

JUDICIAL COUNCIL MEETING

AGENDA

March 14, 2024

**Meeting held through Webex
and in person**

**Hyatt Place St. George / Convention Center
In the Meeting Place Room
1819 S 120 E, St. George, UT 84790**

Chief Justice Matthew B. Durrant, Presiding

11:45 a.m. Lunch

1. 12:00 pm. Welcome & Approval of Minutes.....Chief Justice Matthew B. Durrant
(TAB 1 - Action)
2. 12:05 p.m. Chair's Report.....Chief Justice Matthew B. Durrant
(Information)
3. 12:10 p.m. Fifth District Report.....Judge John Walton
(Information) Cade Stubbs
4. 12:20 p.m. Utah State Bar Report.....Elizabeth Wright
(Information) Erik Christiansen
Cara Tangaro
5. 12:35 p.m. Board of Appellate Court Judges.....Judge Michele Christiansen Forster
Report (Information) Nick Stiles
6. 12:45 p.m. Introduction of New Judges.....Ron Gordon
(Information)
7. 12:55 p.m. State Court Administrator's Report.....Ron Gordon
(Information)

8. 1:15 p.m. Reports: Management Committee.....Chief Justice Matthew B. Durrant
Budget and Fiscal Management Committee.....Judge Elizabeth Lindsley
Liaison Committee.....Justice Paige Petersen
Policy, Planning, and Technology Committee.....Judge Samuel Chiara
Bar Commission.....Margaret Plane, esq.
(TAB 2 - Information)
9. 1:25 p.m. Budget and Grants..... Karl Sweeney
(TAB 3 - Action) Alisha Johnson
Jordan Murray
- 1:40 p.m. **Break**
10. 1:50 p.m. WINGS Committee Report.....Judge Keith Kelly
(TAB 4 - Information) Shonna Thomas
11. 2:05 p.m. TCE Report.....Russ Pearson
(Information) Travis Erickson
12. 2:20 p.m. AI Survey Review.....Tucker Samuelson
(Information)
13. 2:40 p.m. Water Law Education.....Judge Kate Appleby
(Discussion) Dr. Don Judges
14. 3:10 p.m. Legislative Update.....Michael Drechsel
(Information)
15. 3:40 p.m. Approval of IT Security Policies.....Ron Gordon
(Action)
16. 3:50 p.m. Rules for Final Approval.....Kiesa Williams
(TAB 5 – Action)
17. 4:00 p.m. Old Business / New Business.....All

18. 4:10 p.m. Adjourn.....Chief Justice Matthew B. Durrant

Consent Calendar

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

1. Forms Committee Forms for Approval
(TAB 6)

Tab 1

**JUDICIAL COUNCIL MEETING
Minutes**

February 26, 2024

**Meeting held through Webex and in person
Matheson Courthouse**

**450 S State Street
Salt Lake City, UT 84111**

9:00 a.m. – 12:50 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. David Mortensen, Vice Chair
Hon. Suchada Bazzelle
Hon. Keith Barnes
Hon. Brian Brower
Judge Jon Carpenter
Hon. Samuel Chiara
Hon. Michael DiReda
Hon. Ryan Evershed
Hon. Paul Farr
Hon. James Gardner
Hon. Elizabeth Lindsley
Hon. Thomas Low
Judge Amber Mettler
Justice Paige Petersen

Guests:

Judge Stephen Nelson
Judge Ryan Peters
Judge Charles Stormont

AOC Staff:

Ron Gordon
Neira Siaperas
Brody Arishita
Shane Bahr
Jim Peters
Nick Stiles
Sonia Sweeney
Keisa Williams
Hilary Wood

Excused:

Margaret Plane, esq.

Presenters:

Judge Laura Scott
Katie Collins
Lauren Andersen
Michael Drechsel
Alisha Johnson
Jeremy Marsh
Jordan Murray
Bart Olsen
Karl Sweeney

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting and asked if there was any discussion on the January 16, 2024 meeting minutes.

Judge Jon Carpenter pointed out that in item #7 in the minutes, one of the Justice Court judges being certified, Judge Birch, took a position in Draper, not Sandy. He also pointed out that he had abstained from voting on the recertification of his own Justice Court.

Motion: Judge Paul Farr made a motion to approve the January 16, 2024 meeting minutes with the proposed changes. Judge Amber Mettler seconded, and the motion passed unanimously.

2. INTRODUCTION OF NEW JUDGES: (Ron Gordon)

Ron Gordon was delayed, so Neira Siaperas introduced Judges Ryan Peters, Stephen Nelson, and Charles Stormont.

Chief Justice Durrant welcomed the three new judges to the judiciary.

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

In the last couple of weeks, Chief Justice Durrant, Mr. Gordon and Ms. Siaperas met with Speaker Schulz and President Adams. These were positive meetings. As previously mentioned, there are challenges with the budget this year.

4. STATE COURT ADMINISTRATOR: (Ron Gordon)

The Executive Appropriation Committee (EAC) met and released their budget priorities for funding. There were a number of fairly critical items that were excluded from the judiciary's budget priorities, but the efforts will continue during the last week of the session to advocate for funding for these critical needs.

The EAC recommended funding for the judiciary's priority for court interpreters. Funding will be split between one-time and ongoing funding, which means the judiciary will have to bring this item back next year for more one-time or ongoing funding. Another priority that is likely to be funded is a judicial compensation increase of 5% as well as a 3% cost of living raise for court employees and 2% for discretionary pay-for-performance salary increases.

5. COMMITTEE REPORTS:

Management Committee Report:

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

Budget & Fiscal Management Committee Report:

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

Liaison Committee Report:

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

Policy, Planning, and Technology Committee Report:

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

Bar Commission Report:

Margaret Plane was excused.

6. BUDGETS AND GRANTS: (Karl Sweeney, Alisha Johnson,)

Karl Sweeney and Alisha Johnson presented information on the budgets and grants.

FY 2024 One-Time Turnover Savings

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 01/19/2024)	Internal Savings	918,066.26
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 01/19/2024)	Reimbursements	528,278.57
3	Est. One Time Savings for 920 remaining pay hours (\$1,000 / pay hour)	Internal Savings (Est.)	920,000.00
Total Potential One Time Savings			2,366,344.83

Prior Report Totals (as of PPE 12/08/2023) \$ 2,631,066.71

FY 2024 Ongoing Turnover Savings

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
	Net Carried over Ongoing Savings (from FY 2023)	Internal Savings	(54,821)	(54,821)
	Ongoing Turnover Savings FY 2024 (actual year-to-date)	Internal Savings	619,168	619,168
1	Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 5 months remaining)	Internal Savings	-	250,000
	TOTAL SAVINGS		564,348	814,348
2	2024 Hot Spot Raises Authorized - renews annually until revoked		(72,330)	(200,000)
	TOTAL USES		(72,330)	(200,000)
3	Total Actual/Forecasted Turnover Savings for FY 2024		\$ 492,018	\$ 614,348

Prior Report Totals (as of 12/21/2023, with the contingent amount removed) \$ 441,605 \$ 580,107

FY 24 Forecasted Available One-time Funds

Forecasted Available One-time Funds		
Description	Funding Type	Amount
Sources of YE 2024 Funds		
* Turnover Savings as of PPE 01/19/2024 (including anticipated ARPA reimbursement)	Turnover Savings	1,446,345
** Turnover savings Estimate for the rest of the year (\$1,000 x 920 pay hours)	Turnover Savings	920,000
Total Potential One Time Turnover Savings		2,366,345
Less: LFA Recommendation to Contribute to Budget Savings		(600,000)
(a) Total Potential One Time Turnover Savings Less LFA Recommendations		1,766,345
Operational Savings From TCE / AOC Budgets - Forecasted	Internal Operating Savings	635,244
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) Total Operational Savings and Reserve		688,241
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		2,454,585
Contingent Legislative Supplemental Funding:		
American Fork Lease Increases	Legislative Contingent	389,000
JWI Increase to 2 Hour Minimum	Legislative Contingent	110,000
JWI Higher Pay for Rural Assignments	Legislative Contingent	50,000
Reimburse JWI #2, #3 and #4 from 1x funds	Legislative Contingent	50,000
Senior Judge and Time Limited JA Funding Jan/Feb 2024	Legislative Contingent	160,000
(d) Subtotal - Contingent Legislative Supplemental Funding		759,000
Uses of YE 2024 Funds		
(e) Carryforward into FY 2025 (Anticipate request to Legislature for \$3,200,000)	Pre-Covid Carryforward	(2,500,000)
Total Potential One Time Savings = (c) + (d) less Carryforward (e)		713,585
Less: Judicial Council Requests Previously Approved		(1,263,950)
Adjust for Changes to Original Requests		426,500
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests		(123,865)
Less: Contingent Supplemental Funding		
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests if no Supplemental Funding is Received		(123,865)

Updated 02/07/2024

The ARPA funds for senior judges have now been fully expended.

Lauren Andersen gave an overview of the different training and educational opportunities that the Education Department funds and prepares for the judiciary. She presented the need for additional funding as costs rise, adding that it costs about \$500,000 to run the court's education department. Mr. Sweeney explained that there is not enough in the education department's budget to cover this need and asked the Council to put some thought into investing in this area to bring it out of the negative.

The NCSC came back with a proposal in the amount of approximately \$55,000 for them to conduct Phase II of the judiciary's System Review. Ms. Siaperas stated that this cost would include the cost for the consultants' travel to come onsite to conduct focus groups and interviews in person, as well as virtually, the draft report, and final report.

Motion: Judge Samuel Chiara made a motion to table the request for \$55,000 in one-time funding for phase II of the System Review until after the legislative session. Judge James Gardner seconded the motion, and the motion passed unanimously

Grants

Jordan Murray gave the quarterly grants report for the October to December 2023 period. At the end of December, the courts held six active grants, three of which were non-federally awarded. No new grants were awarded to the courts in this period, but one grant application proposal was prepared in December for federal grant funds from the Commission on Criminal and Juvenile Justice in support of the 3rd District Juvenile Village Project Mentor Program.

7. ANNUAL HR BUSINESS REPORT & DISCUSSION: (Bart Olsen, Jeremy Marsh)

Bart Olsen gave a brief annual report, as well as an overview of the services HR provides, as stated in Rule 3-402.

Major Projects of 2023

- Jan - Mar: Developed 13 leadership training modules
- April - June: Delivered training modules statewide
- July - September: Pay implementation and candidate outreach
- October - December: Compensation, classification, and beyond

Mr. Olsen shared some data and trends on HR Investigations, Performance Improvement & Discipline, and ADA & FMLA requests, which were higher in 2023 than in previous years. This was an anticipated outcome of HR education and training, and overall, managers are now more equipped to manage.

Coming Up in 2024

- Increase impacts on morale and retention
- Measurable performance outcomes
- Prepare for enhanced performance-focused compensation

8. HR POLICY AMENDMENTS: (Bart Olsen, Jeremy Marsh)

The Human Resource Policy Review Committee meets regularly to review suggestions for policy amendments and assist the Policy, Planning & Technology Committee, and the Judicial Council to keep policies current and effective.

The Policy, Planning & Technology Committee has approved some policy amendments, which were included in the meeting materials, and sought approval from the Council for the amendments to be effective April 1, 2024.

Motion: Judge Gardner made a motion to approve the HR policy amendments as presented. Judge Michael DiReda seconded the motion, and the motion passed unanimously.

9. LEGISLATIVE UPDATE: (Michael Drechsel)

Michael Drechsel provided an update on several bills from the legislative session, which included:

- Senate Bill 70, the court's request for four District Court judges and two Juvenile Court judges,
- House Joint Resolution 22, the authorization to cease District Court operations in American Fork,
- Senate Joint Resolution 10, the authorization to close down the Richmond City Justice Court in Cache County,
- The Manner of Hearing bill, which was never numbered as Senator Pitcher agreed to allow the judiciary to create rules addressing the manner of hearing. Mr. Drechsel now has permission to share the draft that was previously protected. The bulk of the workload in creating and revising court rules will be in the committees on criminal, civil, and juvenile rules of procedures, which are Supreme Court's advisory committees. The Policy, Planning & Technology Committee will address changes to the administrative rules.
- House Joint Resolution 8, regarding requesting a different judge in a civil case,
- New type of expungement for Problem Solving Courts,
- The recodification project,
- A revamp of estate planning statutes,
- Domestic relations recodification, and
- Justice court reform.

Mr. Drechsel thanked the Council members who are on the Liaison Committee for the time they have taken to meet and to be available. Justice Paige Petersen thanked the Liaison committee members and Mr. Drechsel for all of their hard work.

10. COURT COMMISSIONER CONDUCT COMMITTEE: (Judge Ryan Harris, Keisa Williams)

Judge Ryan Harris gave a brief report on the Court Commissioner Conduct Committee. There were nine complaints filed in 2023, and all nine were dismissed by the chair. Chief Justice Durrant thanked Judge Harris for his service on the Committee.

11. AD HOC PROBLEM SOLVING COURT COMMITTEE: (Katy Collins)

Katy Collins presented a follow up proposal to form an ad hoc State Treatment Court Committee, whose purpose will be to address treatment court related issues like statewide training, quality assurance, funding, advocacy, research and evaluation, and technology. A State Treatment Court Steering Committee will provide an opportunity for local and state stakeholders to address the concerns of treatment courts statewide while including the perspectives from urban, rural, and local jurisdiction and state level stakeholders. The proposed committee membership roles should represent urban and rural districts and will report to the Judicial Council. The Statewide Treatment Court Coordinator will serve as staff to this committee.

The Management Committee had recommended that Ms. Collins slim down the number of potential committee members to include one juvenile treatment court judge and one district court judge instead of having a representative from each treatment court.

Judge Mettler suggested the language of the committee member composition be amended to say “to the extent possible”, in the event Ms. Collins can’t get a representative of each court level to participate or “membership may include a representative from each court level.” Judge Farr recommended removing the word “treatment” from “Justice Treatment Court Judge” in section H. In Judge Farr’s district, for example, the numbers are small and some of their roles are informal, so that might make more sense. Judge Elizabeth Lindsley recommended having one urban and one rural representative, since some things are different in the rural districts.

Judge Chiara suggested that the Council set an expiration date or a date to review the committee again with the Council to evaluate the need to continue.

Motion: Judge Chiara motioned to approve the request to form the ad hoc State Treatment Court Committee with the composition to be as outlined in the proposal, with the following amendments:

- Either D or F to be revised to “Delinquency Court”, and the duplicate removed
- The requirement to have both rural and urban districts represented in the judge selection
- Set a 3-year term to report back to the Council
- Eliminate the word “treatment” from the Justice Court Judge requirement.

Judge Farr seconded the motion, and the motion passed unanimously.

12. 3RD DISTRICT CRIMINAL COMMISSIONER APPOINTMENT: (Judge Laura Scott)

Judge Laura Scott presented a request to hire Todd Olsen as the new Criminal Commissioner. Judge Todd Shaughnessy led the hiring committee and the Third District bench voted on the selection.

Motion: Judge David Mortensen made a motion to approve the request to hire Todd Olsen as the new Criminal Commissioner. Judge DiReda seconded the motion, and the motion passed unanimously.

13. DISSOLUTION OF THE RICHMOND JUSTICE COURT: (Jim Peters)

Following the unexpected resignation of Judge Funk last month, the Richmond City Council decided to dissolve its justice court. Because there is no county level court in Cache County, Section 78A-7-123(1)(a) of the Utah Code requires that Richmond obtain legislative approval to transfer its caseload to the First District Court. Jim Peters provided a letter of intent from Mayor Paul Erickson, which is required by Section 78A-7-123(1)(c) of the Utah Code. Mr. Peters also provided (i) a resolution from the Richmond City Council, (ii) a Joint Resolution Dissolving the Richmond City Justice Court which, as this point, is working its way through the Senate, and

(iii) relevant sections of the Utah Code.

Because Richmond operates a Class IV court, Section 78A-7-123(1)(e) explains that it should have notified the Judicial Council before July 1, 2023 that it was seeking to dissolve. At the time, however, Richmond was unaware that its judge would be resigning. As such, Richmond is asking that the Judicial Council shorten the time required between the city's notice of intent to dissolve and the effective date of the dissolution, as permitted by Section 78A-7-123(3). If approved by the legislature, Richmond would like to dissolve its justice court as of April 1, 2024. That should allow sufficient time to provide notice to the citizenry of Richmond and program the necessary changes at the Administrative Office of the Courts

Motion: Judge Chiara made a motion to approve the dissolution of the Richmond Justice Court. Judge DiReda seconded, and the motion passed unanimously.

14. OLD BUSINESS/NEW BUSINESS: (All)

There was no old or new business.

15. EXECUTIVE SESSION

There was an executive session.

After the executive session concluded the following motion(s) were made:

Motion: Judge Mortensen made a motion to recommend appointments of Judges Andrew Stone and Richard McKelvie as active senior judges, and Judge Katherine Bernards-Goodman as an inactive senior judge. Judge Farr seconded the motion, and the motion passed unanimously.

