potential One Time Savings			4,854,602

### ARPA Expenses

#		Funded by	GOPB	Requested	A	B	C	A - B - C
					Judicial Council Approved	Actual FY 2022 Expended	Actual FY 2023 Expended	Balance Available
1	IT Access to Justice - Response to COVID - Part I	May-21	Yes	11,000,000	11,000,000	3,042,468	2,117,603	5,839,930
2	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	2,409,640	5,839,930
Requests to Legislature for FY 2023 - \$3,000,000 approved by the Legislature				Requested	Approved	Actual 2022	Actual 2023	Available
1	IT Access to Justice - Response to COVID - Part II	2022 GS	Yes	1,373,400	1,373,400	-	-	1,373,400
2	Courts Case Backlog - Part II	2022 GS	Yes	1,000,000	1,000,000	-	148,923	851,077
3	COVID-19 Supplies	2022 GS	Yes	640,000	302,100	-	-	302,100
4	Legal Sandbox Response to COVID	2022 GS	Yes	649,000	324,500	-	-	324,500
5	Self-Help Center	2022 GS	Yes	64,000	-	-	-	-
6	Interpreter Equipment	2022 GS	Yes	97,000	-	-	-	-
7	Eviction Court	2022 GS	Yes	166,000	-	-	-	-
8	Public Outreach & Engagement	2022 GS	Yes	30,000	-	-	-	-
9	IT Access to Justice - Response to COVID - Part III	2022 GS	Yes	1,881,500	-	-	-	-
	Subtotal			5,900,900	3,000,000	-	148,923	2,851,077
				\$ 17,900,900	\$ 15,000,000	\$ 3,750,431	\$ 2,558,563	\$ 8,691,007

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

Forecasted Available One-time Funds		
Description	Funding Type	Amount
<b>Sources of YE 2023 Funds</b>		
* Turnover Savings as of PPE 12/09/2022 (including anticipated ARPA reimbursement)	Turnover Savings	2,534,602
** Turnover savings Estimate for the rest of the year (\$2,000 x 1,160 pay hours)	Turnover Savings	2,320,000
(a) <b>Total Potential One Time Turnover Savings</b>		<b>4,854,602</b>
(b) <b>Operational Savings From TCE / AOC Budgets</b>	Internal Operating Savings	-
(c) <b>Reserve Balance (balance from FY 2022 Carryforward)</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 (Request has been made for up to \$3,200,000)</b>	Historical Carryforward	(3,200,000)
<b>Total Potential One Time Savings = (a) + (b) + (c) less Carryforward</b>		<b>\$ 2,002,678</b>
<b>Less: Judicial Council Requests Previously Approved</b>		<b>\$ (937,772)</b>
<b>Less: Judicial Council Current Month Spending Requests</b>		<b>\$ (453,400)</b>
<b>Remaining Forecasted Funds Available for FY 2023 YE Spending Requests</b>		<b>\$ 611,506</b>

The Office of Legal Services Innovation just started using ARPA funds, which will show on next month's reports. The Budget and Fiscal Management Committee started discussions on the need to determine whether the case backlog is still related to COVID or whether there are too many cases and additional judicial officers are needed. Judge Pettit said this item was deferred until further information can be gathered.

#	One-time Spending Plan Requests	Current Requests Amount	Judicial Council Approved Amount
1	Q1 / Q2 Performance Bonus Payments		\$ 450,000
2	St. George Courtroom Audio		\$ 141,000
3	Adobe E-Signatures		\$ 260,000
4	IT Equipment for new JA Clerks		\$ 5,872
5	Build-out of Replacement for Courts' Access Revenue System		\$ 40,000
6	Online Water Law Curriculum for Judges		\$ 40,000
7	Transcription Training Production		\$ 900
8	Q3 / Q4 Performance Bonus Payments	\$ 450,000	
9	Out of State Employee Set Up Fees	3,400	
<b>Current Month One-time Spending Requests</b>		<b>453,400</b>	
<b>Previously Approved 1x FY 2022 YE Spending Request</b>			<b>937,772</b>

### **FY 2023 Q3/Q4 Performance Bonus Payments** \$450,000 one-time turnover savings

The Council approved ending the career ladder program (which focused on judicial assistant and probation officer pay increases in the first years of employment) and established a new performance based bonus and raise plan starting in May 2021. Under this plan all non-judicial employees have the opportunity to receive a performance bonus.

**Motion:** Judge Connors moved to approve the FY 2023 Q3/Q4 Performance Bonus Payments request for \$450,000 in one-time turnover savings. Judge Augustus Chin seconded the motion, and it passed unanimously.

**Out-of-State Employee Set-Up Fees**

\$3,400 one-time turnover savings

This is a request to pay the initial set up fee and first year maintenance fee for one judicial assistant (collections clerk) employee to work remotely from a different state.

**Motion:** Judge Connors moved to approve the Out-of-State Employee Set-Up Fees request for \$3,400 in one-time turnover savings. Judge Chin seconded the motion, and it passed unanimously.

The Stand Together Foundation grant requesting \$975,000 in support of the Office of Legal Services Innovation remains pending. Mr. Murray provided an update on the grants, noting that, as of September 30, 2022, the AOC holds 6 federal and 6 non-federal grants. The juvenile court's Court Improvement Program (CIP) grant has traditionally been distributed into 3 separate grants; as of October 1, 2022, the 3 grants have been consolidated into one grant with no decrease in funding.

- 4 are administered by the Juvenile Court
- 1 by Information Technology
- 2 by the Domestic Violence Program
- 3 by the Office of Legal Services Innovation
- 1 by Alternative Dispute Resolution
- 1 by the Office of Guardian ad Litem

Chief Justice Durrant thanked Mr. Sweeney, Ms. Johnson, and Mr. Murray.

**7. PROBLEM SOLVING COURTS RECERTIFICATIONS: (Judge Dennis Fuchs)**

This item was moved to the February Council meeting.

**8. LEGISLATIVE UPDATES: (Michael Drechsel)**

Chief Justice Durrant welcomed Michael Drechsel. A bill is being drafted for the Council's budget request for a new Fourth District Juvenile Court judge. In 2021, the Council sought the authority to collect electronic payment fees when people elect to use their credit cards. That bill is the drafting phase. There are currently about 250 House and over 100 Senate bills. Those numbers are expected to double by the end of the session.

HB0210 – Justice Court Changes is the bill that creates and identifies the duties of a Legislative Justice Court Reform Task Force consisting of 3 Senate members and 4 House of Representatives members, and addresses vacancies, judicial salaries and expenses, staffing, and the duties of the Task Force. The section about judicial independence makes it clear that justice courts are considered part of the state Judiciary even though they are independently funded. There is a section allowing a release of geographical restriction requiring six-month residence

before application. The section about salaries changes the minimum to 90% of a district court judge, reducing accordingly for part-time judges. If judges work for multiple entities, their cumulative salary cannot exceed that of a district court judge. The section about staff explains that in the exercise of judicial functions and administration, the Supreme Court and Judicial Council has oversight.

A new house bill seeks to create a business or chancery court with statewide jurisdiction to handle equity-based business cases. Those cases would be removed from the current district court. The bill establishes two judges and judicial assistants but does not specifically address a reduction of currently sitting district court judges. If passed, the bill has an effective date of July 2024.

The Liaison Committee is reviewing HJR002 Joint Resolution Amending Rules of Civil Procedure on Injunctions, which proposes to amend the issuance of preliminary injunctions and temporary restraining orders. The sponsor indicated that he is working to align state and federal rules. Judge Pettit was concerned about the retroactive component of this bill which would require many cases to be re-litigated. Mr. Drechsel explained that the Courts do not have any data on past or current cases which this bill would apply to if it passes.

SB0087 Court Fee Waiver Amendments and SJR006 Joint Resolution Amending Rules of Procedure and Evidence Regarding Criminal Prosecutions are extensions from last year to create a right of a defendant to conduct depositions. Judges have provided feedback to Mr. Drechsel. Judge Elizabeth Lindsley asked if there would be additional funding provided for indigent defense. The bills do not create any funding therefore the counties would be assessed the cost. The bills specify that a witness who is under the age of 14 at the time of the deposition is ineligible to be deposed, those ages 14-18 would need court approval to be deposed, and victims of a crime would have additional rights.

The two large recodifications expected for this session that will affect the Courts are HB0046 Criminal Code Recodification and Cross References and HB0030 Wildlife Resources Code Recodification.

Mr. Drechsel thanked Sonia Sweeney and her team for their assistance with the juvenile expungement bill and a child welfare bill that seeks to expand the amount of time where a relative or someone can appear in court seeking custody.

Chief Justice Durrant thanked Mr. Drechsel.

**9. JUSTICE COURT REFORM: (Judge Paul Farr, Jim Peters, and Ron Gordon)**

Chief Justice Durrant welcomed Judge Paul Farr, Jim Peters, and Ron Gordon. Judge Farr hopes to be involved in the legislative taskforce.

Chief Justice Durrant thanked Judge Farr, Mr. Peters, and Mr. Gordon.

**10. JUSTICE COURTS RECERTIFICATIONS: (Jim Peters)**

Chief Justice Durrant welcomed Jim Peters. Pursuant to UCJA Rule 9-108(1)(B) Justice Court Standards, the Board of Justice Court Judges has discussed the applications received for



recertification of the county justice courts. For each court, these applications include (i) the judge's affidavit attesting that the court is in compliance with the operating standards required both by statute and by the Judicial Council, (ii) a legal opinion from the county attorney's office (a) informing the governing body as to those operating standards and (b) advising it as to the feasibility of maintaining a justice court, and (iii) a resolution from the governing body committing to abide by those standards and requesting that the court be recertified. The Board recommended that these municipal justice courts be recertified for a 4-year term beginning February 1, 2023. Mr. Peters noted that some counties contract with cities to operate their justice courts, so Weber County and Uintah County aren't on the list below because Roy and Vernal run those courts instead. Cache County never had a county justice court.

#### **Garfield County Justice Court – Judge Gary Owens**

As a Class III Justice Court, the Judicial Council's standards require that Garfield County set a trial calendar at least every other week. Because most of the cases that took Garfield County from a Class IV court to a Class III court are handled without the need for a hearing, the court would like to set a second day of court each month only as needed. As such, Judge Owens requested that this requirement be waived. The Board is supportive of his request.

#### **Rich County Justice Court – Judge Trevor Cook**

As a Class III Justice Court, the Judicial Council's standards require that Rich County set a trial calendar at least every other week. Because the number of cases filed in the Rich County Justice Court vary dramatically depending on the season, the court would like to set a second day of court each month only as needed. As such, Judge Cook requested that this requirement be waived. The Board is supportive of his request.

Mr. Peters explained that a Class III court averages between 61-200 cases per month.

Judge Pettit thought Garfield County had a fair number of cases set over the next 30 days compared to other jurisdictions. She thought this could be supported with holding court twice a month and wanted to ensure the court was not unnecessarily delaying cases for litigants by holding court only once a month. Mr. Peters explained that the need for hearings isn't that great because 92% of cases over the past year were traffic citations with 8% being criminal cases. DUI cases totaled 15 of the 162 cases. Judge Brower noted that his court is generally scheduled once a week but there are weeks where caseloads are much lighter and other weeks where caseloads are much greater. He wasn't concerned about the exception being requested. Judge Farr said judges review cases and must still comply with statute, even if they are only scheduling hearings once a month.

#### **Courts seeking recertification**

1. Beaver County Justice Court (Beaver Precinct)
2. Beaver County Justice Court (Milford Precinct)
3. Beaver County Justice Court (Minersville Precinct)
4. Box Elder County Justice Court
5. Carbon County Justice Court
6. Daggett County Justice Court
7. Davis County Justice Court

8. Duchesne County Justice Court
9. Emery County Justice Court
10. Garfield County Justice Court
11. Grand County Justice Court
12. Iron County Justice Court
13. Juab County Justice Court
14. Kane County Justice Court
15. Millard County Justice Court
16. Morgan County Justice Court
17. Piute County Justice Court
18. Rich County Justice Court
19. Salt Lake County Justice Court
20. San Juan County Justice Court
21. Sanpete County Justice Court
22. Sevier County Justice Court
23. Summit County Justice Court
24. Tooele County Justice Court
25. Utah County Justice Court
26. Wasatch County Justice Court
27. Washington County Justice Court
28. Wayne County Justice Court

**Motion:** Judge Connors moved to approve a 4-year recertification for all 28 justice courts listed above and approve the Rich County Justice Court waiver but to not approve the Garfield County Justice Court waiver until sufficient information can be provided to the Council, as amended. Judge Chin seconded the motion, and it passed with Judge Brower abstaining as to the Morgan County Justice Court.

Judge Pettit would appreciate clarification that statutory timelines would be adhered to regardless of the regular schedule. Mr. Peters will readdress the Garfield County Justice Court with the Board and then with the Council at a later date. Chief Justice Durrant thanked Mr. Peters.

#### **11. JUSTICE COURT JUDGE CERTIFICATION: (Jim Peters)**

Chief Justice Durrant welcomed Jim Peters. Mr. Peters presented Lisa Garner for consideration as the new Draper City Justice Court Judge. UCJA Rule 9-106. New Judge Certification Procedure states “(8) Upon completion of the orientation process, the Justice Court Administrator shall make a recommendation to the Council respecting certification. The Council shall either certify that the proposed judge has attended the orientation and successfully passed the examination, or decline to certify the same. The Council shall notify the proposed judge and the appointing authority of its decision in writing.” Mr. Peters mentioned that Ms. Garner has completed New Judge Orientation, scored 95% on the exam, and has completed all other requirements needed for certification.

Chief Justice Durrant thanked Mr. Peters.

**Motion:** Judge Chin moved to certify Lisa Garner as the new Draper City Justice Court Judge. Judge Farr seconded the motion, and it passed unanimously.

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

Chief Justice Durrant welcomed Keisa Williams. The Policy, Planning, and Technology Committee recommended that the following rules be approved with a May 1, 2023 effective date, followed by a 45-day public comment period.

**UCJA Rule 3-406. Budget and Fiscal Management.** Proposed amendments incorporate the role of the Budget and Fiscal Management Committee and make other improvements to clarify the budget process. Mr. Sweeney clarified that he was trying to be more specific when recommending the change to annual priorities instead of fiscal priorities. Judge Pettit asked if the BFMC could readdress this rule.

**UCJA Rule 3-104. Presiding Judges.** Proposed amendments require presiding judges to notify the appropriate state level administrator when a judge fails to submit a required case under advisement statement. If a judge fails to submit a required statement for two consecutive months, the state level administrator must notify the Management Committee.

**Motion:** Judge Pettit moved to refer UCJA Rule 3-406 to the Budget and Fiscal Management Committee for discussion. Judge Connors seconded the motion, and it passed unanimously.

**Motion:** Judge Gardner moved to approve Rule 3-104 with an effective date of May 1, 2023 and a 45-day public comment period. Judge Connors seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Ms. Williams.

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

No additional business was discussed.

**14. EXECUTIVE SESSION**

An executive session was not held.

**15. CONSENT CALENDAR ITEMS**

a) Committee appointments of Judge Troy Little and Judge Ann Marie McIff Allen to the Court Facility Planning Committee and the appointment of Judge Chelsea Koch to the Forms Committee. Approved without comment.

b) Rules for Public Comment. UCJA Rule 3-403. Judicial Branch Education. Approved without comment.

**16. ADJOURN**

The meeting adjourned.

# Tab 2

## Agenda

**JUDICIAL COUNCIL'S  
MANAGEMENT COMMITTEE**

**Minutes**

**February 14, 2023**

**12:00 p.m. – 1:10 p.m.**

**Meeting held through Webex  
and in person  
Matheson Courthouse  
Council room  
450 S. State St.  
Salt Lake City, Utah 84111**

***Judge David Mortensen, Presiding***

**Committee Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. David Mortensen, Vice Chair  
Hon. Paul Farr  
Hon. Elizabeth Lindsley  
Hon. Kara Pettit

**Excused:**

Michael Drechsel  
Sonia Sweeney

**Guests:**

Justice Diana Hagen

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Brody Arishita  
Shane Bahr  
Paul Barron  
Amy Hernandez  
Heather Marshall  
Jordan Murray  
Jim Peters  
Nathanael Player  
Tucker Samuelsen  
Nick Stiles  
Keisa Williams  
Jeni Wood

- 1. WELCOME AND APPROVAL OF MINUTES: (Judge David Mortensen)**  
Judge David Mortensen welcomed everyone to the meeting.

**Motion:** Judge Elizabeth Lindsley moved to approve the January 10, 2023 Management Committee minutes, as presented. Judge Kara Pettit seconded the motion, and it passed unanimously.

- 2. STATE COURT ADMINISTRATOR'S REPORT: (Ron Gordon)**  
Ron Gordon reported on ongoing discussions with EOCJ and EAC committee members regarding the judiciary's budget requests. Legislators have been receptive to the requests for funding to increase judicial and attorney salaries in the Courts as well as to several other requests

by the Courts. The sponsor of SB0129 Judiciary Amendments has removed the re-districting of Utah districts proposal. Mr. Gordon noted that the Courts will continue to work with legislators on the Judicial Council's budget requests.

**3. COMMITTEE APPOINTMENT: (Jeni Wood)**

The Model Utah Criminal Jury Instructions Committee recommended the appointment of Judge Teresa Welch to fill the Chair position.

**Motion:** Judge Paul Farr moved to approve the appointment of Judge Teresa Welch as Chair to the Model Utah Criminal Jury Instructions Committee, as presented and to add this to the Judicial Council's consent calendar. Judge Pettit seconded the motion, and it passed unanimously.

**4. VAWA GRANT RENEWAL REQUEST: (Amy Hernandez and Jordan Murray)**

Amy Hernandez submitted a Violence Against Women Act (VAWA) grant renewal application pursuant to UCJA Rule 3-411(12) Grant Management. The award amount, material conditions of the grant, number and classification of funded employees, and incremental impact assessment remain unchanged from the prior grant cycle. The Domestic Violence Program (DVP) intends to submit a renewal application for the VAWA grant to the Utah Office for Victims of Crime for FY 2024. In addition to securing funds for FY 2024 (\$75,000), this application also renews the 2-year VAWA grant cycle scheduled to conclude in FY 2025.

The VAWA grant funds two part-time positions: the DVP Coordinator position (1/2 FTE) and the Tribal Outreach Program Coordinator (12.5% FTE). These are existing positions established during previous grant cycles and no change to the number of permanent full or part-time employees supported by VAWA funds are requested.

Judge Pettit explained that grant renewals can go on the Judicial Council's consent calendar whereas new grants would be presented on the Judicial Council's agenda.

**Motion:** Judge Farr moved to approve the VAWA grant, as presented and to add this to the Judicial Council's consent calendar. Judge Lindsley seconded the motion, and it passed unanimously.

**5. SAFG GRANT REQUEST: (Jordan Murray)**

Jordan Murray sought the Committee's approval to submit a grant renewal application pursuant to UCJA Rule 3-411(12). The award amount, material conditions of the grant, and AOC resource impact assessment remain unchanged from the prior year. This funding is provided by the Utah Commission on Criminal & Juvenile Justice (CCJJ) in support of the Courts' FY 2023 treatment court training initiatives. CCJJ administers State Asset Forfeiture Grant (SAFG) funds through state forfeitures collections in Utah's Criminal Forfeiture Restricted Account. These funds are awarded to governmental agencies through a noncompetitive formula process. The SAFG program provides funds for criminal justice services throughout the state and has a precedent for supporting annual training initiatives pursued by the treatment courts.

The CCJJ has indicated there is \$25,000 reserved for the courts to support court staff attendance at the National Association of Drug Court Professionals, “Rise 23” Conference in Houston, Texas from June 25-29, 2023. If approved, funds may be reimbursed anytime between now and June 30, 2023.

**Motion:** Judge Farr moved to approve the SAFG, as presented and to add this to the Judicial Council’s consent calendar. Judge Pettit seconded the motion, and it passed unanimously.

**6. BACKLOG OF CASES: (Tucker Samuelson, Paul Barron, and Heather Marshall)**

The Data and Research team presented preliminary data on backlog of cases in the district court. The information presented included data on backlog as percentage of filings and current trends per district. Tucker Samuelson and the data team will continue to monitor case backlog data trends and will be meeting with individual districts to review and discuss district specific data.

**7. REQUEST FOR WAIVER OF THE JUSTICE COURT OPERATING STANDARDS: (Jim Peters)**

On January 17, 2023, Garfield County submitted an application that asked the Judicial Council to waive the requirement that court be held at least every other week. Because the data provided to the Judicial Council was insufficient to justify a waiver, the Garfield County Justice Court was recertified for another four-year term but its request to hold court only once per month was denied until more information could be provided.

Justice courts are classified according to the average number of cases filed each month per Utah Code § 78A-7-101(2) Creation of justice court -- Not of record -- Classes of Justice, which provides that a Class I Court averages 501 or more case filings per month; a Class II Court averages 201-500 case filings per month; a Class III Court averages 61-200 case filings per month; and a Class IV Court averages 60 or fewer case filings per month. The frequency with which court must be held varies depending on the average number of cases filed in a given court each month. Garfield County Justice Court is a Class III justice court because they received an average of 171 cases per month last year. As such, the operating standards require them to hold court at least every other week. As this requirement is not statutory, the Judicial Council has authority to waive it.

There were 2,052 cases filed in the Garfield County Justice Court in 2022. Nearly 92% (1,886) of the cases adjudicated by that court last year were traffic cases and of those, less than 9% (160) were contested in court. Criminal cases accounted for another 8% (162) of total filings. These cases, together with the 4 small claims cases filed last year, indicate that less than 16% (326) of the cases filed in the Garfield County Justice Court require a court appearance. That equates to about 27 cases per month.

The Data and Research Department researched cases filed pursuant to Chapter 36 of Title 77 (Cohabitant Abuse Procedures Act). It found that only 2 of the court’s 130 misdemeanors last year were explicitly tagged as Domestic Violence (DV) cases. The court indicated that it handles special circumstances, like DV and other urgent matters by working around the courtroom calendars (shared by three judges) and by scheduling hearings outside their regularly scheduled

day as soon as possible. That was only necessary twice in 2022, but the court is willing to do it as often as may be necessary. The Board of Justice Court Judges continues to support a waiver for the Garfield County Justice Court.

The Committee appreciated the additional information Mr. Peters provided on this waiver.

**Motion:** Judge Pettit moved to add this item to the Judicial Council's meeting agenda. Judge Farr seconded the motion, and it passed unanimously.

