

JUDICIAL COUNCIL MEETING

AGENDA

June 26, 2023

Revised

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. 9:05 a.m. Recognition of Judge Dennis Fuchs Chief Justice Matthew B. Durrant
(Information)
4. 9:10 a.m. State Court Administrator's Report.....Ron Gordon
(Information)
5. 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 CommitteeJudge Samuel Chiara
Bar Commission.....Margaret Plane, esq.
(Tab 2 - Information)
6. 9:25 a.m. Approval of 2024 Judicial Council ScheduleRon Gordon
(Tab 3 - Action)
7. 9:30 a.m. Problem-Solving Courts Recertifications Judge Dennis Fuchs
(Tab 4 - Action)
8. 9:45 a.m. UCJA Rules 3-414 and 6-507 for Final ApprovalKeisa Williams
(Tab 5 - Action)

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|-----|------------|--|---|
| 9. | 9:55 a.m. | Judicial Conduct Commission Report | Alex Peterson
(Tab 6 - Information) |
| 10. | 10:10 a.m. | Judicial Retention Election Declaration Form | Nick Stiles
Brody Arishita |
| | 10:30 a.m. | Break | |
| 11. | 10:40 a.m. | Board of Senior Judges Report | Judge Kate Appleby
Neira Siaperas |
| 12. | 10:55 a.m. | Uniform Fine Committee Report and Uniform Fine Schedule
Amendments re: HB0030 Wildlife Resources Code Recodification..... | Judge Jennifer Valencia
Michael Drechsel |
| 13. | 11:05 a.m. | Proposed Allocations from the JCTST Account..... | Jim Peters |
| 14. | 11:15 a.m. | Old Business/New Business | All
(Discussion) |
| 15. | 11:25 a.m. | Budget and Grants..... | Karl Sweeney
Alisha Johnson |
| 16. | 11:55 a.m. | Committee on Judicial Outreach Report..... | Judge Elizabeth Hruby-Mills
Jon Puente |
| 17. | 12:05 p.m. | Executive Session | |
| 18. | 12:05 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.

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|--|---------------------------------------|
| 1) Committee Appointments
(Tab 12) | GAL Outreach Committee – Stacy Snyder |
| 2) UCJA Rule 4-202.11 for Public Comment
(Tab 13) | Keisa Williams |

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|--------------------------------------|--------------------|
| 3) Probation Policy
(Tab 14) | Sonia Sweeney |
| 4) Tax Judge Appointment
(Tab 15) | Meredith Mannebach |
| 5) Forms Committee Forms
(Tab 16) | Kaden Taylor |

Tab 1

**JUDICIAL COUNCIL MEETING
Minutes**

May 22, 2023

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

9:00 a.m. – 11:23 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. Michael DiReda
Hon. Ryan Evershed
Hon. Paul Farr
Hon. James Gardner
Hon. Elizabeth Lindsley
Hon. Thomas Low
Hon. Kara Pettit

Excused:

Justice Paige Petersen
Margaret Plane, esq.

Guests:

Emily Ashcraft, Deseret News
Lyndsey Breksa, Utah Family Law TV
Hon. Craig Bunnell, Seventh District Juvenile Court
Judge Michele Christiansen Forster, Court of Appeals
Brett Folkman, TCE First District Court
Justice Diana Hagen, Supreme Court
Erik Johnson, Utah Family Law TV

AOC Staff:

Ron Gordon
Neira Siaperas
Michael Drechsel
Brody Arishita
Shane Bahr
Alisha Johnson
Jace Kinder
Jeremy Marsh
Jordan Murray
Bart Olsen
Jim Peters
Nathanael Player
Nini Rich
Nick Stiles
Karl Sweeney
Sonia Sweeney
Melissa Taitano
Chris Talbot
Keisa Williams
Jeni Wood

Guests Cont.:

Hon. Richard Mrazik, Third District Court
Derick Veater, Chief Probation Officer
Fifth District Court
Elizabeth Wright, Utah State Bar

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Justice Diana Hagen attended on behalf of Justice Paige Petersen and Elizabeth Wright attended on behalf of Margaret Plane.

Motion: Judge Augustus Chin moved to approve the April 24, 2023, Judicial Council meeting minutes, as presented. Judge Brian Brower seconded the motion, and it passed unanimously.

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

Chief Justice Durrant enjoyed Justice John Pearce's inspirational speech at the Bar Admission Ceremony.

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

Ron Gordon thanked the Education team for their work on the spring conferences. Mr. Gordon and Neira Siaperas attended the Judicial Branch Leadership Academy presented by the National Center for State Courts. The agenda was filled with a considerable amount of valuable information. He will share more information with the Council later. A group of court employees will attend the Navajo Nation Summit, which will focus on juvenile justice. They anticipate discussing proposed legislative bills that addressed ICWA.

**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. Judge Kara Pettit said the committee discussed concerns about the national debt limit in relation to available ARPA funds.

Liaison Committee Report:

The committee has not met recently.

Policy, Planning, and Technology Committee Report:

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

Bar Commission Report:

Margaret Plane was unable to attend the meeting. Elizabeth Wright reported that the Bar will hold an online Summer Convention. Their annual meeting will be held at the Law and Justice Center on June 29. Ms. Wright invited the Council members to attend the annual meeting and social event afterwards. The Bar just swore in 131 lawyers and 2 new LPPs. They have 298 Bar applicants for the July exam. The Bar is looking to replace Sam Alba's term on the Executive and Judicial Compensation Commission.

Chief Justice Durrant thanked Ms. Wright for her work at the Bar. He appreciated the Bar's work in addressing mental health.

**5. COMMITTEE ON RESOURCES FOR SELF-REPRESENTED PARTIES
REPORT: (Judge Richard Mrazik and Nathanael Player)**

Chief Justice Durrant welcomed Judge Richard Mrazik and Nathanael Player. Last year the committee's work was reactive to the challenges and opportunities the pandemic presented. Now that things have been somewhat less volatile, the committee has been able to operate more strategically. The committee's work is listed below.

- Review of the landscape of legal issues for self-represented litigants.
- Conduct a strategic review of major issues.
- Two priorities: develop a court navigator program to help self-represented litigants and improve educational materials regarding information and advice.
- Visit with social service providers to better understand their needs and challenges.
- Discuss a possible navigator program and funding needs with other partners.
- Work with the Self-Help Center to develop training for social service providers and court staff regarding legal information and advice.

Judge Pettit asked if the navigator program is designed to get people help and information before it becomes a legal issue. Judge Mrazik confirmed that is part of the design because many people don't initially realize that they have a legal problem. The other goal is to help self-represented litigants have a smoother journey through the legal system. Judge Mrazik said the committee has discussed how to simplify the debt collection process for litigants.

Chief Justice Durrant thanked Judge Mrazik and Mr. Player.

6. COURT FACILITY PLANNING COMMITTEE REPORT: (Judge Michele Christiansen Forster and Chris Talbot)

Chief Justice Durrant welcomed Judge Michele Christiansen Forster and Chris Talbot.

Five-Year Capital Development Plan as of April 2022

- Project #1: Wasatch County, Heber City Courthouse. Proposed expansion of county-owned facility to add a new juvenile courtroom. Estimated cost \$3.8 million spread out over a new 15-year lease. Considerations were made for the number of courtrooms, number of court personnel, the elimination of duplicate spaces to reduce square footage, inclusion of the county justice courtroom, and shelled courtroom spaces for future expansion. He anticipated an opening date of 2025 of the Wasatch Justice Center expansion.
- Project #2: Davis County Courthouse. Proposed new courthouse with up to 14 courtrooms to consolidate the existing Farmington, Layton, and Bountiful Courthouses. Feasibility study to be completed in FY 2023. Estimated cost TBD.
- Project #3: Iron County, Cedar City Courthouse. Proposed expansion of the existing courthouse to add three courtrooms. Estimated cost TBD.
- Project #4: Grand County, Moab Courthouse. Proposed substantial remodel of existing leased courthouse with two courtrooms. Estimated cost TBD.
- Project #5: Utah County, American Fork/Lehi Courthouse. Proposed new courthouse with four courtrooms to replace the city-owned leased facility.

Five-Year Capital Development Plan proposed as of April 2023

- Project #1: Davis County Courthouse. Proposed new courthouse with up to 16 courtrooms to consolidate the existing Farmington, Layton, and Bountiful Courthouses. Feasibility study to be completed in FY 2023. The new facility will be on the current Farmington Courthouse property. It will take two-three years to build a five-story building. Estimated cost approximately \$90-100 million. Mr. Talbot confirmed that the feasibility study will include plans for one courtroom for each judge. An occupancy study on courtroom utilization is currently being conducted. Mr. Talbot explained that if this project is approved, he will create a steering committee to ensure all district needs are being met. Due to the water table in Farmington, there will not be a basement. Judge Elizabeth Lindsley wondered if the juvenile courts should be at a lower level. Mr. Talbot stated that the feasibility study is preliminary since the basic information is needed to seek funding.
- Project #2: Iron County, Cedar City Courthouse. Proposed expansion of the existing courthouse with additional courtrooms. Estimated cost TBD.
- Project #3: Grand County, Moab Courthouse. Proposed substantial remodel of existing leased 2 courtroom courthouse. Estimated cost TBD.
- Project #4: Utah County, American Fork/Lehi Courthouse. Proposed new courthouse with 4 courtrooms to replace the city-owned leased facility.
- Project #5: Richfield Courthouse. Proposed new courthouse with additional courtrooms. Estimated cost TBD.

Motion: Judge Lindsley moved to approve the proposed 5-year capital development plan. Judge Michael DiReda seconded the motion, and it passed unanimously.

Mr. Talbot reviewed the floor plan for the new Manti Courthouse, noting that the groundbreaking ceremony is scheduled for August 21, 2023, with the courthouse estimated to be operational in the winter 2024. Mr. Gordon appreciated Mr. Talbot and his team's expertise on this project.

In FY 2023, the Courts prioritized 32 projects approved by the Legislature with \$6.9 million in funding. To date, 79% of those projects have been completed. In FY 2024, the Courts will work on 78 legislative-approved projects with \$7.7 million in funding.

Mr. Talbot explained that the courtroom funded for the new Business Chancery Court will be housed in the West Jordan Courthouse. This should be complete within the next 12 months.

Chief Justice Durrant thanked Judge Christiansen Forster and Mr. Talbot.

7. BOARD OF APPELLATE COURT JUDGES REPORT: (Judge Michele Christiansen Forster and Nick Stiles)

Chief Justice Durrant welcomed Judge Michele Christiansen Forster and Nick Stiles. The Board will present a budget request for an additional mediator and support staff to expand the appellate mediation office. There are about 50-80 appellate mediations annually. Participants are very happy with the work of the current mediator, Michele Mattsson. They established an

appellate pro bono program for attorneys to assist with appellate cases. This will be especially helpful for self-represented parties.

The appellate courts continue to work towards appellate e-filing capability. They are working with JPEC on how appellate judges are evaluated. The Board is leaning toward the presumption that oral arguments will be held in person, but the Board remains open to a hybrid hearing, if requested by a party. The appellate courts have not had any staff turnover for a year other than two retirements. They believe the continued hybrid working conditions may have played a role in this.

Chief Justice Durrant thanked Judge Christiansen Forster and Mr. Stiles.

8. BOARD OF JUVENILE COURT JUDGES REPORT: (Judge Craig Bunnell and Sonia Sweeney)

Chief Justice Durrant welcomed Judge Craig Bunnell and Sonia Sweeney.

Board projects

1. Initiative to Increase Parent/Family Time in Child Welfare Cases

The Division of Child and Family Services (DCFS) is limited to one-hour per week supervised parent-time in most child welfare cases, even when child safety was not a primary issue. DCFS has also had a difficult time providing parents with a way to attend their children's activities. The Board invited DCFS, the AG's Office, the GAL Office, the Utah Family Defenders Association, the Indigent Defense Commission, treatment professionals, a parent who has experienced the child welfare process, and juvenile court judges to participate in a collaborative workgroup to formulate recommendations on these challenges. The workgroup identified barriers (e.g., lack of funding, personnel, and resources) then provided recommendations to the Court Improvement Program Committee to continue the work. The Board presented a parent/family-time risk assessment tool and a list of specific questions that all role-players in the system can ask to help problem solve parent/family-time issues in each child welfare case.

2. Racial, Equity and Fairness (REF) Workgroup

The results of the Board's Phase I Juvenile Justice Data-analysis Project from April 2021 indicated that minority youth were generally being referred to juvenile court at a disproportionately higher rate than non-minority youth; diverted to non-judicial agreements with probation at a lower rate; and typically sanctioned with a higher level of probation/JJYS supervision. A sample of the Phase I data is currently being analyzed by Georgetown Mass Data Institute (GMDI). Once that is completed, GMDI will be able to do a full analysis and report of their findings. The Office of Fairness and Accountability and GMDI agreed to assist the juvenile courts with Phase II of the project.

The AOC Education Department assisted the REF in providing more cultural competency courses to be offered several times during the year covering a range of topics with the goal of decreasing possible bias and disparate treatment by the bench. REF is also working with court interpreters to overcome challenges experienced by court patrons through the following:

1. Court-generated instruction documents being translated into more languages.
2. Developing more efficient ways to help patrons access programs and services.

3. Developing training for court employees on working with interpreters.
4. Developing certification levels for interpreters.
5. Developing an interpreter code of ethics.

The 2022 judicial weighted caseload study was successful with the legislative-approved new Fourth District Juvenile Court Judge. They continue to work on the juvenile courts weighted caseload studies.

Chief Justice Durrant thanked Judge Bunnell and Ms. Sweeney.

9. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge James Brady and Shane Bahr)

Chief Justice Durrant welcomed Shane Bahr who presented in lieu of Judge Brady. Mr. Bahr said the Board appreciated the Council's support regarding judicial salary increases and with law clerk increases. There are 77 district court judges and 10 commissioners, of which 6 judges have been with the courts less than 1 year. Most of the commissioners have been with the courts between 2 and 20 years. The Board researched how many district court judges were on committees. They found that 45 district court judges serve on at least 1 committee, 20 district court judges serve on 2 or more committees, 6 district court judges serve on 3 or more committees, and 2 district court judges serve on 4 or more committees.

The Board is now receiving regular updates from the IT Department, which has given the Board opportunities to ask questions and receive up-to-date information. The Board appreciated Mr. Gordon and Ms. Siaperas' support and regular updates. They are working on budget priorities. They created a weighted caseload workgroup. The last weighted caseload survey took a considerable amount of time to complete but the information was necessary.

The Board's goals include judicial compensation; determining which documents are required to be signed by a judge, a commissioner or both; updating the bench book; creating/updating bench cards; and training on the rules of evidence because of Professor Richard Mangrum's presentation.

They continue to hold brown bag meetings where approximately 30-35 judges attend monthly. These are recorded and can be shared with judges.

Judge Jennifer Mabey is now the American Bar Association representative.

Chief Justice Durrant thanked Mr. Bahr.

10. BUDGET AND GRANTS: (Karl Sweeney, Alisha Johnson, Melissa Taitano, Bart Olsen, Mark Urry, Brett Folkman, Todd Eaton, Jace Kinder, and Jordan Murray)

Chief Justice Durrant welcomed Karl Sweeney, Alisha Johnson, Melissa Taitano, Bart Olsen, Brett Folkman, Jace Kinder, and Jordan Murray.

FY 2023 One-Time Turnover Savings

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 03/17/2023)	Internal Savings	2,839,691.96
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 03/17/2023)	Reimbursements	794,221.36
3	Est. One Time Savings for 440 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	880,000.00
Total Potential One Time Savings			4,513,913.32

FY 2023 Ongoing Turnover Savings

		Actual		Forecasted
#		Funding Type	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	828,677	928,677
3	TOTAL SAVINGS		1,079,069	1,179,069
	2023 Hot Spot Raises		(187,077)	(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		(187,077)	(650,000)
Actual Turnover Savings for FY 2023 as of 04/28/2023			\$ 891,992	\$ 529,069

ARPA funds remaining are \$6,667,358.

FY 2023 Year End Requests and Forecasted Available One-time Funds

Forecasted Available One-time Funds			
Description		Funding Type	Amount
Sources of YE 2023 Funds			
* Turnover Savings as of PPE 4/14/2023 (including anticipated ARPA reimbursement)	Turnover Savings		3,633,913
** Turnover savings Estimate for the rest of the year (\$2,000 x 440 pay hours)	Turnover Savings		880,000
(a) Total Potential One Time Turnover Savings			4,513,913
Operational Savings From TCE / AOC Budgets (through period 10)	Internal Operating Savings		757,970
Forecasted Additional Operational Savings by end of Fiscal Year (periods 11-12)	Internal Operating Savings		100,000
Reserve Balance (balance from FY 2022 Carryforward)	Judicial Council Reserve		500,076
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses		(152,000)
(b) Total Operational Savings and Reserve			1,206,046
(c) Total of Turnover Savings & Operational Savings = (a) + (b)			5,719,959
Uses of YE 2023 Funds			
(d) Carryforward into FY 2024 (Legislature has approved \$3,200,000)	Historical Carryforward		(3,200,000)
Total Potential One Time Savings = (c) + (d)			2,519,959
Less: Judicial Council Requests Previously Approved			(2,434,678)
Less: Judicial Council Current Month Spending Requests			(33,490)
Remaining Forecasted Funds Available for FY 2023 YE Spending Requests			51,791

#	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
10	Supplemental - Secondary Language Skills		\$ 27,200
11	Summit Jury Deliberation Room Improvements		\$ 150,000
12	American Fork Courthouse Lease Increases (revision)		\$ 172,905
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
16	IT Windows 10 Enterprise Upgrades and Software Assurance		\$ 135,000
17	IT Google Licensing for Enterprise Plus		\$ 148,000
18	IT Adobe Pro Licenses for all Staff		\$ 120,000
19	IT Microsoft M365 Additional 630 Licenses		\$ 90,000
20	IT Survey Monkey Subscription		\$ 45,000
21	Matheson Public Electronic Directory		\$ 43,101
22	IT Stipend for Tech Subject Matter Experts	9,000	
23	IT Equipment for new AOC and District Employees	24,490	
Current Month One-time Spending Requests		33,490	
Previously Approved 1x FY 2023 YE Spending Request			2,434,678

FY 2024 Carry forward and Ongoing Requests

Funding Sources

	One Time	Ongoing
OTS carried over from FY 2022		\$ 250,392
Current YTD OTS from FY 2023		\$ 828,677
Forecasted Remaining Ongoing Turnover Savings (2 periods x \$50,000 per period)		\$ 100,000
Unobligated Fiscal Note Funds - District Court	\$ 6,500	\$ 20,000
Unobligated Fiscal Note Funds - Juvenile Court	\$ 14,800	\$ 243,200
Expected Carryforward Amount from Fiscal Year 2023	\$ 3,200,000	\$ -
Total Available Funding	\$ 3,221,300	\$ 1,442,269
Less: Judicial Council Delegated to State Court Admin for discretionary use		\$ 200,000
1 Performance Raises Approved in September 2022		\$ 450,000
Net Ongoing TOS Available for Use		\$ 792,269

Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
2 Increase Performance Raise Pool - Bart Olsen & Karl Sweeney		\$ 185,000		
Subtotal	\$ -	\$ 185,000	\$ -	\$ -
Balance Remaining Inclusive of Presented		\$ 607,269		

Increase Performance Raise Pool – Phase 2

\$635,000 ongoing funds

This proposal is for \$185,000 of available ongoing turnover savings in addition to the \$450,000 in ongoing turnover savings that was approved by Council in September 2022 to make a single combined performance raise pool of \$635,000, which would give managers the funding needed to provide mid-to-high performers a \$1.00 per hour performance raise once every 4 years. Due to the incremental impact of a single performance raise pool and the need to communicate these raises in connection with annual performance reviews in late May/early June, BFMC has approved the request to seek approval in the May Judicial Council meeting ahead of other ongoing requests which will be deferred to June. Mr. Olsen explained that employees are grateful for the Council's continued recognition of employees through performance compensation. Mr. Folkman described the impact in the First District Court if additional funding is approved as he would be able to give more substantial salary increases to additional employees.

Motion: Judge James Gardner moved to approve the Increase Performance Raise Pool – Phase 2 request for \$185,000 in ongoing turnover to go along with the \$450,000 in ongoing turnover savings that was approved by the Council in 2022, as presented. Judge Chin seconded the motion, and it passed unanimously.

**IT Stipend for Technology Subject Matter Expertise (TSME)
\$9,000 one-time funds**

IT requested permission to designate up to 30 court employees as TSMEs to assist throughout the state in District and Juvenile courts with a specific set of IT skills/functions. This is a cost-effective use of current court employees who can use their technical skills to assist with providing basic IT services where IT does not have a remote technician or IT staff onsite. This would equate to a \$100 per pay period stipend for 30 court employees.

Motion: Judge Lindsley moved to approve the IT Stipend for Technology Subject Matter Expertise request for \$9,000 one-time funds, as presented. Judge Chin seconded the motion, and it passed unanimously.

**IT Equipment Funding for Newly Hired AOC and District Employees
\$24,490**

As a result of legislative funding approved to hire 13 additional employees, these new hires will also need IT equipment to perform their jobs. Since the legislature did not provide funding for these new hires, the Courts will need to fund IT purchases out of year end funds.

Motion: Judge Chin moved to approve the IT Equipment Funding for Newly Hired AOC and District Employees request for \$24,490 one-time funds, as presented. Judge DiReda seconded the motion, and it passed unanimously.

Mr. Murray requested approval for the Utah Bar Foundation Grant. The funds sought are non-federal, do not exceed \$150,000 inclusive of matching requirements, and shall not be used in the hiring of new employees. This grant will provide initial funding for an Appellate Court's Pilot Pro Bono Program. The aim of the program during the initial one-year pilot is to develop a roster of pro bono counsel, conduct training sessions through free CLE's, and serve 20 pro se parties on appeal. There are currently over 200 pro se parties with cases on appeal. This accounts for roughly 20% of the appellate courts' caseload. The purpose of this initial trial period is to test whether providing pro bono attorneys to pro se parties' increases access to justice while decreasing the administrative burden that staff and judges face in dealing with unrepresented parties. The bulk of the funding will pay for transcripts on appeal. Mr. Stiles explained that if a trial court orders fees to be waived, such as transcript fees, those funds have been the burden of the TCE's budget. This funding will create a secondary source for those fees.

Motion: Judge Lindsley moved to approve acceptance of the Utah Bar Foundation Grant, as presented. Judge Chin seconded the motion, and it passed unanimously.

Mr. Murray provided the Council with an update on current grants. The Courts hold eight active grants comprised of three federally awarded and five non-federally awarded grants.

Chief Justice Durrant thanked Mr. Sweeney, Ms. Johnson, Ms. Taitano, Mr. Olsen, Mr. Folkman, Mr. Kinder, and Mr. Murray.

11. HR POLICIES: (Bart Olsen, Jeremy Marsh, Derick Veater, and Krista Airam)

Chief Justice Durrant welcomed Bart Olsen, Jeremy Marsh, and Derick Veater. The HR Policy Review Committee meets monthly and consists of employees from all court levels. Mr. Olsen was pleased that the committee members are very engaged in the work of the committee. The policy changes were not vetted to all TCEs but rather only to the ones on the committee.

Changes to policies

- Change “performance plan” to “performance expectation”.
- Language cleaned up to align with ending career service employment.
- Amend the policy to state that the Courts will award no more than three incremental salary increases in an 18-month period.
- Amend the policy to state that the only authorized background check system is through the Utah Bureau of Criminal Investigation.
- Amend the policy to clarify that employees may use sick leave hours for all health care issues, including mental health and wellness.
- Minor adjustments to the policy to better organize the policy section and provide more precise instructions to employees and management.
- Amend the policy to enable management the flexibility to approve compensatory time payouts upon request as needed.
- Amend the Code of Conduct for those who telecommute.
- Amend the policy to align HR Policy with the Courts’ Accounting Manual by expanding guidance regarding exceptions for accepting certain types of gifts as a Courts employee. Mr. Marsh said the wording aligns with the Accounting Manual.
- Amend the policy to be more consistent with the statute governing nepotism and provide a process for managers in the Courts to report potential violations.
- Clarify what grievance can be directed to the Grievance Review Panel.
- Add the statute to fall in line with volunteering policies.

Motion: Judge Pettit moved to approve changes to the HR policies as identified above with an effective date of July 1, as presented. Judge Lindsley seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Mr. Olsen, Mr. Marsh, and Mr. Veater.

12. RULES FOR FINAL APPROVAL: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams.

- UCJA Rule 1-205 received no comments during the 45-day public comment period. The Policy, Planning, and Technology Committee recommended that the rule be approved on an expedited basis with a June 1, 2023, effective date.

Motion: Judge Gardner moved to approve UCJA Rule 1-205 with an effective date of June 1, 2023. Judge Chin seconded the motion, and it passed unanimously.

- UCJA Rule 3-117 received no comments during the 45-day public comment period. The Policy, Planning, and Technology Committee recommended that the rule be approved with a November 1, 2023, effective date.
- UCJA Rule 3-406 received no comments during the 45-day public comment period. The Policy, Planning, and Technology Committee recommended that the rule be approved with a November 1, 2023, effective date.

Motion: Judge Chin moved to approve UCJA Rule 3-117 and 3-406 with an effective date of November 1, 2023. Judge Gardner seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Ms. Williams.

13. SENIOR JUDGE APPOINTMENT: (Neira Siaperas)

Chief Justice Durrant welcomed Neira Siaperas. Ms. Siaperas recommended that the Council return to this agenda item following a closed session.

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

After the executive session,

Motion: Judge David Mortensen moved to recommend Judge Thomas Higbee's active senior judge application be considered by the Supreme Court. Judge Chin seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Ms. Siaperas.

14. OLD BUSINESS/NEW BUSINESS: (All)

No additional business was discussed.

15. EXECUTIVE SESSION

An executive session was held.

16. CONSENT CALENDAR ITEMS

a) Committee Appointments: Appointment of Danielle Stevens, Dawn Hautamaki, and Judge Jeri Allphin to the Self-Represented Parties Committee; the appointment of Judge Michele Christiansen Forster as Chair to the Court Facility Planning Committee; and the appointment of Judge Chelsea Koch as Chair, Professor Jackie Morrison, Dr. LaReina Hingson, and Kirsten Shumway to the Forms Committee. Approved without comment.

17. ADJOURN

The meeting adjourned.

Tab 2

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

Minutes

June 13, 2023

12:06 p.m. – 1:06 p.m.

**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

Committee Members:

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

Excused:

Guests:

AOC Staff:

Ron Gordon
Neira Siaperas
Michael Drechsel
Brody Arishita
Shane Bahr
Wayne Kidd
Meredith Mannebach
Jim Peters
Nick Stiles
Sonia Sweeney
Janet Thorpe
Keisa Williams
Jeni Wood

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

Judge David Mortensen welcomed everyone to the meeting.

Motion: Judge Paul Farr moved to approve the May 9, 2023 Management Committee minutes, as presented. Judge Elizabeth Lindsley seconded the motion, and it passed unanimously.

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

Ron Gordon mentioned that he, along with various court personnel, attended the Navajo Nation Summit, which devoted some time to introduce various departments within the Navajo Nation and included discussions on Indian Child Welfare Act (ICWA). Mr. Gordon and Lucy Beecroft are discussing the possibility of creating a council that would include state judges and tribal nation judges. Most western states have similar councils and find them very productive.

3. APPROVAL OF 2024 MANAGEMENT COMMITTEE AND JUDICIAL COUNCIL SCHEDULE: (Ron Gordon)

Mr. Gordon presented proposed 2024 meeting schedules for the Management Committee and Judicial Council. He sought approval of the Management Committee schedule and approval to add the Council schedule to the Council agenda.

Motion: Judge Farr moved to approve the 2024 Management Committee schedule, as presented, and to place the 2024 Council schedule on the Council agenda. Judge Kara Pettit seconded the motion, and it passed unanimously.

4. COMMITTEE APPOINTMENTS: (Jeni Wood)

The GAL Oversight Committee recommended the appointment of Judge Michelle Heward, Senior Judge, and Ray Wahl to fill Judge Robert Yeates and Cathy Bounous' position.

Motion: Judge Lindsley moved to approve the appointment of Judge Michelle Heward and Ray Wahl to the GAL Oversight Committee, as presented and to place this item on the Council's consent calendar. Judge Farr seconded the motion, and it passed unanimously.

5. JUDICIAL RETENTION ELECTION DECLARATION FORM: (Nick Stiles and Brody Arishita)

Nick Stiles explained that court level administrators and AOC leadership have been studying the retention election process to improve efficiencies and lessen the burden on judges. Historically, the General Counsel's Office handled the process for all court levels. Due to employee turnover and workload, court level administrators assumed this responsibility for their respective courts. Moving forward, Jim Peters has volunteered to serve as the retention election lead with support from the other court level administrators.

One area of the retention process that provides an opportunity for improvement is the self-declaration form. While Google forms have many benefits, they are web-based forms that do not translate well to being downloaded and provided to other parties. Last year's retention certification letter to JPEC totaled over 400 pages. Working collectively with Brody Arishita, they created a better solution using Adobe sign, which allows the Courts to automate much of the process on the front end, making it easier for judges.

Mr. Stiles sought the Committees support in using this new form and to place this item on the Council agenda. Judge Lindsley asked if the judges will receive a copy of the form once they complete it. Brody Arishita confirmed that judges will receive a copy of the completed form and can also retrieve a copy from their Adobe Sign account.

6. SENIOR JUDGE ASSIGNMENT REQUEST: (Nick Stiles)

Over the last two years the Court of Appeals has replaced three out of its seven members. During that time, the Court of Appeals has been the gracious recipient of the assistance of Senior Judge Kate Appleby, and Senior Judge Russel Bench. Their assistance to the Court of Appeals during this transitional time cannot be overstated. Their current authorizations are set to expire on June 30, 2023.

Their work for the Court of Appeals is largely complete. There are, however, still a small number of cases where Judge Bench and/or Judge Appleby sat on the oral argument panel that

are awaiting the final completion of the opinion from another member of the appellate bench. They anticipated Judge Appleby and Judge Bench will be able to finish their responsibilities to the cases within 40 hours. Mr. Stiles understood that senior judges are currently paid \$81.32/hour. He anticipated the cost of \$3,253 for Judge Appleby, and \$3,253 for Judge Bench, totaling \$6,506. He requested that the Committee extend their assignment until December 31, 2023.

Motion: Judge Farr moved to approve extending the senior judge assignments for Judge Kate Appleby and Judge Russell Bench until December 31, 2023, as presented. Judge Lindsley seconded the motion, and it passed unanimously.

7. AUDIT REQUEST OF UTAH STATE BAR LICENSING FEES: (Wayne Kidd)

Wayne Kidd reminded the Committee that Utah State Constitution Article VIII Section 4 provides that the Utah Supreme Court shall govern the practice of law. The Supreme Court has requested an audit of how attorney licensing fees are used and whether the fees are reasonable. The AOC Internal Audit Department will consider the purpose and mission of the Utah State Bar. They will review the Bar's budgets, financial audits, and other necessary financial documents. They will also review the Bar's financial reserves. If this audit request is approved, the Supreme Court requested the Department seek the assistance of the Office of the Utah State Auditor for this review. The audit begins in September 2023 after the Bar's financial audit for fiscal year 2023 is completed. Judge Pettit asked if this audit was a regular cycle. Mr. Kidd explained that it is not a regular audit.

Motion: Judge Pettit moved to approve the audit of the Utah State Bar Licensing fees, as presented. Judge Farr seconded the motion, and it passed unanimously.

8. HILDALE CITY JUSTICE COURT AUDIT REPORT: (Wayne Kidd and Janet Thorpe)

The Hildale City Justice Court audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. Janet Thorpe, Internal Auditor, served as the lead auditor for this review. Mr. Kidd appreciated the assistance extended by the court. The audit identified accounting and operational strengths, as noted in the Executive Summary. This report includes recommendations to strengthen controls and procedures. A follow up is scheduled to be held within 12 months. Judge Farr wondered if a follow up sooner was warranted. Mr. Kidd noted that they will continue working with the justice court to implement these recommendations and can follow up sooner. Judge Farr also asked if the presiding judge should discuss the findings of this audit with the justice court judge. Judge Pettit expressed her gratitude to the Audit Department for their work.

Motion: Judge Farr moved to approve the Hildale City Justice Court audit, as amended to hold a follow up meeting within six months and to have the local presiding judge discuss the audit findings with the Hildale Justice Court judge to ensure the recommendations are being met. Judge Pettit seconded the motion, and it passed unanimously.

9. TAX JUDGE APPOINTMENT: (Meredith Mannebach)

Judge Keith Kelly, administrative judge for the Tax Judges, recommended Judge Rita Cornish be appointed as a tax judge. Judge Cornish has a background in civil litigation, focusing on construction and real estate.

Motion: Judge Pettit moved to approve the appointment of Judge Rita Cornish as a tax judge, as presented, and to place this on the Council consent calendar. Judge Lindsley seconded the motion, and it passed unanimously.

10. PROBATION POLICY: (Sonia Sweeney)

The Board of Juvenile Court Judges proposed a revision of the Court Report Probation Policy. Sonia Sweeney sought the Committees approval of the policy and to place it on the Council's consent calendar. The Court Report Policy was last updated on August 17, 2018. The policy provides direction to probation officers in preparing written court reports. The requested change is to align the policy with the existing rule. The policy states that probation officers shall include the "delinquency history and prior court involvement" in a court report. UCJA Rule 7-302 states that the court report shall include "the minor's prior history, including prior actions taken by the probation department."

Motion: Judge Lindsley moved to approve the Court Report Probation Policy and to place it on the Council's consent calendar. Judge Farr seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the Judicial Council agenda.

Motion: Judge Farr moved to approve the Judicial Council agenda, as amended to add Forms Committee Forms on the consent calendar and Recognition of Judge Dennis Fuchs after the Chair's Report. Judge Pettit seconded the motion, and it passed unanimously.

12. OLD BUSINESS/NEW BUSINESS

Neira Siaperas found that there is one active and several inactive senior judges that are not compliant with UCJA Rule 11-201 requirement to maintain an active State Bar license. The Management Committee felt discussions and a reminder of the rule should be held with those out of compliance.

13. EXECUTIVE SESSION

An executive session was held.

Motion: Judge Farr moved to approve the settlement agreement as discussed in the executive session. Judge Lindsley seconded the motion, and it passed unanimously.

14. ADJOURN

The meeting adjourned.

**JUDICIAL COUNCIL'S
BUDGET & FISCAL MANAGEMENT COMMITTEE ("BFMC")**

**Minutes
April 10, 2023
Meeting held virtually through WebEx
12:00 p.m. – 1:35 p.m.**

Members Present:

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

Excused:

Hon. Keith Barnes

Guests:

Mark Urry, TCE, Fourth District Court
Brett Folkman, TCE, First District Courts
Jessica Vazquez- Leavitt
Travis Erickson
Jon Puente
Lauren Andersen
Nini Rich
Shelly Waite

AOC Staff Present:

Ron Gordon
Neira Siaperas
Sonia Sweeney
Chris Talbot
James Peters
Shane Bahr
Lauren Andersen
Bart Olsen
Jeremy Marsh
Brody Arishita
Todd Eaton
Nathanael Player
Nick Stiles
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 and called for a motion to approve the minutes from the last meeting.

Motion: Justice Paige Petersen moved to approve the March 3, 2023 minutes, as presented. Judge Elizabeth Lindsley seconded the motion, and it passed unanimously.

2. FY 2023 Financials / Turnover Savings / ARPA Update (Melissa Taitano – “Presenter”)

Ongoing Turnover Savings (“OTS”) – Melissa Taitano reviewed the period 9 financials and gave an update on OTS. At the end of FY22 we ended with \$250,392 of OTS that has been carried forward into FY23. These ongoing turnover savings carried forward into FY23 were to hedge against risks of lower turnover in FY23. So far in FY23 we have earned \$619,736 of ongoing

turnover savings. Forecasted FY23 OTS is \$769,736, and when combined with the \$250,392 carried over from FY22, the forecasted YE 2023 OTS is conservatively estimated to be \$1,020,128.

As of 03/30/2023, the OTS schedule shows all but \$19,000 of the \$200,000 of hot spot raises as used with balance expected to be used by the end of FY 2023. The \$450,000 in 2023 performance-based raises were authorized by the Judicial Council and will also be used by the end of FY23. AOC Finance is forecasting that we will have \$370,128 in OTS available for discretionary use. Requests to use these funds will be approved in the June Judicial Council meeting.



FY 2023 Ongoing Turnover Savings as of 03/30/2023

#		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	619,736	769,736
3	TOTAL SAVINGS		870,128	1,020,128
	2023 Hot Spot Raises		(181,498)	(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		(181,498)	(650,000)
	Actual Turnover Savings for FY 2023 as of 03/30/2023		\$ 688,631	\$ 370,128
Prior Report Totals (dated 03/01/23)			\$ 632,958	\$ 345,960

One-Time Turnover Savings - One-time TOS are generated from position vacancies and reimbursements of payroll expenditures with ARPA funds. Our forecast of one-time TOS before any uses are deducted is estimated to be \$4.6M.



FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 03/17/2023 (1,488 out of 2,088 hours)

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 03/17/2023)	Internal Savings	2,745,855.59
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 03/17/2023)	Reimbursements	695,780.93
3	Est. One Time Savings for 600 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	1,200,000.00
	Total Potential One Time Savings		4,641,636.52
Prior Report Totals (as of PPE 02/03/23)			\$ 4,777,160.99

Melissa Taitano walked the committee through the new Ongoing Turnover Savings Analysis Worksheet. This sheet is a snapshot in time showing the breakdown of where our OTS is coming from and also serves as a proof point that our calculations are correct. New hires have 90 days to select benefits. That means the salary component of OTS can be included in our OTS calculation several weeks/months before the benefits component of OTS is known. Thus, the numbers shown below are a “point in time” calculation. Our forecast is \$50,000 per period of ongoing savings. This number comes from a historical trend of 25 positions being filled and each of those positions saving about \$2000.

Ongoing Turnover Savings Analysis by Fiscal Period										
	July Period 1	August Period 2	September Period 3	October Period 4	November Period 5	December Period 6	January Period 7	February Period 8	March Period 9	TOTAL
Total TOS Amount	\$94,157	\$117,331	\$137,089	\$102,318	\$22,489	\$61,202	-\$73,069	\$93,833	\$64,386	\$619,736
Cumulative TOS	94,157	211,487	348,576	450,894	473,383	534,586	461,517	555,350	619,736	
Headcount Turned Over	32	37	22	23	14	25	40	21	59	273
TOS Amount/Headcount	\$2,942	\$3,171	\$6,231	\$4,449	\$1,606	\$2,448	-\$1,827	\$4,468	\$1,091	\$2,270
Total for Period (check)	\$94,157	\$117,331	\$137,089	\$102,318	\$22,489	\$61,202	-\$73,069	\$93,833	\$64,386	\$619,736
Above / (Below) Amount	\$44,157	\$67,331	\$87,089	\$52,318	-\$27,511	\$11,202	-\$123,069	\$43,833	\$14,386	
Above / (Below) Count	7	12	-3	-2	-11	0	15	-4	34	
Above / (Below) Amount / Count	\$942	\$1,171	\$4,231	\$2,449	-\$394	\$448	-\$3,827	\$2,468	-\$909	
Target \$ TOS Amount/Mo.	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Target Headcount Filled	25	25	25	25	25	25	25	25	25	
Target TOS Amount / Headcount	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
Volume Variance (Headcount)										
Target	25	25	25	25	25	25	25	25	25	
Actual	32	37	22	23	14	25	40	21	59	
Variance	7	12	-3	-2	-11	0	15	-4	34	
x Target TOS Amount	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
= Volume Variance	\$14,000	\$24,000	-\$6,000	-\$4,000	-\$22,000	\$0	\$30,000	-\$8,000	\$68,000	
Rate Variance (\$ TOS/Headcount)										
Target Savings/Headcount	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
Actual TOS/Headcount	\$2,942	\$3,171	\$6,231	\$4,449	\$1,606	\$2,448	-\$1,827	\$4,468	\$1,091	
Variance	\$942	\$1,171	\$4,231	\$2,449	-\$394	\$448	-\$3,827	\$2,468	-\$909	
x Actual Headcount that Turned Over	32	37	22	23	14	25	40	21	59	
= Rate Variance	\$30,157	\$43,331	\$93,089	\$56,318	-\$5,511	\$11,202	-\$153,069	\$51,833	-\$53,614	
Total TOS Variance to Target (Rate + Volume)	\$44,157	\$67,331	\$87,089	\$52,318	-\$27,511	\$11,202	-\$123,069	\$43,833	\$14,386	
Check to Total TOS										
Target	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Actual for the Period	\$94,157	\$117,331	\$137,089	\$102,318	\$22,489	\$61,202	-\$73,069	\$93,833	\$64,386	
Check (should be 0)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	

ARPA Expenditures – We have expended \$7,860,692 of ARPA funds as of March 30, 2023. This leaves an available balance of \$7,139,308 of the \$15 million that was awarded to the courts.