Rules for Final Approval Discussion

Judge Lindsley recommended amending the language to rule 3-306.04 line 70, to state that a court employee who has a second language stipend may assist the court in scheduling a new date if an assigned interpreter does not appear. Judge Gardner pointed out that in subsection 1(e), it states that no interpreter is needed for direct verbal exchange between the person and court staff if the court's staff can fluently speak the language understood by the person, and the state court employee is acting within the guidelines established in the human resources policies and procedures. That appears to allow the staff to communicate a new date in a direct verbal exchange. After some discussion, Judge Gardner suggested that the Council approve the rule today for expedited approval, send it out for public comment, and bring up this issue for discussion in the Policy, Planning & Technology Committee.

Motion: Judge Mortensen made a motion to approve the rules for final approval, as presented. Judge Chiara seconded the motion, and the motion passed unanimously.

16. ADJOURN

The meeting adjourned.

CONSENT CALENDAR ITEMS

1. Rules for Public Comment (TAB 10)

1. CJA 1-305. Board of Senior Judges
2. CJA 3-104. Presiding judges
3. CJA 3-108. Judicial assistance
4. CJA 3-111. Performance evaluations
5. CJA 3-113. Senior judges
6. CJA 3-403. Judicial branch education
7. CJA 3-501. Insurance benefits upon retirement
8. CJA 6-304. Grand jury panel

2. Juvenile Court Drug Testing Policy (TAB 11)

DRAFT

Tab 2

**JUDICIAL COUNCIL’S
BUDGET & FISCAL MANAGEMENT COMMITTEE (“BFMC”)**

**Minutes
February 12, 2024
Meeting held virtually through WebEx
12:00 p.m. – 1:20 p.m.**

Members Present:

Hon. Elizabeth Lindsley
Hon. Keith Barnes
Hon Brian Brower

Excused:

Justice Paige Petersen
Margaret Plane, Esq.

Guests:

Brett Folkman
Mark Urry, TCE, Fourth District Court
Erin Rhead

AOC Staff Present:

Ron Gordan
Neira Siaperas
Shane Bahr
Sonia Sweeney
James Peters
Tina Sweet
Brody Arishita
Todd Eaton
Nick Stiles
Jordan Murray
Karl Sweeney
Alisha Johnson
Kelly Moreira
Melissa Taitano
Suzette Deans, Recording Secretary

1. WELCOME / APPROVAL OF MINUTES (Judge Elizabeth Lindsley – “Presenter”)

Judge Elizabeth Lindsley welcomed everyone to the meeting and asked for a motion to approve the minutes from the last meeting.

Motion: Judge Keith Barnes moved to approve the January 8, 2024 minutes, as presented. Judge Brian Bower seconded the motion, and it passed unanimously.

2. FY 2024 Financials / Turnover Savings / ARPA Update (Alisha Johnson – “Presenter”)

Ongoing Turnover Savings (“OTS”)/FY 2025 Carryforward and Ongoing Requests – Alisha Johnson reviewed the period 7 financials and gave an update on OTS. OTS for FY24 actual YTD is \$619,168. Forecasted FY24 OTS is \$250,000 (\$50,000 per month x 5 remaining months in FY 2024) and when combined with the negative \$54,821 carried over from FY23, the forecasted YE 2024 OTS is conservatively estimated to be \$814,348.

As of 2/7/2024, 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 is forecasting that we will have \$614,348 in OTS available for discretionary use. The FY 2025 Carryforward and Ongoing Requests show the \$450,000 in approved performance raises as the only deduction leaving \$164,348 of OTS for other uses.



FY 2024 Ongoing Turnover Savings as of 02/07/2024

#	Funding Type	Actual Amount YTD	Forecasted Amount @ YE
	Net Carried over Ongoing Savings (from FY 2023)	Internal Savings (54,821)	(54,821)
	Ongoing Turnover Savings FY 2024 (actual year-to-date)	Internal Savings 619,168	619,168
1	Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 5 months remaining)	Internal Savings -	250,000
	TOTAL SAVINGS	564,348	814,348
2	2024 Hot Spot Raises Authorized - renews annually until revoked	(72,330)	(200,000)
	TOTAL USES	(72,330)	(200,000)
3	Total Actual/Forecasted Turnover Savings for FY 2024	\$ 492,018	\$ 614,348

Prior Report Totals (as of 12/21/2023, with the contingent amount removed) \$ 441,605 \$ 580,107

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- * There are currently 31 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, 32.95 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 The Judicial Council funded one Commissioner position in 3rd Dist. effective 7/1/2023. A Legislative Request for ongoing funding for that position will also be presented during the upcoming Legislative Session. If approved, that will increase our available amount by \$262,550. That amount was shown on previous forecasts but has now been removed as the probability of receiving these funds is slim.



FY 2025 Carryforward and Ongoing Requests - as of FY 2024 Period 7

2/7/2024

Funding Sources

	One Time	Ongoing
OTS carried over from FY 2023		\$ (54,821)
Forecasted YE OTS from FY 2024*		\$ 869,168
Subtotal		\$ 814,348
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	\$ 614,348

Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Performance Raises		\$ 450,000		\$ 450,000
Subtotal	\$ -	\$ 450,000	\$ -	\$ 450,000
Balance Remaining Inclusive of Presented	\$ 2,500,000	\$ 164,348		
Balance Remaining After Judicial Council Approvals			\$ 2,500,000	\$ 164,348
+ Balance Remaining Inclusive of "Presented"	\$ 2,500,000	\$ 164,348		

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.

* - The Judicial Council funded one Commissioner position in 3rd Dist. effective 7/1/2023. A Legislative Request for ongoing funding for that position will also be presented during upcoming Legislative Session. If approved, that will increase our available amount by \$262,550. That amount was shown on previous forecasts but has now been removed as the probability of receiving these funds is slim.

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.

One-Time Turnover Savings/ FY 2024 YE Requests - One-time TOS are generated from position vacancies and reimbursements of payroll expenditures with ARPA funds. Alisha Johnson noted that our forecast of one-time TOS for FY 2024 (before any uses are deducted) is estimated to be \$2.36M. This is a substantially lower forecast when compared to FY 2023 actual of \$4.4M in one-time TOS primarily because there are between 40% and 50% fewer unfilled

positions today than the average for FY 2023. The FY 2024 YE Requests schedule includes forecasted operational savings of \$688,241 which are added to the forecasted one-time TOS. Last year (FY 2023) we generated over \$1M of one-time operational savings.



FY 2024 One Time Turnover Savings

Updated as of Pay Period Ending 01/19/2024 (1,160 out of 2,080 hours)

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 01/19/2024)	Internal Savings	918,066.26
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 01/19/2024)	Reimbursements	528,278.57
3	Est. One Time Savings for 920 remaining pay hours (\$1,000 / pay hour)	Internal Savings (Est.)	920,000.00
Total Potential One Time Savings			2,366,344.83

Prior Report Totals (as of PPE 12/08/2023) \$ 2,631,066.71

- * Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$1,192.69, \$754.87, \$742.21, and \$793.74. The average per hour turnover savings YTD was \$1,246.85. These numbers do include ARPA reimbursements.
- * Forecast was reduced to \$1,000 per pay hour based upon prior periods and average.



FY 2024 Year End Requests and Forecasted Available One-time Funds - Period 7

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Adjusted Requests Amount	Judicial Council Approved Amount
Description	Funding Type	Amount				
Sources of YE 2024 Funds			1	Employee Wellness Resources		107,450
* Turnover Savings as of PPE 01/19/2024 (including anticipated ARPA reimbursement)	Turnover Savings	1,446,345	2	JWI Centralized Scheduler Software		20,000
** Turnover savings Estimate for the rest of the year (\$1,000 x 920 pay hours)	Turnover Savings	920,000	3	JWI Media Outreach Interpreter Recruiting		10,000
Total Potential One Time Turnover Savings		2,366,345	4	JWI Interpreter Trainer	\$ 20,000	65,000
Less: LFA Recommendation to Contribute to Budget Savings		(600,000)	5	OFA Racial and Ethnic Disparity Data Project		30,000
(a) Total Potential One Time Turnover Savings Less LFA Recommendations		1,766,345	6	JWI Increase to 2 Hour Minimum	\$ 110,000	275,000
Operational Savings From TCE / AOC Budgets - Forecasted	Internal Operating Savings	635,244	7	JWI Higher Pay for Rural Assignments	\$ 50,000	146,500
Reserve Balance (balance from FY 2023 Carryforward)	Judicial Council Reserve	52,997	8	Q1/Q2 Performance Bonuses		450,000
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	-	9	Senior Judge and Time Limited JA Funding Jan/Feb 2024	\$ 40,000	160,000
(b) Total Operational Savings and Reserve		688,241				
(c) Total of Turnover Savings & Operational Savings = (a) + (b)		2,454,585				
Contingent Legislative Supplemental Funding:						
American Fork Lease Increases	Legislative Contingent	389,000				
JWI Increase to 2 Hour Minimum	Legislative Contingent	110,000				
JWI Higher Pay for Rural Assignments	Legislative Contingent	50,000				
Reimburse JWI #2, #3 and #4 from 1x funds	Legislative Contingent	50,000				
Senior Judge and Time Limited JA Funding Jan/Feb 2024	Legislative Contingent	160,000				
Uses of YE 2024 Funds						
(e) Carryforward into FY 2025 (Anticipate request to Legislature for \$3,200,000)	Pre-Covid Carryforward	(2,500,000)				
Total Potential One Time Savings = (c) + (d) less Carryforward (e)		713,585				
Less: Judicial Council Requests Previously Approved		(1,263,950)				
Adjust for Changes to Original Requests		426,500				
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests		(123,865)				
Less: Contingent Supplemental Funding						
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests if no Supplemental Funding is Received		(123,865)				

Updated 02/07/2024

- * Actual turnover savings as calculated on a pay period basis through 01/19/2024. Data can be found in the Budget Summary Excel workbook on the Personnel tab.
- ** Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$1,192.69, \$754.87, \$742.21, and \$793.74. The average per hour turnover savings YTD was \$1,246.85. These numbers do include ARPA reimbursements.
- (b) We originally estimated \$750,000 Operational Savings from TCE / AOC Budgets is a conservative estimate. The number will be updated with

ARPA Expenditures – We have expended \$12.4M of ARPA funds as of February 7, 2024. This leaves an available balance of \$2.5 of the \$15 million that was awarded to the courts.



ARPA Expenses as of 2/7/2024 (period 8 not yet closed)

	A Judicial Council Approved	B Actual FY 2022 Expended	C Actual FY 2023 Expended	D Actual FY 2024 Expended	E Total Expended Amount	F Balance Available
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	4,613,254.75	2,291,165.93	9,946,888.35	2,426,511.65
Courts Case Backlog - Part I + II	2,302,100	707,963.11	1,007,135.35	530,965.13	2,246,063.59	56,036.41
Legal Sandbox Response to COVID	324,500	-	171,636.48	45,857.39	217,493.87	107,006.13
TOTAL	15,000,000	3,750,430.78	5,792,026.58	2,867,988.45	12,410,445.81	2,589,554.19

Expenditures added since last report: \$ 551,695.51

ARPA funds expended cut off date is 12/31/2026

BKLG FY 2024 Details

FY 2024 Expenses as of PPE 01/19/2024	
Personnel Expenses: \$	528,278.57
Mileage Expenses: \$	1,759.56
Sr. Judge Travel Expenses: \$	927.00
	\$ 530,965.13
COVID Testing Kit purchase: \$	-
	\$ 530,965.13

BKLG Run Rate Calculation

Usage for Last 3 Pay Periods		
12/22/2023	1/5/2024	1/19/2024
\$25,841.43	\$43,892.79	\$34,016.40
Average last 3 Pay Periods: \$34,583.54		
Balance Available (from table above): \$	56,036.41	
Remaining Pay Periods at Last 3 Average:	2.0	
Anticipated Last Pay Period End Date:	2/16/2024	
Prior report anticipated last pay period:	2/2/2024	
Judicial Council YE Allocation: \$	160,000.00	
Total Remaining w/YE Allocation: \$	216,036.41	
Remaining Pay Periods at Last 3 Average w/YE:	6	
Maximum Pay Period If No Legislature Funds:	4/15/2024	

Historical Trends (period 8 not yet closed)

IT Access to Justice Use - Last 3 Periods		
Period 6	Period 7	Period 8
\$ 380,109.53	\$ 302,977.88	\$ 20,576.03

BKLG - Last 3 Periods		
Period 6	Period 7	Period 8
\$ 75,458.21	\$ 69,660.86	\$ 34,016.40

Legal Sandbox - Last 3 Periods		
Period 6	Period 7	Period 8
\$ 8,523.37	\$ 14,053.01	\$ -

New Expenses for Period 8: \$	54,592.43
True Up for Period 6 and 7: \$	497,103.08
TOTAL INCREASE FROM PRIOR:	\$ 551,695.51

* Last report occurred before period 6 closed so the true-up includes periods 6 and 7. Period 8 only has 7 days of data which includes 1 pay period.

3. Education Budget Shortfall Update (Lauren Andersen – “Presenter”)

Ron Gordon and Karl Sweeney made the BFMC aware of the importance of funding with ongoing funds any budget that has consecutive year budget deficits. Education has had deficits funded from 1x carryforward funds for multiple years. Sound financial and economic principles require that either expenditures be reduced, or the deficit be funded with ongoing funds (the forecast for FY 2025 for Education is a \$241,399 deficit). As education needs and expenses have increased, so has the annual carryforward requests to use 1x funds. Ongoing funding will allow education to continue to support and pay for its training programs for court employees and judicial officers. Judge Lindsley asked Education to look at potential cost reductions for the judicial out-of-state travel budget of \$60,000.

Motion: Information only

4. NCSC Assessment (Ron Gordon – “Presenter”)

Ron Gordon gave an overview of the NCSC Assessment. The NCSC proposes to do an assessment of the court employees and judicial officers. NCSC will develop, administer, and compile the results of a survey of all court employees and all judicial officers, facilitate focus group discussions in response to the survey results with employees and judicial officers throughout the state, submit an interim report to the Steering Committee on the themes of the survey results and focus groups, and submit a final report to the Steering Committee. The cost of the assessment is \$54,991.

Motion: Judge Brian Bower moved to send to Judicial Council for approval. Judge Keith Barnes seconded the motion, and it passed unanimously.

5. Grant Update (Jordan Murray – “Presenter”)

Jordan Murray gave the Grants quarterly report. As of December 31, 2023 the Administrative Office of the Courts holds six active grants comprised of three federally awarded grants and three non-federally awarded grants. No new grants were awarded in the quarter.

One grant application proposal (GAP) for the Utah Board of Juvenile Justice Grant Program for \$8,500 was prepared for the BFMC and Judicial Council in December.

Motion: Information only.

6. New Business/Old Business

Adjourned at 12:40 p.m.

Next meeting March 5, 2024

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

Webex video conferencing
February 2, 2024 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

Judge Samuel Chiara, <i>Chair</i>	•	
Judge Suchada Bazzelle	•	
Judge Jon Carpenter	•	
Judge Michael DiReda	•	
Judge James Gardner	•	

GUESTS:

Senior Judge Appleby
Neira Siaperas
Nathanael Player
Katsi Pena
Jon Puente
Jessica Leavitt
Bart Olsen
Jeremy Marsh
Tucker Samuelson
Todd Eaton
Shane Bahr
Keri Sargent
Bryson King
Stacey Snyder

STAFF:

Keisa Williams
Minhvan Thach

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the January 5, 2024, meeting. With no changes, Judge DiReda moved to approve the minutes as presented. Judge Carpenter seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 3-104. Presiding Judges**

The proposed amendments to CJA 3-104 replace the definition of cases under advisement with a reference to criteria in CJA 3-101. The amendments also require state level administrators to report to the Management Committee if it is determined that a judge has willfully failed to submit a monthly case under advisement report.

Following a 45-day comment period, no comments were received. Additional amendments to CJA 3-104 related to senior judges have been recommended under Tab 3. The committee waited to take action until after considering those amendments.

- (3) CJA 1-305. Board of Senior Judges**
CJA 3-104. Presiding Judges
CJA 3-108. Judicial assistance
CJA 3-111. Performance evaluations
CJA 3-113. Senior judges
CJA 3-403. Judicial branch education
CJA 3-501. Insurance benefits upon retirement

The Code of Judicial Administration directs the work of senior judges, including the required qualifications, authority, terms, performance, compensation, and appointment procedures. The Board of Senior judges and the Administrative Office of the Courts (AOC) have been reviewing the program and court rules relevant to senior judges with the goal of improving the program and support for senior judges, streamlining processes, and clarifying and aligning court rules.

The most substantive proposed changes to court rules and the senior judge program are summarized below. The Management Committee, boards of judges, trial court executives, and senior judges have reviewed the proposed revisions and provided input.