## **8. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Judge David Mortensen)**

Judge Mortensen addressed the Judicial Council agenda.

**Motion:** Judge Pettit moved to approve the Judicial Council's meeting agenda, as amended to add Senior Judge Appointment and Office of Innovation and remove the Backlog of Cases item. Judge Farr seconded the motion, and it passed unanimously.

## **9. OFFICE OF INNOVATION: (Justice Diana Hagen)**

Justice Diana Hagen discussed the matters of the Office's budget, long-term housing, and a possible fee structure. The Office has met with many entities including the Bar to solicit ideas that will help create an Office that everyone can support. Currently, the Supreme Court (Court) is focusing on harms through consumer complaints. They are sending exit surveys to consumers to gather data.

The Office's budget has decreased dramatically with the completion of the initial work, such as the creation of a database and they are now using volunteer attorneys. Currently, they do not anticipate spending all of the \$250,000 by the end of the fiscal year. The Court learned that the previously allocated but unspent ARPA funds could be transferred to the Bar, if the Office was moved there.

There is a new fee structure where for-profit entities would pay 1/2% of gross revenue. The entities would also pay for period audits or, alternatively, the Bar would seek volunteer attorneys to conduct the audit.

They are hoping to move the Office into the Bar by July 1. If that happens, the Bar would hire one fulltime Program Director, who would also staff the Innovative Court Committee. Data has been automated so the Office does not see the need for an employee for that service. Justice Hagen emphasized that moving the Office of Innovation to the Bar is not certain as discussions are ongoing.

The backup plan would be to keep the Office in the Court and dedicate one existing law clerk attorney position to fill the Director position.

They are looking at narrowing the categories of entities that can enter the sandbox. One model would carve out entities that are not helping consumers. Another option would be to have the entity propose a business plan that identifies more legal services to underserved communities.



They may require non-lawyer managers to follow the same Code of Conduct that attorneys abide by. They're looking at making sure they have attorneys who are consumer-facing and lowering the amount of committee members. The Office will add the full applications with confidential information redacted to their website. They will also post agendas and minutes from their committee meetings on their website.

Chief Justice Matthew B. Durrant appreciated Justice Hagen's efforts and added that it's conceivable that the Office may be housed in the Court, who may seek additional funding from the Council.

If the Office will seek additional funding, they need to meet the legislative budget requests deadlines.

**Motion:** Judge Farr moved to approve adding this item to the Judicial Council's meeting agenda. Judge Pettit seconded the motion, and it passed unanimously.

**10. OLD BUSINESS/NEW BUSINESS**

No additional business was discussed.

**11. EXECUTIVE SESSION**

An executive session was not held.

**12. ADJOURN**

The meeting adjourned.

## Agenda

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

**Minutes  
January 6, 2023  
Meeting held virtually through WebEx  
10:00 a.m. – 11:15 a.m.**

**Members Present:**

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

**Guests:**

Tina Sweet  
Lauren Andersen

**Excused:**

Mark Urry, TCE, Fourth District Court  
Brett Folkman, TCE, First District Court  
Margaret Plane, Esq.  
Russ Pearson  
Chris Talbot  
Daniel Meza Rincón  
Meredith Mannebach  
Nathanael Player  
Keisa Williams  
Jonathan Puente  
Sonia Sweeney

**AOC Staff Present:**

Ron Gordon  
Jim Peters  
Bart Olsen  
Nick Stiles  
Shane Bahr  
Todd Eaton  
Brody Arishita  
Neira Siaperas  
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 December 5, 2022 minutes, as presented. Judge Elizabeth Lindsley seconded the motion, and it passed unanimously.

**2. FY 2023 Financials / Turnover Savings / ARPA Update (Karl Sweeney – “Presenter”)**

Ongoing Turnover Savings (“OTS”) – Karl Sweeney reviewed the period 5 financials and gave an update on OTS. So far in FY23 we have earned \$302,119 of ongoing turnover savings. Our ongoing turnover savings grew by only \$18,000 in December, which is less than half of our forecasted growth rate of \$50,000 per month. This was due to a decrease in the rate of open jobs

filled and some of the open positions being used to fill the Data Services team which reduced the amount of OTS. We believe these impacts as well as the prior month higher medical plan trend are all temporary and continue to forecast \$50,000 per month growth for the 6 remaining months which yields a forecast of \$852,511 by 6/30/2023. YTD OTS is \$302,119 which is a \$50,000 per month average for 6 months.

As of 12/23/2022, the OTS schedule shows \$134K of the \$200K of hot spot raises has been used. Our forecast shows that both the \$450K in 2023 performance-based raises authorized by the Judicial Council in its September 2022 meeting and the balance of hot spot raises will be used by the 6/30/2023. AOC Finance is forecasting that we will end FY23 with \$202,511 in OTS available for discretionary use.



#### FY 2023 Ongoing Turnover Savings as of 12/23/2022

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation)	Internal Savings	250,392
2	Ongoing Turnover Savings FY 2023	Internal Savings	302,119
3	TOTAL SAVINGS		552,511
	2023 Hot Spot Raises	(133,656)	(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	(133,656)	(650,000)
Actual Turnover Savings for FY 2023 as of 12/23/2022		\$ 418,854	\$ 202,511
Prior Report Totals		\$ 424,877	\$ 234,559

**One-Time Turnover Savings** - One-time TOS are generated from position vacancies and reimbursements of payroll expenditures with ARPA funds primarily for senior judges and JAs doing case backlog work. Our forecast for FY 2023 of one-time TOS before any uses are deducted is estimated to be \$4.8M which increased primarily due to the forecast of one-time TOS increasing to \$2,000 per hour (our YTD avg.) versus the prior estimate of \$1,750 per hour.



#### FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 12/09/2022 (928 out of 2088 hours)

#	Funding Type	Actual
		Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 12/09/2022)	Internal Savings
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 11/11/2022)	Reimbursements
3	Est. One Time Savings for 1,160 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)
Total Potential One Time Savings		4,854,602

Prior Report Totals \$ 4,067,210.93

**ARPA Expenditures** – The Court has been appropriated \$15.0M in ARPA funds. Life to date through 12/23/2022 we have spent \$5.16M of the \$11M in IT access to justice part 1 expenses and \$1.0M of the \$2M in case backlog parts 1 and 2 expenses for a total expenditure of \$6.16M. This leaves us an authorized balance available to be expended before 12/31/2024 of:

1. approximately \$5.8M of the \$12M in FY 2022 authorized ARPA funds;
2. approximately \$2.9M in FY 2023 authorized ARPA funds (for a total of \$8.7M left to spend)

### ARPA Expenses as of 12/23/2022

### 3. Year-end Spending Requests (Karl Sweeney – “Presenter”)



## 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 PPE 12/09/2022 (including anticipated ARPA reimbursement)	Turnover Savings	2,534,602	1	Q1 / Q2 Performance Bonus Payments		\$ 450,000
** Turnover savings Estimate for the rest of the year (\$2,000 x 1,160 pay hours)	Turnover Savings	2,320,000	2	St. George Courtroom Audio		\$ 141,000
(a) <b>Total Potential One Time Turnover Savings</b>		<b>4,854,602</b>	3	Adobe E-Signatures		\$ 260,000
			4	IT Equipment for new JA Clerks		\$ 5,872
(b) <b>Operational Savings From TCE / AOC Budgets</b>	Internal Operating Savings	-	5	Build-out of Replacement for Courts' Access Revenue System		\$ 40,000
(c) <b>Reserve Balance (balance from FY 2022 Carryforward)</b>	Judicial Council Reserve	500,076	6	Online Water Law Curriculum for Judges		\$ 900
<b>Anticipated Reserve Uses - including previously approved and pending requests</b>	Judicial Council Reserve Uses	(152,000)	7	Transcription Training Production		
			8	Q3 / Q4 Performance Bonus Payments	\$ 450,000	
			9	Out of State Employee Set Up Fees	3,400	
<b>Uses of YE 2023 Funds</b>						
<b>Carryforward into FY 2024 (Request has been made for up to \$3,200,000)</b>	Historical Carryforward	(3,200,000)				
<b>Total Potential One Time Savings = (a) + (b) + (c) less Carryforward</b>		<b>\$ 2,002,678</b>				
<b>Less: Judicial Council Requests Previously Approved</b>		<b>\$ (937,772)</b>		<b>Current Month One-time Spending Requests</b>	<b>453,400</b>	
<b>Less: Judicial Council Current Month Spending Requests</b>		<b>\$ (453,400)</b>		<b>Previously Approved 1x FY 2022 YE Spending Request</b>		<b>937,772</b>
<b>Remaining Forecasted Funds Available for FY 2023 YE Spending Requests</b>		<b>\$ 611,506</b>				

Updated 12/23/2022

### 8. FY 2023 YE Spending Requests – Q3 / Q4 Performance Bonus Payments (Melissa Taitano – “Presenter”)

The State and Deputy State Court Administrators are requesting \$450,000 of 1x Turnover Savings (TOS) (\$340,000 in cash payments + \$110,000 in retirement/employer taxes) for performance bonus payments to be paid in May/June 2023. 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. 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 managers. The amount of the Performance Bonus Plan varies with some employees receiving Performance Raises and others Performance Bonus payments. Of course, those who do not complete their performance goals may not receive either of these types of payments.

**Motion:** Judge Keith Barnes made a motion to approve. Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded to Judicial Council with recommendation to approve.

### 9. FY 2023 YE Spending Request – Out-of-State Employee Set-Up Fees (Melissa Taitano – “Presenter”)

Melissa Taitano is requesting on behalf of the 8<sup>th</sup> District \$3,400 to pay the initial set up fee and first year maintenance fee for one Judicial Assistant (Collection Clerk) employee to work remotely for the courts. A former employee living out-of-state was re-hired for a critical position in the 8th District, with the original expectation that she would be able to fully relocate back to Utah by April 2023. We did not want to miss out on hiring back a great employee. She was re-hired as of September 19, 2022 and has been commuting back and forth between Utah and Texas, but working only while physically in Utah to avoid the out-of-state set up fees. Commuting and relocation back to Utah is no longer possible. However, she is willing to continue working for the Courts if she can work remotely.

The 8th District is small, the budget is small, and the extra fees associated with an employee working out of-state are not something the district is able to fully cover.

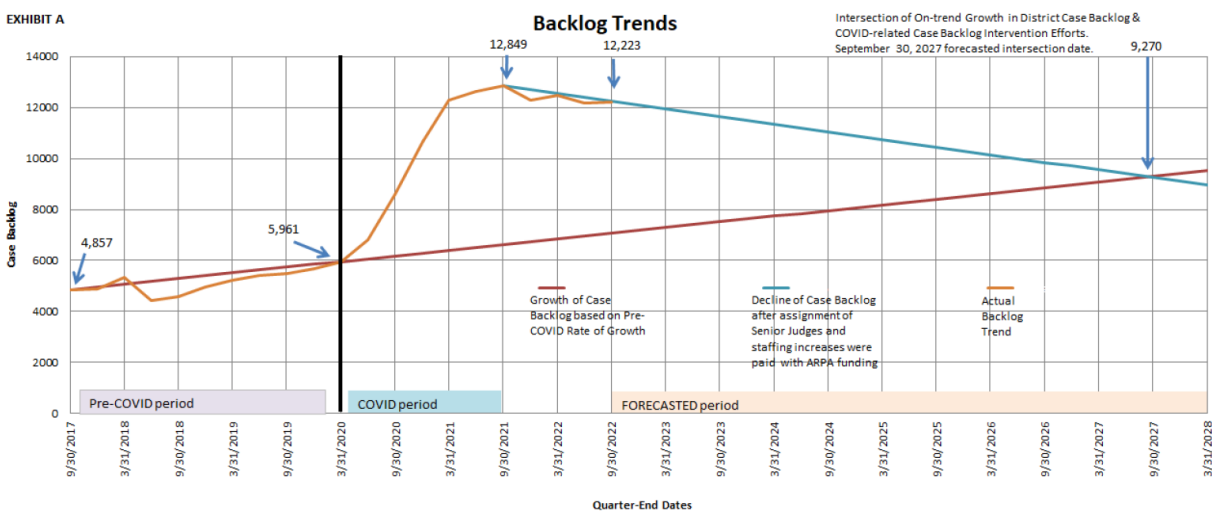
**Motion:** Judge Elizabeth Lindsley made a motion to approve. Judge Keith Barnes seconded the motion, and it passed unanimously. Will be forwarded to Judicial Council with recommendation to approve.

#### 4. Post-ARPA Case Backlog Funding Recommendation (Karl Sweeney – “Presenter”)

Karl Sweeney stated that by the end of November 2023 the ARPA money will have been fully utilized. We will still have a backlog and will need additional funding for the balance of FY 2024. Karl is requesting the BFMC move forward with asking for the remaining \$300,000 in ARPA funds currently allocated to supplies, use available senior judge budget, and the balance from 1x turnover savings be used to for FY 2024. In the spring of 2024, we would make a one-time request for \$1.1M from the legislature. The request is based on this trend-line analysis:

Exhibit A shows:

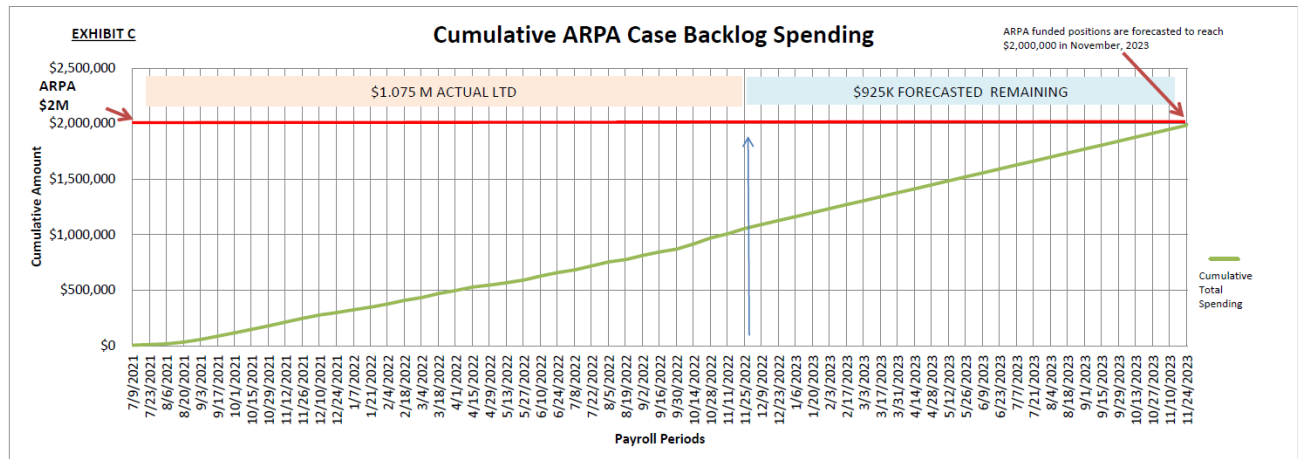
- A **red** trend line that takes the pre-pandemic increase in backlogged cases between 2017 and 2020 and projects that trendline into the future. These are backlogged case increases that can be considered “on-trend” as they adjust the pre-pandemic backlog target upwards.
- A **blue** trend line that shows the decrease in backlogged cases assuming the same trend that has existed from September 2021 through September 2022 continues and senior judges have sufficient funding to continue their current workload assignments into the future.
- A point where the above two trendlines cross – which shows the point at which the adjusted case backlog is deemed to be where it would have been had the pandemic not occurred. That date is forecasted to be approximately September 2027.



### Time Allowed Before District Court Case Type Becomes Part of Backlog

Case Category	Case Type	Time Goal <sup>1</sup>
<b>Criminal</b>	Felonies and Misdemeanors (District Cts)	12 months
<b>Civil</b>	All Civil except Eviction, Small	24 months <sup>2</sup>
	- Debt Collection	12 months
	- General Civil	24 months
	- Torts	24 months
	Eviction	9 months
<b>Domestic</b>	Divorce, Paternity, Custody and Support	18 months
	Domestic Modifications	12 months
	Temporary Protective Orders	10 days
<b>Probate</b>	Administration of Estates	12 months
	Guardian/Conservatorship: Incapacitated Persons	90 days
	Involuntary Civil Commitment	15 days

As shown in Exhibit C, the trendline for criminal case backlog spending (which includes salaries and benefits for (1) senior judges and (2) JAs assigned to senior judges who are working on case backlogs and (3) senior judge mileage) has now leveled out at approximately \$77,000 per month. At this pace, we will exhaust the \$2M in ARPA funds which were prioritized to this effort by the end of November 2023.



After discussion the BFMC asked Karl to add more analysis to the request (Ron Gordon suggested we give this to the new Data Services team) to see what factors are driving the increase and the slow decline and each factor could potentially be addressed. For example it could be that adding new judges would be a better solution than continued use of senior judges.

The additional analysis should answer the question of whether this is a backlog issue, an increase in new judges issue, or some combination of these factors and changes to judicial processes.

**Motion:** Judge Elizabeth Lindsey made a motion to defer until next month's meeting so that the request can be submitted with additional data analysis and updated amounts. Judge Paige Petersen seconded the motion.

## **5. Grants Update (Jordan Murray – “Presenter”)**

Jordan Murray gave a Court Grant update. As of September 30, 2022 the Administrative Office of the Courts holds twelve active grants comprised of six federally-awarded and six non-federally awarded grants. Grant under consideration are the Stand Together Foundation grant for \$975,000 in support of the Innovation Office (approved for submission by the Judicial Council on June 27, 2022) which is still pending grantor response.

In future reports, the CIP grant will be condensed from 3 separate lines of funding down to one line of funding. Jordan and Melissa have concluded their meetings with grant administrators at the courts as part of the FY 2022 internal control self-assessment (ISCA). Jordan is in the process of drafting a summary report of those results.

## **Old Business/New Business**

Tina Sweet and Bart Olsen have been meeting with the 3<sup>rd</sup> District chief PO about recruitment and retention issues. After discussion, the BFMC advised that it would be counter-productive to try to add to the current year's judicial priorities. The recommendation was to take this issue up with the TCEs as a whole and develop a plan to address these issues throughout the Court.

4. Meeting adjourned 11:15 a.m.

Next meeting via WebEx February 13, 2023.



## Agenda

### UTAH JUDICIAL COUNCIL POLICY, PLANNING and TECHNOLOGY COMMITTEE MEETING MINUTES

Webex video conferencing  
January 6, 2023: 12 pm

#### MEMBERS:

#### PRESENT

#### EXCUSED

Judge Samuel Chiara, <i>Chair</i>	•	
Judge Suchada Bazzelle	•	
Judge Augustus Chin	•	
Judge David Connors		•
Judge James Gardner	•	

#### GUESTS:

Lauren Anderson  
Justice Diana Hagen  
Jace Willard  
Keri Sargent

#### STAFF:

Keisa Williams  
Brody Arishita  
Minhvan Brimhall

#### (1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the December 2, 2022 meeting. With no changes, Judge Bazzelle moved to approve the minutes as presented. Judge Chin seconded the motion. The motion passed unanimously.

#### (2) CJA 3-403. Judicial branch education:

In February 2022, the Office of Fairness and Accountability (OFA) made a policy recommendation to Judicial Council to address workplace and judicial climate. One of the recommendations directly addressed judicial branch education rule 3-403. The OFA recommended that judicial officers and state court employees receive training on ethics, diversity and inclusion, harassment and elimination of bias training. The Judicial Council discussed the recommendations with the OFA, and the OFA asked the Standing Education Committee to discuss whether training on ethics, harassment, elimination of bias, and diversity and inclusion should be required.

The Standing Education Committee met in June and November 2022 to discuss this matter. Draft language was then reviewed by Trial Court Executives, Clerks of Court, and Chief Probation Officers. Each group provided feedback and the feedback was incorporated into the draft language that has been approved by the Standing Education Committee and included in today's packet.

The proposed changes to Rule 3-403 will:

- Annually require judicial officers and court employees to complete training on harassment and abusive conduct; ethics; inclusion; and elimination of bias.
- Change references of "judges, commissioners" to "judicial officers" throughout the rule.
- Update language in Rule 3-403(A)(4)(A)(ii) to better reflect current onboarding and orientation practices of court employees.

The committee discussed and recommended minor language changes to the proposed rule:

- Paragraph (3)(A), lines 57 and 58: Capitalize only the word "Requirement" in the title. All other words in the title should not be capitalized. The same was also recommended for "new employee orientation" in paragraph 4(A)(ii).

- Paragraph (4)(A)(i): Switch the order of the last sentence to read “To satisfy annual program requirements state employees must complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.”
- Paragraph (4)(B)(ii): Switch the order of the last sentence to read “To satisfy annual program requirements state employees must complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.”

***With those changes and no further discussion, Judge Gardner moved to send rule 3-403, as amended, to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.***

**(3) Back from public comment:**

- **CJA 6-501. Reporting requirements for guardians and conservators.**
- **CJA 3-406. Budget and fiscal management.**
- **CJA 3-104. Presiding judges.**

CJA 3-406 and CJA 3-104:

No public comments were received for rules 3-406 and 3-104. The rules are ready for final approval by the Judicial Council.

***With no further discussion, Judge Gardner moved to forward CJA 3-406 and 3-104 to the Judicial Council as drafted, with a recommendation that they be approved as final with a May 1, 2023 effective date. Judge Bazzelle seconded the motion.***

CJA 6-501:

Three substantive public comments were received for 6-501. The committee recommended that the rule be sent back to the Probate Subcommittee for consideration and asked that the subcommittee bring the rule back to PP&T with recommendations at a later date. The committee also asked that the subcommittee review the new associated Order on Review court form.

***With no further discussion, Judge Gardner moved to have the Probate Subcommittee review the public comments for CJA 6-501 and the court form. Judge Chin seconded the motion. The motion passed unanimously.***

**Technology report/proposals:**

Brody Arishita is in the process of gathering members for the Policy, Planning, and Technology subcommittees. The advisory subcommittee will consist of judges, commissioners, TCE's, clerks of courts, and a member from the Policy, Planning, and Technology Committee. The advisory subcommittee will look at current processes as the court transitions over to a new cloud-based program. The committee will also review possible fees on certain requests as additional personnel time is required to fulfill some of the requests. There may also be a discussion on possible fees on the forms. The committee will also review email retention and assess the needs and usage of the court's bandwidth.

Mr. Arishita asked if any member of the Policy, Planning, and Technology Committee would like to be on the advisory subcommittee. No committee accepted the invitation to join. Mr. Arishita will contact Judge Pullan to see if he would be interested in participating. Once the subcommittees are in place, Mr. Arishita will return with an update.