ARPA Expenses as of 3/30/2023 (prior to the close of period 9)

	A	B	C	D	A - D		
	Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount	Total Expended (B + C)	Balance Available	Activity Code	Description
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	3,289,677.90	6,332,145.57	6,041,254.43	ITCV + ITC2	Projects will extend thru 12/31/24
Courts Case Backlog - Part I + II	2,000,000	707,963.11	720,364.46	1,428,327.57	571,672.43	BKLG	See detail below.
COVID-19 Supplies	302,100	-	-	-	302,100.00	CV19	
Legal Sandbox Response to COVID	324,500	-	100,218.88	100,218.88	224,281.12	LSCV	
TOTAL	15,000,000	3,750,430.78	4,110,261.24	7,860,692.02	7,139,307.98		

Expenditures added since last report: \$ 475,273.15

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

BKLG FY 2023 Details

FY 2023 Expenses Include as of PPE 3/17/2023

Personnel Expenses:	\$ 695,755.36
Mileage Expenses:	\$ 1,816.08
Sr. Judge Travel Expenses:	\$ 495.62
	\$ 698,067.06
COVID Testing Kit purchase:	\$ 22,297.40
	\$ 720,364.46

BKLG Run Rate Calculation

Usage for Last 3 Pay Periods		
2/17/2023	3/3/2023	3/17/2023
\$ 36,433.44	\$ 39,311.10	\$ 41,474.47

Average last 3 Pay Periods:	\$ 39,073.00
Balance Available (from table above):	\$ 571,672.43
Remaining Pay Periods at Last 3 Average:	15
Anticipated Last Pay Period End Date:	10/13/2023
Prior report anticipated last pay period:	10/13/2023

Historical Trends (period 9 not yet closed)

IT Access to Justice Use - Last 3 Periods

Period 7	Period 8	Period 9
\$ 463,518.94	\$ 343,793.94	\$ 292,724.89

BKLG - Last 3 Periods

Period 7	Period 8	Period 9
\$ 76,776.44	\$ 84,287.16	\$ 117,542.65

Legal Sandbox - Last 3 Periods

Period 7	Period 8	Period 9
\$ 17,244.10	\$ 51,440.99	\$ 31,533.49

3. Ongoing, Reserve and Year End Spending Requests (Karl Sweeney – “Presenter”)

Alisha Johnson reviewed the FY 2023 Year End Request and Forecasted Available One-Time Funds. As of period 9, the turnover savings was \$3,441,637 and the estimate for the rest of the year is forecasted at \$1,200,000 going forward. Since last month there have been some positive revisions to our operational savings from TCE and AOC budgets of \$757,970. This amount increased \$302,800 since last month's amount of \$455,170. The majority of this is coming from savings from IT spending less than the \$270,000 in staff augmentation requested for this fiscal year. Our carry-forward dollar expectation for 2023 is \$3,200,000. We have a total potential one-time savings available of \$2,547,683. Judicial Council has approved all requests so far and that total is \$2,391,577. That leaves a balance of \$156,106 in forecasted funds available that can be requested in future periods.



FY 2023 Year End Requests and Forecasted Available One-time Funds - Period 9

Forecasted Available One-time Funds			#	One-time Spending Plan Requests	Current Requests Amount	Judicial Council Approved Amount
Description	Funding Type	Amount				
Sources of YE 2023 Funds						
* Turnover Savings as of PPE 3/17/2023 (including anticipated ARPA reimbursement)	Turnover Savings	3,441,637	1	Q1 / Q2 Performance Bonus Payments		\$ 450,000
** Turnover savings Estimate for the rest of the year (\$2,000 x 600 pay hours)	Turnover Savings	1,200,000	2	St. George Courtroom Audio		\$ 141,000
Total Potential One Time Turnover Savings		4,641,637	3	Adobe E-Signatures		\$ 260,000
(a) Operational Savings From TCE / AOC Budgets	Internal Operating Savings	757,970	4	IT Equipment for new JA Clerks		\$ 5,872
Reserve Balance (balance from FY 2022 Carryforward)	Judicial Council Reserve	500,076	5	Build-out of Replacement for Courts' Access Revenue System		\$ 40,000
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	(152,000)	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
Uses of YE 2023 Funds			11	Summit Jury Deliberation Room Improvements		\$ 150,000
Carryforward into FY 2024 (Request has been made to Legislature for \$3,200,000)	Historical Carryforward	(3,200,000)	12	American Fork Courthouse Lease Increases (revision)		\$ 172,905
			13	Matheson Carpet Replacement - Phase 3		\$ 100,000
			14	Mobile AED Kit		\$ 2,300
Total Potential One Time Savings = (a) + (b) + (c) less Carryforward		2,547,683	15	Education Room A/V Upgrade to Hybrid Use		\$ 10,000
			16	IT Windows 10 Enterprise Upgrades and Software Assurance		\$ 135,000
			17	IT Google Licensing for Enterprise Plus		\$ 148,000
			18	IT Adobe Pro Licenses for all Staff		\$ 120,000
			19	IT Microsoft M365 Additional 630 Licenses		\$ 90,000
			20	IT Survey Monkey Subscription		\$ 45,000
Less: Judicial Council Requests Previously Approved		(2,391,577)		Current Month One-time Spending Requests		
Less: Judicial Council Current Month Spending Requests		-		Previously Approved 1x FY 2023 YE Spending Request		2,391,577
Remaining Forecasted Funds Available for FY 2023 YE Spending Requests		156,106				

Updated 4/3/2023

The total available funding for carryforward and ongoing turnover savings uses as of April 5, 2023 was one-time \$3.22 million and ongoing \$633,328. Alisha stated that some fiscal note ongoing funding were from Juvenile court legislation and the committee can expect some ongoing requests coming in the next two month for juvenile court needs.



FY 2024 Carryforward and Ongoing Requests - 2023 Year End

4/5/2023

Funding Sources		One Time	Ongoing
Total Case Processing Amounts from 2023 General Session Fiscal Notes		\$ 21,300	\$ 263,200
Expected Carryforward Amount from Fiscal Year 2023 (as of 3/10/2023)		\$ 3,200,000	\$ -
Ongoing Turnover Savings		\$ -	\$ 370,128
Total Available Funding		\$ 3,221,300	\$ 633,328

Ongoing Requests		Presented	Judicial Council Approved
		One Time	Ongoing
2 7th District Administrative Assistant - Travis Erickson		\$ 53,200	
3 Child Welfare Mediator - Nini Rich		\$ 39,000	
4 Reduce Education Budget Deficit - Lauren Andersen		\$ 100,000	
5 Increase Performance Raise Pool - Bart Olsen & Karl Sweeney		\$ 185,000	
Subtotal		\$ -	\$ 377,200
Balance Remaining Inclusive of Presented		\$ -	\$ 256,128

One Time Requests		Presented	Judicial Council Approved
		One Time	Ongoing
1 Secondary Language Bonus - Jonathan Puente		\$ 166,400	
2 ICJ Annual Funding - Sonia Sweeney		\$ 26,950	
3 Matheson Public Electronic Directory - Chris Talbot		\$ 43,101	
4 Summit Deliberation Room - 2nd Request - Chris Talbot		\$ 204,000	
5 Employee Incentive Awards - Bart Olsen		\$ 280,000	
6 Education Assistance - Alisha Johnson		\$ 85,000	
7 Provo Conference Room Hybrid Upgrade - Mark Urry & Shelly Waite		\$ 99,000	
8 Courts EcoPass Program - Chris Talbot & Melissa Taitano		\$ 60,000	
9 Contract Court Sites - Shane Bahr		\$ 10,000	
10 Applicant Tracking & Onboarding Software - Bart Olsen & Jeremy Marsh		\$ 19,000	
11 IT Replacement Inventory - Todd Eaton		\$ 364,000	
12 American Fork Courthouse Rent Increase - Chris Talbot & Karl Sweeney		\$ 389,000	
13 Education Budget Shortfall - Lauren Andersen		\$ 224,700	
14 Crisis Services - Pilot Program - Ron Gordon		\$ 35,000	
15 IT - Retain Contract Developers Support - Brody Arishita		\$ 682,000	
16 AOC 2nd Floor Upgrade to Usable Workspace - Chris Talbot		\$ 235,000	
17 IT Staff Augmentation - Todd Eaton & Chris Talbot		\$ 50,000	
Subtotal		\$ 2,973,151	\$ -
Balance Remaining After Judicial Council Approvals		\$ -	\$ 633,328
+ Balance Remaining Inclusive of "Presented"		\$ 248,149	\$ 256,128

Ongoing Requests Presented for Approval to Forward to Judicial Council

2. 7th District Administrative Assistant (Travis Erickson – “Presenter”)

Travis Erickson is requesting \$53,200 of ongoing funds for a part-time Administrative Assistant. Seventh District has identified a need for additional administrative personnel to accomplish the following ongoing duties:

- Payroll Processing
- Revenue Reports Processing
- Daily Journal Reviews
- Meeting Agendas & Minutes
- District Calendar Management
- Fleet Management

Historically these duties have been completed by the Support Services Coordinator (SSC) because the district does not have an Administrative Assistant (AA). In recent years the Support Services Coordinator has assumed additional duties to facilitate important internal audit processes. A part-time (20 hours per week, benefitted) Administrative Assistant to perform some of the AA duties previously assigned to the Support Services Coordinator will ensure proper time and attention is available for the Audit, Budget, Purchasing, and other important duties of the SSC.

Motion: Judge Elizabeth Lindsley made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

3. Child Welfare Mediator (Nini Rich “Presenter”)

Nini Rich is requesting \$39,000 for a Child Welfare Mediator to increase the current benefitted part-time position to a full-time position. Referrals to the Child Welfare Mediation Program have increased by 16%, from an annual average of 1,416 mediations to 1,646. Additional funding is being requested for the incremental cost to move a benefitted half-time position to a full-time position in order to meet the increased demand for mediation services in Juvenile Court cases involving child abuse and neglect allegations.

Motion: Judge Elizabeth Lindsley made a motion to approve, Margaret Plane seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

4. Reduce Education Department Budget Deficit (Lauren Andersen – “Presenter”)

Lauren Andersen is requesting \$100,000 of ongoing funds to cover the Education Department’s budget deficit. Beginning in FY 2021 when the Education Department made ongoing general fund budget cuts of \$24,000 and also reduced its funding from the JCTST fund by \$94,000 to recognize lower JCTST fund revenues over time (exacerbated by the pandemic), the Education Department has been operating at a deficit which was funded through carryforward funds, as follows:

Education Carryforward \$

FY 2021	\$127,000
FY 2022	\$168,500
FY 2023	\$224,700

Although part of the deficit was intended to be offset through the purchase and use of the Learning Management System (LMS), since the ending of the COVID restrictions, the direction of the Boards of Judges and the Judicial Council has been to hold in-person conferences while offering hybrid participation to those who desire to participate virtually. This means that the all-in costs for conferences have not been reduced – and inflation on lodging, meal and hotel connectivity expenses (which are not subject to state per diems) have increased to the point that obtaining conference lodging at state per diem rates is increasingly difficult. There are indications that state per diem rates will rise substantially in FY 2024, but without more ongoing funds, Education will be faced with ever growing deficits.

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

5. Increase Performance Raise Pool – Phase 1 (Bart Olsen & Karl Sweeney – “Presenter”)

Bart Olsen and Karl Sweeney are requesting \$185,000 of ongoing funds for increase in performance raises. The performance raise pool of \$450,000 provides funds for Courts managers statewide to reward performance with pay increases. The pool of employees with the potential for receiving a raise is approximately 900 individuals, in contrast to a much smaller number of employees potentially eligible for an increase under the former Career Ladder program.

Previously, the \$450,000 in ongoing turnover savings (OTS) under Career Ladder were reserved for entry level employees typically in their first 3 – 6 years of employment who had also completed required Career Ladder milestones of training and years of service. Annually, the number of employees who met Career Ladder eligibility was approximately 155 persons, receiving an increase of about \$1.00 per hour on average. Most Career Ladder participants had two milestones that would qualify them for an increase (advancement to a Level II or Level III) Three years after that transition away from the Career Ladder program, TCEs and AOC Directors are finding it understandably difficult to effectively reward deserving staff for high performance via salary increases. If we assumed that 3/4 of the workforce (675) performed well, enough to merit a salary increase, the current funding would only allow 163 people per year to receive a \$1.00 performance increase leaving 4+ years between raises. This simply does not give Courts management a sufficiently effective tool to meaningfully progress good performers through their salary range. Thus, management is concerned about our long-term ability to retain the personnel who most significantly contribute to the advancement of the Courts’ mission.

Motion: Justice Paige Petersen made a motion to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve. Committee wants this request forwarded to the Judicial

Council's May meeting to tie in with the \$450,000 previously approved so that performance raises are granted as a single more impactful increase and not two smaller components at different times.

Carryforward Requests Presented for Approval to Forward to Judicial Council

1. Secondary Language Bonus (Jonathan Puente – “Presenter”)

Jonathan Puente is requesting \$166,400 of carryforward funds for a secondary language bonus. In the March 2023 Judicial Council meeting, we received approval to increase the pay of those employees who offer interpreting services to court patrons in situations for which a certified, registered or approved interpreter is not required from \$50 per pay period to \$100 per pay period.

Any court employee may apply for a Secondary Language Bonus by demonstrating a required level of proficiency for a non-English language. In order to qualify for this benefit, employees must complete the Secondary Language Bonus application and Agreement with the appropriate information and approving signatures and submit to the Court Interpreter Program Coordinator and complete and pass the Oral Proficiency Exam. Employees are required to recertify their skills no less than once every three years.

Motion: Judge Elizabeth Lindsley made a motion to approve, Margaret Plane seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

2. Interstate Compact for Juveniles (ICJ) Operations Funding (Sonia Sweeney – “Presenter”)

Sonia Sweeney is requesting \$26,950 of carryforward funds for interstate compact for juveniles (ICJ) operation funds. This represents an increase from last year's carryforward request.

Details are as follows:

	Current Year	Last Year
• Annual Dues	\$22,950	\$17,000
• Extradition Expenses	\$3,000	\$3,000
• Training/Annual Business meeting	\$1,000	\$1,000
Total	\$26,950	\$21,000

ICJ dues are calculated based on the criteria outlined in ICJ Rule 2-101 and the calculations for each state are revised every five years. Notwithstanding this process, ICJ dues did not increase between 2008 and 2022 as the ICJ dues recalculation was postponed to FY23. The recalculated amount of ICJ dues was determined at the 2022 Annual Business Meeting in October 2022, when the Commission approved an increase in ICJ dues. Utah's ICJ dues were increased from \$17,000 to \$22,950/year.

Motion: Judge Elizabeth Lindsley made a motion to approve, Margaret Plane seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

3. Matheson Public Electronic Directories (Chris Talbot – “Presenter”)

Chris Talbot is requesting \$43,101 of carryforward funds for Matheson public electronic directories. To cover the cost of upgrading the existing Courthouse directories. Matheson needs the old signage directories replaced on each floor with an electronic system that will include improved graphics for wayfinding throughout the courthouse and provide additional public information messages to visitors.

Motion: Margaret Plane made a motion to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

4. Summit Deliberation Room – 2nd Request (Chris Talbot – “Presenter”)

Chris Talbot is requesting \$204,000 of carryforward funds for the Summit deliberation room. This is the second and final funding request to modify the existing jury assembly room for use as a second deliberation room. An initial Budget Surplus request of \$150,000 was approved in February 2023 to get this renovation project started with the County while acknowledging that it would only fund a portion of the overall cost. This second funding request will make it possible to complete the project by the fall of 2023. Preliminary estimates provided by architects hired by the County place the total project cost at \$344,000. That leaves the project with a 2nd funding requirement of \$194,000, however the request amount has been increased to \$204,000 to provide a small contingency amount to cover unforeseen issues that could arise during the renovation.

Motion: Margaret Plane made a motion to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

5. Employee Incentive Awards (Jeremy Marsh – “Presenter”)

Jeremy Marsh is requesting \$280,000 of carryforward funds for employee incentive awards. Prior to FY 2019, employees who received these awards were not “grossed up” for the impact of payroll taxes (FICA, Federal and State personal taxes) on the awards. This lessened the value to the recipient. The Executive Branch’s incentive policy adds 30% to the incentive award to mitigate the impact of personal taxes on the recipient. The Courts matched the Executive Branch’s policy starting in FY 2019.

The FY 2024 request is identical to the FY 2023 request and provides:

- \$200,000 for cash or gift card awards +
- \$60,000 for the funds required to cover assumed personal taxes at 30% +
- \$20,000 for the funds required to cover retirement costs and employer FICA (32%) for cash incentive payments. Incentive awards issued as gift cards do not incur the retirement fund contribution. The extra \$20,000 covers up to \$60,000 of incentive awards given out as cash payments.

Motion: Judge Elizabeth Lindsley made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

6. Education Assistance Program Funding (Alisha Johnson – “Presenter”)

Alisha Johnson is requesting \$85,000 of carryforward funds for educational assistance program funding for FY2024. All benefitted Court employees are eligible to apply for this benefit. HR policy currently in effect specifies the educational pursuit must be an evident benefit to the Courts and have approval of the Court Executive or Director. The employee enters into an Education Assistance Contract prior to the beginning of the course and may be reimbursed for their costs (tuition and fees) at the successful conclusion of the course (successful means a final GPA of 2.0 or better). If the employee leaves the Courts within 12 months of receiving an Educational Assistance reimbursement, HR policy allows the Courts to ask that the departed employee repay any education assistance money received within a 12-month period after departure. The policy also aligns with the code 127 of section 127 IRS limit code which limits reimbursements to any person at \$5,250 per calendar year per employee as a tax-free benefit.

Motion: Justice Paige Petersen made a motion to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

7. Provo Conference Room Hybrid Upgrade (Mark Urry & Shelly Waite – “Presenter”)

Mark Urry is requesting a \$99,000 one-time request of carryforward funds for Provo Courthouse conference rooms upgrade to hybrid capability. The new Provo Courthouse is centrally located in the state and as such has become a very popular facility for conducting statewide meetings and trainings. This facility is easy to get to and has several hotels within walking distance, thus making statewide trainings and meetings very appealing to be hosted from this location. During 2019 there were 116 uses. During the first two months of 2023 uses are running at calendar year 2022 pace (forecasted to be 60 for full year 2023). If the conference rooms are upgraded with hybrid capability, the forecast increases to total uses of 110 for calendar year 2023. The Hybrid upgrade would greatly increase the opportunity for future years' uses.

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

8. Courts Public Transit Reimbursement Program (Karl Sweeney – “Presenter”)

Karl Sweeney is requesting a \$60,000 one-time use of carryforward funds to provide up to 94 Court employees state-wide with an opportunity to receive a 90% reimbursement of the costs paid for utilizing public transit until the funds are depleted. Our current total participants are approximately 75.

This public transit reimbursement program is (1) open to all employees but targeted to benefit those who use public transportation most, (2) state-wide (not just UTA), and (3) has a manageable

administrative cost. The onus is on the UTA EcoPass participants to pay for their portion of the transit pass via credit card and for non-UTA users (there are none at present) to provide a receipt and request reimbursement through an expense report.

Motion: Judge Elizabeth Lindsley made a motion to approve, Margaret Plane seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

9. Contract Court Sites – Adjustment Funds (Shane Bahr – “Presenter”)

Shane Bahr is requesting a \$10,000 one-time use of carryforward funds to provide supplemental funding for 6 contract court sites. These court sites are funded from the district court base budget, however certain miscellaneous expenses for “travel, books and subscriptions, misc. & equipment” can be reimbursed by AOC as requested by the counties.

The most common type of expense to be reimbursed is related to new photocopier machines. This carryforward funding supplements the base budget which funds office expenses and supplies, equipment supplies & maintenance, telephone, postage, copier operating expenses, other miscellaneous expenses, credit card fees, salaries and benefits.

Motion: This request was deferred until next meeting. Shane Bahr will take it to the TCEs for their input.

10. Applicant Tracking and Onboarding Software (Jeremy Marsh – “Presenters”)

Jeremy Marsh is requesting a \$19,000 one-time use of carryforward funds for Applicant Tracking (ATS) and Onboarding Software to provide one more year of funding for the ApplicantPRO subscription - a more secure and independent ATS/Onboarding software application and process. Because these two apps are designed to work cohesively, this request for funds will be sufficient to continue with an additional year’s license for both.

Motion: Judge Elizabeth Lindsley made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

11. IT Replacement Inventory (Todd Eaton – “Presenter”)

Todd Eaton is requesting \$364,000 of one-time use of carryforward funds for computer, printer, scanner and other peripherals replacements.

The IT Division has established an annual laptop replacement schedule that provides for each unit to be replaced once every five years. The Division previously requested \$250,000 per year for the program. Starting in FY 2024 we anticipate the cost will increase to approximately \$364,000 as laptops are more expensive to replace than the desktops we used to use.

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

12. American Fork Courthouse Rent Increase (Chris Talbot & Karl Sweeney – “Presenters”)

Chris Talbot is requesting a \$389,000 one-time use of carryforward funds for American Fork Courthouse rent increase. The original 20-year lease expired in September 2022 and rent increases were required by the City of American Fork (the “City”) as part of their agreement to extend the lease.

The YE 2022 request for \$173,000 covered the rent increases for the last 6 months of FY23 (January- June). This new request will cover the rent increases for FY 2024 which total \$389,000. This is an increase of approximately \$214,000 over last year’s annual rent. FY 2024’s increase of \$214,000 + FY 2023’s increase of \$173,000 + the FY 2024 O&M increase of \$2,000 equals the \$389,000 cumulative increase.

The delay by the city in proposing the higher lease rates resulted in no request to the legislature for the 2023 session. However, should Judicial Council approve, we will submit a request to the legislature for \$447,000 of 1x funds for FY 2025 (July 2024 – June 2025). For FY 2026 we will submit an ongoing legislative funding request for the final 7 years of the lease for approximately \$602,200 which is the average increased rent due after we give back 10,000 square feet of space to the city and complete the shell space for AF District Court to move to the Provo Courthouse.

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

13. Education Department Budget Shortfall (Lauren Andersen – “Presenter”)

Lauren Andersen is requesting a \$224,700 one-time use of carryforward funds to support in-person conferences, Education team training and employee manager training. This request seeks to fund the shortfall in Education’s budget for FY 2024 to enable Education to be responsive to the requests of the various Boards of Judges to continue to offer in-person and hybrid (or streaming) conferences, as well as additional professional development needs for court employees.

The detail of the Education request is (1) \$172,200 in one-time funding to support five hybrid conferences (All Judicial, Appellate, District, Juvenile and Employee), (2) \$30,000 in one-time funding be allocated to out-of-state training scholarships and (3) \$22,500 to continue developing performance based, soft-skilled, collaboration and team building courses for all districts in response to requests by TCEs for their employees. If the Education ongoing turnover savings request for \$100,000 is approved, this request will be reduced by that same amount.

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

14. Crisis Services – Pilot Program (Ron Gordon – “Presenter”)

Ron Gordon is requesting a \$35,000 one-time use of carryforward funds to establish a pilot program for crisis services for jurors. This request was originally submitted last fiscal year and the money has not been spent. This request is being renewed for \$35,000 to be spent in FY 2024 to fund a pilot program whereby the Courts would offer (1) limited counseling to jurors who experience trauma during their service as a juror and (2) a video for jurors (and Court employees/judges) discussing vicarious trauma and self-care. The type of cases that would be offered counseling services are jury trials related to offenses in Utah Criminal Code Title 76 Chapter 5 – “Offenses Against the Individual” - which includes murder, rape, human trafficking and assault.

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

15. IT – Retain Contract Developers Support (Brody Arishita– “Presenter”)

Brody Arishita is requesting a \$682,000 one-time use of carryforward funds. This request is to retain 4 current experienced contract developers to assist the Sr. Project Managers/Developers (SPMs) on critical projects and development tasks. Keeping these contract developers is key in order to keep delivering development projects for the courts across the following areas: CORIS Rewrite, Judicial Workspace, Xchange, Voice, OCAP, Guided Interview, Forms, Web Services, Modernization and Database improvements for applications.

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

16. AOC 2nd Floor Upgrade to Usable Workspace (Chris Talbot– “Presenter”)

Chris Talbot is requesting a \$235,000 one-time use of carryforward funds for AOC second floor upgrade to usable workspace. The Matheson AOC cubicle area on the second floor needs to be replaced with new furniture that provides a more open environment with greater flexibility for hoteling space staff usage.

Motion: Margaret Plane made a motion to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

17. IT Staff Augmentation (Todd Eaton & Chris Talbot– “Presenters”)

Todd Eaton is requesting a \$50,000 one-time use of carryforward funds for network/system maintenance – staff augmentation. In this final 18 months of ARPA-focused IT work with approximately 40% of IT’s ARPA spend left to do, this request establishes a fund for maintenance/repairs and other non-technical work throughout the state that optimizes the use of

IT employees by providing funds for this work to be done by vendors on state contract. These funds will cover labor costs, travel and any hardware required for this work.

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

4. Annual Setting of Commissioner Salary (Karl Sweeney– “Presenter”)

Karl Sweeney is proposing Court Commissioner FY24 new annual pay be set at \$183,326. Historically, court commissioners’ pay was 90% of the pay of district/juvenile judges. This percentage is not set in rule or statute. Per the 2023 Legislative session S.B. 8, district and juvenile judge salaries are scheduled to increase from \$185,200 to \$203,700 effective July 1, 2023 which is a 10% increase. We are seeking to set the salary for all 10 court commissioners for FY 2024 to also increase 10% from \$166,700 to \$183,326 to maintain the 90% ratio. This request will be entirely funded through legislative appropriations for FY 2024; no use of Court internally-generated ongoing turnover savings (TOS) is needed.

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

5. Accounting Manual Policy Change – Group Gatherings (Karl Sweeney– “Presenter”)

The Accounting Manual Group Gatherings policy is being updated. Because of increases in room rates at the few hotels that are large enough to host our events, there are not as many bids as there have been in the past. The policy has been revised to include group gathering procurement procedure and an increase in the per diem rates. The new group gatherings policy will:

1. Add a connection to the purchasing policy
2. Give more latitude to finding a vendor if you meet the small purchasing rules
3. Add more flexibility to larger group gathering per diems for both food and lodging

State Finance will be making similar changes to their group gathering policy in July. Approving the updates to our policy now will allow Education to address the lack of competitive bids with finding venues for all 2024 conferences.

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

6. Grants Update (Jordan Murray– “Presenter”)

Jordan Murray gave a grant update and stated that last month the Judicial Council recommended a grant application proposal that was put together by Nathanael Player to the National Center for State Courts, conviction, diversion initiative program. This grant application proposal involves working with a local nonprofit, People's Legal Aid (“PLA”), along with the Access to Justice

Office with the Utah State Bar to fund a temporary position at the PLA office. Jordan stated the first year of that grant is funded 100% by the National Center for State Courts (“NCSC”). The second year NCSC funding is reduced by 50%. The PLA will work with its partners to find pledges to cover 50% of the cost of the position for year 2 or the proposal will not be advanced to NCSC.

7. Old Business/New Business

Nick Stiles presented an informational memo of the Supreme Court’s intent to make available the balance of what remains of \$324,500 in American Rescue Plan Act (“ARPA”) funds previously approved by the Judicial Council for use by the Office of Legal Services (“Innovation Office”).

The Supreme Court will begin the process of transitioning the Office of Legal Services (Innovation Office) to the Utah State Bar in the next few months. The Supreme Court intends to make available on a reimbursement basis any remaining Innovation Office ARPA funds to the Utah State Bar.

In September 2021, the Innovation Office requested \$649,000 in ARPA funding. While the funding request was approved by the Legislature, the Utah State Courts did not receive enough funding to cover all approved requests. After the prioritization process the Innovation Office fell just outside the appropriated funding. However, due to higher priority items not spending all of their allotted funding, BFMC and the Judicial Council approved a request from the Innovation Office in its June 2022 Judicial Council meeting to access the first ½ of the available funding for \$324,500. The Innovation Office began using the \$324,500 to fund operations in January of 2023. It is anticipated that when the Innovation Office moves to the Utah State Bar there will be funds remaining.

The agreement document will be ready in May.

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

ADDENDUM:

Subsequent to this meeting a request was sent via email to the BFMC (Subject: Special BFMC Vote – Moving Matheson Public Electronic Directory to FY 2023 YE Request) on April 12, 2023 to reclassify the request from Carryforward (request #3) to 2023 YE (request #21) for \$43,101. This request was approved unanimously via email by Judge Elizabeth Lindsley, Justice Paige Petersen, Margaret Plane, Judge Kara Pettit, and Judge Keith Barnes.

Meeting adjourned 1:35 p.m.

Next meeting via WebEx May 8, 2023.

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

Webex video conferencing
May 5, 2023: 9:00 a.m.

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge Samuel Chiara, <i>Chair</i>	•		Keri Sargent Bart Olsen Paul Barron
Judge Suchada Bazzelle	•		
Judge Augustus Chin	•		STAFF: Keisa Williams Brody Arishita Minhvan Brimhall
Judge Michael DiReda	•		
Judge James Gardner	•		

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the April 7, 2023 meeting. With no changes, Judge DiReda moved to approve the minutes as presented. Judge Chin seconded the motion. The motion passed unanimously.

Back from public comment:

- CAJ 1-205. Standing and ad hoc committees
- CJA 3-117. Committee on Court Forms
- CJA 3-406. Budget and fiscal management

The comment period for CJA rules 1-205, 3-117, and 3-406 closed at midnight on May 4, 2023. No comments were received. OFA Director, Jon Puente, requested that the Committee consider rule 1-205 at this meeting so that he can move forward with membership appointments to the Judicial Fairness and Accountability Committee. Mr. Puente is also seeking an expedited effective date. The committee agreed to address rules 1-205, 3-117, and 3-406, making no additional amendments.

With no further discussion, Judge Gardner moved to send CJA 1-205, to the Judicial Council with a recommendation that it be approved as final on an expedited basis with an effective date of June 1, 2023. Judge Gardner also moved to send CJA 3-117 and CJA 3-406 to the Judicial Council with a recommendation that they be approved as final with an effective date of November 1, 2023. Judge Chin seconded the motions. The motions passed unanimously.

(2) HR Policies:

- **Career Service Employment**
 - **Definitions**
 - **HR 4-5**

- **HR 4-14**
- **HR 5-1**
- **HR 5-2**
- **HR 6-9**
- **HR 10-1**
- **HR 11-1**
- **HR 12-3**
- **HR 17-1**

At the Committee's request, Mr. Olsen provided a brief overview of the Council's decision to move away from career service positions. Effective July 1, 2022, the Council approved a proposed policy amendment from the Human Resource Policy Review Committee (HRPRC) ending the practice of creating and filling "career service" positions. Employees hired into career service positions prior to that date were subject to a "probationary period" of 12 months in order to obtain career service status, thus those sections of the HR policy needed to remain in place through June 30, 2022. New hires after July 1, 2022 do not have a formal probationary period. Therefore, cleanup language is needed throughout the HR Policy Manual with an effective date of July 1, 2023.

The proposed amendments remove the terms "probationary" and "probation period" throughout and, where appropriate, make disclaimers or clarifying language to distinguish at-will and career service employees. The HRPRC also proposes replacing the term "career service exempt" with "at-will" to reduce confusion between "career service exempt" and "FLSA exempt."

Although the proposed amendments remove "probation" and "probationary period" from policy, the HRPRC still recommends a practice of close supervision and more detailed performance evaluation for new hires during their first year of employment. To avoid confusion and to distinguish between "probationary" employees who become eligible for career service status, the term "introductory period" is proposed in policy to help management adopt consistent practices in evaluating new at-will employees.

Following discussion, the committee recommended the following amendments:

- Definitions - none
- HR 4-5 - none
- HR 4-14 - none
- HR 5-1
 - Line 208: add... to "an" at-will.
 - Line 229 and 230: took out "an" and "employee."
- HR 5-2 - none
- HR 6-9
 - Line 396: add "status" after "at-will"
 - Line 408: add "status" after "at-will"
 - Line 415 : add "an" prior to "at-will" and "status" at the end of the sentence
- HR 10-1 - none
- HR 11-1 - none
- HR 12-3 - none
- HR 17-1 - none

With no further discussion, Judge Bazzelle moved to send HR Definitions, HR 4-5, 4-14, 5-1, 5-2, 6-9, 10-1, 11-2, 12-3, and 17-1 to the Judicial Council with a recommendation that they be approved as final an effective date of July 1, 2023. Judge DiReda seconded the motions. The motions passed unanimously.

- **Background Checks (HR 4-15)**

For several years, there have been questions about using internal court systems such as CARE or CORIS to help screen applicants. This amendment will clarify that the only background check system we use will be through the Utah Bureau of Criminal Investigation and none of our internal case management or records retention systems will be used to determine candidate viability.

The committee did not recommend additional amendments to HR 4-15

- **Sick Leave (HR 7-4)**

Mental health and wellness have become critical components of workplace culture, and the current verbiage authorizing the conditions for which management may grant approval for sick leave appears to disallow authorization for mental health care purposes when using qualifiers “preventative” and “dental” with health care. After much discussion, including input from the State and Deputy State Court Administrators, the proposed amendment clarifies that employees may use sick leave hours for all health care issues, including mental health and wellness.

The committee recommended the following amendments:

- Add “all” to make the policy more inclusive
- Line 7: rewritten to read: “Management may grant sick leave for “physical, mental, and emotional healthcare needs...

Mr. Olsen noted that court management will be trained on approving leave usage for health care needs. The proposed amendments will allow management the ability to give sick leave that is consistent with the needs of the Judicial Branch.

- **Bereavement Leave (HR 7-9)**

A legislative change in 2022 allowed management to approve extended time away, without using personal leave time, when an employee has a family member residing in another country. The proposed amendments include minor adjustments to better organize the policy section and provide more precise instructions to employees and management. No major substantive changes.

The committee recommended the following amendment:

- Remove “at least” from the first paragraph

- **Compensatory Leave Payouts (HR 8-5)**

Employees eligible for overtime pay under the Fair Labor Standards Act (FLSA) may opt to accrue leave time instead of immediate overtime pay. Currently, HR policy only allows compensatory time payouts when an employee leaves Judicial Branch employment. This proposed amendment enables management the flexibility to approve compensatory time payouts upon request as needed.

The committee did not recommend additional amendments to HR 4-15.

- **Acceptable use of IT resources**
 - HR 8-2(3)(c)
 - HR 9-15

Since the pandemic, telecommuting has become a more standard practice throughout the courts. The Information Technology Department (IT) identified security risks and practical gaps in HR Policy related to telecommuting. HR and IT collaborated to create an updated HR policy aligning with IT best practices and requirements.

The committee recommended the following amendments:

HR 8-2(3)(c):

- Link UPM in line 21, rather than line 27, and change “Utah Performance Management” in line 28 to “UPM.”
- Line 38: change “adhere” to “must.”

HR 9-15:

- Paragraph (4) – change “may” to “shall” as “shall” is already in used in paragraph “(5)
- Paragraph (4)(J) – amended to read as “Knowingly or recklessly (i) spread computer viruses or (ii) act in any way that compromises court IT security.”
- Subparagraph (4)(m) – add “;or” at the end of the sentence
- **Written warnings and grievance process**
 - **HR 10-3**
 - **HR 17-1**

This amendment fixes an apparent disparity with what is grievable to the Grievance Review Panel. HR10-3 appears to remove written warnings and MOU’s from the grievance process entirely. Whereas, HR17-1 states that any item not listed can be grieved up to Level 3 (TCE or AOC Director). This amendment clarifies that written warnings and MOU’s can be grieved, but only up to Level 3 as outlined in HR17-1.

The committee did not recommend additional amendments to HR 10-3 or 17-1.

- **Volunteer programs (HR 13-1)**

The Volunteer Programs policy has been in place for many years, in part to support what is required by [UCA §67-20](#) and applies to all state officers and employees (including those of the judicial branch). The act ensures that volunteers are covered under worker’s compensation and identifies fees, expenses, and other benefits. This amendment simply cites the code and helps ensure the courts’ policy aligns with any future changes to the code.

The committee recommended the following amendment:

- Line 18: link to Title 67, Chapter 20

Following further discussion, Judge DiReda moved to send all of the above HR Policies, as amended, to the Judicial Council with a recommendation that they be approved as final with an effective date of July 1, 2023. Judge Gardner seconded the motion. The motion passed unanimously.

Technology report/proposals:

These items are currently under review or work is in progress with the Technology Advisory Committee (TAC):

- Email retention: Bryson King and Todd Eaton met and reviewed current retention policies and practices. Bryson is working on a draft retention policy that incorporates our current state of technology.
- Audio Request Forms and Fees: The TAC will be reviewing changes to fees associated with requests for court audio, including overall audio system costs.
 - FTR costs approximately \$334,000/year
 - Additional annual IT costs are applicable

- Karl Sweeney, Finance Director, is assisting with the fees listed for clerical staff to align them more closely with salaries today (case manager, IT, JA, etc.).
- Legislative Audit: The court went through a Cybersecurity Audit/Assessment and scored a 92%. Some audit findings will need to be addressed by the TAC.
- Mr. Arishita is working on revisions to the 5 policies listed below. He asked whether the Committee would like to review policy drafts before they go to the TAC or after. The Committee determined that the policies should go to the TAC first.
 - [Acceptable Use Draft Policy](#)
 - [Information Security Draft Policy](#)
 - [IT Information Security Risk Management Draft Policy](#)
 - [IT Policies, Standards & Practices](#)
 - [Software Development Draft Policy](#)
- The TAC is also working on training for CyberSecurity that aligns more closely with the tools the courts use. The training would be available in the LMS system.

Old Business/New Business: None

Adjourn: With no further items for discussion, the meeting adjourned at 10:12 am. The next meeting will be held on June 2, 2023 at 12 PM via Webex video conferencing.

Tab 3

2024 Schedule		
Management Committee	Judicial Council	Notes
<i>Management meetings are the second Tuesday of each month, unless otherwise noted.</i>	<i>Council meetings are the fourth Monday of each month, unless otherwise noted. Annual budget meeting is third Friday in August.</i>	

January 9	12:00 p.m.	January 16	9:00 a.m.	First day of the Legislative General Session & State of the Judiciary is January 16. Martin Luther King Holiday is January 15.
February 13	12:00 p.m.	February 26	9:00 a.m.	President's Day is February 19.
February 26	Following Council mtg			Second Management meeting held to set the March Council agenda.
March 12	12:00 p.m.	March 14	12:00 p.m.	The March Management meeting will not include approval of the Council agenda, unless Council decides to hold their March meeting on March 25. Council meeting held in conjunction with the Bar Spring Convention in St. George.
April 9	12:00 p.m.	April 22	9:00 a.m.	
May 14	12:00 p.m.	May 20	9:00 a.m.	Council meeting moved up a week because Memorial Day is May 27.
June 11	12:00 p.m.	June 24	9:00 a.m.	Juneteenth is June 17.
July 9	12:00 p.m.	July 22	9:00 a.m.	Pioneer Day is July 24. The date of the Bar Summer Convention is not known at this time.
August 9	12:00 p.m.	August 23	8:00 a.m.	Management meeting needs to be moved to accommodate time to approve the Council agenda. Council meeting held in conjunction with Annual Budget & Planning meeting.
September 3	12:00 p.m.	September 10	12:00 p.m.	Management meeting moved up a week due to Annual Conference. Labor Day is September 2. Council meeting held in conjunction with the Annual Conference.
October 8	12:00 p.m.	October 28	9:00 a.m.	
November 12	12:00 p.m.	November 25	9:00 a.m.	Thanksgiving is November 28.
December 10	12:00 p.m.	December 16	9:00 a.m.	Council meeting moved up because the third Monday is December 23 and the fourth Monday is December 30.

