

# **JUDICIAL COUNCIL MEETING**

## **AGENDA**

**October 23, 2023**

**Meeting held through Webex  
and in person**

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

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

- |    |           |   |   |
|----|-----------|---|---|
| 1. | 9:00 a.m. | Welcome & Approval of Minutes<br>(Tab 1 - Action)   | Chief Justice Matthew B. Durrant  |
| 2. | 9:05 a.m. | Oath of Office for Judge Jon Carpenter<br>and Judge Amber Mettler<br>(Information)  | Chief Justice Matthew B. Durrant  |
| 3. | 9:10 a.m. | Selection of Judicial Council Executive Committees<br>(Tab 2 – Action)  | Ron Gordon  |
| 4. | 9:15 a.m. | Chair's Report<br>(Information)   | Chief Justice Matthew B. Durrant  |
| 5. | 9:20 a.m. | State Court Administrator's Report<br>(Information)   | Ron Gordon  |
| 6. | 9:30 a.m. | Reports: Management Committee<br>Budget and Fiscal Management Committee<br>Liaison Committee<br>Policy, Planning, and Technology Committee<br>Bar Commission<br>(Tab 3 – Information) | Chief Justice Matthew B. Durrant<br>Karl Sweeney<br>Justice Paige Petersen<br>Judge Samuel Chiara<br>Margaret Plane, esq. |

- |     |            |  |   |
|-----|------------|--|---|
| 7.  | 9:40 a.m.  | GAL Oversight Report<br>(Tab 4 - Information)          | Stacey Snyder<br>Jeannine Timothy                 |
| 8.  | 9:50 a.m.  | Budget and Grants<br>(Tab 5 - Action)                  | Karl Sweeney<br>Alisha Johnson<br>Melissa Taitano |
| 9.  | 10:05 a.m. | Grant Renewal<br>(Tab 6 – Action)                      | Jordan Murray                                     |
| 10. | 10:15 a.m. | Justice Court Board Report<br>(Information)            | Judge Romney<br>Jim Peters                        |
|     | 10:25 a.m. | Break  |   |
| 11. | 10:35 a.m. | Justice Court Reform Update<br>(Tab 7 - Discussion)    | Jim Peters  |
| 12. | 10:55 a.m. | Juvenile Court Board Report<br>(Tab 8 - Information)   | Judge Bartholomew<br>Sonia Sweeney                |
| 13. | 11:05 a.m. | Weber County – New Treatment Court<br>(Tab 9 – Action) | Judge Jensen<br>Judge Williams<br>Katy Burke      |
| 14. | 11:15 a.m. | Rules for Final Approval<br>(Tab 10 - Action)          | Keisa Williams                                    |
| 15. | 11:20 a.m. | A.I. in the Courts<br>(Tab 11 – Action)                | Keisa Williams                                    |
| 15. | 11:35 a.m. | Selection of Judicial Council Study Items              | Ron Gordon  |
| 16. | 11:55 a.m. | Old Business/New Business<br>(Discussion)              | All   |

18. 12:10 p.m. Adjourn

### **Consent Calendar**

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

- 1) Committee Appointments - New Standing Education Committee Member –  
Lauren Andersen (Tab 12)

Tab 1



**JUDICIAL COUNCIL MEETING  
Minutes**

**September 12, 2023**

**Meeting held through Webex  
and in person  
Sheraton Park City  
Silver Mine A & B  
1895 Sidewinder Drive  
Park City, Utah 84060**

**12:00 p.m. – 2:37 p.m.**

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

**Members:**

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

**Excused:**

Hon. Kara Pettit

**Guests:**

Judge Michele Christiansen Forster

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Michael Drechsel  
Sonia Sweeney  
Shane Bahr  
Jim Peters  
Nick Stiles  
Keisa Williams  
Brianna Eriksson  
Hilary Wood  
Bart Olsen  
Brody Arishita  
Karl Sweeney  
Alisha Johnson  
Melissa Taitano  
Jordan Murray  
Lauren Andersen  
Chris Palmer

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

Chief Justice Matthew B. Durrant joined the meeting virtually. Judge David Mortensen, who appeared in person, welcomed everyone to the meeting.

**Motion:** Judge Paul Farr moved to approve the August 18, 2023, Judicial Council meeting minutes, as amended. Judge Keith Barnes seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported that he presented to the Elected Officials and Judicial Compensation Commission (“EJCC”) last week and requested a ten percent salary increase for judges.

Chief Justice Durrant shared that the district meetings with legislators have gone well. The purpose of the meetings has been to educate legislators on the importance of the independence of the Judiciary and allow for discussion between the judicial and legislative branches. Chief Justice Durrant shared that similar meetings between judges and legislators have occurred in the past, however, he found this year's meetings to be notably constructive and more substantive than in prior years.

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

Ron Gordon introduced Hilary Wood as the new executive assistant to himself and Neira Siaperas. He thanked the Administrative Office of the Courts (AOC) staff for their assistance during the time the executive assistant position was vacant, as well as the Education Department for their work in facilitating the annual judicial conference.

The tribal liaison position has been filled by Matilda (Tilda) Willie. Ms. Willie’s first day is scheduled for September 18, 2023.

The groundbreaking ceremony for the new Sixth District Courthouse in Manti, Sanpete County, took place on August 21, 2023. Mr. Gordon shared that the ceremony went well. Many elected officials attended, and Chief Justice Durrant shared moving words.

Mr. Gordon discussed the status of contracts with mental health service providers, Tava Health and Unmind Wellbeing. The contract with Unmind was finalized and the Courts are close to finalizing the contract with Tava. Tava will provide Court employees up to six free sessions annually with licensed mental health clinicians through Tava’s secure, web-based technology platform. Unmind is a wellness app that provides confidential access to tools, trainings, and exercises to support mental wellbeing. Mr. Gordon shared that a local news outlet interviewed him and Tiffany Power, Trial Court Executive in Third District Juvenile Court, and will air a story about the expanded mental health resources the Court is offering. He thanked the Judicial Council for their support in providing crucial mental health services to all judiciary employees.

The Court has been actively working with the Utah Board of Pardons and Parole to create a record-sharing agreement, which will enable the district court to automatically provide records to the Utah Board of Pardons and Parole.

Mr. Gordon echoed Chief Justice Durrant’s sentiment regarding the meetings with legislators, sharing that he is encouraged by the dialogue between judges and legislators, and the meetings have been productive and insightful.

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

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

The work of the committee is reflected in the minutes.

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

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

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

Justice Paige Petersen had nothing new to report.

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

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

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

Margaret Plane reported that the July 2023 Utah State Bar exam results will be released later this week. Ms. Plane reminded the Judicial Council that effective July 2023, a change to the cut score lowered the required passing score on the Bar Examination from 270 to 260. She shared that the pass rate is at 98%, which is a much higher rate than has been recorded in the past. The swearing-in ceremony will take place on October 27, 2023. The integration with the innovation office is going well, and the bar commission is optimistic about the progress made. The Utah State Bar has experienced some staffing changes, including newly hired General Counsel, Maribeth Lehoux, and Finance Director, Nathan Severin.

#### **5. JUDICIAL EDUCATION COMMITTEE REPORT: (Lauren Andersen)**

Judge David Mortensen welcomed Lauren Andersen, Judicial Institute Director. Ms. Andersen presented the Standing Education Committee's annual report. She highlighted the increased participation in training, noting that the Education Department received 43,768 enrollments in live trainings and online, on-demand courses. This equates to approximately 24 enrollments per court employee. Eighty-three percent of these enrollments obtained credit, a one percent increase over last year. Ms. Andersen also thanked the Judicial Council for the support for the amendment to the Utah Code of Judicial Administration Rule 3-403 to include annual education requirements that all employees complete courses on ethics, abusive conduct and harassment, and inclusion and elimination of bias. The Education Department is already offering courses that satisfy these requirements, with an anticipation that the variety of courses will expand in FY24. Court employees are required to complete courses by June 30, 2024.

#### **6. JUDICIAL RETENTION ELECTIONS: (Jim Peters)**

Judge David Mortensen welcomed Jim Peters, Justice Court Administrator. Judicial retention elections certified by the Council are set by JPEC Rule 597-3-4(2). CJA Rule 3-101 establishes the performance standards:

- A maximum number of cases under advisement;
- A minimum number of continuing education hours; and
- Physical and mental competence.

There are thirty District Court Judges, nineteen Justice Court Judges, twelve Juvenile Court Judges, one Court of Appeals Judge, and one Supreme Court Justice that will stand for retention in 2024.

Judge David Mortensen thanked Mr. Peters.

One trial court judge had at least one case under advisement for more than six months, however, that occurred during the pandemic when applicable portions of Rule 3-101 of the Code of Judicial Administration were suspended by order of the Supreme Court and Judicial Council. Because of this suspension, the six-month under-advisement performance standard did not apply.

**Motion:** Judge Paul Farr moved to certify to JPEC the above-listed judges for the 2024 retention election. Judge Chin seconded the motion, and it passed with Judge Elizabeth Lindsley, Judge Brian Brower, Judge Michael D. DiReda, Judge James D. Gardner, Judge Kara L. Pettit, and Judge Keith C. Barnes abstaining as to their certifications.

Mr. Peters will relay the Judicial Council's decision to JPEC by October 1, 2023.

## 7. BUDGET AND GRANTS: (Karl Sweeney, Jordan Murray, Melissa Taitano, and Jordan Murray)

Judge David Mortensen welcomed Karl Sweeney, Jordan Murray, and Melissa Taitano.

### FY 2024 One-Time Turnover Savings

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 08/04/2023)	Internal Savings	218,733.99
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 08/04/2023)	Reimbursements	105,268.94
3	Est. One Time Savings for 1880 remaining pay hours (\$1,800 / pay hour)	Internal Savings (Est.)	3,384,000.00
<b>Total Potential One Time Savings</b>			<b>3,708,002.93</b>

### FY 2024 Ongoing Turnover Savings

#		Funding Type	Actual Amount YTD	Forecasted Amount @ YE
	Carried over Ongoing Savings - reported at 6/26/2023 Judicial Council Meeting	Internal Savings	(300,419)	(300,419)
	Add back: "Assistant Justice Court Administrator" request to be funded by JCTST funds	Internal Savings	74,000	74,000
	Sub-Total		(226,419)	(226,419)
	Turnover Savings generated from FY 2023 due to 2023 actions selecting benefits		86,150	86,150
	Carried over Ongoing Savings (from FY 2023)	Internal Savings	(140,269)	(140,269)
1	Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 10 months remaining)	Internal Savings	45,085	545,085
	<b>TOTAL SAVINGS</b>		(95,184)	404,816
2	2024 Hot Spot Raises Authorized - renews annually until revoked		(38,502)	(200,000)
	2024 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	-
	<b>TOTAL USES</b>		(38,502)	(200,000)
3	Contingent Legislative Supplemental Funding for 1 Court Commissioner Position		-	262,550
<b>Actual Turnover Savings for FY 2024 as of 08/18/2023</b>			<b>\$ (133,686)</b>	<b>\$ 467,366</b>

ARPA funds remaining are \$5,079,684.84

## FY 24 Forecasted Available One-time Funds

	Description	Funding Type	Amount
<b>Sources of YE 2024 Funds</b>			
*	Turnover Savings as of PPE 08/04/2023 (including anticipated ARPA reimbursement)	Turnover Savings	324,003
**	Turnover savings Estimate for the rest of the year (\$1,800 x 1880 pay hours)	Turnover Savings	3,384,000
(a)	<b>Total Potential One Time Turnover Savings</b>		<b>3,708,003</b>
	Operational Savings From TCE / AOC Budgets	Internal Operating Savings	-
	Reserve Balance (balance from FY 2023 Carryforward)	Judicial Council Reserve	52,997
	Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	-
(b)	<b>Total Operational Savings and Reserve</b>		<b>52,997</b>
(c)	<b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>3,761,000</b>
<b>Contingent Legislative Supplemental Funding:</b>			
	JWI Increase to 2 Hour Minimum	Legislative Contingent	275,000
	JWI Higher Pay for Rural Assignments	Legislative Contingent	146,500
(d)	<b>Subtotal - Contingent Legislative Supplemental Funding</b>		<b>421,500</b>
<b>Uses of YE 2024 Funds</b>			
(e)	Carryforward into FY 2024 (Anticipate request to Legislature for \$3,200,000)	Historical Carryforward	(3,200,000)
<b>Total Potential One Time Savings = (c) + (d) less Carryforward (e)</b>			<b>982,500</b>
<b>Less: Judicial Council Requests Previously Approved</b>			<b>(653,950)</b>
<b>Less: Judicial Council Current Month Spending Requests</b>			<b>-</b>
<b>Remaining Forecasted Funds Available for FY 2024 YE Spending Requests</b>			<b>328,550</b>

### Eviction Diversion Initiative Grant

The Judicial Council approved for submission in March 2023 a grant application proposal to the National Center for State Courts (NCSC) supporting evictions diversion. NCSC has awarded the Courts \$105,191 to support the hiring of an eviction diversion coordinator, employed by People's Legal Aid (PLA), who will orchestrate intakes, educate defendants, and connect individuals with volunteers providing brief legal advice, other legal services as appropriate, and social services that can help with rental and housing assistance. PLA has secured additional funding to support and sustain this effort over the two-year project period. Utah is one of ten newly selected jurisdictions to be awarded funding in the 2023-2025 cycle. If funds are accepted, Utah will join a cohort of twenty-one other state and local jurisdictions across the country participating in NCSC's Eviction Diversion Initiative. It was clarified that the eviction diversion coordinator will be employed by PLA and is not a court employee.

**Motion:** Judge Chin moved to approve accepting the Eviction Diversion Initiative Grant, as presented. Judge Farr seconded the motion, and it passed unanimously.

### 8. RULES FOR FINAL APPROVAL: (Keisa Williams)

Judge David Mortensen welcomed Keisa Williams. Following a 45-day public comment period, the Policy, Planning, and Technology Committee recommended that the following rule be approved with a November 1, 2023, effective date.

- CJA Rule 4-202.11. Vexatious record requester (NEW). The proposed rule establishes a new process to petition for relief from a vexatious requester, designating the Management

Committee as the “appellate board” and the Office of General Counsel as the “administrative unit” authorized to petition for relief.

One public comment was received. The Policy, Planning, and Technology Committee does not recommend amendments in response to the public comment because the court will grant reasonable requests from attorneys seeking records on a client’s behalf, provided the attorney has not also been deemed a vexatious requester.

**Motion:** Judge Thomas Low moved to approve CJA Rule 4-202.11, as presented with an effective date of November 1, 2023. Judge Chin seconded the motion, and it passed unanimously.

Judge David Mortensen thanked Ms. Williams.

## **9. INFORMATION TECHNOLOGY POLICIES: (Brody Arishita)**

Brody Arishita, Director of the Information Technology (IT) Department sought approval from the Judicial Council for two IT policies. Mr. Arishita explained that in response to the Legislative Auditor General’s cybersecurity audit, the Technology Advisory Committee is working with the Policy, Planning, and Technology Committee to overhaul the judicial branch’s IT policies. The Technology Advisory Committee is developing a comprehensive IT Policy Manual similar in format to the Human Resources and Accounting Manuals. While the Technology Advisory Committee continues its work on the IT Policy Manual in its entirety, the Policy, Planning, and Technology Committee recommends that the Judicial Council adopt the following two sections of the Manual with a September 12, 2023 effective date in an effort to implement the first steps needed to protect the courts against cyberattacks

- IT-01000 Information Security Policy (NEW - Internal) All Utah State Courts’ (Utah Courts) Information Technology (IT) employees, contractors, vendors, interns and third-parties that create, use, maintain, or handle Utah Courts’ IT resources shall follow Utah Courts Information Security Policy and related sub-policies. The policy shall be subject to and superseded by applicable regulations and laws.
- IT-01150 Information Security Risk Management (NEW - Internal) The Enterprise Domain and Security Architect (EDSA) shall document and implement a risk management program to prevent, detect, contain, and correct both deliberate and inadvertent IT security incidents and emergencies.

Judge David Mortensen thanked Mr. Arishita.

**Motion:** Judge Farr moved to approve the two policies as presented with an effective date of September 12, 2023. Judge Lindsley seconded the motion and it passed unanimously.

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

Judge David Mortensen welcomed Judge Michele Christiansen Forster and Nick Stiles. Judge Christiansen Forster reported that the Court of Appeals and the Supreme Court have met with JPEC separately and jointly. Judge Christiansen Forster explained that through the meetings, there was an issue identified regarding a deficient number of evaluators for the Court

of Appeals and Supreme Court proceedings that may result in vulnerabilities in the data collected from the evaluations. To increase the number of evaluators, JPEC recommended developing a pilot project in which juvenile court and district court judges evaluate decisions issued by appellate judges, effectively increasing the number of evaluators assessing the work of those courts.