**Old Business/New Business: None**

**Adjourn:** With no further items for discussion, the meeting adjourned. The next meeting will be held on February 3, 2023 at 12 PM via Webex video conferencing, unless otherwise noted.

# Tab 3

## Agenda

### JUDICIAL COUNCIL JANUARY 2023

Courts presented for certification:

#### **Second District, Davis County, Farmington, Judge Neil, Family Dependency Court**

Court meets all the REQUIRED BEST PRACTICES. The Court meets all of the PRESUMBED BEST PRACTICES except for #35 which states the Court should have a minimum of 15 participants and no more than 125 participants.

Reason: Numbers have dropped since Covid and courts were conducting remote hearings. The Court has moved back to in person hearings and has a number of participants that are going through orientation. It is anticipated that the number of participants will increase now that the Court is back to in-person hearings.

The Judge has an excellent understanding of Problem Solving Courts, he has a good team and a great relationship with his participants. He spent adequate time with each participant during the court session.

#### **Second District, Weber County, Ogden, Judge Neider, Adult Drug Court**

Court meets all the REQUIRED BEST PRACTICES. The Court meets all of the PRESUMBED BEST PRACTICES.

The team is good and experienced. Discussion between team members and the Judge were excellent. All team members have a good understanding of how a Problem Solving Court should function.

#### **Second District, Weber County, Ogden, Judge Williams, Family Dependency Court**

Court meets all REQUIRED BEST PRACTICES. The Court meets all PRESUMBED BEST PRACTICES except #35 which states the Court should have a minimum of 15 participants and a maximum of 125 participants.

Reason: The team states that because of Covid their numbers have decreased however, it is their feeling that since the Court has gone back to in-person sessions that the numbers will increase again.

This is also a good team that has a good understanding of Problem Solving Court. All team members were engaged during the staffing prior to court. The Judge did an excellent job in relating to the participants, and spent adequate time with each of the participants.

#### **Third District, Salt Lake County, Salt Lake City, Judge Knight, Juvenile Mental Health Court (CARE)**

The Court meets all REQUIRED BEST Practices except the following: #31, #32 ,#41,and #42.

Reason: Most of the participants do not have a substance abuse issue so there is no reason to require 90 days clean time' In addition the Juvenile Court does not allow for a significant amount of time to reunify a family or have sufficient enough tome to maintain jurisdiction over a juvenile. So the

requirement of 90 days clean and the program being a minimum of 12 months do not apply. In addition the Juvenile Court does not require juveniles to attend a 12 step program which in the case of mental health clients is not warranted.

The Court meets all PRESUMBED BEST PRACTICES except the following: #20,#23,#25,#28,#35, and #37.

Reason: #20 requires manualized treatment. When a juvenile has a substance abuse issue the treatment is manualized and documented. However, this treatment is not provided in all cases because most of the participants do not have a substance abuse issue. #23 requires participants to go through a preparatory intervention before referral to a 12 step program. Most mental health participants do not get referred to a 12 step program in the juvenile court. #25, and #28 require referrals from the court for safe housing and job preparation. These participants are juveniles and most still live at home and are not old enough to seek employment. #35 requires more than 15 and less than 125 participants. In the juvenile court they are capping most of these programs at 12 participants. #37 requires tracking of new arrests and convictions. These are not tracked in the juvenile mental health court.

It should be noted that both the team and the judge were fully engaged with the participants and in most cases one of the parents of the participants. The judge showed a tremendous amount of understanding and patience with the participants. The judge spent as much time with the participants and the parents as needed. The participants seemed to truly seek the judge's approval.

#### **Fourth District, Wasatch County, Heber, Judge Brown, Adult Drug Court**

The Court meets all REQUIRED BEST PRACTICES. The Court meets all PRESUMBED BEST PRACTICES except for #35 which requires more than 15 but less than 125 participants. The number of participants is lower than 15.

Reason: Judge Brown claims this is because of Covid and that the team is hoping now that the Court is back to in person sessions that the number of participants will increase. It should be noted that the team had very good discussion concerning each of the participants during staffing. There was good interaction with the Judge and all team members contributed to the discussions.

During the Court session the Judge spent more than adequate time with each participant. There appeared to be a good relationship between the Judge and the participants. The Court functioned properly.

#### **INFORMATIONAL PURPOSES ONLY**

Fifth District, Washington County, St. George. Judge Leavitt, Family Dependency Court. Judge Leavitt informed me that the last participant in his Family Court graduated in the month of December. He has requested that the Judicial Council suspend his court until such time as he re-acquires participants.

Second District, Davis County, Farmington, Judge Sipes, Family Dependency Court. Judge Sipes received permission from the Judicial Council approximately a year ago to start a new Family Court in Davis County. Those plans were put on hold during Covid. The Judge has a planning meeting set for the 25<sup>th</sup> of January with treatment, prosecution, defense, and family services to discuss the startup of the court.

Third District, Salt Lake County, Salt Lake City, Judge Shaughnessy, Adult Drug Court. The court was observed in 2022 however the checklist has not been returned as of the Council meeting. After speaking with the Judge it is anticipated that the checklist will be completed and returned by the end of this month. However, during the observation there were no problems detected with the court. It is a well-functioning Adult Drug Court.

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

**COURT LOCATION:** Davis County, Farmington

**COURT NUMBER:** \_\_\_\_\_

**JUDGE NAME:** Neil

**REVIEW DATE:** December, 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.

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>	<b>BPS</b>
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
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.

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"/>	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.
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 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"/>	XX	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	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
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 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.

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"/>	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.
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.
<input type="checkbox"/>	XX	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.*
<input type="checkbox"/>	XX	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.
<input type="checkbox"/>	XX	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.

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

**COURT LOCATION:** WEBER COUNTY, OGDEN

**COURT NUMBER:** ADC29WEBER

**JUDGE NAME:** NEIDER

**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 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 Dui court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Dui court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
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 Dui court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Dui 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 Dui court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Dui court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
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 Dui court.	III.C.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
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 Dui court team.	III.D.
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 Dui 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 Dui 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 Dui 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 and/or alcohol testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug and/or alcohol 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.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	28	Drug testing utilized by the Dui court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
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 Dui 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 and alcohol-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 Dui court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Dui court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
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 Dui court focusing on relapse prevention and continuing care.	V.J.
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 diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Dui court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of dui court.	VI.I.*



YES	NO	#	<b>REQUIRED CERTIFICATION CRITERIA</b> <i>Adherence to these standards is required for certification.</i>	BPS
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.*
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 Dui 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 Dui 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 Dui court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Dui court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	<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"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Dui court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Dui court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Dui court judge attends current training events on legal and constitutional issues in Dui courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Dui 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 Dui court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.

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>	<b>BPS</b>
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 to precipitate a relapse to substance use.	IV.I.
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 Dui 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 Dui 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 Dui 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 Dui court and continuing as necessary throughout their enrollment in the program.	VI.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"/>	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 Dui 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"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Dui 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 Dui court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Dui 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 Dui courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Dui court model and best practices in Dui courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Dui court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Dui court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
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 Dui court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Dui court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
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 Dui court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	XX	4	For at least the first ninety days after discharge from the Dui court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Dui courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
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 Dui 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.
<input type="checkbox"/>	XX	10	Before starting a Dui court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Dui courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input type="checkbox"/>	XX	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 Dui court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
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 Dui court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	XX	15	Outcomes are examined for all eligible participants who entered the Dui court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	XX	16	The Dui court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

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

**COURT LOCATION:** Weber County, Ogden

**COURT NUMBER:** JFDDC17WEBER

**JUDGE NAME:** Williams

**REVIEW DATE:** 10/2022

*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.*
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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.	
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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.
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X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
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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.*



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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"/>	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.



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"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
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.

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"/>	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.
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.	
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	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.
XX	35	The Family dependency court has more than 15 but less than 125 active participants. COVID	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	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.
X <input type="checkbox"/>	38	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
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 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.

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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.
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.
<input type="checkbox"/>	X	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.

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

**COURT LOCATION:** SALT LAKE COUNTY

**COURT NUMBER:** JMHC3SALT LAKE

**NAME:** Judge Knight

**REVIEW DATE:** November, 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 Mental health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
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 Mental health Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental health Court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Mental health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental health Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Mental health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week. WHEN NECESSARY	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays. WHEN NECESSARY	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. WHEN NECESSARY	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Mental health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. WHEN NECESSARY	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. WHEN NECESSARY	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Mental health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. WHEN NECESSARY	VII.I.
<input type="checkbox"/>	XX	31	The program requires a period of at least 90 consecutive days drug-free to graduate. JUVENILES	
<input type="checkbox"/>	XX	32	The minimum length of the program is twelve months. JUVENILES	
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. NO JAIL	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days. NO JAIL	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. NO JAIL	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Mental health Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Mental health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input type="checkbox"/>	XX	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. JUVENILE	V.I.
<input type="checkbox"/>	XX	42	There is a secular alternative to 12-step peer support groups. JUVENILE	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Mental health Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Mental health Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of mental health court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Mental health Court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Mental health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Mental health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Mental health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Mental health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Mental health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.



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X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
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. WHEN NECESSARY	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours. WHEN REQUIRED	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.
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X	<input type="checkbox"/>	27	All Mental health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.



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X		29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. WHEN APPROPRIATE	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of eligibility screening.	
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<input type="checkbox"/>	XX	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental health Court. NOT TRACKED FOR JUVENILES	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
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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 Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
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X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Mental health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
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 Mental health 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 Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

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

**COURT LOCATION:** Wasatch County, Heber

**COURT NUMBER:**

**JUDGE NAME:** Brown

**REVIEW DATE:** November, 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.

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>	<b>BPS</b>
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
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.
<input type="checkbox"/>	XX	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"/>	XX	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.



YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	XX	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, 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.
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.
<input type="checkbox"/>	XX	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.*
<input type="checkbox"/>	XX	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.
<input type="checkbox"/>	XX	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"/>	XX	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.

# Tab 4



## **Utah Court-Annexed Alternative Dispute Resolution (ADR) Program Annual Report FY2022**

### **History**

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

### **Covid-19 Update**

All mediation programs directly administered through the Court's ADR Office (Child Welfare, Co-parenting, and Restorative Justice) were shifted online in April 2020 and were conducted exclusively online through April 2022. Beginning in May 2022, these programs now offer both online and in-person mediation services. Private ADR providers on the Utah Court Roster report conducting 75% of their mediations online in FY22.

### **ADR Programs**

<b>Child Welfare Mediation</b>	<b>Statewide</b> (Juvenile Court cases involving abuse or neglect)
<b>Co-Parenting Mediation</b>	<b>Third District</b> (U.C.A. §30-3-38)
<b>Divorce Mediation</b>	<b>Statewide</b> (U.C.A. §30-3-39)
<b>General Civil Referrals</b>	<b>Statewide</b> (Mediation or Arbitration) (UCJA 4-510.05)
<b>Restorative Justice</b>	<b>Statewide</b> (Juvenile Victim/Offender & Truancy Mediation)
<b>Probate Mediation</b>	<b>Statewide</b> (UCJA 6-506)
<b>Small Claims Mediation</b>	<b>Various Justice Courts</b>
<b>Small Claims Appeals</b>	<b>Second and Third Districts</b>

### **ADR Programs Structure and Rationale**

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

- For **General Civil and Probate case referrals** we administer a Court Roster of private mediators and arbitrators who have met specific education, experience and ethical requirements as outlined in UCJA 4-510.03 and who requalify annually. Parties select their own mediator in these cases.
- For **Mandatory Divorce Mediation** we have a sub roster of Divorce Mediators who have received additional specialized training and mentoring.
- For **Co-parenting Mediation** referrals, which are required to be mediated within 15 days of filing, we screen cases, contact parties, and assign mediations to a closed roster of private providers with specialized experience and training.
- For **Child Welfare Mediation** cases which are court-ordered and subject to very tight statutory timelines, we provide court staff mediators hired and trained specifically for these cases.
- For **Juvenile Court Victim/Offender and Truancy** cases, we provide court staff mediators hired and trained specifically for these case types.
- **Small Claims Mediation** programs utilize trained volunteer mediators and are administered through collaborations with universities and nonprofit community mediation organizations.

### **ADR Program Statistics and Services –FY2022**

- 2,065 cases were referred to ADR Programs that are directly administered by the Court's ADR Office. In addition, more than 5,600 cases were mediated by private mediators and arbitrators, selected by parties.
- Six ADR staff mediators (5 FTE) were assigned 1,650 Child Welfare mediations statewide. Of those cases mediated, 87% were resolved. (Since 1998, the Child Welfare Mediation Program has conducted over 21,500 mediations for the Utah State Juvenile Courts.)
- Three Juvenile Justice Mediators (2.5 FTE) were assigned 69 Victim/Offender mediations and 20 Truancy mediations statewide.
- 133 *pro bono* Divorce and Co-parenting mediations were arranged by ADR staff.
- More than 650 *pro bono* mediations were provided through ADR Program collaborations with nonprofit community mediation organizations and educational institutions.
- The Utah Court Roster lists 188 ADR Providers who reported mediating 5,574 cases and arbitrating 48 cases in FY22. A total of 814 *pro bono* mediations and 44 *pro bono* arbitrations were provided by members of the Court Roster. Thirty-eight new applications and 185 roster re-qualifications were processed by the ADR Office.
- The ADR Committee of the Utah Judicial Council provides ethics outreach and education through the Utah Mediation Best Practice Guide created by the Committee in 2016. The Committee reviews and updates the Best Practice Guide based on input from outreach efforts, developments in the field of ADR and changes in communications technologies. The Committee has recently drafted a new section of the Guide which covers Best Practice for Online Mediation.
- The ADR Committee continues to review court roster requirements in light of the increase in online mediation and online mediation training.
- In January 2023, The ADR Committee provided Judicial Settlement Conference Training to 18 District Court Judges. The live training was provided in person and via Webex. A second training is scheduled for June 2023.
- ADR Training and information are provided to court personnel through New Judge Orientation and other specialized training sessions arranged for judges, court staff and supervisors.
- ADR Office public outreach and education efforts are ongoing and provided through annual reports, seminar and conference presentations and the ADR Program website.

# Tab 5

## Agenda



# Administrative Office of the Courts

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

February 7, 2023

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

## MEMORANDUM

**TO:** Judicial Council  
**FROM:** Judge Keith Kelly, WINGS Chair  
Shonna Thomas, District Court Program Administrator - GRAMP  
**RE:** Utah WINGS Annual Report

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

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

WINGS is effective through participation of key stakeholders who understand and are positioned to improve the Courts' guardianship processes.

### WINGS Executive Committee:

1.	Keith A. Kelly	Judge, WINGS Chair	3 <sup>rd</sup> District
2.	Brant Christiansen	Attorney/Partner	Lewis Hansen Law Firm
3.	Nels Holmgren	Director	Division of Adult and Aging Services
4.	Nan Mendenhall	Director	Adult Protective Services
5.	Andrew Riggle	Public Policy Analyst	Disability Law Center
6.	Keri Sargent	Asst. District Court Administrator	Administrative Office of the Courts
7.	Shonna Thomas	Program Administrator - GRAMP	Administrative Office of the Courts
8.	Michelle Wilkes	Court Visitor Program Coordinator	Administrative Office of the Courts

### WINGS Steering Committee:

9.	James Brady	Judge	4 <sup>th</sup> District
10.	David Connors	Judge	2 <sup>nd</sup> District
11.	Shane Bahr	District Court Administrator	Administrative Office of the Courts
12.	Sarah Box	Attorney	Utah Courts - Self Help Center

13.	Deborah Brown	Professional Guardian	Guardianship & Conservator Services
14.	TantaLisa Clayton	Attorney / Director	Utah Legal Services
15.	Katie Cox	Attorney	Disability Law Center
16.	Rob Denton	Attorney	Attorney at Law
17.	Lindsay Embree	Chief, Division of Neuropsychology	University of Utah School of Medicine
18.	Rob Ence	Director	Utah Commission on Aging
19.	Wendy Fayles	Criminal Justice / Mentor	National Alliance on Mental Illness
20.	Leslie Francis	Attorney	University of Utah Law School
21.	Rachelle Johnson	Probate Clerk	4 <sup>th</sup> District
22.	Eve Larsen	Case Manager Senior Services	Davis County Health Department
23.	Wendy Naylor	Director (interim)	Office of Public Guardian
24.	Alan Ormsby	State Director	AARP
25.	Katie Thomson	Judicial Case Manager	3 <sup>rd</sup> District
26.	Holly Thorson	Court Visitor Program Coordinator	Administrative Office of the Courts
27.	James Toledo	Program Manager	Utah Division of Indian Affairs
28.	Todd Weiler	Senator	8 <sup>th</sup> District
29.	Jace Willard	Associate General Counsel	Administrative Office of the Courts
30.	Kaye Lynn Wootton	Assistant Attorney General	Medicaid Fraud Control Unit

### **WINGS Request to the Judicial Council:**

- WINGS member Judge David Connors is retiring, so WINGS requests that the Judicial Council appoint a new district court judge to serve as a member of WINGS.

### **WINGS Projects:**

#### **Updates to Rules, Statutes, and Forms.**

- WINGS continues to work alongside the Probate subcommittee to finalize revisions to CJA Rule 6-501, regarding the review process for annual guardianship reports. Some revisions to the rule were approved and went into effect on November 1, 2022. WINGS and the Probate subcommittee continue to work on an additional section of the rule, based upon a public comment. The intent is to finish revisions and present to the Policy, Planning, and Technology committee in March 2023.
- In conjunction with the amendments to CJA Rule 6-501, WINGS developed a new form titled, "Order on Review of Guardianship and Conservatorship reports." This form received approval and was placed into circulation alongside the approved changes to CJA Rule 6-501 on November 1, 2022.
- WINGS continues to work alongside the Probate subcommittee to finalize revisions to CJA Rule 6-507, regarding Court Visitors. Revisions include adding language to better define a Court Visitor, clarifying the mechanism for making objections, and describing more clearly the process required for review of the reports submitted by Court Visitors. The revisions have been approved by the Policy, Planning, and Technology committee in February 2023, and are going out for public comment.
- WINGS has partnered with the Forms committee to create a subgroup tasked with updating the multitude of forms used in guardianship and conservatorship proceedings. This subgroup consists of six members from WINGS, including

representatives from the Disability Law Center, the Court Visitor Program, University of Utah Law School, the Self Help Center, and the Administrative Office of the Courts - GRAMP. The subgroup will work in collaboration with the Forms Committee, and with a liaison to the Clerks of Court, to complete this project.

- At the request of the Forms committee, WINGS reviewed and revised several guardianship forms, in conjunction with the adoption of Utah Code 75-5-301.5 following the 2022 legislative session. The amended forms were submitted to the Forms committee for final review and are expected to be approved by early 2023.
- WINGS continued its work on improving the language of Utah Code 75-5-303. Revisions included updating the medical criteria used to excuse a respondent from a hearing - to conform with current standards used by the medical community, clarifying language on the requirement for an attorney to represent a respondent in guardianship proceedings, and adding language to emphasize when a Court Visitor is required by statute. WINGS provided these suggested amendments to the Liaison committee in December 2022, for consideration at an upcoming legislative session.
- WINGS finalized the process of becoming a formal committee under the supervision of the Judicial Council. WINGS created amendments to CJA Rule 1-205 and developed a new supplemental WINGS rule, CJA Rule 3-421. After a public comment period, both rules were approved. The amendments to CJA Rule 1-205 went into effect on May 23, 2022, and the adoption of CJA Rule 3-421 went into effect of November 1, 2022.

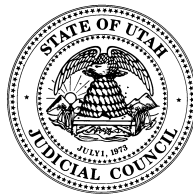
#### Presentations and Alliance-Building.

- WINGS was invited to present at the District Court Judges' Conference in Moab, UT, in March 2022. Presenters included representatives from the Utah State Bar Elder Law Section, University of Utah Law School, Court Visitor Program, Administrative Office of the Courts - GRAMP, and the Chair of WINGS. The presentation centered on common pitfalls that judges may encounter when dealing with guardianship cases, including the continuing jurisdiction the court has in guardianship cases, and the importance of reviewing annual reports in fulfilling that requirement.
- WINGS was invited to present at a Judges' Brown Bag training in October 2022. Presenters included representatives from the Utah State Bar Elder Law Section, a private attorney specializing in guardianship cases, the Court Visitor Program, Administrative Office of the Courts – GRAMP, General Counsel's Office, and the Chair of WINGS. The presentation focused on the upcoming approved changes to CJA Rule 6-501, how those changes could impact judges, and the resources available to assist judges in reviewing annual guardianship reports.
- The Court Visitor Program presented to fellow WINGS stakeholder agency, Adult Protective Services, in November 2022.
- WINGS received a presentation from the Office of Legal Services Innovation in April 2022, and from the Office of Fairness and Accountability in February and April 2022
- WINGS stakeholders provided input and assistance to the Court Visitor Program to expand recruitment of new Court Visitor volunteers. Through this collaboration, the Court Visitor Program was able to recruit 10 new Court Visitors in 2022.



# Tab 6

Agenda



# Administrative Office of the Courts

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

February 16, 2023

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

## MEMORANDUM

**TO:** Judicial Council

**FROM:** Sonia Sweeney, Juvenile Court Administrator  
Blake Murdoch, Assistant Juvenile Court Administrator  
Carlos Sabuco, Chief Probation Officer

**RE:** **CRITICAL WORK OF PROBATION OFFICERS**  
From the [Annual Report to the Chief Justice, Governor, and Legislature](#)

This memorandum is being submitted to provide the Judicial Council an overview of the work of juvenile probation, along with information about our work performed in state fiscal year 2022.

Since the establishment of juvenile probation officers shortly after the turn of the 20th century, probation work has experienced substantial changes. The most notable, recent change was the Legislature's juvenile justice reform effort arising from its 2017 enactment of HB 239. Among other things, HB 239 established standards by which youth may be placed in secure care and for pre-court diversions, capped fines and fees, limited school-based court referrals, and set limits on the amount of time youth can spend in detention centers or under court ordered probation supervision.

Today, juvenile probation has 200 employees, including 13 Probation Chiefs, 29 supervisors, and 146 probation and deputy probation officers.

In FY22, juvenile probation worked with 9,115 youth and their families, some of whom were referred on multiple occasions. There were 3,651 delinquency petitions filed, and 1,354 youth placed on formal or intake probation.