UCJA Rule 1-305 Board of Senior Judges

- Expanded membership of the Board to include senior justice court judges
- Revised the term lengths and the required number of meetings of the Board

UCJA Rule 3-104 Presiding Judges

- Removed the section on executing the notice of senior judge appointment

UCJA Rule 3-108 Judicial Assistance

- Added water law cases to the criteria for transferring or assigning senior judges
- Clarified and simplified considerations for assigning senior judges

UCJA Rule 3-111 Performance Evaluations

- Removed references to senior judges as the processes to evaluate performance of senior judges were incorporated in rule 11-201

UCJA Rule 3-113 Senior Judges

- Added a requirement for the AOC to provide a new senior judge orientation
- Expanded responsibilities of the court executives in providing support for senior judges

UCJA Rule 3-403 Judicial Branch Education

- Clarified that “annually” refers to the fiscal rather than the calendar year
- Revised and simplified education requirements for active and inactive senior judges

UCJA Rule 3-501 Insurance Benefits Upon Retirement

- Revised qualifications for incentive benefits

Revisions to two additional court rules will be presented to the Supreme Court:

UCJA Rule 11-201 Senior Judges (Supreme Court rule)

- Revised qualifications for appointment and reappointment of senior judges
- Established qualifications and process for reappointment of senior judges
- Clarified requirements for an active bar license
- Incorporated and revised standards of performance and evaluation processes from UCJA Rule 3-111, and created performance improvement procedures
- Clarified the role of the Judicial Council in the appointment and reappointment of senior judges
- Revised the terms of office for senior judges and the authority of inactive senior judges

UCJA Rule 11-203 Senior Justice Court Judges (Supreme Court rule)

- Aligned the changes with Rule 11-201

Senior Judge Program

The most significant changes to the senior judge program involve increasing the support for senior judges by implementing a new senior judge orientation and expanding local training and support in districts. The new senior judge orientation will include information on judicial assignments, forms, compensation, training, and incentive benefits for senior judges. Local training in districts will include information on district practices, case management systems, and local expectations.

Additional changes to the program include:

- Revised performance evaluation and surveys of attorneys, presiding judges, and court staff
- New application for reappointment that will align with the revised rules and require active senior judges to declare whether they volunteered for a minimum of two cases per year
- New compensation structure for senior judges who participate on court committees and projects
- Implementation of electronic payment and reimbursement forms

Following a discussion, the committee did not make substantive changes to the proposed rule drafts. The committee noted that the term “Senior Judge” is a defined term and recommended that the term be consistent throughout each of the proposed rule drafts. All proposed amendments to rule 3-104 should be considered for final approval at the same time.

Following further discussion, Judge Gardner moved to recommend to the Judicial Council that the proposed amendments to CJA rules 1-305, 3-104 (including the amendments recently back from public comment), 3-108, 3-111, 3-113, 3-403, and 3-501 be approved for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(4) CJA 1-205. Standing and ad hoc committees

The proposed amendments to CJA 1-205 add community representatives to the following standing committees of the Judicial Council:

- Judicial Branch Education Committee
- Court Facility Planning Committee
- Committee on Children and Family Law
- Committee on Judicial Outreach
- Committee on Resources for Self-represented Parties
- Language Access Committee
- Guardian ad Litem Oversight Committee

- Committee on Pretrial Release and Supervision
- Committee on Court Forms
- Committee on Fairness and Accountability

Community representatives will provide an outside perspective on the processes and procedures of the court. Representatives would be added to the standing committees in quarterly phases and representatives may or may not have a voting seat on the committees. Though staff have received positive feedback and support to include community representatives on standing committees, the proposed amendments have not been approved by each of the impacted committees.

The GAL Oversight Committee expressed appreciation for the idea of having community representatives on standing committees, however, due to the sensitive nature of the items often discussed by the GAL Oversight Committee, the committee does not feel a community representative would be an appropriate fit. The GAL Oversight Committee requested that the decision to add a community representative to its committee be placed on hold until the committee has had more time to consider the issue.

The PP&T committee noted that certain standing committees, such as the Judicial Branch Education Committee, would not benefit from a community representative member, as discussion topics regarding judicial education would not require input from an outside source. The committee supports the idea of adding community representatives to standing committees where it makes sense. The committee would appreciate input from each of the standing committees before considering a rule amendment and asked that the issue be placed on a future agenda with each committees' recommendation.

The committee recommended that the term "two community representatives" be used consistently throughout the rule.

Following discussion, Judge Bazzelle moved to recommend that the proposed amendments to CJA 1-205 be discussed with each of the impacted standing committees for further feedback and recommendations. Judge Direda seconded the motion. The motion passed unanimously. The proposed amendments will be returned for further consideration at another meeting.

(5) CJA 306.04. Interpreter appointment, payment, and fees

The Language Access Program would like to hire court staff interpreters to serve the 5th, 7th, and 8th districts. Currently, rule 3-306.04(2)(A) appears to prohibit the AOC's ability to hire staff interpreters, stating "A court may hire an employee interpreter..." When reviewing the language access rules, Ms. Williams identified several concerns and recommended the following additional amendments:

Rule 3-306.05:

Rule 3-306.05 should be repealed in its entirety. Interpreters on the statewide court roster are independent contractors and the procedures outlined in rule 3-306.05 conflict with contract provisions. The contract states that interpreters serve at the will and pleasure of the AOC and the contract may be terminated at any time, with or without cause. Court employees, including career service employees, do not have the rights contemplated in rule 3-306.05.

Rule 3-306.02:

Removes the reference to rule 3-306.05.

Rule 3-306.03:

The proposed amendments clarify that the rule does not apply to staff interpreters employed by the court, adds clarifying language consistent with standard contract provisions, and gives the Language Access Program Manager the authority to grant a rare language exemption without having to get approval from the Language Access Committee.

Rule 3-306.04:

The proposed amendments would remove all language in (2)(A) and (2)(B) related to employment and employee benefits. The AOC's authority to manage personnel is statutory (78A-2-107(1)) and employee benefits are outlined in HR policy. Those issues do not belong in rule. In paragraph (1), judicial officers would have the authority to appoint "approved" interpreters without having to first exhaust the list of certified interpreters, which would deepen the pool of available interpreters. Additional proposed amendments include removing the requirement to conduct a market survey and prohibiting court employees not hired as staff interpreters from interpreting in court proceedings.

Following a discussion, the committee made minor language amendments to the rules. "Administrative Office" is a defined term and should be consistent throughout each rule.

Mr. Puente requested approval of the proposed amendments to rule 3-306.04 on an expedited basis, and Ms. Williams recommended amending the entire packet of rules at the same time. Ms. Williams proposed a February 27, 2024 effective date.

Following further discussion, Judge Carpenter moved to recommend to the Judicial Council that the proposed amendments to CJA rules 3-306.02, 3-306.03, 3-306.04, and 3-306.05 be approved as final with an expedited effective date of February 27, 2024. Judge DiReda seconded the motion. The motion passed unanimously.

(6) CJA 6-304. Grand jury panel

The proposed amendments change all member terms to 5 years, with no member serving more than 2 consecutive terms, and eliminate the requirement to publish procedures under paragraph (8). Retiring members would be allowed to finish out a term as an active senior judge.

The committee did not recommend additional amendments.

Following a discussion, Judge Carpenter moved to recommend to the Judicial Council that CJA rule 6-304 be approved for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

(7) HR Policies:

- HR07-03. Hour annual leave accrual
- HR07-20(3)(a). Leave bank definition
- HR Definitions (45), HR13-1. Volunteering
- HR08-2. Teleworking
- HR03-4, 06-9, 17-5, 17-6, 17-7. Grievance period update
- HR08-7. FLSA exempt time reporting

The Human Resources Policy Review Committee approved the proposed amendments to HR policies. The amendments:

- extend the 7-hour leave accrual benefit to new hires in the Judicial Research and Data Department, consistent with similar IT positions;
- amend the definition of “leave bank” to loosen eligibility requirements for the Leave Bank, allowing greater utilization;
- bring transparency to the compensation structure for ERG involvement while complying with the FLSA;
- delete a reference to the Division of Human Resources Utah Performance Management System, which the judicial branch does not use;
- reduce the grievance period from 60 days to 10 days; and
- clarify the reporting of absences for FLSA employees.

The committee did not recommend additional amendments. As the HR policies are internal policies, they do not go out for public comment.

With no further discussion, Judge Gardner moved to recommend to the Judicial Council that HR policies 07-03, 07-20, Definition (45), 13-1, 13-2, 13-3, 13-4, 08-02, 03-4, 06-9, 17-5, 17-6, 17-7, and 08-7 be approved as proposed. Judge Carpenter seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Technology Advisory Committee will be meeting in March to discuss the courts’ emergency response plan, specifically addressing steps that will be taken if a cyber security event takes out Information Technology infrastructure. The committee will be reviewing the current procedural plan and updating it to include a list of key internal contacts, vendors, and local law enforcement support.

The committee will also be conducting a final review of the device standard for court-owned laptops and meeting with the Education Department to develop an internal cyber security awareness training for all judicial branch employees. The current cyber security awareness training is created by the Department of Technology Services, much of which does not apply to the judiciary. The internal training will be made available to judicial branch employees through the Learning Management System.

Old Business/New Business:

Judge Gardner noted that, at its last meeting, the Judicial Council discussed creating a Code of Judicial Administration rule for holding virtual and in-person hearings. The rule would address when it is appropriate to hold virtual, hybrid, or in-person hearings, factoring in the parties’ unique situation. A draft rule may be coming to PP&T for review at a future meeting.

Adjourn: With no further items for discussion, the meeting adjourned at 1:50 p.m. The next meeting will be held on March 1, 2024, at noon via Webex video conferencing.

Tab 3

**Budget and Grants Agenda
for the March 14, 2024
Judicial Council Meeting**

1. Monthly Financials Alisha Johnson
(Tab 1 - Discussion)
 - Ongoing Turnover Savings
 - FY2025 Carryforward and Ongoing Requests
 - One Time Turnover Savings
 - FY 2024 Year End Requests and Forecasted Available One-time Funds
 - ARPA Update
2. Requests for Ongoing Funds
 - 1. Request for Performance Raises \$450K – WITHDRAWAL Alisha Johnson
 - 2. Request for Recalculation for New Judges Alisha Johnson(Tab 2 – Action)
3. NCSC Assessment Ron Gordon
(Tab 3 – Action)
4. Draft Memo Re: Court Policy on Court Charge Card Fund Alisha Johnson
(Tab 4 – Discussion)
5. Eviction Diversion Revised GAP Jordan Murray
(Tab 5 – Action)

Sub-tab 1



FY 2024 Ongoing Turnover Savings as of 02/29/2024

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
	Net Carried over Ongoing Savings (from FY 2023)	Internal Savings	(54,820.52)	(54,820.52)
	Ongoing Turnover Savings FY 2024 (actual year-to-date)	Internal Savings	635,504.16	635,504.16
1	Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 4 months remaining)	Internal Savings	-	200,000.00
	TOTAL SAVINGS		580,683.64	780,683.64
2	2024 Hot Spot Raises Authorized - renews annually until revoked		(88,635.29)	(200,000.00)
	TOTAL USES		(88,635.29)	(200,000.00)
3	Total Actual/Forecasted Turnover Savings for FY 2024		492,048.35	580,683.64

Prior Report Totals (as of 02/07/2024, with the contingent amount removed)

492,017.51

614,347.68

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
 - * There are currently 28 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, 38.95 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.



FY 2025 Carryforward and Ongoing Requests - as of FY 2024 Period 8

3/4/2024

Funding Sources

	One Time	Ongoing
OTS carried over from FY 2023		\$ (54,820.52)
Forecasted YE OTS from FY 2024*		\$ 835,504.16
Subtotal		\$ 780,683.64
New Salary Funding		\$ 8,044,000.00
Set Aside for 3% COLA - Non Judicial and all Medical and Payroll related benefits for the COLA)		\$ (4,386,300.00)
Set Aside for 2% Performance Raises - Non Judicial and Payroll related benefits for the 2% PFP		\$ (1,646,200.00)
Set Aside for 5% Judicial Officer Increase		\$ (2,011,500.00)
Unobligated Fiscal Note Funds - District Court (net)	\$ (8,600)	\$ 508,100.00
Unobligated Fiscal Note Funds - Juvenile Court		\$ 2,700.00
Unobligated Fiscal Note Funds - Admin		\$ (2,200.00)
Expected Carryforward Amount from Fiscal Year 2024	\$ 2,500,000	\$ -
Total Available Funding	\$ 2,491,400	\$ 1,289,283.64
Less: Judicial Council Delegated to State Court Administrator for Discretionary User		\$ (200,000.00)
Net Ongoing TOS Available for Use		\$ 1,089,283.64

Ongoing Requests - Directly from Unobligated Fiscal Note Funds

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
Subtotal	\$ -	\$ -	\$ -	\$ -

Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Performance Raises		\$ 450,000		\$ 450,000
Withdraw Request #1		\$ (450,000)		
2 Judiciary Amendments (SB 70) - Shortfall Funding		\$ 366,900		
Subtotal	\$ -	\$ 366,900	\$ -	\$ 450,000
Balance Remaining Inclusive of Presented	\$ 2,491,400	\$ 722,384		

One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
Subtotal	\$ -	\$ -	\$ -	\$ -
Balance Remaining After Judicial Council Approvals			\$ 2,491,400	\$ 839,284
+ Balance Remaining Inclusive of "Presented"	\$ 2,491,400	\$ 722,384		

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.



FY 2024 One Time Turnover Savings

Updated as of Pay Period Ending 02/16/2024 (1,320 out of 2,080 hours)

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 02/16/2024)	Internal Savings	928,549.76
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 02/16/2024)	Reimbursements	583,335.99
3	Est. One Time Savings for 760 remaining pay hours (\$1,000 / pay hour)	Internal Savings (Est.)	760,000.00
Total Potential One Time Savings			2,271,885.75

Prior Report Totals (as of PPE 1/19/2024) \$ 2,366,344.83

- * Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$727.00, \$772.30, \$437.98, and \$423.72. The average per hour turnover savings YTD was \$1,145.37. These numbers do include ARPA reimbursements.
- * Forecast was reduced to \$1,000 per pay hour based upon prior periods and average.

[illegible]

* Actual turnover savings as calculated on a pay period basis through 02/16/2024. Data can be found in the Budget Summary Excel workbook on the Personnel tab.

** Actual per hour turnover savings for the last 4 2024 pay periods (oldest to newest) are \$727.00, \$772.30, \$437.98, and \$423.72. The average per hour turnover savings YTD was \$1,145.37. These numbers do include ARPA reimbursements.

(b) We originally estimated \$750,000 Operational Savings from TCE / AOC Budgets is a conservative estimate. The number has been updated for actual savings YTD but we expect to further update the savings in periods 11/12.



ARPA Expenses as of 3/4/2024 (period 8 and 9 not yet closed)

	A Judicial Council Approved	B Actual FY 2022 Expended	C Actual FY 2023 Expended	D Actual FY 2024 Expended	E Total Expended Amount	F Balance Available
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	4,613,254.75	2,199,762.89	9,855,485.31	2,517,914.69
Courts Case Backlog - Part I + II	2,302,100	707,963.11	1,007,135.35	587,001.54	2,302,100.00	-
Legal Sandbox Response to COVID	324,500	-	171,636.48	83,300.88	254,937.36	69,562.64
TOTAL	15,000,000	3,750,430.78	5,792,026.58	2,870,065.31	12,412,522.67	2,587,477.33

Expenditures added since last report: \$ 2,076.86

ARPA funds expended cut off date is 12/31/2026

BKLG FY 2024 Details

FY 2024 Expenses as of PPE 02/16/2024

Personnel Expenses:	\$ 583,335.98
Mileage Expenses:	\$ 2,317.56
Sr. Judge Travel Expenses:	\$ 1,348.00
	\$ 587,001.54
COVID Testing Kit purchase:	\$ -
	\$ 587,001.54

BKLG Run Rate Calculation

Usage for Last 3 Pay Periods

1/19/2024	2/2/2024	2/16/2024
\$34,016.40	\$44,517.13	\$11,098.29

PPE 2/16 was the last pay period where ARPA was available.

Historical Trends (period 8 and 9 not yet closed)

IT Access to Justice Use - Last 3 Periods

Period 7	Period 8	Period 9
\$ 302,977.88	\$ (85,681.71)	\$ 13,979.70

BKLG - Last 3 Periods

Period 7	Period 8	Period 9
\$ 70,155.22	\$ 78,533.53	\$ 11,098.29

Legal Sandbox - Last 3 Periods

Period 7	Period 8	Period 9
\$ 14,053.01	\$ 14,867.11	\$ -

New Expenses for Period 9: \$ 25,077.99

True Up for Period 8: \$ (23,001.13)

TOTAL INCREASE FROM PRIOR: \$ 2,076.86

* Period 8 included corrections for charges that were not ARPA eligible in ITCV.
Period 9 only has 4 days of data including 1 payroll for BKLG.

Sub-tab 2

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.