Judge Christiansen Forster reported that the Board of Appellate Court Judges has met with Judge Richard Mrazik and Jonathan Puente regarding the work of the Office of Fairness and Accountability. They discussed their strategic plan and the efforts of the Racial and Ethnic Diversity workgroup. The Board of Appellate Court judges expressed support for the work that the Office of Fairness and Accountability and Racial and Ethnic Diversity workgroup is doing.

At the May Judicial Council meeting, the Board reported a plan to submit a budget request to add another appellate mediator to the appellate mediation office. That position has since been funded, and interviews will be held soon. The Board is hopeful that the addition of the appellate mediator will ease the burden on the Court of Appeals judges by decreasing their caseload count.

Both the Supreme Court and Court of Appeals continue to work on a hybrid work schedule, with most employees and judges being in office two to three days a week. The majority of oral arguments are held in person with an option for a hybrid setting when warranted.

Lastly, The Board met in July to hear requests for funding from the legislature for FY25. The Board provided their ranking recommendations to the budget committee.

Judge David Mortensen thanked Judge Christiansen Forster and Mr. Stiles.

#### **10. JUDICIAL COMPENSATION AND RECRUITMENT: (Ron Gordon)**

Mr. Gordon discussed the FY25 Judicial Officer Budget Request, noting that during the August 2023 annual budget meeting, the Judicial Council established its priorities for legislative requests. The request for ten judicial officers was its second budget priority with the understanding that it would need to prioritize those ten judicial officers in the event that the Legislature does not fund all ten judicial officers. Mr. Gordon explained that the Board of Juvenile Court Judges (BJCJ) had already prioritized its two judicial officer requests and that the Board of District Court Judges (BDCJ) preferred to maintain its request without prioritizing one district over the other. Mr. Gordon sought feedback from the Council regarding where the request for a ten percent increased judicial compensation should rank. The Council deliberated at length where the judicial compensation should rank amongst the list of budget requests. The Council noted the importance of recognizing the staff that provides invaluable support to judges, and the message it may send to staff if the pay-for-performance budget item is not prioritized, especially when taking into account that turnover rates of staff have increased significantly. There was a robust discussion regarding the importance of prioritizing judicial compensation in order to be competitive in the notably transformed current labor market and increase the likelihood of a well-qualified pool of applicants. They also discussed at length the increasing caseload of judicial officers, and the unmanageable demand this places on both judicial officers and staff. The Council concurred that there is a basis for all of the ten priority items, noting that the court interpreter request is necessary to meet a constitutional mandate, and essential software is critical to the operation of the court. The Council considered the approach for requesting funds from the legislature, the challenges of being unable to anticipate what the legislature will fund,

the impact that the determination of the EJCC will have on the decision of the legislature, and the effect that prioritizing one request over another may have on the remaining requests.

**Motion:** Judge Lindsley made a motion to rank judicial compensation as the number five priority. Judge Suchada Bazzelle seconded the motion. The motion failed.

**Motion:** Judge Gardner made a motion to rank judicial compensation as the number two priority. There was no second to the motion. The motion failed.

**Motion:** Judge Low made a motion to rank judicial compensation as the number two priority. There was no second to the motion. The motion failed.

**Motion:** Judge Michael DiReda made a motion to rank judicial compensation as the number four priority. Judge Barnes seconded the motion. Judge Brower proposed an amendment to the motion to rank judicial compensation as the number four priority, pay for performance as the fifth priority, and senior judges and case backlog processing as priority six. Judge DiReda accepted the amendment. Judge Barnes seconded the motion. The motion failed.

**Motion:** Judge Gardner made a motion to rank judicial compensation as the number three priority among the other budget priorities approved in August 2023. Judge Low seconded the motion. The motion passed with seven yay votes and six nay votes.

The final list of Judicial Council priorities for legislative requests is as follows:

1. Court interpreter compensation, recruitment, and scheduling
2. New judicial officers (4 District Court judges, 4 District Court commissioners, 2 Juvenile Court judges)
3. Judicial compensation
4. Essential software funding
5. Senior judges and case backlog processing
6. Pay for performance
7. At-will conversion
8. Virtual jury selection staff for the Fourth District
9. American Fork courthouse rent increase
10. Law library assistant
11. Training Coordinator for the Seventh District

**11. OLD BUSINESS/NEW BUSINESS: (All)**  
There was no old or new business.

**12. EXECUTIVE SESSION**  
An executive session was not held.



**10. RECOGNITION OF OUTGOING COUNCIL MEMBERS: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant thanked Judge Augustus Chin and Judge Kara Pettit for their dedication to the Council and the courts. He recognized the invaluable contribution that the judges have made to the Council, and to the Judiciary as a whole. He noted the thoughtful input throughout their time on the Council and commended the judges for their judicial leadership skills.

**11. CONSENT CALENDAR ITEMS**

a) Forms Committee Forms; Kaden Taylor; b) Rules for Public Comment; Keisa Williams. Approved without comment.

**12. ADJOURN**

The meeting adjourned.

DRAFT

Tab 2

## Executive Committee Assignments

For Consideration by the Management Committee and Judicial Council

October 2023

Management	Policy, Planning, and Technology	Liaison	Budget and Fiscal Management
Chief Justice Durrant <del>Judge Pettit</del> Judge Mortensen Judge Farr Judge Lindsley <u>Judge Mettler</u>	Judge Michael DiReda Judge Chiara <del>Judge Chin</del> Judge Gardner Judge Bazzelle <u>Judge Carpenter</u>	Justice Petersen Judge Brower Judge Evershed Judge Low	<del>Judge Pettit</del> Justice Petersen Judge Barnes Margaret Plane Judge Lindsley <u>Judge Brower</u>

Tab 3

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

**Minutes  
August 29, 2023  
Meeting held via Email**

**Members that Participated:**

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

**AOC Finance Department:**

Karl Sweeney (staff)  
Alisha Johnson  
Jordan Murray  
Melissa Taitano  
Suzette Deans, recording secretary

**1. AGREEMENT TO HOLD MEETING VIA EMAIL & APPROVAL OF MINUTES**

Karl Sweeney acting as staff to the Budget & Fiscal Management Committee queried the committee members as to their willingness to hold the 8-29-2023 meeting via email. The BFMC members unanimously agreed to the proposal. Therefore, the voting detailed below was done via a google form entitled "BFMC 8-29-2023 Google Form."

The meeting materials were sent to the committee on Friday, 8/25/2023 with a request to submit votes by the end of day Tuesday, 8/29/2023.

The 2 action items to be voted on were as follows:

1. How do you vote concerning the August 4<sup>th</sup>, 2023 meeting minutes?  
☐ Approve  
☐ Oppose  
☐ Request Change(s) to the minutes (use comment box below)
2. How do you vote concerning the request to accept grant funds?  
☐ Approve & Recommend to the Judicial Council  
☐ Oppose & Do Not Recommend to the Judicial Council  
☐ I have a question or need clarification (use comment box below)


Based on the following convention, the minutes of the August 4, 2023 BFMC meeting were approved: The first BFMC Committee member to respond was deemed to have made the motion

to approve; the second BFMC Committee member to respond was deemed to have seconded the motion. Thus, Judge Keith Barnes made a motion to approve the minutes, Justice Paige Petersen seconded the motion and with Judge Kara Pettit and Margaret Plane abstaining, the motion was approved by the other member.

## 2. FY 2024 Financials / Turnover Savings / ARPA Update (Melissa Taitano – “Presenter”)

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 for FY 2024 before any uses are deducted is estimated to be \$3.7M. This is a conservative forecast when compared to FY 2023 actual. Because there are 20% fewer unfilled positions today than the average for FY 2023, being conservative at this point in the year is prudent.

After the first 200 hours (5 weeks) of payroll data posted, One Time Turnover Savings was \$218,734. In addition to that, \$105,269 is anticipated to be reimbursed through ARPA Funding. Finally, when the \$3.4M in estimated One Time Savings forecasted for the rest of the year is included, it brings the forecasted YE Total Potential One Time Turnover Savings to \$3.7M.

<div>  <div> <b>FY 2024 One Time Turnover Savings</b>  <b>Updated as of Pay Period Ending 08/04/2023 (200 out of 2,080 hours)</b> </div> </div>			
#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 08/04/2023)	Internal Savings	218,733.99
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 08/04/2023)	Reimbursements	105,268.94
3	Est. One Time Savings for 1880 remaining pay hours (\$1,800 / pay hour)	Internal Savings (Est.)	3,384,000.00
<b>Total Potential One Time Savings</b>			<b>3,708,002.93</b>
<div> <div></div> <div>Prior Report Totals (as of Beginning of Year) \$ 3,744,000.00</div> </div>			
<p>* Actual per hour turnover savings for the last 3 2024 pay periods (oldest to newest) are \$1,559.51, \$1,674.72, and \$1,595.57. The average per hour turnover savings YTD was \$1,620.01. These numbers do include ARPA reimbursements.</p>			

Ongoing Turnover Savings (“OTS”) – At the end of FY 2023 we ended with a \$300,419 deficit of OTS that has been carried forward into FY 2024 that was reduced by \$74,000 because the JCTST fund was used to fund Asst. Justice Court Administrator ongoing TOS request. After the \$74,000 request was added back into the pool the adjusted end of FY 2023 balance is a \$226,419 deficit which for future months will be shown as our beginning balance. During FY 2024 we have generated an additional \$86,150 due to FY 2023 employee actions for which employees have now made their benefit choices. So far in FY 2024 we have earned \$45,085 in ongoing turnover savings from FY 2024 employee actions. Forecasted FY 2024 OTS is \$545,085 (\$50,000 per month x 10 remaining months + FY 2024 actual) and when combined with the negative amount carried over from FY 2023 and the \$86,150 generated from FY 2024 events, the forecasted YE 2024 OTS is conservatively estimated to be \$404,816.

As of 08/18/2023, the OTS schedule shows \$200,000 of hot spot raises as uses that have been pre-authorized by delegated authority from the Judicial Council to the State Court Administrator and Deputy and that is expected to be used by the end of FY 2024.

AOC Finance also added back \$262,550 of Contingent Legislative Supplemental Funding for 1 Court Commissioner Position that was funded by internally generated ongoing turnover savings for which the Judicial Council is requesting ongoing funding from the Legislature to reimburse the courts.

AOC Finance is forecasting that we will have \$467,366 in OTS available by FY 2024 YE for discretionary use.



#### FY 2024 Ongoing Turnover Savings as of 8/18/2023

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
Carried over Ongoing Savings - reported at 6/26/2023 Judicial Council Meeting	Internal Savings	(300,419)	(300,419)
Add back: "Assistant Justice Court Administrator" request to be funded by JCTST funds	Internal Savings	74,000	74,000
Sub-Total		(226,419)	(226,419)
Turnover Savings generated from FY 2023 due to 2023 actions selecting benefits		86,150	86,150
Carried over Ongoing Savings (from FY 2023)	Internal Savings	(140,269)	(140,269)
1 Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 10 months remaining)	Internal Savings	45,085	545,085
TOTAL SAVINGS		(95,184)	404,816
2 2024 Hot Spot Raises Authorized - renews annually until revoked		(38,502)	(200,000)
2024 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	-
TOTAL USES		(38,502)	(200,000)
3 Contingent Legislative Supplemental Funding for 1 Court Commissioner Position		-	262,550
<b>Actual Turnover Savings for FY 2024 as of 08/18/2023</b>		<b>\$ (133,686)</b>	<b>\$ 467,366</b>
Prior Report Totals (8/11/2023, Judicial Council)		\$ (145,271)	\$ 243,292

- Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- There are currently 20 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, 55.125 FTE are vacant.
- 1 We are currently estimating \$50,000 of ongoing savings a month for the remainder of the fiscal year.
- 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.
- 3 See Legislative Request #2 for District Court Judicial Officers. Section 4. The JC funded one Commissioner position in 3rd Dist. effective 7/1/2023. The JC is requesting FY2024 one-time legislative funding - to replenish this amount of Ongoing TOS so we could use it this year instead of having to wait until FY25.

ARPA Expenditures – We have expended \$9.9M of ARPA funds as of August 18, 2023. This leaves an available balance of \$5.1M of the \$15 million that was awarded to the courts. We are on track to expend all of the ARPA funds by December 31, 2024.



## ARPA Expenses as of 08/18/2023 (prior to the close of period 2)

	A	B	C	D	E	F
	Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount	Actual FY 2024 Expended Amount	Total Expended Amount (B + C + D)	Balance Available (A - E)
<b>Last Period Total</b>		<b>3,750,430.78</b>	<b>5,792,026.58</b>	<b>69,328.58</b>	<b>9,611,785.94</b>	<b>5,388,214.06</b>
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	4,613,254.75	255,363.54	7,911,085.96	4,462,314.04
Courts Case Backlog - Part I + II	2,302,100	707,963.11	1,007,135.35	105,694.26	1,820,792.72	481,307.28
Legal Sandbox Response to COVID	324,500	-	171,636.48	16,800.00	188,436.48	136,063.52
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>5,792,026.58</b>	<b>377,857.80</b>	<b>9,920,315.16</b>	<b>5,079,684.84</b>

Expenditures added since last report:

\$ 308,529.22

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

### BKLG FY 2024 Details

FY 2024 Expenses as of PPE 8/4/2023	
Personnel Expenses:	\$ 105,268.94
Mileage Expenses:	\$ 425.32
Sr. Judge Travel Expenses:	\$ -
	\$ 105,694.26
COVID Testing Kit purchase:	\$ -
	\$ 105,694.26

### BKLG Run Rate Calculation

<b>Usage for Last 3 Pay Periods</b>		
7/7/2023	7/21/2023	8/4/2023
\$ 43,130.05	\$ 43,184.61	\$ 44,300.12
Average last 3 Pay Periods: \$ 43,538.26		
Balance Available (from table above): \$ 481,307.28		
Remaining Pay Periods at Last 3 Average: 11		
Anticipated Last Pay Period End Date: 1/5/2024		
Prior report anticipated last pay period: 12/22/2023		

### Historical Trends (period 2 not yet closed)

<b>IT Access to Justice Use - Last 3 Periods</b>		
Period 12	Period 13/1	Period 2
\$ 640,267.39	\$ 161,885.72	\$ 201,667.68

<b>BKLG - Last 3 Periods</b>		
Period 12	Period 13/1	Period 2
\$ 88,464.61	\$ 106,554.66	\$ 87,857.97

<b>Legal Sandbox - Last 3 Periods</b>		
Period 12	Period 13/1	Period 2
\$ 11,200.00	\$ 5,600.00	\$ 11,200.00

	\$ 300,725.65
True Up for Period 13/1	\$ 7,803.57
<b>TOTAL INCREASE FROM PRIOR:</b>	<b>\$ 308,529.22</b>

### 3. Ongoing, Reserve and Year End Spending Requests

The FY 2024 Year End Spending Requests and Forecasted Available One-Time Funds as of period 2, reports forecasted turnover savings of \$3,761,000 of one-time savings based upon future 1x TOS being generated at \$1,800 per pay hour for the balance of the year. This assumption is under review and may be revised downward if savings continue to run in the \$1620 per pay hour rate. AOC Finance added back a total of \$421,500 of Contingent Legislative Supplemental Funding for (1) JWI Increase to 2 Hour Minimum (\$275,000) and (2) JWI Higher Pay for Rural Assignments (\$146,500) that was funded by internally generated one-time savings for which the Judicial Council is requesting funding from the Legislature to reimburse the courts.

Our carry-forward dollar expectation for FY 2024 is currently \$3,200,000. Before operating savings, we have a total forecasted one-time savings available of \$982,500. There are no new requests this month for the Judicial Council to approve. AOC Finance is forecasting that we will have a balance of \$328,550 in funds available for future FY 2024 spending requests.