Many juvenile offenses can be resolved without the youth seeing a judge through a process called a non-judicial agreement. These agreements are managed by juvenile probation officers. In FY22, non-judicial agreements were offered to resolve 7,832 delinquency referrals, 92% of which were completed successfully by referred youth. Probation officers participated in 21,472 delinquency hearings, and worked with youth to complete 17,821 community service hours. Adjudicated youth

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.

paid nearly \$450,000 in restitution to the victims they had harmed. The charges that probation handled included:

- 1,792 acts that would be felonies if committed by an adult;
- 9,890 acts that would be misdemeanors if committed by an adult;
- 457 infractions; and
- 560 status offenses.

Probation officers made nearly 100 referrals to an intensive in-home family intervention program through which critical family support was offered. Additionally, hundreds of referrals were made to other intervention services, most of which were for youth determined to be moderate or high-risk. To know these facts is to know that a small workforce has handled a high-volume of work for the youth of our State. Probation officers use evidence-based practices to prioritize public safety and reduce the risk of recidivism. But numbers alone do not fully capture the work of a probation officer.

The role of a juvenile probation officer is nuanced and multifaceted. On any given day, a juvenile probation officer may interview a youth, assess a youth's risk-level and needs from which they provide individualized skill-based interventions, collaborate with treatment providers to establish progress goals, work with youth and families to complete a non-judicial agreement, mediate a domestic conflict between a parent and child, work to locate a runaway, participate in a committee meeting, and present and justify recommendations in court. In those moments, juvenile probation officers are called upon to act as social workers, teachers, law enforcers, paralegals, mediators, coaches, mentors, and victim advocates.

The fruits of a probation officer's work may often not be seen firsthand because success, at its very best, is reflected in youth who grow into contributing members of our society and no longer have contact with the justice system. The Commission on Criminal and Juvenile Justice' Utah Pathways Study, conducted by the Sorenson Impact Center and published in November of 2022, studied the number of juvenile justice-involved youth who reach the adult criminal justice system. According to the Utah Pathways Study, an overwhelming number of the youth with whom probation officers come into contact do not become involved in the criminal justice system, underscoring the importance of a continued focus on diverting low-risk youth to preserve intervention resources for youth who present the highest risk to Utah communities.

The findings from the Commission on Criminal and Juvenile Justice appear to reiterate what Utah's Supreme Court observed of the Juvenile Court in 1907, when Justice Joseph Frick wrote, "[t]hose who come, and are intended to be brought, before juvenile courts must be reached through love, not fear. The purpose in bringing them before the court is to lead them away from, and to destroy their propensities to, vice; to elevate, not degrade; to reform, not to punish them." Mill v. Brown, 88 P. 609, 615 (Utah 1907).

The possibility of reaching the ultimate measure of success for a probation officer is what motivates juvenile probation as we continue to work to enhance the lives of all youth by fostering personal growth and positive change through evidence-based principles and accountability.

# UTAH STATE COURTS



Agenda

# Juvenile Probation

# UTAH STATE COURTS

## MISSION

## VISION

## VALUES

### UTAH STATE COURTS JUVENILE PROBATION DEPARTMENT

000081

**“Live through your experiences,  
learn from your mistakes, grow  
towards your future.”**

#### MISSION

Our Mission is to collaborate with youth in reducing recidivism by assessing their risk to reoffend, identifying individual needs, coaching toward positive behavior change, promoting accountability, supporting skill development, protecting the community, and assisting with victim restoration.

#### VISION

Our Vision is to enhance the lives of all youth by fostering personal growth and positive behavior change through evidence-based principles and accountability.

#### VALUES

We Value reducing recidivism by fostering positive change and increasing long term success for the youth we work with by doing the following:

- Fair and Equitable Treatment
- Reducing Stigma
- Acting in the Best Interest of the Youth
- Family Engagement
- Evidence-based Practices as our Guiding Principles
- Reinforce Youth's Strengths and Protective Factors
- Support Positive Behavior Change
- Utilize Restorative Justice Practices
- Promote Principles of Accountability
- Collaborative Relationships with Community Partners

# UTAH STATE COURTS

000082

## **Probation officers must act as...**

- **social workers**
- **teachers**
- **law enforcers**
- **paralegals**
- **mediators**
- **coaches**
- **mentors**
- **victim advocates**

# INTERVENTION SPECIALISTS<sup>000083</sup>

- **Skill-based service delivery**
- **Collaborate with treatment providers and allied agencies**
- **Establish case plans with progress goals and action steps**
- **Provide recommendations in court based on assessments**
- **Serve on committees**
- **Referrals to in-home and other interventions**

# Utah Courts Juvenile Probation

- 200 employees
- 13 Chief Probation Officers
- 29 Probation Supervisors
- 146 Probation & Deputy Probation Officers





# UTAH STATE COURTS



## In FY 2022...

- **9,115 YOUTH AND FAMILIES SERVED**
- **1,354 YOUTH PLACED ON FORMAL OR INTAKE PROBATION**
- **7,832 NONJUDICIAL AGREEMENTS; 92% SUCCESS RATE\***
- **17,821 COMMUNITY SERVICE HOURS COMPLETED**
- **\$446,207 IN RESTITUTION PAID**

\*The success rate is 83% when active agreements are included in the calculation.

## IN FY 2022...

- **3,651 PETITIONS FILED**
- **21,472 DELINQUENCY HEARINGS**
- **1,792 FELONIES\***
- **9,890 MISDEMEANORS\***
- **457 INFRACTIONS**
- **560 STATUS OFFENSES**

\*offenses that would be felonies and misdemeanors if committed by an adult.

# UTAH STATE COURTS



**The rewards of a probation officer's work may often not be seen firsthand because success, at its very best, is reflected in youth who grow into contributing members of our society and no longer have contact with the justice system.**

# Commission on Criminal and Juvenile Justice' Utah Pathways Study

## Key Findings

- The large majority of youth who come into contact with probation officers do not go on to have involvement in the adult criminal justice system
- Findings support continuing to expand diversion and prevention opportunities
- Increasing diversion opportunities may be a more cost effective and safe alternative to traditional paths



# MISSION

000089

**Our mission is to collaborate with youth in reducing recidivism by assessing their risk to reoffend, identifying individual needs, coaching toward positive behavior change, promoting accountability, supporting skill development, protecting the community, and assisting with victim restoration.**



# VISION

000090

**Our vision is to enhance the lives of all youth by fostering personal growth and positive change through evidence-based principles and accountability.**

# **Specialty court client:**

- **Severe mental health issues**
- **Violent toward his family**
- **Very resistant toward treatment**
- **Withdrawn and defensive**
- **Admitted twice in a three month period to a behavioral unit**



# UTAH STATE COURTS



## **In his words...**

- **I wasn't mentally stable at first when beginning my court sessions...**
- **I was so lost and couldn't seem to find peace....**
- **I was distraught.**
- **I had psychosis or as some might say schizophrenia.**
- **I did a lot of stupid things while not taking my meds like cutting my sister running away from home and just downright stupid things like that.**



# UTAH STATE COURTS



## **After time...**

- **Engaged in therapy**
- **Developed goals with a treatment team**
- **Progress was reinforced multiple times weekly**
- **Participated in skill development**
- **Graduated from high school**
- **Gained an interest in socializing with peers**
- **Re-engaged with his religion**

# Grow toward your future

000094

...I just want to thank everyone in this mental health court for being with me through my ups and downs. I also want to thank [my probation officer] for being there supporting me and guiding me throughout this whole thing. I would also like to thank my parents for being there when I needed them most for whatever I needed and helping me to become a better person through court sessions and stuff.

# UTAH STATE COURTS



**From the probation officer...**

- **The best part was how proud his sibling, who was his victim, was of him.**
- **A few months after he graduated from the specialty court he reached out to his probation officer. He expressed thankfulness and hope.**
- **“This case was what I call a ‘payday,’ when the effort you put into a youth gets actualized by them in a huge way.”**

Joseph Frick

000096

Mill v. Brown, 88 P. 609, 615 (Utah 1907).

*Those who come, and are intended to be brought, before juvenile courts must be reached through love, not fear. The purpose in bringing them before the court is to lead them away from, and to destroy their propensities to, vice; to elevate, not degrade; to reform, not to punish them.*

# Tab 7

## Agenda

### **Budget and Grants Agenda for the February 27, 2023 Judicial Council Meeting**

1. Turnover Savings / ARPA Update ..... Alisha Johnson  
(Tab 1 - Discussion)
2. Year End Spending Requests ..... Karl Sweeney  
(Tab 2 – Action)

#### **Year End Spending Requests Presented for Judicial Council Approval**

10. Supplemental Secondary Language Stipends ..... Jonathan Puente
  11. Summit Jury Deliberation Room Improvements ..... Chris Talbot
  12. American Fork Courthouse Lease Increases ..... Chris Talbot
  13. Matheson Carpet Replacement – Phase 3 ..... Chris Talbot
  14. Court Security – Mobile AED Kit ..... Chris Palmer
  15. Education Room A/V Upgrade to Hybrid Use ..... Lauren Andersen
3. Grant Reporting and Requests ..... Jordan Murray  
(Tab 3 – Discussion)
    - Court Grants Update – October – December 2022
    - Internal Control Self-Assessment (ICSA) – FY 2022

# Tab 1



### FY 2023 Ongoing Turnover Savings as of 02/13/2023

#		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	496,135	746,135
3	TOTAL SAVINGS		746,527	996,527
	2023 Hot Spot Raises		(154,583)	(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		(154,583)	(650,000)
<b>Actual Turnover Savings for FY 2023 as of 02/03/2023</b>			<b>\$ 591,944</b>	<b>\$ 346,527</b>

5 *Prior Report Totals* \$ 418,854 \$ 202,511

- \* Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- \* There are currently 36 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, 68.1 FTE are 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 remainder 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 ~\$996,527
- 4 With all hot spot and performance raises money is expended (a total of \$650,000), the YE available ongoing OTS is reduced to ~\$346,527
- 5 The increase from last report to this report is due to a correction in the calculation.



### FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 01/20/2023 (1,168 out of 2,088 hours)

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 01/20/2023)	Internal Savings	2,400,746.96
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 01/20/2023)	Reimbursements	508,567.96
3	Est. One Time Savings for 920 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	1,840,000.00
<b>Total Potential One Time Savings</b>			<b>4,749,314.92</b>

*Prior Report Totals* \$ 4,854,602.18

- \* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$2,874.03, \$2,112.72, \$2,517.54, and \$1,688.69. The average per hour turnover savings YTD was \$2,282.04. These numbers do include ARPA reimbursements.





## ARPA Expenses as of 1/31/2023 (prior to the end of period 7)

	A	B	C	D	A - D		
	Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount	Total Expended (B + C) Amount	Balance Available	Activity Code	Description
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	2,535,697.97	5,578,165.64	6,795,234.36	ITCV + ITC2	Projects will extend thru 12/31/24
Courts Case Backlog - Part I + II	2,000,000	707,963.11	507,266.46	1,215,229.57	784,770.43	BKLG	See detail below.
COVID-19 Supplies	302,100	-	-	-	302,100.00	CV19	
Legal Sandbox Response to COVID	324,500	-	37,918.80	37,918.80	286,581.20	LSCV	
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>3,080,883.23</b>	<b>6,831,314.01</b>	<b>8,168,685.99</b>		

Prior Report Totals- Dated 12/23/22

\$ 8,691,006.50

ARPA spending cut off date is 12/31/2024.

### BKLG FY 2023 Details

FY 2023 Expenses Include as of PPE 1/6/2023

Personnel Expenses:	\$	483,108.72
Mileage Expenses:	\$	1,364.72
Sr. Judge Travel Expenses:	\$	495.62
	\$	484,969.06
COVID Testing Kit purchase:	\$	22,297.40
	<b>\$</b>	<b>507,266.46</b>

### BKLG Run Rate Calculation

#### Usage for Last 3 Pay Periods

12/9/2022	12/23/2022	1/6/2023
\$ 40,812.86	\$ 45,522.21	\$ 31,254.20
Average last 3 Pay Periods: \$ 39,196.42		
Balance Available (from table above): \$ 784,770.43		
Remaining Pay Periods at Last 3 Average: 20		
Anticipated Last Pay Period End Date: 10/13/2023		

### Historical Trends (period 7 closed)

#### IT Access to Justice Use - Last 3 Periods

Period 5	Period 6	Period 7
\$ 266,969.88	\$ 206,420.00	\$ 463,518.94

#### BKLG - Last 3 Periods

Period 5	Period 6	Period 7
\$ 90,424.07	\$ 74,259.89	\$ 76,776.41

#### Legal Sandbox - Last 3 Periods

Period 5	Period 6	Period 7
\$ -	\$ 4,138.75	\$ 38,209.40

# Tab 2

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
	Sources of YE 2023 Funds		
*	Turnover Savings as of PPE 1/20/2023 (including anticipated ARPA reimbursement)	Turnover Savings	2,909,314.92
**	Turnover savings Estimate for the rest of the year (\$2,000 x 920 pay hours)	Turnover Savings	1,840,000.00
(a)	<b>Total Potential One Time Turnover Savings</b>		<b>4,749,314.92</b>
(b)	<b>Operational Savings From TCE / AOC Budgets</b>	<b>Internal Operating Savings</b>	<b>405,170.00</b>
(c)	<b>Reserve Balance (balance from FY 2022 Carryforward)</b>	<b>Judicial Council Reserve</b>	<b>500,076.00</b>
	<b>Anticipated Reserve Uses - including previously approved and pending requests</b>	<b>Judicial Council Reserve Uses</b>	<b>(152,000.00)</b>
	Uses of YE 2023 Funds		
	<b>Carryforward into FY 2024 (Request has been made for up to \$3,200,000)</b>	<b>Historical Carryforward</b>	<b>(3,200,000.00)</b>
<b>Total Potential One Time Savings = (a) + (b) + (c) less Carryforward</b>			<b>2,302,560.92</b>
<b>Less: Judicial Council Requests Previously Approved</b>			<b>(1,391,172.00)</b>
<b>Less: Judicial Council Current Month Spending Requests</b>			<b>(445,550.00)</b>
<b>Remaining Forecasted Funds Available for FY 2023 YE Spending Requests</b>			<b>465,838.92</b>

#	One-time Spending Plan Requests	Current Requests	Judicial Council Approved
		Amount	Amount
1	Q1 / Q2 Performance Bonus Payments		\$ 450,000
2	St. George Courtroom Audio		\$ 141,000
3	Adobe E-Signatures		\$ 260,000
4	IT Equipment for new JA Clerks		\$ 5,872
5	Build-out of Replacement for Courts' Access Revenue System		\$ 40,000
6	Online Water Law Curriculum for Judges		\$ 40,000
7	Transcription Training Production		\$ 900
8	Q3 / Q4 Performance Bonus Payments		\$ 450,000
9	Out of State Employee Set Up Fees		\$ 3,400
10	Supplemental - Secondary Language Skills	27,200	
11	Summit Jury Deliberation Room Improvements	150,000	
12	American Fork Courthouse Lease Increases	156,050	
13	Matheson Carpet Replacement - Phase 3	100,000	
14	Mobile AED Kit	2,300	
15	Education Room A/V Upgrade to Hybrid Use	10,000	
Current Month One-time Spending Requests		445,550	
Previously Approved 1x FY 2023 YE Spending Request			1,391,172

Updated 2/2/2023

\* Actual turnover savings as calculated on a pay period basis through 01/20/2023. Data can be found in the Budget Summary Excel workbook on the Personnel tab.

\*\* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$2,874.03, \$2,112.72, \$2,517.54, and \$1,688.69.

The average per hour turnover savings YTD was \$2,282.04. 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.

## 10. FY 2023 YE Spending Request – Supplemental - Secondary Language Skills

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:** 2/1/2023

**Department or District:** OFA

**Requested by:** Jon Puente

**Request title:** Supplemental – Secondary Language Stipends

**Amount requested:** \$27,200

**One-time funds**

**Purpose of funding request:**

OFA has 64 slots for court employees who act as interpreters in non-court situations, such as assisting at the front counter or for conversations with court staff outside of proceedings. This is a very cost-effective use of our current court employees who use their language skills in the service of court patrons in situations for which a certified, registered or approved interpreter is not required. The Court's pay of \$50<sup>1</sup> per pay period to our court interpreters has been tested against the market and OFA recommends an increase to \$100 per pay period. We recommend this increase go into effect March 1, 2023. The incremental impact will be 8.5 pay periods x 64 x \$50 increase = \$27,200 for FY 2023.

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

See above.

**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?**

If this request is not funded, interpretation services to court patrons could decline as fewer qualified interpreters are available.

<sup>1</sup> The \$50 per pay period rate has been in effect since at least 2012.

## 11. FY 2023 YE Spending Request – Summit Jury Deliberation Room Improvements

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:** 1/19/23

**Department or District:** Facilities

**Requested by:** Chris Talbot

**Request title:** Summit Courthouse Jury Deliberation Room Improvements

**Amount requested:** \$150,000 (estimated total cost of \$300,000 split between 2 fiscal years)

**One-time Turnover Savings funds**

**Purpose of funding request:**

The two courtroom facility in Summit County is leased and has only one jury deliberation room. The existing jury assembly room is no longer needed due to the virtual jury selection process so we are seeking to convert the assembly room into a much-needed second deliberation room.

This is a preliminary estimate that will be adjusted, if necessary, as the project bids come back. We are requesting these funds in anticipation of a total bid of approximately \$300,000 for which \$150,000 of the funds will be expended in FY 2023. The second half of the expenditure will come from FY 2024 carryforward funds. Early approval is sought to enable us to split the total cost over 2 fiscal years and to be able to quickly move forward once a final bid is received from the County instead of losing days between the final bid and the next BFMC/Judicial Council meeting.

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

The existing jury assembly room is being used 3 – 4 times a month as a second deliberation room. The room lacks basic deliberation room features that need to be added for both privacy and security. The entry door to the existing room is off the main lobby and does not have a sound vestibule to block out sounds from the public lobby. The space also lacks a secure entry door for the jurors from the courtroom and a separate restroom inside.

This is a leased courthouse, so state capital improvement funding is not available for improvements. The County will be directing the improvements in their facility based on our scope of work. Per the current lease, all tenant improvements are at the Court's cost.

**Alternative funding sources, if any:**

Due to a decrease in the revenues coming into the Court Complex Account (which is funded by dedicated credits coming from civil filings) which has declined since COVID by approximately \$350,000 annually and the complete loss of revenues from the Matheson parking garage which is an additional

**11. FY 2023 YE Spending Request – Summit Jury Deliberation Room Improvements**

\$250,000 in annual lost revenue, the Facilities budget is currently projected to be underfunded approximately \$620K by the Court Complex Account, so Facilities is unable to cover this expense.

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

The judges would need to continue to use the jury assembly space as it exists, which creates security issues by having to escort empaneled jurors through the public lobby to their deliberation space. Jurors would also continue to be escorted by deputies to the public restrooms during on-going deliberations.

## 12. FY 2023 YE Spending Request – American Fork Courthouse Rent Increase

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:** 1/19/23

**Department or District:** Facilities

**Requested by:** Chris Talbot

**Request title:** American Fork (AF) Courthouse Rent Increase

**Amount requested:** \$156,050

**One-time Turnover Savings funds**

**Purpose of funding request:**

Our original 20 year lease expired in September 2022 and rent increases were required by the City of American Fork as part of the new lease. This request will cover the rent increases for the remaining 6 months of FY23 (January – June). The monthly rent for year 1 of the new lease increased by \$26,000 amounting to an increase of \$312,000 annually. There are additional rent increases of approximately 8% annually over the next several years. The City allowed us to pay the old rent amount from October – December, so there is not a request for additional funding for the 3 months after the lease expired and the total year 1 increase is \$156,050. (See Exhibit A)

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

A new lease has been negotiated with AF to extend our presence in this AF-owned facility shared with the AF Police Department. The new lease will allow our District Court to remain for another 3 years and Juvenile Court / Probation to remain for up to 10 years.

Due to the rent increases required by AF, we will be moving the two district courtrooms to Provo after we build out the shelled courtrooms in Provo over the next 2.5 years. This will allow us to give back approximately 40% of our tenant space and reduce rent payments starting in October 2025.

A FY24 legislative on-going funding request was not submitted for consideration due to the negotiations not being finalized until December 2022. In addition to this request, a FY2024 carryover request will need to be submitted to cover \$353,400 for rent increases in FY24 (See Exhibit A). We also plan to submit a request to the legislature for \$408K of 1x funds for FY 2025 (July 2024 – June 2025). Starting in FY 2026 we will be able to submit an ongoing legislative funding request for the final 7 years of the lease based on the reduced square footage that will require less additional rent.

**Alternative funding sources, if any:**

Due to a decrease in the revenues coming into the Court Complex Account (which is funded by dedicated credits coming from civil filings) which has declined since COVID by approximately \$350,000

## 12. FY 2023 YE Spending Request – American Fork Courthouse Rent Increase

annually and the complete loss of revenues from the Matheson parking garage which is an additional \$250,000 in annual lost revenue, the Facilities budget is currently projected to be underfunded approximately \$620K by the Court Complex Account, so Facilities is unable to cover this expense.

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

Cuts would need to be made to the Facilities budget for the remainder of the year to cover the expense. This would affect the ability to cover unforeseen small projects and repairs statewide with the facilities budget. Examples of projects / repairs that would need to be eliminated are : Repairs / upgrades to building security systems (cameras and access controls), furniture replacement / reconfiguration, security screening equipment replacement (magnetometers / x-ray) when a unit no longer works, and Matheson paint / carpet requests.