Important dates

State of the Judiciary (First Tuesday after the third Monday)	January 16, 2024
CCJ Midyear	TBD
Bar Spring Convention	March 14-16, 2024
Juvenile Spring Conference	March 20-22
Legislative Workshop	March 29, 2024
Legislative Update	April 12, 2024
District Spring Conference	Estimated for May 1-3, 2024
Bar Summer Convention	TBD
CCJ/COSCA Annual Conference	August 4-8, 2024
Annual Conference at the Zermatt	September 11-13, 2024
COSCA Midyear	Estimated for Dec. 3-7, 2024

Tab 4

JUNE COUNCIL MEETING

The following courts meet all REQUIRED AND PRESUMED BEST PRACTICES:

Davis County, Farmington, Family (Recovery) Dependency, Judge Sipes

Utah County, Provo, Veterans, Judge Powell

Tooele County, Tooele, Adult Drug, Judge Welch

Utah County, Provo, Adult Drug, Judge Howell

Juab County, Nephi, Adult Drug, Judge Howell

Millard County, Fillmore, Adult Drug, Judge Howell

The following Court meets all REQUIRED AND PRESUMED BEST PRACTICES, EXCEPT: PRESUMED BEST PRACTICE #35 WHICH STATES THAT COURTS SHALL HAVE MORE THAN 15 PARTICIPANTS BUT LESS THAN 125.

Summit County, Park City, Adult Drug, Judge Mrazik

The court states that due to the dearth of affordable housing in Summit County and the number of recent and upcoming graduations from the program, the Summit County Drug Court hovers closer to 10-12 participants at this time. The drug court team has ongoing discussions regarding how best to address and mitigate this issue.

I recommend that all of the above courts be certified.

UTAH JUDICIAL COUNCIL
FAMILY (RECOVERY) DEPENDENCY COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Davis County, Farmington

COURT NUMBER: JFDDC4DAVIS

JUDGE NAME: Sipes

REVIEW DATE: May, 2023

*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	#	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"/>	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	#	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"/>	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	<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.
X	<input type="checkbox"/>	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	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The 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.
X	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

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

COURT LOCATION: Utah County, Provo

COURT NUMBER: VDC2UTAH

JUDGE NAME: Powell

REVIEW DATE: April, 2023

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

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

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Veteran court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Veteran court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Veteran court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Veteran court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Veteran court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Veteran court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Veteran court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Veteran court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Veteran court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Veteran court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of veteran court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), VJO (in veteran court), and the judge attend each staffing meeting.	VIII.B.*

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

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 Veteran 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 Veteran court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Veteran court judge attends current training events on legal and constitutional issues in Veteran courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Veteran 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 Veteran court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
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	#	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"/>	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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

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X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Veteran 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 Veteran court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Veteran 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 Veteran courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Veteran court model and best practices in Veteran courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Veteran court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Veteran court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
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 Veteran court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Veteran court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Veteran court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
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 Veteran court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Veteran courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Veteran court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	XXX	10	Before starting a Veteran court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Veteran courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Veteran court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<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 Veteran court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Veteran court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	XX	16	The Veteran court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

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

COURT LOCATION: Tooele County, Tooele

COURT NUMBER: ADC21TOOELE

JUDGE NAME: Welch

REVIEW DATE: May, 2023

*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.
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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.

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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.*

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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.
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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.
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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.
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X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
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X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
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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.
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X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
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X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

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

COURT LOCATION: Utah County, Provo

COURT NUMBER: ADC23UTAH

JUDGE NAME: Howell

REVIEW DATE: April, 2023

*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.*

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X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Drug Court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

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X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The 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.

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ADULT DRUG COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Juab County, Nephi

COURT NUMBER: ADC9JUAB

JUDGE NAME: Howell

REVIEW DATE: eMay, 2023

*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
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X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other 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.

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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.	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"/>		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).	
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.

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X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.

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X <input type="checkbox"/>	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, 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.
X <input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X <input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X <input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X <input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X <input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X <input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X <input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X <input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X <input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X <input type="checkbox"/>	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

UTAH JUDICIAL COUNCIL
ADULT DRUG COURT CERTIFICATION CHECKLIST
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COURT LOCATION: Millard County, Fillmore

COURT NUMBER: ADC11MILLARD

JUDGE NAME: Howell

REVIEW DATE: eMay, 2023

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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 (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.

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X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
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X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

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X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.

YES NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS	BPS
		<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
X <input type="checkbox"/>	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, 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.
X <input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X <input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X <input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X <input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X <input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X <input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X <input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X <input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X <input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X <input type="checkbox"/>	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

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

COURT LOCATION: Summit County, Park City

COURT NUMBER: ADC20SUMMIT

JUDGE NAME: Mrazik

REVIEW DATE: May, 2023

*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.

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X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the 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.*
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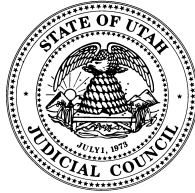
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X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest, PLEA, OR PROBATION VIOLATION .	
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X	<input type="checkbox"/>	34	New staff hires receive a formal orientation 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"/>	xxx	35	The Drug Court has more than 15 but less than 125 active participants. 10-12	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	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.

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 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.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	xxx	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	xxx	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 5



Administrative Office of the Courts

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

June 2, 2023

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

MEMORANDUM

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

Folloing a 45-day public comment period, the Policy, Planning, and Technology Committee recommends that the following rules be approved with a **November 1, 2023** effective date.

CJA 6-507. Court visitors

No public comments were received. Below is a summary of the proposed amendments. No additional amendments are recommended.

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 [published amendments](#) to Rule 3-414 garnered 7 public comments (attached). Six comments were from prosecutors or law enforcement officers objecting to the removal of “law enforcement official” from lines 199-200 (now lines 202-203). Currently, local courts have the discretion to permit or prohibit prosecutors from carrying firearms in courthouses through their local court security plans. According to the Court Security Director, thus far we have not encountered any significant security issues with this practice. The Committee recommends leaving “law enforcement official” in the rule, allowing prosecutors to carry if possession is permitted by the Presiding Judge in a local court security plan.

To address Judge Brady’s comment, “court personnel” has been defined throughout.

Other substantive amendments include: requiring officers in plain clothes to wear something that identifies them as law enforcement officers (lines 173-175) and requiring officers to use a duty-type holster with a user-operated restraining device if a firearm is visible (lines 176-177).

**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~~ 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~~ 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 November 1, 2023*30

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~~make available a copy of the current local security plan ~~and annual training on the plan~~ to all judges, commissioners, court personnel~~employees~~, volunteers, and security personnel.

(4)(D) The local plan shall clearly delineate the responsibilities between court employees, judges, court commissioners, and any individual issued court identification (“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, judges, court commissioners, court employees, 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 employees 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.

~~(87)(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, or 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~~employees, ~~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 employees 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-employees~~ 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 valid court-issued identification card may bypass security screening at any facility where they have been granted access. ~~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 ~~shall~~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;

321 (109)(B)(iv) provide advance notice of the transportation and of any extraordinary
322 security requirements to the law enforcement agency responsible for court
323 security, to the judge, and to the bailiff;

324 (109)(B)(v) comply with any regulations of the county sheriff regarding the
325 transportation of persons in custody to court; and

326 (109)(B)(vi) return the person in custody to the proper place of confinement.

327 (109)(C) The law enforcement agency responsible for court security shall provide
328 assistance to the transportation officer as circumstances dictate.

329 *Effective: November 1, 20~~23~~¹⁸*

UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on “Continue Reading.” To submit a comment, scroll down to the “Leave a Reply” section, and type your comment in the “Comment” field. Type your name and email address in the designated fields and click “Post Comment.”

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

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[LINKS](#)

Posted: February 28, 2023

Utah Courts

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Code of Judicial Administration – Comment Period Closed April 14, 2023

CJA06-0507. Court visitors (AMEND). The proposed amendments replace “protected person” and “ward” with “respondent” where applicable; clarify who may receive a court visitor report or notice; require court visitors to use a Council-approved Order on Review form; and provide the court with broad discretion in taking action on a court visitor report. Language access requirements are addressed elsewhere in the Code of Judicial Administration.

CJA03-0414. Court security (AMEND). The proposed amendments require officers in plain clothes to wear something that identifies them as law enforcement; require officers to use a duty-type holster with a user-operated restraining device if a firearm is visible; clarify who is allowed to carry firearms in courthouses; and otherwise clean up or streamline the rule.

This entry was posted in [-Code of Judicial Administration](#), [CJA03-0414](#), [CJA06-0507](#).

To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

CATEGORIES

- [-Alternate Dispute Resolution](#)
- [-Code of Judicial Administration](#)
- [-Code of Judicial Conduct](#)
- [-Fourth District Court Local Rules](#)
- [-Licensed Paralegal Practitioners Rules of Professional Conduct](#)
- [-Rules Governing Licensed Paralegal Practitioner](#)
- [-Rules Governing the State Bar](#)

« Code of Judicial
Administration – Comment
Period Closed May 4, 2023

Rules of Professional Conduct
– Comment Period Closed
April 9, 2023 »

UTAH COURTS

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8 thoughts on “Code of Judicial Administration – Comment
Period Closed April 14, 2023”

James Vilos
February 28, 2023 at 12:12 pm

Re amendments to CJA03-0414. Although the rule references 78A-2-203, I do not see that the rule complies with paragraph (2)(b) relating to setting up a firearm storage area for persons with lawfully carried firearms. This paragraph uses the mandate “shall.” It is not an option to not provide such storage in any courthouse protected by a secured area. There are patrons who may park outside the courthouses or take public transportation. By not complying with section 203, this rule puts these patrons at risk as they travel to and from the courthouse and may create liability for the State in the event of injury or death to such patrons who would have had a defensive firearm but for the rule (which again, does not comply with section 203). The Judicial Council should mandate all courthouses with secured areas to strictly comply with UCA 78A-2-203.

Branden Miles
February 28, 2023 at 2:22 pm

“Law Enforcement Official” has been deleted on lines 199-200. These officials, also defined in Utah Code 53-5-711, have the same training requirements and requalification requirements as judges/commissioners. Many courthouses do not have a secure storage for firearms available and would require that we leave our firearms in a vehicle or other location, which inherently

- -Rules of Appellate Procedure⁰⁰⁰¹¹¹
- -Rules of Civil Procedure
- -Rules of Criminal Procedure
- -Rules of Evidence
- -Rules of Juvenile Procedure
- -Rules of Professional Conduct
- -Rules of Professional Practice
- -Rules of Small Claims Procedure
- ADR101
- ADR103
- Appendix B
- Appendix F
- CJA Appendix F
- CJA01-0201
- CJA01-0204
- CJA01-0205
- CJA01-0205
- CJA01-0302
- CJA01-0303
- CJA01-0304
- CJA01-0305
- CJA010-01-0404
- CJA010-1-020
- CJA02-0101
- CJA02-0103
- CJA02-0104
- CJA02-0106.01
- CJA02-0106.02
- CJA02-0106.03
- CJA02-0106.04
- CJA02-0106.05
- CJA02-0204
- CJA02-0206
- CJA02-0208
- CJA02-0208
- CJA02-0211
- CJA02-0212
- CJA03-0101
- CJA03-0102
- CJA03-0103
- CJA03-0103
- CJA03-0104
- CJA03-0105
- CJA03-0106
- CJA03-0106
- CJA03-0107
- CJA03-0108
- CJA03-0109
- CJA03-0111
- CJA03-0111.01

leaves us other officials more vulnerable that the judges that are still allowed to possess firearms and have secure parking areas associated with the court. We don't advertise or announce our possession of the firearm publicly, but we do sign a log and quietly notify appropriate court security when we do have it. We follow and adhere to the same guidelines as police officers in this regard and are considered part of our local security plan. If judges and court commissioners are allowed to possess firearms in accordance with this provision, then law enforcement officials similarly qualified should also be included. Please consider revising that provision.

Stephen Starr
February 28, 2023 at 4:04 pm

Regarding Rule CJA03-0414, the proposed amendments appear to prevent a prosecuting attorney from carrying a firearm in a courthouse. As a prospecting attorney for Weber County, I am opposed to this. As prosecutors, we tend to upset people (whether it be the defendant, a family member, or others associated with the defendant) when we prosecute people. While the inside of a courthouse is relatively secure, a prosecutor faces the most danger from upset persons while the prosecutor is outside of the courthouse, i.e., transitioning from the parking lot to the courthouse. If a prosecutor cannot bring a firearm into the courthouse, he/she will be required to leave it in his car, thus leaving him exposed in the parking lot to those who would seek to do him harm.

Sean Brian
February 28, 2023 at 4:38 pm

By excluding "law enforcement officials", this rule change creates a potential conflict with Utah Code 53-5-711.

I am a prosecutor and have carried my firearm concealed responsibly in the courtroom since my first year working for the county. I have been a part of our local security plan and participated in training and qualification assessments diligently every year.

There is no reason to exclude law enforcement officials where we are subject to the same training and currency standards.

Thomas Pedersen

- CJA03-0111.02
- CJA03-0111.03
- CJA03-0111.04
- CJA03-0111.05
- CJA03-0111.06
- CJA03-0112
- CJA03-0113
- CJA03-0114
- CJA03-0115
- CJA03-0116
- CJA03-0117
- CJA03-0201
- CJA03-0201.02
- CJA03-0202
- CJA03-0301
- CJA03-0301.01
- CJA03-0302
- CJA03-0303
- CJA03-0304
- CJA03-0304.01
- CJA03-0305
- CJA03-0306
- CJA03-0306.01
- CJA03-0306.02
- CJA03-0306.03
- CJA03-0306.04
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- CJA03-0414
- CJA03-0415
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- CJA03-0421
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- CJA04-0106
- CJA04-0110
- CJA04-0201
- CJA04-0202
- CJA04-0202.01
- CJA04-0202.02
- CJA04-0202.03
- CJA04-0202.04
- CJA04-0202.05
- CJA04-0202.06

000112

March 1, 2023 at 8:35 am

I have a few issues with one portion of this proposed rule:

This proposed rule strips “law enforcement official” in section (8)(B)(ii) as someone who can ever conceal carry in a courtroom – regardless of what the local security plan says, and regardless of their training and skill in handling a firearm.

First, this proposed rule overrides the discretion of local courts to determine their security plans and places my colleagues and me at risk of harm in the process. Under the old version of this rule, if a local court did not want judges, court commissioners, or law enforcement officials (all three being the LEOJ permit under 53-5-711) to carry in the courtroom – they could exercise their local discretion under their local security plan to ban those individuals from carrying in the courtroom. Under the proposed change, even if a local court wanted to, they could not permit law enforcement officials to conceal carry under their local security plan. What this board is doing through this proposed change is arbitrarily stripping discretion on how courts can formulate their local security plans, and that is unacceptable.

Second, this proposed change also strips the state law of its intended purpose in creating the LEOJ permit – for prosecutors and judges to be able to protect themselves from violent offenders. It is the same reason prosecutors and judges can remove their addresses from being publicly listed. I put away bad guys and I have received personal threats from some of the people I have put away over the years. Our local district court does not have lockers for people to check their guns, so my only option under the proposed change would be to leave my gun in my car or at the office. Either way I would be defenseless walking across the parking lot to the courthouse. That is unacceptable.

I have prosecuted in Weber County for 6.5 years. I requalify under the LEOJ permit every year by shooting the same course that law enforcement does. There have been no issues with prosecutors from our office carrying. We check in with the bailiffs downstairs and sign in to a log to let them know who is carrying and still in the courthouse. Those of us who do choose to carry do so discreetly and securely.

The proposed change to strip discretion of local courts to make local decisions on formulating their local security plans consistent with existing laws that places prosecutors in danger is unacceptable. I am strongly opposed to the proposed change as it relates to section (8)(B)(ii), and will continue to advocate against it.

James Brady

000113

- CJA04-0202.07
- CJA04-0202.08
- CJA04-0202.09
- CJA04-0202.10
- CJA04-0202.12
- CJA04-0203
- CJA04-0205
- CJA04-0206
- CJA04-0208
- CJA04-0302
- CJA04-0401
- CJA04-0401.01
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- CJA04-0510.01
- CJA04-0510.02
- CJA04-0510.03
- CJA04-0510.04
- CJA04-0510.05
- CJA04-0510.06
- CJA04-0601
- CJA04-0602
- CJA04-0603
- CJA04-0609
- CJA04-0610
- CJA04-0613
- CJA04-0701
- CJA04-0702
- CJA04-0704
- CJA04-0801
- CJA04-0901
- CJA04-0902
- CJA04-0903
- CJA04-0904
- CJA04-0905
- CJA04-0906
- CJA04-0907
- CJA05-0101
- CJA05-201
- CJA06-0101
- CJA06-0102
- CJA06-0104

March 1, 2023 at 8:47 am

Could the committee define “court personnel” as used in Paragraphs 4(C); 4(D); 7(B) and 7(C). Does “court personnel” include 1) all employees of the Office of Courts Administration, 2) all employees of the Utah State Courts, 3) all appointed court officers, 3) all employees of other departments assigned to work at any court building?

Thomas Pedersen

March 2, 2023 at 7:59 am

This proposed rule strips “law enforcement official” in section (8)(B)(ii) as someone who can ever conceal carry in a courtroom – regardless of what the local security plan says, and regardless of their training and skill in handling a firearm.

First, this proposed rule overrides the discretion of local courts to determine their security plans and places my colleagues and me at risk of harm in the process. Under the old version of this rule, if a local court did not want judges, court commissioners, or law enforcement officials (all three being the LEOJ permit under 53-5-711) to carry in the courtroom – they could exercise their local discretion under their local security plan to ban those individuals from carrying in the courtroom. Under the proposed change, even if a local court wanted to, they could not permit law enforcement officials to conceal carry under their local security plan. What this board is doing through this proposed change is arbitrarily stripping discretion on how courts can formulate their local security plans, and that is unacceptable.

Second, this proposed change also strips the state law of its intended purpose in creating the LEOJ permit – for prosecutors and judges to be able to protect themselves from violent offenders. It is the same reason prosecutors and judges can remove their addresses from being publicly listed. I put away bad guys and I have received personal threats from some of the people I have put away over the years. Our local district court does not have lockers for people to check their guns, so my only option under the proposed change would be to leave my gun in my car or at the office. Either way I would be defenseless walking across the parking lot to the courthouse. That is unacceptable.

I have prosecuted in Weber County for 6.5 years. I requalify under the LEOJ permit every year by shooting the same course that law enforcement does. There have been no issues with prosecutors from our office carrying. We check in with the bailiffs downstairs and sign in to a log to let them know who is carrying and still in the courthouse. Those of us who do choose to carry do so discreetly and securely.

000114

- CJA06-0303
- CJA06-0401
- CJA06-0402
- CJA06-0501
- CJA06-0503
- CJA06-0504
- CJA06-0505
- CJA06-0506
- CJA06-0506
- CJA06-0507
- CJA06-0601
- CJA07-0101
- CJA07-0102
- CJA07-0301
- CJA07-0302
- CJA07-0302
- CJA07-0303
- CJA07-0304
- CJA07-0307
- CJA07-0308
- CJA09-0101
- CJA09-0103
- CJA09-0105
- CJA09-0107
- CJA09-0108
- CJA09-0109
- CJA09-0301
- CJA09-0302
- CJA09-109
- CJA10-1-203
- CJA10-1-602
- CJA11-0101
- CJA11-0102
- CJA11-0103
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- CJA11-0301
- CJA11-0302
- CJA11-0303
- CJA11-0401
- CJA11-0501
- CJA11-0510
- CJA11-0511
- CJA11-0513
- CJA11-0591
- CJA14-0515
- CJA14-0721
- CJA_Appx_F
- CJA_Appx_I
- CJA_Appx_J
- CJC Terminology
- CJC01

The proposed change to strip discretion of local courts to make local decisions on formulating their local security plans consistent with existing laws and in so doing places prosecutors in danger is unacceptable. I am strongly opposed to the proposed change as it relates to section (8)(B)(ii), and will continue to advocate against it.

Ryan Carver
April 4, 2023 at 8:03 pm

As a law enforcement officer and one who routinely gets threats against my person due to my job as a police officer, I whole heartedly disagree with this action. We do not park in secure parking. This means that criminal elements can go shopping for firearms in parking lots around the courts. There are no lock up locations for our firearms and our department policies recommend carrying off duty, they also dictate how weapons must be stored. If you require I not travel with my firearms then feel free to enact a rule allowing law enforcement to attend court virtually. This allows us to maintain our safety, it allows for your ridiculous rule change, and allows my continued safety and compliance with my department policy. I do not see a legitimate reason for this change.

000115

- CJC02
- CJC02.11
- CJC02.12
- CJC02.3
- CJC03
- CJC03.7
- CJC04
- CJC04.1
- CJC05
- CJCApPLICABILITY
- Fourth District Local Rule 10-1-407
- LPP1.00
- LPP1.01
- LPP1.010
- LPP1.011
- LPP1.012
- LPP1.013
- LPP1.014
- LPP1.015
- LPP1.016
- LPP1.017
- LPP1.018
- LPP1.02
- LPP1.03
- LPP1.04
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- LPP1.06
- LPP1.07
- LPP1.08
- LPP1.09
- LPP15-0701
- LPP15-0702
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- LPP15.01001
- LPP15.01101
- LPP15.01102
- LPP15.01103
- LPP15.01104
- LPP15.01105
- LPP15.01106

Tab 6



Alex G. Peterson
Executive Director

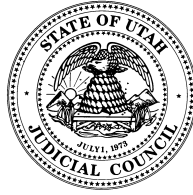
State of Utah

JUDICIAL CONDUCT COMMISSION

1385 S. State St., Suite #143
Salt Lake City, Utah 84115
Telephone: (801) 468-0021

- TO** Judicial Council
- FROM** Alex G. Peterson, Executive Director
- DATE** June 16th, 2022
- RE** Biannual JCC Update
- MESSAGE**
1. JCC Membership Update
 - a. New Members: Sen. Jen Plumb (D), Rep. Brady Brammer (R), and Rep. Doug Owens (D).
 - b. Missing Members: None.
 - c. Current Members (11): Ms. Cheylynn Hayman, Chair, Ms. Michelle Ballantyne, Judge David Mortensen, Judge Todd Shaughnessy, Rep. Brady Brammer, Rep. Doug Owens, Sen. Mike McKell, Sen. Jen Plumb, Mr. Stephen Studdert, Mr. Mark Raymond, Ms. Georgia Thompson.
 - d. Next scheduled Supreme Court appointments are in 2024 (for judges and attorney members).
 2. JCC Caseload update and analysis
 - a. Currently, we are at 160 cases in FY23 (85 in FY22, 80 in FY21, 51 in FY 20, 64 in FY19, 58 in FY18).
 - b. To date in FY23, we have had 0 public dispositions (in FY22, we had one Dismissal with Warning). We have 3 cases before Utah Supreme Court.
 3. Misc. Activities of JCC (over the last six months)
 - a. JCC continues to meet in person at anchor location.
 - b. Our electronic complaint form submission was initiated in January 2022 with 260 submissions to date.
 - c. The Commission approved a staffing structural change for which we will seek legislative appropriation. New structure is 1 FTE Ex. Dir., 1 FTE Judicial Investigator, 1 PTE Judicial Investigator, and 1 PTE Admin. Ass't.

Tab 7



Administrative Office of the Courts

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

June 1, 2023

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

To: Management Committee & Utah Judicial Council
From: Nick Stiles, Appellate Court Administrator, & Brody Arishita, Chief Information Officer
Re: Update to Retention Election Process and Forms

Court level administrators and AOC leadership have been studying the retention election process in an effort to improve efficiencies and lessen the burden on judicial officers. Historically, the General Counsel's Office handled the process for all court levels. Due to employee turnover and workload, court level administrators handled the last retention cycle for their respective courts. Moving forward, Jim Peters has volunteered to serve as the retention election lead with support from the other court level administrators.

One area of the retention process that provides an opportunity for improvement is the self-declaration form. While google forms have many benefits, they are a web-based form that does not translate well to being downloaded and provided to other parties. Last year's retention certification letter to JPEC totaled over 400 pages. Working collectively with Brody Arishita, we have created a better solution using Adobe sign. Adobe sign allows us to automate much of the process on the front end, making it easier for the judicial officer to complete.

We will provide a live demo of the forms for both Management Committee and the Judicial Council. We seek your approval to use these forms moving forward instead of the current google form process.

Respectfully,

Nick Stiles & Brody Arishita

**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.**



Judicial Retention Election Declaration Form

Court of Appeals • Supreme Court

This form is used for an appellate judge who will be up for retention in the next even numbered year. The form should be completed by August 15th, approximately 15 months before the November retention election.

The Council will make its certification decision at its September meeting. Its certification decision is due to JPEC by October 1. See [CJA 3-101](#).

Court Level: Select...

Name:

Email:

Todays Date:

Term Start Date:

	Your Calculated Amount
Maximum number of cases under advisement more than six months:	
Maximum number of cases under advisement for more than six months in 1-year:	

From the start of your current term to the present, have you circulated more than an average of three principal opinions per calendar year more than six months after submission ("exceptional cases")? (Your max:_)

☐ Yes

☐ No

From the start of your current term to the present, have you held more than half of the maximum exceptional cases in any one calendar year?

(Your 1-year max:_____)

☐ Yes

☐ No



Judicial Retention Election Declaration Form

Court of Appeals • Supreme Court

If you answered yes to either or both of the questions above, were the circumstances that caused delays beyond your personal control?

- ☐ Yes (If yes, please explain)
- ☐ No
- ☐ Not applicable

Court of Appeals Judges Only - From the start of your current term to the present, is your average time to circulation of a principal opinions more than 120 days after submission?

- ☐ Yes (If yes, please explain)
- ☐ No
- ☐ Not applicable

EDUCATION HOURS

My education hours for the current fiscal year (July 1-June 30) are:

- ☐ More than 30
- ☐ Less than 30

If you have fewer than 30 hours for the current year, list any courses you will complete before the end of the year and the number of hours associated with the courses.



Judicial Retention Election Declaration Form

Court of Appeals • Supreme Court

For each year in your current term, have you received 30 hours or more of continuing legal education?

☐ Yes

☐ No

If you selected no to the immediately preceding question, please explain which year you did not receive 30 or more hours of education, and whether it was due to circumstances outside your control:

FITNESS FOR OFFICE

Are you mentally and physically fit for office?

☐ Yes

☐ No (If no, please explain)

SIGNATURE



Judicial Retention Election Declaration Form

District Court · Juvenile Court · Justice Court

This form is used for a trial court judge who will be up for retention in the next even numbered year. The form should be completed by August 15th, approximately 15 months before the November retention election.

The Council will make its certification decision at its September meeting. Its certification decision is due to JPEC by October 1. See [CJA 3-101](#).

Court Level: Select...

Name:

Email:

Today's Date:

Term Start Date:

	Your Calculated Amount
Maximum number of cases under advisement more than six months:	
Maximum number of cases under advisement for more than six months in 1-year:	

From the start of your current term to the present, have you held more than an average of three cases per calendar year under advisement more than two months after submission ("exceptional cases")?

(Your max: _____)

- ☐ Yes
☐ No

From the start of your current term to the present, have you held more than half of the maximum exceptional cases in any one calendar year?

(Your 1-year max: _____)

- ☐ Yes
☐ No



Judicial Retention Election Declaration Form

District Court · Juvenile Court · Justice Court

If you answered yes to either or both of the questions above, were the circumstances causing the delayed decision beyond your personal control?

- ☐ Yes (If yes, please explain)
- ☐ No
- ☐ Not applicable

During your current term of office, have you held any case under advisement more than six months after submission?

- ☐ Yes
- ☐ No

If you answered yes to the immediately preceding question, was this due to circumstances beyond your immediate control?

- ☐ Yes (If yes, please explain)
- ☐ No
- ☐ Not applicable

EDUCATION HOURS

My education hours for the current fiscal year (July 1-June 30) are:

- ☐ More than 30
- ☐ Less than 30

If you have fewer than 30 hours for the current year, list any courses you will complete before the end of the year and anticipated education hours:



Judicial Retention Election Declaration Form

District Court · Juvenile Court · Justice Court

For each year in your current term, have you received 30 hours or more of continuing legal education?

- ☐ Yes
- ☐ No

If you selected no to the immediately preceding question, please explain which year you did not receive 30 or more hours of education, and whether it was due to circumstances outside your control:

FITNESS FOR OFFICE

Are you mentally and physically fit for office?

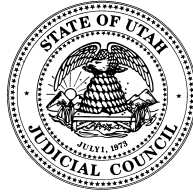
- ☐ Yes
- ☐ No (If no, please explain)

FOR JUSTICE COURT JUDGES ONLY - Did you attend the Spring Justice Court Judges Conference during each year of your term?

- ☐ Yes
- ☐ No (If no, please explain)
- ☐ Not applicable

SIGNATURE

Tab 8



Administrative Office of the Courts

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

June 5, 2023

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

MEMORANDUM

TO: Judicial Council

FROM: Hon. Kate Appleby, Chair
Board of Senior Judges

RE: Board of Senior Judges - Annual Report

The Board of Senior Judges represents senior judges from all levels of courts of record and is comprised of five active senior judges, as defined in [UCJA Rule 1-305 Board of Senior Judges](#). The current members of the Board are Judge Kate Appleby (chair), Judge Gordon Low (vice chair), Judge Russell Bench, and Judge Michelle Heward. The fifth member of the Board will be elected during the Board's meeting at the annual judicial conference.

Active and Inactive Senior Judges

There are currently 33 active and 27 inactive senior judges:

- 2 active and 1 inactive senior judge in the Court of Appeals
- 20 active and 6 inactive senior judges in the District Court
- 6 active and 9 inactive senior judges in the Juvenile Court
- 5 active and 11 inactive senior judges in the Justice Court

An active senior judge, during an assignment, has all the authority of the office of a judge of the court to which the assignment is made. An inactive senior judge may only solemnize marriages.

Senior Judge Budget

Active senior judges continue to assist with reducing the backlog of cases in district courts. A portion (\$2,000,000) of the total ARPA funding for the Courts was allocated to reducing the case backlog. This funding has been used for senior judge coverage and for temporary judicial assistants. It is projected that ARPA funds dedicated to the case backlog will be expended by September 2023. The Courts' administrative leadership and the finance team are exploring options to provide the current levels of funding (approximately \$80,000 per month) through the fiscal year 2024 by re-allocating unspent ARPA funds and requesting one-time funding from internal sources such as the year-end funds.

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

Aside from the ARPA funding, the annual senior judge budget is \$168,100. This funding is used for senior judge work other than covering cases that contribute to reducing the pandemic-related case backlog. As the backlog of cases diminishes, the Courts will evaluate whether the standard senior judge budget is sufficient to meet the needs.

Senior Judge Assignments

During the calendar year 2023 (as of May 25, 2023), 22 active senior judges have worked 241 days: 29 days in the Court of Appeals; 197 days in the District Court; and 15 days in the Juvenile Court. This information does not include cases that were settled, cancelled, or are still pending.

Coverage of cases by senior judges per district for the calendar year 2023 (as of May 25, 2023):

- First District: 26 days
- Second District: 52 days
- Third District: 28 days
- Third Juvenile: 11 days
- Fourth District: 47.5 days
- Fourth Juvenile: 4 days
- Fifth District: 36.5 days
- Sixth District: 3 days
- Seventh District: 1 day
- Eighth District: 3 days

For historical context, active senior judges worked:

- 486 days in the calendar year 2022
- 268 days in the calendar year 2021
- 63 days in the calendar year 2020
- 42 days in the calendar year 2019

Current initiatives and goals

In September 2023, the Board of Senior Judges will be reviewing and recommending proposed changes to Court rules relevant to senior judges as well as to the processes and structure of the senior judge program. Some of the potential changes involve allowing inactive senior judges to administer oaths; clarifying and aligning the existing rules; establishing an accurate system to track acceptance of assignments; establishing standards for performance and performance improvement plans; and evaluating the minimum standard of work per year.

Tab 9



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 / Judicial Council
From: Uniform Fine Committee
Date: Friday, June 16, 2023
Re: Uniform Fine Committee – Proposed Uniform Fine Schedule Changes per HB0030

ACTION REQUESTED

After meeting on Friday, June 16, 2023, to carefully consider HB0030¹ and the resulting changes to the Uniform Fine Schedule necessitated by that legislation, the Uniform Fine Committee seeks the following action from the Judicial Council:

- 1)** adopt the recommended UFS changes to all Title 23A-related offenses, necessitated by the HB0030 recodification, as outlined in the materials that accompany this memo;
- 2)** adopt the associated recommended changes to the Wildlife Resources Rule Entries table, as outlined in the materials that accompany this memo; and
- 3)** authorize the AOC to incorporate the adopted changes into a revised version of the 2023 Uniform Fine Schedule and publish that document effective July 1, 2023.

BACKGROUND

During the 2023 legislative session, the legislature passed HB0030, which is a non-substantive recodification of the Wildlife Resources Code currently located in Title 23 of the Utah Code. After recodification, these statutes will reside in a new Title 23A. This bill will be effective on July 1, 2023,² and results in 65 changes to the Shared Master Offense Table (SMOT). The committee is recommending that 53 of these SMOT changes be reflected in the Uniform Fine Schedule (UFS), as follows (see **Attachment 1** for specific details):

¹ <https://le.utah.gov/~2023/bills/static/HB0030.html>

² Due to this delayed effective date, the UFS Committee did not include the HB0030 changes in the materials describing other UFS changes resulting from the 2023 legislative session, which were previously submitted to the Judicial Council for approval in April 2023 (to meet the May 3, 2023, effective date for most legislation).

- 28 UFS offenses **renumbered**;
- 13 existing statutory offenses **added** (these could/should have been in SMOT/UFS already, but weren't) — these additions include recommended fine amounts suggested by the DWR;³ and
- 12 offenses **removed** from the UFS due to renumbering / more specific replacement entries.⁴

In addition to these changes, the committee is also recommending changes to the 189 "WR" offense entries included in the UFS on the Wildlife Resources Rule Entries table. These offenses exist as part of the UFS to provide the Division of Wildlife Resources (DWR) a more nuanced ability to track the violation of specific subsections of Utah Code. At the conclusion of its April meeting, the committee instructed staff to meet with the DWR to discuss the Title 23 and "WR" offense entries (in light of the HB0030 recodification and the apparent variation of fine amounts recommended for these offenses). During the months of May and June, committee staff had multiple phone conversations and numerous email exchanges with the Division of Wildlife Resources.⁵ From this collaboration, the following changes are recommended to the 189 "WR" offenses included in the UFS Wildlife Resources Rule Entries table (see **Attachment 2** for specific details):

- 142 WR offense entries **edited** so the "description" incorporates the recodified statutory reference and for stylistic consistency between offense descriptions;
- 22 WR offense entries **removed** from the UFS as entirely duplicative of other existing entries;
- 23 WR offense entries with outdated \$680 recommended **fines increased \$10** for consistency to the typical \$690 for **class B** misdemeanors;
- 6 WR offense entries with outdated \$1,950 recommended **fines increased \$10** for consistency to the typical \$1,960 for **class A** misdemeanors; and
- 5 WR offense entries (WR1600, WR2650, WR2660, WR4401, and WR4801) suggest increased **recommended fines of \$690** (up from \$290, \$290, \$240, \$290, and \$360, respectively), per the DWR's recommendations.

As part of sorting out these recommendations, the DWR explained that the variation in recommended fine amounts for Title 23A offenses / WR offense entries is a reflection of the relative seriousness of the offenses from a wildlife management / enforcement policy perspective. Because the Utah Code structures most wildlife offenses as either class B misdemeanors or infractions through the use of generalized level of offense statutes,⁶ this is one meaningful way to differentiate between the gravity of the various offenses and hopefully provides a more refined method of assessing an appropriate fine commensurate with the underlying conduct. At the request of committee staff, the DWR reviewed all of the offense entries described in this memo to determine if changes to recommended fines should be pursued. As a result of that review, the DWR suggested a handful of fine revisions (see above), but otherwise encourages the Council to reauthorize the fines as outlined in the accompanying materials.

³ The DWR recommends reducing the recommended fine for Utah Code § 23A-10-305 — Failure to Remove Plug or Drain Water — from \$340 to \$160.

⁴ The remaining 12 offenses are either felony (4) or class A misdemeanor (8) offenses. As such, they are part of the total 65 SMOT changes, but are not involved in the 53 changes to the UFS.

⁵ Committee staff coordinated this effort with Captain Rick Olson at the DWR. Captain Olson is responsible for management of offenses in the DWR's case management system.