## FY 2024 Year End Requests and Forecasted Available One-time Funds - Period 2

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Current Requests	Judicial Council Approved
Description	Funding Type	Amount			Amount	Amount
<b>Sources of YE 2024 Funds</b>						
* Turnover Savings as of PPE 08/04/2023 (including anticipated ARPA reimbursement)	Turnover Savings	324,003	1	Employee Wellness Resources		\$ 107,450
** Turnover savings Estimate for the rest of the year (\$1,800 x 2080 pay hours)	Turnover Savings	3,384,000	2	JWI Centralized Scheduler		\$ 20,000
(a) <b>Total Potential One Time Turnover Savings</b>		3,708,003	3	JWI Media Outreach Interpreter Recruiting		\$ 10,000
Operational Savings From TCE / AOC Budgets	Internal Operating Savings	-	4	JWI Interpreter Trainer		\$ 65,000
Reserve Balance (balance from FY 2023 Carryforward)	Judicial Council Reserve	52,997	5	OFA Racial and Ethnic Disparity Data Project		\$ 30,000
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	-	6	JWI Increase to 2 Hour Minimum		\$ 275,000
(b) <b>Total Operational Savings and Reserve</b>		52,997	7	JWI Higher Pay for Rural Assignments		\$ 146,500
(c) <b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		3,761,000				
<b>Contingent Legislative Supplemental Funding:</b>						
JWI Increase to 2 Hour Minimum		275,000				
JWI Higher Pay for Rural Assignments		146,500				
(d) <b>Subtotal - Contingent Legislative Supplemental Funding</b>		421,500				
<b>Uses of YE 2024 Funds</b>						
(e) Carryforward into FY 2024 (Request will be made to Legislature for \$3,200,000)	Historical Carryforward	(3,200,000)				
<b>Total Potential One Time Savings = (c) + (d) less Carryforward (e)</b>		982,500				
<b>Less: Judicial Council Requests Previously Approved</b>		(653,950)		<b>Current Month One-time Spending Requests</b>	-	
<b>Less: Judicial Council Current Month Spending Requests</b>		-		<b>Previously Approved 1x FY 2024 YE Spending Request</b>		653,950
<b>Remaining Forecasted Funds Available for FY 2024 YE Spending Requests</b>		328,550				

Updated 8/21/2023

### 4. Grants – Request to Accept Grant Funds – Eviction Diversion Initiative

Jordan Murray provided a Memorandum dated 8/16/2023 (RE: Request to Accept Grant Award) and the Grant Agreement for the Eviction Diversion Initiative grant of \$105,191 from the National Center for State Courts.

Judge Keith Barnes made a motion to approve acceptance of the grant award funds and recommend it to the Judicial Council for their approval. Justice Paige Petersen seconded the motion and with Margaret Plane abstaining, the motion was approved by the other four members.



## Administrative Office of the Courts

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

August 16, 2023

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

### MEMORANDUM

**TO:** The Judicial Council;  
The Budget & Fiscal Management Committee (BFMC)

**FROM:** Jordan Murray, Grants Coordinator;  
Nathanael Player, Director of the Self-Help Center and State Law Library

**RE:** Request to Accept Grant Award – Eviction Diversion Initiative

---

The Judicial Council approved for submission in March 2023 a grant application proposal (GAP) to the National Center for State Courts (NCSC) supporting evictions diversion.

We are pleased to report that NCSC has subsequently awarded the Courts \$105,191 to support the hiring of an eviction diversion coordinator, employed by People's Legal Aid (PLA), who will orchestrate intakes, educate defendants, and connect individuals with volunteers providing brief legal advice, other legal services as appropriate, and social services that can help with rental and housing assistance. PLA has secured additional funding to support and sustain this effort over the two-year project period.

Utah is one of ten newly selected jurisdictions to be awarded funding in the 2023-2025 cycle. If funds are accepted, Utah will join a cohort of twenty-one other state and local jurisdictions across the country participating in NCSC's Eviction Diversion Initiative (EDI). The draft grant agreement between NCSC and the Administrative Office of the Courts is enclosed below (Attachment A).

We kindly request the BFMC's recommendation and Judicial Council's consideration to formally accept the grant funds awarded by NCSC in support of this meaningful work.

Thank you.

Next meeting via WebEx October 10, 2023.

**UTAH JUDICIALCOUNCIL  
POLICY, PLANNING and TECHNOLOGY COMMITTEE  
MEETING MINUTES**

Webex video conferencing  
September 1, 2023: 12:00 p.m.

<b>MEMBERS:</b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>GUESTS:</b>
Judge Samuel Chiara, <i>Chair</i>	•		Keri Sargent Paul Barron Tucker Samuelsen Shane Bahr Nick Stiles Judge Laura Scott
Judge Suchada Bazzelle	•		
Judge Augustus Chin	•		
Judge Michael DiReda	•		
Judge James Gardner	•		<b>STAFF:</b> Keisa Williams Brody Arishita Minhvan Thach

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

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

**(2) Rules back from public comment:**

- **CJA 4-202.11. Vexatious record requester (New)**

Under 63G-2-702(5), the Judicial Council may now:

- 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 in a vexatious requester.

The proposed rule establishes a new process to petition for relief from a vexatious requester, designating the Management Committee as the “appellate board” and the Office of General Counsel as the “administrative unit” authorized to petition for relief. The court received one public comment. The commenter is generally supportive of the rule, however, suggests adding an exception for an attorney hired by a vexatious requester.

Following a discussion, the committee determined that amendments in response to the public comment are unnecessary because the safeguard requested by the commenter is already established in the rule. The court will grant reasonable requests from attorneys seeking records on a client’s behalf, provided the attorney has not also been deemed a vexatious requester.

***With no further discussion, Judge Chin moved to recommend to the Council that CJA rule 4-202.11 be approved as final with a November 1, 2023 effective date. Judge Bazzelle seconded the motion. The motion passed unanimously.***

### **(3) CJA 6-301. Authority of court commissioner as magistrate.**

The Judicial Council approved a budget request from the Third District court for assistance with criminal calendars. One option is to hire “criminal commissioners.” Council members asked for an amendment to CJA rule 6-301 to broaden commissioners’ magistrate authority. The proposed amendments identify the types of cases and matters court commissioners are authorized to hear, the types of relief and orders they may recommend, and establish procedures for the timely judicial review of recommendations and orders made by a court commissioner.

The committee recommended the following edits:

- (2)(A), line 25: insert “; and” at the end of the paragraph.
- (6)(B), line 99: replace “. . . may file a written objection to the recommendation . . .” with “may make an oral objection or file a written objection . . .”
- (6)(C), line 105: replaced “. . . shall be filed . . .” with “. . . must be made . . .”

***With no further discussion, Judge Chin moved to send CJA rule 6-301 to the Council, with a recommendation that it be published for a 45-day public comment period. Judge DiReda seconded the motion. The motion passed unanimously.***

### **(4) CJA 4-202.08. Fees for records, information, and services.**

The proposed amendments:

- Lines 48-50: clarify that personnel time may be charged to “copy” records (i.e., download and convert recordings, etc.);
- Lines 63-71: remove individual hourly rates to avoid the need for frequent updates when rates increase;
- Lines 59-60: authorize the State Court Administrator to set personnel rates, which would then be posted on the court’s website;
- Lines 90-93: add a provision regarding fees for bulk data, authorizing the State Court Administrator to set the fees; and
- Lines 110-1150: clarify that court appointed attorneys qualify for a fee waiver if they are requesting records on behalf of an indigent client and the client would qualify for a waiver under (10)(A)(ii).

***With no further discussion, Judge Gardner moved to send rule CJA 4-202.08 to the Council, with a recommendation that it be published for a 45-day public comment period. Judge Chin seconded the motion. The motion passed unanimously.***

### **(5) CJA 4-202.02. Records classification.**

#### **CJA 4-202.03. Records access.**

The number of records requests for Webex video recordings has increased over the last year. The court does not currently have the technological capability to blur faces, “splice” recordings, or otherwise obscure or remove sensitive or non-public information from a video record. The proposed amendments distinguish between audio (FTR) records and video (Webex) recordings, classifying official audio records as public and video records of court proceedings, other than security video, as sealed.

The Committee asked Ms. Williams to make a corresponding amendment to CJA rule 4-202.03(2), granting access to video records of court proceedings to official court transcribers for the purposes outlined in CJA rule 5-202 and to court employees if needed to fulfill official court duties. Any person may file a motion with the court under CJA rule 4-202.04 if access to a video recording is denied. All sealed records are accessible with a court order.

***With no further discussion, Judge Chin moved to send rules CJA 4-202.02 and CJA 4-202.03 to the Council, with a recommendation that the rules be published for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.***

**Technology report/proposals:**

- IT-01000. Information Security Policy (New – Internal)
- IT-01150. Information Security Risk Management Policy (New – Internal)

The Technology Advisory Committee (TAC) is working to overhaul the judicial branch's information technology policies. The TAC is developing a comprehensive Information Technology Policy Manual, similar in a format to the Human Resource and Accounting Manuals. The TAC recommends that these two policies be adopted first, as they are critical to protecting the courts against cyberattacks.

IT-01000 establishes the Information Security policy for all Information Technology (IT) employees, interns, vendors, contractors, and third-party entities that create, use, maintain or handle IT resources. The policy will be subject to and superseded by applicable regulations and laws.

IT-01150 establishes the Enterprise Domain and Security Architect's (EDSA) duties and responsibilities, including documenting and implementing a risk management program to prevent, detect, contain, and correct both deliberate and inadvertent IT security incidents and emergencies.

Because these are internal policies, they do not need to be posted for public comment.

***Following a discussion, Judge Chin moved to send new IT policies IT-01000 and IT-01150 to the Council, with a recommendation that they approved as final with a September 12, 2023 effective date. Judge Bazzelle seconded the motion. The motion passed unanimously.***

**Old Business/New Business:**

Judge Mortensen has asked for clarification on the timelines in CJA rule 3-101 for cases held under advisement, particularly the calculation of "averages." Judges receive an automated notice for cases held under advisement more than 60 days. Judge Mortensen's questions arise from reporting mechanisms tied to retention elections.

In response to Judge Mortensen's concerns, Ms. Williams sent a proposed draft of CJA rule 3-101 to all Boards of Judges to elicit feedback. Once that feedback is received, Ms. Williams will add CJA rule 3-101 to this Committee's agenda for discussion.

**Adjourn:** With no further items for discussion, the meeting adjourned at 12:12 pm. The next meeting will be held on October 6, 2023, at 12 PM via Webex video conferencing.

Tab 4



# UTAH STATE COURTS

2023

Annual Report

UTAH OFFICE OF  
GUARDIAN AD LITEM  
AND CASA

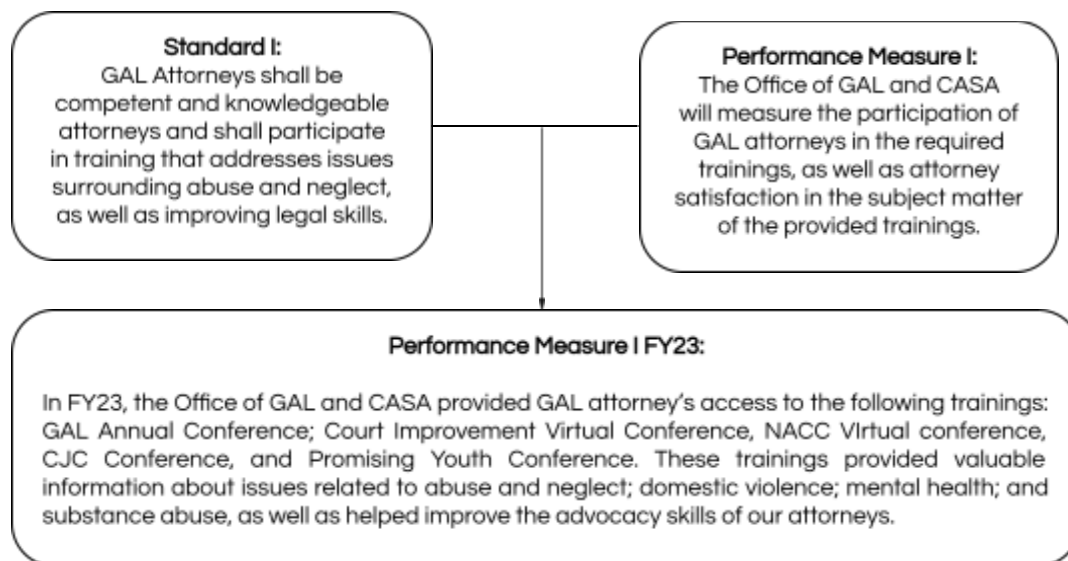
## UTAH OFFICE OF GUARDIAN AD LITEM AND CASA

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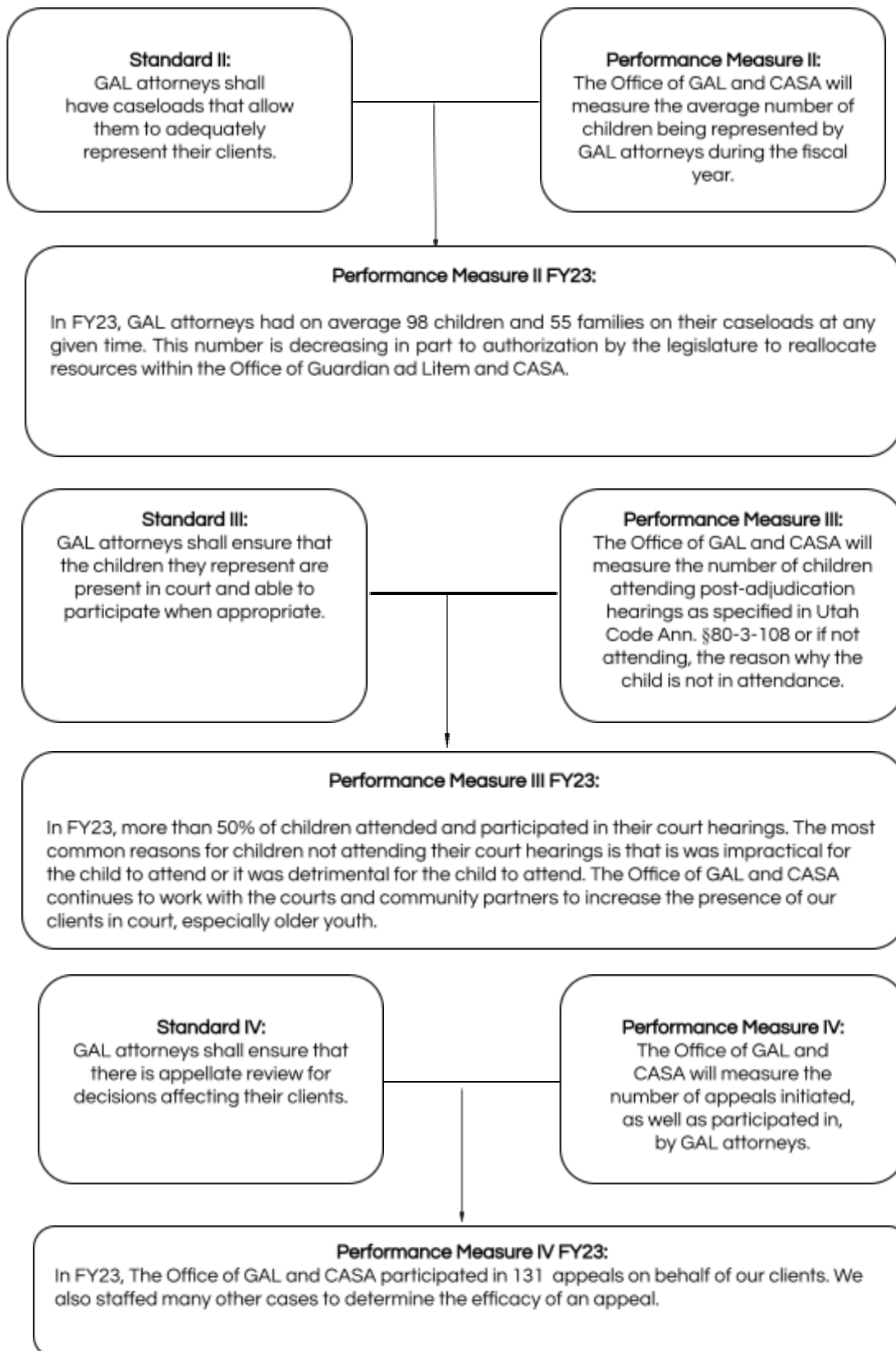
The job of a Guardian ad Litem attorney carries with it a tremendous responsibility. It is their job to stand in the shoes of the child and zealously advocate for the children the Office of Guardian ad Litem and CASA represent. Our attorneys are committed and well trained, and as such, are an asset to the State of Utah.