Date: ~~10 October 2023~~ 4 March 2024 **Department or District:** AOC Administrators
Requested by: Karl Sweeney and Ron Gordon

Request title: Funding For Performance Raises (Ongoing)

Amount requested: One-time \$ N/A

Ongoing \$ 450,000

Legislature-Funded 2% \$ 1,646,200 (approx.)

Purpose of funding request:

Due to the Judicial Branch's inclusion in the budget legislation passed for FY 2025 to receive pay for performance ("PFP") funds pari passu with the executive branch agencies in the amount of 2% of gross pay (which includes payroll related benefits) to fund PFP, we withdraw our request for \$450,000 of ongoing turnover savings.

The legislature funded amounts are vastly more significant and will supplement the 3% COLA (Note: the COLA is given to all court employees). PFP will be distributed to the various budget owners based on the number of headcounts in their budget and paid out based on the performance pay criteria in HR policy. The State Court Administrator reviews and approves all PFP distributions.

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

N/A

Alternative funding sources, if any:

N/A

2. FY 2024 OTS Spending Request – Fund Personnel Short-funded by Legislature

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.

Date: 4 March 2024

Department or District: AOC Finance

Requested by: Ron Gordon and Karl Sweeney

Request title:

Amount requested: One-time \$ N/A
 Ongoing \$ 366,950

Purpose of funding request:

As shown in Exhibit A, the Courts request to the Legislature for Request #2 - District and Juvenile Judicial Officer Request, went through several phases. When the EOCJ chairs came forward in early February with a recommendation to EAC to spend \$1,050,000 instead of the combined Court's request for District and Juvenile judges and commissioners of \$7,304,100, we asked the Legislative Fiscal Analyst how they arrived at \$1,050,000 and were told this was a rough estimate of "3 judges at \$350,000 per judge."

Since no judge can work effectively without JAs, law clerks and operating expenses (which were not in the recommended \$ amount from EOCJ), we conferred with the Chief and aligned the amount requested to correspond with the top 2 priorities from the Judicial Council list which broke down our judicial officer request by position. The top 2 requests were a 4th Juvenile Judge and a 4th / 6th District Court shared Commissioner – which used up \$977,650 of our \$1,050,000 as shown in the first column in Exhibit A.

Based on an understanding of the \$977,650 as "meeting all our needs" the EAC drafted legislation that added 2 full time judges to our budget, not realizing the amount requested funded a judge and a commissioner and not 2 judges. This ongoing TOS request will fund the \$195,950 difference needed to add 2 judges.

In addition, in FY 2024's legislative request for a new Juvenile judge a new GAL attorney was not requested, In FY 2025's legislative request adding yet another juvenile judge, it is now critical to fund a new GAL attorney to assist these new judges. We are seeking \$171,000 to fund this position – which has been drafted into legislation as coming from the Courts to GAL. GAL's legislative priorities were all focused on closing the pay gap between the AGs office and GAL. The Court's have the capacity to fulfill this need.

As outlined in the withdrawal of Ongoing Request #1. The Courts have sufficient ongoing TOS to fund this \$366,950 request and leave sufficient ongoing TOS to fund other needs.

2. FY 2024 OTS Spending Request – Fund Personnel Short-funded by Legislature

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

N/A

Alternative funding sources, if any:

None.

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

We would not be in compliance with the legislation just passed.

Exhibit A				
	Requested \$ for Modified Request*	Funding Spread As Drafted in Final Bill (b)	Required Funding As Drafted in Final Bill ** (a)	Request to Use Ongoing TOS (a) - (b)
Juvenile Judge	\$337,500	\$337,500	\$353,700	\$16,200
JA	\$81,550	\$81,550	\$83,550	\$2,000
Case Manager	\$95,450	\$95,450	\$97,900	\$2,450
Operational	\$17,500	\$17,500	\$17,500	\$0
Commissioner	\$262,550	N/A	N/A	
2 JAs	\$163,100	N/A	N/A	
Operating Costs	\$20,000	N/A	N/A	
District Court Judge		\$262,550	\$353,700	\$91,150
2 JAs		\$163,100	\$167,100	\$4,000
.5 Law Clerk			\$80,150	\$80,150
Operating Costs		\$20,000	\$20,000	\$0
				\$195,950
GAL Attorney***			\$171,000	\$171,000
Total	\$977,650	\$977,650	\$1,344,600	\$366,950

* As drafted in bill cost was based on EOCJ recommendation of \$1,050,000 which was adjusted down to \$977,650 to fully fund the prioritized new Judicial Officers as (1) 4th Juvenile Court Judge and (2) 4th / 6th District Commissioner.

** Legislature revised draft bill to show 2 judges without adjusting cost. Revision assumes 2 Judges, includes a .5 Law Clerk and incorporates 5% increases for Judicial Officers and 3% increases for other employees

***The GAL Attorney calculation assumes a \$54 rate + payroll benefits and medical + 3% COLA.

Sub-tab 3



Proposal

State of Utah Judicial Council

Phase 2 Assessment of the Utah Judiciary

DATE

January 25, 2024

PREPARED FOR

Utah State Court
Administrator's Office

PREPARED BY

National Center for
State Courts

Court Consulting
Services

National Center for State Courts

Court Consulting Services

Laurie Givens, Vice President

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ncsc.org





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INTRODUCTION

The National Center for State Courts (NCSC) proposes to work with the Utah Judicial Council, (Council) to conduct an assessment of the Utah Judiciary.

On March 6, 2019, the NCSC submitted an Interim Report to the Utah Judicial Council in response to a request to provide advice and assistance to a special Steering Committee of the Utah Judicial Council in a project to assess the perceptions and needs of the judges and employees of the Utah State Courts. The Interim Report listed the views and perceptions of almost 50 participants selected by the Steering Committee, representing a broad spectrum of the branch. There was interest by the Council in engaging NCSC to conduct a Phase 2 assessment to get additional feedback from court employees and judicial officers regarding the issues that were raised during the initial assessment and an agreement was signed. However, due to the pandemic, the work under the agreement was never started. The Council has expressed interest in proceeding with the Phase 2 assessment of the Judiciary. NCSC submits this proposal to conduct Phase 2 of the Council's assessment and to assist the Council to plan and implement solutions to the identified perceptions.

PROJECT DESCRIPTION

The NCSC proposes to do an assessment of the court employees and judicial officers. NCSC will develop, administer, and compile the results of a survey of all court employees and all judicial officers, facilitate focus group discussions in response to the survey results with employees and judicial officers throughout the state, submit an interim report to the Steering Committee on the themes of the survey results and focus groups, and submit a final report to the Steering Committee with an in-depth analysis and potential solutions and strategies to move forward.

NCSC proposes the review include:

- What are the opinions of court staff and judicial officers with regards to the state of the Utah judiciary?
- Have those opinions changed from the 2019 assessment?

Scope:

- Review Phase 1 interim report and other background materials.
- Conduct a survey of all court employees and judicial officers.
- Conduct in-person focus groups with a virtual option if stakeholders are not available during the site visit.
- Draft interim report.
- Draft final report.

Project Plan

Task 1. Virtual Kick-off Meeting

Upon execution of the contract, the NCSC project team will set up a video conference with State Court Administrator Ron Gordon and Deputy State Court Administrator Neira Siaperas (project liaisons) and other designees to develop a final schedule of tasks that align with this proposal. At that time, the parties will discuss and clarify specific goals and objectives for the Phase 2 Assessment.

- Review, clarify and confirm the scope of work and the objectives and timelines for the surveys and structured discussions and consider any needed revisions to the work plan.
- Review and confirm the nature, form and scope of the products that the NCSC will deliver, as well as the intended recipients of those products.
- Identify communication channels, reporting relationships, and confirm the identity of a person who will be responsible for scheduling, obtaining required information, and performing other administrative tasks necessary to facilitate the project.
- Discuss the creation of a Steering Committee and its composition to help with this work effort.
- Identify data and background material that the project liaisons or Steering Committee members can provide to the NCSC project team.
- Establish the process for identifying individuals who will participate in the focus group discussions with the NCSC project team.
- Identify the role and responsibilities of the State Court Administrator for scheduling focus groups.

Task 2. Steering Committee Kick-off Meeting

Upon the appointment of the Steering Committee, the NCSC project team will set up a video conference with the Steering Committee and the project liaisons. The primary

purpose of the kickoff meeting will be to further define the goals and focus of the survey and the focus groups and to discuss the frequency of project updates to the Steering Committee.

Task 3. Survey

After reviewing the provided background material, the NCSC project team will work with the Steering Committee to develop a survey for all court employees and all judicial officers.

The survey will focus on the following broad areas:

- Governance
- Communication
- Culture
- Onboarding and Training
- Experiences with the AOC, such as Court Finance, Court Facilities, Court Security, Court Human Resources, Court Education, and Court IT
- Harassment Policies and Procedures
- Other areas as determined by the Steering Committee

Survey development will include video conferences or e-mail communications between the NCSC project team and persons designated by the Steering Committee, as needed, to clarify the survey objectives, identify the demographics requested, getting input from, and approve the survey questions and format of the survey responses.

Task 4. Focus Group Discussions

The NCSC project team will travel to Utah to facilitate four days of on-site focus group discussions in response to the survey results and schedule virtual focus group discussions for those not available during the site visit. These focus groups will include employees and judges from all court levels and districts as well as employees of the AOC.

The project team will use these discussions to:

- Gain a more in-depth analysis of the broad themes to be addressed by the Steering Committee, such as challenges or opportunities for improvement that the Utah judiciary is facing.
- Prompt any further suggestions.
- Encourage the group to prioritize the broad themes.

- Facilitate problem solving to identify solutions and strategies to address identified concerns.

Task 5. Data Analysis

The NCSC project team will analyze data received from the survey and focus groups to inform the preparation of a draft report. This analysis will enable the NSCS to provide a draft report of the findings.

Task 6. Debrief

Once the NCSC project team completes the data analysis from the survey results and the focus groups, the project team will conduct a virtual debrief meeting to discuss emerging themes and areas of opportunities with the project liaisons.

Task 7. Draft Report/Revisions

The NCSC project team will prepare a draft report based on its observations and comments received during the focus groups and its analysis of the survey results. The preliminary report will be prepared in draft form and delivered to the project liaison for distribution to stakeholders as deemed appropriate by the State Court Administrator's Office. Once comments/feedback is received, the NCSC team will incorporate the feedback and prepare a final version of the report.

Task 8. Final Report

The NCSC will submit a final report to the project liaison that:

- Includes an in-depth analysis of the broad themes that should be addressed by the Utah judiciary.
- Recommends potential solutions and strategies to move forward.

Task 9. Presentation of Final Report

The NCSC project team will schedule a video conference with the project liaisons and the Steering Committee to present the final report and to discuss strategies to implement recommended solutions and strategies to move forward.

NCSC QUALIFICATIONS

The NCSC is an independent non-profit corporation with the mission to improve the administration of justice through leadership and service to state courts and to justice systems around the world. Founded by the Conference of Chief Justices in 1971, the NCSC is the pre-eminent judicial reform organization in the United States and a national and global leader in helping courts improve the administration of justice and delivery of services. The NCSC is governed by a diverse Board of Directors of 26 members elected by the state chief justices and state court administrators. Its professional and administrative staff of about 300 employees is located at the organization's headquarters in Williamsburg, Virginia. The NCSC's annual operating budget is approximately \$90 million, including revenues from assessments paid by the state court systems, government and private grants and contracts, tuition and user fees for education programs, conferences, and other services, sales of publications, and private contributions.

The NCSC has been providing research, education, information, technology, and direct consulting services to state and local court systems for 50 years. The NCSC brings a broad range of resources to justice system studies, including an expert staff, a history of work with diverse jurisdictions nationally and internationally, and institutional links to other national court-related organizations. The NCSC's familiarity with the unique nature of courts and justice systems enhances its ability to work effectively and efficiently with judicial officers, administrators, court personnel, and representatives of court-related agencies.

CONSULTANT QUALIFICATIONS

Catherine Nelson Zacharias is a Principal Court Management Consultant and joined the National Center for State Courts in 2023. She works in the Court Consulting Services group and her work is primarily focused on organizational assessments, strategic planning, and compensation and classification reviews.

Before coming to the NCSC, Catherine was legal counsel with the Missouri Office of State Courts Administrator (OSCA) from 1998 - 2023. Her duties as legal counsel included reviewing contracts, advising on employment issues, reviewing, tracking legislation, legal research, and reviewing and developing court procedures as well as working on court automation projects and rules, electronic filing design and rules. She was also provided guidance for various Supreme Court committees such as the Missouri State Judicial Records Committee, the Missouri Court Automation Committee and its subcommittees, the Family Court Committee, and other Supreme Court committees as needed. Prior to working at to OSCA, Catherine was an administrative hearing officer at the Missouri Department of Revenue where she conducted DWI administrative hearings and appeared in court on trial de novos on license suspensions. Before that she was a litigation attorney for the Missouri Department. of Social Services handling trial de novos on child support and income maintenance cases and Medicaid claims in probate matters. She worked for Legal Services of Eastern Missouri during and after law school in the elder law and consumer unit.

Catherine received her Bachelor of Art degree in Economics from the University of Missouri, Columbia in 1989 and her J.D. from St. Louis University School of Law in 1993. She is a fellow of the Institute of Court Management.

Mandy S. Allen is a Senior Court Management Consultant with the National Center for State Courts. Ms. Allen works on the Leadership and Governance Team for the National Center for State Courts, focusing on caseflow management, workload, and governance. Prior to working with NCSC, Mandy worked for the Colorado Judicial Branch for 23 years; first as Jury Commissioner for a six-county judicial district, and then as Clerk of Court for 19 years. While working for the courts, she served on committees including the Colorado Supreme Court Civil Rules Committee, ITS Standing Committee, Clerks' Legislative Committee and the Clerks' Advisory Committee. Ms. Allen also served as mentor clerk to several Clerks of Court in Colorado. Before working with the Colorado Judicial Branch, Ms. Allen served as IV-D

Administrator for Montrose County, Colorado and as Court Clerk/Probation Officer for the Montrose Municipal Court. Mandy has a Bachelor of Arts degree in Criminal Justice.

Nathaniel Newman is a project associate for the Court Consulting Services Division of the National Center for State Courts. He works mainly with the leadership and governance and caseload management teams, providing administrative support and other services as necessary.

Mr. Newman previously worked as a digital literacy teacher at The Victor School, a therapeutic high school and middle school located in Acton, Massachusetts and run by the Justice Resource Institute. Before that, he worked on political campaigns, serving as both a field organizer and a call time manager.

Nathaniel received a Bachelor of Arts in Politics from Bates College.

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PROJECT TIMELINE

Task	Months for Project Start								
	1	2	3	4	5	6	7	8	9
Task 1 Virtual Kick-off Meeting									
Task 2 Steering Committee Kickoff									
Task 3 Surveys									
Task 4 Focus Group Discussions									
Task 5 Data Analysis									
Task 6 Debrief									
Task 7 Draft Report/Revisions									
Task 8 Final Report									
Task 9 Presentation of Final Report									

BUDGET

The total cost of the project will be a firm fixed price of \$54,991. A line-item budget is provided below. The NCSC uses labor categories and labor rates, and this cost includes professional and administrative time and indirect costs. An example of some of the costs included in the NCSC's indirect cost rates is equipment, supplies, telephone, printing/photocopying, postage, audits, and other items. The indirect costs are based on the approved labor category rate chart used for all contracts.

Tasks	Cost
Task 1 Virtual Kick-off Meeting	\$1,464
Task 2 Steering Committee Kickoff	\$1,464
Task 3 Surveys	\$4,765
Task 4 Focus Group Discussions	\$26,694
Task 5 Data Analysis	\$5,619
Task 6 Debrief	\$1,464
Task 7 Draft Report/Revisions	\$5,619
Task 8 Final Report	\$1,319
Task 9 Presentation of Final Report	\$1,464
Project Management	\$5,119
Total	\$54,991

Sub-tab 4



Administrative Office of the Courts

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

February 28, 2024

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

MEMORANDUM

TO: Budget and Fiscal Management Committee

FROM: Karl Sweeney and Suzette Deans

CC: Alisha Johnson, Ron Gordon, Neira Siaperas

RE: Proposed Accounting Manual Policy for General Fund Payments into Court's Credit Card Charge Fund

This memo will form the basis for an accounting manual policy on the Court's credit card charge fund ("CCCF").

Background

For many years, the Utah Courts have accepted credit cards for various types of payments (e.g., Xchange, fines and fees). The credit card fees associated with these payments have been paid with (1) interest generated by trust account funds¹ invested on behalf of the Judiciary by a fiduciary (presently Zions Bank) and (2) funds deposited into the trust account by the Judiciary in years where there was a surplus of general funds ("CCCF Advances" or "advances to the CCCF"). See Exhibit A for the dates and amounts of advances to the CCCF. There have been no repayments from the CCCF back to the Judiciary. See Exhibit B for the Cash Available from the surplus Trust revenues to repay CCCF Advances.