⁶ Utah Code § 23A-5-301 — Violations in General — states that, unless otherwise specified, violations of the provisions of Title 23A are class B misdemeanor offenses, while violations of wildlife rules are infractions. See https://le.utah.gov/xcode/Title23A/Chapter5/23A-5-S301.html?v=C23A-5-S301_2023050320230701

ATTACHMENT

1

New Violation Code	Current Violation Code	Gov Code Literal	Short Description	Default Severity	Mandatory Appearance	Suggested Fine	DL Report	FTA Flag	BCI Rpt	Warr Flag	NCIC Code	Notes	000133
23A-10-201(1)+(2)	ADD	STATE OF UTAH	INVASIVE MUSSEL SPECIES VIOLATION	IN	N	\$160		N		N		Fine amount recommended by DWR	
23A-10-201(1)+(3)	ADD	STATE OF UTAH	INVASIVE MUSSEL SPECIES VIOLATION - KNOWING / INTENTIONAL	MA	Y	\$1,960		N		Y		Fine amount recommended by DWR	
23A-10-201(4)	23-27-201(4)	STATE OF UTAH	PASS/TRAVEL TO STATION/CHECKPNT W/OUT PRESENTING CONVEYANCE	MB	Y	\$690	N	N	N	Y	5499		
23A-10-202	ADD	STATE OF UTAH	INVASIVE MUSSEL SPECIES - FAILURE TO REPORT	MA	Y	\$1,960		N		Y		Fine amount recommended by DWR	
23A-10-305	23-27-306	STATE OF UTAH	FAILURE TO REMOVE PLUG OR DRAIN WATER	MC	N	\$160 [1]	N	N	Y	Y	7399	New "Short Description" - captures the drain water component of the statute...as well as the offense for removing the plug	
23A-11-203	ADD	STATE OF UTAH	BIG GAME BAITING	MB	Y	\$690		N		Y		The details for this offense are the same as the misnumbered version currently in SMOT (23-15-11(2)). Fine amount recommended by DWR	
23A-11-205	23-20-31	STATE OF UTAH	FAILURE TO WEAR SPECIFIED AMOUNT OF HUNTER ORANGE	MB	N	\$180	N	N	N	Y	6299		
23A-4-1101	23-19-5	STATE OF UTAH	LICENSE/PERMIT/TAG/COR OBTAINED BY FRAUD/DECEIT/MISREPRESENT	MB	N	\$690 [2]	N	N	N	Y	7399	Minor technical change to Short Description	
23A-4-1103	ADD	STATE OF UTAH	IMITATING OR COUNTERFEITING LICENSE/PERMIT/TAG/COR	MA	Y	\$1,960		N		Y		Fine amount recommended by DWR	
23A-4-1104	ADD	STATE OF UTAH	VIOLATION OF HUNTER EDUCATION REQUIREMENTS	MB	N	\$220		N		Y		Fine amount recommended by DWR	
23A-4-1105	ADD	STATE OF UTAH	VIOLATION OF FURHARVESTER EDUCATION REQUIREMENTS	MB	N	\$220		N		Y		Fine amount recommended by DWR	
23A-4-1107	23-19-9(10)	STATE OF UTAH	APPLY/PURCHASE/POSSESS/USE LICENSE WHILE ON SUSPENSION	MB	Y	\$690	N	N	Y	Y	6204	New "Short Description" - previous short description used the word "revocation," which is not the word used in statute.	
23A-4-201(1)	23-19-1(1)	STATE OF UTAH	POSSESSION OF LICENSES, CERT OF REGIST, PERMITS AND TAGS REQ	MB	N	\$300	N	N	N	Y	7399		
23A-4-201(2)	23-19-1(2)	STATE OF UTAH	USE/TRANSFER/LEND HUNTING OR FISHING LICENSE/PERMIT/REGIS	MB	N	\$300	N	N	N	Y	7399		
23A-4-206	23-19-8	STATE OF UTAH	PROHIBITED USE OF UNSIGNED DOCUMENTS	MB	N	\$690	N	N	N	Y	2699		
23A-4-501(5)+502(2A)	ADD	STATE OF UTAH	WILDLIFE LICENSE AGENT FAILURE TO REPORT/SUBMIT <\$1000	MB	Y	\$690		N		Y		Fine amount recommended by DWR	
23A-4-501(5)+502(2B)	ADD	STATE OF UTAH	WILDLIFE LICENSE AGENT FAILURE TO REPORT/SUBMIT \$1000-\$10000	MA	Y	\$1,960		N		Y		Fine amount recommended by DWR	
23A-4-501(5)+502(2C)	ADD	STATE OF UTAH	WILDLIFE LICENSE AGENT FAILURE TO REPORT/SUBMIT >\$10000	F3	Y	\$5,010		N		Y		Fine amount recommended by DWR	
23A-4-501(6)	ADD	STATE OF UTAH	WILDLIFE LICENSE AGENT MISDATE / ISSUE LICENSE W/O EDU PROOF	MB	N	\$300		N		Y		Fine amount recommended by DWR	
23A-4-708	23-20-20	STATE OF UTAH	CHILDREN ACCOMPANIED BY ADULTS WHILE HUNTING WITH WEAPON	MB	Y	\$650	N	N	Y	Y	6299		
23A-4-709	23-20-30	STATE OF UTAH	TAGGING REQUIREMENT VIOLATION	MB	Y	\$690	N	N	N	Y	6299		
23A-5-207	23-20-25	STATE OF UTAH	FAILURE TO PRODUCE LICENSE, DEVICE, AND WILDLIFE UPON DEMAND	MB	N	\$220	N	N	Y	Y	4802		
23A-5-302	23-13-4	STATE OF UTAH	CAPTIVITY OF PROTECTED WILDLIFE UNLAWFUL	MB	N	\$690	N	N	Y	Y	6299		

New Violation Code	Current Violation Code	Gov Code Literal	Short Description	Default Severity	Mandatory Appearance	Suggested Fine	DL Report	FTA Flag	BCI Rpt	Warr Flag	NCIC Code	Notes	000134
23A-5-303	23-13-5	STATE OF UTAH	IMPORTATION OR EXPORTATION OF PROTECTED WILDLIFE	MB	N	\$690	N	N	N	Y	6299		
23A-5-304	23-13-13	STATE OF UTAH	COMMERCIALIZATION OF WILDLIFE UNLAWFUL	MB	N	\$690	N	N	Y	Y	6299		
23A-5-305	23-13-14	STATE OF UTAH	UNLAWFUL RELEASE OF WILDLIFE	MA	Y	\$1,960	N	Y	Y	Y	6299		
23A-5-306	23-13-14(3)	STATE OF UTAH	IMPORT/TRANSPORT/RELEASE THREATENED/ENDANGERED WILDLIFE	F3	Y	\$5,010	N	N	Y	Y	6201		
23A-5-307(2)	23-13-18(1)	STATE OF UTAH	USE OF A COMPUTER OR OTHER DEVICE TO HUNT WILDLIFE	MA	Y	\$1,960	N	N	Y	Y	7399		
23A-5-307(4)	ADD	STATE OF UTAH	VIOLATION OF TRAIL CAMERA RULES	MB	Y	\$690		N		Y		Fine amount recommended by DWR	
23A-5-308	ADD	STATE OF UTAH	ADMINISTER SUBSTANCE TO PROTECTED WILDLIFE	MB	Y	\$690		N		Y		Fine amount recommended by DWR	
23A-5-309	23-20-3	STATE OF UTAH	UNLAWFUL TAKE/TRANSPORT/SELL/PURCHASE PROTECTED WILDLIFE	MB	Y	\$690	N	N	Y	Y	6299	New "Short Description" - previous description used word "transfer" in title even though that isn't part of the offense title in statute	
23A-5-310	23-20-3.5	STATE OF UTAH	UNLAWFUL TAKING OF PROTECTED WILDLIFE WHILE TRESPASSING	MB	Y	\$690	N	N	Y	Y	6201		
23A-5-311(1)+(2A)	ADD	STATE OF UTAH	WANTON DESTRUCTION - VALUE >\$500 OR TROPHY	F3	Y	\$5,010		N		Y		Fine amount recommended by DWR	
23A-5-311(1)+(2B)	ADD	STATE OF UTAH	WANTON DESTRUCTION - VALUE \$250-\$500	MA	Y	\$1,960		N		Y		Fine amount recommended by DWR	
23A-5-311(1)+(2C)	ADD	STATE OF UTAH	WANTON DESTRUCTION - VALUE <\$250	MB	Y	\$690		N		Y		Fine amount recommended by DWR	
23A-5-313	ADD	STATE OF UTAH	WANTON DESTRUCTION - HABITUAL	F3	Y	\$5,010		N		Y		Fine amount recommended by DWR	
23A-5-314	23-20-8	STATE OF UTAH	WASTE OF WILDLIFE	MB	N	\$690	N	N	N	Y	6299		
23A-5-315	ADD	STATE OF UTAH	UNLAWFUL TAKING FROM AIRPLANE / MOTORIZED / AQUATIC VEHICLE	MB	Y	\$690		N		Y		Fine amount recommended by DWR	
23A-5-316	23-20-13	STATE OF UTAH	DESTROYING SIGNS OR PROPERTY OF DWR	MB	N	\$490	N	N	Y	Y	2999		
23A-5-317(2A)	23-20-14(2)(A)	STATE OF UTAH	TRESPASSING DURING WILDLIFE RELATED ACTIVITY	MB	N	\$260	N	N	Y	Y	5707		
23A-5-317(2D)	23-20-14(2)(D)	STATE OF UTAH	WRONGFUL POSTING OF PROPERTY	MB	N	\$690	N	N	N	Y	2699		
23A-5-318	23-20-15	STATE OF UTAH	DESTRUCTION OF PRIVATE PROPERTY	MB	N	\$490	N	N	Y	Y	2999		
23A-5-319	23-20-18	STATE OF UTAH	INTERFERING WITH AN OFFICER	MB	N	\$690	N	N	Y	Y	4801		
23A-5-320	23-20-19	STATE OF UTAH	FAIL TO STOP AT DWR ROADBLOCK OR CHECKING STATION	MB	N	\$370	N	N	Y	Y	5499		
23A-5-321	23-20-29	STATE OF UTAH	UNLAWFUL INTERFERENCE WITH LEGAL HUNTERS/HUNTING ACTIVITY	MB	N	\$690	N	N	N	Y	2699		
23A-6-404	23-21-7	STATE OF UTAH	UNLAWFUL USES AND ACTIVITIES ON DIVISION LANDS	MB	Y	\$690	N	N	Y	Y	7399		

New Violation Code	Current Violation Code	Gov Code Literal	Short Description	Default Severity	Mandatory Appearance	Suggested Fine	DL Report	FTA Flag	BCI Rpt	Warr Flag	NCIC Code	Notes	000135
23A-7-208	23-23-10	STATE OF UTAH	HUNTING ON COOP WILDLIFE MANAGEMENT UNIT WITHOUT A PERMIT	MB	Y	\$300	N	N	N	Y	7399		
23A-7-209	ADD	STATE OF UTAH	FAILURE TO LEAVE C.W.M.U. ON REQUEST	MB	N	\$490		N		Y		Fine amount recommended by DWR	
23A-7-210	ADD	STATE OF UTAH	DAMAGE OR DESTRUCTION OF PROPERTY	MB	Y	\$490		N		Y		Fine amount recommended by DWR	
23A-9-201	23-15-4	STATE OF UTAH	FISH SCREEN INSTALLMENT VIOLATION	MB	N	\$690	N	N	Y	Y	7399		
23A-9-305	23-15-9	STATE OF UTAH	POSSESSION/TRANSPORTATION OF LIVE PROTECTED AQUATIC WILDLIFE	MB	Y	\$300	N	N	N	Y	6299		
23A-10-304(4A)	ADD	STATE OF UTAH	FAILURE TO PAY AQUATIC INVASIVE SPECIES FEE	MB [3]	N	\$160		N		Y		Fine amount recommended by DWR	
REMOVE	23-15-11(2)	STATE OF UTAH	BIG GAME BAITING	MB	Y	\$690	N	N	Y	Y	6201	This offense is misnumbered in SMOT currently as 23-15-11(2). The actual reference should have been 23-16-11. I've suggested adding that offense.	
REMOVE	23-19-1	STATE OF UTAH	POSSESS OF LICENSES, CERT OF REGIST, PERMITS, AND TAGS REQ	MB	N	\$300	N	N	N	Y	7399	This offense is duplicative of 23A-4-201(1) and 201(2)	
REMOVE	23-19-15	STATE OF UTAH	WILDLIFE AGENT VIOLATION	MB	Y	\$690	N	N	N	Y	6299	This offense is more nuanced than the current SMOT. We should add new offenses as outlined.	
REMOVE	23-19-15(5)(A)	STATE OF UTAH	WILDLIFE AGENT VIOLATION	MA	Y	\$1,960	N	N	Y	Y	6299	This offense is more nuanced than the current SMOT. We should add new offenses as outlined.	
REMOVE	23-20-3(1)(C)	STATE OF UTAH	ILLEGAL TAKE, TRANSPORT, SELL OR PURCHASE PROTECTED WILDLIFE	MB	Y	\$690	N	N	N	Y	6299	This offense is really duplicative of 23A-5-309 and has only averaged single digit filings each year for the last three years.	
REMOVE	23-20-3(1)(D)	STATE OF UTAH	UNLAWFUL TAKING, TRANSPORTING, SELLING OR PURCHASING PROTECT	MB	Y	\$250	N	N	Y	Y	7399	This offense is really duplicative of 23A-5-309 and has only averaged single digit filings each year for the last three years.	
REMOVE	23-20-3(1)(F)	STATE OF UTAH	UNAUTHORIZED TAKING OF PROTECTED WILDLIFE	MB	Y	\$690	N	N	Y	Y	6201	This offense is really duplicative of 23A-5-309 and has only averaged single digit filings each year for the last three years.	
REMOVE	23-20-3(1)(G)	STATE OF UTAH	WANTON DESTR PROT WILDLIFE - OUT OF SEASON, BOUNDARIES, TIME	MB	Y	\$300	N	N	N	Y	6299	This offense is really duplicative of 23A-5-309 and has only averaged single digit filings each year for the last three years.	
REMOVE	23-20-31(2)	STATE OF UTAH	FAILURE TO WEAR SPECIFIED AMOUNT OF HUNTER ORANGE	MB	N	\$180	N	N	N	Y	6299	This is entirely duplicative of 23A-11-205. It should be eliminated.	
REMOVE	23-20-4	STATE OF UTAH	WANTON DESTRUCTION OF PROTECTED WILDLIFE	MB	Y	\$690	N	N	Y	Y	6299	This offense needs to be expanded beyond what is in current SMOT since there have been, and continue to be, F3, MA, and MB violations specified in a single statute. We currently only have the MB offense listed in SMOT.	
REMOVE	23-27-201(1)(A)	STATE OF UTAH	POSSESS/IMPORT/EXPORT/SHIP OR TRANSPORT DREISSENA MUSSEL	IN	N	\$110	N	N	Y	Y	6202	This offense needs refinement as it can be INF or MA depending on additional elements in subsections (2) and (3) ...	
REMOVE	23-27-201(1)(B)	STATE OF UTAH	RELEASE/PLACE/PLANT/ DREISSENA MUSSELL IN WATER BODY	IN	N	\$110	N	N	N	N	7399	This offense needs refinement as it can be INF or MA depending on additional elements in subsections (2) and (3) ...	
REMOVE	23-27-201(1)(C)	STATE OF UTAH	TRANSPORT A CONVEYANCE/EQUIPMENT HAS BEEN IN INFESTED WATER	IN	N	\$110	N	N	N	N	7399	This offense needs refinement as it can be INF or MA depending on additional elements in subsections (2) and (3) ...	

[1] #20230609 --- 0837 --- MCD
Down from \$340, per the recommendation of DWR

[2] #20230616 --- 0752 --- MCD
Changed from \$300 to match other non-wildlife MB's for theft

[3] #20230609 --- 0856 --- MCD
Although not delineated specifically in 23A-10-304, this is an MB offense based on the general criminal offense statute in Title 23A:
Utah Code § 23A-5-301

ATTACHMENT

2

	WILDLIFE RESOURCES RULE ENTRIES Current as of May 3, 2023															000138
Action	New Violation Code	Current Violation Code	New Statute	Old Statute	Description	Default Severity	Mandatory Appearance	Suggested Fine	Comp Credit	Non-moving Traffic	Surcharge	DLD Reportable	BCI Reportable	Transport	Comments	
REMOVE [7]		WR 4304			FAILURE TO REPORT EXISTENCE OF AQUATIC INVASIVE SPECIES	MA	Y	\$1,960	\$0	N	90%	N	Y			
REMOVE [8]		WR 4308			POSSESSION OF AQUATIC INVASIVE SPECIES	MA	Y	\$1,960	\$0	N	90%	N	Y			
REMOVE [9]		WR 4309			RELEASE OF AQUATIC INVASIVE SPECIES	MA	Y	\$1,960	\$0	N	90%	N	Y			
REMOVE [10]		WR 4310			TRANSPORT CONVEYANCE W/O DECONTAMINATION (AIS)	MA	Y	\$1,960	\$0	N	90%	N	Y			
EDIT [11]	WR2464	WR_2464	23A-11-203	23-16-11	UNLAWFUL BAITING OF BIG GAME 23A-11-203	MB	N	\$350	\$0	N	90%	N	Y	C		
EDIT		WR1050	23A-4-201	23-19-1	HARVEST BRINE SHRIMP W/O VALID COR 23A-4-201	MB	N	\$800 [12]	\$0	N	90%	N	Y	C		
EDIT		WR1100	23A-4-201	23-19-1	FISHING W/O VALID LICENSE 23A-4-201	MB	N	\$160	\$60	N	90%	N	Y	C	\$60 suspended upon proof of valid license	
EDIT		WR1150	23A-4-201	23-19-1	HUNT/TRAP W/O LICENSE - INCLUDES LENDING 23A-4-201	MB	N	\$210	\$60	N	90%	N	Y	C	\$60 suspended upon proof of valid license	
REMOVE [1]		WR1200	23A-4-201	23-19-1	HUNT/TRAP W/O LICENSE - INCLUDES LENDING 23A-4-201	MB	N	\$210	\$60	N	90%	N	Y	C	\$60 suspended upon proof of valid license	
EDIT		WR1250	23A-4-204	23-19-4	NON-RES HUNT BIG GAME/BEAR W/O LICENSE 23-19-4	MB	N	\$690 [13]	\$0	N	90%	N	Y	C		
EDIT		WR1300	23A-7-208	23-23-10	HUNT ON A CWMU W/O PERMIT 23A-7-208	MB	N	\$170	\$0	N	90%	N	Y	C		
EDIT		WR1350	23A-7-208	23-23-10	HUNT BIG GAME ON CWMU W/O PERMIT 23A-7-208	MB	N	\$290	\$0	N	90%	N	Y	C		
EDIT		WR1400	23A-4-1005	23-19-11.5	PURCHASE OF FURBEARER LICENSE W/O EDUCATION 23A-4-1005	MB	N	\$210	\$0	N	90%	N	Y	C		
EDIT		WR1450	23A-4-501	23-19-15	WILLFUL UNLAWFUL SALE OF A LICENSE 23A-4-501	MB	N	\$290	\$0	N	90%	N	Y	C		
EDIT		WR1500	23A-4-501	23-19-15	UNLAWFUL SALE OF A LICENSE W/O HUNTER SAFETY CERT 23A-4-501	MB	N	\$210	\$0	N	90%	N	Y	C		
EDIT		WR1550	23A-4-501	23-19-15	UNLAWFUL PURCHASE OF LICENSE WITH FTA 23A-4-501	MB	N	\$690 [14]	\$0	N	90%	N	Y	C		
EDIT		WR1600	23A-4-1101	23-19-5	UNLAWFUL PURCHASE BY MISREPRESENTATION 23A-4-1101	MB	N	\$690 [15]	\$0	N	90%	N	Y	C		
EDIT		WR1650	23A-4-1103	23-19-6	COUNTERFEITING OF A LICENSE 23A-4-1103	MA	Y	\$1,960	\$0	N	90%	N	Y	C		
EDIT		WR1700	23A-4-1107	23-19-9	UNLAWFUL PURCHASE OF LICENSE WHILE ON SUSPENSION 23A-4-1107	MB	Y	\$690 [2]	\$0	N	90%	N	Y	C		
REMOVE [16]		WR1750	---	23-20-27	UNLAWFUL ALTERATION OF A LICENSE/PERMIT/TAG/COR 23-20-27	MB	N	\$680	\$0	N	90%	N	Y	C		
EDIT		WR1800	23A-4-905	23-18-5	DEALING IN FURS W/O A VALID REGISTRATION 23A-4-905	MB	N	\$690 [17]	\$0	N	90%	N	Y	C		
EDIT		WR2000	23A-5-309	23-20-3	TAKE/POSSESS PROTECTED WILDLIFE - FISH 23A-5-309	MB	N	\$190	\$0	N	90%	N	Y	C		
EDIT		WR2001	23A-5-309	23-20-3	TAKE/POSSESS PROTECTED WILDLIFE - OVERLIMIT FISH 23A-5-309	MB	Y	\$190	\$0	N	90%	N	Y	C		
EDIT		WR2060	23A-5-309	23-20-3	POSSESS CORN/BAIT WHILE FISHING 23A-5-309	MB	N	\$150	\$0	N	90%	N	Y	C		
REMOVE [18]		WR2100	23A-5-309	23-20-3	TAKING/POSSESSION OF PROTECTED WILDLIFE-FISH 23-20-3	MB	Y	\$290	\$0	N	90%	N	Y	C		
EDIT		WR2200	23A-5-309	23-20-3	TAKE/POSSESS PROTECTED WILDLIFE - SMALL GAME 23A-5-309	MB	Y	\$190	\$0	N	90%	N	Y	C		
EDIT		WR2201	23A-5-309	23-20-3	TAKE/POSSESS PROTECT WILDLIFE - OVERLIMIT SM GAME 23A-5-309	MB	Y	\$190	\$0	N	90%	N	Y	C		
EDIT		WR2202	23A-5-309	23-20-3	TAKE/POSSESS PROT WILDLIFE - <=>LEGAL HRS SM GAME 23A-5-309	MB	Y	\$190	\$0	N	90%	N	Y	C		
REMOVE [3]		WR2300	23A-5-309	23-20-3	TAKE/POSSESS PROTECTED WILDLIFE - SMALL GAME 23A-5-309	MB	Y	\$190	\$0	N	90%	N	Y	C		
EDIT		WR2301	23A-5-309	23-20-3	TAKE/POSSESS PROTECT WILDLIFE - LEGAL HRS MIG BIRD 23A-5-309	MB	Y	\$190	\$0	N	90%	N	Y	C		
EDIT		WR2302	23A-5-309	23-20-3	HUNTING MIGRATORY BIRDS W/O VALID STAMP 23A-5-309	MB	N	\$140	\$0	N	90%	N	Y	C		
EDIT		WR2370	23A-5-309	23-20-3	UNLAWFUL POSSESSION OF TOXIC SHOT 23A-5-309	MB	N	\$140	\$0	N	90%	N	Y	C		
EDIT		WR2400	23A-5-309	23-20-3	TAKE/POSSESS PROTECTED WILDLIFE 23A-5-309	MB	Y	\$690 [19]	\$0	N	90%	N	Y	C		
EDIT		WR2401	23A-5-309	23-20-3	TAKE/POSSESS PROTECTED WILDLIFE - ANTLERS 23A-5-309	MB	Y	\$290	\$0	N	90%	N	Y	C		
EDIT		WR2460	23A-5-309	23-20-3	POSSESS FIREARM BY PURSUIT-ONLY PERMIT HOLDER 23A-5-309	MB	Y	\$690 [20]	\$0	N	90%	N	Y	C		
EDIT		WR2461	23A-5-309	23-20-3	POSSESS FIREARM BY ARCHER/MUZZLELOADER PERMIT HLDR 23A-5-309	MB	N	\$240	\$0	N	90%	N	Y	C		

	WILDLIFE RESOURCES RULE ENTRIES Current as of May 3, 2023															000139
Action	New Violation Code	Current Violation Code	New Statute	Old Statute	Description	Default Severity	Mandatory Appearance	Suggested Fine	Comp Credit	Non-moving Traffic	Surcharge	DLD Reportable	BCI Reportable	Transport	Comments	
EDIT		WR2462	23A-5-309	23-20-3	SHOOTING IN A RESTRICTED OR CLOSED AREA 23A-5-309	MB	N	\$240	\$0	N	90%	N	Y	C		
EDIT		WR2463	23A-5-309	23-20-3	UNLAWFUL BAITING OR METHODS OF BAITING BEAR 23A-5-309	MB	N	\$240	\$0	N	90%	N	Y	C		
EDIT		WR2470	23A-5-309	23-20-3	UNLAWFUL METHODS OF TRAPPING 23A-5-309	MB	N	\$240	\$0	N	90%	N	Y	C		
EDIT		WR2500	23A-5-309	23-20-3	TAKE/POSSESS PROTECTED WILDLIFE - BRINE SHRIMP 23A-5-309	MB	Y	\$1,960 [21]	\$0	N	90%	N	Y	C		
EDIT		WR2521	23A-5-309	23-20-3	NO CERT OF REG AT HARVEST LOCATION - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	Y	C		
EDIT		WR2522	23A-5-309	23-20-3	NO HELPER CARD ON PERSON - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	N	C		
EDIT		WR2523	23A-5-309	23-20-3	NO SEINER/ALT SEINER AT HARVEST LOC - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	Y	C		
EDIT		WR2524	23A-5-309	23-20-3	FAIL TO PROVIDE ACCUR HARV RECORDS - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	Y	C		
EDIT		WR2525	23A-5-309	23-20-3	FAIL TO SUBMIT ANNUAL REPORT - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	N	C		
EDIT		WR2561	23A-5-309	23-20-3	INTERFERE - DISTURB STREAK OF EGGS - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	Y	C		
EDIT		WR2562	23A-5-309	23-20-3	INTERFERE - REMOVE EGGS W/O PERMISS - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	Y	C		
EDIT		WR2563	23A-5-309	23-20-3	INTERFERE - ENCROACH WITHIN 300YDS - BRINE SHRIMP 23A-5-309	MB	N	\$300	\$0	N	90%	N	Y	C		
EDIT		WR2564	23A-5-309	23-20-3	LEAVE BOOM UNATTENDED - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	Y	C		
EDIT		WR2565	23A-5-309	23-20-3	NO DISPLAY C.O.R MARKER AT HARV LOC - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	Y	C		
EDIT		WR2566	23A-5-309	23-20-3	NO ID NUMBERS/LETTERS ON EQUIPMENT - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	N	C		
EDIT		WR2567	23A-5-309	23-20-3	WRONG SIZE LETTERS/NUMBERS ON EQUIP - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	N	C		
EDIT		WR2568	23A-5-309	23-20-3	FAIL TO PROPERLY TAG CONTAINERS - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	Y	C		
EDIT		WR2570	23A-5-309	23-20-3	RETURNING EGGS TO GREAT SALT LAKE - BRINE SHRIMP 23A-5-309	MB	N	\$800	\$0	N	90%	N	Y	C		
EDIT		WR2600	23A-5-310	23-20-3.5	TAKING PROTECTED WILDLIFE WHILE TRESPASSING 23A-5-310	MB	Y	\$690 [22]	\$0	N	90%	N	Y	C		
EDIT		WR2640	23A-5-309	23-20-3	ALLOW DOG TO TAKE PROTECTED WILDLIFE 23A-5-309	MB	Y	\$690 [23]	\$0	N	90%	N	N	C		
EDIT		WR2650	23A-5-309	23-20-3	CAPTURE/POSSESS/USE BIRDS IN FALCONRY 23A-5-309	MB	Y	\$690 [24]	\$0	N	90%	N	Y	C		
EDIT		WR2660	23A-5-309	23-20-3	TAKING PROTECTED WILDLIFE FROM VEHICLE 23A-5-309	MB	Y	\$690 [25]	\$0	N	90%	N	Y	C		
EDIT		WR2661	23A-5-309	23-20-3	UNLAWFUL TAKING WHILE SPOTLIGHTING 23A-5-309	MB	Y	\$240	\$0	N	90%	N	Y	C		
EDIT		WR2662	23A-5-309	23-20-3	UNLAWFUL CONCEALMENT/CAMOUFLAGE 23A-5-309	MB	Y	\$240	\$0	N	90%	N	Y	C		
EDIT		WR2663	23A-5-309	23-20-3	UNLAWFUL BAIT/ATTRACTANT 23A-5-309	MB	Y	\$240	\$0	N	90%	N	Y	C		
EDIT		WR2664	23A-5-309	23-20-3	UNLAWFUL DECOYS/CALLS 23A-5-309	MB	Y	\$240	\$0	N	90%	N	Y	C		
EDIT		WR2710	23A-5-309	23-20-3	FAIL TO HAVE WILDLIFE CHECKED/SEALED IN REQ TIME 23A-5-309	MB	N	\$240	\$0	N	90%	N	Y	C		
EDIT		WR2720	23A-5-309	23-20-3	UNLAWFUL OPERATE/PARTICIPATE IN CWMU 23A-5-309	MB	Y	\$690 [26]	\$0	N	90%	N	Y	C		
EDIT		WR2725	23A-5-309	23-20-3	UNLAWFUL OPERATE/PARTICIPATE IN COMMERCIAL HUNTING 23A-5-309	MB	N	\$690 [27]	\$0	N	90%	N	Y	C		
EDIT		WR2730	23A-5-309	23-20-3	UNLAWFUL ENTER/HOLD CONTEST INV PROTECTED WILDLIFE 23A-5-309	MB	Y	\$690 [28]	\$0	N	90%	N	Y	C		
EDIT		WR2740	23A-5-309	23-20-3	UNLAWFUL HOLD PROTECTED WILDLIFE IN CAPTIVITY 23A-5-309	MB	N	\$690 [29]	\$0	N	90%	N	Y	C		
EDIT		WR3000	23A-5-311	23-20-4	WANTON DESTRUCTION - VALUE <\$250 23A-5-311	MB	Y	\$690 [30]	\$0	N	90%	N	Y	C		
EDIT		WR3001	23A-5-311	23-20-4	WANTON DESTRUCTION - VALUE \$250-\$500 23A-5-311	MA	Y	\$1,960	\$0	N	90%	N	Y	C		
EDIT		WR3002	23A-5-311	23-20-4	WANTON DESTRUCTION - VALUE >\$500 OR TROPHY 23A-5-311	F3	Y	\$5,010	\$0	N	90%	N	Y	C		
REMOVE [31]		WR3003	23A-5-311	23-20-4	WANTON DESTRUCTION OF PROTECTED WILDLIFE 23-20-4	MB	Y	\$1,950	\$0	N	90%	N	Y	C		
REMOVE [32]		WR3004	23A-5-311	23-20-4	WANTON DESTRUCTION OF PROTECTED WILDLIFE 23-20-4	MA	Y	\$1,960	\$0	N	90%	N	Y	C		

		WILDLIFE RESOURCES RULE ENTRIES Current as of May 3, 2023														000140
Action	New Violation Code	Current Violation Code	New Statute	Old Statute	Description	Default Severity	Mandatory Appearance	Suggested Fine	Comp Credit	Non-moving Traffic	Surcharge	DLD Reportable	BCI Reportable	Transport	Comments	
REMOVE [33]		WR3005	23A-5-311	23-20-4	WANTON DESTRUCTION OF PROTECTED WILDLIFE 23-20-4	F3	Y	\$5,010	\$0	N	90%	N	Y			
EDIT		WR3006	23A-5-311	23-20-4	WANTON DESTRUCTION - FISH VALUE <\$250 23A-5-311	MB	Y	\$400	\$0	N	90%	N	Y	C		
EDIT		WR3007	23A-5-311	23-20-4	WANTON DESTRUCTION - FISH VALUE \$250-\$500 23A-5-311	MA	Y	\$1,960	\$0	N	90%	N	Y	C		
EDIT		WR3008	23A-5-311	23-20-4	WANTON DESTRUCTION - FISH VALUE >\$500 OR TROPHY 23A-5-311	F3	Y	\$5,010	\$0	N	90%	N	Y	C		
REMOVE [34]		WR3009	23A-5-311	23-20-4	WANTON DESTRUCTION OF PROTECTED WILDLIFE-FISH/MB 23-20-4	MB	Y	\$400	\$0	N	90%	N	Y	C		
REMOVE [35]		WR3010	23A-5-311	23-20-4	WANTON DESTRUCTION OF PROTECTED WILDLIFE-FISH - MA 23-20-4	MA	Y	\$1,960	\$0	N	90%	N	Y			
REMOVE [4]		WR3011	23A-5-311	23-20-4	WANTON DESTRUCTION OF PROTECTED WILDLIFE-FISH - F3 23-20-4	F3	Y	\$5,010	\$0	N	90%	N	Y			
EDIT		WR3012	23A-5-311	23-20-4	WANTON DESTRUCTION - SMALL GAME VALUE <\$250 23A-5-311	MB	Y	\$400	\$0	N	90%	N	Y	C		
EDIT		WR3013	23A-5-311	23-20-4	WANTON DESTRUCTION - SMALL GAME VALUE \$250-\$500 23A-5-311	MA	Y	\$1,960	\$0	N	90%	N	Y	C		
EDIT		WR3014	23A-5-311	23-20-4	WANTON DESTRUCTION - SM GAME VALUE >\$500 OR TROPHY 23A-5-311	F3	Y	\$5,010	\$0	N	90%	N	Y	C		
REMOVE [36]		WR3015	23A-5-311	23-20-4	WANTON DESTRUCTION OF PROTECTED WILDLIFE-SM GAME-MB 23-20-4	MB	Y	\$400	\$0	N	90%	N	Y	C		
REMOVE [37]		WR3016	23A-5-311	23-20-4	WANTON DESTRUCTION-PROTECTED WILDLIFE-SM GAME-MA 23-20-4	MA	Y	\$1,960	\$0	N	90%	N	Y			
REMOVE [38]		WR3017	23A-5-311	23-20-4	WANTON DESTRUCTION-PROTECTED WILDLIFE-SM GAME-F3 23-20-4	F3	Y	\$5,010	\$0	N	90%	N	Y			
EDIT		WR3109	23A-5-311	23-20-4	WANTON DESTRUCTION - OVERLIMIT/OUT OF SEASON-MB 23A-5-311	MB	Y	\$400	\$0	N	90%	N	Y	C		
EDIT		WR3110	23A-5-311	23-20-4	WANTON DESTRUCTION - OVERLIMIT/OUT OF SEASON-MA 23A-5-311	MA	Y	\$1,960	\$0	N	90%	N	Y	C		
EDIT		WR3115	23A-5-311	23-20-4	WANTON DESTRUCTION - <>LEGAL HRS-MB 23A-5-311	MB	N	\$400	\$0	N	90%	N	Y	C		
EDIT		WR3116	23A-5-311	23-20-4	WANTON DESTRUCTION - <>LEGAL HRS-MA 23A-5-311	MA	Y	\$1,960	\$0	N	90%	N	Y	C		
REMOVE [39]		WR3209	23A-5-311	23-20-4	WANTON DESTR PROTECTED WILDLIFE BEF/AFT LGL HRS-MB 23-20-4	MB	Y	\$400	\$0	N	90%	N	Y	C		
REMOVE [40]		WR3210	23A-5-311	23-20-4	WANTON DESTR PROT WILDLIFE - BEFORE/AFTER LGL HRS MA 23-20-4	MA	Y	\$1,960	\$0	N	90%	N	Y			
REMOVE [41]		WR3215	23A-5-311	23-20-4	WANTON DESTR PROTECTED WILDLIFE - OVERLIMIT-MB 23-20-4	MB	Y	\$400	\$0	N	90%	N	Y	C		
REMOVE [42]		WR3216	23A-5-311	23-20-4	WANTON DESTR PROTECTED WILDLIFE - OVERLIMIT MB 23-20-4	MA	Y	\$1,960	\$0	N	90%	N	Y			
EDIT		WR4100	23A-5-305	23-13-14	RELEASE PROTECTED WILDLIFE - AQUATIC SPECIES 23A-5-305	MA	Y	\$1,960	\$0	N	90%	N	Y	C		
EDIT		WR4101	23A-5-305	23-13-14	RELEASE PROTECTED WILDLIFE - NON-AQUATIC SPECIES 23A-5-305	MA	Y	\$1,960	\$0	N	90%	N	Y	C		
EDIT		WR4103	23A-5-303	23-13-5	IMPORT/EXPORT OF PROTECTED WILDLIFE 23A-5-303	MB	N	\$690 [43]	\$0	N	90%	N	Y	C		
EDIT		WR4104	23A-5-314	23-20-8	WASTE PROTECTED WILDLIFE - NOT BIG GAME 23A-5-314	MB	N	\$290	\$0	N	90%	N	Y	C		
EDIT		WR4105	23A-5-314	23-20-8	WASTE PROTECTED WILDLIFE - BIG GAME 23A-5-314	MB	N	\$690 [44]	\$0	N	90%	N	Y	C		
EDIT		WR4106	23A-1-205	23-20-9	UNLAWFUL DONATION OF PROTECTED WILDLIFE 23A-1-205	MB	N	\$290	\$0	N	90%	N	Y	C		
EDIT		WR4107	23A-5-308	23-13-19	ADMINISTER SUBSTANCE TO PROTECTED WILDLIFE 23A-5-308	MB	Y	\$690 [46]	\$0	N	90%	N	Y	C		
REMOVE [45]		WR4108	23A-5-308	23-13-19	ADMIN/ATTEMPT ADMIN SUBSTANCE TO PROTECTED WILDLIFE 23-13-19	MA	Y	\$1,960	\$0	N	90%	N	N			
EDIT		WR4200	23A-5-304	23-13-13	UNLAWFUL COMMERCIALIZATION OF WILDLIFE 23A-5-304	MB	N	\$690 [47]	\$0	N	90%	N	Y	C		
EDIT		WR4201	23A-5-204	23-20-10	RECEIVE CARCASS TO PROCESS/STORE - NO TAG/SLIP 23A-5-204	MB	N	\$290	\$0	N	90%	N	Y	C		
EDIT		WR4300	23A-9-301	23-15-3	UNLAWFUL DIVERT/DRAIN PUBLIC WATER - INDIVIDUAL 23A-9-301	MB	Y	\$290	\$0	N	90%	N	Y	C		
EDIT		WR4301	23A-9-301	23-15-3	UNLAWFUL DIVERT/DRAIN PUBLIC WATER - MUNI/CORP 23A-9-301	MB	Y	\$290	\$0	N	90%	N	Y	C		
EDIT		WR4302	23A-9-302	23-15-6	POLLUTING PUBLIC WATERS - INDIVIDUAL 23A-9-302	MB	Y	\$290	\$0	N	90%	N	N	C		
EDIT		WR4303	23A-9-302	23-15-6	POLLUTING PUBLIC WATERS - MUNI/CORP 23A-9-302	MB	Y	\$690 [48]	\$0	N	90%	N	Y	C		
EDIT		WR4304	23A-10-202	23-27-202	INVASIVE SPECIES - FAILURE TO REPORT 23A-10-202	MA	Y	\$1,960 [49]	\$0	N	90%	N	Y	C		

	WILDLIFE RESOURCES RULE ENTRIES Current as of May 3, 2023															000141
Action	New Violation Code	Current Violation Code	New Statute	Old Statute	Description	Default Severity	Mandatory Appearance	Suggested Fine	Comp Credit	Non-moving Traffic	Surcharge	DLD Reportable	BCI Reportable	Transport	Comments	
EDIT		WR4305	23A-10-201	23-27-201	INVASIVE SPECIES - POSSESSION 23A-10-201	IN	N	\$160	\$0	N	35%	N	Y	C		
EDIT		WR4306	23A-10-201	23-27-201	INVASIVE SPECIES - RELEASE 23A-10-201	IN	N	\$160	\$0	N	35%	N	Y	C		
EDIT		WR4307	23A-10-201	23-27-201	INVASIVE SPECIES - TRANS CONTAM CONVEY/EQUIP 23A-10-201	IN	N	\$160	\$0	N	35%	N	Y	C		
EDIT		WR4308	23A-10-201	23-27-201	INVASIVE SPECIES - KNOW/INTENT POSSESSION 23A-10-201	MA	Y	\$1,960 [50]	\$0	N	90%	N	Y	C		
EDIT		WR4309	23A-10-201	23-27-201	INVASIVE SPECIES - KNOW/INTENT RELEASE 23A-10-201	MA	Y	\$1,960 [51]	\$0	N	90%	N	Y	C		
EDIT		WR4310	23A-10-201	23-27-201	INVASIVE SPECIES - KNOW/INTENT TRANS CONVEY/EQUIP 23A-10-201	MA	Y	\$1,960 [52]	\$0	N	90%	N	Y	C		
EDIT		WR4311	23A-10-201	23-27-201	PASS STATION/CHECKPNT W/O PRESENTING CONVEYANCE 23A-10-201	MB	Y	\$690 [53]	\$0	N	90%	N	Y	C	May reduce to \$160 for the first offense	
EDIT		WR4400	23A-9-304	23-15-8	SEINING OF PROTECTED AQUATIC WILDLIFE 23A-9-304	MB	N	\$290	\$0	N	90%	N	Y	C		
EDIT		WR4401	23A-9-305	23-15-9	POSSESS/TRANSPORT LIVE PROTECTED AQUATIC WILDLIFE 23A-9-305	MB	Y	\$690 [54]	\$0	N	90%	N	Y	C		
EDIT		WR4501	23A-5-207	23-20-25	FAIL TO PRODUCE REQUESTED LICENSE/DEVICE/WILDLIFE 23A-5-207	MB	N	\$210	\$0	N	90%	N	Y	C		
EDIT		WR4502	23A-5-319	23-20-18	INTERFERE/INTIMIDATE/HARASS CONSERVATION OFFICER 23A-5-319	MB	N	\$690 [5]	\$0	N	90%	N	Y	C		
EDIT		WR4503	23A-5-321	23-20-29	INTERFERENCE W/LEGAL HUNTING ACTIVITY 23A-5-321	MB	N	\$690 [55]	\$0	N	90%	N	Y	C		
EDIT		WR4504	23A-5-320	23-20-19	FAIL TO STOP AT DWR ROADBLOCK OR CHECKING STATION 23A-5-320	MB	Y	\$360	\$0	N	90%	N	Y	C		
EDIT		WR4600	23A-4-708	23-20-20	JUVENILE HUNTING W/O PROPER ADULT SUPERVISION 23A-4-708	MB	N	\$170	\$0	N	90%	N	Y	C		
EDIT		WR4601	23A-11-205	23-20-31	FAILURE TO WEAR HUNTER ORANGE 23A-11-205	MB	N	\$170	\$0	N	90%	N	N	C		
EDIT		WR4700	23A-4-709	23-20-30	IMPROPER TAGGING - BIG GAME/BEAR/FURBEARER 23A-4-709	MB	N	\$290	\$0	N	90%	N	Y	C		
EDIT		WR4701	23A-4-709	23-20-30	IMPROPER TAGGING - MIGRATORY BIRDS/SMALL GAME 23A-4-709	MB	N	\$170	\$0	N	90%	N	Y	C		
EDIT		WR4702	23A-4-709	23-20-30	FAILURE TO TAG - BIG GAME/BEAR 23A-4-709	MB	N	\$690 [56]	\$0	N	90%	N	Y	C		
EDIT		WR4703	23A-4-709	23-20-30	FAILURE TO TAG - MIGRATORY BIRDS/SMALL GAME 23A-4-709	MB	N	\$180	\$0	N	90%	N	Y	C		
EDIT		WR4800	23A-5-316	23-20-13	DESTROYING DWR SIGN/EQUIPMENT/DEVICE 23A-5-316	MB	N	\$480	\$0	N	90%	N	Y	C		
EDIT		WR4801	23A-5-317	23-20-14	TRESPASSING DURING WILDLIFE RELATED ACTIVITY 23A-5-317	MB	N	\$690 [6]	\$0	N	90%	N	Y	C		
EDIT		WR4802	23A-5-317	23-20-14	UNLAWFUL POSTING OF PUBLIC LANDS 23A-5-317	MB	N	\$690 [57]	\$0	N	90%	N	N	C		
EDIT		WR4803	23A-5-318	23-20-15	DESTRUCTION OF SIGN/INCLOSURE ON PRIVATE LAND 23A-5-318	MB	N	\$480	\$0	N	90%	N	Y	C		
EDIT		WR4820	23A-6-404	23-21-7	UNLAWFUL USE/ACTIVITY ON DWR LANDS 23A-6-404	MB	N	\$210	\$0	N	90%	N	Y	C		
EDIT		WR4821	23A-6-404	23-21-7	UNLAWFUL USE/ACTIVITY ON DWR LANDS - GRAZING 23A-6-404	MB	N	\$210	\$0	N	90%	N	Y	C		
EDIT		WR4822	23A-6-404	23-21-7	UNLAWFUL USE/ACTIVITY ON DWR LANDS - CAMP >14 DAYS 23A-6-404	MB	N	\$210	\$0	N	90%	N	Y	C		
EDIT		WR4823	23A-6-404	23-21-7	UNLAWFUL USE/ACTIVITY ON DWR LANDS - TRESPASS 23A-6-404	MB	N	\$210	\$0	N	90%	N	Y	C		
EDIT		WR4824	23A-6-404	23-21-7	UNLAWFUL USE/ACTIVITY ON DWR LANDS - COMMERCIAL 23A-6-404	MB	Y	\$210	\$0	N	90%	N	Y	C		
EDIT		WR4850	23A-7-204	23-23-7	FAILURE TO POST CO-OP WL MANAGE UNIT BOUNDARIES 23A-7-204	MB	N	\$150	\$0	N	90%	N	Y	C		
EDIT		WR4851	23A-7-204	23-23-7	FAILURE TO PROVIDE CO-OP WL MANAGE UNIT GUIDELINES 23A-7-204	MB	N	\$150	\$0	N	90%	N	Y	C		
---		WR5000	NA	R657-60	AQUATIC INVASIVE SPECIES RULE VIOLATIONS R657-60	IN	N	\$160	\$0	N	35%	N	Y	C		
---		WR5001	NA	R657-60-6	FAILURE TO CERTIFY DECONTAMINATION R657-60-6	IN	N	\$160	\$0	N	35%	N	Y	C		
---		WR5002	NA	R657-60-6	FAILURE TO DISPLAY CERTIFICATION R657-60-6	IN	N	\$160	\$0	N	35%	N	N	C		
EDIT		WR5100	NA	R657-52	BRINE SHRIMP RULE VIOLATION R657-52	IN	N	\$730	\$0	N	35%	N	Y	C		
EDIT		WR5104	NA	R657-52-17	INTERFERE - ENCROACH WITHIN 300YDS - BRINE SHRIMP R657-52-17	IN	N	\$750	\$0	N	35%	N	Y	C		
EDIT		WR5200	NA	R657-5	BIG GAME RULE VIOLATION R657-5	IN	N	\$190	\$0	N	35%	N	Y	C		