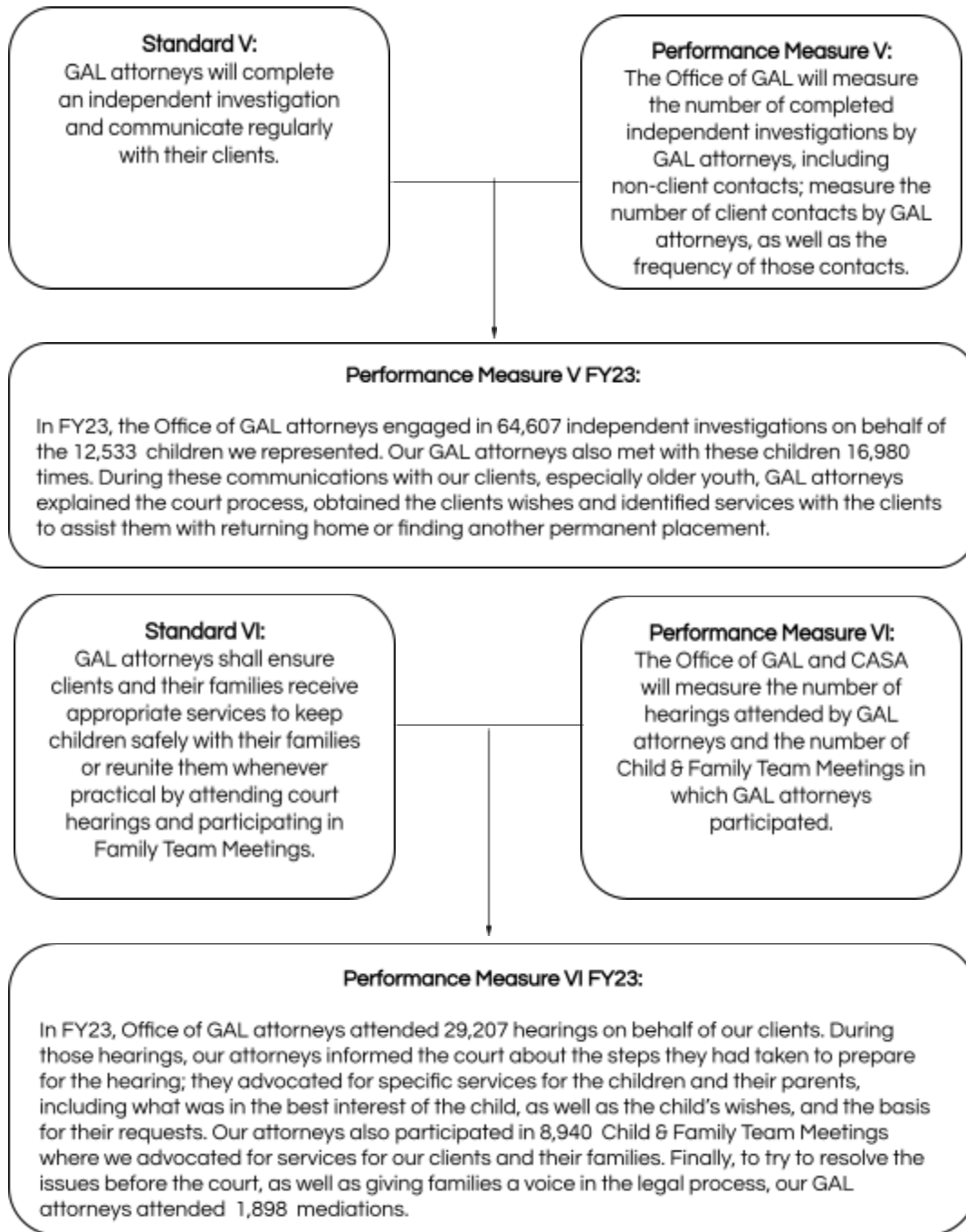
In FY2013, the Office of Guardian ad Litem and CASA were asked to develop performance measures and report on those measures annually to the Executive Offices and Criminal Justice Subcommittee. In FY2014, the Office of Guardian ad Litem and CASA developed these Standards and Performance Measures, and they were approved by the Executive Offices and Criminal Justice Subcommittee. The approved Standards and Performance Measures, as well as supporting FY2023 data, are listed below.

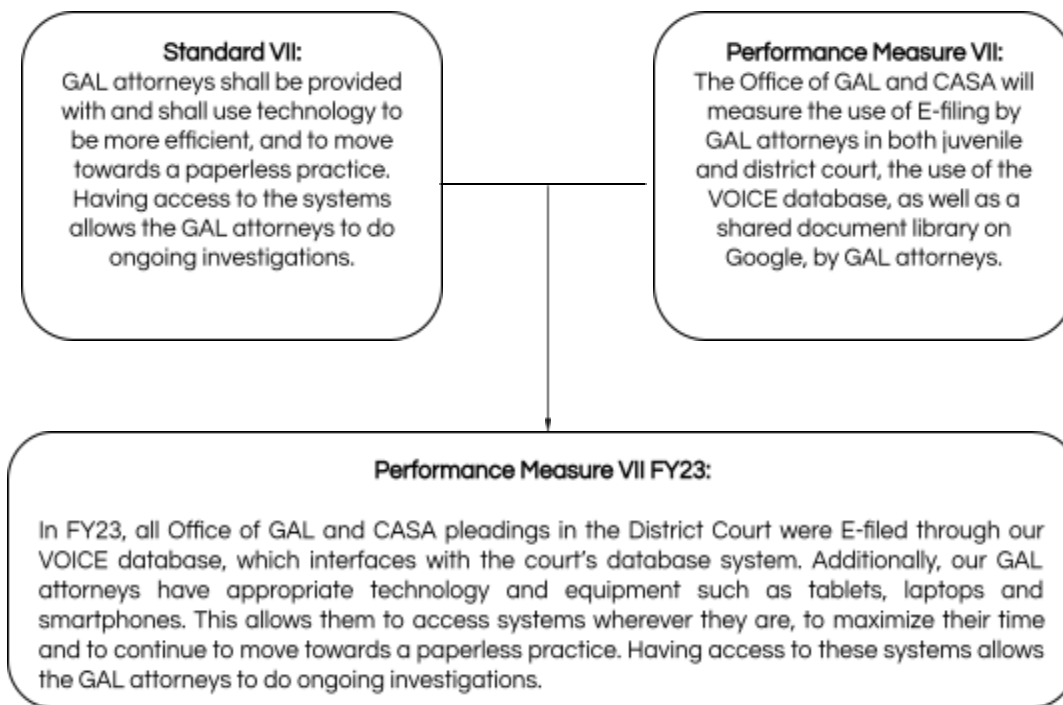
### STANDARDS & PERFORMANCE MEASURES











## PRIVATE GUARDIAN AD LITEM PROGRAM

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In FY23, the Private Guardian ad Litem program continued to be active. We currently have 76 private attorneys who have accepted over 558 cases this past year, including over 48 pro Bono cases. Kacy Crandall, our Private Guardian ad Litem Coordinator, continues to support these private attorneys by responding to questions, providing guidance and attending hearings when necessary. Also, the Best Practice Guidelines were significantly expanded, in the form of a Private Guardian ad Litem Manual, so that the Private Guardians ad Litem could be better equipped to handle these difficult cases.

We continue to update our website monthly to keep the list of available Private Guardian ad Litem attorneys, as well as the collection of pleadings that attorneys can use and modify. Finally, to assist private attorneys comply with CJA R4-906, the Office of the Guardian ad Litem and CASA have hosted sessions of Continuing Legal Education throughout the state.

## COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM

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The CASA program is a valued resource for the Office of Guardian ad Litem and CASA. During FY23, 802 volunteer advocates served 1,496 children and donated 30,516 hours. Advocates are appointed pursuant to U.C.A. § 78A-2-803, subsection (4) (a) that states:

“An attorney guardian ad litem may use trained volunteers, in accordance with U.C.A. § 67-20-1 et seq...to assist in investigation and preparation of information regarding the cases of individual minors before the court.”

CASA volunteers are assigned to an individual case and gather information for the GAL attorneys by visiting consistently with child clients, attending child and family team meetings and court hearings, and tracking the child's progress in school. In addition, these advocates ensure that the child receives needed services and is in a safe, nurturing environment by monitoring court orders and reporting to the GAL attorney.

CASA volunteers are carefully screened; they receive a background check and are provided with 32 hours of pre-service training and 12 hours of annual in-service training. Research conducted by the National CASA Association has found that children with CASA volunteers do better in school, spend less time in the foster care system, are less likely to re-enter foster care, and are more likely to have a consistent, responsible adult present than other children in care.

## UTAH'S FRIENDS OF CASA

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Utah's Friends of CASA is a 501(c) (3) nonprofit organization that supports the CASA program by providing supplemental funding for volunteer recruitment, training and retention.

Tab 5

**Budget and Grants Agenda  
for the October 23, 2023  
Judicial Council Meeting**

1. FY 2024 Financials ..... Karl Sweeney, Melissa Taitano  
(Tab 1 - Discussion)
  - One Time and Ongoing Turnover Savings
  - 1x TOS/OPS FY 2023 Actual vs FY 2024 Forecast
  - ARPA Update
2. FY24 Year End and FY25 Ongoing Spending Requests ..... Alisha Johnson  
(Tab 2 – Action)

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

FY 2024 YE Requests and Forecasted Available One-time Funds – Period 3

8. Performance Bonus Pay Q1/Q2 FY 2024 ..... Bart Olsen, Karl Sweeney
9. Senior Judge and Time Limited JA Funding Jan/Feb 2024 ..... Karl Sweeney

**Ongoing Requests Presented for Judicial Council Approval**

FY 2025 Carryforward and Ongoing Requests – Period 3

1. Performance Raises FY 2024 ..... Bart Olsen, Karl Sweeney

# Tab 1



## FY 2024 One Time Turnover Savings

Updated as of Pay Period Ending 09/15/2023 (440 out of 2,080 hours)

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 09/15/2023)	Internal Savings	385,945.76
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 09/15/2023)	Reimbursements	203,198.93
3	Est. One Time Savings for 1,640 remaining pay hours (\$1,350 / pay hour)	Internal Savings (Est.)	2,214,000.00
<b>Total Potential One Time Savings</b>			<b>2,803,144.69</b>

Prior Report Totals (as of Beginning of Year) \$ 3,708,002.93

- \* Actual per hour turnover savings for the last four 2024 pay periods (oldest to newest) are \$1,480.90, \$1,477.42, \$804.11, and \$1,204.29. The average per hour turnover savings YTD was \$1,338.97. These numbers do include ARPA reimbursements.





## FY 2024 Ongoing Turnover Savings as of 10/11/2023

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
	Carried over Ongoing Savings - reported at 6/26/2023 Judicial Council Meeting	Internal Savings	(300,419)	(300,419)
	Add back: "Assistant Justice Court Administrator" request to be funded by JCTST funds	Internal Savings	74,000	74,000
	Sub-Total		(226,419)	(226,419)
	Turnover Savings generated from FY 2023 due to 2023 actions selecting benefits		<b>171,598</b>	<b>171,598</b>
	Carried over Ongoing Savings (from FY 2023)	Internal Savings	(54,821)	(54,821)
	Ongoing Turnover Savings FY 2024 (actual year-to-date)	Internal Savings	216,065	216,065
1	Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 9 months remaining)	Internal Savings	-	450,000
	<b>TOTAL SAVINGS</b>		<b>161,245</b>	<b>611,245</b>
2	2024 Hot Spot Raises Authorized - renews annually until revoked		(38,502)	(200,000)
	2024 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	
	<b>TOTAL USES</b>		<b>(38,502)</b>	<b>(200,000)</b>
	<b>Subtotal Available without Contingent Supplemental Funding</b>		<b>122,742</b>	<b>411,245</b>
3	Contingent Legislative Supplemental Funding for 1 Court Commissioner Position		-	262,550
	<b>Actual Turnover Savings for FY 2024 as of 09/21/2023</b>		<b>\$ 122,742</b>	<b>\$ 673,795</b>

*Prior Report Totals (as of 8/18/2023)*    \$    (133,686)    \$    467,366

- \* Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- \* There are currently 33 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, 34.975 FTE are vacant.
- 1 We are currently estimating \$50,000 of ongoing savings a month for the remainder of the fiscal year.
- 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.
- 3 See Legislative Request #2 for District Court Judicial Officers. Section 4. The JC funded one Commissioner position in 3rd Dist. effective 7/1/2023. The JC is requesting FY2024 one-time legislative funding - to replenish this amount of Ongoing TOS so we could use it this year instead of having to wait until FY25.

FY 2024 vs FY 2023 1x TOS/OPS Available for Use
---

	Revenues	Hours	Per hour	FY 2023	FY 2024	Variance
a	Actual per hour average for FY 2023					
	4,389,505	2080	\$ 2,110	4,389,505		
b	Actual per hour average for FY 2024					
		440	\$ 1,340		\$ 589,145	
		1640	\$ 1,350		\$ 2,214,000	
c	1x TOS Forecasted/Actual Revenues			4,389,505	\$ 2,803,145	\$ (1,586,360)
d	Carryover from FY 2022 - Reserve			\$ 350,000	\$ 52,997	\$ (297,003)
e	Operating Savings			\$ 1,068,000	\$ 750,000	\$ (318,000)
	<b>(A) Total Revenues</b>			<u>\$ 5,807,505</u>	<u>\$ 3,606,142</u>	<u>\$ (2,201,363)</u>
	<b>Expenses</b>					
f	Carryforward			\$ 3,200,000	\$ 2,500,000	\$ (700,000)
g	FY 2023 Actual YE Expenditures			\$ 2,468,000		
h	FY 2024 YTD Expenditures				\$ 653,950	
i	Forecasted Performance Bonus Requests				\$ 450,000	
j	Senior Judge and Time Limited JA Funding Jan/Feb 2024				\$ 160,000	
k	Potential Reimbursement from Legislature for Sr Judge & TL JA Funding				\$ (160,000)	
l	Potential Reimbursement from Legislature for AF Rent				\$ (389,000)	Sum of reimb.
m	Potential Reimbursement from Legislature for JWI				\$ (421,500)	\$ (970,500)
	<b>(B) Total Expenses</b>			<u>\$ 5,668,000</u>	<u>\$ 2,793,450</u>	
	Rev - Exp (A) - (B)			\$ 139,505	\$ 812,692	best case
	Rev - Exp but excluding potential reimbursements (= \$812,692 - (\$160K + \$389K + \$421.5K))				<u>\$ (157,808)</u>	best if no reimb

\* 1x TOS are down due to fewer positions being vacant. Mid 60s vacant last year; between 45- 50 positions vacant most of this year

\* Wage increases for law clerks means we have only 7 law clerk positions open this year vs mid teens + open last year.

We are down in revenue from last year about \$2.2M due to the lower 1x TOS, less reserves that were carried over, and an expectation of lower Ops savings

If we are fortunate and the Legislature gives us back Courts JWI, Sr. Judges and Facilities funds that we have "fronted"

our forecast shows a potential surplus of \$812K. But if we only get partial we will struggle to pay the Q3/Q4 Performance Bonus of \$450K

We need your focus on budget management to maximize our OPS savings!

**Would you be supportive of adjusting unfilled positions from where they are now (approx 45) to a minimum of 55?**

**Expected boost of \$80,000 average fully loaded cost x 10 positions = \$800,000 increase x 9/12 year = \$600,000**

Would take this constraint off on March 1 if Legislature delivers enough of the 1x requests to fund the Q3/Q4 funds and all other forecast items remain as



## ARPA Expenses as of 10/03/2023 (prior to the close of period 3)

	A	B	C	D	E	F
	Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount	Actual FY 2024 Expended Amount	Total Expended Amount (B + C + D)	Balance Available (A - E)
Last Period Total		3,750,430.78	5,792,026.58	377,857.80	9,920,315.16	5,079,684.84
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	4,613,254.75	599,232.87	8,254,955.29	4,118,444.71
Courts Case Backlog - Part I + II	2,302,100	707,963.11	1,007,135.35	203,885.89	1,918,984.35	383,115.65
Legal Sandbox Response to COVID	324,500	-	171,636.48	16,800.00	188,436.48	136,063.52
TOTAL	15,000,000	3,750,430.78	5,792,026.58	819,918.76	10,362,376.12	4,637,623.88

Expenditures added since last report: \$ 442,060.96

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

### BKLG FY 2024 Details

FY 2024 Expenses as of PPE 8/4/2023	
Personnel Expenses:	\$ 203,198.93
Mileage Expenses:	\$ 686.96
Sr. Judge Travel Expenses:	\$ -
	\$ 203,885.89
COVID Testing Kit purchase:	\$ -
	\$ 203,885.89

### BKLG Run Rate Calculation

#### Usage for Last 3 Pay Periods

8/18/2023	9/1/2023	9/15/2023
\$ 33,367.10	\$ 32,846.67	\$ 38,384.19
Average last 3 Pay Periods:	\$ 34,865.99	
Balance Available (from table above):	\$ 383,115.65	
Remaining Pay Periods at Last 3 Average:	11	
Anticipated Last Pay Period End Date:	2/16/2024	

Prior report anticipated last pay period: 1/19/2024

### Historical Trends (period 3 not yet closed)

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

Period 1	Period 2	Period 3
\$ 53,695.86	\$ 282,253.22	\$ 263,283.79

4,118,445

Balance Available

\$ 199,744

Average Monthly Expenditure

21

Estimated months to spend Balance Available

16

16 months left to 12/31/2024

#### BKLG - Last 3 Periods

Period 1	Period 2	Period 3
\$ 17,840.23	\$ 81,447.70	\$ 104,597.96

#### Legal Sandbox - Last 3 Periods

Period 1	Period 2	Period 3
\$ 5,600.00	\$ 11,200.00	\$ -

\$ 367,881.75

True Up for Period 2 \$ 74,179.21

TOTAL INCREASE FROM PRIOR: \$ 442,060.96

# Tab 2

[illegible]

\* Actual turnover savings as calculated on a pay period basis through 09/15/2023. Data can be found in the Budget Summary Excel workbook on the Personnel tab.