### Exhibit A - Schedule of Payments

	Year	Rent PSF	Leased SF	Annual Payment - Lease Year	Annual Payment - Fiscal Year	Fiscal Year Increase	Cumulative	Rental Monthly Payment
	Original Lease	\$ 12.68	27,558	\$ 349,298				\$ 29,108
1	1/23 - 9/23	\$ 24.00	27,558	\$ 661,392	\$ 505,345	\$ 156,047		\$ 55,116
2	10/23 - 9/24	\$ 26.00	27,558	\$ 716,508	\$ 702,729	\$ 197,384	\$ 353,431	\$ 59,709
3	10/24 - 9/25	\$ 28.00	27,558	\$ 771,624	\$ 757,845	\$ 55,116	\$ 408,547	\$ 64,302
4	10/25 - 9/26	\$ 30.00	17,315	\$ 519,450	\$ 582,494	\$ (175,352)		\$ 43,288
5	10/26 - 9/27	\$ 30.90	17,315	\$ 535,034	\$ 531,138	\$ (51,356)		\$ 44,586
6	10/27 - 9/28	\$ 31.83	17,315	\$ 551,085	\$ 547,072	\$ 15,934		\$ 45,924
7	10/28 - 9/29	\$ 32.78	17,315	\$ 567,617	\$ 563,484	\$ 16,412		\$ 47,301
8	10/29 - 9/30	\$ 33.77	17,315	\$ 584,646	\$ 580,388	\$ 16,905		\$ 48,720
9	10/30 - 9/31	\$ 34.78	17,315	\$ 602,185	\$ 597,800	\$ 17,412		\$ 50,182
10	10/31 - 9/32	\$ 35.82	17,315	\$ 620,250	\$ 615,734	\$ 17,934		\$ 51,688



### 13. FY 2023 YE Spending Request – Matheson Carpet Replacement – Phase 3

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:** 1/19/23

**Department or District:** Facilities

**Requested by:** Chris Talbot

**Request title:** Matheson Carpet Replacement – Phase 3

**Amount requested:** \$100,000

**One-time Turnover Savings funds**

**Purpose of funding request:**

Matheson still has many areas of 23-year-old carpet that must be replaced. In the past, we have decided to do the replacement in phases to eliminate any safety issues and also spread out the cost. This request is to fund the next phase of installation that will cover some courtrooms, chambers, conference rooms and offices. We have replaced over 101,000 SF of carpet so far, which is about 40% of the building.

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

A year end funding request in FY22 provided \$200K to purchase 4,813 SY of carpet tile (43,317 SF) that we have stored. This new request would provide funding to install approximately 9,000 SF of that attic stock. After this installation, we would still have approximately 155,000 SF of Matheson space that will still need original carpet replaced over several more phases. We plan to also make a carryforward request for FY 2024 to install more of the 34,000 SF of carpet tile we have in storage.

**Alternative funding sources, if any:**

As detailed in our other 2 requests, the Facilities budget is currently projected to be underfunded approximately \$620K by the Court Complex Account, so Facilities is unable to cover this expense.

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

Worn carpet that is bubbling, rolling, and has seams coming apart is unsafe and creates tripping hazards. We have already replaced the most worn areas and could delay or reduce the replacement funding.

## 14. FY 2023 YE Spending Request – Mobile AED and Trauma Kit

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:** 5 January 2023

**Department or District:** AOC - Security

**Requested by:** Chris Palmer

**Request title:** Mobile Automated External Defibrillator (AED) and trauma kit

**Amount requested:** \$2,300

**One-time Turnover Savings funds**

**Purpose of funding request:**

To purchase a mobile AED, AED training unit, and advanced trauma kit for use at offsite court functions.

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

As part of security site assessment for any court conference, AOC Security performs a review of (1) medical response capabilities of the venues, (2) local medical support and (3) response protocols and response time. Based on our reviews, most of the rural venues and even a few of the urban locations do not have AEDs (or advanced AED with automated rescue steps) within the facility.

In addition, most facilities lack advanced bleeding kits (hemostatic bandages and tourniquets) which are not standard with most first aid kits. AEDs and bleed kits are readily available at all UT Courts facilities. To meet the same level of care that is provided at our court facilities for our court conferences, AOC Security requests approval to purchase the following components:

1. A mobile advanced AED (capable of automated assessment), and
2. A mobile trauma kit to be used to treat and stabilize trauma victims until advanced medical support can arrive.

This AED and trauma kit would be present at all court conferences to mitigate gaps in response time especially at rural sites. Advanced AED/trauma kits are recommended as a best practice when there is a threat of active killers, a population susceptible to industrial accidents or a group with high medical risk for cardiac events. This request also includes an AED trainer to ensure familiarity with the actual AED for onsite staff.

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

**14. FY 2023 YE Spending Request – Mobile AED and Trauma Kit**

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

During offsite conferences, some risk will be present including extended response time of advanced cardiac support. To mitigate the risk, AOC Security will ask to borrow an AED from a supporting law enforcement agency and assemble a bleed kit to pre-position at the event site.

## 15. FY 2023 YE Spending Request – Matheson Education Room A/V Upgrade to Hybrid Use

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:** 1/26/2023

**Department or District:** Education

**Requested by:** Lauren Andersen

**Request title:** Matheson Education Room A/V Upgrade

**Amount requested:** One-time Turnover Savings funds: \$10,000

**Purpose of funding request:**

In line with current and future in-person and hybrid meeting needs, following the same standard set in recent conference room installations, including Matheson's Conference Room A and the Judicial Council Room, the Education Department is requesting \$10,000 to supplement the \$23,398.40 that IT has committed to upgrade Matheson's Education Room so that it may serve as a hybrid meeting and training space. The hybrid space will serve, and be available to, all court employees.

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

Matheson's Education room has had limited use since 2020. Its cameras, microphone, speakers and projector are out of date. Without ceiling microphones the room cannot be deployed for hybrid meetings or trainings. The room has been used for 8 trainings in the past three years.

In late 2022, Education approached IT to see if it was possible to price out the expense of upgrading Matheson's Education room so that it could be used for state-wide hybrid meetings or trainings. Education believed that converting Matheson's Education room could be an infrastructure investment to make the space a viable option for court employees seeking to hold hybrid meetings. IT readily agreed to support the effort and bid out the project. Once the bid came back at \$33,398.40<sup>1</sup>, IT agreed to support \$23,398.40 of the expense if the Education Department could put \$10,000 toward the project.

Education's budget is dedicated to educational programming for judges and court employees. There is not room in the budget for infrastructure. It does not have \$10,000 to support the upgrade.

If upgraded, the room will include the following new features:

- HD Audio System for clear conferencing and recording
- HD PTZ Camera System for flexibility and high resolution video
- User-friendly Touch Panel Control System
- Wireless content sharing

<sup>1</sup> See third-party bid attached as last page of this request.

**15. FY 2023 YE Spending Request – Matheson Education Room A/V Upgrade to Hybrid Use**

- Cynaps to train court employees on virtual displays of evidence

**Alternative funding sources, if any:** None in FY2023.

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

The request could be made as part of FY2024 carryforward but there is no guarantee IT would be able to support 2/3rds of the project's expense. And, we would lose at least 6 months of potential use of the space for hybrid meetings or trainings due to the delay of the upgrade.

**State Contract A/V Contractor Upgrade Quote:**

**Contractor:** Performance Audio

**State Contract Number:** MA3157

**Quoted Amount:** \$33,398.40

See contractor bid on next page.



## Proposal

### Pricing Summary

Equipment:	\$21,448.59
Rough-In Labor:	\$459.00
Installation Labor:	\$2,486.81
Pre-Build Labor:	\$474.00
Programming/Configuration Labor:	\$6,480.00
Commissioning/Training Labor:	\$2,050.00

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<b>Grand Total:</b>	<b>\$33,398.40</b>
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Pricing valid until 2/11/2023

Price does not include taxes

### Payment Schedule

	Amount	Percent
Substantial Completion	\$33,398.40	100%

I Utah State Courts certify that I am authorized by Utah State Courts to make purchasing decisions and have read and understand this proposal. I also verify the functionality, equipment selection, and aesthetic properties of the equipment as laid forth in this proposal to be acceptable. By signing this proposal, I am signifying my agreement to this proposal in full and am authorizing Performance Audio to proceed with ordering the above listed equipment and fulfilling their obligations laid out above. Any changes to the above proposal will be subject to cancellation and/or restocking fees.

This proposal is subject to the terms and conditions of State Contract number MA3157.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and executed representatives.

#### Utah State Courts

#### Performance Audio

---

 Accepted by (Signature)

Date

---

 Authorized by (Signature)

Date

---

 Utah State Courts /

---

 Eric Mangum / Sales Engineer

---

 Name / Title (Printed)

---

 Name / Title (Printed)

# Tab 3



# UTAH STATE COURTS

## **COURT GRANTS UPDATE**

OCTOBER–DECEMBER 2022



ADMINISTRATIVE OFFICE OF THE COURTS  
FINANCE DEPARTMENT

FEBRUARY 2023



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### Active Grants

As of December 31, 2022 the Administrative Office of the Courts holds nine (9) active grants comprised of three (3) federally awarded and six (6) non-federally awarded grants.

### Closed Grants

Funds awarded by the following grantors have been successfully utilized in support of the grant deliverables and are in the closeout period as of December 31, 2022:

1. State Justice Institute Award: Unit 2940 (Office of Legal Services Innovation)
2. William & Flora Hewlett Foundation Award: Unit 2938 (Office of Legal Services Innovation)

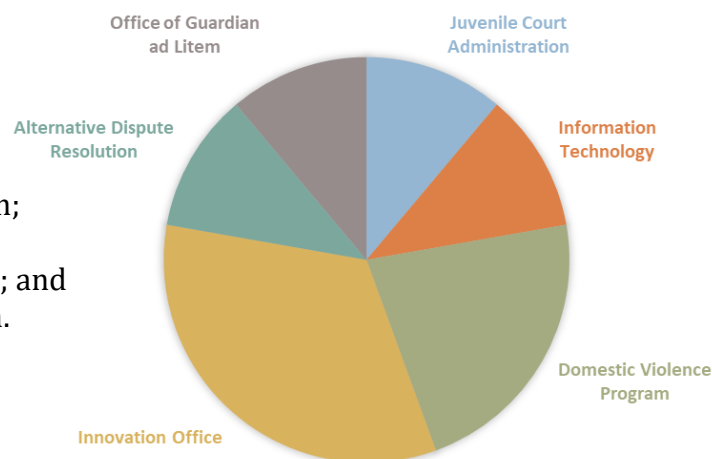
### Grants Under Consideration

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.

### Grant Type & Distribution

Administration among seven active grants in the AOC portfolio:

- one (11%) by the Juvenile Courts;
- one (11%) by Information Technology;
- two (22%) by the Domestic Violence Program;
- three (33%) by the Innovation Office;
- one (11%) by Alternative Dispute Resolution; and
- one (11%) by the Office of Guardian ad Litem.



Unit	Grant Title	F	NF	Grant Administering Unit
2957	Court Improvement Program-Basic			Juvenile Court Administration
2962	State Access & Visitation Program			Alternative Dispute Resolution
2972	Innovation Office-ARPA			Innovation Office
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
2967	Victims of Crime Act			Office of Guardian ad Litem
2999	Tribal Outreach Coordinator			Domestic Violence Program

Active Grants Total 3 6

Federal (F)  
Non-Federal (NF)

## Alternative Dispute Resolution

**Grant:** State Access & Visitation Program  
**Grantor:** Federal Administration for Children & Families **Unit:** 2962

*Co-Parenting Mediation received 38 referrals between October 1 and December 31, 2022.*

## Domestic Violence Program

**Grants:** STOP Violence Against Women Act (VAWA)& Subaward from the Domestic Violence Coalition (UDVC) **Grantors:** Utah Office for Victims of Crime and Utah Domestic Violence Coalition **Units:** 2936, 2999

*The Domestic Violence Program provided a collaborative training with Native American leadership to address full faith and credit issues; addressed issues within the protective order network; worked with community partners to address domestic violence and sexual violence; continued to implement the Domestic Violence Criminal Compliance Docket Pilot Program; continued to develop a Sexual Violence Bench Book, and addressing trauma policies and training within the courts.*

## Information Technology

**Grant:** Online Dispute Resolution (ODR) Assessment & Enhancements **Grantor:** The State Justice Institute **Unit:** 2935

*Grant-funded project activities in this quarter include: Ongoing planning meetings and mockups for ODR requirements; elimination of auto reset in chat screen and inclusion of indicator when new messages are received. ODR facilitators will be taken to the oldest unread message upon click of the new message indicator; creation of a combined overlay screen that will merge the Case, Parties, Assignments, Chat, Message, Case and ODR Documents, Notes, and Logs*

*screens into one dashboard. This dashboard provides facilitators with access to ODR information and functionality in one screen; creation an “Authorize Signature” button allowing facilitators to authorize parties’ signature of final ODR documents (the ODR messages will be updated when a final ODR document is ready for signature); addition of an option for ODR facilitator to mark a case as a “priority” which may be sorted using the priority icon; addition of a “counter” assisting facilitators to track at-a-glance the number of days in facilitation; development of an application for the maintenance of the chatbot; development of a case number validator to be added to the registration process improving user experience; and an additional scan of documents for ADA accessibility.*

## Utah Supreme Court Office of Legal Services Innovation

**Grants:** Innovation Office & Regulatory Sandbox **Grantors:** The State Justice Institute and the Hewlett Foundation  
**Units:** 2938, 2940, 2972

*As of December 31, 2022, the Innovation Office has received 95 applications to the sandbox, of which 63 applications have been recommended to the Court for authorization (seven applications pending decision – not included in total). Ten applications are currently under office review. Overall, 37,764 legal services have been sought from approximately 24,000 unduplicated consumers.*

*Following the close of this quarter, the Innovation Office will transition expenses to its portion allotted from ARPA funds (Unit 2972). Innovation Office expenditures are tracked separately from other court-related ARPA expenditures.*

## Juvenile Court Administration

**Grant:** Court Improvement Program (CIP)

**Grantor:** Federal Administration for Children & Families **Unit:** 2957

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*Our CIP partnered with the Utah State Bar's Indian Law Section and the University of Utah to plan this year's Annual Utah Indian Child Welfare Conference held on December 2nd, 2022. A new workgroup was formed to address NCJFCJ's (National Council of Juvenile and Family Court Judges) Indian Child Welfare Act's ("ICWA") Assessment Report for the State of Utah. This group is discussing each of the recommendations on the report and creating a plan to address them. We once again partnered with NCJFCJ to conduct a qualitative follow up study covering the impacts of the pandemic on ICWA matters in the State of Utah.*

## Office of Guardian ad Litem

**Grant:** Victims of Crime Act (VOCA)

**Grantor:** Utah Office for Victims of Crime  
**Unit:** 2967

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*We submitted reimbursements for salary and fringe benefits for three volunteer coordinator staff positions. One position in each of Utah, Salt Lake and Davis counties. We did not incur any other expenses except for cell phones for these three staff positions. We trained 16 new volunteers (CASAs) and assigned CASAs to 63 new cases/children during this quarter under these volunteer coordinators.*

# Financial Summary

000121

## State Fiscal Year 2023

Data as of December 31, 2022

Data as of December 31, 2022			Actual		Budget	
Unit	Grant Administering Unit	Grant Title	Expenditures (Fiscal Quarter)	Expenditures (LTD)	Award (Grant Total)	Balance
Federally Awarded						
2957	Juvenile Court Administration	Court Improvement Program (CIP) - Basic	\$ 64,203	\$ 64,203	\$ 317,052	\$ 252,849
		CIP Data Sharing & Collaboration (30%)	\$ -	\$ -	\$ 135,879	\$ 135,879
2962	Alternative Dispute Resolution	State Access & Visitation Program	\$ 27,656	\$ 54,041	\$ 100,000	\$ 45,959
2972	Innovation Office	American Rescue Plan Act (ARPA)	\$ -	\$ -	\$ 324,500	\$ 324,500
Subtotals Federal			\$ 91,859	\$ 118,244	\$ 877,431	\$ 759,187
Non-Federally Awarded						
2938	Innovation Office	Innovation Office Staff Funding	\$ 106,856	\$ 250,000	\$ 250,000	\$ -
2936	Domestic Violence Program	Violence Against Women Act (VAWA)	\$ 49,971	\$ 79,511	\$ 85,000	\$ 5,489
2967	Guardian ad Litem	Victims of Crime Act (VOCA)	\$ 606	\$ 206,348	\$ 215,516	\$ 9,168
2935	Information Technology	Online Dispute Resolution (ODR) Enhancements	\$ 47,168	\$ 131,793	\$ 185,000	\$ 53,208
2940	Innovation Office	Sandbox Tools for Scaling & Sustaining Innovation	\$ 25,399	\$ 65,020	\$ 65,020	\$ -
2999	Domestic Violence Program	Tribal Outreach Coordinator	\$ 14,999	\$ 68,562	\$ 233,350	\$ 164,788
Subtotals Non-Federal			\$ 244,999	\$ 801,233	\$ 1,033,886	\$ 232,653
TOTAL			\$ 336,858	\$ 919,477	\$ 1,911,317	\$ 991,840



# UTAH STATE COURTS

## **Internal Control Self-Assessment (ICSA)**

**Court Grants  
Fiscal Year 2022**



Administrative Office of the Courts  
Finance Department

February 2023



## Administrative Office of the Courts

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

February 2023

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

Utah Judicial Council  
Administrative Office of the Courts  
Matheson Courthouse 450 South State St.  
Salt Lake City, UT. 84114-0431

Dear Judicial Council:

The Internal Control Self-Assessment (ICSA) for court grants is conducted annually for awards issued to the courts per UCJA Rule 3-411(9)(A)(i). Please refer to page three of this report for the Fiscal Year 2022 ICSA Executive Summary.

The enclosed FY-2022 ICSA incorporates the revised Accounting Manual grant policy (§11-07.00) and grant rule (UCJA Rule 3-411) promulgated by the Judicial Council in November, 2021. This ICSA additionally tracks conformity with statute and principles set forth in Utah Code Annotated (UCA) §63J-5-203/204 and §63J-7-202/203, Generally Accepted Accounting Principles (GAAP), and the Standards for Internal Control in the Federal Government ("Green Book").

The Finance Department extends our thanks to the grant administrators for their cooperation and contributions facilitating this self-assessment.

Respectfully,

Karl R. Sweeney, Finance Director  
Melissa Taitano, Manager, Revenues & Trust  
Jordan Murray, Grant Coordinator

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## Executive Summary

### Background

The FY 2022 Internal Control Self-Assessment (ICSA) for Court Grants provides guidance and recommendations about grant-related internal controls with the mission of (1) strengthening internal controls and (2) ensuring compliance with all policies, procedures, rules, and statutes. Internal controls are designed to establish reasonable assurances that grant administering units (GAUs) and AOC Finance Department staff are supported with the proper tools, information, and resources to maintain and strengthen the integrity of financial processes, to promote accountability, and to prevent errors and fraud.

### Scope & Objectives

This assessment builds upon the preceding report, the Five-Year ICSA for Court Grants (calendar years 2016-2020) completed and presented to the Judicial Council in August 2022. With the comprehensive five-year assessment concluded, this and future ICSA reports contain results of tests performed for the most recently closed fiscal year. The ICSA for Court Grants assesses general financial internal controls, which includes separation of duties, safeguarding of assets, grant approval processes, provision and retention of documentation, and reconciliation practices. These items are assessed under the “General Controls” category. The ICSA additionally examines conformity with revised grant policies and procedures promulgated by the Judicial Council in November 2021 and are assessed under one of two categories: “Pre-Award Preparation & Assessment” or “Post-Award Administration.” Please reference the appendix for a list of active grants assessed in this report (Exhibit A).

### Findings

A total of fifteen court grants (held among eight GAUs) were active in FY 2022 and are represented in the assessment. This report contains three recommendations to strengthen internal controls for court grants:

1. **Separation of Duties** (Category: General Controls). Critical duties are separated to the extent possible so no single individual is placed in a position that would leave them open to perpetrate and conceal the misuse of funds while performing regularly assigned duties. The individual(s) authorized to approve certain expenditures of funds are often dictated by the transaction type, and separation of duties must still be maintained when overlap arises between the individual performing reconciliation duties and the authorization to expend certain funds.
2. **Payments & Expenditure Reconciliation** (Category: General Controls). Generation of monthly AM01/AM02 reports (“Expenditure Transaction Detail by Unit”) were not consistently performed in the manner intended by policy. Accounting Manual §01-06.00 requires an employee without the ability to enter and approve payments in FINET to generate AM01 (“Expenditure Transaction Detail by Unit”) or Online Accounting Journal reports and review for accuracy each expense and credit depicted on the report at least monthly. This applies to each FINET unit for which the individual(s) are responsible.
3. **Review & Retention of Grant Reports** (Category: Post-Award Administration). Submission of routine reporting items to the Grant Coordinator and Director of Finance are not fully implemented in the manner intended by policy. Revised UCJA Rule 3-411 requires the GAU to deliver for review and retention all grant-related reporting 10 days prior to the deadline established by the grantor.

## Recommendations

### General Controls

#### #1 - Separation of Duties

##### Criteria:

- Utah State Courts Accounting Manual (AM) | General Information §01-06.00;
- Generally Accepted Accounting Principles (GAAP)

**Requirement:** *Critical duties are separated to the extent possible so no single individual is placed in a position that would leave them open to perpetrate and conceal the misuse of funds while performing regularly assigned duties.*

---

Grant Units: 2936 | 2999

Observation: For expense transactions that are not travel-related (travel includes reimbursements for mileage, lodging, and per-diems), for these two grants, the authorizing party approving expenditures of grants funds is the same party providing reconciliation duties. Additional details and research into the nuances of the various authorizing parties for certain transaction types included in these grant units led to the conclusion that further separation of duties should be implemented per GAAP.

Recommendation: The primary authorizing person who is performing initial reconciliation and budget monitoring duties needs to arrange with a second party, independent of the transaction cycle, to provide a subsequent review of the expense transaction detail as a compensating control. This recommendation applies to transactions that are not travel-related, (for which there are already adequately implemented separation of duties). This review should be done in conjunction with each period close. In each instance of overlap, external and independent reviews are performed as an acceptable compensating measure to maintain appropriate internal control (AM§01-06.00).

Response: In this instance of overlapping duties, the AOC Finance Department has agreed to provide a resource independent of the grant transaction cycle to perform a secondary review achieving appropriate internal control standards for separation of duties. This compensating action will begin with Period 8 (February) 2023. Transactions to be reviewed include all those that are not travel-related.

## #2 - Payments & Expenditure Reconciliation

### Criteria:

- Utah State Courts Accounting Manual (AM) | Accounts Payable §08-01.00

**Requirement:** *An employee without the ability to enter and approve payments in FINET will generate AM01 (“Expenditure Transaction Detail by Unit”) or Online Accounting Journal reports and review for accuracy each expense and credit depicted on the report at least monthly.*

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Grant Units: 2918 | 2919 | 2923 | 2933 | 2935 | 2938 | 2939 | 2940 | 2943 | 2957

Observation: Generation of the monthly AM01/AM02 reports (“Expenditure Transaction Detail by Unit”) were not consistently performed in the manner intended by policy. The AM01/AM02 reports are generated from the FINET which is the Court’s official ledger of record. The grant-administering units (GAUs) utilized instead various ad-hoc tools to monitor and track payments and expenditures (e.g., Google spreadsheets). The reports were sometimes generated and reconciled on a quarterly schedule (as opposed to monthly basis) as required by AM §08-01.00. This appears to be because GAU staff were unaware of their ability to access and perform AM01/02 reports or general ledgers in the Online Accounting Journal, independent of AOC Finance staff.