	WILDLIFE RESOURCES RULE ENTRIES Current as of May 3, 2023															000142
Action	New Violation Code	Current Violation Code	New Statute	Old Statute	Description	Default Severity	Mandatory Appearance	Suggested Fine	Comp Credit	Non-moving Traffic	Surcharge	DLD Reportable	BCI Reportable	Transport	Comments	
EDIT		WR5201	NA	R657-5-13	UNLAWFUL SPOTLIGHTING - POSSESS WEAPON BIG GAME R657-5-13	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5202	NA	R657-5-17	TAGGING - NO ATTACHED SEX/SPECIES/AGE EVI BIG GAME R657-5-17	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5203	NA	R657-5	FAIL TO HAVE WILDLIFE CHECKED/SEALED IN REQ TIME R657-5	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5204	NA	R657-5-14	AERIAL LOCATE WILDLIFE <48 HRS FROM BIG GAME HUNT R657-5-14	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5207	NA	R657-5-3	UNLAWFUL PURCHASE LICENSE - WAITING PERIOD BIG GAME R657-5-3	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5208	NA	R657-5-3	UNLAWFUL PURCHASE LICENSE - EXCESS PERMIT BIG GAME R657-5-3	IN	N	\$190	\$0	N	35%	N	Y	C		
---		WR5209	NA	R657-5-11	POSSESS UNQUIVERED ARROWS IN A VEHICLE R657-5-11	IN	N	\$110	\$0	N	35%	N	Y	C		
---		WR5210	NA	R657-5-17	HUNTING BIG GAME WITH A USED OR DETACHED TAG R657-5-17	IN	N	\$190	\$0	N	35%	N	Y	C		
---		WR5211	NA	R657-5-17	SHOOTING IN A RESTRICTED OR CLOSED AREA R657-5-17	IN	N	\$190	\$0	N	35%	N	Y	C		
---		WR5300	NA	R657-33	BEAR RULE VIOLATION R657-33	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5304	NA	R657-33-3	UNLAWFUL PURCHASE LICENSE - WAITING PERIOD BEAR R657-33-3	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5307	NA	R657-33-10	UNLAWFUL SPOTLIGHTING - POSSESS WEAPON BEAR R657-33-10	IN	N	\$190	\$0	N	35%	N	Y	C		
---		WR5350	NA	R657-10	COUGAR RULE VIOLATION R657-10	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5352	NA	R657-10-14	TAGGING - NO ATTACHED SEX/SPECIES EVI COUGAR R657-10-14	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5354	NA	R657-10-13	UNLAWFUL PURCHASE LICENSE - WAITING PERIOD COUGAR R657-10-13	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5355	NA	R657-10-10	UNLAWFUL SPOTLIGHTING - POSSESS WEAPON COUGAR R657-10-10	IN	N	\$190	\$0	N	35%	N	Y	C		
---		WR5400	NA	R657-13	FISH/CRAYFISH RULE VIOLATION R657-13	IN	N	\$140	\$0	N	35%	N	Y	C		
---		WR5401	NA	R657-13-12	UNLAWFUL POSSESSION OF CORN/BAIT WHILE FISHING R657-13-12	IN	N	\$140	\$0	N	35%	N	Y	C		
EDIT		WR5402	NA	R657-13-18	TAGGING - NO ATTACHED SEX/SPECIES EVI FISH R657-13-18	IN	N	\$140	\$0	N	35%	N	Y	C		
---		WR5500	NA	R657-11	FURBEARER RULE VIOLATION R657-11	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5503	NA	R657-11-10	DESTROY/REMOVE/POSSESS ANOTHERS TRAPS R657-11-10	IN	N	\$190	\$0	N	35%	N	Y	C		
EDIT		WR5504	NA	R657-11-14	UNLAWFUL SPOTLIGHTING - POSSESS WEAPON FURBEARER R657-11-14	IN	N	\$190	\$0	N	35%	N	Y	C		
---		WR5600	NA	R657-54	TURKEY RULE VIOLATION R657-54	IN	N	\$140	\$0	N	35%	N	Y	C		
EDIT		WR5601	NA	R657-54-12	TAGGING - NO ATTACHED SEX/SPECIES EVI TURKEY R657-54-12	IN	N	\$140	\$0	N	35%	N	Y	C		
EDIT		WR5602	NA	R657-54-16	UNLAWFUL SPOTLIGHTING - POSSESS WEAPON TURKEY R657-54-16	IN	N	\$140	\$0	N	35%	N	Y	C		
---		WR5603	NA	R657-54-11	HUNTING TURKEY WITH A USED OR DETACHED TAG R657-54-11	IN	N	\$140	\$0	N	35%	N	Y	C		
---		WR5650	NA	R657-6	UPLAND RULE VIOLATION R657-6	IN	N	\$140	\$0	N	35%	N	Y	C		
EDIT		WR5651	NA	R657-6-17	TAGGING - NO ATTACHED SEX/SPECIES EVI UPLAND GAME R657-6-17	IN	N	\$140	\$0	N	35%	N	Y	C		
---		WR5652	NA	R657-6-3	HUNTING MIGRATORY BIRDS W/O HIP REGISTRATION R657-6-3	IN	N	\$100	\$0	N	35%	N	Y	C	Dismissed upon proof of prior registration	
EDIT		WR5653	NA	R657-6-24	UNLAWFUL SPOTLIGHTING - POSSESS WEAPON UPLAND GAME R657-6-24	IN	N	\$140	\$0	N	35%	N	Y	C		
---		WR5675	NA	R657-46	GAME BIRDS AND DOG TRAINING RULE VIOLATION R657-46	IN	N	\$140	\$0	N	35%	N	Y	C		
---		WR5700	NA	R657-9	WATERFOWL RULE VIOLATION R657-9	IN	N	\$140	\$0	N	35%	N	Y	C		
EDIT		WR5701	NA	R657-9-24	TAGGING - NO ATTACHED SEX/SPECIES EVI WATERFOWL R657-9-24	IN	N	\$140	\$0	N	35%	N	Y	C		
---		WR5702	NA	R657-9-33	HUNTING MIGRATORY BIRDS W/O HIP REGISTRATION R657-9-33	IN	N	\$100	\$0	N	35%	N	Y	C	Dismissed upon proof of prior registration	
---		WR5703	NA	R657-9-19	FAIL TO RETRIEVE MIGRATORY WATERFOWL R657-9-19	IN	N	\$110	\$0	N	35%	N	Y	C		
EDIT		WR5704	NA	R657-9-9	UNLAWFUL DISCHARGE FIREARM ON WATERFOWL MGMT AREA R657-9-9	IN	N	\$110	\$0	N	35%	N	Y	C		

	WILDLIFE RESOURCES RULE ENTRIES Current as of May 3, 2023															000143
Action	New Violation Code	Current Violation Code	New Statute	Old Statute	Description	Default Severity	Mandatory Appearance	Suggested Fine	Comp Credit	Non-moving Traffic	Surcharge	DLD Reportable	BCI Reportable	Transport	Comments	
---		WR5705	NA	R657-9-3	HUNTING MIGRATORY BIRDS WITH AN UNSIGNED STAMP R657-9-3	IN	N	\$110	\$0	N	35%	N	Y	C		
---		WR5708	NA	R657-9-5	HUNTING WATERFOWL WITH A USED OR DETACHED TAG R657-9-5	IN	N	\$140	\$0	N	35%	N	Y	C		
---		WR5709	NA	R657-9-30	SHOOTING IN A RESTRICTED OR CLOSED AREA R657-9-30	IN	N	\$140	\$0	N	35%	N	Y	C		
---		WR5800	NA	R657-20	FALCONRY RULE VIOLATIONS R657-20	IN	N	\$140	\$0	N	35%	N	Y	C		
EDIT		WR5900	NA	R657-3	ZOOLOGICAL ANIMAL COLLECTION/IMPOR/POSSESS VIOLATION R657-3	IN	N	\$140	\$0	N	35%	N	Y	C		
EDIT		WR5901	NA	R657-53	AMPHIBIAN/REPTILE COLLECTION/POSSESSION VIOLATION R657-53	IN	N	\$140	\$0	N	35%	N	Y	C		
---		WR5940	NA	R657-56	WALK-IN-ACCESS RULE VIOLATIONS R657-56	IN	N	\$140	\$0	N	35%	N	Y	C		
EDIT		WR5950	NA	R657-28	UNLAWFUL USE/ACTIVITY ON DWR LANDS R657-28	IN	N	\$140	\$0	N	35%	N	Y	C		

[1] #20230609 --- 1054 --- MCD
This is a duplicate of WR4304

000144

[2] #20230609 --- 1054 --- MCD
This is a duplicate of WR4308

[3] #20230609 --- 1054 --- MCD
This is a duplicate of WR4309

[4] #20230609 --- 1054 --- MCD
This is a duplicate of WR4310

[5] #20230609 --- 1054 --- MCD
Changing this offense code to omit the space character will align it with all of the other WR offense codes (it is the only one with a space included).

[6] #20230609 --- 1047 --- MCD
Reduced to \$800 (typical MB offense amount) from \$1,950 because there is no method outlined in statute for this offense to exceed the default \$1,000 statutory maximum fine amount in Utah Code § 76-3-301. The \$800 matches other brine shrimp offenses.

[7] #20230609 --- 1106 --- MCD
Duplicate of WR1150

[8] #20230609 --- 1047 --- MCD
Reduced to \$690 (typical MB offense amount) from \$1,560 because there is no method outlined in statute for this offense to exceed the default \$1,000 statutory maximum fine amount in Utah Code § 76-3-301

[9] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[10] #20230609 --- 0839 --- MCD
Up from \$290, per recommendation from DWR

[11] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[12] #20230612 --- 1202 --- MCD
This offense hasn't been in Utah Code for a number of years...so, removed.

[13] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[14] #20230609 --- 1126 --- MCD
Duplicate of WR2000 (but with higher fine + mandatory appearance)

[15] #20230609 --- 1135 --- MCD

Duplicate of WR2200

000145

[16] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[17] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[18] #20230609 --- 1043 --- MCD
Increased by \$10 for consistency with other MA offenses.

[19] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[20] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[21] #20230609 --- 0846 --- MCD
Up from \$290, per recommendation from DWR

[22] #20230609 --- 0846 --- MCD
Up from \$240, per recommendation from DWR

[23] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[24] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[25] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[26] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[27] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[28] #20230612 --- 1202 --- MCD
Duplicate of WR3000

[29] #20230612 --- 1202 --- MCD
Duplicate of WR3001

[30] #20230612 --- 1202 --- MCD

Duplicate of WR3002

[31] #20230612 --- 1202 --- MCD
Duplicate of WR3006

[32] #20230612 --- 1202 --- MCD
Duplicate of WR3007

[33] #20230612 --- 1202 --- MCD
Duplicate of WR008

[34] #20230612 --- 1202 --- MCD
Duplicate of WR3012

[35] #20230612 --- 1202 --- MCD
Duplicate of WR3013

[36] #20230612 --- 1202 --- MCD
Duplicate of WR3014

[37] #20230612 --- 1202 --- MCD
Duplicate of WR3115

[38] #20230612 --- 1202 --- MCD
Duplicate of WR3116

[39] #20230612 --- 1202 --- MCD
Duplicate of WR3109

[40] #20230612 --- 1202 --- MCD
Duplicate of WR3110

[41] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[42] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[43] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[44] #20230609 --- 1349 --- MCD
There is no MA version of this offense. See Utah Code §§ 23A-5-308 and 23A-5-301.

[45] #20230609 --- 0840 --- MCD

Added \$10 for consistency with other MB offenses

[46] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[47] #20230609 --- 1043 --- MCD
Increased by \$10 for consistency with other MA offenses.

[48] #20230609 --- 1043 --- MCD
Increased by \$10 for consistency with other MA offenses.

[49] #20230609 --- 1043 --- MCD
Increased by \$10 for consistency with other MA offenses.

[50] #20230609 --- 1043 --- MCD
Increased by \$10 for consistency with other MA offenses.

[51] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[52] #20230609 --- 0846 --- MCD
Up from \$290, per recommendation from DWR

[53] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[54] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[55] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

[56] #20230609 --- 0846 --- MCD
Up from \$360, per recommendation from DWR

[57] #20230609 --- 0840 --- MCD
Added \$10 for consistency with other MB offenses

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: Budget and Fiscal Management Committee

FROM: Jim Peters, Justice Court Administrator

DATE: June 5, 2023

RE: Board Recommendations for FY24 Allocations from the
Justice Court Technology, Security and Training Account

Section 78A-7-301 of the Utah Code and Rule 9-107 of the Code of Judicial Administration (both attached) describe a fund known as the Justice Court Technology, Security and Training Account (Fund). The Fund balance increases with the collection of the security surcharge assessed on moving violations and certain other offenses. The Fund balance decreases as money is allocated to local government and state entities involved in operating or supporting one or more justice courts.

Typically, applications are solicited each year for audit, technology, security, and training needs in justice courts throughout the state. The Board of Justice Court Judges (Board) then reviews the requests and makes recommendations to the Judicial Council. Because the services provided by the Administrative Office of the Courts (AOC) benefit *all* justice courts (as opposed to just a *single* justice court), the AOC receives the majority of each year's allocation.

Historically, the Fund has generally been managed so that the allocation for the coming year (e.g. FY24) is capped at the amount of collections expected for the current year (e.g. FY23). That practice presents a challenge for FY24, however, as collections for FY23 are only expected to be between \$780,000 and \$800,000. This amount is significantly higher than revenue collected last year, but it is insufficient to cover the \$893,000 in requests itemized on the attached chart. As such, the Board did not invite the justice courts to submit requests for funding. Even so, there remains a difference between the funding needed to serve the justice courts and the amount that would typically be allocated from the Fund. To cover the difference, the Board recommends spending into the Fund's \$510,000 balance to the extent necessary to fund the attached proposals. I look forward to answering any questions you may have at next week's meeting.

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

Effective 5/3/2023**78A-7-301 Justice Court Technology, Security, and Training Account established -- Funding -- Uses.**

- (1) There is created a restricted account in the General Fund known as the Justice Court Technology, Security, and Training Account.
- (2) The state treasurer shall deposit in the account:
 - (a) money collected from the surcharge established in Subsection 78A-7-122(4)(b)(iii); and
 - (b) the administrative fee from a deferred prosecution or traffic school deferred prosecution under Subsection 77-2-4.2(5) or (6).
- (3) Money shall be appropriated from the account to the Administrative Office of the Courts to be used for:
 - (a) audit, technology, security, and training needs in justice courts throughout the state;
 - (b) additional compensation for presiding judges and associate presiding judges for justice courts under Section 78A-7-209.5; and
 - (c) costs to implement, operate, and maintain deferred prosecution and traffic school deferred prosecution pursuant to Subsections 77-2-4.2(5) and (6).

Amended by Chapter 393, 2023 General Session

Utah Courts

UCJA Rule 9-107 (Code of Judicial Administration)

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

Rule printed on June 5, 2023 at 3:05 pm. Go to <https://www.utcourts.gov/rules> for current rules.

Effective: 11/1/2022

Intent:

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

Applicability:

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

Statement of the Rule:

- (1) Any governmental entity that operates or has applied to operate a justice court may apply for funds from the account for qualifying projects. Local governmental entities may only use the funds for one-time purposes, and preference will be given to applications that propose to use the funds for new initiatives rather than for supplanting existing efforts.
 - (2) The Board of Justice Court Judges, through the Administrative Office of the Courts, may apply for funds from the account for qualifying projects.
 - (3) The Administrative Office of the Courts may apply for funds from the account for qualifying projects, and may use the funds for ongoing support of those projects.
 - (4) Qualifying projects are those that meet the statutory requirements for the use of the account funds.
 - (5) Funds will be distributed on or about July 1 of each year in which funds are available, and applications for those funds must be made by April 15 of the same year on forms available from the Administrative Office of the Courts. All applications for funds shall be first reviewed and prioritized by the Board of Justice Court Judges. The Board's recommendations shall then be forwarded to the Budget and Fiscal Management Committee of the Judicial Council. The Judicial Council will then make the final awards.
 - (6) An entity receiving funds shall file with the Board of Justice Court Judges an accounting, including proof of acquisition of the goods or services for which the award was granted. The accounting shall be filed no later than July 15 for activity during the previous fiscal year.
-

**Justice Court Technology, Security and Training Account
Funding Requests for FY24**

#	Requesting Entity	Description	Requested	Recommended	Notes
1	AOC/Audit	Internal Audit Position Dedicated to the Justice Courts	\$77,000	\$77,000	Cost of one auditor
2	AOC/Information Technology	Programming and Help Desk Support for Justice Courts	\$208,806	\$208,806	Personnel costs attributable to Justice Courts for IT support
3	AOC/Information Technology	Google Accounts for Justice Court Judges and Clerks	\$51,820	\$24,120	For 536 licenses @ \$45 each (legislative funding covered the increase to \$96.68)
4	AOC/Information Technology	CORIS Infrastructure for Justice Courts	\$164,165	\$164,165	CORIS Infrastructure for Justice Courts
5	AOC/Information Technology	Webex Licenses and Support	\$20,000	\$20,000	Covers the partial cost of Webex licenses used by Justice Courts
6	AOC/Judicial Institute (Education)	Request for Justice Courts' Share of Education's Overhead Costs	\$48,454	\$48,454	Learning Management System, Professional Memberships and Training of Education Personnel
7	AOC/Judicial Institute (Education)	Judicial Decision Making	\$9,000	\$9,000	Funding for an overnight program for 15 judges
8	AOC/Judicial Institute (Education)	Small Claims Training for Judges Pro Tem	\$1,000	\$1,000	Three hours of small claims training provided each year for judges pro tem
9	AOC/Judicial Institute	Education Coordination Fee	\$50,000	\$50,000	Coordination of all Justice Court events with personnel from Education
10	AOC/Judicial Institute	Justice Court Education Coordinator	\$55,000	\$55,000	Funding for half of the Justice Court Education Coordinator
11	AOC/Judicial Institute	New Judge Orientation	\$2,000	\$2,000	Estimated cost of orientation for new justice court judges up to three times per year
12	AOC/Judicial Institute	Justice Court Clerks' Conference	\$16,500	\$16,500	Estimated cost of providing an in-person conference to 350 clerks (with a registration fee of \$125 per clerk)
13	AOC/Judicial Institute	Justice Court Judges' Conference (Spring)	\$28,450	\$28,450	Estimated cost of providing an in-person conference to 73 judges in spring 2024 (with a registration fee of \$175 per judge)
14	AOC/Judicial Institute	Annual Judicial Conference (Fall)	\$25,625	\$25,625	Estimated cost of having 73 judges attend the Annual Judicial Conference (with no registration fee)

#	Requesting Entity	Description	Requested	Recommended	Notes
15	Board of Justice Court Judges	Trust and Confidence Committee	\$0	\$0	Funding for outreach/CLE presentations to build trust and confidence in Justice Courts (fund from 2711 instead)
16	Board of Justice Court Judges	Computer Equipment for Judges	\$20,000	\$20,000	Funding for the cost of computer equipment for the judges
17	Board of Justice Court Judges	District Trainings	\$9,000	\$9,000	Funding to provide lunch at district level training for judges and clerks @ \$18 each
18	Board of Justice Court Judges	Financial Assistance for Active Senior Judges to Attend the Spring Conference	\$3,000	\$3,000	Five active senior judges @ \$600 each
19	Board of Justice Court Judges	Out-of-State Training Fund	\$20,000	\$20,000	Funding for out-of-state training and other educational opportunities
20	Board of Justice Court Judges	Stipend for Education Liaison	\$1,500	\$1,500	Education Committee members will receive \$1000 but the chair would otherwise receive nothing
21	Board of Justice Court Judges	Westlaw Access	\$15,000	\$15,000	Access to Legal Research for Justice Court Judges
22	Statutory	Compensation for Presiding and Associate Presiding Judges	\$24,000	\$24,000	Section 78A-7-209.5 requires that PJs receive \$2,000 and APJs receive \$1,000
23	Statutory	Develop Electronic Notification of Completion of Traffic School to DPS	\$70,500	\$70,500	HB 192 used the JCTST as its funding source for the development of electronic notification

Total Funding Requests for FY24	\$920,820
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Total Allocations Recommended for FY24	\$893,120
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Recommended Budget for FY24 (based on projected revenue)	\$800,000
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Difference Between Recommended Allocations and Recommended Budget	\$ (93,120)
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Fund Balance

Beginning Balance 7/1/2022	\$679,480
Forecasted Collections FY23	\$781,278
Forecasted Max Expenditures	<u>-\$950,343</u>
Ending Fund Balance 6/30/2023	\$510,415
Difference Between Recommended Allocation and Recommended Budget	<u>\$ (93,120)</u>
Ending Fund Balance 6/30/2024	\$417,295

Tab 11

**Budget and Grants Agenda
for the June 26, 2023
Judicial Council Meeting**

1. Turnover Savings / ARPA Update Melissa Taitano
(Tab 1 - Discussion)
2. Ongoing & Carryforward Spending Requests Alisha Johnson
(Tab 2 – Action)

Unobligated Fiscal Note - Spending Requests Presented for Judicial Council Approval

1. Juvenile Bills Appropriations Proposal Sonia Sweeney

Ongoing Spending Requests Presented for Judicial Council Approval

Listed in order of Prioritization from Budget and Fiscal Management Committee

3. 3rd District Criminal Court Commissioners..... Mark Paradise, Judge Laura Scott
4. Child Welfare Mediator..... Nini Rich
5. Appellate Mediation Office Expansion Nick Stiles
6. Financial Manager I – AOC Finance Ron Gordon, Karl Sweeney
7. 7th District Administrative Assistant Travis Erickson
8. Assistant Justice Court Administrator James Peters

Carryforward Spending Requests Presented for Judicial Council Approval

1. Crisis Services – Pilot Program Ron Gordon
2. Education Budget Shortfall Lauren Andersen
3. Education Assistance Program Alisha Johnson
4. Contract Court Sites – Adjustment Funds Shane Bahr
5. ICJ Annual Funding Sonia Sweeney
6. Employee Incentive Awards Bart Olsen
7. Applicant Tracking & Onboarding..... Bart Olsen, Jeremy Marsh
8. Courts EcoPass Program Melissa Taitano, Chris Talbot
9. AOC 2nd Floor Upgrade to Usable Workspace Chris Talbot
10. Summit Deliberation Room – 2nd Request Chris Talbot
11. American Fork Courthouse Rent Increase Chris Talbot, Karl Sweeney
12. IT - Staff Augmentation Todd Eaton, Chris Talbot
13. IT - Stipend for Technology Subject Matter Experts Todd Eaton, Jace Kinder
14. IT - Replacement Inventory Todd Eaton
15. IT - CISCO WebEx Virtual Hearing Improvement Brody Arishita
16. IT - Retain Contract Developers Support..... Brody Arishita
17. OCAP Support for MyCase Transition Nathanael Player
18. ODR Contractor Transition Support Nathanael Player
19. Secondary Language Stipend Jonathan Puente
20. 7th District – Courtroom Furniture & WebEx Stations Travis Erickson
21. Provo Conference Room Hybrid Upgrade Mark Urry, Shelly Waite
22. Internal Audit Department – Employee Training Overlap..... Wayne Kidd

Tab 1



FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 05/12/2023 (1,808 out of 2,088 hours)

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 05/12/2023)	Internal Savings	2,937,521.97
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 03/17/2023)	Reimbursements	891,983.07
3	Est. One Time Savings for 280 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	560,000.00
Total Potential One Time Savings			4,389,505.04

Prior Report Totals (as of PPE 04/14/23) \$ 4,513,913.32

- * Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,259.65, \$1,144.96, \$1,445.55, and \$1,011.73. The average per hour turnover savings YTD was \$2,118.09. These numbers do include ARPA reimbursements.

Note: The \$124k decline in 1x TOS since our prior report has been more than offset by Operational Savings. We have sufficient funds to cover all \$2.436M of the FY 2023 YE spending requests.



FY 2023 Ongoing Turnover Savings as of 06/07/2023

#		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	929,719	979,719
3	TOTAL SAVINGS		1,180,111	1,230,111
	2023 Hot Spot Raises		(198,027)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(635,000)
4	TOTAL USES before YE Requests		(198,027)	(835,000)
Actual Turnover Savings for FY 2023 as of 06/07/2023			\$ 982,084	\$ 395,111

Prior Report Totals (dated 05/01/23) \$ 891,992 \$ 529,069

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
 - * There are currently 26 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, 51.625 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 ~ \$1,230,111
 - 4 With all hot spot and performance raises money is expended (a total of \$835,000), the YE available ongoing OTS is reduced to ~ \$395,111
 - 5 The \$185,000 addition to performance based raises approved in May has reduced the actual turnover savings available for use.

Ongoing Turnover Savings Analysis by Fiscal Period

	July Period 1	August Period 2	September Period 3	October Period 4	November Period 5	December Period 6	January Period 7	February Period 8	March Period 9	April Period 10	May Period 11	TOTAL
Total TOS Amount	\$94,157	\$117,331	\$137,089	\$102,318	\$22,489	\$55,629	-\$72,757	\$178,715	\$238,696	\$133,593	-\$77,539	\$929,719
Cumulative TOS	94,157	211,487	348,576	450,894	473,383	529,012	456,255	634,970	873,665	1,007,258	929,719	
Forecast \$ TOS Amount/Mo.	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Forecast Headcount Actions	25	25	25	25	25	25	25	25	25	25	25	
Forecast TOS Amount / Action	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
Volume Variance (Actions)												
Forecast	25	25	25	25	25	25	25	25	25	25	25	
Actual	32	37	22	23	14	25	40	21	62	23	28	
Variance	7	12	-3	-2	-11	0	15	-4	37	-2	3	
x Forecast TOS Amount	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
= Volume Variance	\$14,000	\$24,000	-\$6,000	-\$4,000	-\$22,000	\$0	\$30,000	-\$8,000	\$74,000	-\$4,000	\$6,000	
Rate Variance (\$ TOS/Action)												
Forecast Savings/Action	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
Actual TOS/Action	\$2,942	\$3,171	\$6,231	\$4,449	\$1,606	\$2,225	-\$1,819	\$8,510	\$3,850	\$5,808	-\$2,769	
Variance	\$942	\$1,171	\$4,231	\$2,449	-\$394	\$225	-\$3,819	\$6,510	\$1,850	\$3,808	-\$4,769	
x Actual Actions	32	37	22	23	14	25	40	21	62	23	28	
= Rate Variance	\$30,157	\$43,331	\$93,089	\$56,318	-\$5,511	\$5,629	-\$152,757	\$136,715	\$114,696	\$87,593	-\$133,539	
Total TOS Variance to Forecast (Rate + Volume)	\$44,157	\$67,331	\$87,089	\$52,318	-\$27,511	\$5,629	-\$122,757	\$128,715	\$188,696	\$83,593	-\$127,539	
Check to Total TOS												
Forecast	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Actual for the Period	\$94,157	\$117,331	\$137,089	\$102,318	\$22,489	\$55,629	-\$72,757	\$178,715	\$238,696	\$133,593	-\$77,539	
Check (should be 0)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
NOTE: The basis upon which this analysis is prepared assumes actions are posted in the month when the vacant position is filled.												
Any subsequent changes due to medical plan choices for an action will revise the ongoing turnover savings of the original month the Action was first shown.												
Based on historical actual trends, the forecast for each period is \$50,000 of ongoing savings. This number is calculated by the assumption of 25 actions saving, on average, \$2,000 each.												
For period 11, we had 28 actions causing a POSITIVE Volume variance of \$6,000. The average COST for those actions was -\$2,769 due primarily to people selecting higher cost medical plans than the incumbent person, causing a NEGATIVE Rate variance of \$133,539. Overall, period 11 ended at -\$77,649 TOS which was \$127,539 below of our \$50,000 forecast												



ARPA Expenses as of 5/30/2023 (prior to the close of period 11)

	A	B	C	D	E		
	Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount	Expended Amount (B + C)	Balance Available (A - D)	Activity Code	Description
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	3,790,172.90	6,832,640.57	5,540,759.43	ITCV + ITC2	Projects will extend thru 12/31/24
Courts Case Backlog - Part I + II	2,000,000	707,963.11	919,952.37	1,627,915.48	372,084.52	BKLG	See detail below.
COVID-19 Supplies	302,100	-	-	-	302,100.00	CV19	
Legal Sandbox Response to COVID	324,500	-	154,836.48	154,836.48	169,663.52	LSCV	
TOTAL	15,000,000	3,750,430.78	4,864,961.75	8,615,392.53	6,384,607.47		

Expenditures added since last report: \$ 282,750.87

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

BKLG FY 2023 Details

FY 2023 Expenses Include as of PPE 5/12/2023

Personnel Expenses:	\$ 892,547.62
Mileage Expenses:	\$ 2,676.64
Sr. Judge Travel Expenses:	\$ 2,430.71
	\$ 897,654.97
COVID Testing Kit purchase:	\$ 22,297.40
	\$ 919,952.37

BKLG Run Rate Calculation

Usage for Last 3 Pay Periods

4/14/2023	4/28/2023	5/12/2023
\$ 43,891.94	\$ 49,253.97	\$ 49,102.94
Average last 3 Pay Periods:	\$ 47,416.28	
Balance Available (from table above):	\$ 372,084.52	
Remaining Pay Periods at Last 3 Average:	8	
Anticipated Last Pay Period End Date:	9/1/2023	
Prior report anticipated last pay period:	9/1/2023	

Historical Trends (period 11 not yet closed)

IT Access to Justice Use - Last 3 Periods

Period 9	Period 10	Period 11
\$ 307,908.35	\$ 328,775.92	\$ 156,535.62

BKLG - Last 3 Periods

Period 9	Period 10	Period 11
\$ 117,881.38	\$ 98,705.79	\$ 98,356.91

Legal Sandbox - Last 3 Periods

Period 9	Period 10	Period 11
\$ 31,533.49	\$ 27,376.45	\$ 27,241.15
		\$ 282,133.68
	True Up for Period 10	\$ 617.19
TOTAL INCREASE FROM PRIOR:		\$ 282,750.87

Tab 2



FY 2024 Carryforward and Ongoing Requests - Period 11 Forecast 2023 Year End

6/7/2023

Funding Sources

	One Time	Ongoing
OTS carried over from FY 2022		\$ 250,392
Forecasted YE OTS from FY 2023		\$ 979,719
Subtotal		\$ 1,230,111
Unobligated Fiscal Note Funds - District Court	\$ 6,500	\$ 20,000
Unobligated Fiscal Note Funds - Juvenile Court	\$ 14,800	\$ 243,200
Expected Carryforward Amount from Fiscal Year 2023	\$ 3,200,000	\$ -
Total Available Funding	\$ 3,221,300	\$ 1,493,311
Less: Judicial Council Delegated to State Court Admin for discretionary use		\$ 200,000
Net Ongoing TOS Available for Use		\$ 1,293,311

Ongoing Requests - Directly from Unobligated Fiscal Note Funds

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Juvenile Bills Appropriations - Sonia Sweeney	\$ 8,562	\$ 241,180		
Subtotal	\$ 8,562	\$ 241,180	\$ -	\$ -

Ongoing Requests (in BFMC Priority Order)

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Performance Raises (Approved in September, 2022)		\$ 450,000		\$ 450,000
2 Increase Performance Raise Pool (Approved in May, 2023)		\$ 185,000		\$ 185,000
3 3rd District Criminal Court Commissioner - Judge Laura Scott & Mark Paradise		\$ 263,150		
4 Child Welfare Mediator - Nini Rich		\$ 39,000		
5 Appellate Mediation Office Expansion - Nick Stiles	\$ 4,000	\$ 164,400		
6 Financial Manager I - Ron Gordon & Karl Sweeney		\$ 123,800		
7 7th District Administrative Assistant - Travis Erickson		\$ 53,200		
8 Assistant Justice Court Administrator - James Peters		\$ 74,000		
Subtotal	\$ 4,000	\$ 1,352,550	\$ -	\$ 635,000
Balance Remaining Inclusive of Presented	\$ 3,208,738	\$ (300,419)		

One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1* Crisis Services - Pilot Program - Ron Gordon	\$ 35,000			
2* Education Budget Shortfall - Lauren Andersen	\$ 224,700			
3* Education Assistance - Alisha Johnson	\$ 85,000			
4* Contract Court Sites - Shane Bahr	\$ 10,000			
5* ICJ Annual Funding - Sonia Sweeney	\$ 26,950			
6* Employee Incentive Awards - Bart Olsen	\$ 280,000			
7* Applicant Tracking/Onboarding Software - Jeremy Marsh	\$ 24,000			
8* Courts EcoPass Program - Chris Talbot & Melissa Taitano	\$ 60,000			
9 AOC 2nd Floor Upgrade to Usable Workspace - Chris Talbot	\$ 135,000			
10 Summit Deliberation Room - 2nd Request - Chris Talbot	\$ 204,000			
11 American Fork Courthouse Rent Increase - Chris Talbot & Karl Sweeney	\$ 389,000			
12* IT Staff Augmentation - Todd Eaton & Chris Talbot	\$ 50,000			
13 IT Stipend for Technology Subject Matter Experts - Todd Eaton, Jace Kinder	\$ 78,000			
14* IT Replacement Inventory - Todd Eaton	\$ 364,000			
15* CISCO WebEx Virtual Hearing Improvement - Brody Arishita	\$ 150,000			
16* IT - Retain Contract Developers Support - Brody Arishita	\$ 682,000			
17 OCAP Support for MyCase Transition - Nathanael Player	\$ 52,000			
18* ODR Contractor Transition Support - Nathanael Player	\$ 18,000			
19* Secondary Language Stipend - Jonathan Puente	\$ 166,400			
20* 7th District - Courtroom Furniture & WebEx Booth Patron Document Stations- Travis Erickson	\$ 7,200			
21 Provo Conference Room Hybrid Upgrade - Mark Urry & Shelly Waite	\$ 99,000			
22 Internal Audit Department - Employee Training Overlap - Wayne Kidd	\$ 37,500			
Subtotal	\$ 3,177,750	\$ -	\$ -	\$ -
Balance Remaining After Judicial Council Approvals			\$ 3,221,300	\$ 658,311
+ Balance Remaining Inclusive of "Presented"	\$ 30,988	\$ (300,419)		

LEGEND

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

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

Highlighted items have been previously approved by the Judicial Council.

Highlighted items that are Fiscal Note Funds

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

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

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

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

1. FY 2023 Unobligated Fiscal Notes Spending Request – 2023 Juvenile Bills Appropriations

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings (2023 appropriations) for ongoing personnel needs that will be utilized in FY 2024.

Date: April 26, 2023

Department or District: Juvenile Court

Requested by: Sonia Sweeney, Juvenile Court Administrator

Request title: 2023 Juvenile Bills Appropriations

Amount requested: One-time \$ 8,562

Ongoing \$ 241,180

Purpose of funding request:

This request for unobligated fiscal notes (both ongoing and one-time) will provide the resources needed to effectively address added workload to juvenile court clerical and probation employees statewide resulting from the juvenile court specific legislation that was enacted this past session.

Sources & Uses of Funds

SOURCES OF ONGOING FUNDS		USES OF ONGOING FUNDS	
SB163 Child Welfare Modifications	\$121,100	Court Program Coordinator - FTE	\$ 91,350
SB290 Juvenile Court Modifications	\$ 14,900	Court Program Coordinator - FTE	\$ 91,350
HB60 Juvenile Justice Modifications	\$ 73,900	Court Program Coordinator – Part-Time	\$ 56,580
HB304 Juvenile Justice Revisions	\$ 33,300	Subtotal	\$239,280
		Postage	\$ 1,900
Total	\$243,200	Total	\$241,180

SOURCES OF ONE-TIME FUNDS		USES OF ONE-TIME FUNDS	
SB290 Juvenile Court Modifications	\$ 14,800	Equipment Package	\$ 8,562
Total	\$ 14,800	Total	\$ 8,562

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

As a result of juvenile specific bills, the juvenile court received appropriations that total \$242,900 in ongoing funds and \$14,800 in one-time funds, excluding \$475,000 allotted for a new Juvenile Court Judge position and two Judicial Assistant positions in Fourth District. The appropriations include the following:

- \$72,000 (ongoing) for juvenile court workload related to HB60, plus an additional \$1,900 for ongoing postage. This appropriation is to address additional work required by juvenile court employees, primarily related to new expungement notifications. HB60 codified an automatic expungement process for any person whose referred offenses are solely episodes that were successfully addressed non-judicially. Statute will mandate that notice be sent for each of these expungements.

1. FY 2023 Unobligated Fiscal Notes Spending Request – 2023 Juvenile Bills Appropriations

- \$33,000 (ongoing) for juvenile probation officer's participation in multidisciplinary reintegration meetings mandated by HB304. Additionally, the bill enhances requirements to send notification letters to law enforcement and school officials by adding a requirement to send notice for each youth who is placed on intake or formal probation.
- \$121,100 (ongoing) for juvenile court workload related to SB163, which will require additional time for clerical employees and judges to make findings related to parent-time.
- \$14,900 (ongoing) and \$14,800 (one-time) for juvenile court workload related to SB290, which will require additional work from clerical employees to process petitions for special findings for at-risk noncitizen children.

In that the added responsibilities summarized above will be spread throughout the state, the goal of this proposal is to alleviate tasks of all districts.

We propose the addition of three positions to the AOC Juvenile Team to centralize tasks mandated by this new legislation, as well as additional tasks currently required by employees, in an effort to create time for district clerical and probation employees to accomplish newly required job responsibilities through the new laws.