Note: Trust "interest bearing accounts" (accounting manual 06-10.00) which are invested at the specific request of a depositor are not part of the interest earnings balance as they are paid out to the depositor.

¹ Examples of trust funds are posted bail, restitution payments, garnishments, attorney fees, "FINDERS/Tax Intercept" checks, child support payments, and payments on civil judgments. A restricted account has been established with the State Treasurer and State Finance in accordance with statute. The 1990 Legislature passed legislation which provides that trust funds deposited with the Judicial Branch are to be invested in accordance with the Money Management Act. The amount of funds in the trust account is approximately \$100M currently composed primarily of Other Trust (\$59.7M), Cash Bonds (\$10.3M), and Cash Bail (\$7.8M). "Other Trust" includes civil items such as trustee sale proceeds, divorce/annulment, condemnation cases, contracts and garnishments.

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

Deposits

As shown in Exhibits A and B, the CCCF Advance balance has fluctuated over time. Given that advances to the CCCF fund were specifically designed to provide reserves that could be drawn upon in periods where credit card fees exceed the interest earned on the CCCF balance, the Courts did not consider the CCCF balance to be an amount that would be repaid with any degree of certainty. Therefore, an Account Receivable has not been recorded when the funds were advanced. We propose to continue this policy with deposits to the CCCF fund and repayment from the CCCF fund being recorded as an entry to BAH 2410 6137.

Repayments

AOC Finance proposes following the procedures below for any repayments to the Judiciary of CCCF advances:

1. Only CCCF advances (principal) can be repaid to the Court's operating account (see #2 in Background). Interest earned on funds advanced to the CCCF fund (see #1 in Background) will not be repaid to the Court's operating account, however, interest earned in the overall trust account invested balances will be used to repay CCCF advances (principal).
2. Repayment of CCCF advances to the Court's operating account will be made only on funds that can be withdrawn without incurring a loss of interest due to early termination of a CCCF investment. After discussion with the State Court Administrator, the Director of Finance recommends any repayment amounts to the BFMC and Judicial Council based on forecasts of 1x funding needs by the Courts versus 1x funding availability from other sources to the Courts.
3. Sufficient CCCF advances will be left in the account to provide funds to cover a 24 month downturn in interest rates such that \$60,000 per month could be used to fund the gap between interest receipts and credit card fees (24 months @ \$60,000 per month means the minimum CCCF balance should be no less than \$1,440,000). This allows the Judiciary sufficient time to seek alternative sources of funding including the passage of legislation.

Exhibit A²
Advances/(Repayments) to/from the CCCF

FY	Advance/ (Repayment) \$	Balance	GAX Reference	Trust Cash Available to Repay Advances See Exhibit B
2017	\$250,000	\$250,000	17*2410	
2017	\$468,650	\$718,650	17*2703	
2017	\$250,000	\$968,650	17*2707	
2017	\$624,650.75	\$1,593,300.75	17*2708	FYE 2017 \$1,841,180
2018	\$250,000	\$1,843,300.75	18*45	
2018	\$422,000	\$2,265,300.75	18*2068	
2018	\$567,918.25	\$2,833,219	18*2450	FYE 2018 \$2,836,354
2019	\$150,000	\$2,983,219	19*1672	
2019	\$300,000	\$3,283,219	19*2396	
2019	\$567,213	\$3,850,432	19*2561	FYE 2019 \$3,663,332
				FYE 2020 \$3,529,522
				FYE 2021 \$3,110,560
2022	\$300,000	\$4,150,432	22*1680	FYE 2022 \$2,772,048
2023	\$32,867.81	\$4,183,299.81	23*2070	FYE 2023 \$3,559,636

Green = surplus in Trust Account to repay CCCF Advances

Red = deficit in Trust Account to repay CCCF Advances

² Advances have been determined by reviewing data warehouse activity since 2007 which had supporting documentation indicating clearly that these were deposits/repayments related to CCCF activity. There was no activity between 2007 and 2016.

FY2017

	Carry Forward	July	August	September	October	November	December	January	February	March	April	May	June	Grand Total
Analysis Fees FY17 (Banking/Credit Card Fees)		(86,957.58)	(67,525.47)	(65,804.28)	(65,297.48)	(64,507.98)	(65,697.52)	(59,774.65)	(52,802.54)	(66,319.88)	(75,006.29)	(66,399.87)	(63,297.14)	(799,390.68)
Interest Earned on LT Investments (Acct 893600)		24,796.28	24,491.89	25,165.98	26,691.55	23,385.37	37,144.30	31,387.53	36,156.78	33,915.64	29,859.22	29,428.97	29,746.02	352,169.53
Interest Earned on Cash Sweep Funds (Acct 006)		994.88	735.16	472.49	742.55	760.79	499.59	415.79	539.22	543.24	688.78	809.57	1,405.95	8,608.01
Cash Deposits by Courts Using General Funds (Budget Surplus)												250,000.00	1,343,300.75	1,593,300.75
Carry Over From FY16	686,492.23													686,492.23
Cash Available to Repay Court CCCF Advances	686,492.23	(61,166.42)	(42,298.42)	(40,165.81)	(37,863.38)	(40,361.82)	(28,053.63)	(27,971.33)	(16,106.54)	(31,861.00)	(44,458.29)	213,838.67	1,311,155.58	1,841,179.84

FY2018

	Carry Forward	July	August	September	October	November	December	January	February	March	April	May	June	Grand Total
Analysis Fees FY18 (Banking/Credit Card Fees)		(65,255.63)	(68,784.86)	(72,334.44)	(50,069.06)	(63,084.37)	(71,293.46)	(70,164.78)	(70,344.71)	(68,820.39)	(78,835.24)	(69,655.38)	(72,592.39)	(821,234.71)
Interest Earned on LT Investments (Acct 893600)		29,227.93	33,705.73	59,943.22	37,646.25	36,424.95	25,058.73	41,905.04	43,621.86	49,352.93	63,291.12	64,745.16	65,290.29	550,213.21
Interest Earned on Cash Sweep Funds (Acct 006)		2,224.58	1,835.69	1,745.60	754.46	1,652.26	2,236.10	2,934.09	2,307.80	3,792.44	2,228.28	2,337.07	2,229.31	26,277.68
Cash Deposits by Courts Using General Funds (Budget Surplus)		250,000.00										422,000.00	567,918.25	1,239,918.25
Carry Over From FY17	1,841,179.84													1,841,179.84
Cash Available to Repay Court CCCF Advances	1,841,179.84	216,196.88	(33,243.44)	(10,645.62)	(11,668.35)	(25,007.16)	(43,998.63)	(25,325.65)	(24,415.05)	(15,675.02)	(13,315.84)	419,426.85	562,845.46	2,836,354.27

FY2019

	Carry Forward	July	August	September	October	November	December	January	February	March	April	May	June	Grand Total
Analysis Fees FY19 (Banking/Credit Card Fees)		(75,314.25)	(76,599.98)	(101,503.60)	(83,267.28)	(83,686.56)	(81,824.16)	(91,277.82)	(87,018.87)	(80,397.26)	(88,899.76)	(83,862.82)	(85,850.59)	(1,019,502.95)
Interest Earned on LT Investments (Acct 893600)		63,575.03	62,909.09	66,740.98	65,871.68	61,170.47	67,716.39	56,425.36	61,783.96	77,286.78	62,614.70	70,416.65	69,206.77	785,717.86
Interest Earned on Cash Sweep Funds (Acct 006)		3,416.24	5,732.79	2,306.42	2,248.19	3,042.27	2,055.76	3,340.17	3,029.47	2,967.60	5,051.66	5,695.14	4,664.06	43,549.77
Cash Deposits by Courts Using General Funds (Budget Surplus)		567,213.00								150,000.00			300,000.00	1,017,213.00
Carry Over From FY18	2,836,354.27													2,836,354.27
Cash Available to Repay Court CCCF Advances	2,836,354.27	558,890.02	(7,958.10)	(32,456.20)	(15,147.41)	(19,473.82)	(12,052.01)	(31,512.29)	(22,205.44)	149,857.12	(21,233.40)	(7,751.03)	288,020.24	3,663,331.95

FY2020

	Carry Forward	July	August	September	October	November	December	January	February	March	April	May	June	Grand Total
Analysis Fees FY20 (Banking/Credit Card Fees)		(81,543.35)	(94,250.36)	(79,599.46)	(78,948.04)	(87,069.60)	(79,966.54)	(75,629.39)	(79,889.49)	(72,150.27)	(84,786.63)	(54,693.27)	(63,357.34)	(931,883.74)
Interest Earned on LT Investments (Acct 893600)		73,645.12	74,765.86	72,883.12	67,683.59	63,722.10	66,042.46	65,907.26	60,167.94	65,749.61	52,655.06	48,183.11	40,358.73	751,763.96
Interest Earned on Cash Sweep Funds (Acct 006)		7,224.70	6,516.27	3,523.56	5,366.53	5,623.21	4,139.95	4,916.69	4,916.69	2,812.42	705.03	347.90	217.11	46,310.06
Cash Deposits by Courts Using General Funds (Budget Surplus)														0.00
Carry Over From FY19	3,663,331.95													3,663,331.95
Cash Available to Repay Court CCCF Advances	3,663,331.95	(673.53)	(12,968.23)	(3,192.78)	(5,897.92)	(17,724.29)	(9,784.13)	(4,805.44)	(14,804.86)	(3,588.24)	(31,426.54)	(6,162.26)	(22,781.50)	3,529,522.23

FY2021

	Carry Forward	July	August	September	October	November	December	January	February	March	April	May	June	Grand Total
Analysis Fees FY21 (Banking/Credit Card Fees)		(49,307.90)	(53,501.75)	(56,901.00)	(55,213.29)	(63,269.73)	(50,818.60)	(61,936.79)	(60,055.70)	(57,099.56)	(68,801.67)	(65,644.45)	(62,252.88)	(704,803.32)
Interest Earned on LT Investments (Acct 893600)		33,351.80	25,675.24	26,719.25	24,480.78	22,906.50	22,126.07	33,169.00	19,655.30	20,089.94	19,237.74	19,265.52	18,780.11	285,457.25
Interest Earned on Cash Sweep Funds (Acct 006)		115.30	33.74	19.03	18.89	22.33	20.59	33.97	22.28	23.06	22.41	28.28	24.16	384.04
Cash Deposits by Courts Using General Funds (Budget Surplus)														0.00
Carry Over From FY20	3,529,522.23													3,529,522.23
Cash Available to Repay Court CCCF Advances	3,529,522.23	(15,840.80)	(27,792.77)	(30,162.72)	(30,713.62)	(40,340.90)	(28,671.94)	(28,733.82)	(40,378.12)	(36,986.56)	(49,541.52)	(46,350.65)	(43,448.61)	3,110,560.20

FY2022

	Carry Forward	July	August	September	October	November	December	January	February	March	April	May	June	Grand Total
Analysis Fees FY22 (Banking/Credit Card Fees)		(74,054.48)	(78,167.71)	(76,903.80)	(75,489.44)	(74,799.13)	(70,733.74)	(69,886.00)	(72,346.04)	(71,338.26)	(87,702.14)	(73,787.42)	(77,863.70)	(903,071.86)
Interest Earned on LT Investments (Acct 893600)		14,944.22	14,129.82	13,478.08	14,213.42	14,353.94	15,444.48	16,091.19	18,163.01	27,901.32	31,617.60	27,901.32	43,451.20	251,689.60
Interest Earned on Cash Sweep Funds (Acct 006)		22.26	24.39	18.40	20.82	29.94	35.04	40.98	42.06	346.12	922.01	3,508.08	7,859.94	12,870.04
Cash Deposits by Courts Using General Funds (Budget Surplus)			300,000.00											300,000.00
Carry Over From FY21	3,110,560.20													3,110,560.20
Cash Available to Repay Court CCCF Advances	3,110,560.20	(59,088.00)	235,986.50	(63,407.32)	(61,255.20)	(60,415.25)	(55,254.22)	(53,753.83)	(54,140.97)	(43,090.82)	(55,162.53)	(42,378.02)	(26,552.56)	2,772,047.98

FY2023

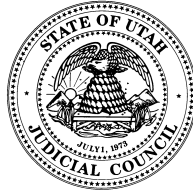
	Carry Forward	July	August	September	October	November	December	January	February	March	April	May	June	Grand Total
Analysis Fees FY23 (Banking/Credit Card Fees)		(86,827.95)	(86,114.07)	(94,548.89)	(93,482.71)	(90,789.10)	(85,541.46)	(86,960.33)	(92,995.72)	(87,383.67)	(69,965.59)	(82,922.57)	(80,886.26)	(1,038,418.32)
Interest Earned on LT Investments (Acct 893600)		57,134.34	85,252.87	110,063.66	116,587.52	122,696.46	130,238.61	139,173.85	140,890.47	159,271.01	187,290.18	207,246.39	207,663.24	1,663,508.60
Interest Earned on Cash Sweep Funds (Acct 006)		18,804.14	11,173.58	5,470.56	6,614.36	3,823.99	3,565.94	4,633.80	11,693.29	18,629.48	9,875.91	19,084.55	16,260.31	129,629.91
Cash Deposits by Courts Using General Funds (Budget Surplus)		32,867.81												32,867.81
Carry Over From FY22	2,772,047.98													2,772,047.98
Cash Available to Repay Court CCCF Advances	2,772,047.98	21,978.34	10,312.38	20,985.33	29,719.17	35,731.35	48,263.09	56,847.32	59,588.04	90,516.82	127,200.50	143,408.37	143,037.29	3,559,635.98

FY2024

	Carry Forward	July	August	September	October	November	December	January	February	March	April	May	June	Grand Total
Analysis Fees FY24 (Banking/Credit Card Fees)		(86,498.07)	(84,662.09)	(97,185.49)	(91,950.69)	(90,046.01)	(91,495.20)							(541,837.55)
Interest Earned on LT Investments (Acct 893600)		200,698.09	202,419.52	204,717.15	236,816.56	312,801.97	305,764.81							1,463,218.10
Interest Earned on Cash Sweep Funds (Acct 006)		16,504.84	19,204.24	10,327.64	47,724.13	18,688.01	19,537.56							131,986.42
Cash Deposits by Courts Using General Funds (Budget Surplus)														0.00
Carry Over From FY23	3,559,635.98													3,559,635.98
Cash Available to Repay Court CCCF Advances	3,559,635.98	130,704.86	136,961.67	117,859.30	192,590.00	241,443.97	233,807.17	0.00	0.00	0.00	0.00	0.00	0.00	4,613,002.95

Total CCCF Advances By Courts 4,183,299.81

Sub-tab 5



Administrative Office of the Courts

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

February 29, 2024

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

MEMORANDUM

TO: The Judicial Council

FROM: Jordan Murray, Grant Coordinator, Finance Department
Nathanael Player, Director, Self-Help Center & Utah State Law Library

RE: Grant Application Proposal [Revised] – Eviction Diversion Initiative

We notified you in January 2024 that the Eviction Diversion Initiative (EDI) grant, awarded by the National Center for State Courts (NCSC), was being deferred following the unexpected closure of our intended subrecipient – People’s Legal Aid. Following this development, the principal grant consultant at NCSC permitted us to seek a new nonprofit partner to inherit the subaward and proceed with the project.

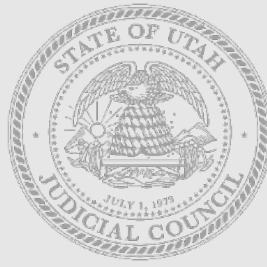
Utah Legal Services (ULS), a local nonprofit law office, has come forward as an interested and capable partner for this work. Since 1976, ULS has provided free legal services to low-income Utahns in non-criminal cases. ULS serves the entire state of Utah, and provides specialized services for groups with unique legal needs, making them a strong match for this project.

The grant application proposal approved by the Judicial Council in March 2023 has been revised and is enclosed for review. No changes have been made to the original scope of work nor the resource impact assessment – material revisions include replacement of the nonprofit carrying out the project and an update to the requested vs. actual grant amount subsequently awarded by NCSC. These changes are highlighted in the revised application.

We kindly ask the Judicial Council’s permission to resume the grant project with ULS named as the newly intended subrecipient of these funds, and welcome your questions or comments.

Thank you for your consideration.

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.