Recommendation: At least one member of the GAU conducts monthly payment and expenditure reconciliations to review for accuracy each expense and credit depicted on the report. The financial data accessed for this procedure may be obtained through AM01/02 reports in the State Data Warehouse. Detailed transaction information may also be queried in the Online Accounting Journal. GAU staff are required to generate monthly reports pertaining to each grant unit for which they are responsible. In the course of this task, GAU staff shall retain a record of the reconciliations including notes of any discrepancies and corrections.

Response: Generation, review, and retention of monthly payment and expenditure reports per AM§08-01.00 will be conducted by the GAUs. A tutorial provided by the Grant Coordinator on generating AM01/02 reports will be completed for relevant GAUs by February 17, 2023.

## Post-Award Administration

### #3 - Review & Retention of Grant Reports

#### Criteria:

- CJA | Grant Management Rule 3-411 (§9);
- Utah State Courts Accounting Manual (AM) | Special Funds - Grants §11-07.00 (8)(B)(iii)

**Requirement:** *No later than 10 business days before a grant reporting deadline, the Grant Manager will forward all associated deliverables to the Grant Coordinator for review and approval by the Grant Coordinator and Director of Finance.*

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Grant Units: 2918 | 2919 | 2923 | 2933 | 2935 | 2936 | 2943 | 2938 | 2939 | 2940 | 2957 | 2962 | 2920 | 2999

Observation: As a best practice, the requirement for review of grant deliverables prior to submission was included in CJA Rule 3-411 prior to implementation of a standardized process to facilitate the transmission and retention of such documents between GAUs and AOC Finance Staff (specifically, the Grant Coordinator and Director of Finance). Pending development of this filing system during the FY 2022 assessment period, GAUs were not consistently reminded of the requirement nor did there exist a functioning system to effectively retain documents for upload, review, and record keeping purposes.

Recommendation: The Grant Coordinator has established a filing system for review and retention of grant reports/deliverables across all grant units. With the system in place, GAUs shall submit their grant reporting deliverables as designed, allowing for review by the Grant Coordinator and Director of Finance at least ten days prior to their submission to the grantor.

Response: GAUs have agreed to follow the established process to upload their grant reporting documents for review and retention by the Grant Coordinator and Director of Finance. Documents not previously captured for retention and review are being retroactively added to the filing system. The Grant Coordinator will provide ongoing process monitoring of the system and review any feedback from Grant Managers and other GAU staff.

## Areas of Testing

### Commendable Practices

#### *Improvements in Grant Records Documentation & Storage*

The retention and storage of grant records has shown significant improvements in FY 2022. Award Letters and Approval Process Documents (e.g., Grant Application Proposals “GAPs”, and minutes from EAC/EOCJ meetings) are stored in an internal Finance network drive dedicated to grants.

#### *Adherence with Judicial Council & Legislative Approvals*

Four new grants were approved by the Judicial Council in FY 2022. Each of these grants received the recommendation of the Budget & Fiscal Management Committee, followed by review and approval of the Judicial Council. Subsequent to Judicial Council approval, all four grants received the appropriate level of legislative review. Please see Exhibit B for the approvals summary across the full FY 2022 portfolio for new and existing grants.

#### *Quality Improvements in FINET Chart of Accounts for Grant Units*

The previous assessment identified issues with grant unit numbers and a mismatch between their listed grant title in the FINET Chart of Accounts. Corrections have been issued in the Chart of Accounts for the units identified and all four new grants approved in FY 2022 have been assigned previously unassigned unit numbers.

### Changes in Standards

#### *Grant Proposals Compliance with Revised CJA Rule 3-411*

Following the development and promulgation of the revised grant rule (UCJA Rule 3-411) in November 2021, all new grants approved subsequent to this action have been advanced through the updated Grant Application Proposal process and our ICSA test work has been updated to include compliance with the revised Rule 3-411. As noted in Appendix Exhibit B, all new grants in FY 2022 were presented during regularly scheduled meetings of the Budget & Fiscal Management Committee and Judicial Council and, if required, approved by the appropriate Legislative body.

## Appendix

### Exhibit A: Active Court Grants Assessed in FY 2022

Unit #	Grant Administering Unit (GAU)	Grant Title
2962	Alternative Dispute Resolution	Access & Visitation (AV)
2935	AOC Finance / Information Technology	Online Dispute Resolution Assessment & Enhancements (SJI)
2943	AOC Finance / Information Technology	Online Dispute Resolution Assessment & Enhancements (Pew)
2939	AOC Finance / General Counsel	Justice Assistance Grant (JAG)
2920	District Court Administration	State Asset Forfeiture Grant (SAFG)
2936	Domestic Violence Program	Stop Violence Against Women Act (VAWA)
2999	Domestic Violence Program	Rural Domestic Dating Violence, Sexual Assault and Stalking Program
2918	Juvenile Court Administration	State Court Improvement Program (Data)
2919	Juvenile Court Administration	State Court Improvement Program (Training)
2957	Juvenile Court Administration	State Court Improvement Program (Basic)
2923	Juvenile Court Administration	State Court Improvement Program Pandemic Supplement
2967	Office of Guardian ad Litem	Victims of Crime Act (VOCA)
2933	Office of Legal Services Innovation	Piloting Utah's Legal Services Oversight Office & Regulatory Reform
2938	Office of Legal Services Innovation	Utah's Office of Legal Services Innovation & Regulatory Sandbox
2940	Office of Legal Services Innovation	Regulatory Sandbox Tools for Sustaining & Scaling Innovation

### Exhibit B: Adherence with Judicial Council & Legislative Approvals

New Grants Reviewed in FY 2022					
Amount	Grant Title	Grantor	Reviewing Bodies	Status	Date
\$250,000	Utah's Office of Legal Services Innovation & Regulatory Sandbox	Hewlett Foundation (Non-Federal)	Judicial Council EAC	Reviewed & Approved	9/14/2021 (EAC)
\$65,020	Legal Services Regulatory Sandbox Tools for Sustaining & Scaling Innovation	State Justice Institute (Non-Federal)	Judicial Council EAC	Reviewed & Approved	9/14/2021 (EAC)
\$233,350	Rural Domestic Dating Violence, Sexual Assault and Stalking Program	Utah Domestic Violence Coalition (Non-Federal)	Judicial Council EOCJ	Reviewed & Approved	1/24/2022 (EOCJ)
\$25,000	State Asset Forfeiture Grant (SAFG)	Utah Commission on Criminal & Juvenile Justice (Non-Federal)	Judicial Council	Reviewed & Approved	4/25/2022 (Council)
Existing Grants Active in FY 2022					
Amount	Grant Title	Grantor	Reviewing Body	Status	Date
\$214,087	Victims of Crime Act (VOCA)	Utah Office for Victims of Crime (Non-Federal)	Judicial Council EOCJ	Reviewed & Approved	1/25/2021 (EOCJ)
\$170,000	Stop Violence Against Women Act (VAWA)	Utah Office for Victims of Crime (Non-Federal)	Judicial Council EOCJ	Reviewed & Approved	1/25/2021 (EOCJ)
\$147,058	Court Improvement Program (CIP) Pandemic Supplement	US Department of Health & Human Services (Federal)	Judicial Council EOCJ	Reviewed & Approved	1/24/2022 (EOCJ)
\$451,354	Court Improvement Program (CIP) Basic, Training, and Data Grants	US Department of Health & Human Services (Federal)	Judicial Council EOCJ	Reviewed & Approved	1/25/2021 (EOCJ)
\$185,000	Online Dispute Resolution Assessment	State Justice Institute (Non-Federal)	Judicial Council EAC	Reviewed & Approved	5/13/2020 (EAC)
\$180,000	Justice Assistance Grant (JAG)	Utah Commission on Criminal & Juvenile Justice (Non-Federal)	Judicial Council	Reviewed & Approved	2/22/2021 (Council)
\$200,000	Piloting Utah's Legal Services Oversight Office & Regulatory Reform	State Justice Institute (Non-Federal)	Judicial Council EAC	Reviewed & Approved	5/13/2020 (EAC)
\$110,000	Online Dispute Resolution Assessment (Cash Match)	Pew Charitable Trusts (Non-Federal)	Judicial Council EAC	Reviewed & Approved	5/13/2020 (EAC)
\$100,000	State Access & Visitation	US Department of Health & Human Services (Federal)	Judicial Council EOCJ	Reviewed & Approved	1/25/2021 (EOCJ)

#### Non-Federal Grants Legislative Impact Tier (1-3)

Tier 1 (Low): At least \$10k but no more than \$50k in funding per year  
 Tier 2 (Med): Greater than \$50k but no more than \$1M in funding per year  
 Tier 3 (High): Greater than \$1M in funding per year

#### Federal Grants Legislative Impact Tier (1-3)

Tier 1 (Low): No more than \$1M in funding per year  
 Tier 2 (Med): Greater than \$1M but no more than \$10M in funding per year  
 Tier 3 (High): Greater than \$10M in funding per year

# Tab 8

## Agenda

## COURT COMMISSIONER CONDUCT COMMITTEE

### Complaints and Disposition (PUBLIC)

Year	Total Complaints	Number of Commissioners Receiving Complaints	Complaints Resolved by Chair Dismissal	Complaints Resolved by Committee Dismissal	Hearings Held	Sanctions Entered
2020	8	5	6	1	1	1
2021	5	4	4	0	1	1
2022	12	5	12	0	0	0
3-year total	25	8	22	1	2	2



# Tab 9

## Agenda



## Administrative Office of the Courts

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

February 7, 2023

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

### MEMORANDUM

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

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The Policy, Planning and Technology Committee recommends that the following rule be approved on an expedited basis with a **March 1, 2023** effective date, followed by a 45-day public comment period.

#### **CJA 1-205. Standing and ad hoc committees**

The Committee on Fairness and Accountability requests the addition of five (5) new committee member positions, including: 2 sitting judges, 1 current or former judicial officer, 1 representative of the community, and the Director of Data and Research (lines 204-210).

**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 1-205. Standing and Ad Hoc Committees.****Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

**Applicability:**

This rule shall apply to the internal operation of the Council.

**Statement of the Rule:****(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

(1)(A)(i) Uniform Fine Committee;

(1)(A)(ii) Ethics Advisory Committee;

(1)(A)(iii) Judicial Branch Education Committee;

(1)(A)(iv) Court Facility Planning Committee;

(1)(A)(v) Committee on Children and Family Law;

(1)(A)(vi) Committee on Judicial Outreach;

(1)(A)(vii) Committee on Resources for Self-represented Parties;

(1)(A)(viii) Language Access Committee;

(1)(A)(ix) Guardian ad Litem Oversight Committee;

(1)(A)(x) Committee on Model Utah Civil Jury Instructions;

(1)(A)(xi) Committee on Model Utah Criminal Jury Instructions;

(1)(A)(xii) Committee on Pretrial Release and Supervision; and

(1)(A)(xiii) Committee on Court Forms;

(1)(A)(xiv) Committee on Judicial Fairness and Accountability; and

(1)(A)(xv) Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

**(1)(B) Composition.**

(1)(B)(i) The **Uniform Fine Committee** performs the duties described in rule 4-302 and shall consist of:

(1)(B)(i)(a) one district court judge who has experience with a felony docket;

(1)(B)(i)(b) three district court judges who have experience with a misdemeanor docket; and

(1)(B)(i)(c) four justice court judges.

(1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in rule 3-109 and shall consist of:

(1)(B)(ii)(a) one judge from the Court of Appeals;

(1)(B)(ii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(ii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(ii)(d) one juvenile court judge;

(1)(B)(ii)(e) one justice court judge; and

(1)(B)(ii)(f) an attorney from either the Bar or a college of law.

(1)(B)(iii) The **Judicial Branch Education Committee** performs the duties described in rule 3-403 shall consist of:

(1)(B)(iii)(a) one judge from an appellate court;

(1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(iii)(d) one juvenile court judge;

(1)(B)(iii)(e) the education liaison of the Board of Justice Court Judges;

(1)(B)(iii)(f) one state level administrator;

(1)(B)(iii)(g) the Human Resource Management Director;

(1)(B)(iii)(h) one court executive;

(1)(B)(iii)(i) one juvenile court probation representative;

(1)(B)(iii)(j) two court clerks from different levels of court and different judicial districts;

(1)(B)(iii)(k) one data processing manager; and

(1)(B)(iii)(l) one adult educator from higher education.

(1)(B)(iii)(m) The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(1)(B)(iv) The **Court Facility Planning Committee** performs the duties described in rule 3-409 and shall consist of:

- (1)(B)(iv)(a) one judge from each level of trial court;
- (1)(B)(iv)(b) one appellate court judge;
- (1)(B)(iv)(c) the state court administrator;
- (1)(B)(iv)(d) a trial court executive;
- (1)(B)(iv)(e) two business people with experience in the construction or financing of facilities; and
- (1)(B)(iv)(f) the court security director.

(1)(B)(v) The **Committee on Children and Family Law** performs the duties described in rule 4-908 and shall consist of:

- (1)(B)(v)(a) one Senator appointed by the President of the Senate;
- (1)(B)(v)(b) the Director of the Department of Human Services or designee;
- (1)(B)(v)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;
- (1)(B)(v)(d) one attorney with experience in abuse, neglect and dependency cases;
- (1)(B)(v)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;
- (1)(B)(v)(f) one representative of a child advocacy organization;
- (1)(B)(v)(g) the ADR Program Director or designee;
- (1)(B)(v)(h) one professional in the area of child development;
- (1)(B)(v)(i) one mental health professional;
- (1)(B)(v)(j) one representative of the community;
- (1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;
- (1)(B)(v)(l) one court commissioner;
- (1)(B)(v)(m) two district court judges; and
- (1)(B)(v)(n) two juvenile court judges.
- (1)(B)(v)(o) One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vi) The **Committee on Judicial Outreach** performs the duties described in rule 3-114 and shall consist of:

(1)(B)(vi)(a) one appellate court judge;  
(1)(B)(vi)(b) one district court judge;  
(1)(B)(vi)(c) one juvenile court judge;  
(1)(B)(vi)(d) one justice court judge; one state level administrator;  
(1)(B)(vi)(e) a state level judicial education representative;  
(1)(B)(vi)(f) one court executive;  
(1)(B)(vi)(g) one Utah State Bar representative;  
(1)(B)(vi)(h) one communication representative;  
(1)(B)(vi)(i) one law library representative;  
(1)(B)(vi)(j) one civic community representative; and  
(1)(B)(vi)(k) one state education representative.  
(1)(B)(vi)(l) Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(vii) The **Committee on Resources for Self-represented Parties** performs the duties described in rule 3-115 and shall consist of:

(1)(B)(vii)(a) two district court judges;  
(1)(B)(vii)(b) one juvenile court judge;  
(1)(B)(vii)(c) two justice court judges;  
(1)(B)(vii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;  
(1)(B)(vii)(e) one representative from a social services organization providing direct services to underserved communities;  
(1)(B)(vii)(f) one representative from the Utah State Bar;  
(1)(B)(vii)(g) two representatives from legal service organizations that serve low-income clients;  
(1)(B)(vii)(h) one private attorney experienced in providing services to self-represented parties;  
(1)(B)(vii)(i) two law school representatives;  
(1)(B)(vii)(j) the state law librarian; and  
(1)(B)(vii)(k) two community representatives.

(1)(B)(viii) The **Language Access Committee** performs the duties described in rule 3-306.02 and shall consist of:

- (1)(B)(viii)(a) one district court judge;
- (1)(B)(viii)(b) one juvenile court judge;
- (1)(B)(viii)(c) one justice court judge;
- (1)(B)(viii)(d) one trial court executive;
- (1)(B)(viii)(e) one court clerk;
- (1)(B)(viii)(f) one interpreter coordinator;
- (1)(B)(viii)(g) one probation officer;
- (1)(B)(viii)(h) one prosecuting attorney;
- (1)(B)(viii)(i) one defense attorney;
- (1)(B)(viii)(j) two certified interpreters;
- (1)(B)(viii)(k) one approved interpreter;
- (1)(B)(viii)(l) one expert in the field of linguistics; and
- (1)(B)(viii)(m) one American Sign Language representative.

(1)(B)(ix) The **Guardian ad Litem Oversight Committee** performs the duties described in rule 4-906 and shall consist of:

- (1)(B)(ix)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(x) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(x)(a) two district court judges;
- (1)(B)(x)(b) four lawyers who primarily represent plaintiffs;
- (1)(B)(x)(c) four lawyers who primarily represent defendants; and
- (1)(B)(x)(d) one person skilled in linguistics or communication.

(1)(B)(xi) The **Committee on Model Utah Criminal Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(xi)(a) two district court judges;
- (1)(B)(xi)(b) one justice court judge;
- (1)(B)(xi)(c) four prosecutors;
- (1)(B)(xi)(d) four defense counsel; and
- (1)(B)(xi)(e) one person skilled in linguistics or communication.

(1)(B)(xii) The **Committee on Pretrial Release and Supervision** performs the duties described in rule 3-116 and shall consist of:

- (1)(B)(xii)(a) two district court judges;
- (1)(B)(xii)(b) two justice court judges;
- (1)(B)(xii)(c) one prosecutor;
- (1)(B)(xii)(d) one defense attorney;
- (1)(B)(xii)(e) one county sheriff;
- (1)(B)(xii)(f) one representative of counties;
- (1)(B)(xii)(g) one representative of a county pretrial services agency;
- (1)(B)(xii)(h) one representative of the Utah Commission on Criminal and Juvenile Justice;
- (1)(B)(xii)(i) one commercial surety agent;
- (1)(B)(xii)(j) one state senator;
- (1)(B)(xii)(k) one state representative;
- (1)(B)(xii)(l) the Director of the Indigent Defense Commission or designee;
- (1)(B)(xii)(m) one representative of the Utah Victims' Council;
- (1)(B)(xii)(n) one representative of a community organization actively engaged in pretrial justice issues;
- (1)(B)(xii)(o) one chief of police; and
- (1)(B)(xii)(p) the court's general counsel or designee.

(1)(B)(xiii) The **Committee on Court Forms** performs the duties described in rule 3-117 and shall consist of:

- (1)(B)(xiii)(a) two district court judges;
- (1)(B)(xiii)(b) one court commissioner;
- (1)(B)(xiii)(c) one juvenile court judge;
- (1)(B)(xiii)(d) one justice court judge;
- (1)(B)(xiii)(e) one court clerk;
- (1)(B)(xiii)(f) one appellate court staff attorney;
- (1)(B)(xiii)(g) one representative from the Self-Help Center;
- (1)(B)(xiii)(h) the State Law Librarian;
- (1)(B)(xiii)(i) the district court administrator or designee;



(1)(B)(xiii)(j) one representative from a legal service organization that serves low-income clients;

(1)(B)(xiii)(k) one paralegal;

(1)(B)(xiii)(l) one educator from a paralegal program or law school;

(1)(B)(xiii)(m) one person skilled in linguistics or communication;

(1)(B)(xiii)(n) one representative from the Utah State Bar; and

(1)(B)(xiii)(o) the LPP administrator.

(1)(B)(xiv) The **Committee on Fairness and Accountability** performs the duties described in rule 3-420. The committee shall include members who demonstrate an interest in, or who have experience with, issues of diversity, equity, and inclusion and shall consist of:

(1)(B)(xiv)(a) three ~~one~~ sitting judges;

(1)(B)(xiv)(b) four ~~three~~ current or former judicial officers;

(1)(B)(xiv)(c) the General Counsel or designee; ~~and~~

(1)(B)(xiv)(d) one representative of the community;

(1)(B)(xiv)(~~e~~) the Director of the Office of Fairness and Accountability;  
and

(1)(B)(xiv)(f) the Director of Data and Research.

(1)(B)(xv) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in rule 3-421, and shall consist of:

(1)(B)(xv)(a) **Judiciary** representatives:

(1)(B)(xv)(a)(i) two or more district court judges;

(1)(B)(xv)(a)(ii) two or more district court judicial support staff with experience in guardianship matters;

(1)(B)(xv)(a)(iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP)

(1)(B)(xv)(a)(iv) one representative from the Court Visitor Program; and

(1)(B)(xv)(a)(v) the General Counsel or designee.

(1)(B)(xv)(b) **Community stakeholder** representatives:

(1)(B)(xv)(b)(i) one representative from Adult Protective Services;

(1)(B)(xv)(b)(ii) one representative from Disability Law Center;

(1)(B)(xv)(b)(iii) one representative from Adult and Aging Services;

(1)(B)(xv)(b)(iv) one representative from Office of Public Guardian;

(1)(B)(xv)(b)(v) one representative from the Utah State Bar;

(1)(B)(xv)(b)(vi) one representative from Office of the Attorney General;

(1)(B)(xv)(b)(vii) one representative from the Utah legislature;

(1)(B)(xv)(b)(viii) one representative from the Utah Commission on Aging;

(1)(B)(xv)(b)(ix) one representative from Utah Legal Services; and

(1)(B)(xv)(b)(x) the Long-Term Care Ombudsman or designee.

(1)(B)(xv)(c) **Individual community** representatives. ~~Three~~ Three or more community stakeholders representing:

(1)(B)(xv)(c)(i) mental health community;

(1)(B)(xv)(c)(ii) medical community;

(1)(B)(xv)(c)(iii) private legal community that specializes in guardianship matters;

(1)(B)(xv)(c)(iv) aging-adult services community;

(1)(B)(xv)(c)(v) educator from a legal program or law school;

(1)(B)(xv)(c)(vi) organization serving low-income, minorities, or marginalized communities;

(1)(B)(xv)(c)(vii) citizens under or involved in guardianship; and

(1)(B)(xv)(c)(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Except for the Committee on Judicial Fairness and Accountability, council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

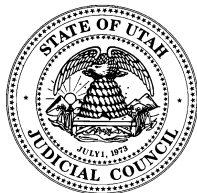
(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

303 (3)(C) **Expenses.** Members of standing and ad hoc committees may receive  
304 reimbursement for actual and necessary expenses incurred in the execution of their  
305 duties as committee members.

306 (3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's  
307 committees.