\*\* Actual per hour turnover savings for the last four 2024 pay periods (oldest to newest) are \$1,480.90, \$1,477.42, \$804.11, and \$1,204.29

The average per hour turnover savings YTD was \$1,338.97. These numbers do include ARPA reimbursements.

(b) \$750,000 Operational Savings from TCE / AOC Budgets is a conservative estimate. The number will be updated with information from the field in January/February 2024.

## 8. FY 2024 YE Spending Request – Q1/Q2 Performance Bonus Payments

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2024 are to be spent between July 1, 2023 and June 30, 2024; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2024.**

**Date:** 9/30/2023

**Department or District:** AOC Administrators

**Requested by:** Karl Sweeney and Bart Olsen

**Request title:** FY 2024 Q1/Q2 Performance Bonus Payments

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

**Purpose of funding request:** The conversion of the Court's incentive plans to a court-wide incentive plan (as approved by the Judicial Council in May 2021) includes a performance based bonus plan. Under this plan all non-judicial Court employees have the opportunity to receive a Performance Bonus using one-time Turnover Savings (1x TOS) similar to the one-time Incentive Bonus payments that were made in Spring FY 2021 and twice in FY 2022 and FY 2023 (see table below). Due to lower open positions experienced YTD in FY 2024, the payments for FY2024 are recommended to be \$450,000 for Q1/Q2 2024 and adjusted up or down for Q3/Q4 depending on actual 1xTOS for FY 2024. The totals for all bonus plans for the last 3 years are shown below:

	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>Q1/Q2 FY 2024</u>	<u>Q3/Q4 FY 2024</u>
Payment in spring 2021	\$990,300				
Performance Bonus Payments		\$730,000	\$900,000	\$450,000	TBD
Career Ladder 1x Payments		<u>\$243,000</u>			
Total	\$990,300	\$973,000	\$900,000		

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

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

These bonuses are meant to be given as employees complete milestones in performance goals as set with their manager. Not all goals will be accomplished in Q1 or Q2, but to reduce the turnover of Court personnel, we are encouraging managers to continue paying bonuses as eligible employees complete portions of their annual goals. The amount of the Performance Bonus Plan varies with some employees receiving Performance Raises and others Performance Bonus payments. Of course, those who do not complete their performance goals may not receive either of these type of payments.

## 8. FY 2024 YE Spending Request – Q1/Q2 Performance Bonus Payments

Bonus payments in Q1/Q2 of FY 2024 not only immediately reinforce the accomplishment of an employee's goals but serve to assure employees that the Performance Bonus plan can continue to be relied upon as part of the total compensation plan for the Courts.

The Courts in FY 2023 generated in excess of \$5.0M in 1x TOS and operational savings. However, open positions are running between 40 and 50 so far this year, while it was running 55 – 65 in FY 2023. We expect the amount of 1x TOS to be lower in FY 2024 than in FY 2023.

Please see FY 2024 YE Spending Plan Request for period 3 which shows request # 8 for our current forecast of 1x TOS (see below). As shown, with our period 3 forecast which includes

- a reduced monthly per pay hour generation of \$1,350 (which is consistent with year-to-date trends),
- a conservative forecasted operational savings of \$750,000 (actual for FY 2023 was slightly over \$1.0M), and
- \$2.5M of carryforward (which was our traditional carryforward request prior to FY 2020 when we had little to no supply chain interruptions).

We do expect that one or more of the four listed 1x legislative FY 2024 requests totaling \$970,500 will be appropriated during the upcoming General Session. Any funding of the 1x requests by the legislature would remove the currently forecasted deficit.

The Q3/Q4 performance bonus request will not be made until April 2024 after we have certainty over any legislative funding of our 1x requests.

### **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 potentially accelerate turnover in critical positions.

## 8. FY 2024 YE Spending Request – Q1/Q2 Performance Bonus Payments

### Exhibit A



## FY 2024 Year End Requests and Forecasted Available One-time Funds - Period 3

Forecasted Available One-time Funds				#	One-time Spending Plan Requests	Current Requests	Judicial Council Approved
Description	Funding Type	Amount				Amount	Amount
<b>Sources of YE 2024 Funds</b>				1	Employee Wellness Resources		\$ 107,450
* Turnover Savings as of PPE 09/15/2023 (including anticipated ARPA reimbursement)	Turnover Savings	589,145		2	JWI Centralized Scheduler		\$ 20,000
** Turnover savings Estimate for the rest of the year (\$1,350 x 1,640 pay hours)	Turnover Savings	2,214,000		3	JWI Media Outreach Interpreter Recruiting		\$ 10,000
(a) Total Potential One Time Turnover Savings		2,803,145		4	JWI Interpreter Trainer		\$ 65,000
Operational Savings From TCE / AOC Budgets - Forecasted	Internal Operating Savings	750,000		5	OFA Racial and Ethnic Disparity Data Project		\$ 30,000
Reserve Balance (balance from FY 2023 Carryforward)	Judicial Council Reserve	52,997		6	JWI Increase to 2 Hour Minimum		\$ 275,000
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	-		7	JWI Higher Pay for Rural Assignments		\$ 146,500
(b) Total Operational Savings and Reserve		802,997		8	Q1/Q2 Performance Bonuses	\$450,000	
				9	Senior Judge and Time Limited JA Funding Jan/Feb 2024	\$160,000	
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		3,606,141					
<b>Contingent Legislative Supplemental Funding:</b>							
American Fork Lease Increases	Legislative Contingent	389,000					
JWI Increase to 2 Hour Minimum	Legislative Contingent	275,000					
JWI Higher Pay for Rural Assignments	Legislative Contingent	146,500					
Senior Judge and Time Limited JA Funding Jan/Feb 2024	Legislative Contingent	160,000					
(d) Subtotal - Contingent Legislative Supplemental Funding		970,500					
<b>Uses of YE 2024 Funds</b>							
(e) Carryforward into FY 2024 (Anticipate request to Legislature for \$3,200,000)	Pre-Covid Carryforward	(2,500,000)					
Total Potential One Time Savings = (c) + (d) less Carryforward (e)		2,076,641					
Less: Judicial Council Requests Previously Approved		(653,950)		Current Month One-time Spending Requests		610,000	
Less: Judicial Council Current Month Spending Requests		(610,000)		Previously Approved 1x FY 2024 YE Spending Request			653,950
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests		812,691					
Less: Contingent Supplemental Funding		(970,500)					
		(157,809)					



## 9. FY 2024 YE Spending Request – Jan-Feb 2024 Post ARPA/Pre-Legislature Sr Judge/JA Funding

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2024 are to be spent between July 1, 2023, and June 30, 2024; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2024. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2024.**

**Date:** 10/5/2023

**Department or District:** AOC District Bench

**Requested by:** Shane Bahr/Karl Sweeney

**Request title:** “Bridge”Funding for Post-ARPA Sr. Judge and Time-Limited JAs<sup>1</sup>

**Amount requested:** \$160,000 of One-time Turnover Savings funds

**Purpose of funding request:** This request is for \$160,000 of FY24 YE funding to support the current practice of retaining Senior Judges and Time-Limited Judicial Assistants to reduce the case backlog accelerated by the Covid 19 Pandemic in addition to a judicial officer and court staff shortage. The \$160,000 represents 4 two-week pay periods starting in early January 2024 and ending on the last day of the legislative session, March 1, 2024. This request is designed to “fill the gap” between the \$300,000 in ARPA supplies funding that was converted to use by the Courts to fund judicial officer and time-limited court staffing in FY 2024 and followed the \$2M in ARPA funding for case backlog noted below. This funding needs to last until the Utah Legislature can approve 1x general funding for FY 2024. The total 1x funding request from the legislature is \$850,000 for FY 2024 which is designed to cover the Court’s expenditures of \$160,000 and then fund the remainder of the fiscal year from March 1 through June 30, 2024, and includes funds for expanding the senior judge pool of hours to hasten backlog decline.

At its peak in FY21 Q3, the district court case backlog reached 12,874 cases. The Judicial Council approved \$2,000,000 in American Rescue Plan ACT (ARPA) funding for senior judges and time-limited judicial assistants to help reduce the case backlog.

The work of senior judges and time-limited judicial assistants has helped stabilize backlog growth. According to the FY2023 District Court Weighted Caseload Report, district court is short 8.6 judicial officers needed to keep pace with the statewide caseload. Without additional resources, the backlog will continue to grow because the workload is greater than sitting judges and full-time judicial assistants can process within the established case resolution standards.

At the end of FY23 Q4 the backlog has dropped to 10,727 cases. Although the burn rate has declined from \$103,000 every 4 weeks at the end of FY 2023 to \$80,000 every 4 weeks currently, we still forecast the unspent ARPA funds will be depleted near the beginning of calendar year 2024.

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

This request is shown as a “Contingent Legislative Supplemental Funding” in Exhibit A. This means there is a reasonably good chance the Court’s use of these funds will be restored by the Legislature as FY 2024

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<sup>1</sup> This amount is included in the Court’s Request #4 Case Backlog as part of our \$850K FY 2024 1x Request. Due to fewer senior judge hours worked in ARPA-eligible categories during FY 2024, we have lowered our forecast of the amount of this request to \$40K per pay period versus \$51.7K per pay period in the legislative ask.

## 9. FY 2024 YE Spending Request – Jan-Feb 2024 Post ARPA/Pre-Legislature Sr Judge/JA Funding

1x general funds. If that occurs, the amount of available 1x YE 2024 funding will increase for every \$ the legislature approves.

**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 contribution of senior judges and time-limited JAs towards the case backlog would expire at the end of ARPA funding.



## FY 2025 Carryforward and Ongoing Requests - Period 3 - Final

10/11/2023

### Funding Sources

	One Time	Ongoing
OTS carried over from FY 2023		\$ (54,821)
Forecasted YE OTS from FY 2024		\$ 666,065
Subtotal		\$ 611,245
Less: Judicial Council Delegated to State Court Admin for discretionary use		\$ (200,000)
Expected Carryforward Amount from Fiscal Year 2024	\$ 2,500,000	\$ -
Total Available Funding	\$ 2,500,000	\$ 411,245
Contingent Legislative Supplemental Funding for 1 Court Commissioner Position		\$ 262,550
Net Ongoing TOS Available for Use including Contingent Legislative Supplemental Funding		\$ 673,795

### Ongoing Requests

		Presented		Judicial Council Approved	
		One Time	Ongoing	One Time	Ongoing
1	Perfromance Raises		\$ 450,000		
	Subtotal	\$ -	\$ 450,000	\$ -	\$ -
	Balance Remaining Inclusive of Presented	\$ 2,500,000	\$ 223,795		
	Balance Remaining After Judicial Council Approvals			\$ 2,500,000	\$ 673,795
+	Balance Remaining Inclusive of "Presented"	\$ 2,500,000	\$ 223,795		

#### 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 2024 Ongoing Turnover Savings Spending Request – Performance Raises

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 2025.

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**Date:** 10 October 2023

**Department or District:** AOC Administrators

**Requested by:** Karl Sweeney and Bart Olsen

**Request title:** Funding For Performance Raises (Ongoing)

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

**Ongoing \$**         450,000       

**Purpose of funding request:**

This request is for \$450,000 of ongoing turnover savings that will be used to fund Performance Raises for all non-judicial court personnel for FY 2024. This amount is consistent with the first request for performance raises approved by the Judicial Council for FY 2023 (we added a \$185,000 second request which was approved in May 2023 for a total of \$635,000).

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

This is the third year of our Performance Raise program. We are anticipating that ongoing turnover savings will be less than in previous years because of increased retention stemming from now higher Judicial Assistant pay rates. Despite the fact that we expect turnover to be lower, our first priority should be to ensure the ability to reward high performing non-judicial Court personnel.

As shown in the turnover savings forecast report (shown below), we expect ongoing turnover savings to grow by approximately \$50,000 every month for the next nine months (= \$450,000). When combined with what's been generated year-to-date (\$247,848), total turnover savings forecasted by the end of FY 2024 totals \$643,000. After deducting out the \$200,000 in preauthorized hot spot raises, we're confident that we will have sufficient funds to pay the \$450,000 that we are requesting. Since these funds are not spent until the end of the year, we can match the final payment to an actual lower amount if necessary.

These funds would be fully allocated at the end of the fiscal year to be effective in the first payroll of fiscal year 2025 alongside but separate from any increases approved by the Legislature in the upcoming general session. Approval demonstrates BFMC support of sending this request to the Judicial Council with the recommendation of approving use of these funds.

**Alternative funding sources, if any:**

None.

## **1. FY 2024 Ongoing Turnover Savings Spending Request – Performance Raises**

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

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

## 1. FY 2024 Ongoing Turnover Savings Spending Request – Performance Raises

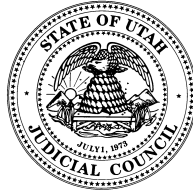
Exhibit A



### FY 2024 Ongoing Turnover Savings as of 10/11/2023

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
	Carried over Ongoing Savings - reported at 6/26/2023 Judicial Council Meeting	Internal Savings	(300,419)	(300,419)
	Add back: "Assistant Justice Court Administrator" request to be funded by JCTST funds	Internal Savings	74,000	74,000
	Sub-Total		(226,419)	(226,419)
	Turnover Savings generated from FY 2023 due to 2023 actions selecting benefits		171,598	171,598
	Carried over Ongoing Savings (from FY 2023)	Internal Savings	(54,821)	(54,821)
	Ongoing Turnover Savings FY 2024 (actual year-to-date)	Internal Savings	216,065	216,065
1	Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 9 months remaining)	Internal Savings	-	450,000
	<b>TOTAL SAVINGS</b>		<b>161,245</b>	<b>611,245</b>
2	2024 Hot Spot Raises Authorized - renews annually until revoked		(38,502)	(200,000)
	2024 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	
	<b>TOTAL USES</b>		<b>(38,502)</b>	<b>(200,000)</b>
	<b>Subtotal Available without Contingent Supplemental Funding</b>		<b>122,742</b>	<b>411,245</b>
3	Contingent Legislative Supplemental Funding for 1 Court Commissioner Position		-	262,550
	<b>Actual Turnover Savings for FY 2024 as of 09/21/2023</b>		<b>\$ 122,742</b>	<b>\$ 673,795</b>
<i>Prior Report Totals (as of 8/18/2023)</i>			<i>\$ (133,686)</i>	<i>\$ 467,366</i>

Tab 6



# Administrative Office of the Courts

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

September 29, 2023

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

## MEMORANDUM

**TO: The Management Committee**

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

**RE: Treatment Courts Grant Renewal (\$25,000) – FY2024 State Asset Forfeiture Grant**

Dear Management Committee:

We kindly request the committee's consideration to submit an annual grant renewal application pursuant to UCJA Rule 3-411(12) as the award amount, material conditions of the grant, and AOC resource impact assessment remain unchanged from prior years (Exhibit A). The application for last year's funds was approved through the renewal process and is presented again for consideration in the same manner.

This funding comes from the State Asset Forfeiture Grant Program (SAFG) administered by the Utah Commission on Criminal & Juvenile Justice (CCJJ). CCJJ generously supports the annual training initiatives pursued by the treatment courts as their yearly appropriation permits. Our partners at CCJJ have again reserved \$25,000 to support the reimbursement of costs associated with the annual Treatment Court Conference scheduled this month, October 2023. If approved, expenses may be reimbursed anytime between now and June 30, 2024. The FY2024 application is attached (Exhibit B).

Due to the overlapping schedules of the BFMC and Management Committee's October meetings, this request has been submitted concurrently to both bodies. Immediately following the vote by BFMC, this request will be presented to the Management Committee to share the BFMC's decision to recommend or not recommend, and proceed accordingly.

Thank you.