Administrative Office of the Courts

Grant Application Proposal (GAP) Non-Federal Grant

February 29, 2024

A. Contact Information	
AOC Contact:	Nathanael Player
Phone:	801-238-7921
Grant Administering Unit:	Utah State Courts Self-Help Center (SHC)

B. Grant Details				
Grantor:		National Center for State Courts (NCSC)		
Title of Grant:		NCSC Eviction Diversion Initiative (EDI)		
Application Deadline:		April 21, 2023		
Amount Requested:		Year 1: \$68,975		
		Year 2: \$36,216		
		Year 3: \$22,000 *if NCSC extends grant an additional year		
		Total: \$127,191		
Grant Period Begins:		9/1/2023	Ends:	8/31/2025 (possible extension 8/31/2026)
Award Type:		<input checked="" type="checkbox"/> Recipient	<input type="checkbox"/> Subrecipient	

C. Legislative Reporting: Statutory Grant Impact ¹	
Tier 1 – Low	<input type="checkbox"/>
At least \$10k but less than \$50k per year, and no new permanent full or part time employees; and no new state monies required as match (report GAP with Judicial Council approval to LFA and EAC only).	
Tier 2 – Med	<input checked="" type="checkbox"/>
Greater than \$50k but less than \$1M per year; or adds more than zero but less than 11 permanent full or part time employees; or requires state to expend up to \$1M per year in new state monies as match (submit GAP with Judicial Council approval to EAC for review and recommendations).	
Tier 3 – High	<input type="checkbox"/>
Greater than \$1M per year; or adds more than 11 permanent full or part time employees; or requires state to expend greater than \$1M per year in new state monies as match (submit GAP with Judicial Council approval to the Legislature for review to approve or reject the grant).	

Reference: Accounting Manual §11-07.00 Exhibit A(II)(a-c) & UCA 63J-7-§202 & §203

¹ Grant funds awarded through the Commission on Criminal & Juvenile Justice (CCJJ), Utah Office for Victims of Crime (UOVC), or other authorized State Administering Agency, are appropriated by the legislature prior to the issuing of subawards; accordingly, subawards are not reported by the recipient to the LFA for EAC/EOCJ review. “Impact Tier” may still be assigned for completeness and purposes of GAP assessment.

1. Explain **(a)** the issues to be addressed by this project and describe how the grant funds will contribute to their resolution, and **(b)** how the grant will assist the Utah Courts to solve problems and promote innovations that cannot be accomplished with existing resources.

Court data show that 94% of all defendants in eviction cases are self-represented. Fifty-six percent of those cases are filed in Salt Lake County, which has a consolidated calendar for all occupancy hearings filed therein. Previously, self-represented defendants were provided representation at these hearings. This was supported by a Pro Bono Commission Signature Program through the Utah State Bar's Access to Justice (ATJ) Office, and for the past two and a half years, from People's Legal Aid (PLA), a legal services organization focused on helping defendants in eviction cases. Since PLA closed its doors last year, this work has been championed by Utah Legal Services (ULS).

Due to resource constraints for both entities and a data-focused approach to analyze the impact of providing representation to pro se defendants, the Pro Bono Commission paused this Signature Program. Data collection and analysis of the past seven months shows that with the provision of volunteer attorneys, only 7% of tenancies are retained, 31% of tenants breach their settled agreements within six months, and while defendants gained a total of 3,185 additional days, this came at the cost of about \$145 per night, or an extra \$461,825 in judgements against defendants. Contrasted with tenant-friendly states like New York, which have a 70% tenancy retention rate post-occupancy hearing, Utah outcomes are suboptimal. The previous model appears to have increased financial burdens on tenants with little other positive impact. The ATJ Office and PLA collaborated on a proposal for a joint Signature Program to provide legal services to tenants, prepare them to represent themselves in their occupancy hearings, and connect them to other vital resources in the community. Since PLA closed, this important work has been taken over by ULS – they plan to carry the torch for this project. The goal is to stabilize tenants post-eviction. The initial proposal is to implement this Signature Program in Salt Lake County, evaluate the impact, and consider expansion. ULS anticipates that there is more potential to scale this program than there was to expand the previous model. This approach will likely have a greater impact on tenants across the entire state, not just Salt Lake County. Although 56% of evictions are filed in Salt Lake County, 44% of Utah's tenants potentially have unmet legal needs related to their status as tenants. Evictions have a direct causal effect on homelessness and have been shown to worsen health outcomes, particularly mental health, and substantially increase emergency room use (Rob Collison and Davin Kristopher Reed, The Effects of Eviction on Low-Income Households. 2018, p. 26. Available at: https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf).

Funding for this project would help support the creation of a new program promoting the provision of education and brief advice for tenants further upstream in the process. This project would focus on reaching tenants one week before occupancy hearings. If funding were approved, the court would revise their boilerplate notice of occupancy hearing to tell defendants about this resource. Goals for this project include:

1. Educating parties on the basics of landlord-tenant/evictions and/or debt collection law;
2. Earlier intervention and direct access for financial assistance and community services;
3. Conducting triage and establishing realistic expectations;
4. Increasing time and ability to file disclosures;
5. Improving the quality of exhibits and witness testimony/affidavits;

6. Provide better mentorship and improved quality of services for volunteers; and
7. Expanding the reach of ULS services to include statewide assistance.

This project would be a bar signature program, supported by ULS. The funds would pay for a coordinator, employed by ULS, to orchestrate intakes, educate defendants, and connect them with volunteers who can provide brief legal advice, other legal services as appropriate, and social services that can help with rental and housing assistance.

2. Describe (a) how this grant will support the mission of the Utah Courts to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law; and (b) how this grant provides measurable benefits to marginalized, minority, pro se, or similar underserved individuals or communities.

The grant funding would allow the courts to obtain resources, which they can provide to ULS. ULS would orchestrate the provision of legal and social services to help self-represented litigants in eviction cases who are facing the threat of homelessness. This will make the courts more open, fair, and efficient. This will make the courts more open because the project will educate defendants on what to expect during occupancy hearings. It will make the courts fairer because it will help to correct the significant power imbalance between defendants in eviction cases (who are almost always self-represented) and plaintiffs (who are almost always represented). It will make the courts more efficient because litigants who come to court oriented about court processes, understanding their rights and obligations, and empowered with an understanding of how negotiation works are more able to efficiently engage in the court process.

This grant will bring much needed resources to marginalized communities. ULS is specifically focused on providing legal services to low-income Utahns in non-criminal cases, who are disproportionately people of color. Implementing the proposed signature program will empower tenants with the tools they need to navigate complicated court processes, engage in their hearings as self-represented litigants, and better understand the implications of being evicted.

3. Describe the court resources required to carry out the project in the post-award phase and subsequent to grant closeout once funds are expended.

The proposal is for the Self-Help Center to work closely with ULS to implement this grant. There would be no ongoing obligation on the courts after the grant funds are expended. After a discussion with the NCSC's grant coordinator, it appears this project is a very good fit, even though the intent is to place this funding with an outside entity (ULS) and not the courts. The Self-Help Center and ULS will collaborate to secure additional funding to make up the balance.

4. Explain whether additional state funding shall be required to maintain or continue this program, or its infrastructure, when the grants concludes. If yes, will the funds required to continue this program come from within your existing budget?

Funding will be required to sustain the program, but at this time we are working to secure that funding from private sources. The grant will pay for a position at 100% of the cost the first year and 50% the second year, with the hope that ongoing funding can be secured. Concerning the ongoing funds beyond the second year, ULS is working with Salt Lake City who has

indicated they have significant interest in funding this, however we have not been able to secure a firm commitment. We anticipate that funding will be available and would like a green light to proceed once (and only if) it is confirmed. Accordingly, we seek permission to apply to the NCSC with a grant revision, naming **ULS** as the new subgrantee once **ULS** advises us that Salt Lake City has confirmed they are providing the matching funds.

5. How many **new permanent** full or part-time employees are required for the grant project at peak levels of grant-funded employment? If none, write "N/A."

N/A² (see footnote)

6. How many **new temporary** full or part-time employees are required for the grant project at peak levels of grant-funded employment? If none, write "N/A."

N/A

² 1.0 FTE employed by **Utah Legal Services (ULS)** – not an employee of the court

E. Anticipated Budget Tables & Narrative

Complete the following tables as applicable with estimated expenditures for up to three state fiscal years. **If no matching contributions are required, complete only Table (C).**

Table A. Cash Match

Check box if not applicable ☒

State Fiscal Year		Funds Disbursed	Matching State Dollars (Cash)					
			General Fund	Dedicated Credits	Restricted Funds	Other (describe)	Maintenance of Effort	Totals
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
Provide details below for each match, or "N/A" if no match is required								
N/A								

Table B. In-Kind Match

Check box if not applicable ☒

State Fiscal Year		Funds Disbursed	Matching State Dollars (In-Kind)					
			General Fund	Dedicated Credits	Restricted Funds	Other (describe)	Maintenance of Effort	Totals
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
Provide details below for each match ("N/A" if no match is required)								
N/A								

Table C. No Match Requirement

Check box if not applicable ☐

State Fiscal Year	Funds Disbursed	Totals
FY 2024	\$68,975	\$68,975
FY 2025	\$36,216	\$36,216
FY 2026	\$22,000	\$22,000 *if NCSC extends grant an additional year
Total	\$127,191	\$127,191

F. Resource Impact Assessment <i>This section completed by Grant Coordinator</i> UCJA Rule 3-411 (4)			
Title of Grant:	Eviction Diversion Initiative (EDI) Program		
Grantor:	National Center for State Courts (NCSC)		
Source of Funds:	Non-federal	Match Requirement:	None
Application Deadline:	April 21, 2023	Awards Announced:	Summer 2023
Grant Begins:	9/1/2023	Grant Concludes:	8/31/2025 8/31/2026 (with extension)
Applicant Name:	Nathanael Player		
Grant Administering Unit:	Self-Help Center		
Court Resource Areas:	Self-Help Center		
Collaborators:	1. Utah Legal Services (ULS) 2. Utah State Bar Access to Justice Office (initial application) 3. Utah State Bar Foundation (initial application)		

Recommendation

This assessment concludes existing Third District resources are adequate to achieve the stated grant objectives. Incremental resource needs from the courts (impacts) are mitigated through collaboration and resource development with non-profit partners. Staff resources with the Third District are adequate at present levels to accomplish the stated objectives. No incremental impacts to IT or other court resources are identified following assessment of the request. Sustainability of this program will be sought through collaboration among the Self-Help Center, stated non-profit collaborators, and Salt Lake City. The AOC will serve as a pass-through of NCSC funds to support ULS's hiring of a dedicated Eviction Diversion Facilitator, and "notice of occupancy hearing" boilerplate will be updated to refer defendants to this resource embedded within ULS.

Assessment

1. Capacity of impacted court areas to successfully support the grant at current staffing levels.
(UCJA Rule 3-411 (4)(a)(i))

Response: EDI funds would support the hiring of a dedicated Eviction Diversion Facilitator working as an employee of ULS. This position will not be that of a court employee. Court resources that are reasonably expected to be rendered are clerical support within Judge Parker's team to update the boilerplate "notice of occupancy hearing" form to inform and refer defendants about this community resource. Existing Third District resources are adequate to support completion of this objective. No additional court resources are required, and no requests are made of IT resources.

2. Anticipated incremental impacts to AOC resources once grant funds are expended.
(UCJA Rule 3-411 (4)(a)(ii))

Response: Local and state courts are the only entities permitted to apply for grant funds with the NCSC EDI program. These funds will be used as a pass-through to support the hiring of a full-time Eviction Diversion Facilitator by ULS, rather than an employee of the court.

This proposal has been reviewed and approved by the following (select all that apply):

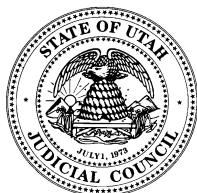
- ☐ Applicable Board of Judges & Court-Level Administrator
Titles & Dates: [Click or tap here to enter text.](#)
- ☒ AOC Grant Coordinator & Finance Director
- ☐ Utah Supreme Court (UCJA Rule 3-105)

[Click or tap to enter a date.](#)

Date Approved by the Judicial Council

State Court Administrator Signature:

Tab 4



Administrative Office of the Courts

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

March 4, 2024

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

MEMORANDUM

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

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

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

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

WINGS Executive Committee:

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

WINGS Steering Committee:

9.	James Brady	Judge	4 th District
10.	Brian Cannell	Judge	1 st District
11.	Coral Sanchez	Judge	3 rd District
12.	Shane Bahr	District Court Administrator	Administrative Office of the Courts

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

Requested Succession Guidance from the Utah Judicial Council:

- WINGS seeks guidance on the process for succession of the WINGS Chair, who is to be a Utah District Court Judge under UCJA 3-421(3). The current Chair has served for more than five years (although WINGS only formally became a Judicial Council standing committee with the amendment of UCJA 1-205 on May 23, 2022).

WINGS Projects:

- In 2023, WINGS focused on identifying solutions to address attorney shortages, primarily the difficulty the Guardianship Signature Program (GSP) has in finding volunteer attorneys to provide representation to vulnerable adults in guardianship cases, in conjunction with Utah Code § 75-5-303. WINGS worked with the Office of Legal Services Innovation to ascertain if a legal “sandbox” project could serve as a possible alternative or supplement to the GSP.
- WINGS also created an Attorney Gaps Subcommittee to further investigate possible resolution of the GSP attorney shortage. The subcommittee includes members from WINGS, as well as stakeholders in the community with knowledge of the problem, and a vested interest in finding solutions. The subcommittee is currently putting together a proposal to fund a 3-year pilot program to replace the GSP with a training academy program, similar to the Domestic Lawyers Academy offered by Utah Legal Services. The proposed academy would provide training, mentorship, CLE credits, and a flat rate fee for volunteer attorneys in exchange for accepting guardianship cases. The subcommittee expects to finish the proposal in 2024.

- WINGS continued its work on improving the language of Utah Code § 75-5-303, which involves the legal process for entering guardianship orders. Proposed revisions include updating the medical criteria to conform with current standards used by the medical community and clarifying language on the requirements for attorneys and court visitors in these proceedings. WINGS provided these suggested amendments to the Liaison committee in October 2023. The Liaison committee approved the suggestions and moved to find a sponsor to present them during the 2024 legislative session – although that effort was not successful.
- WINGS partnered with the Forms committee to create a forms workgroup tasked with updating the multitude of forms used in guardianship and conservatorship proceedings. The workgroup meets monthly to work on this project. In late 2023, the workgroup was tasked with creating new forms that previously only existed on OCAP, in anticipation of OCAP sunset in 2024. Drafts were developed by the workgroup, and subsequently reviewed and approved by the WINGS committee at the December 2023 meeting. They have been sent to the Forms Committee for the final review and approval process.
- At the request of the Forms committee, WINGS worked on creating orders for previously approved motions related to reviewing, changing, or terminating adult or minor guardianships. WINGS completed recommendations on these orders in December 2023, and the draft forms were sent to the Forms Committee for the final review and approval process.
- WINGS continued to work alongside the Probate Subcommittee to finalize revisions to UCJA 6-501, regarding the review process for annual guardianship reports. The final revisions were approved by the Judicial Council in October 2023, and went into effect November 1, 2023. This project is now complete.
- WINGS continued to work alongside the Probate Subcommittee to finalize revisions to UCJA 6-507, regarding court visitors. Revisions include adding language to better define a court visitor, clarifying the mechanism for making objections to court visitor investigations, and describing the process required for review of the reports submitted by court visitors. The revisions were approved by the Judicial Council in June 2023, and went into effect November 1, 2023. This project is now complete.
- Additional items of note –
 - Several WINGS stakeholders participated in the New Judge Orientation training in June 2023.
 - In 2024, WINGS plans to continue addressing the attorney shortage problems, reviewing and providing feedback on guardianship forms, updating training materials for judges and court staff, and making needed updates to the Guardianship and Conservatorship manual, training, and required test.

Name

Address

City, State, Zip

Phone

Email

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

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Garnishee's Answers to Interrogatories for Earnings</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

An employer who is garnishing earnings can use the Online Court Assistance Program (OCAP - www.utcourts.gov/ocap/) to calculate the amount to be withheld and prepare the Answers to Interrogatories form for filing instead of using this form. Once you have created an OCAP account, login and go to **Garnishment / Answers to Interrogatories**.

1. Do you employ the judgment debtor?

ANSWER: [] Yes [] No

If "no," skip the remaining questions, sign this form, and mail it as indicated. If "yes," answer the remaining questions.

2. Are there other Writs of Continuing Garnishment in effect?

ANSWER: [] Yes [] No

3. If there are other Writs of Continuing Garnishment in effect, when will they expire?

ANSWER: _____

4. What is the judgment debtor's pay period?

ANSWER:

☐ Weekly ☐ Monthly
☐ Biweekly ☐ Other (Describe): _____
☐ Semi-monthly

5. What is the pay period to which these answers relate?

ANSWER: Start Date: _____ End Date: _____ *

* The Writ served on you with this form is effective for one year after the date of service, or for 120 days after the date of service of another writ of continuing garnishment. If the days of the garnishment term end before the end date of the pay period, you are not required to withhold money from the debtor. Skip the remaining questions, sign this form, and mail it as indicated. Otherwise calculate the amount to be withheld.

6. Calculate the amount to be withheld from the judgment debtor. (Assume you are calculating this on the last day of the pay period for which these answers apply.)