308 *Effective May/November ~~123~~, 202~~32~~*



# Administrative Office of the Courts

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

February 16, 2023

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

## MEMORANDUM

**TO: Judicial Council**

**FROM: Jon Puente, Director OFA**

**RE: Committee on Fairness and Accountability**

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Committee on Fairness and Accountability asks to ammend Rule 1-205(1)(B)(xiv). The “Committee” believes this change will further aid in providing support and guidance to the Office of Fairness and Accountability, and expand its expertise and guidance to the Judicial Council regarding how to best support the work of the Office of Fairness and Accountability.

The propose change to Rule 1-205(1)(B)(xiv) is as follows,

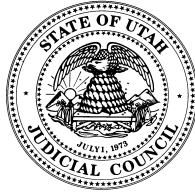
- From one sitting judge to three sitting judges
- From three current or former judicial officers to four
- Adding a community member representative
- Adding the Director of Data and Research.

It is recommended to the Judicial Council that the following be considered for these vacancies.

- Justice Jill Pohlman, sitting judge
- Judge Todd Shaughnessy, sitting judge
- Former Justice Michael Zimmerman, former judicial officer
- Shawn Newell, community representative
- Tucker Samuelson, Director of Data and Research

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

# Tab 10



## Administrative Office of the Courts

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

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

### MEMORANDUM

TO: Management Committee

FROM: Jim Peters  
Justice Court Administrator

DATE: February 6, 2023

RE: Garfield County's Request for a Waiver of the Justice Court Operating Standard  
Requiring That Court Be Held Every Other Week

---

On January 17, 2023, the Judicial Council considered a request to recertify each of the county justice courts. Garfield County, which operates a Class III justice court, submitted an application that asked the Judicial Council to waive the requirement that court be held at least every other week. Because the data provided to the Judicial Council was insufficient to justify a waiver, the Garfield County Justice Court was recertified for another four-year term—but its request to hold court only once per month was denied until more information could be provided.

Justice courts are classified according to the average number of cases filed each month. This scheme is statutory; Section 78A-7-101(2) of the Utah Code provides that a Class I Court is one that averages 501 or more case filings per month; a Class II Court is one that averages 201-500 case filings per month; a Class III Court is one that averages 61-200 case filings per month; and a Class IV Court is one that averages 60 or fewer case filings per month. While some operating standards apply universally to every class of court, others vary depending on a court's classification. The frequency with which court must be held is such a standard; it varies depending on the average number of cases filed in a given court each month.

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

Because the Garfield County Justice Court received an average of 171 cases per month last year, it is classified by statute as a Class III justice court. As such, the Judicial Council's operating standards require that Garfield County hold court at least every other week. (Once revisions to Appendix B of the Code of Judicial Administration take effect on May 1, 2023, that standard will require that court be held at least twice per month.) As this requirement is not statutory, however, the Judicial Council has authority to waive it.

Attached is a breakdown of the 2052 cases filed in the Garfield County Justice Court in 2022. It shows that nearly 92% (or 1,886) of the cases adjudicated by that court last year were traffic cases and, of those, less than 9% (or 160) of them were contested in court. Criminal cases accounted for another 8% (or 162) of total filings. These cases, together with the four small claims cases filed last year, indicate that less than 16% (or 326) of the cases filed in the Garfield County Justice Court require a court appearance. That's about 27 cases per month.

The Data and Research Department was asked to provide some additional information. In particular, it looked for any case filed pursuant to Chapter 36 or Title 77 (the Cohabitant Abuse Procedures Act). It found that only two of the court's 130 misdemeanors last year were explicitly tagged as Domestic Violence (DV) cases. Despite the small number, the court was asked to explain its process when cases like these need a hearing before the next regularly scheduled court date.

In response to this question, the court indicated that it handles such "special circumstances" like DV and other urgent matters by working around the hearings that Judge Larsen, Judge Bagley, and Judge Keisel already have scheduled for the courtroom (which they all share) and scheduling hearings outside their regularly scheduled day and time as soon as possible. That was only necessary twice in 2022, but the court is willing to do it as often as may be necessary. For that reason, together with the fact that the statutory scheme for classifying justice courts is oversimplified, the Board of Justice Court Judges, after again discussing the request at its meeting on January 27, 2023, continues to support a waiver for the Garfield County Justice Court. As such, I would request that Garfield County's request be advanced to the Judicial Council for further discussion at its February 27 meeting. Thank you for your consideration.



GARFIELD COUNTY JUSTICE COURT  
Filing Summary Report

## ALL CASES

Report Period: 01/01/2022 - 12/31/2022

Case Type	Count	Percent
-----	-----	-----
CRIMINAL		
State Felony	0	.00%
Misdemeanor	130	80.25%
Infraction	17	10.49%
Not Applicable	0	.00%
Special Matters	0	.00%
Misdemeanor DUI	15	9.26%
TOTAL CRIMINAL	162	7.89%
-----		
TRAFFIC		
Deferred Traffic Pro	0	.00%
Parking Citation	0	.00%
Parking Court Case	0	.00%
Traffic Citation	1,726	91.52%
Traffic Court Case	160	8.48%
TOTAL TRAFFIC	1,886	91.91%
-----		
GENERAL CIVIL		
Contempt	0	.00%
Miscellaneous	0	.00%
Small Claim	4	100.00%
Small Claims - Govt	0	.00%
Small Claims/Park TP	0	.00%
TOTAL GENERAL CIVIL	4	.19%
-----		
GRAND TOTAL	2,052	100.00%

# Tab 11

Agenda



# Administrative Office of the Courts

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

February 14, 2023

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

## MEMORANDUM

**TO:** The Management Committee

**FROM:** Amy Hernandez, Domestic Violence Program Coordinator  
Jordan Murray, Grants Coordinator

**RE:** Violence Against Women Act (VAWA) Grant Renewal Application for Fiscal Years 2024 and 2025 for the Domestic Violence Program (DVP)

Dear Management Committee:

We kindly request the committee's review and consideration to submit a grant renewal application pursuant to UCJA Rule 3-411(12) as the award amount, material conditions of the grant, number and classification of funded employees, and incremental impact assessment remain unchanged from the prior grant cycle. See *Exhibit A*. The Domestic Violence Program (DVP) intends to submit a renewal application for the Violence Against Women Act (VAWA) grant to the Utah Office for Victims of Crime (UOVC) for FY-2024. In addition to securing funds for FY-2024 (\$75,000), this application also renews the two-year VAWA grant cycle scheduled to conclude in FY-2025.

The VAWA grant funds two part-time positions: the Domestic Violence Program Coordinator position (50% of an FTE; 1040 hours annually) and the Tribal Outreach Program Coordinator (12.5% of an FTE; 260 hours annually). These are existing positions established during previous grant cycles and no change to the number of permanent full or part-time employees supported by VAWA funds are requested.

We ask the committee to consider their recommendation of this request for the Judicial Council's consent calendar on February 27, 2023.

Thank you.

*Enclosed (1)*

*Exhibit A: Code of Judicial Administration Rule 3-411 Grant management (12) Renewals*

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## EXHIBIT A

### UCJA Rule 3-411. Grant management.

#### **UCJA Rule 3-411 (12) Renewing the grant**

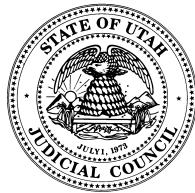
(12)(A) Judicial Council approval is required for grant renewal, even when there are no changes to scope, purpose, employees, matching, funding amount, or other areas, or when the prior assessment and/or Legislature approvals will not need to be revised. With appropriate documentation and the recommendation of BFMC, the Management Committee may review and confirm the grant renewal for Judicial Council approval in the consent calendar.

(12)(B) If a grant renewal involves a change that requires a new incremental assessment, or a change to the number of permanent full or part-time employees, or a grant amount requiring a different approval level than previously obtained, the Grant Coordinator will perform the steps in paragraphs (4)(5)<sup>1</sup>. If the grant qualifies, the Grant Coordinator will resubmit the grant to the BFMC and Judicial Council for approval.

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<sup>1</sup> [UCJA Rule 3-411 \(4\) Assessment; \(5\) Approval of Grant Applications Proposals](#)

Agenda



## Administrative Office of the Courts

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

February 14, 2023

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

### MEMORANDUM

**TO: The Management Committee**

**FROM: Jordan Murray, Grant Coordinator;  
Shane Bahr, District Court Administrator  
Katy Burke, Statewide Treatment Court Coordinator**

**RE: Request to Renew Funding for FY-2023 State Asset Forfeiture Grant (SAFG)**

Dear Management Committee:

We kindly request the committee's review and consideration to submit a grant renewal application pursuant to UCJA Rule 3-411(12) as the award amount, material conditions of the grant, and AOC resource impact assessment remain unchanged from the prior year. See *Exhibit A*. This funding is provided by the Utah Commission on Criminal & Juvenile Justice (CCJJ) in support of the courts' FY-2023 treatment court training initiatives. CCJJ administers SAFG funds through state forfeitures collections in Utah's Criminal Forfeiture Restricted Account (CFRA). These funds are awarded to governmental agencies through a non-competitive formula process. The SAFG program provides funds for criminal justice services throughout the state and has a precedent for supporting annual training initiatives pursued by the treatment courts.

Our partners at CCJJ have indicated there is again \$25,000 reserved for the courts to support court staff attendance at the National Association of Drug Court Professionals, "Rise23" Conference in Houston, TX, June 25-29, 2023. If approved, funds may be reimbursed anytime between now and June 30, 2023. We ask the committee to consider their recommendation of this request for the Judicial Council's consent calendar on February 27, 2023.

Thank you.

*Enclosed (1)*

*Exhibit A: Code of Judicial Administration Rule 3-411 Grant management (12) Renewals*

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.

EXHIBIT A  
UCJA Rule 3-411. Grant management.

**UCJA Rule 3-411 (12) Renewing the grant**

(12)(A) Judicial Council approval is required for grant renewal, even when there are no changes to scope, purpose, employees, matching, funding amount, or other areas, or when the prior assessment and/or Legislature approvals will not need to be revised. With appropriate documentation and the recommendation of BFMC, the Management Committee may review and confirm the grant renewal for Judicial Council approval in the consent calendar.

(12)(B) If a grant renewal involves a change that requires a new incremental assessment, or a change to the number of permanent full or part-time employees, or a grant amount requiring a different approval level than previously obtained, the Grant Coordinator will perform the steps in paragraphs (4)(5)<sup>1</sup>. If the grant qualifies, the Grant Coordinator will resubmit the grant to the BFMC and Judicial Council for approval.

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<sup>1</sup> [UCJA Rule 3-411 \(4\) Assessment; \(5\) Approval of Grant Applications Proposals](#)

# Tab 12

Agenda

**UTAH JUDICIAL COUNCIL  
STANDING COMMITTEE ON MODEL UTAH CRIMINAL JURY  
INSTRUCTIONS  
MEMO TO CHIEF JUSTICE DURRANT**

January 31<sup>st</sup>, 2023  
Judge James Blanch – Chair

Dear Chief Justice Durrant:

I would like to thank you and the Judicial Council for your many years of support while I have chaired the Standing Committee on Model Utah Criminal Jury Instructions. After ten years of service on the Committee, including more than nine years as the chair, I'm writing to inform you of my desire to transition out of this role and allow another qualified individual to take this position. Although a selfish part of me wishes to continue in my present role, I believe stepping aside to make room for someone else to participate is consistent with the philosophy behind the term limitations the Judicial Council has wisely chosen to put in place for regular Committee members.

The Utah Code of Judicial Administration states, "The Judicial Council shall designate the chair of each standing committee." *Rule 1-205(1)(C)*. As such, the responsibility for selecting and appointing my replacement rests with you. But I have an excellent recommendation for my replacement.

Judge Teresa Welch joined our Committee in September 2021 and has served diligently and faithfully since. As you are likely aware, during Judge Welch's long pre-judicial career with the Salt Lake Legal Defender Association, she spent years working on both the trial and appellate levels in criminal cases, grappling with the very issues the Committee routinely discusses in formulating model instructions for parties to use at trial. And in her present capacity, Judge Welch possesses the quality and integrity for which Utah jurists are well known. In short, I believe Judge Welch can provide the stewardship necessary to move the Committee's short- and long-term goals forward, and I highly recommend the Council appoint her in my place as chair of the Committee.

If you have any questions while considering my replacement or recommendation, I would be glad to meet with you and assist you in any way I can. Again, please accept my sincere gratitude for giving me the opportunity to serve in this important role. I will always value the role you've allowed me to play in shaping the development of our state's Model Criminal Jury Instructions.

Sincerely,  
Judge James Blanch



# Tab 13

## Agenda

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In the District Court of Utah

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

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

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

**Order of Eviction and Notice That  
You Must Move  
(Order of Restitution)**

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

\_\_\_\_\_  
Judge

To the defendants:

You are ordered to move out of \_\_\_\_\_ (address).

You must move out within 3 calendar days of when this Order was served on you, unless a different date is specified below:

[ ] you must move out by \_\_\_\_\_:\_\_\_\_\_ (time) on \_\_\_\_\_ (date).

Move out means leave the premises, take all your belongings and leave any keys or access cards. You and any person claiming a right to live there from you must move out and allow the plaintiff to have access to and control of the premises.

If you do not follow this order, you may be forcibly removed from the property by the sheriff or a constable. They will use the least destructive means possible to remove you, your personal property, and any persons who claim to have received a right to live there from you.

**To the sheriff or constable:**

If the defendants are served with this order and fail to vacate the property as ordered, you are ordered to enter the premises by force using the least destructive means possible to remove the defendants, any personal property of the defendants and any persons claiming a right to occupancy from the defendants.

Judge's signature may instead appear at the top of the first page of this document.

\_\_\_\_\_  
Date

Signature ►

\_\_\_\_\_  
Judge

## Notice to Defendant

### Your options

Move out. Take your important documents, medicine, medical supplies, and cherished objects.

Try to work something out with your landlord.

If you want to ask the court to stop the eviction you can file both of these:

- a Motion to Set Aside Judgment. This asks the court to undo the eviction order. The court must wait 14 days before it can rule on the motion unless you ask the court to delay enforcement of the order.
- a Motion to Delay Enforcement of Judgment. This asks the court to delay the eviction order. The eviction could still move forward unless you ask the court to set aside the eviction order. But the court cannot grant the motion to delay unless you post a bond for a large enough amount to pay the landlord's probable costs, attorney fees, and damages (including unpaid rent) if the court decides in favor of the landlord. Any prepaid rent is a portion of the tenant's bond.

You can find forms and guidance at [www.utcourts.gov/out](http://www.utcourts.gov/out) [We will also add a QR code]

If you do not know where you will be able to stay, call 211 on your phone for help in your county.

### Even though you are being evicted, you still have rights

Even though you must move, you can still do the following things. You can require your landlord to give you the following property back within **5 business days**, without paying anything:

- clothing
- identification
- financial documents, including all those related to your immigration or employment status
- documents about the receipt of public services, and
- medical information, prescription medications, and any medical equipment required for maintenance of medical needs

You can get your other belongings back, but you must make a written request to your landlord within **15 calendar days** after your eviction. Your landlord can charge you a reasonable storage and moving fee.

If you are not able to get your belongings as explained above, you can ask for a hearing in front of a judge. The hearing would be to talk about problems with getting your belongings. To ask for a hearing, file a form called "Request for Hearing After Eviction Because My Rights are Being Violated." The landlord must have the sheriff or constable serve this form with you along with this order. Your request for a hearing will not stop the eviction.

**Update the court and the landlord with your contact information**

The landlord could file paperwork in your case asking for a money judgment and could file paperwork asking to increase the judgment amount. Update your contact information so you will receive what is being filed and have the opportunity to respond.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Phone

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

\_\_\_\_\_  
Email

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

In the District Court of Utah

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

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

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)

**Notice of Disclosure Requirements  
in Domestic Relations Cases**

(Utah Rule of Civil Procedure 26.1)

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

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

1. We are involved in one of these cases:

- divorce.
- separate maintenance.
- temporary separation.
- Parentage.

- child custody.
- child support.
- domestic order modification.

2. We must give each other ("disclose") the following documents:

- **Initial Disclosures.** (The court-approved Initial Disclosures form is available at [www.utcourts.gov](http://www.utcourts.gov).)
- **Financial Declaration and required attachments.** (The court-approved Financial Declaration form is available at [www.utcourts.gov](http://www.utcourts.gov).)
  - Documents verifying the amounts for every item listed in the Financial Declaration (excluding monthly expenses).
  - Federal and state income **tax returns** for the **past two tax years** before the petition in this case was filed. If you don't have these, contact the IRS or the State Tax Commission.
  - **Pay stubs** and other evidence of income for the **past 12 months**.
  - All loan applications and financial statements from the 12 months before the petition was filed.
  - Documents verifying the value of all real estate in which you have an interest. This includes the most recent appraisal, tax valuation, and refinance documents.
  - All statements for the **3 months** before the petition was filed for all financial accounts. This includes, but is not limited to, checking, savings, credit cards, money transfer apps, money market funds, certificates of deposit, brokerage, investment, and retirement.
  - If you do not have some of the above documents, you may estimate the amounts. You must explain on the Financial Declaration how you chose the estimated amount and why the documents are not available.

**Commented [KT1]:** We will add QR code and short url before posting.

**Commented [KT2]:** We will add QR code and short url before posting.

We do not have to disclose all of the information above if our case does not involve dividing property or other valuables. This could include paternity, modification, and grandparents' rights cases. If we are not dividing property or other valuables in our case we must only serve:

- each of our three most recent paystubs and the previous year tax return;
- if one of us is self-employed, that person must serve six months of bank and profit and loss statements; and
- proof of any other assets or income relevant to the calculation of child support.

The court may require each of us to complete a full Financial Declaration for any reason. Either of us can ask the other person to fill out a complete Financial Declaration. If we need help, we can ask the court at the case management conference.

2. Within 14 days after the answer is filed, we must send to one another our Financial Declarations and all required attachments.
3. If either of us do not disclose all assets and income in the Financial Declaration and attachments, that person may be subject to sanctions. (Utah Rule of Civil Procedure 37). Sanctions may include awarding assets to the other person, requiring you to pay the other person's attorney's fees, or other sanctions decided by the court.
4. If we agree to settle all the terms of your case, we may not have to send the Initial Disclosures form and the Financial Declaration.

### Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Disclosure Requirements in Domestic Relations Cases 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 ► \_\_\_\_\_

\_\_\_\_\_

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



# Tab 14

## Agenda



# Administrative Office of the Courts

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

February 7, 2023

Ronald Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State 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 6-507. Court visitors.**

The proposed amendments:

1. replace “protected person” and “ward” with “respondent” where applicable;
2. clarify who may receive a court visitor report or notice (lines 68-75);
3. require the court visitor to file a Council-approved Order on Review form (lines 85-87);
4. delete the reference to language access because language access is addressed elsewhere in the Code of Judicial Administration (lines 59-62); and
5. provide the court with broad discretion in taking action on a report (lines 101-109).

### **CJA 3-414. Court security.**

The proposed amendments:

1. require officers in plain clothes to wear something that identifies them as law enforcement officers (lines 170-172);
2. require officers to use a duty-type holster with a user-operated restraining device if a firearm is visible (lines 173-174);
3. clarify who is allowed to carry firearms in courthouses (lines 199-204); and
4. otherwise clean up or streamline the rule.

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 6-507. Court visitors.****Intent:**

To set forth the appointment and role of court visitors. To establish a process for the review of court visitor reports.

**Applicability:**

This rule applies to court visitors s and their reports in guardianship and conservatorship eases proceedings.

**Statement of the Rule:****(1) Definition and visitor requirements.**

~~(1)(A) A “visitor” is, with respect to guardianship and conservatorship proceedings, a person who is trained in law, nursing, or social work and is an officer, employee, or special appointee of the court with no personal interest in the proceedings whose role is to investigate, observe, and report to the court, but is not to determine capacity of the respondent.~~

~~(1)(B) A visitor is trained in law, nursing, or social work either through life experience or through completing any training required by the court visitor program.~~

~~(1)(C) A visitor must complete any training required by the court visitor program.~~

**(2) Appointment and role of court visitor.** Upon its own initiative or motion of a party or any person interested in the welfare of an incapacitated person ~~an “interested person,” as that term is defined in Utah Code section 75-1-201,~~ the court shall appoint a court visitor in a guardianship or conservatorship proceeding to conduct an inquiry into whether to waive the respondent’s presence at the hearing under Utah Code section 75-5-303(5)(a), or to confirm a waiver of notice submitted by the respondent in a guardianship or conservatorship proceeding under Sections 75-5-309(3) or 75-5-405(1). ~~The~~ the court may appoint a court visitor in a guardianship or conservatorship proceeding to ~~conduct an inquiry into do~~ the following:

~~(2)(A) whether to waive the respondent’s presence at the hearing under Section 75-5-303(5)(a);~~

~~(2)(B) to confirm a waiver of notice submitted by the respondent in a guardianship or conservatorship proceeding under Sections 75-5-309(3) or 75-5-405(1);~~

(2)(AG) to investigate the respondent's circumstances and well-being, including when an attorney is not appointed under Utah Code section 75-5-303(5)(d);

(2)(BD) to review annual reports from the guardian and conservator or gather additional financial information;

(2)(CE) to locate guardians, conservators, and respondents;

(2)(DF) to investigate the proposed guardian's future plans for the respondent's residence under Section 75-5-303(4); ~~or~~

(2)(E) to meet with the adult protected person to determine their wishes regarding association under Section 75-5-312.5; or

(2)(EG) to conduct any other investigation or observation as directed by the court.

(3) **Motion to excuse respondent or confirm waiver of noticehearing.** The petitioner, the respondent, or any interested person seeking to excuse the respondent or confirm a waiver of hearingnotice submitted by respondent under Utah Code Section 75-5-309(3) or 75-5-405(1), shall file an ex parte motion and request to submit for decision at least 21 days prior to the hearing.

(3)(A) Upon receipt of the motion, the court shall appoint a court visitor to conduct an investigation in accordance with paragraph (2) unless a court visitor is not required under Utah Code section 75-5-303.

(3)(B) Upon appointment to conduct an inquiry into whether to excuse the respondent from the hearing, the court visitor maywill:

(3)(B)(i) interview the petitioner, the proposed guardian, and the respondent;

(3)(B)(ii) visit the respondent's present dwelling or any dwelling in which the respondent will reside if the guardianship or conservatorship appointment is made;

(3)(B)(iii) interview any physician or other person who is known to have treated, advised, or assessed the respondent's relevant physical or mental condition;

(3)(B)(iv) confirm a waiver of notice if submitted by the respondent; and

(3)(B)(~~iv~~) conduct any other investigation the court directs.