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



**EXHIBIT A**  
UCJA Rule 3-411. Grant Management.

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

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

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

**EXHIBIT B**  
Grant Application

**State of Utah**



**UTAH COMMISSION ON  
CRIMINAL & JUVENILE JUSTICE**

Utah State Capitol Complex  
East Office Building, Suite E330  
Salt Lake City, Utah 84114-2330  
Ph: (801) 538-1031  
Fax: (801) 538-1024



**State Asset Forfeiture Grant (SAFG)**

**CCJJ Grant # 24N20**

**1. Your Agency Name and Address:**

**Utah Administrative Office of the Courts**  
450 South State Street  
P.O. Box 140241  
Salt Lake City, UT 84114

**2. Agency Contact (Grant Project Director):**

**Katy Collins**

**3. Phone Number:**

**(801) 578-3893**

**4. E-mail Address:**

**Katyb@utcourts.gov**

**5. Grant Start Date and End Date:**

Start Date: **7/1/2023** End Date: **6/30/2024**

**6. Federal Tax Identification Number (87-\_\_\_\_\_):**

**87-6000 545**

**7. Application Budget Summary:**

Contract Services: \$0

Equipment, Supplies and Operating : \$0

Travel & Training: \$25,000.00

**Total Grant Funds: \$25,000.00**

**Signature in line 9 indicates acceptance of the application narrative, budget, certified assurances and grant conditions.**

**8. Print Name and Title of Official Authorized to Sign**

Ronald B. Gordon, Jr.  
State Court Administrator

**9. Signature of Official Authorized to Sign** *(Official authorized to sign includes: City/County Mayor, Manager or Commissioner, Agency Director or President.*

**For CCJJ use ONLY**

**Tom Ross,**  
**Executive Director of CCJJ**

## Application Narrative

**Application Narrative:** In order for your application to be competitive it will necessary for you to address Sections a, b, and c application narrative: **Application narratives should be Calibri or Arial 11 point and be 1 to 3 pages max.**

- a) Please indicate which of the following 7 SAFG Purpose Area(s) your project will focus on (select one or more):

	<b>1)</b> Controlled substance interdiction and enforcement activities.
x	<b>2)</b> Drug court programs.
	<b>3)</b> Activities calculated to enhance future investigations.
	<b>4)</b> Law enforcement training that includes (but not limited to): a) <i>Implementation of the Fourth Amendment of the federal constitution and Utah Constitution Article I, Section 7,</i> b) <i>Protection of the rights of innocent property holders.</i> c) <i>The 10<sup>th</sup> Amendment of the federal constitution regarding states' sovereignty and the states' reserved rights.</i>
	<b>5)</b> Law enforcement or detention facilities.
	<b>6)</b> Law enforcement operations or equipment which are not routine costs or operational expenses.
	<b>7)</b> Drug, gang, or crime prevention education programs which are sponsored in whole or in part by the law enforcement agency.

- b.) Problem Statement:** Clearly describe the problem to be addressed with SAFG grant funding and support your problem statement with data and statistics where possible:

Despite evidence supporting the efficacy of treatment courts (“problem-solving courts”), many judges, court staff, and other stakeholders have not participated in national training opportunities on the subject. Training for treatment court teams is critical in the effort to improve involved individuals’ overall outcomes and personal wellbeing. Treatment courts are one of the most effective programs in existence addressing substance use and mental health disorders. These specialized courts are effective because of their collaborative team approach which is grounded in the evidence-based Adult Drug Court “Best Practice Standards” manual published by the National Association of Drug Court Professionals (NADCP).

Individuals who are involved with the criminal justice system who live with substance use and mental health disorders are most likely to succeed when they participate in a drug/treatment court where team members adhere to best practice standards. Involved individuals undergo treatment and counseling, make regular appearances before a judge, submit to frequent and random drug testing, and are monitored closely by case management staff and Unified Police Detectives. This model is specially designed to achieve a reduction in recidivism and substance abuse among substance abusing offenders and to increase the offender’s likelihood of successful recovery through treatment, drug testing, supervision, and the use of appropriate sanctions and services. Graduated sanctions, including jail time, are imposed for program non-compliance. Upon graduation, the guilty plea is withdrawn, and the criminal charges are dismissed.

The establishment of treatment courts in the State of Utah is part of a collaborative approach with an individualized plan for each participant. Courts have observed that the same offenders appear in their courts time and time again. Many traditional methods of dealing with certain afflictions, such as through strict probation or mandatory imprisonment, do not correct the fundamental problem.

Treatment courts work by recognizing that unless substance abuse ends, fines and jail time are unlikely to prevent future criminal activity. Consequently, treatment courts, through frequent testing and court supervision, focus upon eliminating drug addiction as a long-term solution to crime. Since the first drug court in Utah was established in Third District Court in 1996, the program has spread quickly. There are an estimated 700-800 participants statewide and hundreds of successful graduates. Although a number of treatment courts exist within Utah, all programs have incorporated a set of ten components created by the United States Department of Justice. These guidelines establish structural components across drug courts while each jurisdiction independently handles matters such as treatment providers and participatory restrictions.

**c.) Plan to Address the Problem:** Clearly describe how SAFG funding will be used to address the problem you have identified and support your plan with data and statistics where possible:

Utah State Courts in collaboration with the Division of Substance Abuse and Mental Health (DSAMH) co-sponsor a treatment court training every other year for teams across the state. Team members include: judges, prosecutors, defense counsel, treatment, probation, law enforcement and court staff. SAFG funds will be utilized to cover the training/travel expenses for judges and court staff. Local and national experts will be present to provide training to team members and team members will work on program improvement plans during and after the conference. Training is best delivered in a team setting where practitioners/team members can learn from each other and better understand the unique roles of each team member. SAFG funding will be used to help bring team members together to one location where they will benefit from the instruction of state and national experts. Funds provided by the SAFG are for one-time application and do not constitute an ongoing project for which incremental Court resources are required. The post-award phase will directly support the costs associated with travel and training expenses for the October 2023 Treatment Court Conference.

## Application Budget Tables & Narrative

Complete the Budget Tables page by including cost and quantity of items to be purchased. Within each budget category, you must provide a brief narrative description of the items to be purchased and explain how they will benefit your grant project.

**Contract Services** - Briefly describe the Contract Services you will pay for with State Asset Forfeiture Grant funds. Any contractor you hire for services to this grant project must first be approved by your agencies purchasing department or Utah State Purchasing Department. Include contract numbers and/or copies of this contract.

Total Contract Costs	\$
----------------------	----

(Provide budget detail and narrative here)

**Equipment, Supplies and Operating (ESO)** - Briefly describe the ESO costs you will pay for with State Asset Forfeiture Grant funds. Include item descriptions, unit costs and quantity of purchases. ESO purchases must follow the regular procurement policies of your agency or the State of Utah if your agency has no procurement policies.

Total ESO Costs	\$
-----------------	----

(Provide budget detail and narrative here)

**Travel/Training** - Briefly describe the Travel/Training costs you will pay for with State Asset Forfeiture Grant funds. Include your travel destination, travel purpose, cost of lodging, per diem, ground transport, airfare, etc. Travel costs (including per diem) must follow state of Utah rates unless your agency travel rates are more restrictive. See Utah State Travel Rates at:

<a href="https://finance.utah.gov/wp-content/uploads/findit-FY23.pdf">https://finance.utah.gov/wp-content/uploads/findit-FY23.pdf</a>	
<b>Total Travel/Training Costs</b>	<b>\$25,000</b>

The SAFG award will secure funding for travel and training costs associated with the October 2023 Treatment Court Conference. A portion of these funds may also be used for contract services in the form of speaker fees. Partnering with the Utah Division of Substance Abuse and Mental Health (DSAMH), grant funds will assist in the successful implementation of conference proceedings. Grants funds are to be used in a one-time application (conference travel/training). No ongoing costs are necessary nor anticipated to support a particular program or any related infrastructure.

**FYI. - 5. Expenses Not Allowable** - Tips in excess of 20% on food purchases. *Tips on any other grant related purchase other than food is not allowed.*

<b>Confidential Informant/Undercover Officer Buy (CI/UC)</b> - Briefly describe the CI/UC costs you will pay for with State Asset Forfeiture Grant funds. CI/UC costs charged to the STFG grant are required to follow the guidelines of APPENDIX 2 in this application.	
<b>Total CI Costs</b>	<b>\$</b>

<b>Total Grant</b>	<b>\$25,000.00</b>
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## Appendix 1

### CERTIFIED ASSURANCES (Utah State Funded Grants)

1. The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Utah Commission on Criminal and Juvenile Justice (CCJJ) shall prescribe shall be provided to assure fiscal control, proper management, and efficient disbursement of funds.
2. The applicant assures that it will comply with State of Utah travel rates and policies unless the grantees home agency rates are more restrictive. Furthermore, the applicant assures that it will have and comply with written policies regarding personnel, the purchasing of supplies and equipment, contractual agreements, etc. If the grantee is working through a fiduciary agent, the policies of the fiduciary agent become the applicable policies with regard to expending grant funds\*. If the applicant does not currently have written policies or a fiduciary agent the general policies adopted by the State of Utah - Department of Finance must be complied with in expending grant funds.

See State of Utah Travel Rates: <https://finance.utah.gov/wp-content/uploads/findit-FY23.pdf>

*\*The only exception to this policy is **personnel expenditures** when the applicant agency is acting as a fiduciary in a single grant serving two or more independent agencies. According to the Fair Labor Standards Act, personnel costs including **overtime** must be paid according to each individual agency's personnel policies.*

3. The applicant certifies that the programs contained in its application meet all requirements, that all the information is correct, that there has been appropriate coordination with affected agencies and that the applicant will comply with all applicable Utah State laws, regulations, and guidelines.
4. The applicant assures that it will comply, and all its contractors will comply, with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973 as amended; Title IX of the Education Amendments of

1972; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990; the Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G; and their implementing regulations, 41 CFR Part 60.1 et seq., as applicable to construction contracts.

5. The applicant assures that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex or disability against a recipient of funds the recipient will forward a copy of the findings to CCJJ.

## **GRANT CONDITIONS (Utah State Funded Grants)**

1. **Compensation and Method of Payment.** The Utah Commission on Criminal and Juvenile Justice (CCJJ) will advance or reimburse the grantee, depending on the amount of award, for approved program expenditures as outlined in the grantee's budget. Reimbursement checks will be issued on a monthly or quarterly basis as financial status reports are submitted and approved unless other payment arrangements have been agreed to by CCJJ.

2. **Reports.** The grantee shall submit such reports as CCJJ may reasonably require, including but not limited to quarterly financial and progress reports, and final financial and narrative reports. Quarterly financial and progress reports shall be received no later than 30 days (or as specified by CCJJ) after each quarter ends on March 31, June 30, September 30, and December 31. At such a point where grant funds have been accounted for in total, quarterly financial reports will no longer be required, however, narrative reports must continue to be submitted until the end of the grant period. ***Recipients (project director or proxy) of grant funding from CCJJ shall, at CCJJ's discretion, produce written and oral reports for the Utah Legislature or other entities on project progress and other information that pertains to the grant program.***

3. **Audit Reports.** Grantees who expend more than \$500,000 in State and/or Federal funds during a financial fiscal year must have annual examinations in the form of audits. These audits will be submitted to CCJJ with any Management Letters no less than one month after completion of the audit. Local governments have 180 days after the end of their fiscal year to complete their audits while all other grantees have nine months to complete their audit. The audit must conform to OMB Circular A-133 and must contain a schedule of financial assistance. During the audit process, either the grantee or the auditor will send CCJJ a verification letter to confirm the amount of grant funds received.

4. **Utilization and Payment of Funds.** Funds awarded are to be expended ONLY for purposes and activities covered in the grantees approved budget. The grantee agrees to return all unexpended State funds provided hereunder to CCJJ within thirty (30) days of termination of the grant. Payments will be adjusted to correct previous overpayment or underpayment and disallowances resulting from audits.

5. **Expenses Not Allowable.** Project funds may not be expended for items not part of the approved budget or separately approved by CCJJ. Expenditure of funds in excess of ten percent (10%) of the amount budgeted per budget category will be permitted only with CCJJ's prior written approval. CCJJ will require a refund of grant monies for expenditures made without approval in the budget or by CCJJ. **State Grant Program Unallowable Costs include, but are not limited to:**

- Uses not specified in the agency's grant award application.
- Uses not approved or appropriated by the agency's legislative body.
- Uses, payments, or expenses that are not within the scope of the agency's functions.
- The purchase of alcoholic beverages or entertainment of any kind is not permitted with grant funds.
- The purchase of gifts or incentive awards of any kind.
- Food purchases in excess of Utah State per diem rates.
- Tips in excess of 20% on food purchases. Tips on any other grant related purchase other than food is not allowed.
- Late fees or other fines/penalties incurred by the grantee.
- Indirect costs

#### **Unallowable Costs of the SAFG State Grant Program**

- Payment of salaries, retirement benefits, or bonuses to any person.
- Over-time payments of any kind.
- Payment of enforcement expenses not related to law enforcement.

#### **Allowable Costs of the SAFG State Grant Program**

- Controlled substance interdiction and enforcement activities.
- Drug court programs.
- Activities calculated to enhance future investigations.
- Law enforcement training that includes:
  1. Implementation of the Fourth Amendment of the federal constitution and Utah Constitution Article I, Section 7, and addresses the protection of the individual's rights of due process.
  2. Protection of the rights of innocent property holders.
  3. The Tenth Amendment of the federal constitution regarding states' sovereignty and the states' reserved rights.
- Law enforcement or detention facilities.
- Law enforcement operations or equipment which are not routine costs or operational expenses.
- Drug, gang, or crime prevention education programs which are sponsored in whole or in part by the law enforcement agency or its legislative body.
- Matching funds for other state or federal law enforcement grants.
- Support of the crime victim reparations fund.

6. **Written Approval of Changes.** Grantees must obtain prior written approval from CCJJ for major program changes. These include (a) changes of substance in program activities, designs, or objectives; (b) changes in the project director or key professional personnel identified in the approved application; (c) changes in the approved project budget as specified in condition 4; (d) budget adjustments in excess of ten percent (10%) of the affected budget category.

7. **Termination of Aid.** If through any cause the grantee shall fail to substantially fulfill in a timely and proper manner all its obligations, terms, covenants, conditions, or stipulations of the grant agreement, CCJJ shall have the right to terminate the grant agreement or to suspend fund payments by giving written notice to the grantee of such action and specifying the effective date thereof, at least thirty (30) days before the effective date of such action.

8. **Inspection and Audit.** CCJJ, the Utah State Auditors Office, or any of their duly authorized representatives shall have access for purpose of audit and examinations to any books, documents, papers, and records of the grantee, and to relevant books and records of grantees and contractors.

9. **Maintenance of Records.** All financial and statistical records, supporting documents, and all other records pertinent to grants or contracts shall be retained for at least three years after completion of the project for purposes of State examinations and audits.

10. **Third Party Participation.** No contract or agreement may be entered into by the grantee for execution of project activities or provision of the services (other than purchase of supplies or standard commercial or maintenance services) which is not incorporated in the approved proposal or approved in advance by CCJJ. Any such arrangement shall provide that the grantee will retain ultimate control and responsibility for the grant project and that the grant project and that the grantee shall be bound by these grant conditions and any other requirements applicable to the grantee in the conduct of the project. CCJJ shall be provided with a copy of all such contracts and agreements entered into by grantees.

11. **Conflict of Interest.** The grantee covenants that if it is a not-for-profit entity none of its officers, agents, members, or persons owning a "substantial interest" in the entity, is presently, nor during the life of this contract shall be, officers or employees of CCJJ, provided that if such persons are or become officers or employees of CCJJ they must disqualify this application and any future discussions concerning the entity making this application.

12. **Project Director.** There shall at all times during the life of the grant agreement be an individual appointed by the grantee as "Project Director". This individual will be responsible for program planning, operation and administration under the grant agreement.

13. **Polygraph Examination:** A subgrantee assures that it will not ask or require an adult, youth, or child victim of an alleged sex offense to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense. The subgrantee further assures that the refusal of a victim to submit to a polygraph or other truth telling examination shall not prevent the investigation, charging, or prosecution of an alleged sex offense.



Tab 7



# Proposal from the Task Force Chairs

Justice Court Reform Task Force | October 4, 2023

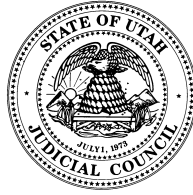
## Summary of the Proposal

- The Utah Legislature would establish a new court of record with jurisdiction in judicial districts where judges have been funded by the Legislature. Over time, the Legislature would fund the new trial court in each judicial district.
- The new trial court would have original jurisdiction over:
  - All misdemeanor cases;
  - Small claims cases when the plaintiff is a business;
  - Third-party debt collection cases; and
  - Eviction cases.
- To address fiscal impact and allow for the Legislature to fully fund the new trial court over time, the new trial court would have the ability to transfer cases to the district court. The district court would have jurisdiction over transferred cases, but the Utah Judicial Council/Supreme Court could create a rule regarding when a case is transferred due to the workload of the new trial court.