(a) Gross earnings from all sources payable to the judgment debtor in the possession or control of the employer (Including wages, salaries, commissions, bonuses, or earnings from a pension or retirement program.	\$
(b) Deductions required by law	
(b)(i) Federal income tax	\$
(b)(ii) State income tax	\$
(b)(iii) Social security tax (FICA)	\$
(b)(iv) Medicare tax (FICA)	\$
(b)(v) Other amounts required by law to be deducted (Describe reason for deduction.):	\$
(c) Total deductions (Calculate sum of 6(b)(i) through 6(b)(v).)	\$
(d) Disposable earnings (Calculate Line 6(a) minus Line 6(c).)	\$
(e) Calculate:	
(e)(i) 25% of the amount in Line 6(d); or, if this is a judgment for child support, 50% of the amount in Line 6(d); or some lesser amount, based on what the writ says	\$

Certificate of Service

I certify that I filed with the court and am serving a copy of this Garnishee's Answers to Interrogatories for Earnings on the following people.

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

 Date

 Signature ►

 Printed Name

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of (select one)

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

(name of Petitioner)

and

(name of Respondent)

Other parties (if any)

Order on Hearing Held on

_____ (month, day, year)

Case Number

Judge

Commissioner

A hearing was held in this case on _____ (month, day, year) before _____ (Commissioner or Judge).

Petitioner

☐ was ☐ was not present.

☐ was represented by _____.

☐ was not represented.

Respondent

☐ was ☐ was not present.

[] was represented by _____.

[] was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court finds and concludes:

The image shows a single sheet of white paper with ten evenly spaced horizontal blue lines. The lines are parallel and extend across the width of the page, leaving small margins at the top and bottom. There is no handwriting or other markings on the paper.

The court orders:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

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

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

_____	Signature ►	_____
Date	Plaintiff/Petitioner, Attorney or Licensed Paralegal Practitioner	_____
_____	Signature ►	_____
Date	Defendant/Respondent, Attorney or Licensed Paralegal Practitioner	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Hearing on the following people.

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

Signature ►

Date

Printed Name

Name
Address
City, State, Zip
Phone
Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>In the Matter of (select one)</p> <p><input type="checkbox"/> the Marriage of (for a divorce with or without children, annulment, separate maintenance, or temporary separation case)</p> <p><input type="checkbox"/> the Children of (to establish custody, parent-time or child support)</p> <p><input type="checkbox"/> the Parentage of the Children of (for a paternity case)</p> <p>_____</p> <p>(name of Petitioner)</p> <p>and</p> <p>_____</p> <p>(name of Respondent)</p> <p>_____</p> <p>Other parties (if any)</p>	<p>Findings of Fact, Conclusions of Law and Order on Motion to Classify Record as Private</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
---	---

The matter before the court is ☐ petitioner's ☐ respondent's Motion to Classify Record as Private.

This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ respondent.
- ☐ The stipulation of the parties.
- ☐ The pleadings and other papers of the parties.
- ☐ A hearing held on _____ (date).

Petitioner

☐ was ☐ was not present.

☐ was represented by _____.

☐ was not represented.

Respondent

☐ was ☐ was not present.

☐ was represented by _____.

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court finds:

1. The moving party has asked for records in this case to be classified as private.
2. The following interests favor classifying the records as private.
 - ☐ protect personal privacy.
 - ☐ protect personal and public safety.
 - ☐ protect a property interest that would be lost or devalued if opened to public view.
 - ☐ promote the rehabilitation of offenders, especially youthful offenders.
 - ☐ protect non-parties participating in the court process, such as victims, witnesses, and jurors.
 - ☐ other _____.
3. The following interests favor not classifying the record as private:
 - ☐ educates the public,
 - ☐ contributes to informed debate,
 - ☐ can hold public employees accountable,
 - ☐ increases public confidence,
 - ☐ gives notice of important claims, rights, and obligations,
 - ☐ provides material for research, and
 - ☐ other _____.
4. There ☐ are ☐ are not reasonable alternatives to classify the records as private that would protect the interests favoring making the record private.

5. The court also finds:

The court concludes:

6. On balance, the interests favor:

☐ classifying the records as private.

☐ not classifying the records as private.

7. The motion ☐ should ☐ should not be granted.

The court orders:

8. The motion:

☐ is granted as to the documents below. The clerk of court is ordered to mark as private and make unavailable to the public the following documents filed in the case:

☐ is denied.

9. ☐ The court further orders:

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

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

_____	Signature ►	_____
Date	Petitioner, Attorney or Licensed Paralegal	
	Practitioner	_____
_____	Signature ►	_____
Date	Respondent, Attorney or Licensed Paralegal	
	Practitioner	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact, Conclusions of Law and Order on Motion to Classify Record as Private on the following people.

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

Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

Email

This motion requires you to respond. Please see the Notice to Responding Party.

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of (select one)

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

(name of Petitioner)

and

(name of Respondent)

Other parties (if any)

Motion to Classify Record as Private
(Code of Judicial Administration
4-202.04(3)(A))

☐ **Hearing Requested**

Case Number

Judge

Commissioner (domestic cases)

Court cases are made up of records. A record is anything written down or recorded, like books, letters, documents, maps, plans, photos, videos, voice recordings, or other things that people can copy. In some cases, records are automatically private. This includes divorces, guardianships and conservatorships, custody and paternity cases, and protective orders. In these cases, only the parties and their lawyers can see most records. Even when a case is private, anyone can see orders or documents signed by a

judge. They can also see records of public hearings and case histories.

1. I ask that the following records be classified as private: (List the title of the record and the date it was filed.)

2. I need to have these records classified as private to: (Choose all that apply.)

☐ protect personal privacy.

☐ protect personal and public safety.

☐ protect a property interest that would be lost or devalued if opened to public view.

☐ promote the rehabilitation of offenders, especially youthful offenders.

☐ protect non-parties participating in the court process, such as victims, witnesses, and jurors.

☐ other (explain) _____.

3. My need to have these records private is important. It is more important than the need to have open information that:

- educates the public;
- contributes to informed debate;
- can hold public employees accountable;
- increases public confidence;
- gives notice of important claims, rights, and obligations; and
- provides material for research.

My need is more important because: (Explain why making the records private is more important than having open information. Attach additional sheets if needed.)

4. There is no reasonable alternative that protects my needs in paragraph 2 other than classifying the records as private.

5. ☐ I request a hearing.

☐ I do not request a hearing.

6. ☐ I have attached the following documents in support of this motion:

Petitioner or Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms: utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span)

tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Classify Record as Private on the following people.

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

Signature ► _____

Printed Name _____

Procedure to Recommend Court Forms Translations

The Court Forms Committee (the "committee") will recommend approved court forms to the Language Access Committee for translation. The Language Access Committee or their designated subcommittee will have the final decision on which court forms should be translated and which languages the forms should be translated into following the Department of Justice's guidelines (67 FR 41455).

The committee will determine which approved court forms to recommend for translation, using a three-factor analysis as a guideline. Court forms will be prioritized for translation based on:

- the case type (severity/harm);
- the likelihood of encountering self-represented parties; and
- the volume of cases.

I. Prioritizing Court Forms Based on Case Type

The committee will prioritize the recommendation of court forms translations based on the case types that the forms serve, and the forms' potential effect on parties and their families. This will be accomplished by asking the three following questions:

1. What forms are vital to proceedings that affect basic human needs and freedoms?
2. What forms are vital to proceedings that affect minor children or other vulnerable individuals?
3. What forms are vital to proceedings that affect property or money?

The committee will consider the gravity of consequences and the impact on access to justice for not having that court form available in other languages as it makes recommendations of court forms to be translated.

II. Prioritizing Court Forms Based on Self-Represented Parties

The committee will consider which case types have a high number of self-represented parties (whether both parties or one party) and the court forms involved in those case types. Forms will be prioritized for translation if the intended user of the form will likely be self-represented. The Director of the Self-Help Center and the Law Library will provide the committee with a yearly report on the case types encountering many self-represented parties. The committee will use that information as a factor when determining which forms to recommend for translation.

III. Prioritizing Court Forms Based on Volume

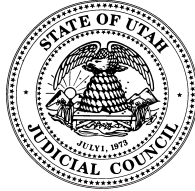
The committee will prioritize form translation recommendations based on high volume case types and which court forms are viewed the most on the court's website.

Stylistics will provide the committee with a yearly report on which case types are being filed and which court forms are viewed online in high volumes. The committee will use that information, as the final factor, to determine the likelihood of limited English proficiency populations encountering the approved court form.

Court Forms Translation (General Policies)

- The subcommittees can recommend to the full committee which forms should be translated and the languages into which they should be translated.
- The full committee will determine which approved forms should be submitted to the Language Access Committee for translation consideration.
- The committee will review and revise a form to ensure it is written in plain language prior to recommending the form to the Language Access Committee for translation if the form has not been reviewed by the full committee in the past four years.
- The committee will submit forms to be considered for translation to the Language Access Committee on at least a semi-annual basis.
- The committee will submit the recommended approved forms to be considered for translation to the Language Access Program Coordinator, or will send a representative to the next Language Access Committee meeting to make the recommendations.
- The Language Access Committee will make the final decision as to which forms will be translated.
- The committee may recommend which languages a court form should be translated into for the Language Access Committee to consider. However, the Language Access Committee will make the final decision based on language data and state demographics.
- The Language Access Committee will send the completed and approved forms to the Language Access Program Coordinator to be translated. Once translated, the forms will be distributed as appropriate.

Tab 5



Administrative Office of the Courts

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

March 6, 2024

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Rule for Final Approval – Code of Judicial Administration Rule 4-202.03

During the December 18, 2023 meeting, the Judicial Council approved amendments to Code of Judicial Administration (CJA) rule 4-202.03 on an expedited basis with a January 1, 2024 effective date. The rule also went out for a 45-day public comment period, which closed on February 3, 2024. Two public comments were received (attached).

The Policy, Planning and Technology Committee (PP&T) recommends the adoption of one minor, clarifying amendment in response to the first public comment. Because the proposed amendments are not substantive, PP&T does not believe a second comment period is necessary, however, an expedited effective date is warranted to provide clarity for court staff. As such, the new **proposed effective date is March 18, 2024**.

CJA 4-202.03. Records access.

The amendments to rule 4-202.03 approved in December change the classification of and access to certain adoption records, juvenile court social records, and juvenile court legal records to align with rules of procedure and Utah Code. The amendments also allow attorneys representing individuals authorized to access adoption, expungement, and juvenile court social records to obtain copies of their client's records with a signed and notarized release.

The first public comment notes that court staff are unable to independently verify whether requesters seeking adoption and expungement records qualify for access under the rule. PP&T agrees and recommends the adoption of clarifying language in lines 17-18 and 47 (highlighted) requiring the requester to submit evidence of qualification along with their request.

The second public comment inquired as to whether requiring a birth certificate under (2)(A) might create an unintended barrier to accessing adoption records. Often, requesters are seeking a copy of the adoption decree in order to obtain a birth certificate. The commenter asked that a provision be included allowing an individual to file a motion with the court if the requester is unable to provide certain documents. The commenter also noted a potential discrepancy in Rule 107 of the Utah Rules of Civil Procedure and an associated request form.

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

[URCP 107\(a\)](#) states: “An adoptive parent or adult adoptee may obtain a certified copy of the adoption decree upon request and presentation of positive identification.”

The definition of “adoption document” in [78B-6-103\(3\)](#) includes “an adoption-related document filed with the office, a petition for adoption, a *decree of adoption*, an original birth certificate, or evidence submitted in support of a supplementary birth certificate.” Under [78B-6-141\(2\)](#), “an adoption document and any other documents filed in connection with a petition for adoption are sealed.” The proposed amendments to (2)(A) encompass all of the circumstances under which court staff may release sealed adoption records absent a court order. A person can file a petition for access under URCP 107, and the court may grant the petition upon a showing of good cause ([78B-6-141\(3\)\(c\)](#)).

PP&T does not recommend additional amendments in response to the second comment. The potential discrepancy in URCP 107(a) has been referred to the Supreme Court’s Advisory Committee on the Rules of Civil Procedure for consideration.

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

February 3, 2024

February 1, 2024 »

UTAH COURTS

View more posts from this author

2 thoughts on “Code of Judicial Administration – Comment Period Closed February 3, 2024”

Keri Sargent
January 23, 2024 at 9:19 am

In re the possible changes to CJA 4-202.03(2)(A)(vi) – if the records requester indicates that they have met these qualifications to access the adoption record, would judicial assistants need to verify that they do? Currently, there is not a way for court staff to independently verify what the requester is saying. Could language be added to this portion of the rule indicating that, if needed, the records requester will provide that information?

Mikelle Ostler
January 25, 2024 at 4:08 pm

In conferring with another Clerk of Court, we wondered if requiring a birth certificate might create an unintended barrier. In most of the cases we see in Juvenile Court, the certified copy of the adoption decree is requested so that they can obtain the birth certificate. Is there a provision that the person could move for the court to grant their request if they are unable to provide these documents?

Would this new rule supersede URCP 107 that currently only requires presentation of positive identification? URCP 107(a) is referenced in the title of the document available on the Self Help page for this requests.

https://legacy.utcourts.gov/howto/family/adoption/records/docs/01_Request_for_Certified_Copy_of_Adoption_Decree.pdf

- -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
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- CJA03-0115
- CJA03-0116
- CJA03-0117
- CJA03-0201
- CJA03-0201.02
- CJA03-0202
- CJA03-0301
- CJA03-0301.01

Rule 4-202.03. Records Access.**Intent:**

To identify who may access court records.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Public Court Records.** Any person may access a public court record.

(2) **Sealed Court Records.** No one may access a sealed court record except as authorized ~~under (2)(A) and (2)(B)~~ below or by order of the court. A judge may review a sealed record when the circumstances warrant.

~~(2)(A) **Adoption decreerecords.** An adoptive parent or adult adoptee may obtain a certified copy of the adoption decree upon request and presentation of positive identification. Upon request, presentation of positive identification, and evidence that the requester qualifies for access, an adoption petition, and any other documents filed in connection with the adoption, may be open to inspection and copying:~~

~~(2)(A)(i) by a party to the adoption proceeding while the proceeding is pending or within six months after the day on which the adoption decree is entered;~~

~~(2)(A)(ii) when the adoption document becomes public on the one hundredth anniversary of the date of the final decree of adoption was entered;~~

~~(2)(A)(iii) when the birth certificate becomes public on the one hundredth anniversary of the date of birth;~~

~~(2)(A)(iv) by an attorney who is not the attorney of record with a release from an individual authorized access under this rule that is signed and notarized not more than 90 days before the date of the request for the records;~~

~~(2)(A)(v) by an individual who was 18 years of age or older at the time of adoption or their adoptive parent, without a court order, unless the final decree of adoption was entered by the juvenile court; and~~

~~(2)(A)(vi) by an individual who was a minor at the time of adoption, if the individual is 18 years of age or older and was born in the state of Utah, but only to the extent the birth parent consented to access under the Utah Adoption Act or if the birth parents listed on the original birth certificate are deceased.~~

(2)(B) **Expunged records.**

(2)(B)(i) The following may obtain certified copies of the expungement order and the case history upon request, ~~and in-person~~ presentation of positive identification, and evidence that the requester qualifies for access:

(2)(B)(i)(a) the petitioner or an individual who receives an automatic expungement under Utah Code Chapter 40a or Section 77-27-5.1;

(2)(B)(i)(b) a law enforcement officer involved in the case, for use solely in the officer's defense of a civil action arising out of the officer's involvement with the petitioner in that particular case; ~~and~~

(2)(B)(i)(c) parties to a civil action arising out of the expunged incident, if the information is kept confidential and utilized only in the action; ~~and-~~

(2)(B)(i)(d) an attorney who is not the attorney of record with a release from an individual authorized access under this rule that is signed and notarized not more than 90 days before the date of the request.

(2)(B)(ii) Information contained in expunged records may be accessed by qualifying individuals and agencies under Utah Code Section 77-40a-403 upon written request and approval by the state court administrator in accordance with Rule 4-202.05. Requests must include documentation proving that the requester meets the conditions for access and a statement that the requester will comply with all confidentiality requirements in Rule 4-202.05 and Utah Code.

(2)(C) **Video records.** An official court transcriber may obtain a video record of a court proceeding for the purposes outlined in Rule 5-202. A court employee may obtain a video record of a court proceeding if needed to fulfill official court duties.

(3) **Private Court Records.** The following may access a private court record:

(3)(A) the subject of the record;

(3)(B) the parent or guardian of the subject of the record if the subject is an unemancipated minor or under a legal incapacity;

(3)(C) a party, attorney for a party, or licensed paralegal practitioner for a party to litigation in which the record is filed;

(3)(D) an interested person to an action under the Uniform Probate Code;

(3)(E) the person who submitted the record;

(3)(F) the attorney or licensed paralegal practitioner for a person who may access the private record or an individual who has a written power of attorney from the person or the person's attorney or licensed paralegal practitioner;

(3)(G) an individual with a release from a person who may access the private record signed and notarized no more than 90 days before the date the request is made;

(3)(H) anyone by court order;

(3)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(3)(J) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(3)(K) a governmental entity with which the record is shared under Rule 4-202.10.