1. Position Classification - Court Program Coordinator (range = \$23.09 - \$44.46).
 - a. Two full-time positions (2 FTE) at \$24.59 /hr for an annual cost of \$91,350 x 2 = \$182,700.
 - b. One part-time position (.5 FTE) at \$24.59 /hr for an annual cost of \$56,580.
 - c. Equipment package: 1 laptop \$2,032; 3 monitors \$420; 1 keyboard \$78; 1 mouse \$67; 1 scanner \$130; 1 docking station \$127 = \$2,854 x 3 = \$8,562
 - d. Total ongoing cost of personnel = \$239,280
 - e. Total one-time costs for equipment= \$8,562
2. Supervision.
 - a. These positions would be supervised by the Assistant Juvenile Court Administrators.
3. Overview
 - a. These Court Program Coordinators would provide assistance to both clerical and probation employees by handling new and existing duties that lend themselves to centralization, assisting with efforts to implement change and ongoing updates to processes and procedures.
 - b. The positions would be cross-trained in all duties to ensure there is backup support on these tasks to the districts at all times.
4. Areas of Focus
 - a. Handle all non-automated functions related to the new automatic expungement notices for the state required by HB60. These efforts would provide relief to clerical employees statewide so that they are not burdened with this new work from HB60 and enable them to focus additional time on the increased workload created by the enactment of SB163 and SB290.
 - i. Serve as the court contact for future expungement clinics.
 - ii. Develop tools to help teams handle other types of expungements, such as a master list of agency addresses/email addresses.
 - iii. Review and recommend updates to CARE that would help teams process other types of expungements in a more efficient way.
 - b. Handle all probation notification and violent crime/weapons notification letters mandated by HB0304. Centralizing these duties would eliminate the added time needed by probation officers to send what would be approximately 1,550

1. FY 2023 Unobligated Fiscal Notes Spending Request – 2023 Juvenile Bills Appropriations

notifications yearly, based on numbers from 2022, in addition to the approximately 930 violent crime letters that were sent during that same period. The number of violent crime letters mirrors the number of potential meetings also mandated by this new legislation to create reintegration plans for a youth whenever notice of a violent crime or weapons offense is received by the juvenile court or law enforcement agency. However, the time needed for probation officers to work collaboratively with school officials, JJYS, School Resource Officers and others to create a reintegration plan will far exceed the time needed to send the violent crime letters which will initiate this requirement. The job responsibilities described below would alleviate some of the time obligations that currently exist for probation officers, as well as diverting the requirement to send probation notices, allowing additional time for reintegration plans.

- i. Notification letters: The AOC data team could prepare a daily report that would be automated once it is created. The report would include information needed to send notification letters required by statute, as the requirement to send these letters is triggered by information already available in CARE, such as an order for probation or being adjudicated or placed in detention for a violent offense. The person hired for this position would send all required letters through a more streamlined process than that which is currently in place by submitting a google form. This approach would allow the courts to submit the letters automatically through email, allowing for more effective tracking of this mandated process. This information would also be noted in CARE for data integrity.
- ii. Reintegration Plan Support: These positions could be a resource to probation officers to provide training materials and ongoing training for probation officers and leadership teams to support them in their role in the development of a reintegration plan. Additionally, these roles could help in the development of streamlined communication practices between schools, JJYS and the Juvenile Court. Having a statewide resource to provide support in these efforts to maintain school safety for Utah's students would assist in the effective implementation of new legislation designed to do so.
- iii. Increased Diversion Efforts for Low-Risk Youth: These positions could work with districts to explore diversion opportunities for youth determined to be lowest risk. Primarily, these positions could gather data regarding certain low-level offenses to help districts determine whether there could be expanded opportunities in youth courts or other community-based programs.
- c. Provide statewide clerical training, update statewide clerical training documents thus alleviating the workload of clerical positions tasked with these efforts within the districts. This would allow clerical employees to focus additional time on the increased workload created by the enactment of senate bills SB163 and SB290.
- d. Analyze court procedures/processes to evaluate quality and effectiveness, identifying problems, offering solutions, assisting in workflow analysis and developing and implementing special projects designed to improve court operations.

1. FY 2023 Unobligated Fiscal Notes Spending Request – 2023 Juvenile Bills Appropriations

- e. Complete other tasks as identified and assigned.

The proposed positions will result in an annual cost of \$239,280. An additional \$1,900 was specifically allotted for the additional ongoing postage, bringing the total annual cost for this proposal to \$241,180, which is \$2,020 below the \$243,200 in ongoing appropriations from the Legislature. The positions will also result in one-time costs of \$8,562, which is \$6,238 below the additional one-time appropriations of \$14,800.

Funds not used will be available for future requests that have nexus to the Juvenile Court.

This proposal has the support of the Clerks of Court, Chiefs of Probation, Juvenile Trial Court Executives, and Board of Juvenile Court Judges.

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, the juvenile court clerical and probation staff in all eight judicial districts would be responsible for additional tasks, adding to their full workloads, despite the judiciary having received funding from the legislature to address those specific tasks.

3. FY 2023 Ongoing TOS Spending Request – Criminal Court Commissioner

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel needs that will be utilized in FY 2024.

Date: 06/13/2023

Department or District: 3rd District

Requested by: Mark Paradise and Judge Laura Scott

Request title: Criminal Court Commissioner

Amount requested: \$263,150 ongoing funds

Purpose of funding request:

According to the most recent Judicial Caseload Survey, which is scheduled to be updated sometime in June 2023, the Third District Court needs an additional 4.3 judicial officers to perform our critical work. We have appreciated the Judicial Council's efforts to obtain legislative approval and funding for additional judges. But this process takes a very long time and the Third District Court is in need of immediate assistance with our heavy caseloads.

For the past several years, we have attempted to find creative solutions to the problem by focusing on ways to relieve the burden of "signing week," which is commonly referred to in Third District Court as "hell week." As you may know, in addition to our regular calendars, Third District judges have "signing week" at least two to three times a year. During this week, judges are responsible for covering the daily First Appearance Court (FAC), which is the State of Utah's highest volume court with approximately 10,000 to 13,000 cases each year.

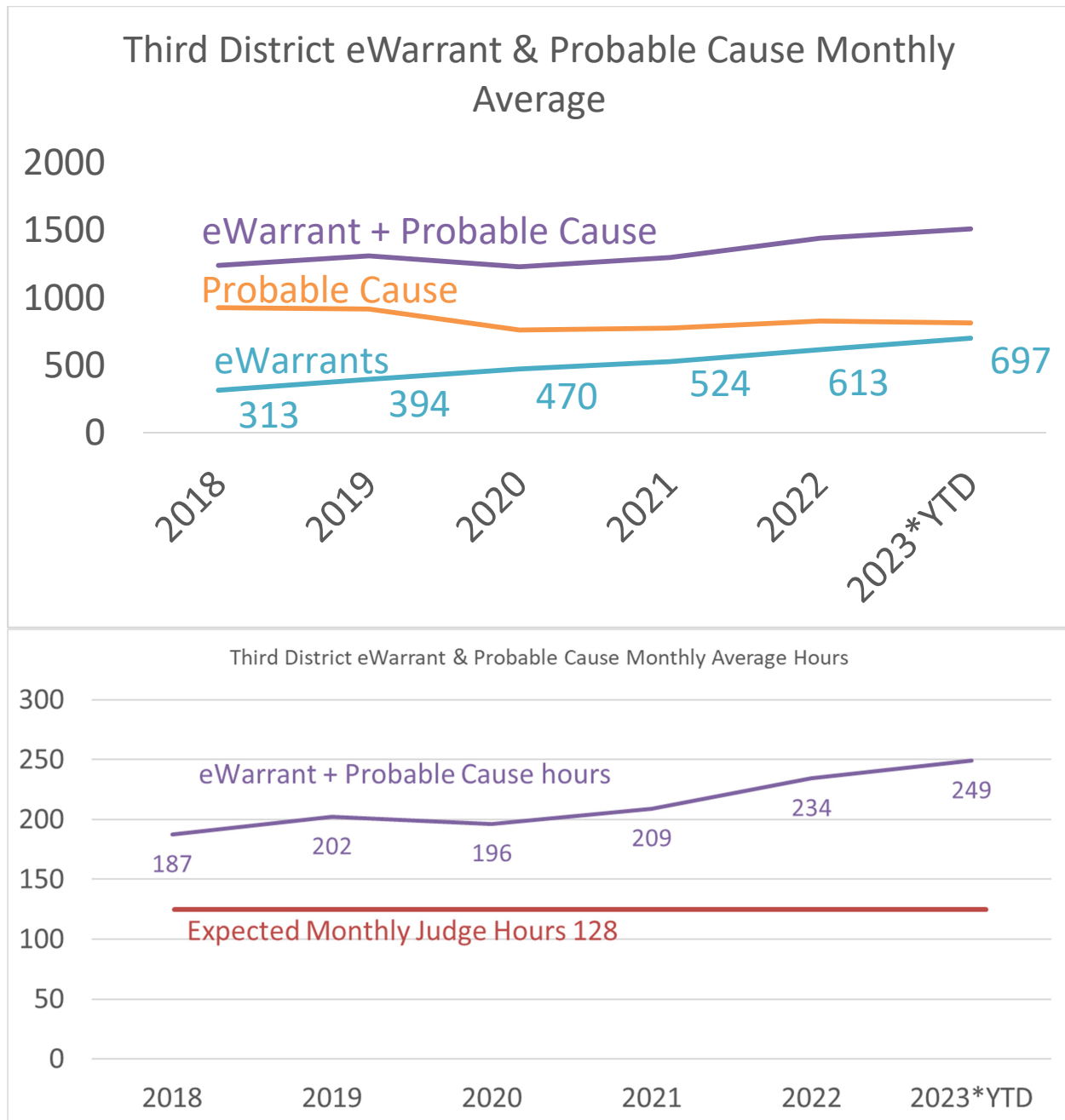
Judges are also responsible for reviewing paper search warrants and eWarrants, reviewing probable cause statements and deciding whether to hold or release a suspect, reviewing arrest warrants, reviewing petitions for expungement, reviewing petitions for temporary protective orders and civil stalking injunctions, and reviewing petitions for involuntary civil commitments. Because of the sheer volume and 24/7 nature of the signing week work, judges are unable to schedule any hearings or other matters during their signing weeks. And with the significant increase in warrants and petitions for protective orders and stalking injunctions, it has become almost impossible for one judge to handle all signing duties and FAC. While the duties could be split – e.g., two judges assigned for each week with one handling FAC and one handling signing – that would result in judges having to block out an additional one or two weeks a year, resulting in even greater delays in setting hearings and trials and other matters.

A few years ago, we received assistance with FAC from the juvenile court judges. More recently, we have used ARPA funds to pay for senior judges to cover FAC one or two weeks a month. This has provided some relief but it is not a long term solution because (a) we do not have enough senior judges who are willing to cover FAC; and (b) the ARPA funds are running out.

Consequently, we are requesting funding to hire one Criminal Commissioner to handle FAC court and criminal signing duties. With only one Criminal Commissioner, the civil signing duties –

* 2023 is January through April Total Annualized.

3. FY 2023 Ongoing TOS Spending Request – Criminal Court Commissioner



The above chart is the Third District ewarrant and probable cause averages for the last 5 years with the expected hours from the weighted caseload (about 128 hrs/month).

Essentially, the 128 hours/month is all working hours for a single judge (based on 7hr bench day). In the 3rd District, this year, they would need 1 full time judge doing nothing but signing.

2023 YTD is through the end of April.

3. FY 2023 Ongoing TOS Spending Request – Criminal Court Commissioner

District Court Judicial Weighted Caseload

FY23 - 3YA of Cases/Events Filed April 1, 2018-March 31, 2023 *excluding* April 1, 2020-March 31, 2021

Weighted Case - Total Hours Needed (Sum of (Wghts x Cases & Events))						
District	FY17 (1-yr)	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	% Change
1	5,947	6,763	6,298	6,462	7,108	10%
2	23,803	24,388	24,775	23,963	26,554	11%
3	59,222	62,542	60,936	58,278	61,633	6%
4	23,211	24,267	23,773	23,061	24,567	7%
5	9,817	10,724	10,484	10,528	12,314	17%
6	2,814	2,866	2,950	2,978	3,451	16%
7	3,000	3,039	3,376	3,332	3,790	14%
8	4,602	4,593	4,100	4,164	4,679	12%
State	132,415	139,183	136,692	132,766	144,095	9%

Caseload as % of Standard (Total Hrs.Needed / Total Avail. Hrs.)						
District	FY17 (1-yr)	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	% Change
1	91%	104%	97%	93%	103%	11%
2	93%	96%	97%	96%	106%	11%
3	117%	120%	110%	105%	112%	6%
4	105%	108%	106%	101%	108%	7%
5	109%	119%	117%	101%	118%	18%
6	103%	105%	108%	109%	127%	16%
7	69%	70%	78%	77%	88%	14%
8	111%	111%	99%	101%	114%	13%
State	106%	110%	105%	101%	110%	9%

Judicial Officers Needed (Total Hrs.Needed / Avail.Hrs. per Judicial Officer)							
District	FY17 (1-yr)	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY23* (3-yr)	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	4.0	4.5	4.2	4.3	4.8	4.6	-0.2
2	15.8	16.2	16.2	15.7	17.4	16.4	-1.0
3	39.4	41.6	39.7	37.9	40.3	36.0	-4.3
4	15.4	16.1	15.7	15.2	16.2	15.0	-1.2
5	6.5	7.1	7.0	7.0	8.3	7.0	-1.3
6	1.9	1.9	2.2	2.2	2.5	2.0	-0.5
7	2.0	2.0	2.3	2.3	2.6	3.0	0.4
8	3.1	3.1	3.0	3.0	3.4	3.0	-0.4
State	88.1	92.6	90.2	87.6	95.6	87.0	-8.6

Salt Lake County total CRIMINAL FILINGS

3. FY 2023 Ongoing TOS Spending Request – Criminal Court Commissioner

Fiscal Year '23 (through April): 11,619

Fiscal Year '22: 13,208

Statewide CRIMINAL FILINGS

Fiscal Year '23 (through April): 34,385

Fiscal Year '22: 30,401

Third District PROTECTIVE ORDER FILINGS

Fiscal Year '23 (through April): 1,493

Fiscal Year '22: 1,804

Statewide PROTECTIVE ORDER FILINGS

Fiscal Year '23 (through April): 4,068

Fiscal Year '22: 4,973

Third District CIVIL STALKING INJUNCTION FILINGS

Fiscal Year '23 (through April): 316

Fiscal Year '22: 438

Statewide CIVIL STALKING INJUNCTION FILINGS

Fiscal Year '23 (through April): 1,055

Fiscal Year '22: 1,290

Alternative funding sources, if any:

A legislative request will be made if this is not funded internally.

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

Our district will continue with its current practices, while also continuing to look at alternatives to help with the overwhelming workload.

4. FY 2023 Ongoing Turnover Savings Spending Request – Child Welfare Mediator

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel needs that will be utilized in FY 2024.

Date: 3/23/2023

Department or District: Alternative Dispute Resolution (ADR)
Department

Requested by: Nini Rich

Request title: Child Welfare Mediator – Increase Benefitted Part-time position to Full-time

Amount requested: **One-time \$** N/A

 Ongoing \$ 39,000

Purpose of funding request:

Over the last 2 years, referrals to the Child Welfare Mediation Program have increased by 16%, from an annual average of 1,416 mediations to 1,646. We are requesting additional funding for the incremental cost to move a benefitted half-time position to a full-time position in order to meet the increased demand for mediation services in Juvenile Court cases involving child abuse and neglect allegations. (\$26 x 1.085= \$28.21/hr x 1040 hours for ½ time = \$29,338 x 1.32% Retirement & Benefits = \$38,727.)

Executive Summary:

Child Welfare Mediation is a collaborative decision-making process that has been shown to lead to better outcomes for children and families involved in Juvenile Court dependency cases. Meeting the needs of children and families is an important part of the Utah judiciary's mission to provide an open, fair, efficient, and independent system for the advancement of justice under the law.

The 16% increase since 2019 in mediation referrals from Juvenile Court Judges has resulted in crowded mediation calendars and increased difficulty for judges to get cases mediated within tight statutory timelines. The majority of cases must be scheduled within a timeframe of two weeks or less from the date of the judge's order. Initially, our use of online mediation enabled us to cover the increased caseload but court orders for in-person mediation have increased steadily since May 2022, requiring an increase in mediator availability to cover judges' requests.

History and Background of Request:

Child Welfare Mediation Program referrals have grown steadily since the program's inception in 1998. Child Welfare mediators have conducted over 22,000 mediations for the Juvenile Court statewide. The steady increase in referrals is tied to the empirical success of the program as measured by resolution rates and increased collaboration among parties and not just the number of Child Welfare cases before the court.

Juvenile Court Judges can order mediation at any stage of a dependency case, from removal of the children to termination of parental rights; over 70% are referred pre-adjudication, in the earliest stage of the case. The mediation team has a consistent full resolution rate of 85-90% with an additional 3-4%

4. FY 2023 Ongoing Turnover Savings Spending Request – Child Welfare Mediator

of cases partially resolved. The program's effectiveness in resolving cases has resulted in a decrease in the number of trials as well as an increase in cooperation among parents, Division of Child and Family Services (DCFS), counsel, and the Courts, resulting in better outcomes for families.

Alternative funding sources, if any: None known

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

The feedback we receive from Judges, Assistant Attorneys General, Parental Defenders, Guardians ad Litem and DCFS, consistently indicates that mediation reduces the number of trials and allows parents to participate in a collaborative decision-making process that improves working relationships, increases compliance with service plans and results in better outcomes for children and families. If we do not have enough mediators to cover requests, some families will not have the opportunity to participate in mediation which has a range of consequences related to their success in rectifying the circumstances that brought them under the jurisdiction of the court.

¹ Alabama, Arizona, California, Maryland, New Hampshire, Washington D.C., Rhode Island

5. FY 2023 Ongoing Turnover Savings Spending Request – Appellate Mediation Office Expansion

disproportionate amount of time – pro se matters. Our AMO currently does not mediate many pro se matters because of the complicated dynamics of an unrepresented party and a court employed mediator. However, is it not restricted ethically, and there is likely a demonstratable benefit to mediating the cases that create increased workload for staff and judges.

The AMO selects which cases are ordered into mediation based on which cases are most likely to resolve. It appears that the number of cases mediated by the AMO is not limited by a lack of resolvable cases, but rather the current capacity of the AMO. Additionally, in researching the question of expansion, the AMO pulled 100 random cases to evaluate what percentage are typically eligible for mediation. Approximately 60% of those cases were closed before mediation could be considered, or were ineligible for mediation. (35 criminal, 8 juvenile, 12 Workforce Services.) Assuming historical trends continue, this quick review would illustrate that 450 cases per year could be screened for mediation. It should also be noted that while not typical, the AMO has mediated criminal and juvenile cases previously.

The AMO has reported that domestic and Labor Commission cases are often the most conducive to mediation. The AMO mediates roughly one-third of domestic cases and one-half of Labor Commission cases. By these metrics, and understanding that domestic cases accounted for 88 cases in 2020, 66 cases in 2021, and 73 cases in 2022, it is increasingly apparent that there are cases that the AMO is not mediating that may benefit from mediation.

Costs of Expansion

The current cost of our AMO is approximately \$230,000 annually. The cost to add one appellate mediator and needed support staff would be approximately \$145,852 - \$164,352 in ongoing and \$4,000 in 1x funds.

Position	Salary	Benefits	Total Costs
New Appellate Mediator	\$90,000 - \$100,000	\$40,500 - \$45,000	\$130,500 - \$145,000
Increasing Support Staff from 20 hours per week to 32 hours.	+\$14,352 to current salary	\$0.00 (Already benefited position)	\$14,352
Other costs (computers, printers, office supplies)	\$0	\$0	\$4,000 Ongoing \$4,000 one-time (computers/printers after initial purchase are covered by IT replacement budget)
	Total		\$145,852 - \$164,352 Ongoing \$4,000 one-time

5. FY 2023 Ongoing Turnover Savings Spending Request – Appellate Mediation Office Expansion**Alternative funding sources, if any:**

If this request is not funded by on-going funding, the Appellate Courts will submit this request to be considered for legislative funding.

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

There is no current alternative strategy. The purpose of this request is to increase the level of services we're providing to our appellate stakeholders, while more effectively handling the workload of the Court of Appeals.

Thank you!

6. FY 2023 Ongoing Turnover Savings Spending Request –Financial Manager I

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel needs that will be utilized in FY 2024.

Date: 4/27/2023

Department or District: AOC Finance

Requested by: Ron Gordon and Karl Sweeney

Request title: Financial Manager I – AOC Finance

Amount requested: **One-time \$** N/A
 Ongoing \$ 123,800

Purpose of funding request:

The Administrative Office of the Courts (AOC) Finance team requests funding for one new FTE to enable Finance to have the capacity to manage its increased workload and simultaneously build the capacity to proactively respond to special requests and business demands from its customers. This new position will enable Finance to handle requests such as the following:

Example 1 (special request) – The Office of Fairness and Accountability (OFA) is having difficulty providing sufficient interpreters for hearings and trials. OFA has requested an analysis from Finance of various pay and policy changes to incentivize interpreters to take Utah State Court assignments over other states/entities. Because Finance does not have the capacity to track the various components of interpreter assignments in a data base, the task of building a model to do so is time consuming and involves sampling into historical data. Examining the data to produce a statistically reliable calculation is a reactive, not proactive resolution, and is not conducive to accuracy or timeliness.

Example 2 (increased workload) – HB 531 was passed in the 2023 General Session and requires the Courts to produce an annual report for the Legislature that evaluates all of the Court fees for any that charge more than the direct and indirect cost of providing the service. This analysis has never been done at the Courts and will require significant up-front effort as well as ongoing monitoring and reporting.

Example 3 (business demand) – A DPR is a unique identifier attached to every position in the Courts. When a request to fill a position is received by HR, HR looks at the DPR report to see if the requesting department has a position that is vacant and may be filled. Finance is asked to determine if the vacant DPR has budget associated with it. If the reconciliation of DPRs to budgeted heads has not been performed monthly, the risk of filling a position that is not budgeted increases.

Example 4 (business demand) - Currently, Finance responds to requests for accounting and policy training and materials on a one-off basis. This is reactive and inefficient. Finance could develop training materials for all desired areas and hold (with Education hosting) regular trainings on those areas of need and interest.

Other areas of need which will be addressed by the new hire include:

- Recording of budget adjustments for YE, Carryforward and Ongoing requests,
- Researching budget variances,
- Fixed asset purchases, moves and retirements,
- Year-end closing FINET entries, and
- Managing the FINET access list.

6. FY 2023 Ongoing Turnover Savings Spending Request –Financial Manager I

This position will assist the Deputy Finance Director in maintaining the unit-level budgets and various FINET sub-ledgers so they are always current and also address any issues that require additional research and attention. This new headcount will benefit stakeholders throughout the Courts as their work will improve the timeliness of recording budget changes and enable ad hoc analysis without first having to ensure the detail sub-ledgers are up-to-date.

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

Currently, the AOC core Finance staff consists of 9 professionals including a Grants Coordinator. Deducting the Grants Coordinator, the core Finance position count has remained 8 since at least 1994¹. Notwithstanding new and more versatile software, growth in the Court's budget \$, number of Court employees, the administration of performance and hot spot bonuses/raises, on top of the requirements of the BFMC and budget managers for accurate, timely data, and special reporting has resulted in the workload on Finance staff not staying the same. *There are few projects anywhere in the Courts that do not have a financial component requirement and the number of requests for Finance assistance is ever-growing.* As noted earlier, a new requirement for an annual review of Court fees in HB 531 will require significant first year and ongoing resources from Finance. We have come to the point where we need an additional FTE to assist and provide support for monthly financial statement analysis and sub-ledger reconciliation (as well as special projects) to allow us to be proactive in meeting our customer's expectations.

To support our staffing request, we also benchmarked other agencies within the State of Utah (See Table 1). We reviewed only core Finance related positions in these other agencies excluding Grant related titles like Grants Coordinator, Grants Analyst, or Grants Manager. Because of this, we also did not include our Grants Coordinator in the Courts' count. We judgmentally selected several large and small agencies. Each of these agencies has a unique budget and different staffing levels.

The selected agencies have an average ratio of 2.56 finance FTEs for every 100 FTEs - with ranges between 2.05 and 4.71. In the Court, we have about .7 of an FTE for every 100 FTEs in total. Adding this 1 FTE would bring the ratio to about .8 of an FTE for every 100 FTEs in total. This is still less than half of the average of the next lowest state agency selected for review.

TABLE 1

FY 22 Data ²	Courts	USBE ³	GO Utah ⁴	Human Services	Natural Resources
Budget	\$ 170,875,400	\$ 6,488,463,700	\$ 171,052,400	\$ 1,008,962,500	\$ 323,911,100
Total FTE	1,122	769	85	3,072	1,423
Total Finance FTE	8	26	4	63	44
Budget / Finance FTE	\$ 21,359,425	\$ 249,556,296	\$ 42,763,100	\$ 16,015,278	\$ 7,361,616
Finance FTE / Total FTE	0.71%	3.38%	4.71%	2.05%	3.09%

We next benchmarked our headcount with a peer adjacent state – Idaho. We spoke with the Director of Finance and Operations at the Idaho State Courts in late April. We reviewed their staffing levels as well as the duties of individuals within their Finance department. Idaho currently has 14 core finance professionals in their department with 402

¹ Personal knowledge of Milton Margaritis who joined AOC Finance in 1994.

² Finance FTE Data was taken from the pay period ending 7/8/2022. All other data was taken from the COBI for the individual agency.

³ USBE (Utah State Board of Education) receives a significant amount of federal dollars that pass through to individual schools so USBE's dollars / finance employee is skewed high.

⁴ GO Utah has many pass-through dollars that are sent through to outside entities whereas AOC Finance is only involved in processing one pass-through payment a year so GO Utah dollars / finance employee is skewed high.

6. FY 2023 Ongoing Turnover Savings Spending Request –Financial Manager I

employees in the Idaho Courts overall, which yields a ratio of 3.4 finance FTEs for every 100 FTEs in total. We also discovered that our Deputy Finance Director handles tasks that, for Idaho, are spread among 5 separate employees (highlighted in Table 2 below).

TABLE 2

	Idaho Position Title / Comments	Current Utah Equalivnt / Comments
1	Director, Finance & Operations	Director of Finance
2	Controller	Deputy Director of Finance
3	Budget Officer – internal reporting & forecasting	Finance Officer IV – assisted by Deputy Director of Finance
4	Financial Court Service Manager – trains county clerks in all things financial/reconciles cash receipts	Financial Analyst III
5	Senior Compliance Accountant – Grants and GAL	Grant Analyst II – assisted by Finance Officer IV
6	Senior Technical Accountant – balance sheet reconciliations and month end close	Deputy Director of Finance
7	Financial Application Analyst – IT background; knows Apps and how to fix and add features	Finance Officer III and Financial Analyst III with assistance from IT Department
8	Financial Application Specialist II	Finance Officer III
9	Budget Analyst – Budget request, setup, and management, compensation allocation, and legislative requests	Deputy Director of Finance fulfills a large part of this role related to budget request, setup, and management, and compensation allocation and calculations. Director of Finance fulfills a part of this role in propelling legislative requests forward to the BFMC, Judicial Council, and the Legislature
10	Financial Specialist – AP processing	Accounting Specialists II
11	Financial Specialist – AP processing	Accounting Specialists II
12	Financial Specialist – Travel Reimbursement Clerk	Accounting Specialist II
13	Asset Management Specialist	Deputy Director of Finance
14	Senior Accountant – Accounting – Supervises AP and financial statement production	Deputy Director of Finance

This data clearly shows that the Court's AOC Finance department is understaffed compared to other state agencies and the State of Idaho Court system.

While the FY 2024 salary range for a Financial Manager I, Courts is \$27.88 - \$46.00, the request is for a rate of +/- \$37.00 per hour. With benefits, the request would be approximately \$123,800. We believe this rate will attract the quality and level of experience candidate that we need for our Finance team. We seek to fill this position in FY 2024.

Alternative funding sources, if any:

There are no alternative funding sources at this time however, if this request for use of ongoing savings is denied, we plan to submit it as a request for consideration for Legislative funding.

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, the Finance team will continue to be reactive to the many special requests and business demands it receives.

7. FY 2023 Ongoing Turnover Savings Spending Request – Seventh District Admin

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel needs that will be utilized in FY 2024.

Date: 2/1/2023

Department or District: Seventh District

Requested by: Travis Erickson

Request title: Request for part-time (20 hours per week) Admin Assistant

Amount requested: **One-time \$** N/A

Ongoing \$ 53,200

Purpose of funding request:

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

Seventh District has identified a need for additional administrative personnel to accomplish the following ongoing duties:

- Payroll Processing
- Revenue Reports Processing
- Daily Journal Reviews
- Meeting Agendas & Minutes
- District Calendar Management
- Fleet Management

These duties have historically been completed by the Support Services Coordinator (SSC) because the district does not have an Administrative Assistant (AA). In recent years the Support Services Coordinator has assumed additional duties to facilitate important internal audit processes. A part-time (20 hours per week, benefited) Administrative Assistant to perform some of the AA duties previously assigned to the Support Services Coordinator will ensure proper time and attention is available for the Audit, Budget, Purchasing, and other important duties of the SSC. The total cost is estimated at \$22 per hour x 1040 hours x 1.32 for retirement and taxes + \$23,000 for family medical/dental = \$53,200.

In addition to creating capacity for the Support Services Coordinator's expanded role, the anticipated work of a Part-time Administrative Assistant will create a separation of duties in the Daily Journal Review Process for the Judicial Support Staff and the Support Services Coordinator who performs Audit functions.

Alternative funding sources, if any:

7. FY 2023 Ongoing Turnover Savings Spending Request – Seventh District Admin

No other funding sources have been identified for this need.

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

The district is currently covering these duties with the combined efforts of the Judicial Support Leadership Team, the Juvenile Probation Leadership Team, and the Trial Court Executive and Support Services Coordinator. These duties are likely not sustainable in the long term as they take away from other important responsibilities.

The district attempted to assign daily journal reviews responsibilities to a Judicial Assistant, this included completing needed deposit corrections and transaction reversals. However, we found that involving a Judicial Assistant in these duties resulted in conflicts for office and counter coverage for such typical duties as having a change fund, making deposits, and accepting funds.

¹ The total cost of an Assistant Justice Court Administrator is estimated to be \$129,000. This figure was determined by consulting with the Director of Human Resources and the Director of Finance. That amount includes wages, benefits and medical. Wages are estimated to be \$38.90 per hour, which was calculated by averaging the current rate for each of the four assistant court administrators currently working for district and juvenile court. Multiplying that rate by 2,080 work hours in a year translates to an annual salary of \$80,912. Benefits run approximately 31% of that amount, or \$25,083, and medical coverage costs \$23,000. Because the proposal is to convert an existing position, the total cost of \$129,000 for an Assistant Justice Court Administrator can be reduced by \$55,000, which is the amount already being expended on the part-time Justice Court Program Coordinator.

8. FY 2023 Ongoing Turnover Savings Request – Assistant Justice Court Administrator

courts,² it stands to reason that public perception of the judiciary as a whole is strongly correlated with how well the justice courts are operating. And how well they are operating is strongly correlated with how much administrative support they receive. In light of various bills that have been introduced by legislators over the past several years—as well as other indicators that leave the judiciary concerned about judicial independence—it is evident that justice courts need more administrative support. Properly utilized, public trust and confidence in Utah’s Justice Courts—and the judiciary as a whole—will be strengthened as a result.

Outreach is key to strengthening public trust and confidence in the justice courts because, apart from the sheer number of locations that need to be supported, administration of these courts is complicated by additional factors. One of the biggest challenges is that, as Brent Johnson used to say, “justice courts are state courts operated at the local level.” Because there is often a disconnect between the state judiciary and local government as to why justice courts exist and how they should function, outreach from the Administrative Office is especially important. But without Trial Court Executives, Clerks of Court and Training Coordinators to implement the Judicial Council’s directives and coordinate the uniform administration of justice, that outreach falls primarily to the Administrative Office of the Courts.

If this request is approved and justice court administration receives an additional 20 hours per week, the Justice Court Administrator would be able to intensify outreach efforts by visiting judges and staff at their courthouses more frequently, interfacing regularly with the Utah Association of Counties and the Utah League of Cities and Towns, being more involved with Utah State Bar, serving diligently on the Legislative Task Force, and meeting more often with mayors, members of city councils and county commissions, city managers, city and county attorneys and others. And creating an Assistant Justice Court Administrator position would attract a strong pool of candidates to continue with efforts back at the office to improve CORIS and other applications, develop training for judges and clerks, and provide for redundancy that does not exist at present.

Alternative funding sources, if any:

If turnover savings are insufficient to cover the cost of converting the part-time Justice Court Program Coordinator to a full-time Assistant Justice Court Administrator, the Board of Justice Court Judges is supportive of using the Justice Court Technology, Security and Training Account to make up all or part of the difference. Turnover savings would then be requested one or more times in the future until the position could be fully covered by the AOC’s budget.

A second option would be to continue the position as a Justice Court Program Coordinator but make it full time. Structuring the team this way would be inconsistent with district and juvenile court administration, and it would provide less redundancy and be less attractive to potential applicants. Still, it would add some very needed hours to the administrative team at the lower cost of \$53,400.

Yet a third alternative would be to advance a request for ongoing funding to the legislature. The need for additional resources could be highlighted for the legislative task force as it considers further reforms for the justice courts. Doing so could bolster support for a request advanced by the Judicial Council for the legislature to consider in its next general session.

² For the year ended June 30, 2022, there were 367,360 filings in the justice courts, 233,265 filings in the district courts, and 19,344 filings in the juvenile courts. Combined, these filings total 619,969 cases.

8. FY 2023 Ongoing Turnover Savings Request – Assistant Justice Court Administrator

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

If the Judicial Council determines that the funding required for any of the options outlined above is better spent in other ways, justice courts will continue to operate largely in “reactive mode.” Improvements would still be made, as they have been until now, but they would only come at the same, slower pace. Adding the additional resource of a half-time FTE would allow the Justice Court Administrator to be proactive with regard to outreach and benefit not just the justice courts, but the judiciary as a whole. Regardless of the resources made available to support the justice court judges and staff, interact with the local officials who work with them, and accelerate the pace of justice court reform, efforts will continue in earnest to the extent possible.

1. FY 2024 Carryforward Request – Administration – Crisis Services Pilot

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 04/03/2023

Department or District: State Court Administrator

Requested by: Ron Gordon

Request title: Pilot Program for Crisis Services –Jurors

Amount requested: One-time \$ 35,000 (prior amount was \$35,000)

(depending on the use, these funds could come from either JWI carryforward or General Fund carryforward)

Purchasing Process Followed:

Will seek sole source or competitive bids if there are multiple suppliers for the Juror crisis services and the video production services. Video production will likely benefit both jurors and employee/judge groups. The employee/judge portion of the mental health services will be provided primarily by Blomquist Hale who already covers employee mental health services as part of our employee benefits. This request includes the potential use of carryforward general funds to cover incremental employee/judge services beyond that which Blomquist Hale provides for free.

Purpose of funding request:

This request was originally submitted last fiscal year and the money has not been spent. We are renewing the request for \$35,000 to be spent in FY 2024 to fund a pilot program whereby the Courts would offer (1) limited counseling to jurors who experience trauma during their service as a juror and (2) a video for jurors (and Court employees/judges) discussing vicarious trauma and self-care. The type of cases that would be offered counseling services are jury trials related to offenses in Utah Criminal Code Title 76 Chapter 5 – “Offenses against the Individual” - which includes murder, rape, human trafficking and assault.

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

Crises Services – Jurors. The anticipated maximum number of hours of counseling provided to jurors during the pilot will be 6 hours per case. We will consider adjusting this if feedback indicates a longer period is needed. We would contract with an entity that will provide the counseling for a set rate. The provider would need to be able to offer telehealth so they can provide services to jurors anywhere in the state.

We anticipate creating a video (and a digital brochure that has the same information) that serves as a juror debriefing and provides information about signs of trauma, how to care for it, and explains the counseling available to jurors through the judiciary (this pilot). We would post the video on our website and provide jurors with QR codes. We plan to include links in the survey email sent to jurors after a qualifying trial to allow access to the provider.

1. FY 2024 Carryforward Request – Administration – Crisis Services Pilot

Crises Services – Court employees and judges. Similar to the video for jurors (and we will investigate combining the two), we would create a video for staff and judges discussing signs of vicarious trauma and how to self-care. We would also create a brochure. We would provide training for supervisors on how to recognize and respond when employees are experiencing work-related and non-work-related trauma/crisis. We would encourage districts to have a wellness room for employees who are experiencing trauma/crisis. The AOC recently created a wellness room in the Matheson Courthouse. Funds for wellness rooms are to be locally provided.

We would publicize the crisis counseling available to employees and judges through Blomquist Hale. Blomquist Hale currently sets aside time for crisis counseling every day. This is a free service for state employees. If our surveys indicate employees/judges need something different from the benefits available through employee health insurance, we would work with Blomquist Hale on an alternative that was more immediate than counseling through health benefits and a little longer term than one-time crisis counseling (likely limited to the 6 sessions noted earlier for jurors).

Alternative funding sources, if any:

This need as related to jurors is specifically the type of expenditure that could be funded with the juror, witness and interpreter funds the legislature provides. We currently have approx. \$1.1M in carryforward JWI funds which would easily pay for these incremental costs.

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

We would likely have an unknown need for these types of services but do not really know the depth of the need. We could explore portions of the pilot which can be done without incremental funds.

2. FY 2024 Carryforward Spending Request – Education Dept Budget Shortfall

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 3/30/2023

Department or District: Education

Requested by: Lauren Andersen

Request title: Support for in-person conferences, Education team training and employee manager training

Amount requested: One-time \$224,700

Purpose of funding request:

This request seeks to fund the shortfall in Education's budget for FY 2024 to enable Education to be responsive to the requests of the various Boards of Judges to continue to offer in-person and hybrid (or streaming) conferences, as well as additional professional development needs for court employees. Education is requesting that \$172,200 in one-time funding be allocated to support five hybrid conferences (All Judicial, Appellate, District, Juvenile and Employee), \$30,000 in one-time funding to allocate for out-of-state training scholarships and \$22,500 be used to continue developing performance-based, soft-skilled, collaboration and team building courses for all districts in response to requests by TCEs for their employees.

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

This request has been many years in the making. General funds (which do not increase for inflation) to support judicial education operating expenses (non-personnel) have remained flat for many years while Education operating expenses increased each year. For example, state per diem rates for lodging and meals have increased making mileage to a conference/training location, lodging and meals more expensive. Education's training budget does not go as far as it used to.

FY 2021 was the tipping point. FY 2021 the Education department (along with every other unit in the Courts) made ongoing general fund budget cuts of \$24,000 and also reduced its funding from the JCTST fund (vs 2019) by \$94,000 to recognize lower JCTST fund revenues over time. Each year, Judicial Council has approved ongoing carryforward requests to restore the delivery of in-person conferences and necessary training. Unfortunately, due to inflation and increased expenses for conferences, Education foresees a 20% increase in the cost of conferences for FY 2024 due to the increased cost of lodging, per-diem meals and meeting space venues with reliable high-speed internet.

Past carryforward requests allowed Education to invest in new courses for managers and supervisors that taught employee goal setting, accountability, growth mindset and inclusion. This has helped create strong leadership teams that are able to support their employees. Education would like to continue to roll out these trainings to 100 court employees in FY24.

2. FY 2024 Carryforward Spending Request – Education Dept Budget Shortfall

Current Year Request – Part 1 – Conferences (\$172,200)

For FY 2024, Education is planning on continuing with in-person conferences with modern facilities that provide high-speed internet for conference attendees. The cost of these venues has increased at record levels in the past year, with many conference venues communicating that they are no longer able to provide the room blocks that we require at the state's per-diem rate. In addition, we are being charged for the high-speed internet that allows us to stream conference content and permit conference attendees to stay connected to work while at the conference.

Given budget cuts that occurred in FY 2021, and increasing costs of in-person conferences with hybrid options, we have a budget "gap" of \$172,200 for conferences for FY 2024 that requires one-time funding to bridge. This gap could potentially be reduced by not offering hybrid conferences or locating the conferences in lower-cost venues.