## What issues would these changes address?

- The creation of a new court of record would allow for a direct appeal of a case to an appellate court. This will address issues related to *de novo* appeals in the justice court, such as the lack of judicial feedback on justice court decisions and the limited case law for certain areas of the law (e.g., misdemeanors).
- The proposal would also move Class B and C misdemeanors into the state courts, addressing concerns related to the provision of indigent defense services and access to substance abuse and mental health treatment at the justice court level.
- Finally, these changes would address concerns related to revenue generation by justice courts through fines and fees for the sponsoring local government entity.

Tab 8



# Administrative Office of the Courts

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

September 27, 2023

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

## MEMORANDUM

**TO: Judicial Council**

**FROM: Judge Brent Bartholmew, Chair, Board of Juvenile Court Judges  
Sonia Sweeney, Juvenile Court Administrator**

**RE: Report to the Judicial Council**

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The Board of Juvenile Court Judges reports the following work on new initiatives and ongoing projects:

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

During the 2022-2023 year, the Board determined that making improvements in the quantity and quality of family time in child welfare cases is to be a priority. This initiative is a significant undertaking that involves all child welfare community partners. Initially, a group of stakeholders was convened to begin exploring options and barriers to family time, as well as short, mid, and long-term goals. After reviewing the stakeholders' goals, the Board referred the ongoing work to the Court Improvement Program (CIP).

Since then, the CIP Director has convened a workgroup that consists of several juvenile court judges, a senior judge, the Juvenile Court Administrator, representatives from the Office of the Attorney General, the Office of the Guardian ad Litem, the Utah Indigent Defense Commission, the Division of Child and Family Services, parental defenders, a parent with lived experience, a foster parent, a social worker, a therapist, and two research and data analysts. The workgroup has begun preliminary national research to obtain information outlining the work other states have done or are currently doing related to parent-time. Members of the group have connected with teams from Georgia, California and South Dakota to learn about programs and tools implemented in their states. Research is ongoing into the possible development or use of a parent-time specific assessment tool. The workgroup is currently tackling barriers to third-party supervision and brainstorming ways to support increased family time in circumstances where supervised visitation has been deemed necessary.

Several workgroup participants recently were involved with a panel discussion at Utah's Annual Judicial Conference where questions and concerns related to family time were able to be

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

discussed in greater detail with the Juvenile Court Bench and staff. Workgroup members are helping to ensure that the topic is being raised at district meetings for discussion and problem solving at the local level. The workgroup will continue to convene monthly to review progress, evaluate goals, discuss resources and review research and data to establish clear processes for Utah's child welfare community to support frequent and quality family time.

## **2. Data Analysis Project**

Phase I of the Board's juvenile justice data-analysis project was completed in April 2021. The Phase I results indicated that minority youth were generally: a) being referred to juvenile court at a disproportionately higher rate than non-minority youth; b) diverted to non-judicial agreements with probation at a lower rate; and c) typically sanctioned with a higher level of probation/JJYS supervision.

Since then, the Office of Fairness and Accountability (OFA) and Georgetown Mass Data Institute (GMDI) agreed to assist in completing Phase II of the project. The GMDI is currently conducting a full analysis of the Board's Phase I data. The GMDI may have a report of their findings finalized by early spring 2024.

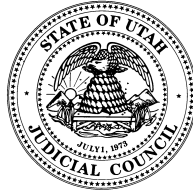
## **3. Racial, Equity and Fairness (REF) Workgroup**

The Racial Equity and Fairness Committee of the Juvenile Court has successfully implemented several initiatives this year aimed at decreasing bias and increasing access to justice for court patrons. The REF worked closely with the Education Department to identify cultural competency education opportunity gaps and create a new in-person workshop series on cultural competency for court staff. The REF completed an initiative that added verbiage in five additional languages to a preliminary inquiry letter that is sent on every Juvenile Court delinquency case asking patrons to contact the court if an interpreter is needed. The REF is now working on adding this same verbiage in those five languages to all Summons and Notice of Hearing documents. Additionally, REF was approved as a formal subcommittee of the Committee on Fairness and Accountability at the end of May.

## **4. Gault Center Juvenile Justice Defense Evaluation**

The Gault Center has been evaluating representation for youth in delinquency cases. The evaluation process has included district site visits, interviews with system role players to gather information and opinions on youth defense services within each district, court observations, and tours of detention/secure-care facilities. A report with recommendations is anticipated to be finalized in early 2024.

Tab 9



# Administrative Office of the Courts

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

October 3, 2023

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

## MEMORANDUM

**TO: Management Committee – Utah Judicial Council**

**FROM: Katy Collins, Statewide Treatment Court Coordinator**

**RE: Family Support Court, 2<sup>nd</sup> Juvenile Court – Weber County**

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The Second Juvenile Court in Weber County is requesting to start a new treatment court which addresses the needs of families affected by substance use and out of home placements. The first priority of the Family Support Court is to stabilize the home life by reducing the number of children removed from their homes for neglect by parents who use illegal controlled substances. There are currently two Family Recovery Courts in Weber County with a cap of 20 participants for each court. Currently, the two courts combined have 20 participants. Due to an increase in protective supervision cases, Weber County would like to combine the two recovery courts and start a new Family Support Court to address the needs of protective supervision cases. Weber County would maintain two treatment courts with the cap of 20 participants per court. A new Family Support Court will better serve the needs of Weber County and is in line with the Family First Prevention Act.

I have reviewed the policy and procedure manual as well as the application for certification. Based on the review of the application materials, I recommend the 2<sup>nd</sup> Juvenile Family Support Court for certification.

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.

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

Name/Working Title of Proposed Project: Weber County Family Support Court (FSC)

Court Location: Second District Juvenile Court, 165 20th Street, Ogden, Utah 84401

Application Submitted by: Judges Debra J. Jensen and Tasha M. Williams

**I. Target Population**

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

Family Support Court (FSC), applying successful evidence based practices already tested in dependency drug courts, will serve children and families to prevent foster care placements under circumstances in which drug endangered children (DEC) are at risk for removal from the custody of their parents whose illegal drug use may render parents unable to safely care for their children in the home. Utah defines DEC to include children whose parents use illegal drugs around their children and children at risk of neglect and child endangerment due to their parents' use of illegal drugs and leaving dangerous items within the reach of a child.

**II. Purpose/Goal of Project**

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

The goal of FSC is to help stabilize home life by reducing the number of children removed from their homes for neglect by parents who use illegal controlled substances. Consistent with the goals of the Federal Family First Prevention Services Act, FSC and its partners will provide enhanced services for substance abuse treatment to parents and their children identified at risk of neglect. Weber Human Services (WHS) can provide several approved programs for DEC while delivering substance abuse treatment to parents. Parents will receive evidence based substance abuse



treatment while their children impacted by exposure to substance abuse will receive DEC interventions including evidence based treatment for children/youth through WHS.

### **III. What is the size of the proposed project?**

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

According to a recent report from the Utah Division of Child and Family Services (DCFS) neglect was the primary reason for foster care in 68.1% of the cases in its Northern region. The highest risk/needs parents (foster care cases) are now served by dependency drug courts in Davis and Weber counties. There are currently two Family Recovery Courts (FRC) in Weber County with a cap of 20 participants for each court. The cap reflects court and stakeholders ability to meet the treatment and supervision needs of the participants.

Since DCFS has implemented more services to keep children in the home in compliance with the Family First Prevention Services Act, the FRC courts have seen a decrease in FRC participants. Currently the participants for both FRC courts total around 20 participants. Along with those changes, Weber County has had a dramatic increase in Protective Supervision cases where the Division attempts to keep children in the home. In light of these changes, Weber County would like to combine its two FRC courts into one court and convert one of the FRC courts into an FSC court which would address the needs of our Protective Supervision services cases. This should better serve the needs for Weber County moving forward as is in line with the current requirements in the Family First Prevention Services Act and Utah law which provides that families should be strengthened and preserved whenever possible.

It is anticipated that FSC participants will easily reach the current 20 participant cap. Weber County would maintain two drug courts with the same caps of 20 participants per drug court. The structure and framework is already in place for both courts and similar evidence based services are in place for both courts.

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

Because the framework is already in place for two drug courts, the impact on court staff, clerks and judges will be the same.

It is anticipated that the current staff for Judge Williams FRC court will transition to the FSC court. All partners have been notified and are in agreement with this change. All current staff will transition to FSC court. The FSC court will be held at the same time on Wednesday mornings. The current Judicial Assistant will continue in their role in court record maintenance and dissemination of reports. Hearing preparation, minutes and orders is anticipated to be another one-half day. Weber Human Services will be adding a component for children in the home from their Youth and Children teams. The judge will conduct drug court in accordance with best practices. In-court time is anticipated to be on-half morning every other week. Drug Court staffing in dependency drug court now takes approximately 90 minutes immediately prior to court. With the addition of reviewing progress in the services that will be provided to the family (versus focusing only on parents) it is anticipated that staffing may take additional time.

The current FRC participants in Judge Williams drug court will be transferred to Judge Jensen's FRC court which is anticipated to increase the size of Judge Jensen's drug court to 20 participants which is in line with the current cap. No additional staffing will be necessary for this increase in Judge Jensen's drug court as this was already the approved participant cap.

#### **V. Funding considerations/stakeholders**

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

The Title IV-E Family First Prevention Services Act of 2018 (the Act) will provide states the option to use IV-E funding for prevention services that would allow "candidates for foster care" to stay with their parents or relatives. States will be reimbursed for prevention services for up to 12 months. Nat'l Conference of Legislatures, [www.NCSL.org](http://www.NCSL.org). Utah, through



the Department of Human Services, Division of Child and Family Services (DCFS), is investing in the prevention and family support purposes of the Act.

Several meetings have been held with the necessary stakeholders and all have agreed that the current funding will meet the needs of the FSC court. Both Weber Human Services and DCFS have committed to working together to continue providing all of the current services for FRC court with some additional services for the children and families through Weber Human Services and DCFS which includes:

- Weber Human Services (WHS): staff for drug court and therapists to implement evidence based services to the DEC and parents, as well as substance abuse assessments, evaluations and treatment. WHS will provide drug testing.
- DCFS: assess families that come to the attention of DCFS and, if a parent is in need of substance abuse treatment and children are considered at risk for removal, DCFS will make recommendations to the court for participation in the FSC. DCFS will provide staff for drug court and contribute its resources for assessments and evaluations along with other services through their IHOWS committee as needed.
- Vocational rehabilitation (VR): staff for drug court and will participate in assisting families to obtain training for employment or training purposes as well as evaluations and assessments.
- Department of Workforce Services (DWS): contribute staff for drug court and participate to assist families to access available resources in the community such as employment, housing and child care.
- Weber County Public Defender's Office (PD): contribute defense counsel for legal assistance to drug court participants.
- Utah Attorney General (UAG): contribute a prosecutor to participate in the drug court.
- Office of the Guardian ad Litem (GAL): contribute an attorney GAL to participate in drug court.

Date: August 30, 2023  
Applicant Signature: Gatha Williams

**Trial Court Executive Comment:** I am in support of these changes.

Date: 8-30-2023

Trial Court Executive Signature: [Signature]

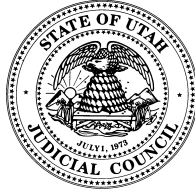
**Presiding Judge Comment:**

I am in full support of the  
new FSC court + combining  
The 2 FRC courts into one court.

Date: 8/30/2023

Presiding Judge Signature: [Signature]

Tab 10



# Administrative Office of the Courts

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

October 12, 2023

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

## MEMORANDUM

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

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

**CJA 6-501. Reporting requirements for guardians and conservators. (AMEND).** The proposed amendments clarify filing requirements and the use of forms for guardians and conservators.

One public comment was received. The Committee does not recommend further amendments in response to the comment.

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

**Rule 6-501. Testing and Reporting requirements for guardians and conservators.**

**Intent:**

To set forth the testing requirements for guardians and conservators and to establish standards and procedures for annual inventories, reports, and accountings that guardians and conservators are required to file under the Utah Uniform Probate Code.

**Applicability:**

This rule applies to individuals seeking appointment as guardians and conservators and individuals who are appointed by the court as guardians and conservators.

**Statement of the Rule:**

**(1) Definitions.**

(1)(A) "Accounting" means the annual accounting required by Utah Code Section 75-5-312 and Section 75-5-417 and the final accounting required by Utah Code Section 75-5-419.

(1)(B) "Interested person" means the respondent, if he or she is not a minor, the respondent's guardian and conservator, the respondent's spouse, adult children, parents and siblings, and any other person interested in the welfare, estate, or affairs of the respondent who requests notice under Utah Code Section 75-5-406. If no person is an interested person as previously defined, then interested person includes at least one of the respondent's closest adult relatives, if any can be found. For purposes of minor guardianship, interested persons include the persons listed in Utah Code Section 75-5-207.

(1)(C) "Inventory" means the inventory required by Utah Code Section 75-5-418.

(1)(D) "Serve" means any manner of service permitted by Utah Rule of Civil Procedure 5.

(1)(E) "Protected person" means a minor or an incapacitated person for whom the court appoints a guardian or an individual ~~protected person~~ for whom the court appoints a conservator.

(1)(F) "Report" means the inventory, accounting, or annual report on the status of the protected person under Utah Code Sections 75-5-209 and 75-5-312, and the final accounting under Sections 75-5-210 and 75-5-419

(1)(G) "Respondent" means a person who is alleged to be incapacitated and for whom the appointment of a guardian or conservator is sought.

**(2) Exceptions.**

(2)(A) Paragraph (34) does not apply to the following:

(2)(A)(i) a guardian certified licensed under Utah Code Section 75-5-311(1)(a);

(2)(A)(ii) the Office of Public Guardian; or

(2)(A)(iii) a conservator issued a permit licensed under Utah Code Section 7-5-2.

(2)(B) Paragraphs (6), (7), (8), (9), and (10) do not apply if the guardian or conservator is a parent of the protected person.

(2)(C) Paragraph (7)(C) does not apply to the guardian of a minor if the minor's estate consists of funds that are deposited in a restricted account, which requires judicial approval for withdrawal, or if there is no estate.

(2)(D) Paragraph (9) does not apply to a conservator who is appointed for the purpose of receiving a personal injury settlement for a minor if 1) no funds are to be distributed until the minor reaches the age of majority, or 2) no structured settlement payments are to be made until the minor reaches the age of majority.

**(3) Examination and private information record.**

(3)(A) Before the court enters an order appointing a guardian or conservator, the proposed guardian or conservator must file:

(3)(A)(i) a verified statement showing satisfactory completion of a court-approved examination on the responsibilities of a guardian or conservator; and

(3)(A)(ii) ~~(3)(B) Before the court enters an order of appointment, the proposed guardian or conservator must file~~ a completed and verified Private Information Record form provided by the Administrative Office of the Courts.

~~(3)(CB)~~ The guardian or conservator must continue to keep the court apprised of any changes to the guardian or conservator's contact information.

**(4) Recordkeeping.** The guardian must keep contemporaneous records of significant events in the life of the protected person and produce them if requested by the court. The conservator must keep contemporaneous receipts, vouchers or other evidence of income and expenses and produce them if requested by the court. The guardian and conservator must maintain the records until the appointment is terminated and then deliver them to the successor guardian or conservator, to the protected person, ~~if there is no successor~~ guardian or conservator, to the ~~successor guardian or conservator~~, or to the personal representative of the protected person's estate.

~~(5) Report forms. Subject to the requirements of Paragraph (6):~~

~~(5)(A) forms substantially conforming to the Judicial Council approved forms are acceptable~~



for content and format;

~~(5)(B) a corporate fiduciary may file its internal report or accounting; and~~

~~(5)(C) if the protected person's estate is limited to a federal or state program requiring an annual accounting, the fiduciary may file a copy of that accounting.~~

**(56) Information required in reports, Filing and service of required reports and proposed Order on Review cover sheet, and service.**

(5)(A) The guardian or conservator shall file with the court the reports required by Paragraphs 6, 7, 8, 9, and/or 10 using the appropriate Judicial Council-approved form or a form that substantially conforms to the format and content of the Judicial Council form.

(5)(A)(i) A corporate fiduciary shall attach its internal report or accounting, if any, as an exhibit to the Judicial Council form.

(5)(A)(ii) If the protected person's estate is limited to a federal or state program requiring an annual accounting, the guardian may file a copy of that accounting instead of the Judicial Council form.