(4) **Other inquiries.** If the court appoints a visitor under paragraphs ~~(2)(B) through (2)(G)~~, the court visitor will conduct the inquiry in accordance with the court's order ~~or of~~ appointment.

~~(5) **Language access.** If the court visitor does not speak or understand the respondent's, proposed guardian's, proposed conservator's, or petitioner's primary language, the court visitor must use an interpretation service approved by the Administrative Office of the Courts to communicate with the respondent, proposed guardian, proposed conservator, or petitioner.~~

~~(5)(6)~~ **Court visitor report.**

(5)(A) **Filing of court visitor report.** The court visitor program must file the court visitor report by the deadline set forth in the order of appointment. If a hearing has been scheduled and there is no deadline in the order of appointment, the court visitor report should be filed at least five days prior to the hearing.

~~(5)(BA)~~ **Service of the court visitor report.** Except for court visitor appointments made under paragraph (2)(~~CE~~), in accordance with **Rule 5** of the Utah Rules of Civil Procedure and unless otherwise ordered by the court, the court visitor program must ~~file and serve thea~~ court visitor report upon ~~all parties and upon any interested person who has requested the appointment of the court visitor~~ (1) the petitioner under Utah Code section 75-5-303 and the proposed guardian or conservator if different from the petitioner; (2) persons entitled to notice pursuant to Utah Code section 75-5-309; and (3) any person who has requested notice under Utah Code Title 75.

~~(5)(CB)~~ **Request to Submit for Decision.** Upon the filing of the court visitor report, the court visitor program must file a request to submit for decision. In cases involving a motion to excuse the respondent from a hearing, the court visitor program must also file a court-approved proposed order. ~~The court visitor program will file with each court visitor report a request to submit for decision.~~

~~(6)(C) **Report regarding waiver of respondent's presence.** In cases involving a motion to excuse the respondent from the hearing, the court visitor will file with the report a court-approved proposed order. The report, a request to submit for decision, and a proposed order will be filed five days before the hearing.~~

(5)(D) **Order on Review of Guardianship or Conservatorship Reports ("Order on Review").** Upon filing the court visitor report, the court visitor program must include the Judicial Council-approved Order on Review, which shall be filed as a proposed order.

(6) **Objecting to the court visitor report.** Within 7 days of service of the court visitor report, a person who has been served with a copy of the report under paragraph (5)(B) may file a written objection and request for a hearing on the ground that the court visitor exceeded the scope of

the court's order of appointment. No other objections to a court visitor report are permitted. The court may rule on the objection, request briefing on the objection, and/or set a hearing on the objection.

**(7)(8) Court findingsaction on reports.**

**(78)(A) Reports regarding waiver-excusing ef-respondent's presence or confirming waiver of notice.** When a court visitor has filed a report regarding a request to excusewaive the respondent's presence at the hearing pursuant to Utah Code Section 75-5-303, or confirming a waiver of notice pursuant to Section 75-5-309(3) or 75-5-405(1), the court will issue findings and an order as to the waiver regarding the request to excuse or the waiver of notice at least two days prior to the hearing upon which the request has been made.

**(78)(B)All other reportsReport Approval and Action.** When a court visitor has filed a report and request to submit for decision involving matters other than the waiver of the respondent's presence, the court will issue findings and an order as to those matters in accordance with the timelines of Rule 3-101.review the report and take appropriate action on the report, as designated on the filed proposed Order on Review. This action may include issuing a decision, requesting further information from the court visitor or the parties, or scheduling the matter for a hearing. If the parties are attempting to resolve the issues raised in the report through mediation, the court may enter an order staying the matter until mediation is completed.

**(87) Termination of court visitor appointment.** The appointment of the court visitor terminates and the court visitor is discharged from the court visitor's duties upon the date identified in the order of appointment or as otherwise ordered by the court. The court may extend the appointment with or without a request from a party.

Effective May/November 1, 202\_9

**Rule 3-414. Court Security****Intent:**

To promote the safety and well-being of judicial personnel, members of the bar, and citizens utilizing the courts.

To establish uniform policies for court security consistent with Utah Code Section 78A-2-203.

To delineate responsibility for security measures by the Council, the administrative office, local judges, court executives, and law enforcement agencies.

**Applicability:**

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

~~Section Paragraphs (7) and (8) on weapons~~ shall not apply to trial exhibits.

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

(1)(A) **Court security**. ~~Court security~~ includes the procedures, technology, and architectural features needed to ensure the safety and protection of individuals within the courthouse and the integrity of the judicial process. Court security is the joint effort of law enforcement and the judiciary to prevent or control such problems as, disorderly conduct, physical violence, theft, bomb threats, prisoner escapes, assassinations, and hostage situations.

(1)(B) **Key manager**. ~~A key manager is means~~ a person authorized by ~~the~~ court executive or ~~the~~ dDeputy sState cCourt aAdministrator to issue, retrieve, activate, and deactivate keys ~~and/or~~ access cards to courthouses in their districts.

(1)(C) **Presiding judge**. ~~As used in this rule, presiding judge~~ includes the judge of a single-judge courthouse. The presiding judge may delegate the responsibilities of this rule to another judge.

**(2) Responsibilities of the Council.**

(2)(A) The Council shall ensure that all design plans for renovation or new construction of court facilities are reviewed for compliance with The Utah Judicial System Design Standards published by the administrative office.

(2)(B) As a condition for ~~the justice court certification of a new justice court or the continued or recertification of an existing justice court~~, the Council shall require the justice court ~~shall to~~ file an acceptable local security plan with the cCourt sSecurity dDirector ~~and shall file, including any~~ amendments to the plan ~~with the Court Security Director~~ as amendments are made. The local security plan shall provide for the

presence of a law enforcement officer or constable in court during court sessions or a reasonable response time by the local law enforcement agency upon call of the court.

**(3) Responsibilities of the Administrative Office.**

(3)(A) The state court administrator shall appoint a ~~c~~Court ~~s~~Security ~~d~~Director who shall:

(3)(A)(i) review and keep on file copies of all local security plans; and

(3)(A)(ii) periodically visit the various court jurisdictions to offer assistance in the development or implementation of local security plans.

(3)(B) The state court administrator shall appoint a court executive in each judicial district to serve as a local security coordinator.

(3)(C) The ~~c~~Court ~~s~~Security ~~d~~Director shall promulgate general security guidelines to assist local jurisdictions in the development of court security plans.

**(4) Responsibilities of the court executive.**

(4)(A) The court executive designated as the local security coordinator shall:

(4)(A)(i) in consultation with the law enforcement administrator responsible for security and with the judges responsible for the security plan, develop and implement a local security plan for each court ~~of record~~ facility within the district;

(4)(A)(ii) annually review the local security plan with the presiding judge and the law enforcement administrator to identify deficiencies in the plan and problems with implementation;

(4)(A)(iii) file an acceptable local security plan with the ~~c~~Court ~~s~~Security ~~d~~Director; and

(4)(A)(iv) file amendments to the plan with the ~~c~~Court ~~s~~Security ~~d~~Director as amendments are made.

(4)(B) The local security plan for a courthouse and any amendments to it shall be approved by a majority of the judges ~~of in~~ the judicial district ~~of any court level that~~ regularly occupying the courthouse, including the justices of the Supreme Court, the judges of the Court of Appeals, district court judges, juvenile court judges, and all justice court judges who occupy the courthouse. Voting shall be without regard to court level. ~~As used in this subsection the term "judges of the district of any court level occupying the courthouse" shall include all judges of the district court of the district and all judges of the juvenile court of the district regardless of whether a particular judge occupies the courthouse so long as at least one judge of that court level occupies the courthouse. The term also includes the justices of the Supreme Court, the judges of the Court of Appeals and all justice court judges who actually occupy the courthouse.~~



(4)(C) The court executive shall provide a copy of the current local security plan and annual training on the plan to all court personnel, volunteers and security personnel.

(4)(D) The local plan shall clearly delineate the responsibilities between court personnel and law enforcement personnel for all areas and activities in and about the courthouse.

(4)(E) The court clerk or probation officer, under the supervision of the court executive, shall provide timely notice to transportation officers of required court appearances and cancellation of appearances for individuals in custody. The court shall consolidate scheduled appearances whenever practicable and otherwise cooperate with transportation officers to avoid unnecessary court appearances.

(4)(F) To the extent possible, the clerk of the court shall establish certain days of the week and times of day for court appearances of persons in custody in order to permit transportation officers reasonable preparation and planning time. The court shall give priority to cases in which a person in custody is appearing at the courthouses in order to prevent increased security risks resulting from lengthy waiting periods.

**(5) Responsibilities of law enforcement agencies.**

(5)(A) The law enforcement agency with responsibility for security of the courthouse, through a law enforcement administrator, shall:

(5)(A)(i) coordinate all law enforcement activities within the courthouse necessary for implementation of the security plan and for response to emergencies;

(5)(A)(ii) cooperate with the court executive in the development and implementation of a local security plan;

(5)(A)(iii) provide local law enforcement personnel with training as provided in this rule;

(5)(A)(iv) provide court bailiffs; and

(5)(A)(v) provide building and perimeter security.

(5)(B) The law enforcement agency responsible for court security shall be as follows:

(5)(B)(i) The Department of Public Safety for the Supreme Court and the Court of Appeals when they are in session in Salt Lake County. When convening outside of Salt Lake County, security shall be provided by the county sheriff. The Department of Public Safety may call upon the Salt Lake County Sheriff for additional assistance as necessary when the appellate courts are convening in Salt Lake County.

(5)(B)(ii) The county sheriff for district courts and juvenile courts within the county.

(5)(B)(iii) The county sheriff for a county justice court and the municipal police for a municipal justice court. The county or municipality may provide a constable to provide security services to the justice court. If a municipality has no police department or constable, then the law enforcement agency with which the municipality contracts shall provide security services to the justice court.

**(6) Court bailiffs.**

(6)(A) **Qualifications.** Bailiffs shall be “law enforcement officers” as defined in Utah Code Section 53-13-103. At the discretion of the law enforcement administrator and with the consent of the presiding judge, bailiffs may be “special function officers” as defined in Utah Code by Section 53-13-105.

(6)(B) **Training.** Prior to exercising the authority of their office, bailiffs shall satisfactorily complete the basic course at a certified peace officer training academy or pass a waiver examination and be certified. Bailiffs shall complete 40 hours of annual training as established by the Division of Peace Officer Standards and Training. Bailiffs shall receive annual training on the elements of the court security plan, emergency medical assistance and the use of firearms.

(6)(C) **Physical and mental condition.** Court bailiffs shall be of suitable physical and mental condition to ensure that they are capable of providing a high level of security for the court and to ensure the safety and welfare of individuals participating in court proceedings. Bailiffs shall be capable of responding appropriately to any potential or actual breach of security.

(6)(D) **Appointment.** The appointment of a bailiff is subject to the concurrence of the presiding judge.

(6)(E) **Supervision.** The court bailiff shall be supervised by the appointing authority and perform duties in compliance with directives of the appointing authority.

(6)(F) **Responsibilities.** Court bailiff responsibilities shall include but are not limited to the following:-

(6)(F)(i) The bailiff shall prevent persons in custody from having physical contact with anyone other than the members of the defense counsel’s team. Visitation shall be in accordance with jail and prison policies and be restricted to those facilities.

(6)(F)(ii) The bailiff shall observe all persons entering the courtroom, their movement and their activities. The bailiff shall control access to the bench and other restricted areas.

(6)(F)(iii) The bailiff shall search the interior of the courtroom and restricted areas prior to the arrival of any other court participants. Similar searches shall be

conducted following recesses to ensure the room is clear of weapons, explosives, or contraband.

(6)(F)(iv) Bailiffs shall wear the official uniform of the law enforcement agency by whom they are employed.

(6)(F)(v) Bailiffs shall comply with the directives of the judge or commissioner with respect to security related activities and shall perform other duties incidental to the efficient functioning of the court which do not detract from security functions. Activities wholly unrelated to security or function of the court, including personal errands, shall not be requested nor performed.

(6)(F)(vi) Bailiffs shall perform responsibilities provided for in the local court security plan.

(6)(F)(vii) The bailiff shall maintain a clear line of sight of all courtroom participants and shall be between individuals who are in custody and courtroom exits.

**(7) Weapons generally.**

~~(7)(A)(i) A courthouse is presumed to be free of all weapons and firearms unless a local security plan provides otherwise in accordance with this rule. No person may possess an explosive device in a courthouse.~~ Except as permitted by a local security plan in accordance with this rule, no person may possess a weapon, firearm, ammunition, or ~~dangerous weapon~~explosive device in a courthouse.

~~(7)(B)(v) If permitted by a local security plan, court personnel and volunteers may possess an otherwise legal personal protection device, other than a firearm, except while appearing as a party to litigation.~~

(7)(C) Court personnel and volunteers shall not possess a firearm while on duty, regardless of location.

**(8) Firearms.** ~~(7)(A)(ii)~~ All firearms permitted under this rule and a local security plan ~~(7)(A)(ii)(b)~~ shall remain in the physical possession of the person authorized to possess it and shall not be placed in a drawer, cabinet, briefcase or purse unless the person has physical possession of the briefcase or purse or immediate control of the drawer or cabinet or the drawer or cabinet is locked.

~~(8)(A)(ii)(a)~~ **Firearm security.** While in publicly accessible areas of the courthouse, all firearms shall: ~~and~~

~~(8)(A)(i)~~ be carried upon the person ~~and shall be~~ concealed, unless worn as part of a public law enforcement ~~agency~~ uniform, with agency affiliation visible from at least three sides;

(8)(A)(ii) if visible in accordance with (8)(A)(i), be secured in a duty-type holster with a user-operated restraining device; and

(8)(A)(iii) if concealed, be secured with a restraint feature and not visible to the public.

~~shall remain in the physical possession of the person authorized to possess it and shall not be placed in a drawer, cabinet, briefcase or purse unless the person has physical possession of the briefcase or purse or immediate control of the drawer or cabinet or the drawer or cabinet is locked; and~~

~~(7)(A)(ii)(c) shall be secured in a holster with a restraining device.~~

**(87)(B) Persons authorized to possess a firearm or other weapon.**

(87)(B)(i) **Officers.** The following officers may possess a firearm and ammunition in a courthouse if the firearm is issued by or approved by the officer's appointing authority, ~~if~~ possession is required or permitted by the officer's appointing authority and the local security plan, and ~~if~~ the officer presents valid picture identification:

(87)(B)(i)(a) "law enforcement officer," as defined in Utah Code Section 53-13-103;

(87)(B)(i)(b) "correctional officer," as defined in Utah Code Section 53-13-104;

(87)(B)(i)(c) "special function officer," as defined in Utah Code Section 53-13-105;

(87)(B)(i)(d) "federal officer," as defined in Utah Code Section 53-13-106; and

(87)(B)(i)(e) a private security officer, licensed under Utah Code Title 58, Chapter 63, Security Personnel Licensing Act, hired by the court or the court's banker to transport money.

(87)(B)(ii) **Judges and court commissioners.** ~~A judge or law enforcement official and court commissioners,~~ as defined in Utah Code Section 53-5-711, may possess ~~in a courthouse~~ a firearm and ammunition in a courthouse, if for which the judge or ~~law enforcement official~~ court commissioner has a valid certificate of qualification issued under Utah Code Section 53-5-711 and if possession is permitted by the local security plan.

~~(7)(B)(iii) A court commissioner may possess in a courthouse a firearm and ammunition for which the court commissioner has a concealed weapons permit, but only if the court commissioner has obtained the training and annual retraining~~

~~necessary to qualify for a certificate issued under Section 53-5-711 and if possession is permitted by the local security plan.~~

(8)(B)(iii) Court Security Director. The court security director may possess in a courthouse a firearm and ammunition for which the court security director has a concealed weapons permit, but only if possession is permitted by the local security plan and the director has obtained the training and annual retraining necessary to:

(8)(B)(iii)(a) qualify for a certificate issued under Utah Code Section 53-5-711;

(8)(B)(iii)(b) qualify as a Utah police officer firearms instructor in accordance with Utah Administrative Code R728-502-9(4); or

(8)(B)(iii)(c) qualify as a retired law enforcement officer in accordance with United States Code Title 18, Part I, Chapter 44, Section 926C.

~~(87)(CB)(ivii)~~ **Appearing as a party.** A person permitted ~~under subsections (i), (ii), (iii), or (vi)~~ to possess a firearm under paragraph (8)(B) ~~nevertheless~~ shall not possess a firearm in a courthouse or courtroom if the person is appearing ~~at the courthouse~~ as a party to litigation.

(8)(D) Courtrooms. Any person possessing a firearm in a courtroom shall notify the bailiff or the judge.

~~(7)(B)(v) If permitted by the local security plan, court personnel and volunteers may possess in a courthouse an otherwise legal personal protection device other than a firearm. Court personnel and volunteers shall not possess a personal protection device while appearing as a party to litigation. Court personnel and volunteers shall not possess a firearm while on duty.~~

~~(7)(B)(vi) The Court Security Director may possess in a courthouse a firearm and ammunition for which the court security director has a concealed weapons permit, but only if possession is permitted by the local security plan and the director has obtained the training and annual retraining necessary to:~~

~~(7)(B)(vi)(a) qualify for a certificate issued under Section 53-5-711;~~

~~(7)(B)(vi)(b) qualify as a Utah police officer firearms instructor in accordance with Utah Administrative Code R728-502-9(4); or~~

~~(7)(B)(vi)(c) qualify as a retired law enforcement officer in accordance with United States Code Title 18, Part I, Chapter 44, Section 926C.~~

~~(87)(EG)~~ **Firearm training requirements.** ~~(7)(C)(i)~~ To requalify for a certificate issued under Utah Code Section 53-5-711, a judges and court commissioners shall annually complete with a passing score and pass a range qualification course for judges and law

enforcement officials established by the Department of Public Safety or a course established by any law enforcement agency of the state of Utah or its political subdivision for the requalification of its officers.

~~(87)(FD)~~ **Costs.** The cost of firearms, ammunition, initial qualification, requalification, and any other equipment, supplies or fees associated with a certificate of qualification issued under Utah Code Section 53-5-711 shall be the responsibility of the judge or court commissioner and shall not be paid from state funds.

**(98) Security devices and procedures.**

~~(98)~~(A) **Metal detectors.** The use of metal detectors or other screening devices, ~~where~~ present, shall be used by the law enforcement agency responsible for security ~~or~~ or bailiff services.

~~(98)~~(B) **Physical search.** Searches of persons in or about the courthouse or courtroom shall be conducted at the discretion of the law enforcement agency responsible for security when the local law enforcement agency has reason to believe that the person to be searched is carrying a weapon or contraband into or out of the courthouse or when the court so orders. No other person is authorized to conduct such searches. Written notice of this policy shall be posted in a conspicuous place at the entrance to all court facilities.

~~(98)~~(C) **Individuals in custody.** All persons in custody shall be kept in a holding cell, restrained by restraining devices, or supervised at all times while in a courthouse or courtroom, unless otherwise specifically ordered by the judge in whose courtroom the individual appears.

~~(98)~~(D) **Extra security.** In anticipated high risk situations or a highly publicized case, the law enforcement agency responsible for security should, on its own initiative or in response to an order of the court, provide extra security including additional personnel, controlled access, etc. A written operational plan outlining and assigning security duties should be developed in conjunction with the presiding judge, the court executive and the ~~c~~Court ~~s~~Security ~~d~~Director.

~~(98)~~(E) **Courthouse aAccess cControl.** Only judges, court commissioners, court staff, ~~and~~ security, and maintenance staff assigned to the courthouse will be granted access cards ~~s or~~ or keys and only to those areas of the courthouse to which the individual needs access. A court executive may approve access to a courthouse by judges, commissioners, and court staff not assigned to the courthouse, if the court executive determines access is appropriate under the circumstances. No access cards or keys shall be issued solely for convenience purposes. Any exceptions to this rule must be pre-approved, in writing, by the ~~d~~Deputy ~~s~~State ~~c~~Court ~~a~~Administrator.

~~(98)~~(E)(i) **Access cards or keys.** Access cards or keys will be issued by a key manager only with the prior written authorization of ~~at~~the court executive~~(s)~~ or the ~~d~~Deputy ~~s~~State ~~c~~Court ~~a~~Administrator. Detailed recording of all card ~~and~~ and key

transactions will be the responsibility of the key manager. Supervisors shall recover all issued keys and /cards from court personnel who are terminated, suspended or transferred or if loss of privileges is part of an adverse personnel action. Supervisors will return the cards or /keys to the court executive who will deactivate the access card. If the access card is not returned as required, the supervisor will immediately contact the key manager to deactivate the card.

(98)(E)(ii) **Identification.** Court personnel shall possess their court-issued identification at all times when in the courthouse or staff parking area. Court personnel may not loan their identification cards, access cards or keys to others and must report any lost or missing identification or access card or key to the key manager or their direct supervisor as soon as possible after the loss is discovered. Any lost access card will be deactivated before a replacement card is issued.

(98)(E)(iii) **Security screening.** Court personnel with a court-issued identification card may bypass security screening only when they are assigned to that particular courthouse. Court personnel from other courthouses will be required to successfully pass through the security screening area before being allowed entry.

(98)(E)(iv) **Semi-annual review.** The court executive will undertake a semiannual review of access card records to ensure that no unauthorized use is occurring.

(98)(F) **Demonstrations and other activities.** In order to protect the safety and welfare of court customers, no one is permitted to block the entry or exit of a courthouse and no one is permitted to picket, parade, proselytize, demonstrate or distribute leaflets, pamphlets, brochures or other materials inside a courthouse.

**(109) Transportation of persons in custody.**

(109)(A) The federal, state, county or municipal agency with physical custody of a person whose appearance in court is required is responsible for transportation of that person to and from the courtroom.

(109)(B) The transportation officer shall:

(109)(B)(i) remain present at all times during court appearances;

(109)(B)(ii) be responsible for the custody of such persons;

(109)(B)(iii) support the court bailiff in the preservation of peace in the courthouse and courtroom;

(109)(B)(iv) provide advance notice of the transportation and of any extraordinary security requirements to the law enforcement agency responsible for court security, to the judge, and to the bailiff;



320 (109)(B)(v) comply with any regulations of the county sheriff regarding the  
321 transportation of persons in custody to court; and

322 (109)(B)(vi) return the person in custody to the proper place of confinement.

323 (109)(C) The law enforcement agency responsible for court security shall provide  
324 assistance to the transportation officer as circumstances dictate.

325 *Effective: May/November 1, 20\_\_~~18~~*