Current Year Request – Part 2 – Out-of-State training scholarships (\$30,000)

For many years, Education has been able to provide scholarships to provide \$50,000 in funding for judges traveling out-of-state for professional development. Out-of-state travel requests were light in FY 2022 and 11 judges were granted scholarships to attend out of state trainings. In FY 2023, scholarship requests tripled and Education stopped funding scholarships in December 2022 after funding 23 out-of-state scholarships. The \$30,000 request will allow us to grant at least 8 additional scholarships and send a total of 31 judges to training out-of-state.

Current Year Request – Part 3 – Employee Training (\$22,500)

In FY 2023, Directors, TCEs and Education worked together to offer a two-day training that promotes teambuilding, collaboration, growth mindset and accountability. The TCEs offered it to the leadership groups at least once. In some cases, Education offered the training twice. The TCEs liked the training so much that they asked Education to make it available for all court employees.

Education would like to offer the training to 100 employees in FY 2024. The materials come from a third-party provider and cost \$225 per person. To maintain our current core list of classes while increasing our catalog of inclusion and elimination of bias training, in accordance with the update to Rule 3-403, Education requests \$22,500 to purchase the materials for 100 court employees to attend the training during FY 2024. We plan to offer training for another 100 employees in FY 2025.

Education may be able to offer one training for 15 court employees without this carryforward request. One training is not sufficient to meet the demand requested by the TCEs.

Alternative funding sources, if any:

Education could use the out-of-state travel budget to supplement training requirements and cut back on the number of conferences offered in FY 2024. This alternative falls short of meeting our entire need. If we eliminated the out-of-state conference and travel support then we would still need a carryforward request of \$112,200 to fully support conferences at increased per diem rates. If we were asked to use this alternative, we would look to offer one judicial conference in fall 2023 and one employee conference in spring 2024. Additional training could occur at less expensive, centrally located venues.

2. FY 2024 Carryforward Spending Request – Education Dept Budget Shortfall

One other potential source of funds would be the Judicial Council's approval of a separate request to restore Ongoing funds for ongoing budget cuts taken for FY 2021.

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

Education would eliminate the Judicial Scholarship program for FY 2024 and reduce our spring bench conferences to workshops with potentially, one overnight stay in a location central to the Wasatch front. Virtual conference sessions will occur to help meet hourly education requirements. We would offer fewer supervisor/manager-training courses.

3. FY 2024 Carryforward Spending Request – Educational Assistance

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 3/27/2023

Department or District: AOC Finance

Requested by: Alisha Johnson

Request title: Educational Assistance Program Funding for FY 2024

Amount requested: One-time \$ 85,000 (prior year request was \$85,000)

Ongoing \$ 0

Purpose of funding request:

The Utah Courts encourage employees to seek further education in order to perform their jobs more effectively and to enhance their professional development. These requests are tracked by AOC Finance which evaluates all requests and thereby assists employee in the pursuit of educational goals by granting a reimbursement of educational expenses to Court employees under specified circumstances. This request will subsidize education assistance for court employees for FY 2024.

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

All benefitted Court employees are eligible to apply for this benefit. HR policy currently in effect specifies the educational pursuit must be an evident benefit to the Courts and have approval of the Court Executive or Director. The employee enters into an Education Assistance Contract prior to the beginning of the course and may be reimbursed for their costs (tuition and fees) at the successful conclusion of the course (successful means a final GPA of 2.0 or better). If the employee leaves the Courts within 12 months of receiving an Educational Assistance reimbursement, HR policy allows the Courts to ask that the departed employee repay any education assistance money received within a 12-month period after departure. The policy also aligns with the code 127 of section 127 IRS limit code which limits reimbursements to any person at \$5,250 per calendar year per employee as a tax-free benefit.

Alternative funding sources, if any:

This funding is not included in our base budget and the courts have traditionally used carry forward funds to provide this benefit.

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

Employees will not receive a reimbursement for their educational pursuits. This will place the Courts at a competitive disadvantage in the pursuit of the best talent.

4. FY 2024 Carryforward Spending Request – Contract Court Sites - Adjustment Funds

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 3 /27/2023

Department or District: AOC District Court
Presented by: Shane Bahr

Request title: Contract Court Sites - Adjustment Funds

Amount requested: One-time: \$10,000 (prior year request \$10,000)

Purpose of funding request:

To provide supplemental funding for 6 contract court sites (Millard, Piute, Wayne, Daggett, Garfield, and Rich counties)

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

These court sites are funded from our district court base budget, however certain miscellaneous expenses for “travel, books and subscriptions, misc. & equipment” can be reimbursed by AOC as requested by the counties. The most common type of expense to be reimbursed is related to new photocopier machines.

This carryforward funding supplements the base budget which funds office expenses and supplies, equipment supplies & maintenance, telephone, postage, copier operating expenses, other miscellaneous expenses, credit card fees, salaries and benefits.

This one time carry forward funding has been in place for over a decade with the exception of the last 2 years where other budget priorities displaced this request.

This request was initially submitted to the BFMC for consideration on April 10, 2023. After thoughtful discussion, the committee asked that this request be deferred until the Trial Court Executives, who manage districts with contract sites, could weigh in on where these funds should be managed. The TCEs considered the following options:

- 1) Pool the limited funds in a District Court budget line at the AO (current practice).
- 2) Divide the amount between the six contract sites and add it to the annual contract.
- 3) Divide the amount between the six contract sites and place the funds in the local district budget for TCEs to manage.
- 4) Place the funds in the Facilities budget at the AO. (AOC Finance recommended against this option since we cannot move carryforward funds between line items. The \$3,200,000 carryforward that this request would be funded with was generated in the Administration, BAAA, line item of Courts. Since the facilities budget is in a separate legislative line item, BCAA, from the administration line item in Courts, if we allocated the funds to facilities, it would still need to be charged to an area in the administration line item. Since this option creates inefficiencies in tracking expenditures, it is not recommended.)

4. FY 2024 Carryforward Spending Request – Contract Court Sites - Adjustment Funds

The TCEs report that it makes most sense to continue pooling these funds in a line item at the AOC. The TCEs report that dividing the amount of funds between the sites is not enough to meet the needs of individual courts and the financial need is rarely equal among the contract sites. Pooling the funds in one budget line at the AO gives the State Court more latitude to respond to the contract sites as needs arise.

Alternative funding sources, if any:

There are no alternative funding sources.

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

AOC District contract court facilities operational capabilities would be negatively impacted.

5. FY 2024 Carryforward Spending Request – ICJ Annual Funding

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: March 27, 2023

Department or District: Juvenile Court

Requested by: Sonia Sweeney, Juvenile Court Administrator

Request title: Interstate Compact for Juveniles (ICJ) Operations Funding

Amount requested: One-time \$26,950 (Detail below)

Purpose of funding request:

Funding for mandatory Interstate Compact for Juveniles (ICJ) annual dues and other expenses related to administration of the ICJ office.

Details are as follows:

	<u>Current Year</u>	<u>Last Year</u>
• Annual Dues	\$22,950	\$17,000
• Extradition Expenses	\$3,000	\$3,000
• Training/Annual Business meeting	<u>\$1,000</u>	<u>\$1,000</u>
Total	\$26,950	\$21,000

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

ICJ dues are calculated based on the criteria outlined in ICJ Rule 2-101 (see p. 2) and the calculations for each state are revised every five years. Notwithstanding this process, ICJ dues did not increase between 2008 and 2022 as the ICJ dues recalculation was postponed to FY23. The recalculated amount of ICJ dues was determined at the 2022 Annual Business Meeting in October 2022, when the Commission approved an increase in ICJ dues. Utah's ICJ dues were increased from \$17,000 to \$22,950/year.

As a member of the ICJ, the state of Utah is responsible for working with other states to return runaway/absconded youth to their home state, including home to Utah. Although the financial obligation rests with the parents, in some instances parents are unable to pay for the child's return. The request for \$3,000 enables Utah to comply with return timeline requirements when other logistical or financial return options are unavailable.

Alternative funding sources, if any:

None

5. FY 2024 Carryforward Spending Request – ICJ Annual Funding

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

Utah's ICJ dues are obligated by Utah statute 80-6-1109(2), and if unpaid, Utah would default on the ICJ and additional fines may be levied. If extradition funds are not approved, it would hinder Utah's ability to comply with the ICJ in cases where a Utah family cannot pay for the return of their child.

(ICJ Rule 2-101):

Section 200 General Provisions

Rule 2-101: Dues Formula

1. The Commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least thirty (30) days prior to the Commission meeting at which the proposed revision will be considered.
2. The Commission shall consider the population of the states and the volume of juvenile transfers between states in determining and adjusting the assessment formula.
3. The approved formula and resulting assessments for all member states shall be distributed by the Commission to each member state annually.
4. The dues formula shall be — (Population of the state / Population of the United States) plus (Number of juveniles sent from and received by a state / total number of offenders sent from and received by all states) divided by two.

History: *Adopted December 2, 2009, effective March 1, 2010*

6. FY 2024 Carryforward Spending Request – Employee Incentive Awards

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 3/27/2023

Department or District: AOC Incentive Team

Presented by: Bart Olsen and Alisha Johnson

Request title: Employee Incentive Awards

Amount requested: One time: \$280,000 (LY request was \$280,000)

Purpose of funding request:

The Courts have established a program to provide on-the-spot recognition for outstanding service as well as a formal nomination process to reward employees for their service in the following ways:

- An innovative idea or suggestion, implemented by the courts, which improves operations or results in cost savings
- The exercise of leadership beyond that normally expected in the employee's assignment
- An action which brings favorable public or professional attention to the courts
- Successful completion of an approved special individual or team project
- Continually outstanding performance of normal responsibilities.

The incentive can be issued in cash or a gift card. If deserved, a single employee can receive multiple incentive awards in a given year.

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

Note: Prior to FY 2019, employees who received these awards were not "grossed up" for the impact of payroll taxes (FICA, Federal and State personal taxes) on the awards. This lessened the value to the recipient. The Executive branch's incentive policy adds 30% to the incentive award to mitigate the impact of personal taxes on the recipient. The Courts matched the Executive Branch's policy starting in FY 2019.

The FY 2024 request is identical to the FY 2023 request and provides:

- \$200,000 for cash or gift card awards +
- \$60,000 for the funds required to cover assumed personal taxes at 30% +
- \$20,000 for the funds required to cover retirement costs and employer FICA (32%) for cash incentive payments. Incentive awards issued as gift cards do not incur the retirement fund contribution. The extra \$20,000 covers up to \$60,000 of incentive awards given out as cash payments.

Alternative funding sources, if any:

6. FY 2024 Carryforward Spending Request – Employee Incentive Awards

This funding has always been carved out of carry forward funds from the prior fiscal year. If we do not fund this amount, there will be no funds available to fund employee incentive awards.

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

This has been a benefit that has been provided for employee awards every year except during years of budget restrictions. It would have a detrimental impact on employee morale to eliminate this program in a year without a budget restriction.

7. FY 2024 Carryforward Spending Request – Applicant Tracking & Onboarding System

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 06/6/2023

Department or District: Human Resources

Requested by: Bart Olsen and Jeremy Marsh

Request title: Applicant Tracking (ATS) and Onboarding Software (ApplicantPRO)

Amount requested: One-time \$24,000 (Last year amount requested \$19,029)

Purpose of funding request:

Provide one more year of funding for our ApplicantPRO subscription - a more secure and independent ATS/Onboarding software application and process. Because these two apps are designed to work cohesively, we are requesting funds sufficient to continue with an additional year's license for both.

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

For the past two years, the Judicial Council has approved carryforward funding for Applicant PRO, a proven onboarding and recruitment software. This software has dramatically reduced the time HR staff spends on recruitment and onboarding. Additionally, this software empowers Court management with more control and agility in recruitment and onboarding practices and provides new hires with a smooth, efficient, and secure onboarding experience. The benefits of using these software programs are unprecedented to the Courts.

The invoice for the next fiscal year to maintain our ApplicantPRO software license is expected to be \$24,000 due to vendor and reseller price increases– which is up from last year. We are still negotiating final pricing but the final price will not exceed the amount requested. We prefer to keep this as a one-time request because we have learned from our contacts in the Executive Branch's Department of Human Resource Management (DHRM) about their purchase of a new off-the-shelf Human Resource Information System (HRIS). Over the next year or two, if we learn their new system could deliver what our branch needs for recruitment and onboarding, we may want the ability to transition to DHRM's new system instead of maintaining our current ApplicantPro subscription. One-time funding will allow us the flexibility to move to DHRM's system or maintain our Applicant PRO system.

Efficiency

7. FY 2024 Carryforward Spending Request – Applicant Tracking & Onboarding System

The following recaps efficiencies of Applicant Pro over the previous system that this subscription renewal will allow us to maintain:

1. Allows us to process much quicker, reducing our recruitment days from 37.5 to 25 which is 33% faster for standard recruitments,
2. Enables HR to handle nearly double the recruitment workload,
3. Provides a 100% solution to the security risk we formerly had from having to send sensitive information using Google Sheets, Google Forms, and Gmail,
4. Allows direct encrypted connection to the government E-Verify website for I-9 processing,
5. Provides needed autonomy to manage the content in job postings and,
6. Provides better access for management to view, score, and select the most qualified applicant.

Conclusion

Recruitment and onboarding are crucial components to attracting, retaining, and promoting a diverse and sustainable employee workforce. The potential work efficiencies already gained have exceeded and will continue to exceed the \$24,000 cost of the request.

Alternative funding sources, if any:

Ongoing funds are an alternate source, but not logical or desirable due to the existing agreement parameters of using DHRM systems. DHRM is moving to a different vendor for recruitment and onboarding in the next couple of years. Because they charge a flat rate for using their HR software platforms, we could opt in if at some point they adopt systems better suited to our needs. Using one-time funds allows us the ability to evaluate the effectiveness of our recruitment and onboarding systems each year and change direction if needed. This gives us all of the advantages noted above without long-term commitments until we are ready to make those choices.

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

HR would be forced to go back to the antiquated recruitment system provided by DHRM and return to the cumbersome paper process for onboarding. However, the consequences of not moving forward would be a severe loss in productivity, risk of errors in the meticulous E-Verify I-9 process, potential for security breaches, missing out on potentially more diverse applicant pools, not being prepared for strategic growth, and a need for additional HR staff dedicated to onboarding and recruitment.

8. FY 2024 Carryforward Spending Request – Public Transit Reimbursement Program

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: March 27, 2023

Department or District: AOC – Facilities & Finance

Requested by: Chris Talbot and Melissa Taitano

Request title: FY 2024 Public Transit Partial Reimbursement Program

Amount requested: One-time \$ 60,000

Purpose of funding request:

To provide up to 94 Court employees state-wide with an opportunity to receive a 90% reimbursement of the costs paid for utilizing public transit until the funds are depleted. Our current total participants are approximately 75.

We request \$60,000 in one-time carryforward funds to continue a public transit program that is (1) open to all employees but targeted to benefit those who use public transportation most, (2) state-wide (not just UTA), and (3) has a manageable administrative cost. The onus is on the UTA EcoPass participants to pay for their portion of the transit pass via credit card. For non-UTA users (there are none at present) to provide a receipt and request reimbursement through an expense report.

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

Background

Effective August 2021 in connection with an improved UTA EcoPass plan, the Courts instituted a reimbursement program which paid 50% of the monthly cost of commuting on public transportation throughout the state. At the beginning of this program, there was an average of 26 riders per month. As we increased the reimbursement percentage over time, the average ridership also increased to an ideal level, as shown in the following table.

From Mo-Year	To Mo-Year	%g of Reimbursement	Employee Cost	Employer Cost	Average Ridership
08-2021	04-2022	50%	\$30	\$29	32
05-2022	12-2022	75%	\$15	\$44	57
01-2023	03-2023	90%	\$6	\$53	75

The reimbursement program offers a \$59 monthly EcoPass that allows unlimited Trax, bus and Front Runner usage. Given the different work dynamics today versus pre-pandemic 2020, we are encouraged by the current 75 person take up rate.

8. FY 2024 Carryforward Spending Request – Public Transit Reimbursement Program

We are not in a financial position to have every court employee participate due to the different program offered by UTA today (no fixed costs, but higher monthly costs). If all 800 former EcoPass holders decided to enroll in today's UTA plan, the annual cost to reimburse participants would be $800 \times \$59 \times .90 \times 12 \text{ months} = \$509,760$. So, we plan to maintain some minimum co-payment requirement which provides Court employees who regularly commute with a very affordable monthly payment. Going to a zero required co-payment would potentially draw non-work-related users into the EcoPass program to the disadvantage of those who have a business related use.

At 94 EcoPass participants, the annual utilization of carryforward funds at a 90% reimbursement rate would be on target with our request for \$60,000:

$$94 \times \$59 \times .90 \times 12 \text{ months} = \$59,897.$$

We expect the requested funding will be adequate, however, should the number of persons increase above the maximum 94 monthly riders, our plan is to either make a supplemental request or increase the copayment to reduce the fund utilization.

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?

The Courts' benefits have historically offset somewhat lower wage scales. This is a benefit that supports other benefits (retirement, medical, etc.) in attracting candidates to the Courts. There will be negative consequences to those employees who use public transit as they would continue to assume the costs with no reimbursement.

9. FY 2024 Carryforward Spending Request – AOC Second Floor Workspace Upgrade

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 3/31/2023

Department or District: Facilities

Requested by: Chris Talbot

Request title: AOC Second Floor Upgrade to Usable Workspace

Amount requested: One-time \$ 135,000

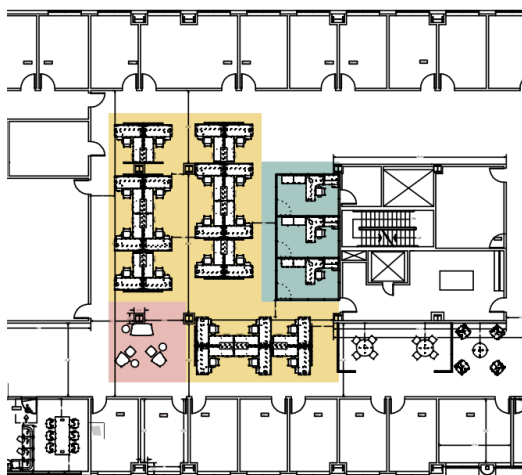
Purpose of funding request:

The Matheson AOC cubicle area on the second floor needs to be replaced with new furniture that provides a more open environment with greater flexibility for hoteling space staff usage.

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

The existing cubicle area has 28 workstations that create a maze and visual obstruction in the open office space on the second floor. The space has been underutilized since telework started for the IT team due to COVID. The old cubicles need to be removed completely and the space redesigned into modern and flexible work area with new furniture that could be used by all AOC departments. This would include reducing the number of individual workstations to 16 and creating flexible collaboration spaces where teams could meet. There may also be an opportunity to build 3 modular offices along the east wall for additional hoteling offices.

A few smaller areas on the second floor have already been remodeled for IT last year. Removing traditional dedicated work station cubicles and replacing them with more flexible work spaces will create a more pleasant work environment and eliminate the unused cubicle maze on the second floor. Below is an example of a preliminary design:



Alternative funding sources, if any:

9. FY 2024 Carryforward Spending Request – AOC Second Floor Workspace Upgrade

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 \$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?

This is not an urgent request that has immediate consequences. If this project cannot be funded at this time, it will be delayed and re-presented at a later time for consideration.

10. FY 2024 Carryforward Spending Request – Summit Deliberation Room 2nd Request

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 3/27/2023

Department or District: Facilities

Requested by: Chris Talbot

Request title: Summit Deliberation Room 2nd Request

Amount requested: One-time \$ 204,000

Purpose of funding request:

This is the second and final funding request to modify the existing jury assembly room for use as a second deliberation room.

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

An initial Budget Surplus request of \$150,000 was approved in February 2023 to get this renovation project started with the County while acknowledging that it would only fund a portion of the overall cost. This second funding request will allow us to complete the project by the fall of 2023. Preliminary estimates provided by the County hired architects place the total project cost at \$344,000. That leaves the project with a 2nd funding requirement of \$194,000, however I am requesting that amount be increased to \$204,000 to provide a small contingency amount to cover unforeseen issues that could arise during the renovation.

The following background information was provided on the first funding request:

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 \$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

4. FY 2024 Carryforward Spending Request – Summit Deliberation Room 2nd Request

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

The Court has already started the project with the \$150,000 in approved funding. If this second funding request is not granted, we would need to delay or cancel the project with the County until funding becomes available. This would most likely increase the cost of the project if it continued in the future. If the project was cancelled completely, we would lose approximately \$45,000 (architectural services) of the \$150,000 already approved plus any hard construction costs expended prior to the date of approval which we estimate will be \$105,000 by 6/30/2023.

11. FY 2024 Carryforward Request – American Fork Courthouse Rent Increase

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 3/29/2023

Department or District: Facilities

Requested by: Chris Talbot and Karl Sweeney

Request title: American Fork (AF) Courthouse Rent Increase

Amount requested: One-time \$389,000

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 (the "City") as part of their agreement to extend the lease.

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

Our YE 2022 request for \$173,000 covered the rent increases for the last 6 months of FY23 (January-June). This new request will cover the rent increases for FY 2024 which total \$389,000. This is an increase of approximately \$214,000 over last year's annual rent. FY 2024's increase of \$214,000 + FY 2023's increase of \$173,000 + the FY 2024 O&M increase of \$2,000 equals the \$389,000 cumulative increase. (See Exhibit A)

The delay by the City in proposing the higher lease rates resulted in no request to the legislature for the 2023 session. However, should Judicial Council approve, we will submit a request to the legislature for \$447,000 of 1x funds for FY 2025 (July 2024 – June 2025). For FY 2026 we will submit an ongoing legislative funding request for the final 7 years of the lease for approximately \$602,200 which is the average increased rent due after we give back 10,000 square feet of space to the City and complete the shell space for AF District Court to move to the Provo Courthouse. (See Exhibit A)

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 \$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.

11. FY 2024 Carryforward Request – American Fork Courthouse Rent Increase

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											Fiscal Year	
	Year	Rent PSF	O&M PSF	Leased SF	Annual Rental Payment - Lease Year	Annual Rental Payment - Fiscal Year	Fiscal Year Rental Increase	O&M Fiscal Year Increase	FY Cumulative Rental & O&M Increase	Rental Monthly Payment	Annual O&M Payment	Total Rent and O&M
	Original Lease	\$ 12.675		27,558	\$ 349,298					\$ 29,108		
1	1/23 - 9/23	\$ 24.00	\$ 3.50	28,784	\$ 690,816	\$ 520,057	\$ 170,759	\$ 2,146	\$ 172,905	\$ 57,568		
2	10/23 - 9/24	\$ 26.00	\$ 3.50	28,784	\$ 748,384	\$ 733,992	\$ 213,935	\$ 2,146	\$ 388,985	\$ 62,365		
3	10/24 - 9/25	\$ 28.00	\$ 3.50	28,784	\$ 805,952	\$ 791,560	\$ 57,568	\$ -	\$ 446,553	\$ 67,163		
4	10/25 - 9/26	\$ 30.00	\$ 3.50	16,358	\$ 490,740	\$ 569,543	\$ (222,017)			\$ 40,895	\$ 57,253	\$ 626,796
5	10/26 - 9/27	\$ 30.90	\$ 3.50	16,358	\$ 505,462	\$ 501,782	\$ (67,761)			\$ 42,122	\$ 57,253	\$ 559,035
6	10/27 - 9/28	\$ 31.83	\$ 3.50	16,358	\$ 520,626	\$ 516,835	\$ 15,053			\$ 43,386	\$ 57,253	\$ 574,088
7	10/28 - 9/29	\$ 32.78	\$ 3.50	16,358	\$ 536,245	\$ 532,340	\$ 15,505			\$ 44,687	\$ 57,253	\$ 589,593
8	10/29 - 9/30	\$ 33.77	\$ 3.50	16,358	\$ 552,332	\$ 548,310	\$ 15,970			\$ 46,028	\$ 57,253	\$ 605,563
9	10/30 - 9/31	\$ 34.78	\$ 3.50	16,358	\$ 568,902	\$ 564,760	\$ 16,449			\$ 47,409	\$ 57,253	\$ 622,013
10	10/31 - 9/32	\$ 35.82	\$ 3.50	16,358	\$ 585,969	\$ 581,702	\$ 16,943			\$ 48,831	\$ 57,253	\$ 638,955
												\$ 4,216,043
											Average	\$ 602,292

12. FY 2024 Carryforward Spending Request – IT Staff Augmentation

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 04/03/2023

Department or District: IT & Facilities

Requested by: Todd Eaton & Chris Talbot

Request title: Network/System Maintenance - Staff Augmentation

Amount requested: One-time \$ **50,000** (prior year request \$270,000)

Purpose of funding request:

In this final 18 months of ARPA-focused IT work with approximately 40% of our ARPA IT spend left to do, this request establishes a fund for maintenance/repairs and other non-technical work throughout the state that optimizes the use of IT employees by providing funds for this work to be done by vendors on state contract. These funds will cover labor costs, travel and any hardware required for this work.

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

We utilized the staff augmentation funding given last year to do the following throughout the state

- Install 200+ Wireless Access points
- Install 34 routers
- Physical memory installs in primary servers in both Matheson and St. George
- Various network jack repairs and relocations around the state

This outsourcing greatly reduced the strain on internal staff and increased the efficiency of our current IT support staff allowing them to better utilize time and efforts focusing on the more technical aspects of both ARPA and non-ARPA projects while maintaining the ability to keep up with regular responsibilities.

The purpose of this request is to continue to have funding to allow us to outsource for less technical maintenance/repairs as needed over the coming fiscal year in conjunction with Court Facilities. This will enable us to continue striving to provide a high level of service to our customers because we would not divert our core IT support staff to these projects.

Examples:

- Network jack repair/relocation
- Wireless access point relocations/additions for better coverage
- Addition of network jacks for office reconfigurations
- Audio/Video repairs - cameras, sound systems, microphones

12. FY 2024 Carryforward Spending Request – IT Staff Augmentation

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 approved we will continue utilizing existing IT staff. This could negatively impact the capacity for regular IT responsibilities and will likely further impair our ability to provide timely support services and response across the Service Desk, network and audio/video teams for ARPA and Non-ARPA projects.

13. FY 2024 Carryforward Spending Request – IT Stipend for Tech Subject Matter Expert

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 04/26/2023

Department or District: Information Technology

Requested by: Todd Eaton and Jace Kinder

Request title: IT Stipend for Tech Subject Matter Expertise (TSME)

Amount requested: \$78,000

One-time Turnover Savings funds

Purpose of funding request:

IT was given approval in May 2023 to designate up to 30 court employees as TSMEs who can assist throughout the state in District and Juvenile courts with a specific set of IT skills/functions.

The stipend was set at \$100 per pay period and we request \$78,000 for the 26 pay periods in FY 2024. (Total is 26 pay periods x 30 employees x \$100 = \$78,000)

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

IT leadership identified the need for basic technology support at court locations. The need ranges from assisting with login and setup of our newer cloud apps, to making sure the correct cables for peripherals are properly seated in a dock or desktop. It also includes activating a network jack and assisting with mapping a printer. This change enables new hires to be up and running much faster with the help of a TSME who can get a workspace set up properly. Addressing simple issues requiring hands-on support by TSMEs reduces the time required for resolution. Less downtime for court staff will help to keep daily activities in line with the needs of the court's mission.

TSMEs are selected and tracked by senior IT leaders who test prospects for required skills. TSMEs are also given continuing tech education from court staff. Although TSMEs are not required to have the full technological background of IT Service Desk personnel, they have a basic knowledge of how computer hardware and software connect and function.

Requirements to be a TSME are as follows:

- Basic understanding of applications (M365/MS Office, Adobe, WebEx, Google Workspace, etc.)
- Basic understanding of network connections (Ethernet, Wi-Fi, VPN)
- Ability to troubleshoot issues within a Windows environment (Windows devices, file shares, etc.)
- Basic understanding of machine staging (hardware placement, peripherals)
- Drive to advance their own knowledge of current and new technology.

13. FY 2024 Carryforward Spending Request – IT Stipend for Tech Subject Matter Expert

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?

IT would continue to utilize the main Service Desk channels for support and hardware drop-off and pick-up.

14. FY 2024 Carryforward Request – IT – PCs, Printers, Peripherals Replacement Inventory

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 3/29/2023

Department or District: AOC Information Technology

Requested by: Todd Eaton

Request title: IT Inventory for Computer, Printer, Scanner and other Peripherals Replacements

Amount requested: One-time \$364,000 (prior year request \$250,000)

Purchasing Process Followed:

IT purchases all of these items through vendors/resellers who are on state contract. Most of these contracts are multiple award contracts with many vendors to choose from. We use multiple state contracts and comparison shop for lowest price and fastest speed of delivery.

Purpose of funding request:

The IT Division has established an annual laptop replacement schedule that provides for each unit to be replaced once every five years. The Division previously requested \$250,000 per year for the program. Starting in FY 2024 we anticipate the cost will increase to approximately \$364,000 as laptops are more expensive to replace than the desktops we used to use.

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

The \$364,000 request will be used to fund a mix of replacement equipment including: laptops, scanners, printers, notebooks, and other peripherals that positively impact the productivity of court staff. This is calculated as follows: 1,300 employees X \$1,400 replacement cost = \$1,820,000 Total cost, divided by 5 year life per device = \$364,000 per year spend. Ongoing funding is not available for this project.

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?

When laptops, printers or scanners break individuals will have to go without or use an older computer that may still be working.

15. FY 2024 Carryforward Spending Request - IT - Cisco WebEx Virtual Hearing Improvement

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 05/31/2023

Department or District: AOC Information Technology

Requested by: Brody Arishita

Request title: IT WebEx Virtual Hearing Improvement Project

Amount requested: One-time \$150,000

Purpose of funding request:

This funding request was approved last year by the Budget & Fiscal Management Committee and the Judicial Council to complete some additional functionality within Cisco WebEx to improve ease of use and ease of attendance at all virtual hearings hosted by Cisco Webex for the public. Cisco has been working on this Webex project for the courts' public portal since FY 2021 but did not complete the work satisfactorily by 6/30/2021 so we carried forward the budgeted but unpaid \$150,000 of project funds into FY 2022 and then into FY 2023 (see Exhibit A). During this current year, we realized that the initial proposed solution wasn't going to work and we've been creating solutions to make everything work as originally intended, still within the same scope and with the same budgeted money. State purchasing policy requires the Courts to not pay an invoice before the work is completed to the contract specifications. Based on work performed to date, we believe Cisco will perform some but not all of the contract-required tasks by 6/30/2023. We request approval to once again move the entire \$150,000 carryforward contract balance we brought into FY 2023 into a new fiscal year (FY 2024).

Approving this as a carryforward expense allows us to match the expense (which waits until project completion) with the available funds which have been carried forward from FY 2021 to FY 2022 to FY2023 and now to FY2024. Due to Cisco's importance to our ARPA-funded IT requests, paying this promptly upon completion of the work is essential. However waiting to pay the invoice until project completion ensures we keep pressure on the vendor to perform.

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

This project will allow Judges to have a public portal for the people who want to view court proceedings but are not a participant of the hearing. Funding was allocated in FY 2022 for Cisco's assistance working with the development team at the courts to build our public facing portal with Webex integration. We originally anticipated the project to be complete by June 30, 2022. It was not and this is a pay upon completion project. We now expect the project to be completed in FY2024 because we had to find an option that would meet our needs for the public and court staff. We respectfully request approval to carryforward IT funds into FY 2024 and pay when the project is completed.

22. FY 2024 Carryforward Spending Request - IT - Cisco WebEx Virtual Hearing Improvement

Alternative funding sources, if any: We have been given a grant from SL County to cover \$100,000 of the expense of this project. This request is only asking for the remaining balance. FY 2024 YE Spending may be available should FY 2024 carryforward funds not be available.

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

The development on the public portal with regards to Webex integration will stop.

Exhibit A
FY 2023 Carryforward Requests Approved – Cisco Webex Portal Request Highlighted
6/30/2022

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

16. FY 2024 Carryforward Request to Judicial Council – IT – Contract Developers

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carry forward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 4/1/2023

Department or District: AOC Information Technology

Requested by: Brody Arishita

Request title: Contractor Support for Senior Project Manager/Developer training and Critical IT Projects in 2023

Amount requested: One-time \$ 682,000 (prior year request was also for \$682,000)

Purpose of funding request:

This request is to retain the current experienced contract developers to assist the Sr. Project Managers/Developers (SPMs) on critical projects and development tasks. The 4 existing contractors are shown in Exhibit A with their years of experience in the Courts along with their areas of expertise and annual contract costs. Keeping these contract developers is key for us to keep delivering development projects for the courts across the following areas: CORIS Rewrite, Judicial Workspace, Xchange, Voice, OCAP, Guided Interview, Forms, Web Services, Modernization and Database improvements for applications.

Continuing to fund these contract developers is critical to the SPMs. Further, the contract developers are vital to the Courts promise to the Legislature to increase our code throughput when we were given the \$650,000 of funding from the legislature for 5 full time staff for FY 2022. In our FY 2022 \$650,000 request we stated:

We anticipate a 60% increase in application development hours....The important advancements which the courts have launched in recent years to improve access to justice including e-filing, OCAP, and ODR require an investment in IT resources. Without this investment the critical functions of the courts will be compromised.

We maintain the same business proposition for this year's carryforward request that we set forth last year: hiring the 5 new SPMs with the \$650,000 in legislative funding while simultaneously laying off our 4 most experienced contract developers who are funded exclusively with carryforward funds will essentially result in a trade-off of resources with little if any net increase in development hours. Adding the new SPMs while retaining our experienced contract resources will maximize both the up-skilling of the new resources while simultaneously increasing code output.

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

In the 2021 Legislative session, the legislature approved \$650,000 of ongoing funds to bolster the Court's IT staff by hiring 5 more FT senior managers/developers. With the critical necessity of supporting efforts to adapt courtroom proceedings from physical to virtual settings, these 5 new hires

16. FY 2024 Carryforward Request to Judicial Council – IT – Contract Developers

were hired to (1) provide senior leadership for ongoing projects such as Judicial workspace, Windows 10 upgrade, court data redundancy project, MyCase Pro se e-filing, and CORIS re-write and (2) to shadow and supervise these 4 contract developers (see Exhibit A) who have been supporting these projects for years in order to provide maximum growth and effectiveness.

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? The designated projects will not get the needed support and will necessarily be slowed.

Exhibit A

Additional Funding - Carryforward Request - Retain Current Contractors to work with SPMs/Devs			
Current Contractors	Court experience	Annual Cost	
Troy ¹ 11 years with the courts (Judicial Workspace, Voice, CorisWeb, CorisMobilize, Inter Agency WebServices)	Critical Experience	228,800	Included in this carryforward ask
Subba ² 7 years with the courts, CARE, CorisWeb, CorisMobilize, AIS, Efiling	Critical Experience	114,400	Included in this carryforward ask
Srinivas Chittapu ³ - Modernization of Applications	Critical Experience	199,680	Included in this carryforward ask
Paul Watson ⁴ 3 years with the courts (Database)	Critical Experience	139,520	Included in this carryforward ask
Total Carryforward Request		682,000	

¹ Troy has been a key contract IT person for many years. He has been given a 10% increase in his rate since last year.

² Subba has been a key contract employee who replaced Rohan who was on last year's schedule. Rohan joined the Courts as an employee.

³ Srinivas joined as a key contract IT person this year since he had particular skills for modernization of applications. Anup was on this schedule last year and his contract with the Courts ended.

⁴ Paul Watson has been a key contract employee with database skills. He replaced Abhi on this schedule. Abhi was let go as Subba assumed his roles.

17. FY 2024 Carryforward Spending Request – OCAP Support for MyCase Transition

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 4/27/2023

Department or District: AOC – Self-Help Center

Requested by: Nathanael Player

Request title: Continuing OCAP Support Pending MyCase Transition

Amount requested: One-time \$ 52,000

Purpose of funding request:

This request is to retain our OCAP contractor for another year. This will allow us to effectively maintain the OCAP program, ensuring it functions correctly from both a legal and technical perspective, while increasing our ability to optimally develop MyCase so it is as helpful as possible to self-represented litigants.

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

Utahns have come to rely on OCAP as a fundamental resource for accessing the courts. The system makes the courts more open, fair, and efficient. OCAP offers self-represented litigants guided interviews; based on a user's answers to questions within the interviews, assembled documents are produced that are legally appropriate for their circumstances. About 40% of all divorces filed in Utah are based on pleadings from OCAP. The program is robust, providing help preparing paperwork for almost all aspects of a divorce, in addition to providing comprehensive pleadings for custody, parentage, guardianship, small claims, and eviction cases.

Work is commencing at an aggressive pace to develop functionality for MyCase to offer guided interviews and document assembly. These features will eventually replace OCAP. However, they are not ready yet - we need to retain OCAP for at least one more year. Our contractor has worked on OCAP for over 15 years and has deep knowledge about the program and the legal rationale behind many of its operations and settings. Retaining him will allow us to continue to support OCAP with maximal efficiency. Because he knows the program so intimately, our contractor can quickly identify problems, resolve issues, and clarify why the program functions as it does when there are specific questions from court patrons.

Having our contractor focus on the maintenance and support of OCAP will provide self-help center (SHC) personnel with much greater capacity to focus on developing MyCase. With this funding, SHC personnel will be able to focus on communication with the contractors, test new functions, document issues, provide feedback on the new functions, and monitor progress.

17. FY 2024 Carryforward Spending Request – OCAP Support for MyCase Transition

Additionally, Mr. Riches has incredibly valuable expertise that we plan to leverage as we move the guided interviews to MyCase. As we move the more complex interviews to MyCase, we will consult with Mr. Riches to ensure questions flow in a logical and legally appropriate manner and that, based on a user's selections, the appropriate documents are prepared. We also plan to document the rationale behind our decisions to ensure the program is effectively administered.

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 funding is not provided then we will not have our contractor to support and maintain OCAP. We will need to divert staff from developing MyCase to focusing on OCAP. This will mean we will not be as efficient in our administration of OCAP. It will also mean that successful completion of the development of guided interviews in MyCase will be jeopardized because we will not be able to devote sufficient time to testing and documenting of issues as the program is developed.

18. FY 2024 Carryforward Spending Request – ODR Contractor Transition Support

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 4/27/2023

Department or District: AOC – Self-Help Center

Requested by: Nathanael Player

Request title: Ensuring Ongoing Support for ODR Facilitators

Amount requested: One-time \$18,000 (prior year request was \$46,200)

Purpose of funding request:

We request funding to retain ODR contractor Nancy McGahey temporarily to ensure continuity of ODR operations, preserve institutional knowledge, increase ODR volunteer facilitator retention, and ensure that new ODR facilitators are appropriately trained while the new ODR administrator learns the intricacies of the position.

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

For the 2023 legislative session, the Legislature approved \$120,000 of funding an ODR administrator position. Our existing contractor, Nancy McGahey, is the obvious person to step into this new role, given her substantial knowledge of the procedural nuances of the program, the profound trust the ODR facilitators have for her, her successful recruitment of all of our existing ODR facilitators, her authorship of the training program and manual for ODR facilitators, and her technical knowledge of the ODR system. Unfortunately, Mrs. McGahey plans to retire and will not be applying. However, she is willing to remain with the program temporarily to help ensure that the program is successful in her absence.

Retaining Mrs. McGahey for a short period is critical. When cases proceed to facilitation, Utah Supreme Court Standing Order No. 13 requires that a facilitator work with the parties to discuss possible settlement. Facilitators are all volunteers and many have agreed to do this work because of their personal relationships with Mrs. McGahey. Some have told her that if she leaves, they will also leave. We need Mrs. McGahey to remain with the program long enough for our volunteers to build trust and rapport with the new ODR administrator. This will ensure continuity of operations and preserve institutional knowledge – the plan is to have Mrs. McGahey provide focused training for the new administrator to preserve the deep institutional knowledge that Mrs. McGahey has accrued. This training is key because all facilitators look to Mrs. McGahey as their subject matter expert and support person when there are difficult or challenging issues that inevitably arise.

Ensuring that ODR facilitators have knowledgeable support and guidance makes the courts more open and fair because ODR facilitators work to ensure that both parties in a dispute feel heard and have a meaningful choice as to how they proceed with their case.

18. FY 2024 Carryforward Spending Request – ODR Contractor Transition Support

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?