~~(56)(A)(B) The annual status report and annual accounting must contain sufficient information to put interested persons on notice of all significant events and transactions during the reporting period. Compliance with Paragraph (54) is presumed sufficient, but the court may direct that a report or accounting be prepared with content and format as it deems necessary.~~

~~(56)(B)(C) Along with the required report, the guardian or conservator shall also file the Judicial Council-approved Order on Review of Guardian or Conservator Report ("Order on Review") The annual report and annual accounting must include the Judicial Council-approved Order on Review of Guardian or Conservator Report ("Order on Review"), which must be filed as a proposed document.~~

~~(56)(C)(D) The guardian, or conservator, or both must serve a copy of the required report, inventory, and accounting under Rule 5 of the Utah Rules of Civil Procedure on all interested persons in accordance with Rule 5 of the Utah Rules of Civil Procedure. The required annual report and annual accounting must include the following language at the top right corner of the first page, in bold type: You have the right to object to the this report or accounting within 28 days of service. If you do not object within that time, your objection may be waived.~~

**(68) Inventory.**

~~(68)(A) Within 90 days after the appointment, the conservator must file with the appointing court the inventory required by Utah Code Section 75-5-418 in accordance with Paragraph 5.~~

The inventory must be in substantially the same form as the inventory form approved by the ~~Utah Judicial~~ Council, including the required attachments. The court may extend the time for filing the inventory for good cause.

(68)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the inventory is in order, the judge must approve it by signing the Order on Review.

~~(6)(C) If there is no conservator, the guardian must file the inventory required of a conservator under Utah Code Section 75-5-312.~~

**(7) Annual status reports.**

(7)(A) The guardian must file with the appointing court a report on the status of the protected person no later than 60 days after the anniversary of the appointment ~~in accordance with Paragraph 5.~~

(7)(A)(i) The status report must be in substantially the same form as the status report form approved by the ~~Utah Judicial~~ Council, including the required attachments.

(7)(A)(ii) The guardian must file the report with the court that appointed the guardian unless that court orders a change in venue under Utah Code Section 75-5-313.

(7)(A)(iii) The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the guardian. The guardian may not file the report before the close of the reporting period. For good cause the court may extend the time for filing the report, but a late filing does not change the reporting period.

(7)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the report is in order, the judge must approve it by signing the Order on Review.

~~(7)(C) If there is no conservator, the guardian must file the inventory and accounting required of a conservator under Utah Code Section 75-5-312.~~

**(89) Annual accounting.**

(89)(A) The conservator must file with the appointing court an accounting of the estate of the protected person no later than 60 days after the anniversary of the appointment in accordance with Paragraph 5.

(8)(A)(i) The accounting must be in substantially the same form as the accounting form approved by the ~~Utah Judicial~~ Council, including the required attachments.

(8)(A)(ii) The conservator must file the accounting with the court that appointed the conservator unless that court orders a change in venue under Utah Code Section 75-5-403.

(8)(A)(iii) The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the conservator. The conservator may not file the accounting before the close of the reporting period. For good cause the court may extend the time for filing the accounting, but a late filing does not change the reporting period.

(8)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in order, the judge must approve it by signing the Order on Review.

(8)(C) If there is no conservator, the guardian must file the accounting required of a conservator under Utah Code Section 75-5-312.

**(940) Final accounting.**

(940)(A) The conservator must file with the court a final accounting of the estate of the protected person with the motion to terminate the appointment in accordance with Paragraph 5.

(940)(B) The court may conduct a hearing even though no objection is filed. If the court finds that the accounting is in order, the court must approve it by signing the Order on Review.

**(104) Objections.**

(104)(A) If an interested person objects to a report ~~or accounting~~, the person must file a written objection with the court and serve a copy on all interested persons within 28 days from the date of service of the report ~~or accounting~~. A request to submit must be included with the objection. The court may for good cause, including in order to accommodate a person with a disability, waive the requirement of a writing and document the objection and request to submit in the court record.

(104)(B) The objection must specify in writing the entries to which the person objects and state the reasons for the objection.

(104)(C) An objection to a report ~~or accounting~~ may not contain a request to remove or substitute the guardian or conservator. Any request for removal or substitution of the guardian or conservator must be filed as a separate petition consistent with Utah Code Section 75-5-307 or 75-5-415.

(104)(D) If an objection is filed, the court must conduct a hearing unless the court determines that a hearing is not necessary. If the court determines that a hearing is not necessary, the court must issue a minute entry or order stating why a hearing is not necessary.

(104)(E) At the hearing, the court may require the guardian or conservator to supplement or amend the report ~~or accounting~~ if the court determines there is good cause for the objection.

(104)(F) If the court determines that the objection is unfounded or is filed in bad faith, the court may deny the objection and approve the report ~~or accounting~~.

(112) **Waiver.** If an interested person does not object to a report ~~or accounting~~ within 28 days of service, the interested person waives any objection unless:

(112)(A) the objection relates to matters not fairly disclosed by the report ~~or accounting~~; or

(112)(B) the time for objection is extended by the court under Rule 6 of the Utah Rules of Civil Procedure. If the request for an extension is made before the time has run, the court may extend the time for good cause. If the request is made after the time has run, the court may extend for excusable neglect.

(123) **Report approval.**

(123)(A) **Approval.** The court must examine and approve ~~reports the report~~ as required by Utah Code sections 75-5-312 and 75-5-417. Approving a report means the judge has reviewed it, to the court's knowledge notice has been given to every person entitled to notice, no objection has been received, the report meets the requirements set forth by the report form, and the court has not requested additional information or scheduled a hearing. Such approval does not foreclose a valid claim permitted under paragraphs (11)(A) or (11)(B), nor does it start an appeal time.

(123)(B) **Notice to interested persons.** When a court approves a report, the court ~~must note that approval on the Judicial Council approved must sign and enter the~~ Order on Review ~~and place the Order on Review in the case file~~. When a court does not approve a report, the court must indicate on the Order on Review, or in an ~~other minute entry or~~ order, the reasons for non-approval, any additional actions required, and serve ~~the Order on Review or order it~~ on all interested persons entitled to notice.

(134) **Report on a minor.** Under Utah Code Section 75-5-209, a person interested in the welfare of a minor may petition the court for a report from the guardian on the minor's welfare or the minor's estate. If the court orders a status report from the guardian, the status report must be in substantially the same form as the status report form for guardianships of adults approved by the ~~Utah Judicial~~ Council, including the required attachments.

*Effective November 1, 2023*<sup>2</sup>

## 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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Posted: April 24, 2023

### Utah Courts



#### Code of Judicial Administration – Comment Period Closed June 8, 2023

##### [CJA04-0202.03. Records access \(AMEND\).](#)

[CJA04-0202.05. Request to access an administrative record; research; request to classify an administrative record; request to create an index \(AMEND\).](#) The proposed amendments align the rules with Utah Code Sections 77-40a-403(2)(b) and 77-40a-404, identifying individuals and entities who may access expunged records. Other amendments are non-substantive and intended to streamline the rules.

[CJA04-0404. Jury selection and service \(AMEND\).](#) The proposed amendments add the option to email juror qualification forms and summonses to prospective jurors.

[CJA06-0501. Reporting requirements for guardians and conservators \(AMEND\).](#) In response to previous public comments, the proposed amendments clarify filing requirements and use of forms for guardians and conservators.

This entry was posted in [-Code of Judicial Administration](#), [CJA04-0202.03](#), [CJA04-0202.05](#), [CJA04-0404](#), [CJA06-0501](#).

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](#)

« Rules of Civil Procedure –  
Comment Period Closed June  
8, 2023

Code of Judicial  
Administration – Comment  
Period Closed June 8, 2023 »

## UTAH COURTS

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One thought on “Code of Judicial Administration – Comment  
Period Closed June 8, 2023”

Tracy L. Olson  
April 25, 2023 at 11:13 am

The changes to CJA06-0501 are problematic on numerous points. It is not clear what the reasoning is behind these changes, but they will ultimately place additional undue burdens on professional fiduciaries and the wards.

It proposes to require all internal reports must be filed (5(A)(i)). This is probably the most problematic of the changes. This change does not state what “internal reports” are, but will impose a significant burden, which will expose the wards to disclosure of protected health information, overly detailed financial records, and attorney-client communications. This may require significant redaction. The changes as stated will require significant expense to be incurred by the ward needlessly. This was my previous comments to the previous proposed changes, which I reiterate here:

With the changes already made to guardianship and conservatorship reporting, I have found that these rules are put in place, but the court approved forms are not been updated. Additionally, there is no reason why a corporate fiduciary “shall” file its internal report or accounting, changing the language from “may.” These internal reports often need to be modified or edited for filing because they are not kept in the same form as the court approved format. Additionally, these “internal reports” often have confidential information that exceeds what is required in the statute and rules and may violate the recent amendments to the guardianship code. See 75-5-301.5 (2) “Except as otherwise provided by this chapter or any other law, an incapacitated person for whom a guardian is appointed has

- [-Rules of Appellate Procedure](#)
- [-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](#)
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- [CJA03-0109](#)
- [CJA03-0111](#)
- [CJA03-0111.01](#)

right to:(n) maintain privacy and confidentiality in personal matters.” These internal reports may also include attorney-client privileged communication. It is not clear why the change in the language was needed. Please explain.

Additionally, these changes removes the ability for the professionals to submit their reports without counsel filing for them (deletion of 5). This will increase costs for cases with fiduciaries that have been filing their own reports. The professionals will now have to go through an attorney to file their reports with the Court; they cannot file them themselves. This will ultimately be taxed to the ward’s estate.

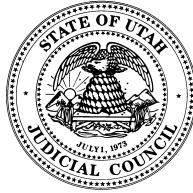
Also, these changes require the guardian to “file the inventory required of a conservator under Utah Code Section 75-5-312” if there is no conservator, (6(C)), but Utah Code Section 75-5-312 does not require a guardian to file an inventory even when there is no conservator appointed. There is no statutory authority for the rule.

Further, these changes require a notice of rights to object to an accounting (5(D)), but (11) removes the ability to object to the accountings. This seems contradictory. If the Court is removing the right to object to accountings, then it should delete the requirement in 5(D).

- 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
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- CJA04-0202.02
- CJA04-0202.03
- CJA04-0202.04
- CJA04-0202.05
- CJA04-0202.06

Tab 11





# Administrative Office of the Courts

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

October 16, 2023

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

## MEMORANDUM

**TO: Judicial Council**  
**FROM: Keisa Williams**  
**RE: Interim rules for the use of generative AI in the court**

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It has come to the AOC's attention that court employees and judicial officers are currently using generative AI tools (i.e., ChatGPT, Google Bard, Claude, etc.) for court-related work or on court-owned devices. At this time, however, we do not know how many judges or employees are using generative AI, which tools they are using, or how those tools are being applied to court-related work.

New generative AI tools seem to be released every month. While there are certainly benefits to using generative AI, there are also significant risks. Unfortunately, the technology is evolving so rapidly it is nearly impossible to grasp the full scope of those risks. As such, it is critical for the court to understand what is happening within our own organization and develop a plan to address it. To that end, I recommend requiring the immediate disclosure of the use of generative-AI tools for court-related work or on court-owned devices. Below is draft disclosure language:

**Disclosure:** All court employees and judicial officers must disclose to their respective supervisors or court administrators whether they have used generative AI tools for court-related work or on court-owned devices **no later than [date]**. If generative AI tools were used for court-related work or on court-owned devices, you must also disclose the name of the tool(s) used and the type of work the tool was used to complete (i.e., to create training materials for a conference, to conduct legal research, to draft an order, etc.).

In addition, if a court employee has used generative AI tools for court-related work that was prepared for a judicial officer, and the judicial officer is unaware, the court employee must immediately disclose such use to the judicial officer.

I also recommend either instituting a temporary pause on the use of generative-AI tools or implementing interim rules governing the use of generative AI in the court until the issue can be more thoroughly researched and a comprehensive plan developed.

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

If the Council decides a pause is appropriate, below is draft language:

**Temporary Pause on Use:** Effective immediately, judicial officers and court employees may not use generative AI tools for court-related work or on court-owned devices unless expressly authorized by the Judicial Council. Interim policies and guidelines on the use of generative AI are forthcoming, at which time the pause will be lifted. We anticipate publishing those interim policies no later than **[date]**.

If the Council determines that a pause is unnecessary, I recommend immediately implementing the attached interim rules governing the use of generative AI tools in the court.

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

## INTERIM RULES ON THE USE OF GENERATIVE AI

Effective [date]

These rules set forth the only authorized use of generative AI tools for court-related work or on court-owned devices.<sup>1</sup> Any use not expressly permitted herein will be considered a violation of court policies. Deviations must be pre-approved by the [state court administrator] [Management Committee].

Judges and court employees should recognize the limitations of generative AI and may not rely solely on AI-generated content. Generative AI tools are intended to provide assistance and are not a substitute for judicial, legal, or other professional expertise. It is also important to remember that AI models learn from vast datasets of text, images, and other content created by humans. As a result, generative AI tools have been known to produce outputs that inadvertently promote stereotypes, reinforce prejudices, or exhibit unfair biases.

### RULES

1. **You are responsible:** Any use of AI-generated content is ultimately the responsibility of the person who uses it.
2. **You may only use approved tools:** Judicial officers and court employees may only use the following generative AI tools for court-related work or on court-owned devices.
  - ChatGPT (version 3 or 4)<sup>2</sup>
3. **You must complete court-approved training prior to use:** Prior to using generative AI tools for court-related work or on court-owned devices, you must complete court-approved training posted on LMS.”<sup>3</sup> The Judicial Council may impose additional education requirements at any time.
4. **Employees must disclose use to judicial officers:** If an employee is preparing work or completing a task for a judicial officer, the court employee must get pre-approval from the judicial officer before using a generative AI tool to complete the work or task.
5. **Do not disclose non-public information:** Records, data, or information classified as non-public under the Code of Judicial Administration or the Government Records Access Management Act may not be entered, submitted, or otherwise disclosed to any generative AI tool. This includes personal information or details from a case that could lead someone to identify the specific case in question or individuals involved in that case.
6. **Do not disclose documents from cases:** Documents filed in a case or submitted for filing may not be shared through generative AI tools, even if the document is classified as public.

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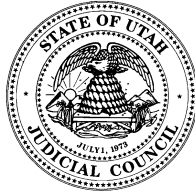
<sup>1</sup> “Court-owned devices” includes personal devices for which you are receiving a stipend from the court.

<sup>2</sup> The IT department is actively engaged in vetting generative AI tools for security risks. More tools may be added to this list as tools are approved.

<sup>3</sup> The Judicial Institute is developing tailored education and will notify everyone when it is available.

7. **You may only use generative AI for these purposes:**
  - Preparing educational materials
  - Legal research
  - Preparing draft documents
  - Preparing surveys
  - Testing reading comprehension of public documents (e.g., to ensure a document is accessible to a self-represented litigant)
  - Instructions on how to use a new piece of software (e.g., Adobe Captivate)
8. **Case-related content should be reviewed by a judicial officer:** AI-generated content used for case-related purposes should be thoroughly reviewed by a judicial officer to ensure the information is accurate, the law is applied properly, and application of the law is consistent with the facts of the case.
9. **You must comply with legal and ethical obligations:** When using generative AI, judicial officers and court employees must comply with all relevant laws, legal standards, and ethical and professional conduct rules.
10. **You must report inadvertent disclosures:** Judicial officers and court employees must immediately report any data breaches or inadvertent disclosures in violation of paragraphs 5 or 6 to the Office of General Counsel.

Tab 12



# Administrative Office of the Courts

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

October 3, 2023

Ron Gordon  
State Court Administrator  
Neira Siaperas  
Deputy Court Administrator

## MEMORANDUM

**TO: Management Committee/Utah Judicial Council**

**FROM: Lauren Andersen/Standing Education Committee**

**RE: Appointment to serve on Standing Education Committee**

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Rule 1-205 (1) (B) (iii)(j) requires the Standing Education Committee to be populated by two court clerks from different levels of court and different judicial districts.

Mark Paradise served in this position until he was promoted to Trial Court Executive. Elizabeth A. Foster from the Fourth District has volunteered to fill the vacancy.

The following is her statement of interest:

I would like to be chosen for the Standing Education Committee for several reasons. First, I have always been passionate about the courts. I greatly enjoy working for the courts and honestly, I cannot imagine working anywhere else. That passion for working in the courts has led me to wanting to know more about how the courts work. Education and training are essential for that and having education available is a must.

Second, when I was a Training Coordinator, my goal was to make my district the best trained district in the state. I know that is a lofty ideal, but it is one that is achievable through training and education. Now that I am a Judicial Case Manager, I see the need to have relatable, accessible, and easy to follow training for everyone who works for the courts. The employees I supervise are great, but everyone needs reminders and refreshers at some time (including myself).

Third, it is important to have collaboration. Different districts have different needs. While we are all a part of one judicial team, individual needs can vary greatly. It is important to have an education system that meets the needs of all the courts in Utah.

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

I would like to be a part of assisting with this important work. Through education and training, all court employees can enhance their own experiences and have more confidence in their jobs. Our service to the public is also heightened. It is really through education and training that we can truly achieve the courts mission “to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.”