(4) **Protected Court Records.** The following may access a protected court record:

(4)(A) the person or governmental entity whose interests are protected by closure;

(4)(B) the parent or guardian of the person whose interests are protected by closure if the person is an unemancipated minor or under a legal incapacity;

(4)(C) the person who submitted the record;

(4)(D) the attorney or licensed paralegal practitioner for the person who submitted the record or for the person or governmental entity whose interests are protected by closure or for the parent or guardian of the person if the person is an unemancipated minor or under a legal incapacity or an individual who has a power of attorney from such person or governmental entity;

(4)(E) an individual with a release from the person who submitted the record or from the person or governmental entity whose interests are protected by closure or from the parent or guardian of the person if the person is an unemancipated minor or under a legal incapacity signed and notarized no more than 90 days before the date the request is made;

(4)(F) a party, attorney for a party, or licensed paralegal practitioner for a party to litigation in which the record is filed;

(4)(G) anyone by court order;

(4)(H) court personnel, but only to achieve the purpose for which the record was submitted;

(4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(4)(J) a governmental entity with which the record is shared under Rule 4-202.10.

(5) **Juvenile Court Social Records.** The following may access a juvenile court social record:

(5)(A) the subject of the record, if 18 years of age or over;

(5)(B) a parent or guardian of the subject of the record, or their attorney, if the subject is an unemancipated minor;

(5)(C) an attorney or person with power of attorney for the subject of the record;

(5)(D) a person with a notarized release from the subject of the record or the subject's legal representative dated no more than 90 days before the date the request is made;

(5)(E) the subject of the record's therapists and evaluators;

(5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

(5)(G) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and Juvenile Justice Services;

(5)(H) the Department of Human Services, school districts and vendors with whom they or the courts contract (who shall not permit further access to the record), but only for court business;

(5)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(5)(J) a governmental entity with which the record is shared under Rule 4-202.10;

(5)(K) the person who submitted the record;

(5)(L) public or private individuals or agencies providing services to the subject of the record or to the subject's family, including services provided pursuant to a nonjudicial adjustment, if a probation officer determines that access is necessary to provide effective services; and

(5)(M) anyone by court order.

(5)(N) Dispositional reports on delinquency cases may be accessed by the minor's counsel, the prosecuting attorney, the guardian ad litem, and the counsel for the parent, guardian, or custodian of a child. When a minor or minor's parent, guardian, or custodian is not represented by counsel the court may limit inspection of reports by the minor or the minor's parent, guardian, or custodian if the court determines it is in the best interest of the minor.

(5)(~~ON~~) Juvenile court competency evaluations, psychological evaluations, psychiatric evaluations, psychosexual evaluations, sex behavior risk assessments, and other sensitive mental health and medical records may be accessed only by:

~~(5)(N)(i) the subject of the record, if age 18 or over;~~

~~(5)(N)(ii) an attorney or person with power of attorney for the subject of the record;~~

(5)(~~ON~~)(iii) a ~~self-represented litigant,~~ a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;

(5)(~~ON~~)(~~iv~~) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and Juvenile Justice Services;

(5)(~~ON~~)(~~iv~~) court personnel, but only to achieve the purpose for which the record was submitted; and

(5)(~~ON~~)(vi) anyone by court order.

(5)(P) When releasing records under (5)(O)(iv), the court should consider whether releasing the records to the subject of the record would be detrimental to the subject's mental health or the safety of any individual, or would constitute a violation of normal professional practice and medical ethics.

(5)(~~QQ~~) When records may be accessed only by court order, a juvenile court judge will permit access consistent with Rule 4-202.04 as required by due process of law in a manner that serves the best interest of the child.

(6) **Juvenile Court Legal Records.** The following may access a juvenile court legal record:

(6)(A) all who may access the juvenile court social record;

(6)(B) a law enforcement agency;

(6)(C) a children's justice center;

(6)(D) public or private individuals or agencies providing services to the subject of the record or to the subject's family;

(6)(E) the victim of a delinquent act may access the disposition order entered against the minor; and

(6)(F) the parent or guardian of the victim of a delinquent act may access the disposition order entered against the minor if the victim is an unemancipated minor or under legal incapacity.

(7) **Safeguarded Court Records.** The following may access a safeguarded record:

(7)(A) the subject of the record;

(7)(B) the person who submitted the record;

(7)(C) the attorney or licensed paralegal practitioner for a person who may access the record or an individual who has a written power of attorney from the person or the person's attorney or licensed paralegal practitioner;

(7)(D) an individual with a release from a person who may access the record signed and notarized no more than 90 days before the date the request is made;

(7)(E) anyone by court order;

(7)(F) court personnel, but only to achieve the purpose for which the record was submitted;

(7)(G) a person provided the record under Rule 4-202.04 or Rule 4-202.05;

(7)(H) a governmental entity with which the record is shared under Rule 4-202.10; and

(7)(I) a person given access to the record in order for juvenile probation to fulfill a probation responsibility.

(8) Records prepared and maintained by juvenile court probation that are not filed in a juvenile court case are not open for inspection except by order of the court.

(98) Court personnel shall permit access to court records only by authorized persons. The court may order anyone who accesses a non-public record not to permit further access, the violation of which may be contempt of court.

(109) If a court or court employee in an official capacity is a party in a case, the records of the party and the party's attorney are subject to the rules of discovery and evidence to the same extent as any other party.

Effective: ~~January 1~~ March 18, 2024

Tab 6

Name

Address

City, State, Zip

Phone

Email

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

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Garnishee's Answers to Interrogatories for Earnings</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

An employer who is garnishing earnings can use the Online Court Assistance Program (OCAP - www.utcourts.gov/ocap/) to calculate the amount to be withheld and prepare the Answers to Interrogatories form for filing instead of using this form. Once you have created an OCAP account, login and go to **Garnishment / Answers to Interrogatories**.

1. Do you employ the judgment debtor?

ANSWER: [] Yes [] No

If "no," skip the remaining questions, sign this form, and mail it as indicated. If "yes," answer the remaining questions.

2. Are there other Writs of Continuing Garnishment in effect?

ANSWER: [] Yes [] No

3. If there are other Writs of Continuing Garnishment in effect, when will they expire?

ANSWER: _____

4. What is the judgment debtor's pay period?

ANSWER:

☐ Weekly ☐ Monthly
☐ Biweekly ☐ Other (Describe): _____
☐ Semi-monthly

5. What is the pay period to which these answers relate?

ANSWER: Start Date: _____ End Date: _____ *

* The Writ served on you with this form is effective for one year after the date of service, or for 120 days after the date of service of another writ of continuing garnishment. If the days of the garnishment term end before the end date of the pay period, you are not required to withhold money from the debtor. Skip the remaining questions, sign this form, and mail it as indicated. Otherwise calculate the amount to be withheld.

6. Calculate the amount to be withheld from the judgment debtor. (Assume you are calculating this on the last day of the pay period for which these answers apply.)

(a) Gross earnings from all sources payable to the judgment debtor in the possession or control of the employer (Including wages, salaries, commissions, bonuses, or earnings from a pension or retirement program.	\$
(b) Deductions required by law	
(b)(i) Federal income tax	\$
(b)(ii) State income tax	\$
(b)(iii) Social security tax (FICA)	\$
(b)(iv) Medicare tax (FICA)	\$
(b)(v) Other amounts required by law to be deducted (Describe reason for deduction.):	\$
(c) Total deductions (Calculate sum of 6(b)(i) through 6(b)(v).)	\$
(d) Disposable earnings (Calculate Line 6(a) minus Line 6(c).)	\$
(e) Calculate:	
(e)(i) 25% of the amount in Line 6(d); or, if this is a judgment for child support, 50% of the amount in Line 6(d); or some lesser amount, based on what the writ says	\$

(e)(ii) The difference between Line 6(d) and the federal minimum hourly wage \$7.25) times 30 times the number of weeks in this pay period For example: (Weekly): Line 6(d) minus \$7.25 X 30 X 1 week) (Biweekly): Line 6(d) minus \$7.25 X 30 X 2 weeks) (Semi-monthly): Line 6(d) minus \$7.25 X 30 X 2.16 weeks) (Monthly): Line 6(d) minus \$7.25 X 30 X 4.33 weeks)	\$
(f) Record the lesser amount from Line 6(e)(i) and Line 6(e)(ii).	\$
(g) Amount of any other garnishment or income withholding order.	\$
(h) Calculate and record Line 6(f) minus Line 6(g)	\$
(i) Amount deducted for an undisputed debt owed to you by the (Check one, both or neither.) [] judgment creditor [] judgment debtor	\$
(j) Calculate and record Line 6(h) minus Line 6(i).	\$
(k) What is the balance owed on the judgment? (You may contact the judgment creditor or judgment creditor's attorney to obtain the outstanding balance.)	\$
(l) Record the lesser amount from Line 6(j) and Line 6(k). (This is the amount to be withheld.)	\$

Person Completing Answers to Interrogatories

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

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

Date Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Garnishee's Answers to Interrogatories for Earnings on the following people.

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

 Date

 Signature ►

 Printed Name

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of (select one)

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

(name of Petitioner)

and

(name of Respondent)

Other parties (if any)

Order on Hearing Held on

_____ (month, day, year)

Case Number

Judge

Commissioner

A hearing was held in this case on _____ (month, day, year) before _____ (Commissioner or Judge).

Petitioner

☐ was ☐ was not present.

☐ was represented by _____.

☐ was not represented.

Respondent

☐ was ☐ was not present.

[] was represented by _____.

[] was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court finds and concludes:

[illegible]

The court orders:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

_____	Signature ►	_____
Date	Plaintiff/Petitioner, Attorney or Licensed Paralegal Practitioner	_____
_____	Signature ►	_____
Date	Defendant/Respondent, Attorney or Licensed Paralegal Practitioner	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Hearing on the following people.

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

Signature ►

Date

Printed Name

Name
Address
City, State, Zip
Phone
Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>In the Matter of (select one)</p> <p><input type="checkbox"/> the Marriage of (for a divorce with or without children, annulment, separate maintenance, or temporary separation case)</p> <p><input type="checkbox"/> the Children of (to establish custody, parent-time or child support)</p> <p><input type="checkbox"/> the Parentage of the Children of (for a paternity case)</p> <p>_____</p> <p>(name of Petitioner)</p> <p>and</p> <p>_____</p> <p>(name of Respondent)</p> <p>_____</p> <p>Other parties (if any)</p>	<p>Findings of Fact, Conclusions of Law and Order on Motion to Classify Record as Private</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
---	---

The matter before the court is ☐ petitioner's ☐ respondent's Motion to Classify Record as Private.

This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ respondent.
- ☐ The stipulation of the parties.
- ☐ The pleadings and other papers of the parties.
- ☐ A hearing held on _____ (date).

Petitioner

☐ was ☐ was not present.

☐ was represented by _____.

☐ was not represented.

Respondent

☐ was ☐ was not present.

☐ was represented by _____.

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court finds:

1. The moving party has asked for records in this case to be classified as private.
2. The following interests favor classifying the records as private.
 - ☐ protect personal privacy.
 - ☐ protect personal and public safety.
 - ☐ protect a property interest that would be lost or devalued if opened to public view.
 - ☐ promote the rehabilitation of offenders, especially youthful offenders.
 - ☐ protect non-parties participating in the court process, such as victims, witnesses, and jurors.
 - ☐ other _____.
3. The following interests favor not classifying the record as private:
 - ☐ educates the public,
 - ☐ contributes to informed debate,
 - ☐ can hold public employees accountable,
 - ☐ increases public confidence,
 - ☐ gives notice of important claims, rights, and obligations,
 - ☐ provides material for research, and
 - ☐ other _____.
4. There ☐ are ☐ are not reasonable alternatives to classify the records as private that would protect the interests favoring making the record private.

5. The court also finds:

The court concludes:

6. On balance, the interests favor:

☐ classifying the records as private.

☐ not classifying the records as private.

7. The motion ☐ should ☐ should not be granted.

The court orders:

8. The motion:

☐ is granted as to the documents below. The clerk of court is ordered to mark as private and make unavailable to the public the following documents filed in the case:

☐ is denied.

9. ☐ The court further orders:

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

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

_____	Signature ►	_____
Date	Petitioner, Attorney or Licensed Paralegal Practitioner	_____
_____	Signature ►	_____
Date	Respondent, Attorney or Licensed Paralegal Practitioner	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact, Conclusions of Law and Order on Motion to Classify Record as Private on the following people.

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

Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

Email

This motion requires you to respond. Please see the Notice to Responding Party.

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of (select one)

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

(name of Petitioner)

and

(name of Respondent)

Other parties (if any)

Motion to Classify Record as Private
(Code of Judicial Administration
4-202.04(3)(A))

☐ **Hearing Requested**

Case Number

Judge

Commissioner (domestic cases)

Court cases are made up of records. A record is anything written down or recorded, like books, letters, documents, maps, plans, photos, videos, voice recordings, or other things that people can copy. In some cases, records are automatically private. This includes divorces, guardianships and conservatorships, custody and paternity cases, and protective orders. In these cases, only the parties and their lawyers can see most records. Even when a case is private, anyone can see orders or documents signed by a

judge. They can also see records of public hearings and case histories.

1. I ask that the following records be classified as private: (List the title of the record and the date it was filed.)

2. I need to have these records classified as private to: (Choose all that apply.)

☐ protect personal privacy.

☐ protect personal and public safety.

☐ protect a property interest that would be lost or devalued if opened to public view.

☐ promote the rehabilitation of offenders, especially youthful offenders.

☐ protect non-parties participating in the court process, such as victims, witnesses, and jurors.

☐ other (explain) _____.

3. My need to have these records private is important. It is more important than the need to have open information that:

- educates the public;
- contributes to informed debate;
- can hold public employees accountable;
- increases public confidence;
- gives notice of important claims, rights, and obligations; and
- provides material for research.

My need is more important because: (Explain why making the records private is more important than having open information. Attach additional sheets if needed.)

4. There is no reasonable alternative that protects my needs in paragraph 2 other than classifying the records as private.

5. ☐ I request a hearing.

☐ I do not request a hearing.

6. ☐ I have attached the following documents in support of this motion:

Petitioner or Respondent

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms: utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span)

tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Classify Record as Private on the following people.

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

Date

Signature ► _____

Printed Name _____

Procedure to Recommend Court Forms Translations

The Court Forms Committee (the "committee") will recommend approved court forms to the Language Access Committee for translation. The Language Access Committee or their designated subcommittee will have the final decision on which court forms should be translated and which languages the forms should be translated into following the Department of Justice's guidelines (67 FR 41455).

The committee will determine which approved court forms to recommend for translation, using a three-factor analysis as a guideline. Court forms will be prioritized for translation based on:

- the case type (severity/harm);
- the likelihood of encountering self-represented parties; and
- the volume of cases.

I. Prioritizing Court Forms Based on Case Type

The committee will prioritize the recommendation of court forms translations based on the case types that the forms serve, and the forms' potential effect on parties and their families. This will be accomplished by asking the three following questions:

1. What forms are vital to proceedings that affect basic human needs and freedoms?
2. What forms are vital to proceedings that affect minor children or other vulnerable individuals?
3. What forms are vital to proceedings that affect property or money?

The committee will consider the gravity of consequences and the impact on access to justice for not having that court form available in other languages as it makes recommendations of court forms to be translated.

II. Prioritizing Court Forms Based on Self-Represented Parties

The committee will consider which case types have a high number of self-represented parties (whether both parties or one party) and the court forms involved in those case types. Forms will be prioritized for translation if the intended user of the form will likely be self-represented. The Director of the Self-Help Center and the Law Library will provide the committee with a yearly report on the case types encountering many self-represented parties. The committee will use that information as a factor when determining which forms to recommend for translation.

III. Prioritizing Court Forms Based on Volume

The committee will prioritize form translation recommendations based on high volume case types and which court forms are viewed the most on the court's website.

Stylistics will provide the committee with a yearly report on which case types are being filed and which court forms are viewed online in high volumes. The committee will use that information, as the final factor, to determine the likelihood of limited English proficiency populations encountering the approved court form.

Court Forms Translation (General Policies)

- The subcommittees can recommend to the full committee which forms should be translated and the languages into which they should be translated.
- The full committee will determine which approved forms should be submitted to the Language Access Committee for translation consideration.
- The committee will review and revise a form to ensure it is written in plain language prior to recommending the form to the Language Access Committee for translation if the form has not been reviewed by the full committee in the past four years.
- The committee will submit forms to be considered for translation to the Language Access Committee on at least a semi-annual basis.
- The committee will submit the recommended approved forms to be considered for translation to the Language Access Program Coordinator, or will send a representative to the next Language Access Committee meeting to make the recommendations.
- The Language Access Committee will make the final decision as to which forms will be translated.
- The committee may recommend which languages a court form should be translated into for the Language Access Committee to consider. However, the Language Access Committee will make the final decision based on language data and state demographics.
- The Language Access Committee will send the completed and approved forms to the Language Access Program Coordinator to be translated. Once translated, the forms will be distributed as appropriate.