Not funding this request would put the ODR program at risk because our volunteer ODR facilitators would not have knowledgeable support, guidance, or training, and a number of them would likely quit. If that were to happen, given the nature of how ODR cases are assigned, this would put more pressure on existing facilitators, who might also feel inclined to quit in the absence of support, potentially creating a downward spiral where we lose many of our facilitators and are unable to sustain ODR operations, which rely exclusively on volunteer facilitators.

19. FY 2024 Carryforward Spending Request – Secondary Language Stipend

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 3/20/2023

Department or District: Office of Fairness and Accountability (OFA)

Presented by: Jon Puente

Request title: Secondary Language Stipend

Amount requested: One-time \$ 166,400
 Ongoing \$ 0

Purpose of funding request:

In the March 2023 Judicial Council meeting, we received approval to increase the pay of those employees who offer interpreting services to court patrons in situations for which a certified, registered or approved interpreter is not required from \$50 per pay period to \$100 per pay period.

There is a great diversity in languages spoken by court patrons. In order to facilitate court proceedings for non-English speaking patrons, the Utah Courts (1) employs contract court interpreters for in-court interpreting or (2) utilizes the foreign language talents of current court employees for court patron interpreting.

This request deals with the second of the groups in the above paragraph. 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 current annual bonus pay for court patron interpreters is \$100 x 26 pay periods = \$2,600 per year. There are 64 slots available to receive this bonus. The annualized cost is 64 x \$2,600 = \$166,400 for FY 2024.

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

Any court employee may apply for a Secondary Language Bonus by demonstrating a required level of proficiency for a non-English language. In order to qualify for this benefit, employees must complete the following process:

- Complete the Secondary Language Bonus application and Agreement with the appropriate information and approving signatures and submit to the Court Interpreter Program Coordinator; and
- Complete and pass the Oral Proficiency Exam.

Employees are required to recertify their skills no less than once every three years. A bonus recipient is subject to the following guidelines:

- The employee must be reasonably available and use their second language skills on a regular basis.
- The employee shall provide interpreting in a Court proceeding only as outlined in Rule 3-306.04 (2).

19. FY 2024 Carryforward Spending Request – Secondary Language Stipend

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?

This funding is not included in our base budget and the courts have traditionally used carryforward funds to provide this bonus. If this request is not funded, each court site would be responsible for finding operating funds to fund this essential service and interpretation services to court patrons would suffer.

20. FY 2024 Carryforward Spending Request – 7th District Courtroom Furniture & WebEx Stations

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 06/01/2023

Department or District: Seventh District

Requested by: Travis Erickson, Trial Court Executive

Request Title: Seventh District - Courtroom Furniture and WebEx Booth Patron Document Stations

Amount requested: One-time \$ 7,200

Purpose of funding request:

- Castle Dale Courthouse – Provide a small Counsel Table for use in Juvenile Court hearings - \$1,200
- Price Courthouse – Counsel Table for use in hearings that include additional attorneys or parties in the District Courtrooms - \$1,200
- Monticello Courthouse – Small document processing / submission workstation for WebEx booth patrons - \$800
- Castle Dale & Monticello Courthouses – Two monitors and a/v carts for use with Room Kit Meeting Devices - \$4,000

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

- Castle Dale Courthouse: There are two courtrooms in the Castle Dale Courthouse. Each courtroom was designed to accommodate and contains two counsel tables. Each Counsel Table was upgraded during COVID at district expense to provide attorneys with access to shared electronic data and now provides parties with the ability to share data during court hearings. Historically, the Juvenile Court provided a side table for the GAL Attorney. As counsel tables have been upgraded the disparity between attorney accommodations has grown. This request will enable the district to provide a counsel table designed to fit in the space available and to provide the GAL attorney with the same functions as others appearing at Juvenile Hearings.
- Price Courthouse: Price District Courtrooms provide sufficient room in the well for two parties. At times when an additional party is included in a hearing, or when parties are represented by multiple attorneys staff need to bring folding tables into the courtroom to accommodate.

In response to suggestions from the bench to create a “table extension” to avoid the perception of disparate accommodations for parties, court managers and bailiffs met with a design carpenter from the Utah Correctional Institute to design a single person counsel table that can be moved between courtrooms to accommodate parties in a way that eschews the perception of bias. The bid is pending, but rough estimates place the cost at about \$1,200.

20. FY 2024 Carryforward Spending Request – 7th District Courtroom Furniture & WebEx Stations

- Monticello Courthouse: The Monticello Courthouse shares a lobby with the San Juan County Sheriff's Office. A WebEx Booth has been positioned in the shared lobby for the past two years. The booth is utilized frequently for court appearances for Juvenile, District, and Justice Courts. Additionally, patrons can enter the booth and speak with clerks that are covering the counter when local clerks are unavailable for any reason.

The district has noted that one enhancement to the booth's function is to provide patrons with the ability to submit documents without the direct assistance of a clerk via scanner. Working with the IT department scanners have been purchased and made available.

District leadership met with Utah Correction Institute design carpenters and obtained a bid of \$750 to build a small workstation to house the scanner, allow for document processing and offer blank forms to patrons at times when the Judicial Support staff is unavailable.

- Castle Dale and Monticello Courthouses: During the past year Seventh District worked with the IT department to obtain room kits for all four courthouses in the district. Utilizing available monitors and A/V carts the room kits have been put into service for district staff, community partners, and bench meetings and for use as back up remote court devices.

The budget and timeline didn't allow for the purchase of 2 needed carts and monitors to implement the room kits for Castle Dale and Monticello.

Alternative funding sources, if any:

The district does not anticipate local funding to be sufficient to achieve this goal.

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

- Castle Dale Courthouse: The district may be required to continue utilizing the available tables despite some differences in capabilities.
- Price Courthouse: The district may be required to continue utilizing the available mismatched tables when additional parties are present.
- Monticello Courthouse: The district may be required to explore less functional / secure options for housing the desired scanner.
- Castle Dale and Monticello Courthouses: The district may be required to explore less functional options for mounting the remaining room kits until such time as monitors and a/v carts can be purchased.

21. FY 2024 Carryforward Spending Request – Provo Conference Rooms - Hybrid Upgrade

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 03/27/2023

Department or District: 4th District

Requested by: Mark Urry and Shelly Waite -TCEs

Request title: Provo Courthouse Conference Rooms A & B Upgrade to Hybrid Capability

Amount requested: One-time \$99,000 (see attached document Exhibit A)

Purpose of funding request:

The Provo Courthouse is the 2nd largest courthouse in the state. Conference rooms A and B in that courthouse were not originally built to be hybrid capable. Since the pandemic and looking ahead at all the opportunities to incorporate hybrid training and meetings, it would benefit the state judiciary to upgrade these conference rooms in order to better facilitate statewide hybrid meetings and trainings.

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

The new Provo Courthouse is centrally located in the state and as such has become a very popular facility for conducting statewide meetings and trainings. This facility is easy to get to and has several hotels within walking distance, thus making statewide trainings and meetings very appealing to be hosted from this location. The following table shows uses of the 2 conference rooms starting in calendar year January 2019 through each calendar year up to the present. Additionally, the table shows actual and forecasted use for calendar year 2023. During 2019 there were 116 uses. During the first two months of 2023 uses are running at calendar year 2022 pace (forecasted to be 60 for full year 2023). If we make the conference rooms hybrid, we forecast total uses of 110 for calendar year 2023. The Hybrid upgrade would greatly increase the opportunity for future years' uses to rise well above the pre-pandemic count.

Calendar Year 2019				Calendar Year 2023 Forecasted - Non-Hybrid			
Training Room A		Training Room B		Training Room A	10	Training Room B	42
Statewide Committee mtgs	8	Statewide Committee mtgs	18	Total Training Room A		Total Training Room B	
AOC Ed Dept. Training	13	AOC Ed Dept. Training	14	Combined Room Conferences		TOTAL USES - Non-Hybrid	60
Local meetings	28	Local Meetings	24				
Employee wellness	4	Employee Wellness	2				
Total Training Room A	53	Total Training Room B	58				
Combined Room Conferences	5	TOTAL USES	116				
Calendar Year 2020 (Pandemic order March 2020)							
Total Training Room A	15	Total Training Room B	17				
Combined Room Conferences	1	TOTAL USES	33				
Calendar Year 2021 (Pandemic Order less restrictions)							
Total Training Room A	3	Total Training Room B	7				
Combined Room Conferences	0	TOTAL USES	10				
Calendar Year 2022 (pandemic lifted last part of year)							
Total Training Room A	21	Total Training Room B	31				
Combined Room Conferences	2	TOTAL USES	54				

21. FY 2024 Carryforward Spending Request – Provo Conference Rooms - Hybrid Upgrade

As we return to planning larger meetings and training events with the Education Director, the following have been limiting considerations:

- Health conditions prevent some court employees from attending events in-person. Currently, some leadership groups are asking for in-person training without streaming because they want everyone in the room. When an employee with a health condition cannot make it, they create band aid methods to include the employee – like FaceTime or video calls from electronic devices. The offsite experience is untenable. It would be more effective if there were large hybrid room spaces where we could meet the needs of both in-person as well as Webex attending employees.
- Mileage and lodging reimbursements have increased and are continuing to increase. It would be more efficient to have training spaces where people could join in-person if they live near the training location, but other locations could stream in to reduce travel costs for training purposes.
- Education was fortunate to secure funding for travel to all court districts in FY23 for Outward Mindset training and Equality Utah training. This was funded by one-time carryforward funds. We aren't guaranteed this each year. Education is exploring training models that rely on hybrid technology to reach rural districts. We want to be able to hold trainings that are in-person that stream to participants that aren't able to travel. Hybrid technology is critical to making sure that in-person and virtual attendees have similar experiences.
-

In 2019 prior to the pandemic, when the Provo Courthouse was complete, all meetings and trainings were predominantly in-person. With the change in technology and the learning that has taken place over the past three years, the once state-of-the-art conference rooms are now sadly lacking in their capacity to host a hybrid meeting or training. The conference rooms need specialized microphones and cameras along with operating hardware and software to integrate the features for the complex uses that are now being requested. See (Exhibit A).

Alternative funding sources, if any:

If this request is not funded we would work with Chris Talbot to add this need to the future facilities funding requests in FY 2025 or later.

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

There are some ways to host a hybrid meeting/trainings using old technology. However, those resources have significant limits thus impacting the virtual users learning and experience in the meeting and or training. This has been evident at recent Trial Court Executive meetings, Clerk of Court meetings and Chief Probation Officer meetings. The District Court has a Judicial Conference room that is hybrid capable however, the capacity of the room is limited to 12-13 participants, thus limiting the type of meeting/training held there.

21. FY 2024 Carryforward Spending Request – Provo Conference Rooms - Hybrid Upgrade

EXHIBIT A

QUOTATION 25565


Provo Courthouse
COMBINABLE TRAINING ROOM

GENCOMM - UT State Contract MAS13
12393 S Gateway Park Place, Suite 400
Draper, UT 84020

BILL TO:		SHIP TO:		DATE
COMPANY	State of Utah Courts	COMPANY	State of Utah Courts	March 9, 2023
ADDRESS	450 S State	ADDRESS	450 S State	EXPIRES April 8, 2023
	Attn: AOC Help Desk Manager		Attn: AOC Help Desk Manager	REP Shawn Sandberg
	Salt Lake City, UT 84114		Salt Lake City, UT 84114	
CONTACT	Jymn Edwards	CONTACT	Jymn Edwards	
PHONE	(801)578-3868	PHONE	(801)578-3868	
MANUFACTURER		QTY	UNIT PRICE	TOTAL PRICE
	Video System			
GENCOMM	ENGINEERING AND PROGRAMMING	50	\$200.00	\$10,000.00
GENCOMM	LABOR INSTALLATION	200	\$90.00	\$18,000.00
SENNHEISER	TOC2 - CEILING MICROPHONES	4	\$3,844.00	\$15,376.00
QSC	CORE 110F-V2 - DIGITAL SIGNAL PROCESSOR AND CONTROL	1	\$3,025.00	\$3,025.00
QSC	32x32 DANTE LICENSE UPGRADE	1	\$855.00	\$855.00
QSC	QSC SCRIPTING LICENSE SL-QSE-110-P	1	\$318.00	\$318.00
QSC	QSC UCI LICENSE SLQUD-110-P	1	\$158.00	\$158.00
QSC	TSC-70-G3 - TOUCH SCREEN CONTROLLER	4	\$1,429.00	\$5,716.00
QSC	NV32H - CONFERENCING BRIDGE WITH ENCODING AND DECODING	6	\$3,125.00	\$18,750.00
QSC	NC20X60 - NETWORKED QLAN CAMERAS	4	\$4,157.00	\$16,628.00
QSC	QJO-6P8x8 - CONTACT CLOSURE FOR SCREENS	1	\$341.00	\$341.00
BARCO	CLICKSHARE C10 WITH SECOND BUTTON	2	\$1,301.00	\$2,602.00
INOGENI	TOGGLE - USB SWITCHER WITH RS232	2	\$612.00	\$1,224.00
TP-LINK	TL-POE170S - POE INJECTOR FOR 60W ENCODER AND DECODER	6	\$63.00	\$378.00
WINDY CITY	23-4P UNSHIELDED CAT 6 PLENUM CABLE GREEN JACKET	3000	\$0.33	\$990.00
GENCOMM	MISC CONNECTORS	1	\$800.00	\$800.00
COMMUNA	HDMI AND USB WALL PLATES	4	\$76.00	\$304.00
KRAMER	25ft USB ACTIVE	2	\$155.00	\$310.00
LEGRAND	BLACK PATCH CABLE CAT6	6	\$11.45	\$68.70
LEGRAND	HDMI TO HDMI AT LECTERN C2050184	2	\$28.20	\$56.40
LEGRAND	HDMI TO HDMI C2050609	6	\$11.10	\$66.60
LEGRAND	USB IN LECTERN C2054175	4	\$11.12	\$44.48
LEGRAND	HDMI TO USBC AT LECTERN C2026896	2	\$52.00	\$104.00
LEGRAND	ACTIVE HDMI 25ft C2010382	2	\$86.55	\$173.10
LEGRAND	1RU SHELF VENTED	2	\$38.18	\$76.36
COMMERCIAL ELECTRIC	YLPT-45-2 SURGE PROTECTORS	2	\$38.76	\$77.52
TECHFLEX	25ft CCP1.00BK25	2	\$16.52	\$33.04
PEDSTRIP	FOUR SETS OF SIX FT - B09MHX1WF9	1	\$25.22	\$25.22
TRIPPLITE	15FT POWERSTRIP UL603CB-6J	2	\$36.85	\$73.70
IR COMBINER	BREAK BEAM INFRARED ROOM COMBINER	1	\$658.00	\$658.00
EXTRON	TABLE BOX WITH AC POWER	2	\$266.00	\$532.00
			SUBTOTAL:	\$97,764.12
			FREIGHT	\$995.00
			TAX:	\$0.00
			USD TOTAL:	\$98,759.12

22. FY 2024 Carryforward Spending Request – Training New Replacement Auditor

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2023 are normally to be spent between July 1, 2022 and June 30, 2023; however **the Legislature has approved the Judicial Branch to carryforward \$3.2M in unspent FY 2023 funds into FY 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2024.**

Date: 4/11/2023

Department or District: Internal Audit Department

Requested by: Wayne Kidd

Request title: Training for Replacement Internal Auditor

Amount requested: One-time \$ 37,500

Purpose of funding request:

The Internal Audit Department (IAD) requests \$37,500 to hire and begin training a new auditor before our existing auditor retires in December 2023. This would allow IAD to fill the replacement auditor position in the fall of 2023 so the new auditor can be trained by the experienced auditor that is retiring. The new auditor will be assigned the responsibilities of the retiring auditor to conduct justice court audits. If we hired the new auditor 3.5 months early, the cost would be approximately \$37,500 (2088 hours x \$32 per hour x 1.32 Retirement/Tax = \$88,197 plus \$23,000 Medical/Dental family benefits = \$111,197 divided by 12 months x 3.5 months = \$32,432 + \$5,000 for travel, training, and miscellaneous costs = \$37,432).

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

In the auditing profession, on average, it takes about 1.5 to 2 years to fully train a new auditor. A new auditor usually needs to “shadow” an experienced auditor for at least two audits before being able to be assigned a lead role on an audit. By hiring the new auditor a few months before the experienced auditor retires, it will substantially increase the efficiency of this transition within IAD. The experienced auditor will be able to help train the new auditor in their assigned duties and responsibilities.

The new auditor will be assigned to conduct justice court audits. IAD is still in the process of training a new justice court auditor that was hired about a year ago (April 2022). It would be in the best interest of IAD for the experienced auditor who is retiring to help the director train the new employee, since the other justice court auditor is still training and fairly new to the department.

Alternative funding sources, if any:

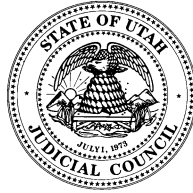
Alternative funding will be needed, such as one-time Hot Spot funding, to cover the total compensation of the new employee for a few months, until the auditor retires in December 2023.

22. FY 2024 Carryforward Spending Request – Training New Replacement Auditor

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

The new employee will not be able to be hired until January 2024, after the current employee retires. This would be a less efficient process to train the new employee, and it will take longer to complete audits in 2024.

Tab 12



Administrative Office of the Courts

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

June 1, 2023

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

MEMORANDUM

TO: Management Committee & Judicial Council

FROM: Stacey M. Snyder, Guardian ad Litem, Director on behalf of GAL oversight Committee

DATE: June 13, 2023

RE: Guardian ad Litem Oversight Committee Member Recommendations

Currently, there are two vacancies on the Guardian ad Litem Oversight Committee due to the completion of Judge Robert Yeates three terms and Cathy Bounous moving from the Executive Branch. Potential candidates were discussed and two applicants were selected by the Guardian ad Litem Oversight Committee on May 17, 2023. The GAL Oversight Committee recommends Ret. Judge Michelle Heward and Ray Wahl to fill the two vacancies.

Members of that committee decision included: Judge Robert Yeates (Chair), Kenyon Dove, Mollie McDonald, Brittany Randall, Jason Richards, and Jeannine Timothy.

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

Tab 13



Administrative Office of the Courts

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

June 15, 2023

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Rule for Public Comment

The Policy, Planning, and Technology Committee recommends that the following rule be approved for a 45-day public comment period.

CJA 4-202.11. Vexatious record requester (NEW)

During the last session ([S.B. 231](#)), the legislature created a new process under the Government Records Access Management Act (GRAMA) ([63G-2-209](#)) allowing government entities to petition the State Records Committee for relief from a person the government entity deems a “vexatious requester.” Under [63G-2-702\(5\)](#), the legislature makes it clear that 63G-2-209 is not applicable to the judicial branch, but provides the Judicial Council with the option to:

- “(a) establish a process for an administrative unit of the judicial branch to petition for relief from a person that the administrative unit claims is a vexatious requester;
- and
- (b) establish an appellate board to hear a petition for relief from a person that an administrative unit of the judicial branch claims is a vexatious requester.”

The judiciary has its share of vexatious requesters that expend a considerable amount of staff time. As such, the Office of General Counsel seeks to take advantage of the new legislation with proposed Code of Judicial Administration (CJA) rule 4-202.11. Currently, the Management Committee hears records access appeals under CJA [rule 4-202.07](#). Using that existing framework, the new rule designates the Management Committee as the “appellate board” to hear petitions for relief and the Office of General Counsel as the “administrative unit” authorized to petition for relief.

The process in rule 4-202.11 is very similar to the vexatious requester process in 63G-2-209.

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

Rule 4-202.11. Vexatious record requester

Intent:

To establish the rights and procedures governing requests for relief from a vexatious record requester.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) Definitions.

(1)(A) "Committee" means the Management Committee of the Council.

(1)(B) "Executive secretary" means an individual designated as executive secretary by the Committee for purposes of this rule.

(1)(C) "Respondent" means a person the petitioner claims is a vexatious record requester.

(2) Petition. The Office of General Counsel may submit a petition to the Committee requesting relief from a person alleged to be a vexatious record requester.

(2)(A) A copy of the petition shall be sent to the state court administrator and the respondent on the day the petition is submitted to the Committee in accordance with paragraph (3)(B). Service by mail or electronic means is complete upon sending.

(2)(B) The petition shall include:

(2)(B)(i) the respondent's name, email address, and mailing address submitted by the respondent in his or her most recent record request;

(2)(B)(ii) a description of the conduct that demonstrates the respondent is a vexatious record requester; and

(2)(B)(iii) a statement of the relief the petitioner seeks.

(3) Scheduling and notice.

(3)(A) Scheduling. Except as provided in (3)(C), no later than 7 business days after receiving the petition, the executive secretary shall send a copy of the petition to the Committee chair and schedule a hearing for the Committee to consider the petition:

(3)(A)(i) at the next regularly scheduled Committee meeting falling at least 15, but no later than 30, business days after the petition is submitted; or

(3)(A)(ii) at a regularly scheduled Committee meeting more than 30 business days after the petition is submitted, if the Committee chair determines the Committee will not have sufficient time to hold a hearing at an earlier meeting date.

(3)(B) **Notice.** The executive secretary shall send notice of the date, time, and location of the Committee meeting at which the petition will be heard to the Office of General Counsel, respondent, and state court administrator. Notice may be sent to the respondent via email at the email address last used by the respondent in communications with the court. If the respondent is incarcerated or is otherwise unable to communicate by email, notice shall be sent to the respondent via the last known method of communication used by the respondent. Public notice will be posted in accordance with paragraph (6).

(3)(C) **Denial without a hearing.** The Committee chair may direct the executive secretary not to schedule a hearing if the Committee chair and at least one other member of the Committee determine that the petition is without merit. In making that determination, the Committee chair may request that the respondent submit a written response to the petition.

(3)(C)(i) If the Committee chair declines to schedule a hearing, the executive secretary shall send notice to the Office of General Counsel, respondent, and state court administrator that the petition has been denied and the reasons for the denial. Notice shall be sent in accordance with paragraph (3)(B).

(3)(C)(ii) The petition, a response if received under paragraph (3)(C), and the Committee chair's denial decision shall be provided to the Committee in advance of the next regularly scheduled Committee meeting. If a majority of the Committee disagrees with the chair's decision to deny the petition, the Committee shall direct the executive secretary to schedule a hearing. Committee discussions about the chair's denial decision may be held in an executive session.

(4) **Response.** No later than 5 business days before the hearing, the respondent shall submit to the executive secretary and the Office of General Counsel a written statement in response to the petition. The written statement may be the same document as the respondent's written response under paragraph (3)(C).

(5) **Hearing.** The Committee will allow the Office of General Counsel and respondent a reasonable opportunity to present facts, authority, and argument at the hearing. The order of presentation and time permitted to each party shall be decided by the Committee. The Committee may permit any other person whose interests might be substantially affected by a decision to participate in the hearing. Discovery is prohibited, but the Committee may require either party to produce additional evidence in support of their claim or position. If the respondent fails to appear at the hearing, the Committee may cancel the hearing and deliberate the petition, or hold the hearing without the respondent.

(6) **Open and closed meeting.** Committee deliberations are closed and may be held in an executive session. Presentations by the Office of General Counsel, respondent, and any other person permitted to appear at the hearing are open to the public and notice of the hearing shall be given in accordance with Rule 2-103.

(7) **Order.** No later than 10 business days after the hearing, or the date on which the hearing was canceled under paragraph (5) was scheduled to be held, the Committee shall determine

whether the Office of General Counsel has demonstrated that the respondent is a vexatious record requester and issue a signed order that grants or denies the petition in whole or in part.

(7)(A) In determining whether the Office of General Counsel has demonstrated that the respondent is a vexatious record requester, the Committee may consider:

(7)(A)(i) the interests described in Rule 4-202;

(7)(A)(ii) the total number of record requests the respondent has submitted to the judicial branch, including:

(7)(A)(ii)(a) the number of pending record requests;

(7)(A)(ii)(b) the number of record requests approved;

(7)(A)(ii)(c) the number of record requests denied; and

(7)(A)(ii)(d) the number of appeals taken from record request denials, including information related to the results of such appeals.

(7)(A)(iii) the scope, content, and subject matter of record requests the respondent has submitted to the judicial branch;

(7)(A)(iv) the nature of any communications from the respondent to court employees or judicial officers related to a record request;

(7)(A)(v) any pattern of conduct that the Committee determines to constitute:

(7)(A)(v)(a) an abuse of the right of access to information; or

(7)(A)(v)(b) substantial interference with the operations of the judicial branch;

(7)(A)(vi) any prior petitions, findings, and orders regarding respondent as a vexatious record requester; and

(7)(A)(vii) any other factor or information the Committee considers relevant.

(7)(B) If the Committee grants the petition in whole or in part, it may order any relief requested by the Office of General Counsel, or any other relief the Committee deems appropriate.

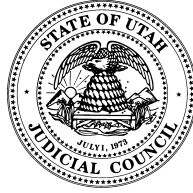
(7)(C) The Committee's order granting the petition in whole or in part shall contain a statement of the reasons for the Committee's decision, and a statement that the respondent may petition for judicial review of the Committee's decision by filing a complaint in the Third Judicial District Court in accordance with the Utah Rules of Civil Procedure. If the Committee denies the petition, in whole or in part, the Office of General Counsel may also seek judicial review of the Committee's decision in accordance with this subsection. Any complaint filed under this subsection shall be filed no later than 30 calendar days from the date of the Committee's order.

151 (8) **Appeals.** A record request that the Office of General Counsel is not required to fulfill in
152 accordance with an order issued under this rule may not be the subject of an appeal under Rule
153 4-202.07.

154
155 (9) The time periods in this rule may be extended by mutual agreement.

156
157 Effective: November 1, 2023

Tab 14



Administrative Office of the Courts

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

June 2, 2023

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

MEMORANDUM

TO: Members of the Judicial Council Management Committee

FROM: Sonia Sweeney, Juvenile Court Administrator
Blake Murdoch, Assistant Juvenile Court Administrator

RE: Proposed Probation Policy for Review and Approval

The Board of Juvenile Court Judges has proposed a revision of the following policy which is now advanced to the Management Committee for review and consideration. Additionally, we are seeking placement on the Judicial Council's consent agenda for June 26, 2023.

Court Report Policy

This policy was last updated on August 17, 2018. The policy provides direction to probation officers in preparing written court reports. The requested change is to align the policy with the existing rule. Probation's Court Report Policy states that probation officers shall include the "delinquency history and prior court involvement" in a court report. Rule 7-302 of the Code of Judicial Administration states that the court report shall include "the minor's prior history, including prior actions taken by the probation department". Rule 7-302 more clearly defines that court reports must provide an account of "actions taken" as opposed to "prior court involvement," which may appear to some to exclude nonjudicial agreements, as they are not handled in court.

I will be available to respond to questions during your meeting on June 13, 2023.

Thank you.

Court Reports

Policy:

This policy provides direction to probation officers in preparing written court reports

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 80-6-304](#)
- [UCA 80-6-307](#)
- Utah Code of Judicial Administration
 - [Juvenile Court Operations Rule 7-302](#)
- [Utah Rules of Juvenile Procedure Rule 45](#)
- [Working with Dually Involved Youth Toolkit](#)

Procedure:

1. The probation officer will conduct a preliminary interview to gather information and prepare a written report for all dispositional hearings (See Section 2.1 Preliminary Interview).
 - 1.1. A written report should also be prepared for all other court hearings unless otherwise directed by the court.
 - 1.2. All court reports shall be eFiled at least 48 hours prior to the hearing.
2. The probation officer shall include the following pertinent information in the court report:
 - 2.1. Prior referral history, including prior actions taken by the probation department
 - 2.2. Statement of the circumstances surrounding the matter before the court
 - 2.3. Summary of the Victim Impact Statement and restitution claim
 - 2.4. Steps taken by the minor's parent, guardian or custodian to address the behavior
 - 2.5. Information received from the Education Court Report
 - 2.6. Collateral contacts and the history with agencies
 - 2.7. Risk level indicated by the PSRA/PRA
 - 2.8. Mental health history
 - 2.9. Employment history
 - 2.10. Substance use history
 - 2.11. Sentencing guideline results including aggravating and mitigating factors
 - 2.12. Recommendations specific to the minor's risk level that consider restorative justice principles and evidence based practices
 - 2.13. Responses to compliant and noncompliant behavior
 - 2.14. A list of strengths and weaknesses as perceived by the minor and

- parent(s) or guardian(s), and a list of risk and protective factors as assessed by the PRA/PSRA
- 2.15. Any other relevant information

History:

Approved by the Judicial Council on August 17, 2018

DRAFT FOR APPROVAL

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History:

Approved by the Judicial Council on August 17, 2018

OLD VERSION WITH EDITS

Tab 15



Administrative Office of the Courts

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

June 5, 2023

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

MEMORANDUM

TO: Judicial Council

FROM: Judge Keith Kelly and Meredith Mannebach

RE: Appointment of new Tax Law Judge

As administrative Judge for the tax law judges, I would like to recommend Honorable Rita Cornish to be appointed as tax law judge. Judge Connors recently retired and was a tax law judge. If appointed, Judge Cornish will fill this position.

Honorable Rita Cornish was appointed to the Utah District Court January 2021. Prior to her appointment, her practice focus was complex commercial litigation. Judge Cornish's background as a civil litigator makes her a great candidate for the position. As a civil litigator, a substantial part of her practice focused on construction and real estate litigation. Within that mix, she had the opportunity to litigate property tax issues, most often as they dealt with the issue of valuation appeals. Her practice also centered on complex commercial and corporate litigation, where damages issues often involved detailed accounting and financial analyses. Through her practice, she gained a familiarity with the Utah tax code and accounting and valuation principles.

Please consider and approve Honorable Rita Cornish for appointment as a tax judge.

**Attached is her resume

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

RITA M. CORNISH J.D., PH.D.

39 South 1000 East, Bountiful, UT 84010 | 801-664-7538 | rita.cornish@gmail.com

LEGAL EXPERIENCE

- | | |
|-----------------------------|---|
| January 2021 to Present | <p><i>State of Utah, Second Judicial District, Davis County</i>
District Court Judge</p> <ul style="list-style-type: none"> • General jurisdiction practice with experience presiding over all aspects of criminal, civil, domestic, and administrative matters. |
| August 2007 to January 2021 | <p><i>Parr Brown Gee & Loveless, P.C.</i>
Shareholder & Vice President</p> <ul style="list-style-type: none"> • Member of the firm's Commercial Litigation Group. Experienced in all aspects of complex commercial litigation. • Practice focused on construction litigation. Prosecuted and defended against the entire range of construction related claims including breach of contract, mechanic's liens, construction defects, delay, disruption, unforeseen conditions, termination, warranty, indemnity, payment and performance bonds, and insurance coverage. • Experienced in firm management with responsibilities for all aspects of firm governance. Served as the Chair of the Technology Committee; member of the Legal Personnel Management Committee; member of the Finance and Accounting Committee; member of the Strategic Planning Committee; and Chair of the Professional Development Committee. |
| August 2006 to August 2007 | <p><i>Utah Court of Appeals</i>
Law Clerk to the Honorable Carolyn B. McHugh</p> |

EDUCATION

- | | |
|---|--|
| August 2003 to May 2006 | <p><i>University of Utah, S.J. Quinney College of Law</i>
J.D. 2006</p> <ul style="list-style-type: none"> • Order of the Coif • Graduated with Highest Honors • Utah Law Review, Staff Editor • Journal of Law and Family Studies, Note and Comment Editor • CALI Excellence for the Future Awards <ul style="list-style-type: none"> Civil Procedure Business Organizations • Outstanding Achievement Awards <ul style="list-style-type: none"> Trusts & Estates Antitrust • National Moot Court Team <ul style="list-style-type: none"> First Place Team and Best Brief at Regional Level Quarterfinalist at National Level • Traynor Moot Court Fellow • Research Assistant to Professor Daniel S. Medwed |
| January 1997 to December 2003
&
August 1993 to May 1994 | <p><i>University of Utah, Department of Chemistry</i>
Ph.D. 2003
B.S. 1998</p> <ul style="list-style-type: none"> • Accepted into the competitive Program for Interdisciplinary Training in Chemical Biology - NIH funded pre-doctoral Training Grant, including stipend, tuition, and travel support |

BAR ADMISSIONS

October 2006	<i>State of Utah</i>
October 2007	<i>United States District Court for the District of Utah</i>
March 2013	<i>United States Court of Appeals for the Tenth Circuit</i>
June 2018	<i>United States Supreme Court</i>

PROFESSIONAL & CIVIC ACTIVITIES

2006 to Present	<i>American Bar Association</i> <ul style="list-style-type: none"> • Member, Judicial Section • Member, Forum on the Construction Industry, 2011 to 2021 Mid-Winter meeting Presentation Coordinator, 2019
2019 to Present	<i>Utah State Bar</i> <ul style="list-style-type: none"> • Member, Second District Pro Bono Committee, 2022 to present • Member, Character & Fitness Committee, 2019 to 2021
2021 to Present	<i>Board of District Court Judges</i> <ul style="list-style-type: none"> • Member, Judicial Caseload Expert Panel, 2021 to present
2007 to Present	<i>Women Lawyers of Utah</i> <ul style="list-style-type: none"> • Retreat Planning Subcommittee, 2017 to present
2007 to Present	<i>American Inns of Court, David A. Watkiss – Sutherland II Inn of Court</i> <ul style="list-style-type: none"> • Program Chair, 2021-22 • Pupilage Group Leader, 2015 & 2016
2007 to 2021	<i>Salt Lake County Bar Association</i> <ul style="list-style-type: none"> • Secretary, 2019-present • Treasurer, 2018-2019 • Historian, 2013-2014 • Chair of Art & the Law Subcommittee, 2010 & 2011
2020 to 2021	<i>Closer to Cure Foundation</i> <ul style="list-style-type: none"> • Director
2009 to 2019	<i>Board of Trustees, University of Utah, S.J. Quinney College of Law</i> <ul style="list-style-type: none"> • Chair, Legal Education Subcommittee, 2015-2016
2019	<i>Women's Leadership Institute</i> <ul style="list-style-type: none"> • Career Development Series, Class Member, 2019
2016 to 2017	<i>Salt Lake Chamber of Commerce</i> <ul style="list-style-type: none"> • Leadership Utah Class Member, 2016-2017
2006 to 2011	<i>Young Alumni Association, University of Utah, S.J. Quinney College of Law</i> <ul style="list-style-type: none"> • President, 2011 • Secretary, 2009
2009	<i>Young Alumna of the Year, University of Utah, S.J. Quinney College of Law</i>
2007 to Present	<i>Davis County Bar Association</i>

PRESENTATIONS

- May 2022 ***Utah State Bar, Women Lawyers of Utah***
 Women Lawyer's Retreat
 • Presenter – The Evolution of Identity – Changing Perspectives from Taking on the Role of Judge
- June 2021 ***Utah State Bar, Litigation Section***
 WebEx Presentation
 • Presenter – Litigation Skills Series – Making the Most of 30(b)(6) Depositions
- March 2019 ***NBI Seminar: Construction Law: Advanced Issues and Answers***
 Salt Lake City, Utah
 • Presenter – Tough Delay Challenges
- April 2015 ***Parr Brown Gee & Loveless: Associate Training Luncheon Series***
 Salt Lake City, Utah
 • Presenter – “Blanket” Protective Orders in Utah State and Federal Courts
- March 2014 ***Law of Construction Defects and Failures Seminar***
 Salt Lake City, Utah
 • Presenter – Types and Causes of Construction Defects and Failures

PUBLICATIONS

Stephen G. Walker, John Sier, Roger Henriksen & Rita M. Cornish, STATE-BY-STATE GUIDE TO ARCHITECT, ENGINEER, & CONTRACTOR LICENSING, CHAPTER 47: UTAH (2d ed. 2019-2 Cumulative Supplement) (Aspen Pub.)

J. de Ruyck, M.W. Janczak, S.S. Neti, S.C. Rothman, H.L. Schubert, R.M. Cornish, A. Matagne, J. Wouters, and C.D. Poulter, *Determination of Kinetics and the Crystal Structure of a Novel type-2 Isopentenyl Diphosphate: Dimethylallyl Diphosphate Isomerase from Streptococcus pneumoniae*, 15 CHEMBIOCHEM. 1452 (2014)

Rita M. Cornish, *Savage v. Utah Youth Village Recognizing a Novel Cause of Action for Negligent Placement of a Child in Foster Care: Recovery by Foster Families*, 8 J. L. & FAM. STUD. 177 (2006)

Rita M. Cornish, John R. Roth, and C. Dale Poulter, *Lethal Mutations in the Isoprenoid Pathway of Salmonella enterica*, 188.4 J. BACTERIOLOGY 144 (2006)

S.J. Barkley, R.M. Cornish, and C.D. Poulter, *Identification of an Archaeal Type II Isopentenyl Diphosphate Isomerase in Methanobacter thermautotrophicus*, 186.6 J. BACTERIOLOGY 1811 (2004)

C.A. Testa, R.M. Cornish, and C.D. Poulter, *The Sorbitol Phosphotransferase System is Responsible for Transport of 2-C-methyl-D-erythritol into Salmonella enterica serovar typhimurium*, 186.2 J. BACTERIOLOGY 473 (2004)

Tab 16

**Request to No Longer Safeguard
Contact Information****Case Number** _____Utah Code of Judicial Administration Rule 4-
202.02**Instructions:**

Fill out this section only if you are asking that your contact information no longer be safeguarded. Please read the following:

- Safeguard means contact information such as addresses, telephone numbers, and email addresses will not be available to other parties in your case.
- Your case is already considered private. No one other than the parties in the case can view documents. However, orders and minute entries are public and can be viewed by anyone.

I have reviewed my case and no longer need my contact information to be safeguarded. This includes my address, phone number and email address.

Mark all that apply:

☐ I am asking that my contact information no longer be safeguarded.

☐ I am asking that my child's contact information no longer be safeguarded.

Party Signature_____
Party Name_____
Date**Instructions to the Judicial Assistant:**

This document should be filed in the case after it is signed and the party no longer feels safeguarding is necessary. You should change the party's designation by marking or unmarking the Safeguarded box. Check for any documents that may have been marked safeguarded and change the classification back to the original classification if appropriate.

**This is a safeguarded document.
This means the other parties in your
case cannot see this document.**

**Request to Safeguard Contact
Information from Other Parties**

Case Number _____

Utah Code of Judicial Administration Rule 4-202.02

Instructions:

If you meet certain conditions you can have your or your child's contact information in this case safeguarded.

- Safeguard means contact information such as addresses, telephone numbers, and email addresses will not be available to the other parties in your case.
- Your case is already considered private. No one other than the parties in the case can view documents. However, orders and minute entries are public and can be viewed by anyone.

After you file this form, do not add your contact information to other documents you file in this case. **Do not serve this form on the other party.**

Keep the following contact information safeguarded. Do not provide the contact information to the other party because (Choose all that apply.):

- ☐ I have a court order or agency order letting me safeguard my contact information.
- ☐ this case is about:
- A protective order (Utah Code 78B-7-109).
 - A stalking injunction (Utah Code 78B-7-701).
- ☐ my contact information needs to be safeguarded because the health, safety or liberty of me or my child would be threatened by disclosure and this case is about one of the following:
- A paternity order (Utah Code 26B-9-207).
 - An out of state custody order (UCCJEA, Utah Code 78B-13-209).
 - A support order (UIFSA, Utah Code 78B-14-312).
- ☐ This case involves annulment, custody, divorce, or temporary separation and my contact information is safeguarded in another case.

Case No(s). _____

Name	
Residential Address	

City, State, ZIP			
Phone		Email address	
Reason for safeguarding contact information	<input type="checkbox"/> court or agency order <input type="checkbox"/> parentage order <input type="checkbox"/> protective order <input type="checkbox"/> custody order <input type="checkbox"/> stalking injunction <input type="checkbox"/> support order <input type="checkbox"/> safeguarded in another case		

Name			
Residential Address			
City, State, ZIP			
Phone		Email address	
Reason for safeguarding contact information	<input type="checkbox"/> court or agency order <input type="checkbox"/> parentage order <input type="checkbox"/> protective order <input type="checkbox"/> custody order <input type="checkbox"/> stalking injunction <input type="checkbox"/> support order <input type="checkbox"/> safeguarded in another case		

Name			
Residential Address			
City, State, ZIP			
Phone		Email address	
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Plaintiff/Petitioner or Defendant/Respondent

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

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

Date

Signature ⇄ _____

Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Signature ⇄ _____

Printed Name _____